

CITY COUNCIL STUDY SESSION

Land Use Code Amendment (LUCA) to conform provisions within the Shoreline Master Program (SMP), chapter 20.25E of the Land Use Code (LUC), and Bellevue City Code Amendment (BCCA) to the Environmental Procedures Code, chapter 22.02 of the Bellevue City Code (BCC), to remove references to the East Bellevue Community Council (EBCC), and to remove City Council appeal authority for Process I and III land use decisions. The LUCA and BCCA conform the SMP and the City's Environmental Procedures Code with Ordinance Nos. 6670 and 6673.

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Development Services

DIRECTION NEEDED FROM COUNCIL

DIRECTION

Following the presentation on the proposed SMP Conformance LUCA and the Environmental Procedures Code Conformance BCCA, staff will seek Council direction to enter a finding of necessity to retain processing of the LUCA and to prepare the Environmental Procedures Code Conformance BCCA for final adoption at a future meeting.

RECOMMENDATION

Enter a finding of necessity for Council to retain processing of the proposed SMP Conformance LUCA, and direct staff to prepare the Environmental Procedures Code Conformance BCCA for final adoption at a future meeting.

BACKGROUND & ANALYSIS

Background

This proposed LUCA and the proposed BCCA are in response to two Ordinances adopted by Council in 2022. The staff report detailing the background and components of the proposed LUCA, as well as its relationship to the LUCA decision criteria in LUC 20.30J.135, can be found as Attachment A. The strike-drafts of the proposed LUCA and the proposed BCCA are provided as Attachment B.

On July 18, 2022, the Council adopted Ordinance No. 6670 (Attachment C), removing references to the EBCC from the LUC following the Washington State Legislature's amendments to Chapter 35.14 RCW dissolving the remaining community councils in the state. On August 1, 2022, Council adopted Ordinance No. 6673 (Attachment D), amending LUC procedures for Process I and III land use decisions by removing the City Council's authority for hearing quasi-judicial appeals to Hearing Examiner decisions and recommendations. Sections of the LUC that are part of the City's SMP were not advanced this past summer, as those sections require the State Department of Ecology (Ecology) review and involvement. As proposed, the LUCA and BCCA conform the City's SMP (Chapter 20.25E LUC) and Environmental Procedures Code (Chapter 22.02 BCC) to both Ordinances.

Proposed LUCA and BCCA Components

EBCC References in the SMP

The City's SMP contains several references to the former EBCC. These references include a requirement to send all members of community councils a copy of any shoreline-related legal notice, as well as a reference to the final decision-making authority for community councils with jurisdiction. As the EBCC is no longer in existence, these references are proposed for removal from the SMP, consistent with Ordinance No. 6670.

Quasi-Judicial Appeals in the SMP

Currently, land use actions within the City's shoreline overlay are regulated by Chapter 20.25E LUC. The chapter provides for three categories of shoreline-related actions, Types I – III, with Type I decisions made by the Hearing Examiner and appealable to the City Council. Consistent with Ordinance No. 6673, the proposed LUCA will remove the appeal pathway through the City Council and instead direct appeals to the Washington State Shoreline Hearings Board. No changes are proposed to the review or appeal procedures for Shoreline Type II and III actions.

Environmental Procedures

Finally, the City's Environmental Procedures Code, Chapter 22.02 BCC, which implements the requirements of the Washington State Environmental Policy Act (SEPA), also contains a reference to an appeal process through the City Council for certain land use actions and environmental threshold determinations. This reference should be removed in order to conform the City's Environmental Procedures Code, and the SEPA procedures contained therein, to Ordinance No. 6673.

Because this Environmental Procedures Code amendment is in a separate chapter of the BCC from the proposed SMP amendments described above, this proposed BCCA must be adopted under a separate Ordinance. Unlike amendments to the LUC, BCCAs do not require a public hearing, and as such, the Environmental Procedures Code Conformance BCCA may be adopted at any time following this study session.

Process and Engagement

Department of Ecology Review Process

A separate amendment process is required for the SMP per the Shoreline Management Act, Chapter 90.58 RCW, and Ecology procedures for SMP review and approval under Chapter 173-26 WAC. Because of the additional review required by Ecology, Ordinances Nos. 6670 and 6673 did not include amendments to the SMP in order to efficiently process those LUCAs. An overview and proposed schedule of the SMP amendment process can be found in the staff report.

Public Engagement

Notice of this LUCA was consistent with Chapter 20.35 LUC procedural requirements to provide opportunities for public comment. Notice of application for this LUCA was published in the Weekly Permit Bulletin on December 8, 2022. Staff also created a project webpage for this LUCA and BCCA, which launched on December 12, 2022. Finally, a Notice of Public Hearing with a minimum 30-day comment period was published on December 22, 2022. Each notice was coordinated with Ecology, as they also issue notices for local SMP amendments. A description of the public engagement strategies

employed for the project can be found in the staff report.

POLICY & FISCAL IMPACTS

Policy Impact

The proposed LUCA and the proposed BCCA conform the City's SMP and the City's Environmental Procedures Code with other amendments and Ordinances recently adopted by Council. Further, the LUCA and BCCA are supported by the following Comprehensive Plan policies encouraging efficient and predictable project review:

- **Comprehensive Plan Policy CE-5:** Develop and maintain Land Use Code provisions that define the process and standards relevant to each stage of land use decision making and educate the public about these processes and standards to promote meaningful citizen engagement.
- **Comprehensive Plan Policy ED-6:** Strive to provide an efficient, streamlined, timely, predictable, and customer-focused permit processes, conducted in a manner that integrates multiple City departments into a coordinated entity, recognizing the role of development in creating places for economic activity.

Fiscal Impact

There is no fiscal impact associated with this LUCA and BCCA.

OPTIONS

1. Enter a finding of necessity for Council to retain processing of the proposed SMP Conformance LUCA, and direct staff to prepare the Environmental Procedures Code Conformance BCCA for adoption at a future meeting.
2. Provide alternative direction to staff.

ATTACHMENTS

- A. LUCA Staff Report
- B. LUCA and BCCA Strike-Draft
- C. Ordinance No. 6670
- D. Ordinance No. 6673

AVAILABLE IN COUNCIL LIBRARY

N/A