

CITY COUNCIL REGULAR SESSION

Ordinance amending the Bellevue Environmental Procedures Code, chapter 22.02 of the Bellevue City Code, to remove references to City Council appeal authority for Process I and III land use decisions, consistent with amendments adopted in Ordinance No. 6673; providing for severability; and establishing an effective date.

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EXECUTIVE SUMMARY

At the January 9 Study Session, Council considered the proposed Bellevue City Code Amendment (BCCA). Following discussion, Council directed staff to prepare the BCCA Ordinance for final adoption. Tonight, staff is seeking Council action to adopt the proposed BCCA, which will conform the City's Environmental Procedures Code to Ordinance No. 6673.

RECOMMENDATION

Move to adopt Ordinance No. 6719

BACKGROUND/ANALYSIS

Background

The proposed amendments, which are detailed in the strike-draft (Attachment A), are in response to Ordinance No. 6673 (Attachment B), adopted by Council on August 1, 2022. Ordinance No. 6673 amended the Land Use Code (LUC) procedures for Process I and III decisions by removing the City Council's authority to adjudicate quasi-judicial appeals of Hearing Examiner decisions and recommendations. The City's Environmental Procedures Code, chapter 22.02 BCC, which implements the requirements under the Washington State Environmental Policy Act (SEPA), was not amended by Ordinance No. 6673.

On January 9, Council considered the proposed BCCA alongside amendments to the City's Shoreline Master Program (SMP), Chapter 20.25E LUC. Following discussion, Council directed staff to prepare the Ordinance for adoption at a subsequent meeting. Due to additional procedural requirements to amend the SMP, those amendments are now being processed separately, but Council may now take final action to adopt this proposed BCCA Ordinance.

Proposed BCCA

BCC 22.02.150(A) contains a reference to the City Council's former authority to hear quasi-judicial appeals for Hearing Examiner decisions on Process I land use matters. This reference should be removed, and clarifying language is proposed to be added, stating that Process I decisions may not be administratively appealed, consistent with Ordinance No. 6673. In addition, a reference to appeals of Process I Hearing Examiner decisions in BCC 22.02.150(E) should be deleted. No further amendments

to the Environmental Procedures Code are proposed in this BCCA.

POLICY & FISCAL IMPACTS

Policy Impact

This proposed BCCA conforms the City's Environmental Procedures Code, Chapter 22.02 BCC, with other amendments adopted on August 1, 2022, which eliminated appeals to the City Council on Process I and Process III Hearing Examiner decisions and recommendations.

Fiscal Impact

There is no fiscal impact associated with this BCCA.

OPTIONS

1. Adopt the Ordinance amending the Bellevue Environmental Procedures Code, chapter 22.02 of the Bellevue City Code, to remove references to City Council appeal authority for Process I and III land use decisions, consistent with amendments adopted in Ordinance No. 6673; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS

- A. Strike-Draft
- B. Ordinance No. 6673
Proposed Ordinance No. 6719

AVAILABLE IN COUNCIL LIBRARY

N/A