

July 5, 2016

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Public Hearing on Ordinance No. 6290 adopting interim official controls amending the Land Use Code, allowing businesses located in BelRed and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations.

### **FISCAL IMPACT**

No fiscal impact is expected. The application of Interim Official Controls amending the Land Use Code will be administered by land use staff during review of permit applications.

### **STAFF CONTACT**

Carol Helland, Land Use Director  
*Development Services Department*

452-2724

### **POLICY CONSIDERATION**

Should the City Council keep in place an interim official control, amending the Land Use Code to allow businesses located in BelRed and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations?

### **DIRECTION NEEDED FROM COUNCIL**

☒ Action  
☒ Discussion  
☐ Information

### **BACKGROUND**

**Process Requirements for Adoption of an Interim Official Control.** Allowed uses in the City are governed by the Bellevue Land Use Code (LUC). The LUC is a development regulation as defined by the Growth Management Act (GMA), Chapter 36.70A RCW. Legislative actions related to the LUC must comply with the process requirements set forth in the GMA. Council's adoption of Ordinance No. 6290 on May 16, 2016, constituted imposition of an interim official control under GMA. By using the GMA "interim official control" adoption process, a Planning Commission public hearing is not required; however, under the GMA, the City Council must hold a public hearing within 60 days of adoption of the ordinance. The public hearing scheduled for July 5 satisfies this requirement, and was properly noticed on June 20, 2016. Refer to Attachment A.

Under the terms of RCW 36.70A.390, the interim official control adopted by Ordinance No. 6290 will be in effect for a period of six months. If necessary, the interim official control may be renewed for additional six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

**Relocation of Existing BelRed Uses Displaced by Sound Transit.** At the May 9, 2016 Council Study Session, staff presented an option to use interim official controls to amend the LUC and allow businesses located in the BelRed Subarea and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor. Under the current LUC, existing uses are allowed to continue, but are not permitted to relocate to existing buildings in other parts of the BelRed subarea if the use is not permitted at the new location under the terms of the current code.

The limited space available to accommodate the historic light industrial and service uses in BelRed would likely have resulted in the loss of business retention opportunities if steps had not been taken to allow them to relocate before the BelRed Lookback is completed by the Planning Commission and recommended to the City Council for final adoption. Ordinance No. 6290 was adopted by the City Council as an interim official control on May 16, 2016. Refer to Attachment B. The interim official control responds to current challenges facing businesses in the BelRed area and specifically Park Place LTD, an auto dealership currently located at 13710 NE 20<sup>th</sup> Street in the BelRed that must relocate due to the East Link project. Park Place LTD has found it difficult to locate property and buildings suitable for their operations.

Adoption of Ordinance No. 6290 was aligned with the City's Economic Development goal of business retention, and will have limited impact on the planned transformation envisioned for the BelRed area of the City. The adoption of interim controls in this instance provides a near-term solution that will be evaluated as part of the "BelRed Lookback" scheduled for future Council consideration. Code amendments necessary to implement findings of the BelRed Lookback would likely be considered by the Planning Commission in early 2017.

#### **EFFECTIVE DATE**

Ordinance No. 6290 became effective on May 24, 2016.

#### **OPTIONS**

1. Open the public hearing on Ordinance No. 6290.
2. Decline to hold a public hearing on Ordinance No. 6290 and provide alternate direction to staff.

#### **RECOMMENDATION**

Option 1.

#### **MOTION**

1. Move to open the public hearing for comments on Ordinance No. 6290 implementing interim official controls amending the Land Use Code, to allow businesses located in BelRed and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor for a period of six months to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations.
2. Move to close the public hearing and record on Ordinance No. 6290.

#### **ATTACHMENTS**

Attachment A: Affidavit of Public Hearing Notice Publication

Attachment B: Ordinance No. 6290