

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Ordinance amending the City of Bellevue Land Use Code to incorporate Low Impact Development Principles by amending Chapters 20.20 (General Development Requirements); 20.25 (Special and Overlay Districts); 20.50 (Definitions); and Part 20.30D (Planned Unit Development); providing for severability; and establishing an effective date.

FISCAL IMPACT

The fiscal impact of Low Impact Development Principles Project (LID Principles Project) code amendments is generally anticipated to be minimal and will be met with current staffing levels. The LID Principles Project should have only minimal to no impact on Capital Improvement Projects because stormwater controls, Low Impact Development Best Management Practices, are required under the Washington State Department of Ecology's 2014 Stormwater Management Manual for Western Washington, and those requirements are outside of this project.

STAFF CONTACTS

Catherine A. Drews, Assistant City Attorney (Project Manager), 452-6134

City Attorney's Office

Paul Bucich, Assistant Engineering Director, 452-4596

Utilities Department

POLICY CONSIDERATION

Should the City revise its Land Use Code (LUC) to incorporate LID principles by amending the LUC to reducing impervious surfaces in certain land use districts; incorporating a new hard surface coverage limit; allowing zero-lot line development in planned unit developments; and incorporating other measures to make LID the preferred and commonly used approach to site development? The following Comprehensive Plan Policies support this policy issue:

Land Use Element

- LU-20. Support Downtown's development as a regional growth center, with the density, mix of uses and amenities, and infrastructure that maintain it as the financial, retail, transportation, and business hub of the Eastside.
- LU-21. Support development of compact, livable and walkable mixed use centers in BelRed, Eastgate, Factoria, Wilburton and Crossroads.

Housing Element

- HO-16. Provide opportunities and incentives through the Planned Unit Development (PUD) process for a variety of housing types and site planning techniques that can achieve the maximum housing potential of the site.

Environmental Element

- EN-20. Maintain surface water quality, defined as meeting federal and state standards and restore surface water that has become degraded, to the maximum extent practicable.
- EN-24. Reduce runoff from streets, parking lots and other impervious surfaces and improve surface water quality by utilizing low impact development techniques in new development and redevelopment.
- EN-26. Manage water runoff for new development and redevelopment to meet water quality objectives, consistent with state law
- EN-45. Implement the city-wide use of low impact development techniques and green building practices.
- EN-46. Make low impact development the preferred and commonly-used approach to site development to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

BACKGROUND

The LID Principles Project is a requirement under the City's NPDES Phase II stormwater permit (NPDES Permit). The NPDES Permit is a requirement of the Federal Clean Water Act and is intended to protect and restore water for "fishable, swimmable" uses. Bellevue is one of approximately 100 municipalities in Western Washington required to obtain a municipal stormwater discharge permit. Ecology issued the Phase II municipal stormwater permit in January 2007, and revised the permit in August 2013. The Permit authorizes discharge of stormwater runoff from municipal storm drainage systems into the state's surface waters (i.e.: streams, rivers, lakes, wetlands, etc.) as long as municipalities implement the Stormwater Management Program required by the Permit.

Under the NPDES Permit, the City was required to review and revise its enforceable development codes and standards to incorporate LID principles, and under a separate project, low impact development Best Management Practices (BMPs). The intent of the revision is to make LID the preferred and commonly used approach to site development. The City completed its review of its code and standards, which included numerous public outreach events, and a public hearing before the Planning Commission beginning on July 27 and ending on September 14, 2016. The Planning Commission unanimously voted (Commissioner Barksdale absent) to recommend the LID Principles Project LUC amendment (LUCA) to the Council.

Staff presented the Planning Commission's recommendation to the Council at the October 10 Study Session. An additional study session was held on October 24 to continue discussions of the Planning Commission's recommendation. At the October 24 Study Session, Council directed staff to return with a final ordinance for action on November 21. The final ordinance is included as Attachment A.

The proposed LID Principles Project LUCA reduces impervious surfaces, vegetation loss, and stormwater runoff by reducing impervious surfaces in certain land use districts; incorporating a new hard surface coverage limit; allowing zero-lot line development in planned unit developments; and incorporating other measures to make LID the preferred and commonly used approach to site development. The LID Principles Project was developed not only to meet NPDES Permit requirements, but also to balance competing needs in the City, such as supporting growth and protecting waters. The project also supports other Council goals and objectives, such as Utilities Stormwater System Plan's Strategic Initiatives -- the overarching goal of which is to control damage from storms, protect surface water quality, support fish and wildlife habitat, and protect the environment.

Council Question about Surfaces for Schools and Churches

At the October 24 Study Session, Council asked staff to confirm whether schools and churches located in residential zones were addressed by the proposed LUCA. Staff reviewed the surface coverage limits

for schools and churches and determined an inconsistency exists between the coverage limits provided in the dimensional chart (Chart 20.20.010), and the corresponding footnote 36 to the dimensional chart. Footnote 36 provides an 80 percent maximum impervious surface limit for schools and churches located in single-family land use districts (R-1 – R-7.5).

In the proposed amendments to Chart 20.20.010, footnote 36 applies only to the impervious surface coverage limits, and not to the new Hard and Alternative maximum surface limits. This omission creates two unintended consequences. First, the new hard surface limit for the R-1 through R-4 land use districts is 75 percent. This is inconsistent with the current 80 percent surface coverage allowed for schools and churches; the allowed impervious surfaces amendment (80 percent); and the maximum coverage proposed for hard surfaces in the R-5 and R-7.5 land use districts (80 percent). Second, although the Alternative Impervious maximum limit provides for existing impervious surface limits for the underlying land use district when a site is deemed infeasible for infiltration, it is unclear from the chart that footnote 36 applies for each applicable land use district.

These two issues may be easily remedied by revising footnote 36 to ensure it addresses all the listed surfaces (impervious, hard, and alternative), and referencing the note to the applicable single-family land use districts in Chart 20.20.010. The Planning Commission did not recommend revising footnote 36, evincing its intent to maintain the 80 percent coverage limits for schools and churches located in single-family land use districts. Staff recommends the following revisions to address the unintended coverage reduction for hard surfaces and to clarify application of footnote 36 to Alternative Impervious surfaces:

1. Footnote 36 should be revised to read:

~~Impervious~~ Maximum surface limits for legally established nonconforming nonresidential uses and for new allowed nonresidential uses in these land use districts shall be 80 percent.

2. Proposed revisions to the Maximum Hard and Alternative Impervious Surface rows for R-1 through R-7.5 are highlighted in the table in yellow:

LAND USE CLASSIFICA- TION	RESIDENTIAL										
	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
DIMENSIONS	(43)	(43)	(43)	(43)	(43)	(43)	(43)				
<u>Maximum Hard Surface Coverage (percent)</u> ⁽³⁷⁾ <small>(39) (49)</small>	<u>75</u> <u>(36)</u>	<u>75</u> <u>(36)</u>	<u>75</u> <u>(36)</u>	<u>75</u> <u>(36)</u>	<u>75</u> <u>(36)</u>	<u>80</u> <u>(36)</u>	<u>80</u> <u>(36)</u>	<u>90</u>	<u>90</u>	<u>90</u>	<u>90</u>
Maximum Impervious Surface (percent) ⁽³⁵⁾ <small>(37) (39)</small>	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>55</u> <u>50</u> ⁽³⁶⁾	<u>55</u> <u>50</u> ⁽³⁶⁾	<u>80</u> <u>65</u>	<u>80</u> <u>65</u>	<u>80</u> <u>65</u>	<u>80</u> <u>65</u>

LAND USE CLASSIFICA- TION	RESIDENTIAL										
	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
<u>Alternative</u> <u>Maximum</u> <u>Impervious</u> <u>Surface</u> <u>(percent)</u> ⁽³⁵⁾ ⁽³⁷⁾ ⁽³⁹⁾ ⁽⁵⁰⁾	<u>50</u> <u>(36)</u>	<u>50</u> <u>(36)</u>	<u>50</u> <u>(36)</u>	<u>50</u> <u>(36)</u>	<u>50</u> <u>(36)</u>	<u>55</u> <u>(36)</u>	<u>55</u> <u>(36)</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>

Revising footnote 36 and Chart 20.20.010 is consistent with the intent to not reduce surface coverage limits for schools and churches and will provide clarity and predictability to applicants and staff. A motion has been provided for Council to amend the attached ordinance consistent with proposed revisions shown above.

Next Steps

Staff requests the Council consider the revisions above and amend Chart 20.20.010 and footnote 36 as recommended, then adopt Ordinance as amended. Once adopted, the Ordinance will take effect on December 31, 2016. Consultants and staff are developing informational materials for staff and the public to advise them of the changes before they become effective. A final courtesy hearing before the East Bellevue Community Council is scheduled for December 6, 2016. Staff and the City's consultants will be available on November 21 to answer any remaining questions the Council may have.

EFFECTIVE DATE

If approved, this Ordinance becomes effective on December 31, 2016.

OPTIONS

1. No revision to footnote 36: Adopt Ordinance, amending Chapters 20.20 (General Development Requirements), 20.25 (Special and Overlay Districts), 20.50 (Definitions); and Part 20.30D (Planned Unit Development) of the Bellevue Land Use Code incorporating Low Impact Development Principles, and establishing an effective date.
2. Include revision to footnote 36: Adopt Ordinance, amending Section 1 by revising footnote 36 as indicated above and referencing footnote 36 to land use districts R-1 through R-7.5 for hard surfaces and alternative impervious surfaces in Chart 20.20.010 (General dimensional requirements), Chapters 20.20 (General Development Requirements), 20.25 (Special and Overlay Districts), 20.50 (Definitions); and Part 20.30D (Planned Unit Development) of the Bellevue Land Use Code incorporating Low Impact Development Principles, and establishing an effective date.
3. Provide alternative direction to staff.

RECOMMENDATION

Option 2

MOTION

Motion to adopt staff recommendation:

Move to adopt Ordinance No. 6323, amending Section 1 by revising footnote 36 as indicated above and referencing footnote 36 to land use districts R-1 through R-7.5 for hard surfaces and alternative impervious surfaces in Chart 20.20.010 (General dimensional requirements), Chapters 20.20 (General Development Requirements), 20.25 (Special and Overlay Districts), 20.50 (Definitions); and Part 20.30D (Planned Unit Development) of the Bellevue Land Use Code incorporating Low Impact Development Principles, and establishing an effective date.

ATTACHMENT

Proposed Ordinance No. 6323

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

N/A