



Bellevue Planning Commission

May 16, 2018

PLANNING COMMISSION STUDY SESSION ITEM

SUBJECT

Planning Commission Educational Series – Reviewing Land Use Code Amendments

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DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION

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DIRECTION

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INFORMATION ONLY

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The Planning Commission is processing the East Main Transit Oriented District project. This demonstration project includes creating, reviewing and hearing both a comprehensive plan amendment and Land Use Code amendment concurrently. The Planning Commission held discussions on best practices for reviewing a comprehensive plan amendment earlier this year. This agenda item presents background information and recommended best practices for Land Use Code amendment review through a question and answer format.

The following is an outline of the material that will be presented to the Planning Commission at the meeting.

Overview

1. What is a Land Use Code amendment?
 - How the Land Use Code is used.
 - Examples of the topical elements in the Land Use Code.
 - A Land Use Code amendment described.
 - Examples of past Land Use Code amendments
2. What is the difference between a Land Use Code amendment and a comprehensive plan amendment?
 - The State Growth Management Act (GMA) requires local governments to develop and adopt long-range comprehensive plans.
 - Bellevue Comprehensive Plan – when last updated, topical elements represented.
 - The GMA requires local land use regulations (referred to as development regulations) to be consistent with the comprehensive plan.

- Generic examples of how a Comprehensive Plan amendment and Land Use Code amendment work together.
3. What is the procedure for processing a Land Use Code amendment?
 - [The link to the Land Use Code for processing a Land Use Code amendment.](#)
 - Process IV (LUC 20.35.410): General process described.
 - Process IV Land Use Code amendments may or may not be introduced to the Planning Commission.
 4. What is the role of the Planning Commission when reviewing a Land Use Code amendment?
 - Fact-finding and to act as citizen advisors to the City Council.
 - Not a substitute for the City Council.
 - Purpose of Planning Commission review is to apply decision criteria in the Bellevue City Code or Land Use Code and provide a recommendation to the City Council for consideration.
 5. What is the decision criteria upon which the Planning Commission is required to review a Land Use Code amendment?
 - Criteria established in the Land Use Code at 20.30J.135.
 - The City may approve or approve with modifications a proposal to amend the text of the Land Use Code if:
 - A. The amendment is consistent with the Comprehensive Plan; and
 - B. The amendment enhances the public health, safety or welfare; and
 - C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.
 6. How does the Planning Commission evaluate a proposed Land Use Code amendment review for consistency with the Comprehensive Plan? (criteria A)
 - RCW 35A.63.105: Development regulations for code cities, *e.g.*, Bellevue, shall not be inconsistent with the Comprehensive Plan.
 - The comprehensive plan is the general “guide” or “blueprint” to follow when evaluating a proposed Land Use Code amendment.
 - WAC 365-196-810: Review for consistency when adopting development regulations.
 - i. (1) When adopting any development regulation intended to carry out a comprehensive plan, the proposing county or city should review its terms to ensure it is consistent with and implements the comprehensive plan and make a finding in the adopting ordinance to that effect.

- A land use/development regulation must “generally conform” to the comprehensive plan. This means that the uses permitted by zoning must conform to—and not be in conflict with—the planning policies described in the plan.
 - For example, an evaluation of whether a development regulation conforms to the Comprehensive Plan could consider if the land uses, densities or intensities, and other aspects of development permitted by the development regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan.
7. Does the Planning Commission evaluate public health, safety and welfare (criteria B) or assess whether the Land Use Code amendment is contrary to the best interest of the citizens and property owners of the City of Bellevue (criteria C)?
- Criteria B and C are primarily the City Council’s responsibilities, not the Planning Commission’s. The Planning Commission’s primary role in evaluating a Land Use Code amendment proposal focuses on providing recommendation to City Council on criteria A—consistency with the comprehensive plan—not B and C.
 - Further, Council has found, through the adoption of the Comprehensive Plan, that the Plan serves the public health, safety, welfare and best interest of the public.
 - Thus, the crux of the Planning Commission’s review is evaluating whether the proposed Land Use Code amendment is consistent with the comprehensive plan.
8. When the Planning Commission conducts the public hearing for a Land Use Code amendment, what is the Planning Commission’s role?
- A public hearing on a Land Use Code amendment provides a forum to obtain public testimony or comment before significant decisions are made.
 - The role of the Planning Commission is an important advisory function to the City Council, particularly in gathering public input.
 - A public hearing provides an opportunity for the Planning Commission to gather public input prior to transmitting its recommendation to the City Council.
 - There are two types of public hearings, legislative and quasi-judicial. The Planning Commission holds legislative public hearings.
 - i. Legislative Public Hearings. The purpose of a legislative public hearing before the Planning Commission is to obtain public input on important legislative policy matters that affect a wide range of citizens, such as comprehensive plans or Land Use Code amendments.
 - ii. The City Council may choose to have a public hearing on a land use code amendment in lieu of or in addition to a public hearing being held by the Planning Commission.
 - The specific responsibilities of and procedure applicable to the Planning Commission when considering a Land Use Code amendment are found in LUC 20.35.410.

- The powers and duties of the Planning Commission are found in BCC 3.64.070.
9. How do the oral communications at the beginning and end of each regular meeting differ from a public hearing?
- Public meetings such as the sessions held by the Planning Commission are governed by the procedures of the Open Public Meetings Act, and generally occur whenever a quorum of the Planning Commission meets together and deals with the business of that body. Although the public is often allowed to participate in public meetings, public participation is not required by state law.
 - Public participation outside of a public hearing occurs during the oral communication section of the agenda.
 - When the Planning Commission schedules a public hearing in connection with a proposed Land Use Code amendment, the public hearing is required by law as part of the land use process.
10. What is the proper consideration given to public testimony when considering a Land Use Code amendment?
- The Planning Commission does not represent the public—only elected officials represent the public.
 - The Planning Commission considers public testimony as part of its fact-finding role in order to effectively advise the City Council.
 - Planning Commissioners serve at the pleasure of City Council.
 - The commission shall have no powers or duties related to the following activities:
 - A. Advocacy on behalf of the city or the commission without express council permission;
 - B. Supervision of staff, administrative operations, or maintenance; and
 - C. Regional issues not specifically assigned to the commission by the city council.

Applying this to the East Main Transit Oriented District project

11. What materials will the Planning Commission receive and when?
- The Planning Commission will receive the entire draft code. The Planning Commission will also receive a guide to the major issues for the land use code amendment review. After the public hearing, the Planning Commission will review whether the land use code amendment is consistent with the Comprehensive Plan and the draft Comprehensive Plan Amendments that have already been reviewed in February and March 2018.

12. How will the review be conducted?

- Review will be conducted on major policy and code changes and will include study session(s) with staff, input from the public and opportunities to review changes made as part of the Commission's review.

13. What is the schedule for the Planning Commission's review?

- Initial policy review began in February 2018 and included Commission study sessions, walking tours and a public open house focused on comprehensive plan policies. Review will resume in July and will be focused primarily in the draft land use code amendments. A public hearing is scheduled for October, with a recommendation to City Council anticipated toward the end of the year.