



Bellevue Planning Commission

March 14, 2018

PLANNING COMMISSION STUDY SESSION ITEM

SUBJECT

Introductory Study Session: 2018 Annual Comprehensive Plan Amendments (CPA)

STAFF CONTACT(S)

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POLICY ISSUES

The Comprehensive Plan is a document which guides the nature and intensity of development in the City. An amendment to the Plan is a mechanism by which the City may modify its land use, development or growth policies.

-LUC 20.30I.120 - Purpose

Pursuant to the state Growth Management Act (GMA), the Bellevue City Code permits property owners to propose site-specific Comprehensive Plan Amendments, and for any person or entity to propose non-site-specific (i.e. text) amendments. These privately-initiated applications are accepted and reviewed annually; they are not part of a broader city initiative. Proposed site-specific amendments, if approved, lead to rezoning.

The city processes these applications through procedures and criteria set forth in the Land Use Code at LUC 20.30I. The city considers the scope of geographic expansion to accurately define a proposal's geographic extent; Threshold Review determines whether a proposal should be eligible for a full or Final review; and Final Review itself gives substantial consideration to a proposal's merits under the Comprehensive Plan. This memo:

- Introduces the six privately proposed site-specific Comprehensive Plan amendments (CPA) in 2018 Threshold Review; and
- Reviews the purpose and use of Bellevue's two-part plan amendment process, decision criteria which form the basis for review, and the results of a brief survey of how other jurisdictions do plan amendment review.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION

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DIRECTION

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INFORMATION ONLY

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1. Review the applications and the Threshold Review criteria (Attachment F). Determine if there is any data that would help the Planning Commission to inform a decision for Threshold Review. Please be mindful that the amount and type of requested data is contingent upon availability of information and staff resources.

A second Planning Commission Study Session is scheduled for April 25, 2018. This study session will examine whether shared characteristics with similarly situated property exist, in preparation for consideration of the expansion of the geographic scope of the proposal (LUC 20.30I.140.F).

2. Audit the Background and Analysis information for evaluating the comprehensive plan amendment process' effectiveness and efficiency as it unfolds throughout 2018.

[2018 Annual Comprehensive Plan Amendments List of Proposed Amendments](#)

<i>CPA</i>	<i>Site-specific Proposal Subarea</i>	<i>Applicant</i>
City Dacha LLC <i>17-131046-AC</i>	Proposed site-specific map change of 0.43 acres from Public/ Single Family-Low (P/SF-L) to Multifamily-Medium (MF-M) 160 118th Ave SE Wilburton	City Dacha, LLC
Bellevue Nursery <i>18-103877-AC</i>	Proposed site-specific map change of 0.53 acres from Single Family-High (SF-H) to Neighborhood Business (NB) 842 104th Ave SE Southwest Bellevue	Rich Fielding Holding, LLC
Red Town <i>18-103926-AC</i>	Proposed site-specific map change of 1.56 acres from Single Family-Medium (SF-M) to Single Family-Urban Residential (SF-UR) 16425 SE Cougar Mountain Way Newcastle	Bliss
DASH Glendale <i>18-103949-AC</i>	Proposed site-specific map change of 3.8 acres from Multifamily- Medium (MF-M) to Neighborhood Mixed Use (NMU) 12600 NE 8th St Wilburton	DASH
Jewish Day School <i>18-103963-AC</i>	Proposed site-specific map change of 6.2 acres from Single Family-Low (SF-L) to Single Family-High (SF-H) 15749 NE 4th St Crossroads	Rosen
Newport Hills Shopping Center Redevelopment <i>18-103965-AC</i>	Proposed site-specific map change of 6.4 acres from Neighborhood Business (NB) and Multifamily-High (MF-H) to Neighborhood Mixed Use (NMU); and amendments to the text of the Land Use Element 5600 119th Ave SE, 11905 and 11919 SE 56th St, 12235 SE 56th St Newport Hills	Toll Brothers, LLC

BACKGROUND/ANALYSIS

Purpose and use of two-step review

Threshold Review is the first part in Bellevue's two-step plan amendment review process developed in 2001 (Ordinance No. 5328) and then revised in 2005 (Ordinance No. 5650). Bellevue's Threshold Review is commonly framed as asking whether a proposal is appropriate for plan amendment review.

The Growth Management Act establishes a "come one, come all" approach to amending comprehensive plans, but requires cities planning under the Act to have a process to winnow all those proposals—to pass over a threshold (the place or point of beginning, according to Merriam-Webster) for further review. In this framework, the Decision Criteria at 20.30I.140 serve as the threshold.

Other cities using a two-step process

The review procedure varies in jurisdictions using these two-step review processes, including the cities of Bellevue, Seattle, Renton, Olympia, Kirkland, Redmond, and Covington; and Jefferson and Snohomish counties. Some use formal review and hearing by their commissions and councils, some staffs "vet" applications before a final review by their hearing body, and some pass applications straight through to the hearing body. Of note, the cities of Everett and Vancouver do not use a two-step screening process.

Other cities using decision criteria for significantly changed circumstances

Fewer jurisdictions use this decision criterion. See Attachment C.

We asked legal staff at the MRSC to research whether there been any court cases or legal actions regarding the use or legitimacy of various decision criteria contained in local jurisdictions' comprehensive plan amendment procedures. We asked MRSC to look for whether any local jurisdictions' use of "significantly changed conditions" (or similar phrasing) as a CP amendment decision criterion had been challenged.

MRSC legal consultant Oskar Rey's response is provided in Attachment D. In summary, Mr. Rey did not find any cases challenging a "significantly changed condition" in a comprehensive plan amendment context. He provided more detail on such criteria in the context of a rezone and legal challenges in that realm.

Mr. Rey's research did not find it unusual for jurisdictions to have a significantly changed condition criterion in their comprehensive plan amendment requirements. He did not think that significantly changed condition criteria are problematic under the GMA, and there do not appear to be any cases in which a significantly changed condition criterion was challenged directly. However, in reviewing the applicable rezone cases he cited, it was worth noting that significantly changed conditions are not necessarily limited to physical changes in a specific zone.

Using Final Review to address merit-based issues

The applications that have passed over the threshold, so to speak, are those that will now be considered together in the work program. This is Bellevue's Final Review, and is commonly framed as examining the specific merits of proposed amendments.

As the second step in this process, Final Review is also used to fulfill GMA requirements that the amendments proposed to the Comprehensive Plan be considered together so that community engagement reflects the full weight of changing the Plan.

Final Review will address merit-based issues such as the Comprehensive Plan Land Use Strategy for locating jobs and housing growth; the geography of the city's planning areas affects the Land Use Strategy; why consistency is important in plan review with other, similar CPA applications; and when environmental impacts such as traffic will be measured.

ATTACHMENT(S)

- A. City map of 2018 Comprehensive Plan Amendment applications
- B. Location maps for each privately-initiated application
- C. Jurisdictional comprehensive plan amendment criteria applicability
- D. MRSC research on legal status of significantly changed conditions
- E. Bellevue CPA Procedures Guide: what are significantly changed conditions
- F. Threshold Review Decision Criteria