



# Bellevue Planning Commission

May 22, 2019

## PLANNING COMMISSION AGENDA ITEM

### **SUBJECT**

Threshold Review Public Hearing: 2019 Annual Comprehensive Plan Amendments

### **STAFF CONTACT(S)**

Nicholas Matz AICP, Senior Planner, 452-5371

*Community Development*

### **POLICY ISSUES**

*The Comprehensive Plan is Bellevue's foundational policy document which guides the nature and intensity of development in the City and sets out the community's vision for the future, provides policies to guide city actions, and provides a framework to allow the city and community organizations to work towards common goals. An amendment to the Plan is a mechanism by which the City may modify its land use, development or growth policies.*

*- Land Use Code (LUC) 20.30I.120 - Purpose*

Under the Growth Management Act (GMA), the Bellevue City Code permits property owners to propose site-specific Comprehensive Plan Amendments, and for anybody 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. Site-specific amendments approved by the City Council lead to rezoning, to ensure development regulations that are consistent with and [implement](#) the Comprehensive Plan.

The city reviews these applications through a two-step process set forth in the Land Use Code at [LUC 20.30I](#). Under the first-step, Threshold Review, a proposed amendment is reviewed using decision criteria that must be met to determine if the proposal qualifies for Final Review.

The Planning Commission holds Threshold Review public hearings and makes recommendations in April and May. The City Council's action in June on those recommendations will establish the Final Review work program.

### **DIRECTION NEEDED FROM THE PLANNING COMMISSION**

<b>ACTION</b> <input checked="" type="checkbox"/>	<b>DIRECTION</b> <input checked="" type="checkbox"/>	<b>INFORMATION ONLY</b> <input type="checkbox"/>
Request	Summary Guidance	
1. Conduct a Threshold Review public hearing for the proposed amendment	Direct staff to present the staff recommendation. Then open the public hearing and accept public testimony. Close the public hearing.	
2. Conduct a study session following the public hearing and make a recommendation	Review the application, staff recommendation, public record, and testimony. Ask questions of staff, applicants and persons giving testimony; review the proposed resolution.	

## 2019 Annual Comprehensive Plan Amendments List of Proposed Amendments

CPA	Non-Site-Specific	Staff Recommendation
<p><b>Vision Zero for Gun Safety</b> 19-103789 AC <i>citywide</i></p>	<p>This privately-initiated non-site-specific application proposes a set of policy amendments to the Human Services Element. The proposed policies establish a public health framework that would:</p> <ul style="list-style-type: none"> <li>• Strive to achieve zero deaths and serious injuries from gun violence in Bellevue by 2035;</li> <li>• Conduct a comprehensive review and assessment of risks to especially vulnerable residents and workers;</li> <li>• Work with our jurisdictional neighbors to develop and implement regional best practices on prediction, risk avoidance, counseling, and use of data-driven enforcement; and</li> <li>• Seek subsequent means to implement gun safety strategies supporting a safe city and promoting healthy living with sense of safety contributing to successful businesses and neighborhoods.</li> </ul>	<p>Do not include in 2019 work program</p>

The staff report recommendation was available with May 2 published public hearing notices for the May 22 Threshold Review public hearing.

### **RECOMMENDATIONS SUMMARY**

The Threshold Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.140. See Attachment 2. Based on a review and application of the criteria, and using a process as described in earlier February 27 and March 13 study sessions before the Planning Commission, Community Development staff developed Threshold Review recommendations.

The staff recommendation for the 2019 non-site-specific application is summarized in the Recommendation Summary below. The full report is available [online](#), provided in detail in the report materials provided to Commissioners along with the May 2, 2019, notice of Threshold Review public hearing, and can be requested in print. All versions include the staff recommendation, the application materials, and public comment summary.

### **Summary Recommendation: Vision Zero for Gun Safety 19-103789 AC**

This privately-initiated application proposes a set of public health policy amendments to the Human Services Element. The staff recommendation acknowledges review of this proposed application as a matter of public health. Although this issue has many complex facets that are relevant to the city and its residents and businesses, Threshold Review decision criteria are the sole basis for any evaluation in this setting. Accordingly, staff's recommendation is not based on any other externalities. It follows that any

related issues implied, or stated that are beyond these criteria are better suited for discussion and action in other venues.

**Staff recommends not including this proposed amendment in the 2019 work program because the application *does not meet* Land Use Code decision criteria for Threshold Review of a privately initiated Comprehensive Plan Amendment (LUC 20.30I.140).**

It is inaccurate to state that the Plan is not the place for the discussion sought by the applicant. The staff recommendation finds that some but not all of the Threshold Review Decision Criteria are met. In particular, the proposal raises policy issues outside of the annual amendment process; it cannot be effectively reviewed with the resources—including public engagement—available under the annual amendment process; and staff could not conclude it is consistent with other regional or state policies.

The Planning Commission acts in a policy advisory capacity to the city council to determine if the city's comprehensive plan, goals, policies, and land use regulations and ordinances 1) implement the GMA and 2) promote orderly and coordinated development within the city. Neither the Threshold Review Decision Criteria nor the Planning Commission's advisory role to the city council provide for adjudication of Second Amendment issues in connection with a privately-initiated Comprehensive Plan Amendment framed as a public health proposal.

The proposed amendment presents a matter **appropriately addressed** through the Comprehensive Plan. The applicant has identified a growing societal problem whose impacts can be measured locally, and suggested a policy framework as a base for discussion that allows for future actions through other means. This is a textbook example of considering the city's foundational policy document.

Staff concludes this amendment raises policy or land use issues that are **more appropriately raised elsewhere** (Human Services Needs Update, City Council 2018 State Legislative Statement of Policy.)

The application **cannot be reasonably reviewed** within the resources and time frame of the current annual Comprehensive Plan Amendment work program. The work necessary to evaluate issues raised by and related to the proposed amendment, along with the civic engagement and consensus necessary to inform that evaluation, requires more resources and time than are available and applicable to review of proposed annual amendments.

The proposal **addresses significantly changed conditions** where (3) changes related to pertinent Plan public health policy text have implications of a magnitude— a growing societal problem whose impacts can be measured locally in the form of consequences for communities seeking places safe from all forms of violence—that need to be addressed for the Comprehensive Plan to function as an integrated whole.

Staff lack information to **determine the proposal's consistency** with Countywide Planning Policies, or other state or federal law, or the WAC. This is based on this as a matter of public health, with deference solely to the technical use of Threshold Review Decision Criteria for comprehensive plan-based review.

## **BACKGROUND/ANALYSIS**

The 2019 list of initiated applications has been established to consider amendments to the Comprehensive Plan. Consideration of proposals to amend the Comprehensive Plan is limited to an annual process under the state Growth Management Act.

Threshold Review action produces proposed amendments for the annual CPA work program. This 2019 annual work program consists of four steps:

### **Threshold Review**

1. Planning Commission study sessions and public hearings to recommend whether initiated proposals should be considered for further review in the annual work program (*current step*);
2. City Council action on Planning Commission recommendations to establish the annual work program (June);

### **Final Review**

3. Planning Commission study sessions and public hearings to consider and recommend on proposed Comprehensive Plan Amendments (early- and mid-fall);
4. City Council action on Planning Commission recommendations (late fall).

## **PUBLIC NOTICE**

The 2019 annual proposed amendments were introduced to the Planning Commission with a February 27 “Introductory and statutory process review” study session; and a March 13 study session examining the potential expansion of geographic scope for each of the site-specific applications.

Notice of the Applications was published in the Weekly Permit Bulletin on February 21, 2019, and mailed and posted as required by LUC 20.35.420. Notice of the May 22, 2019, Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on May 2, 2019, and included notice sent to parties of interest and people signed up to receive such notices.

### **Effective community engagement, outreach, and public comments at Threshold Review**

Applicants, residents, and communities are engaging across a variety of media in proactive public participation during the 2019 annual review process. The city’s early and continuous community engagement includes:

- ✓ Responsive early outreach to requests for information and to become parties of interest
- ✓ Responding in writing to each written public comment submitted and returning phone calls
- ✓ Expanded web page material at Comprehensive Plan Amendments with the review schedule, the applications list, and a “What’s Next” timeline
- ✓ A February 27 “Comprehensive Plan Amendment Overview” Planning Commission study session
- ✓ A March 13 “Introductory and statutory process review” Planning Commission study session
- ✓ “Drop-in” CPA sessions at Mini City Hall on March 22 (nine individuals) and March 25 (four individuals)
- ✓ Official Weekly Permit Bulletin notice

Public comments come in throughout the process. All written comments are included in the public record, for reference and for use by decision-makers. At the various steps, the comments are included in their original form to the Planning Commission, and are posted on the web site.

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Below is a summary of the comments received through May 15.

Forty-seven public comments or inquiries from nineteen parties of record have been submitted on this application to date. All but two of the comments are strongly in favor, including thirty comments from the applicant with additional reference material regarding gun issues in the nation and state, and local efforts and impacts in other communities. The applicant has consistently been persistent in sharing out his concerns about the widespread trauma that gun violence causes, locally, regionally, and nationally. His comments underscore a personal belief that action on arresting this trauma needs to be done immediately. The applicant has reached out to various city agencies including the Parks Board, and to King County councilmembers and other legislative bodies.

Other comments expressed strong support for the proposal as a matter of public good. One comment asked for information, and the comment strongly opposing the application noted a personal combat record and stated a belief that the information provided in support of the proposed amendment was in error.

The next step in this continuous public engagement process includes the City Council's agenda item establishing the annual work program.

**ATTACHMENT(S)**

1. City map of 2019 Comprehensive Plan Amendment applications
2. Threshold Review Decision Criteria LUC 20.30I.140
3. Planning Commission resolution for Vision Zero for Gun Safety