

CRITICAL AREAS OVERLAY AMENDMENTS

*CODE CONSISTENCY UPDATE TO THE
2015 COMPREHENSIVE PLAN*

October 10, 2016

City Council Extended Study Session
Carol Helland, Land Use Director, DSD

Meeting Objective – Hold Public Hearing

- Provide Background regarding the CAO Update Amendments
- Hold the required Public Hearing
- Answer questions of the City Council
- Receive direction on the final Code Amendment

BACKGROUND

GMA REQUIREMENTS

RCW 36.70A.040

- Review and update Comprehensive Plan
- Review regulations for consistency with GMA
- Update regulations that do not comply with GMA or the updated Comprehensive Plan

Comprehensive Plan Update

- August 3, 2015: Council adopted the Comprehensive Plan Update
- May 2, 2016: Council adopted Resolution No. 9094
 - *Public hearing held to document GMA compliance of development regulations April 18, 2016*
 - *Council found compliance applies to all development regulations except for critical areas*
- June 16, 2016: Department of Commerce
 - *Congratulated City on completion of the Comprehensive Plan Update*
 - *Noted that Critical Areas Update still needs to be completed*

Rationale for Update

- State and local interests in maintaining GMA
- Ensures that communities are protecting environmental resources in a consistent manner state-wide
- Funding eligibility used as the mechanism to encourage jurisdictions to meet the GMA consistency requirement

Critical Areas in LUC 20.25H

- Streams
- Wetlands
- Geologic Hazardous Areas
- Habitats Associated with Species of Local Importance
- Frequently Flooded Areas

BACKGROUND

LAND USE CODE CONSISTENCY AMENDMENTS

- April 2016: Initiated consultant work needed to update BAS and prepare Gap Analysis
- August 1: Council provided direction to staff on the Critical Areas Overlay Update to:
 - *Conduct a narrowly tailored code amendment to the Critical Areas Ordinance (CAO), aimed at maintaining the City's development requirements under the Growth Management Act; and*
 - *Advance the code package to the City Council for public hearing to accomplish the State-mandated CAO update as quickly as possible to maintain grant eligibility*
- September 12: City Council was briefed on BAS and Gap Analysis
- September 22: Staff Report on code amendment was issued and enhanced notice provided
- October 4: Informational briefing was held before the EBCC
- October 10 (tonight): Public Hearing before City Council

Public Comment

- Code Update may create new impacts on Property Owners
- Code provisions included to ameliorate impacts
 - *Grandfather property owners to buffers identified in:*
 - Native Growth Protection Easements (NGPEs)
 - Critical Area Land Use Permits (CALUPs)
 - *Exempt Lake Fringe Wetlands from buffers when:*
 - Category III or IV with habitat score of 5 or less, and
 - Less than 2,500 sf in size
- Impact mitigating code provisions are included in Attachment C

Next Steps - Tonight

- Open Public Hearing
- Close Public Hearing
- Ask questions
- Provide direction to Staff

Next Steps – After Public Hearing

- Adopt Resolution – tonight or at a future Council meeting
- Forward Code Amendments to Commerce to demonstrate compliance with GMA and show Bellevue is eligible for grants and loans
- Forward to Department of Ecology for inclusion in the SMP Update review process

QUESTIONS?

Tonight

- Open Public Hearing
- Close Public Hearing
- Ask questions
- Provide direction to Staff

BACKGROUND

DEPARTMENT OF ECOLOGY SMP UPDATE

PUBLIC REVIEW TIMELINE

September 27	Notice of Ecology Comment Period and Public Hearing
September 30	Comment Period Open
October 18	Public Hearing
October 31	Comment Period Closes