



# Bellevue Planning Commission

October 23, 2019

## PLANNING COMMISSION AGENDA ITEM

### **SUBJECT**

Public Hearing for Land Use Code Amendment (LUCA) to the annual Comprehensive Plan Amendment process, Land Use Code (LUC) Chapter 20.30I.

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

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*Community Development*

### **POLICY ISSUES**

*An amendment to the text of the Land Use Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the city.*

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

The City Council in June directed staff and Planning Commission to examine whether amendments to the Comprehensive Plan Amendment process are necessary to respond to changing needs or conditions of the city which have been identified in the review process for privately-initiated amendments, through the following concerns:

1. The use of the three-year limitation decision criterion in practice;
2. Acknowledging the uncertainty caused by reviewing site-specific plan amendment proposals during Great Neighborhoods work; and
3. Expressed neighborhood frustration about the disruptive frequency of plan amendments.

The proposed LUCA is intended to address these concerns and to maintain the integrity of the Comprehensive Plan Amendment process.

### **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 public hearing for the proposed LUCA	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 and persons giving testimony; review the proposed resolution.	
3. Take action on a recommendation	The Commission uses a resolution to the City Council for the recommendation action. Direct staff on resolution content.	

### **RECOMMENDATIONS SUMMARY**

The decision criteria for a proposed amendment to the LUC are set forth in LUC 20.30J.135. The staff recommendation for the proposed LUCA is summarized below. The full report of the staff

recommendation, along with the October 4, 2019 notice of public hearing, is available [online](#) and in the report materials provided to Commissioners. This report can also be requested in print.

**Summary Recommendation:** File No: 19-124674 AD

This proposed LUCA would amend the Comprehensive Plan Amendment process as follows:

- Initiation of amendment proposals section in [20.30I.130.A.2.d](#) (Application for Consideration of Amendment Proposals. Three-Year Limitation) would be amended to by measure the three-year limitation decision criterion from when an application for a proposed plan amendment is submitted. This measuring would continue to apply to property added through geographic scoping.
- The Scope and Background section in [20.30I.110](#) would be amended to prohibit amendments proposed by the public within a Great Neighborhoods area while a Council-initiated plan amendment process is underway in that area;
- Initiation of amendment proposals section in [20.30I.130.A.2.a](#) (Application for Consideration of Amendment Proposals. Time) would be amended to require applications for proposed amendments to be submitted by September 15 of the year preceding the annual review year;

Staff recommends approving this proposed LUCA because it meets the decision criteria in LUC 20.30J.135. See Attachment 2.

**BACKGROUND/ANALYSIS**

For many involved, the privately-initiated applications to this year's annual Comprehensive Plan Amendment review process were a tipping point. Breaking down is the shared understanding of how the amendment process accepts, reviews, and recommends applications. The record of the past years has left communities, applicants, planning commissioners, and city councilmembers frustrated at being asked to critically examine—more and more frequently—proposals to change the city's long-term planning *intent*, through the annual amendment process, using tools intended for short-term maintenance of the *existing* plan.

The Planning Commission's September 25, 2019, Study Session looked at initial recommendations proposed by staff after a summer of research following the City Council direction in June. Commissioners reviewed and discussed the state of the annual plan amendment process for privately-initiated proposals (note: under the Land Use Code, proposals by the *public* are considered *privately*-initiated.)

**1. Three-year limitation decision criterion in practice**

After studying the staff-proposed specific recommendations and alternatives framework on the use of the three-year limitation decision criterion in practice, the Commission directed staff to include in the proposed LUCA for the public hearing removal of the use of three annual amendment cycles to measure the three-year limitation, measuring the limitation from when an application is submitted, deleting code subsections describing the different points of limitation for an application, and continuing to apply the three-year limitation decision criterion to property included by geographic scoping.

**2. Uncertainty caused by reviewing site-specific amendment proposals during Great Neighborhoods**

After studying the staff-proposed specific recommendations and alternatives framework acknowledging the uncertainty caused by reviewing site-specific amendment proposals during Great Neighborhoods work, the Commission directed staff to include in the proposed LUCA for the public hearing a prohibition

for amendments proposed by the public within a Great Neighborhoods area while a City Council-initiated plan amendment process is underway in that area.

### **3. Disruptive frequency of plan amendments**

After studying the staff-proposed specific recommendations and alternatives framework on neighborhood frustration about the disruptive frequency of plan amendments, the Commission examined two alternatives proposed by staff. The first would change the application period to a biennial process and be based on odd-numbered years. The second would move the application submittal deadline farther back into the year—to May or September—preceding the plan amendment year.

Commissioners and the Council Liaison expressed concerns about a biennial process:

- It could cause pent-up demand from private property owners, in turn stressing an already-difficult feeling that the plan amendment review process ends up being rushed in order to make GMA deadlines;
- It could slow down economic development responsiveness in certain areas;
- There didn't seem to be quantifiable time savings for staff, the Commission, or neighborhoods; and
- Applying the three-year limitation to an odd-year numbered plan amendment process would effectively create a four-year exclusion window. That could seriously stress pressure on finding for decision criteria, particularly for significantly changed conditions.

The Commission requested staff provide an outline of how Bellevue could use a biennial process in light of how it is used by peer jurisdictions. Staff contacted City of Kirkland staff; it is the only peer jurisdiction using such process.

#### **a. Outline of Biennial Process at Kirkland**

Jeremy McMahan, the Deputy Director of the Planning and Building Department, indicated that Kirkland's biennial amendment process gets roughly four citizen requests every two years, with two of those making it onto the work program, on average. This small number works well in general in a biennial process because of how the city manages its overall priorities for plan amendments. These priorities are for the plan amendment process to keep neighborhood plans up to date, and to address Citywide policy priorities. These priorities do not leave a lot of bandwidth to address one-offs from individual property owners, so these one-offs get steered toward the broader neighborhood planning process.

Affecting that steering includes a discussion as to how recently a proposal was addressed or whether it could wait for the next plan amendment opportunity for that neighborhood (the goal of neighborhood plan review in Kirkland is to review them between 8-year major update cycles.) The biennial timing does not affect issues identified for economic development; if those issues are substantive they are flagged by staff and elected officials for the city-initiated plan amendment process, one that continues to be annual.

#### **b. Biennial versus extended submittal-date recommendation**

The staff recommendation presented for public hearing eliminates the biennial application process alternative, in response to Commission concerns and the Kirkland process. Staff recommends moving the application deadline to September 15 in the year preceding the plan review cycle as

sufficient to address the concern stated about the disruptive frequency of plan amendments (together with setting the three-year limitation at the beginning of a review year submittal.)

Both the biennial and extended submittal-date alternatives sought to create additional time for all stakeholders. Coming out of Planning Commission's *real-time auditing* work, conducted since 2017, the earlier submittal-date recommendation addresses a desire for more time to understand proposed plan amendments and to gather data needed to analyze them *before* the Commission has to formally review and recommend during formal Threshold and/or Final Review(s). While Bellevue's plan amendment review process creates alternative pathways (LUC 20.30I.130.A.3) for review of proposed plan amendments that do not end up as plan amendments, we do not have the policy intentionality of Kirkland's process for sorting out neighborhood plan amendments.

### **Significantly Changed Conditions**

Planning Commissioners desired additionally to examine the significantly changed conditions criterion (LUC 20.30I.140.E) during this LUCA process. Staff acknowledged this concern, again from a place of the Planning Commission's *real-time auditing* work, but noted that the criterion was not part of the City Council's directed concerns for this LUCA. Staff provides a separate memoranda tonight for purposes of providing additional information requested by Commissioners on the criterion.

### **PUBLIC NOTICE**

Notice of the Application was published in the Weekly Permit Bulletin on October 4, 2019 and mailed and posted as required by LUC 20.35.420. Notice of the October 23, 2019, Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on October 3, 2019, and included notice sent to all parties of interest, including those who have made application for site-specific plan amendments, going back ten years to 2008.

The city has received 5 comments on this proposed LUCA; 4 of them ask for information. The fifth comment supplies data analysis in support of the three-year limitation revision and notes the limited bandwidth that communities have during Great Neighborhoods work. See Attachment 3.

### **ATTACHMENT(S)**

1. Land Use Code Amendments strike draft proposed for LUC 20.30I
2. CPA LUCA staff report
3. Public comments
4. Planning Commission resolution for CPA LUCA recommendation