

Land Use Code Amendment
Annual Comprehensive Plan Amendment process LUC 20.30I

Community Development staff **recommends approving** this proposed amendment because the application meets decision criteria for an amendment to the text of the Land Use Code (LUC 20.30J.135.)

Application Number: 19-124674 AD

Proposal: Amend the annual Comprehensive Plan Amendment process, for changing conditions or needs of the city, which have been identified in the review process for privately-initiated amendments, including:

- LUC 20.30I.110 – Scope and Background
- LUC 20.30I.130.A.2.a. – Application for Consideration of Amendment Proposals. Time.
- LUC 20.30I.130.A.2.d. – Application for Consideration of Amendment Proposals. Three-Year Limitation.

BACKGROUND

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.

During its June 17, 2019, review of the 2019 Threshold Review plan amendment recommendations the City Council discussed this general policy inquiry, then directed Community Development staff and the Planning Commission to return with recommendations for the overall plan amendment review process that would be responsive to these immediate 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.

STAFF RECOMMENDATION

LAND USE CODE AMENDMENT DECISION CRITERIA

This proposal satisfies the Decision Criteria for an amendment to the text of the Land Use Code.

The Decision Criteria for a proposed Land Use Code amendment are set forth in the Land Use Code in Section 20.30J.135. A proposal must meet all of the criteria to be recommended for approval. Based on the criteria, Community Development Department staff recommends **approval** of the proposed amendment:

Land Use Code Amendment Decision Criteria	Meets/ <i>Does Not Meet</i>
A – Is consistent with the Comprehensive Plan; and	Meets
B – Enhances the public health, safety, or welfare; and	Meets
C – Is not contrary to the best interest of the citizens and property owners of the City of Bellevue.	Meets

- A. The proposed **amendment is consistent with the Comprehensive Plan** because it affirms and reinforces the functional policy component of overall Plan implementation, as defined by the purpose of both plan amendments and amendments to the text of the Land Use Code (below.) The proposed amendment does not amend the actual Comprehensive Plan.

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

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) 20.30I.120 - Purpose

The proposed amendment is to the procedures for amending the comprehensive plan. Stakeholders' experience with the privately-initiated plan amendment review and the Planning Commission's "real-time" auditing of its plan amendment process have established grounds for proposed amendments which respond to these changing conditions or needs of the city. These in turn represent the City Council's identification of concerns around the impacts of the annual plan amendment review process on property and on neighborhood communities, and thus are consistent with the Plan's foundational policy intent for the role of plan amendments.

- B. The proposed **amendment enhances the public health, safety and welfare** because it reinforces the role of the annual Comprehensive Plan Amendment process as one tool to assure that Bellevue's Plan remains consistent with community vision, and with the Growth Management Act. The GMA intends early and continuous public engagement, long-term stability through comprehensive plan decisions, and transparency in realizing the community's vision.

The proposed amendment continues this enhancement of the public health, safety and welfare by:

- Continuing to meet the GMA process for local plan amendments while reinforcing the framework that educates on how the city manages growth;
- Reinforcing process transparency as communities self-select on how they engage; and
- Resetting the timing of the amendment process to make the Plan itself more stable, while projecting stability to communities and neighborhoods.

- C. The proposed **amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue**. This interest is defined by the Comprehensive Plan, Bellevue's foundational policy document, guiding the nature and intensity of development in the City, setting out the community's vision for the future, providing policies to guide city actions, and providing a framework to allow the city and community organizations to work towards common goals (LUC 20.30I.120 – Purpose.) In addressing this interest, the proposed amendment is not contrary because it responds to changing conditions or needs of the city.

Council direction in establishing Great Neighborhoods was that questions of appropriate density should be addressed elsewhere (again consistent with GMA intent) and that proposals to change

density—which is what site-specific CPAs are—should not happen during Great Neighborhoods work. Were this to happen, it would be contrary to the best interest of the citizens and property owners of the City of Bellevue. The proposed amendment thus provides transparency and stability for all property owners, residents, and businesses in a neighborhood. It increases the ability to understand with clarity and transparency how these stakeholders can choose to participate in and influence these planning efforts.

Withdrawing and then frequently applying again has led to a frustration regarding the disruptive frequency of plan amendments. Stakeholders have expressed this as having to be “on guard” against constant plan amendments. This frequency is contrary to the best interest of the citizens and property owners of the City of Bellevue.

PUBLIC NOTICE AND COMMENT

Community engagement has been ongoing for years around these concerns of the use of the three-year limitation decision criterion in practice; expressed neighborhood frustration about the disruptive frequency of plan amendments; and more recently the uncertainty of trying to review site-specific plan amendment proposals during Great Neighborhoods work.

The City Council gave form to this work in June when it instructed the Planning Commission and staff to examine these concerns and return with recommendations before the end of 2019.

A proposal to initiate the Land Use Code Amendments to amend the annual comprehensive plan amendment process was introduced to the Planning Commission with a September 25, 2019, study session. The Commission reviewed staff’s three proposed parts of the amendment, and provided direction on using an extended application window period instead of a biennial application process. IN regard to the latter, commissioners expressed concern about pent-up demand from property owners and uncertainty regarding the impact of this on timing for three-year limitation consequences and the ten-year update.

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, Final Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on October 4, 2019, and included notice sent to parties of interest including those who have made application for plan amendments in the past.

State Environmental Policy Act (SEPA)

The proposal is exempt under the State Environmental Policy Act at WAC 197-11-800(19).

ATTACHMENTS

1. Land Use Code Amendments proposed for LUC 20.30I