

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue Land Use Code at Parts 20.30I.130.A.2.d, 20.30I.110, and 20.30I.A.2.a LUC, for the annual Comprehensive Plan Amendment process; and establishing an effective date.

WHEREAS, the City Council in June 2019 directed staff and the Planning Commission to examine whether amendments to the Comprehensive Plan amendment process were necessary to respond to changing needs or conditions of the City which have been identified in the review process for privately-initiated site amendments; and

WHEREAS, changing needs or conditions were articulated through the following concerns: 1) the use of the three-year limitation decision criterion in practice; 2) uncertainty caused by reviewing site-specific plan amendment proposals during Great Neighborhoods work; and 3) neighborhood frustration about the disruptive frequency of plan amendments; and

WHEREAS, the Planning Commission has held a review study session and an October 23 public hearing with regard to the amendments proposed herein; and

WHEREAS, the Planning Commission recommended that the City Council adopt the proposed amendments to Parts 20.30I.130.A.2.d, 20.30I.110, and 20.30I.130.A.2.a of the Land Use Code; and

WHEREAS, the City Council has considered and discussed the proposed amendments to the Land Use Code; and

WHEREAS, the City Council finds that the proposed amendments meet the decision criteria established in Part 20.30J of the LUC; and

WHEREAS, the amendments proposed herein are categorically exempt from the requirements of SEPA under WAC 197-11-800(19)(b); now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.30I.130.A.2.d (Initiation of amendment proposals) of the Land Use Code is hereby amended as follows:

~~Three~~Two-Year Limitation. A specific property, policy topic or land use issue shall not be the subject of a comprehensive plan amendment proposal initiated by the public and reviewed by the City more frequently than once every ~~three~~two years, ~~measured by~~

~~three annual amendment cycles.~~ This ~~threetwo~~-year limitation applies when: an application is submitted for Process IV review.

~~i. Proposal Not Included in the Annual Comprehensive Plan Amendment Work Program. A previous amendment proposal with the same or substantially similar subject went through the threshold review process but was not included in the Annual Comprehensive Plan Amendment Work Program; provided, property that was added to an original proposal through geographic expansion by the City is not subject to the three-year limitation in this circumstance.~~

~~ii. Proposal Included in the Annual Comprehensive Plan Amendment Work Program. A previous amendment proposal with the same or substantially similar subject went through the threshold review process, and was included in the Annual Comprehensive Plan Amendment Work Program but was not adopted pursuant to final review and action by City Council. Property that was added to an original proposal through geographic expansion of the geographic scope by the City is also subject to the threetwo-year limitation in this circumstance.~~

Section 2. Section 20.30I.110 (Scope and Background) of the Land Use Code is hereby amended as follows:

This part establishes the procedure and criteria that the City will use to review and amend the Comprehensive Plan, including the annual public participation process for proposals to amend the Comprehensive Plan. The Comprehensive Plan shall be subject to continuing review and evaluation by the City. Amendments to the Comprehensive Plan should not be considered more frequently than once a year, except in cases of emergency, to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court, and in other certain limited circumstances.

Amendments proposed by the public in a specific neighborhood subarea may not be proposed during the review of a City Council-initiated Great Neighborhoods Comprehensive Plan amendment for that specific neighborhood subarea (identified on Neighborhoods Element Map N-1.) Such proposals may be proposed after the Council takes final legislative action for the specific neighborhood subarea, in accordance with LUC 20.30I.130.B.3.

Except as otherwise permitted, all proposed amendments in any year should be considered concurrently so that the cumulative effect of the various proposals can be ascertained.

Section 3. Section 20.30I.130.A.2.a (Application for Consideration of Amendment Proposals) of the Land Use Code is hereby amended as follows:

ATTACHMENT B

Time. The annual comprehensive plan amendment cycle begins with the application period. Application for consideration of proposals to amend the Comprehensive Plan initiated by the public must be made ~~between December 1st and January 31st of the immediately following year by September 15~~ in order to be considered for inclusion in the ~~at~~ immediately following year's Annual Comprehensive Plan Amendment Work Program.

Section 4. Community Development staff will submit a report to the City Council two years after the date of the State of Washington's certification of the city's 2023 periodic plan update. The report to the City Council will review and evaluate the performance of these Land Use Code Amendments on the annual Comprehensive Plan Amendment process to assure a stable plan amendment review process, provide transparency in public engagement, and document the number, type, and location of proposed annual plan amendments.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2019
and signed in authentication of its passage this _____ day of _____, 2019.

(SEAL)

John Chelminiak, Mayor

Approved as to form:
Kathy Gerla, City Attorney

Catherine A. Drews, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____