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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3396

AN ORDINANCE establishing a procedure to amend and review the Comprehensive Plan; repealing Bellevue City Code (Land Use Code) 20.30.015, 20.30.020, 20.30.025, 20.30.030 and 20.30.035; and adding a new Section 20.30.015 to the Bellevue City Code.

WHEREAS, it is necessary to establish a procedure for the amendment and review of the Comprehensive Plan; and

WHEREAS, it is necessary that such procedure balance the ability to respond to changing circumstances and community needs with the desire to provide neighborhood stability; and

WHEREAS, it is desirable to establish a procedure which provides stability to the Comprehensive Plan, with emphasis on the Subarea Plans;

WHEREAS, the City has complied with the State Environmental Policy Act and with the City's Environmental Procedures Ordinance; now, therefore,

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

Section 1. Bellevue City Code (Land Use Code) 20.30.015, 20.30.020, 20.30.025, 20.30.030, and 20.30.035 are hereby repealed.

Section 2. Bellevue City Code (Land Use Code) 20.30 is amended by the addition of a new Section 20.30.015 which reads as follows:

20.30.015 Comprehensive Plan - Amendment and Review.

- A. Scope: This Section contains the procedures and review criteria that the City will use in amending or reviewing the Comprehensive Plan, and establishes the responsibility of the City to monitor the status of development in the City in relation to the Comprehensive Plan, and to review the Comprehensive Plan on a regular basis.
- B. Applicability: This Section applies to each application affecting the Comprehensive Plan, whether initiated by the City or by any other person.
- C. Purpose: The Comprehensive Plan is a document which guides the nature and intensity of development in the City. An amendment to the Plan is a mechanism by which the City may modify its land use,

development or growth policies in order to respond to changing circumstances or needs of the City.

D. Who May Initiate a Plan Amendment: The City Council or the Planning Commission may initiate consideration of an amendment to the Comprehensive Plan. An affirmative vote of not less than a majority of the total members of the Council or Commission is required to initiate consideration of an amendment. A resident or a property owner may apply for an amendment to the Comprehensive Plan pursuant to Paragraph E.2.

E. When May an Amendment be Initiated:

1. The City Council or the Planning Commission may initiate consideration of an amendment to the Comprehensive Plan any time it determines an amendment has possible merit. A new Element may be added to the Comprehensive Plan at any time.
2. A resident or property owner may apply for an amendment to the Comprehensive Plan from January 1 to March 1 of any year, however, at least three years must elapse between applications to amend the land use designation of a property. At any other time, a resident or property owner may request that the Planning Commission initiate consideration of an amendment to the Comprehensive Plan. The Commission must determine that a proposed Plan amendment has possible merit.

F. Review Procedure:

1. Planning Commission Responsibility:
 - a. The Planning Commission shall conduct a public hearing on any amendment initiated by the Council and forwarded to the Commission for review, and by an affirmative vote of not less than a majority of its membership make a recommendation to the City Council.
 - b. The Commission shall conduct a public hearing on any other amendment it has determined has possible merit, and by an affirmative vote of not less than a majority of its membership make a recommendation to the City Council.
 - c. The Commission decision whether an application by a resident or property owner presented under Paragraph 20.30.015.E.2 has possible merit shall be made at a public meeting conducted prior to June 1 each year. The decision of the Commission is final and may not be appealed.

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- d. The Commission shall not consider an amendment to any portion of the Comprehensive Plan during the year that portion is scheduled for review pursuant to Paragraph K outside of that general review process.

2. City Council Responsibility:

- a. When the City Council has decided to act as the Hearing Body it may review any amendment it determines has possible merit regardless of who initiated the amendment. The Council shall conduct a public hearing on any such amendment.
- b. An affirmative vote of not less than a majority of the membership of the City Council is required to approve any proposed amendment to the Comprehensive Plan.

G. Public Notice:

1. General: The City shall provide notice of a public hearing to consider an amendment to the Comprehensive Plan as follows:
 - a. Notice will be published in a newspaper of general circulation within the City at least 17 days prior to the hearing, and
 - b. Notice will be posted in each official posting location of the City at least 17 days prior to the hearing.

Such notice will include the purpose, time and location of the hearing.

2. Amendment to Subarea Plan: In addition to notice required by Paragraph G.1, if the application is to amend a Subarea Plan and affects readily identifiable property, the City shall mail notice of the public hearing to:
 - a. The owner and resident of the affected property and each owner and each resident of property within 300' of the affected property, and
 - b. Each person who has filed with the Planning Department a written request to be notified of amendments to a specific Subarea Plan.

- H. Possible Merit - Factors for Consideration: In deciding whether or not a proposed amendment has possible merit the Commission or Council shall consider the time elapsed since review of the policy, designation or affected Subarea Plan. To support the stability of a

Subarea Plan, unless at least three years have passed since its adoption or its review and reaffirmation pursuant to Paragraph K.2, the applicant must prove that there exists obvious technical error in order for the amendment to be determined to have possible merit. In addition to the above, the Commission or Council shall consider, but is not limited to consideration of, the following in deciding whether an amendment has possible merit:

1. Obvious technical error in a prior land use designation;
 2. Changed circumstances affecting the subject property;
 3. The effect of the proposal on the physical, economic or social environment;
 4. The compatibility with and impact on adjacent land use and surrounding neighborhoods;
 5. The adequacy of and impact on community facilities including but not limited to utilities, transportation, parks and schools;
 6. The benefit to the neighborhood, City and region;
 7. The quantity and location of land already planned for a proposed designation;
 8. The current and projected population or employment density in the general area;
 9. The continuous development of land in the City in relation to the Comprehensive Plan;
 10. The effect upon other aspects of the Comprehensive Plan, or changes in the goals or policies of the City.
- I. Burden: The applicant must demonstrate that the proposal meets the criteria of Paragraph J and should be approved.
- J. Criteria for Recommendation or Decision: In making a recommendation or a decision on an amendment to the Comprehensive Plan, the Planning Commission, if applicable, and City Council must find that:
1. The amendment bears a substantial relation to the public health, safety or welfare, and
 2. The amendment addresses changing circumstances or the needs of the City as a whole.

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K. Comprehensive Plan Review:

1. General Goals and Policies:

The Planning Commission shall review and consider amendments to the general goals and policies of the Comprehensive Plan (Chapters 21.A-21.U) regularly at five year intervals beginning in 1985.

2. Subarea Plans:

a. The Planning Commission shall establish a rotating schedule to consider and review amendments to the Subarea Plan portion of the Comprehensive Plan. Subarea Plans shall be reviewed in chronological order from the date of adoption. Two Subarea Plans will be reviewed each year. A Subarea Plan may be reviewed outside of the established schedule only upon direction by a vote of not less than a majority of the total members of the City Council.

b. Prior to review of a Subarea Plan by the Planning Commission or the City Council, the Council shall appoint a Citizens Advisory Committee to be named by the Mayor with the concurrence of a majority of the City Council. This Committee shall solicit public comment and make a recommendation on the Subarea Plan to the Planning Commission and City Council.

L. Community Council Jurisdiction: The approval of an amendment to the Comprehensive Plan which applies to any land, buildings or structures within the jurisdiction of any Community Council shall become effective within the jurisdiction of that Community Council on approval by the Community Council, or by the failure of the Community Council to disapprove within sixty days of the date of approval by the City Council, whichever occurs first. The City Council shall forward its approval to the appropriate Community Council.


Section 3. The Planning Commission shall review this ordinance one year after its adoption, or as soon thereafter as possible. The Commission may conduct a public hearing and shall submit a report on the effectiveness and the operation of the ordinance to the City Council.

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Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

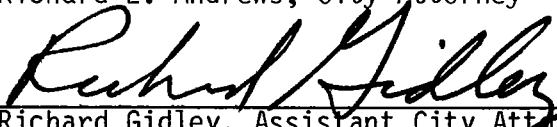
PASSED by the City Council this 5th day of November, 1984,
and signed in authentication of its passage this 5th day
of November 1984.

(SEAL)

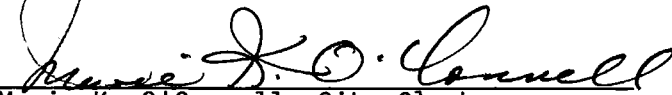

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published November 10, 1984