

## COMPREHENSIVE PLAN AMENDMENT AND PROCEDURES GUIDE

Thank you for using this Guide. Contact the Community Development Department if you need assistance in filling out the application forms or have questions regarding the Comprehensive Plan Amendment review process. Additional information on the process, applications and materials are available on the Web site at the [Comprehensive Planning](#) web pages.

*Newly revised for 2020:* An "intake application" letter from Community Development staff is required before a site-specific plan amendment application will be accepted (a non-site-specific, or policy amendment, does not require the letter.) Please contact [Community Development staff](#) to have a discussion regarding a proposed site-specific plan amendment. This discussion—by phone, email, or in-person—will result in the "intake application" letter necessary to separately apply for the site-specific plan amendment application.

*For 2020 only, applications to initiate an amendment may be submitted between December 1 and January 31.* Starting for the 2021 plan year the application submittal deadline is before September 15 in the year immediately preceding the upcoming annual review year, and then continues with that deadline for consideration in the immediately following year's annual work program: by September 15, 2020 for the 2021 plan year, by September 15, 2021 for the 2022 plan year, and so on.

### Purpose

Bellevue's Comprehensive Plan is the city's foundational policy document that guides growth and development here for the next twenty years. An amendment to the Plan is a mechanism by which the city may periodically modify its land use, development, or growth policies to reinforce the role of the Comprehensive Plan in guiding growth in our community.

Comprehensive Plan amendments are legislative decisions made by the City Council, and include public notice and Planning Commission public hearing requirements. Proposed plan amendments are Process IV decisions under the Land Use Code at [LUC 20.30I](#).

This Procedures Guide assists you in participating early and continuously in the annual plan amendment work program. The City Council will consider amendments to the Comprehensive Plan not more frequently than once a year, except for emergencies and for exceptions as identified in the Growth Management Act.

PLEASE NOTE that annual plan amendment review has two processes. The first Threshold Review process (LUC 20.30I.130.A.1.a) *determines* whether applications should be included in the annual work program. The second Final Review process (LUC 20.30I.130.A.1.b) *evaluates* those proposals in the annual work program. Final decisions in both steps are made by the City Council.

Plan amendment applications may be submitted with or without a concurrent (and separate) rezone application. However, a rezone application provides the opportunity to shorten the overall review time for plan amendment and rezone of a specific site. The rezone application will be only reviewed after plan amendment action, and the rezone application will be cancelled if the plan amendment is not adopted.

### Annual plan amendment work program general timeline (for 2020)

<b>January 31</b>	Deadline to submit a Comprehensive Plan amendment for the year
<b>February 1</b>	List of initiated applications is established
<b>Late Winter</b>	Preliminary review work and Planning Commission study
<b>Spring</b>	Threshold Review/geographic scoping/study sessions and a public hearing before the Planning Commission

<b>Late Spring</b>	City Council establishes annual work program
<b>Summer/Fall</b>	Final Review/study sessions/and a public hearing before the Planning Commission
<b>Late Fall</b>	City Council action on proposed amendments
<b>Annual plan amendment work program general timeline (for 2021 and later)</b>	
<b>September 15</b>	Deadline to submit a Comprehensive Plan amendment for the following year
<b>September 16</b>	List of initiated applications is established
<b>Late Fall</b>	Preliminary review work and Planning Commission study
<b>Winter</b>	Threshold Review/geographic scoping/study sessions and a public hearing before the Planning Commission
<b>Late Spring</b>	City Council establishes annual work program
<b>Summer/Fall</b>	Final Review/study sessions/and a public hearing before the Planning Commission
<b>Late Fall</b>	City Council action on proposed amendments

## INITIATE AN AMENDMENT

### Who may apply

Any person or entity may initiate a *non-site-specific* amendment to the Plan, i.e., a proposal to change Plan text language. Property owners or their authorized agents may initiate a *site-specific* amendment to the Plan.

### Step 1: Getting ready to make a proposed plan amendment application

Contact Community Development staff to discuss your proposed application and to get an “intake application” letter.

### Step 2: The proposed plan amendment application

Use the web page links to get the forms you’ll need, and submit them at MyBuildingPermit.com. Complete the Bill To Form, the Application for Comprehensive Plan Amendment Form, and the two-part (project and non-project) SEPA Environmental Checklist. Return a copy of the intake application letter by attaching it to the Amendment Form.

The application form offers the opportunity to apply for either a site-specific or a non-site-specific plan amendment. After the initial project and applicant information (applicable to either type) is completed, an applicant is directed by sequential **Block** to complete the required information.

**Block 1** is self-explanatory, requiring location and designation details for a site-specific plan amendment.

**Block 2** requires an applicant to propose non-site-specific amendment text, proposing changes to the text of the Plan.

**Block 3** (for either type of amendment) asks an applicant to address why an amendment is being proposed, describing support for, reasoning, or background information.

**Block 4** requires the applicant to describe consistency with Threshold Review decision criteria. See page 5 of this Guide for these criteria; they can also be found in LUC 20.30I.140. This block allows the applicant to state a case for including the proposal in the annual work program using the same Decision Criteria that the staff will use to make its recommendation to the Planning Commission.

If a proposed amendment is added to the annual Final Review work program, applicants will then be asked by staff to respond to the Final Review Decision Criteria. These criteria can be found starting on page 5 of this Guide; they can also be found in LUC 20.30I.150.

## Responding to the “significantly changed conditions” decision criterion in Block 4

One decision criterion has historically been the subject of considerable discussion during the plan amendment process:

- *The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of “significantly changed conditions...”*

Demonstrating evidence of change not anticipated by the existing Comprehensive Plan is the purpose of the “significantly changed conditions” decision criterion that is found in both Threshold and Final Review decision criteria. Applicants should understand the application of this criterion, including the definition of the term in the Glossary at LUC 20.50.046:

***Significantly changed conditions.*** *Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to LUC 20.301 - Amendment and Review of the Comprehensive Plan.*

Here are examples of significantly changed conditions from recently approved plan amendments:

- *The 2018 Grand Connection Amendment (ref. Ordinance No. 6449) addressed significantly changed conditions since the last time the pertinent CP map or text was amended due to changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comp Plan to function as an integrated whole. City Council’s vision to advance the Grand Connection as the city’s signature gathering space (Council Vision 2018-2020, Great Places Where You Want to Be) identified a gap in policy cross-connections needing changes to the pertinent plan map and/or text so that the Grand Connection can serve as a unique and signature element in Bellevue’s urban landscape; The Plan did not anticipate such cross-connections when it laid out the framework for Downtown and Wilburton growth in their subarea plans. The Grand Connection project itself was the result of identifying gaps in the planning for this connectivity of these growing areas. Incorporating it into the Plan reconciles this.*
- *The 2018 City Dacha Amendment (ref. Ordinance No. 6447) demonstrated evidence of significant change due to the unanticipated consequences of the adopted designation of the site as Public. This designation considered the site to be a future part of the Wilburton Hill Community Park. Since the site will not be acquired for park purposes, the designation is an unintended consequence in that it prevents consideration of the appropriate density on this site. Development of area surrounding the site under Wilburton Subarea policy frames this question, and not the zoning or rate of growth. A change of ownership or use is not a changed condition on the subject property needing attention through the amendment process.*
- *The 2016 Eastgate Office Park Amendment (ref. Ordinance 6393) where changing the existing office designation to an Office Limited Business designation (allowing one of two OLB zones) addressed significantly changed conditions where changes related to the pertinent Plan map or text had implications of a magnitude that needed to be addressed for the Comprehensive Plan to function as an integrated whole. Eastgate Land Use and Transportation Project changes to the pertinent Eastgate Subarea map and text were not considered for the site, overlooking the historical, geographical and developmental characteristics it holds in common with nearby OLB-designated areas.*

What is *not* a significantly changed condition? Here are three examples used in recent applications that are not considered significantly changed conditions:

- *Growth itself.* The 2015 City-wide Comprehensive Plan update lays out the City's overall growth strategy (specifically in the Land Use, Economic Development, and Neighborhood Elements) of managing growth and development while working to protect and enhance neighborhoods. While a changed condition could be the rate and timing of growth either above or below that anticipated in the Plan, growth itself is planned for in the Comprehensive Plan. The citywide Comprehensive Plan update (and the overall growth strategy) was adopted by the City Council in 2015. Acknowledging planning for growth impacts from urban centers expansion in Redmond, placing more growth on this site is not part of an overarching strategy of managing growth and development while working to protect and enhance neighborhoods. There has been no significant change since the 2015 Plan adoption with regard to the City's overall growth strategy.
- *The passage of time.* Growth over time is anticipated by the Plan, measured against the continued sensitivity and effectiveness of policies.
- *Housing supply and affordability provisions of the Growth Management Act (GMA).* Requesting higher residential densities and citing the GMA as the basis for doing so is not a changed condition. It has been argued that the GMA is a changed condition, requiring communities to provide for more housing supply because of the GMA's urban growth focus. Jurisdictions are responsible to ensure adequate zoned land to accommodate housing and employment targets. Bellevue has done this. Bellevue's Comprehensive Plan was adopted in compliance with the GMA and contains elements responsive to housing target provisions. A comprehensive plan is presumed compliant under GMA after Department of Commerce and PSRC validation actions; the city's Affordable Housing Strategy affirms Bellevue's commitment to appropriately-located housing opportunities.

### **Notes on other application materials**

Public hearing notice requirements for Comprehensive Plan amendments are described in LUC 20.35.420. The City of Bellevue provides mailed noticing materials, including labels. The City of Bellevue also produces and installs public information signs for proposals involving site-specific property. Applicants will be charged per sign that is installed.

Applications require a SEPA environmental checklist and a non-project action checklist. Applicants should refer to the Comprehensive Plan Amendment requirements pages for details.

### **Step 3: Determination of the Annual Work Program – Threshold Review**

As part of early and continuous public participation, the city will maintain a list of the proposed amendments that have been initiated for the year.

During Threshold Review the Planning Commission may direct the expansion of the geographic scope of a site-specific proposal to allow for consideration of nearby, similarly situated property.

The Planning Commission will hold a Threshold Review public hearing and then make recommendations. The City Council will review those recommendations and the Threshold Review Decision Criteria to determine which initiated amendment proposals should be included in the annual work program.

The City Council can determine that an initiated application will not be included in the year's annual work program and (a) have no further action taken on it; (b) at Council discretion, be included in a previously established ongoing work program; or (c) at Council discretion, be included in the next Comprehensive Plan Update (CPU) required by RCW 36.70A.130 (4).

### *Three-year limitation on applications*

Once submitted and found complete for review, applications that are then not adopted as plan amendments must wait three annual amendment cycles (i.e. three years) before the same or substantially similar proposals can again be initiated. See LUC 20.301.A.2.d.

#### **Step 4: Review of the Annual Work Program – Final Review**

The City Council will then direct the Planning Commission to hold a Final Review on the proposed amendments in the annual work program.

Proposed amendments are reviewed using the Final Review Decision Criteria found in LUC 20.30I.150. At this point, applicants will be asked to demonstrate consistency with the Decision Criteria.

A staff report, including environmental threshold determination, is prepared and presented to the Planning Commission. The Commission will hold a set of second public hearings and make recommendations. The City Council reviews those recommendations and makes a final decision.

#### **Step 5: Action on proposed amendments**

The City Council takes coordinated and concurrent action on all proposed amendments to the Comprehensive Plan in the current annual work program.

*City of Bellevue long-range planning and policy documents (not in the Comprehensive Plan):*

- City of Bellevue Capital Investment Program Plan
- City of Bellevue Water Comprehensive Plan
- City of Bellevue Sewer Comprehensive Plan
- City of Bellevue Comprehensive Drainage Plan
- City of Bellevue Parks and Open Space System Plan

#### **20.30I.140 Threshold Review Decision Criteria**

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the annual work program if the following criteria have been met:

- A. The proposed amendment represents a matter appropriately addressed through the Comprehensive Plan; and
- B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and
- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and
- D. The proposed amendment can be reasonably reviewed within the resources and time frame of the annual Comprehensive Plan work program; and
- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of “significantly changed conditions”; and
- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or
- H. State law requires, or a decision of a court or administrative agency has directed such a change.

#### **20.30I.150 Final Review Decision criteria**

The Planning Commission may recommend and the City Council may adopt or adopt with modifications an amendment to the Comprehensive Plan if:

A. There exists obvious technical error in the pertinent Comprehensive Plan provision; or

B. The following criteria have been met:

1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and
2. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and
3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of “significantly changed conditions”, and
4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and
5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

## CONCURRENT REZONE PROCEDURE GUIDE

Thank you for using this Guide. See Development Services if you need assistance in filling out the application forms or have questions regarding the Rezone review process. Additional information on the process, applications and materials and other review milestones are available in hard copy and on the Web site.

Owners of site-specific property who wish to propose a site-specific plan amendment may combine the amendment (AC) application with a concurrent rezone (LQ) application. The combined application is an alternative to the separate application process of plan amendment followed by rezone.

The combined application recognizes the connection between these two review actions for site-specific property. Therefore, this concurrent application process can only be used for a site-specific property.

Each application will be reviewed using separate review processes. The initiated Comprehensive Plan Amendment will follow the Process IV decision procedure for the Comprehensive Plan described elsewhere in this Guide. The concurrent rezone will follow the Process III decision procedure for rezones.

The amendment is reviewed legislatively, with a public hearing before the Planning Commission and final annual action by the City Council. The concurrent rezone is reviewed quasi-judicially, with a public hearing before the Hearing Examiner and final action by the City Council.

### **What is the difference between a comprehensive plan amendment and a rezone?**

Under Chapter 36.70A.130(1) RCW the Growth Management Act requires communities to make their development regulations—the zoning—consistent with and implement the comprehensive plan.

A comprehensive plan designation represents the community's long-term vision for its future. The designation links this vision with the zoning district that helps to implement that vision. Plan amendments are legislative acts with broad public participation and discussion for the orderly and coordinated development of a community.

The rezone has a legal focus associated with its development role; the "quasi-judicial" nature of its review assigns specific legal responsibilities for property owner due process and for the City Council to act as judges on a record of proceedings.

### **20.30A.140 Rezone Decision Criteria**

The City may approve or approve with modifications an application for a rezone of property if:

- A. The rezone is consistent with the Comprehensive Plan; and
- B. The rezone bears a substantial relation to the public health, safety or welfare; and
- C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
- D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The rezone has merit and value for the community as a whole.