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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3400

AN ORDINANCE regarding permit applications; establishing a procedure for the filing of building permit applications and certain related City approvals; relating to the vesting of rights to construct projects within the City of Bellevue; establishing an alternative procedure for obtaining certain City approvals; repealing Ordinance No. 3359 and Sections 23.10.032 and 23.10.033 of Chapter 23.10 of the Bellevue City Code, the Building Code; adding new Sections 23.10.032 and 23.10.033 to Chapter 23.10 of the Bellevue City Code, the Building Code; declaring the existence of a public emergency; and setting forth the facts constituting such emergency.

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

Section 1. Ordinance No. 3359, and Sections 23.10.032 and 23.10.033 of Chapter 23.10 of the Bellevue City Code (the Building Code) are hereby repealed.

Section 2. Section 1 of this Ordinance is hereby made effective, retroactively, as of April 2, 1984.

Section 3. If any section or portion of a section of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. A new Section 23.10.032 is hereby added to Chapter 23.10 of the Bellevue City Code (the Building Code), to read as follows:

23.10.032 Applications For Building Permit - Other Filings Required.

A. At the time of filing a building permit application, the applicant shall submit all information required to be submitted, together with any application form and application fee therefor, for any of the following approvals which may be applicable to the proposed project:

1. Administrative design review;
2. Site plan review;
3. Administrative conditional use permit;

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4. Modification of landscaping (optional landscaping);
 5. Design review by the Planning Commission;
 6. Conditional use permit, shorelines conditional use permit, planned unit development or planned residential unit development;
 7. Variance or shorelines variance; and
 8. Shorelines substantial development permit.
- B. No building permit application will be accepted for filing by the Building Official for any proposed project for which any of the approvals referred to in subsection A of this section is required unless the building permit application is accompanied by all information required to be filed for such required approvals.
- C. The filing of a complete building permit application for a proposed project, which project is in compliance with applicable state law and the codes, ordinances and regulations of the city in effect at the time of such filing, shall establish a vested right (if a building permit is issued) to proceed with construction of the proposed project in accordance with such then existing codes, ordinances and regulations; provided, however, such proposed project may nonetheless be conditioned or denied by the city under the State Environmental Policy Act. For the purpose of this subsection C, a "complete building permit application" shall mean an application which contains all information required to be submitted by this code, including, but not limited to, all information required to be submitted by subsection A of this section 23.10.032.
- D. No application for administrative design review, site plan review, administrative conditional use permit, modification of landscaping approval (optional landscaping), Planning Commission design review, planned unit development, planned residential unit development, conditional use permit, shorelines conditional use permit, variance, shorelines variance, or shorelines substantial development permit shall be accepted by the City for filing unless it is accompanied by a complete building permit application.

Section 5. A new section 23.10.033 is hereby added to Chapter 23.10 of the Bellevue City Code (the Building Code), to read as follows:

23.10.033 Optional Method of Obtaining Prior Approvals - Agreement Regarding Vested Rights.

- A. Notwithstanding the provisions of Section 23.10.032 of the Bellevue City Code, an applicant may apply for administrative

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design review approval, site plan review approval, an administrative conditional use permit, modification of landscaping (option landscaping) approval, Planning Commission design review approval, planned unit development approval, planned residential unit development approval, a conditional use permit, a shorelines conditional use permit, a variance, a shorelines variance, or a shorelines substantial development permit prior to filing an application for a building permit, upon the following terms and conditions:

1. The filing of an application for any of the approvals referred to herein prior to the filing of a valid and complete application for a building permit shall not establish or create a vested right to proceed with construction of any proposed project in accordance with the codes, ordinances or regulations existing at the time of the filing of such application, or at any time thereafter prior to the filing of a valid and complete building permit application.
 2. An applicant who elects to take advantage of the provisions of this section shall, at the time of making application for the approvals referred to in Subparagraph 1 of this Subsection A, execute an agreement with the City that the acceptance and processing of such application shall in no way establish or create a vested right to proceed with construction of any proposed project in accordance with the codes, ordinances or regulations existing at the time of filing of such application, or at any time thereafter prior to the filing of a valid and complete building permit application.
- B. An applicant who elects to take advantage of the provisions of this section may at any time elect to file a building permit application, notwithstanding that the approval applied for under Subsection A of this section has not previously been obtained.

Section 6. A public emergency exists in the City of Bellevue in that on July 20, 1984, the Superior Court of King County, Washington, declared Ordinance No. 3359 to be invalid; this ordinance is therefore hereby declared to be a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, and shall be effective upon adoption by a majority plus

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one of the whole membership of the City Council.

PASSED by a majority plus one of the whole membership of the City Council this 30th day of July, 1984, and signed in authentication of its passage this 30th day of July, 1984.

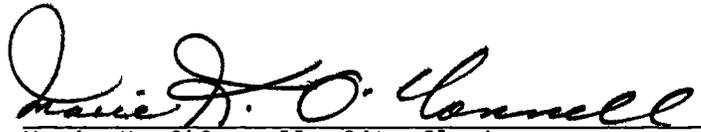
(SEAL)


Cary E. Bozeman, Mayor

Approved as to form:


Richard L. Andrews, Acting City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published August 2, 1984