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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3420

AN ORDINANCE relating to appeals of Administrative Design Review decisions; amending Bellevue City Code (Land Use Code) 20.30.475 as it applies within the City, except within the jurisdiction of the East Bellevue Community Council.

WHEREAS, it is desirable to have a uniform appeal process for Administrative Design Review decisions; and

WHEREAS, it is desirable that such a process involve the City Council as the ultimate decision maker and be as efficient as possible; and

WHEREAS, this action is exempt from the State Environmental Policy Act and 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) 20.30.475, as it applies to all areas of the City except that area within the jurisdiction of the East Bellevue Community Council, is amended to read as follows:

20.30.475 Administrative Design Review

- A. Purpose. It is the purpose of this section to insure that the designs of sites and structures conform to the requirements of this Code.
- B. Authority. The Planning Director shall review the designs and structures proposed for districts requiring design review. The Planning Director's authority shall be limited to that necessary to accomplish the purposes of this section.
- C. The Planning Director may:
  - Approve the submitted plans;
  - Approve the submitted plans with additions, modifications or changes; or
  - Deny the submitted plans.
- D. Procedure. The Planning Director shall post a public notice and

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mail notices to the applicant and adjacent property owners at least 17 calendar days prior to the Planning Director reviewing and acting upon the application. Written public input will be received during this period, but no public hearing is required. Following the decision of the Planning Director, the applicant and parties of record will be notified of the action taken, written findings and the appeal procedure.

E. Appeal.

1. Time for Appeal: The decision of the Planning Director is final unless appealed within 20 calendar days of the date the decision was mailed pursuant to Paragraph D.
2. Who May Appeal: The applicant or any person who submitted written comment on the proposal prior to the decision of the Planning Director may appeal the decision of the Planning Director.
3. Filing of Appeal: A written Letter of Appeal, stating the basis of the appeal, accompanied by the appeal fee must be filed with the Office of Permit Coordination.
4. Appeal Hearing:
  - a. The Hearing Body shall conduct a public hearing on the appeal.
  - b. The Hearing Body shall mail notice of the appeal hearing to the applicant and the appellant, and shall notify the Planning Director, at least 17 calendar days prior to the hearing.
  - c. The Hearing Body shall, following the hearing, establish findings of fact and conclusions and shall make a recommendation on the appeal to the City Council. In addition to all other findings, the Hearing Body shall find whether:
    - i. The proposal is in accord with the goals and policies of the Comprehensive Plan.
    - ii. The effect of the proposal on the immediate vicinity will be materially detrimental, and/or the effect of the proposed development on the community as a whole will be materially detrimental.
    - iii. There is merit and value in the proposal for the community as a whole.

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- iv. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.

The Hearing Body shall use the clearly erroneous standard in making its recommendation.

- d. The Hearing Body may recommend that the appeal be --
  - i. Granted in whole or in part; or
  - ii. Granted in whole or in part with a remand to the Planning Director for further consideration; or
  - iii. Denied in whole or in part.

5. City Council Decision:

- a. The City Council shall decide all appeals of Administrative Design Review decisions, except as otherwise specifically provided by this Code.
- b. The City Clerk shall mail notice of the City Council meeting on the appeal to the applicant and the appellant and shall notify the Planning Director, at least 17 calendar days prior to the City Council meeting.
- c. The City Council shall consider the appeal hearing record before the Hearing Body in making its decision and shall hear argument by the applicant, the appellant and the Planning Director on that record. The Council in reviewing the Planning Director's decision shall use the clearly erroneous standard in making its decision.
- d. The City Council shall --
  - i. Grant the appeal in whole or in part; or
  - ii. Grant the appeal in whole or in part with a remand to the Planning Director; or
  - iii. Deny the appeal in whole or in part.
- e. The City Council shall enter written findings of fact and conclusions in support of its decision.

In addition to all other findings the Council shall find whether;

- i. The proposal is in accord with the goals and policies of the Comprehensive Plan.

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- ii. The effect of the proposal on the immediate vicinity will be materially detrimental, and/or the effect of the proposed development on the community as a whole will be materially detrimental.
  - iii. There is merit and value in the proposal for the community as a whole.
  - iv. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.
6. The decision of the Council may be appealed to Superior Court within twenty (20) days of the date of the decision of the Council. At the end of said twenty (20) day period, if no appeal has been filed, the decision of the Council shall become final, and any appeal is thereafter barred.

Section 2. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 8<sup>th</sup> day of October 1984, and signed in authentication of its passage this 8<sup>th</sup> day of October, 1984.

(SEAL)

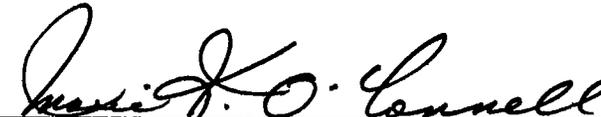
  
Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Andrews, City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published October 13, 1984