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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3499

AN ORDINANCE relating to platting and subdivision of land; transferring authority to the Department or Director of Design and Development; and amending Ordinance No. 3160 and Bellevue City Code 22D.10.030, 22D.10.060, 22D.10.070, 22D.10.080, 22D.10.090, 22D.10.100, 22D.10.140, 22D.10.150, 22D.10.170, 22D.10.180, 22D.10.210 and 22D.10.230.

WHEREAS, it is desirable to transfer authority to the Department or Director of Design and Development consistent with the provisions of Ordinance No. 3447; 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. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.030 are hereby amended to read as follows:

22D.10.030 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings.

- A. COMPREHENSIVE PLAN. All development principles and standards, plans, maps, rules and regulations adopted by the City Council as objectives and goals for the Comprehensive Plan for the City (as defined in RCW Chapter 35A.63).
- B. DEDICATION. The deliberate appropriation of land by its owner for general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. A specific use, such as street or park, may be specified in the instrument of dedication.
- C. DEPARTMENT OF DESIGN AND DEVELOPMENT. An administrative department of the City of Bellevue as described in Bellevue City Code 3.45.

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- D. DIRECTOR OF DESIGN AND DEVELOPMENT. The Director of the Department of Design and Development or his/her authorized representative.
- E. DEPARTMENT OF PUBLIC WORKS AND UTILITIES. An administrative department of the City of Bellevue which may also be referred to as the "Public Works Department."
- F. EASEMENT. A grant or authorization by a property owner of the use of any designated portion of land by the public, a corporation or persons for specified purposes.
- G. FINAL PLAT. The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth for final plats in this chapter and as required by state law.
- H. HEARING EXAMINER. For the purposes of this chapter, the Hearing Examiner operating pursuant to the powers and duties set forth by the Bellevue City Code shall be the Hearing Body.
- I. LOT. A fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.
- J. PRELIMINARY PLAT. A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.
- K. PUBLIC WORKS AND UTILITIES DIRECTOR. The City of Bellevue Public Works and Utilities Director, having that authority specified in state law or City ordinances, or his/her designated representative, who shall be the city engineer under RCW 58.17.
- L. RIGHT-OF-WAY. A strip of land dedicated for public use for utility, vehicular and/or pedestrian travel, access to adjoining properties, or other use involving maintenance by a public agency.
- M. STANDARDS. Currently effective Public Works and Utilities Development Standards as approved by the City Council.

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- N. SUBDIVIDER, DEVELOPER OR PLATTER. Any person, firm or corporation or authorized representative undertaking the subdividing or resubdividing of a lot, block, or other parcel of land.
- O. SUBDIVISION. The division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer and includes all resubdivision of land except as provided under Chapter 22D.11 of this Title.
- P. TRACT. A fractional part of subdivided lands having fixed boundaries, which is dedicated or reserved by appropriate covenant or plat restriction for purposes of ingress, egress, utility access, open space, drainage or other purpose necessary to the public welfare.
- Q. ZONING RESTRICTIONS. The restrictions contained in the Bellevue Land Use Code. (BCC Title 20)

Section 2. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.060.G are hereby amended to read as follows:

22D.10.060 Initiation of application for a preliminary plat.

. . . .

- G. Additional information as required at the discretion of the Director of Design and Development.

Section 3. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.070 are hereby amended to read as follows:

22D.10.070 Acceptance for filing - Routing.

- A. Upon presentation of a preliminary plat application, the Department of Design and Development shall transmit at least one copy of the plat for review and recommendation to each of the following:
 - 1. Department of Public Works and Utilities and Storm and Surface Water Utility;
 - 2. Agency furnishing sewage disposal and water supply;
 - 3. Environmental Coordinator;
 - 4. School District having jurisdiction over the area;

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5. Any community municipal corporation having jurisdiction over the area;
 6. Seattle-King County Department of Public Health if septic systems are proposed for sewage disposal;
 7. Department of Parks and Recreation/Board of Park Commissioners; and
 8. Such other official body, corporation or agency as may be directed by the Department of Design and Development.
- B. A preliminary plat application shall not be deemed complete and shall not be accepted by the City for filing for purposes of computing time periods pursuant to Section 22D.10.130 of this Chapter until:
1. The Department of Design and Development determines that the applicant has paid all required fees and submitted all required documents and information to permit a full public hearing upon the merits of the application; provided, that said determination shall not preclude subsequent requests for any further information or modifications deemed necessary; and
 2. The written comments of the agency furnishing or reviewing sewage disposal and water supply have been received as required by Section 22D.10.090 of this chapter; and
 3. The Environmental Coordinator has entered a threshold determination which has become final pursuant to BCC Chapter 22.02.

Section 4. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.080.A. are hereby amended to read as follows:

22D.10.080 Public Hearing--Notice.

- A. Upon notification by the Department of Design and Development that the application has been accepted for filing and upon completion of an Environmental Impact Statement if required by the Environmental Coordinator, a date and time shall be set for a public hearing to be held to consider the proposed preliminary plat. Unless an applicant requests otherwise, a preliminary plat shall be processed simultaneously with other quasi-judicial or administrative actions to the extent that procedural requirements permit.

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Section 5. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.090 are hereby amended to read as follows:

22D.10.090 Agency recommendations required.

- A. Accompanying the preliminary plat at the public hearing before the Hearing Examiner shall be letters containing the comments and recommendations of the following officers or agencies:
 - 1. The Department of Public Works and Utilities, Storm and Surface Water Utility and the Department of Design and Development recommending approval of the plat as drawn, approval with changes, or disapproval.
 - 2. Where the sewage disposal system proposed is a septic system, a letter from the Seattle-King County Department of Public Health regarding the adequacy of the proposed means of sewage disposal and water supply and approving the proposed systems.
- B. The following additional documents, if received, shall also be submitted to the Hearing Examiner and become part of the record at the public hearing.
 - 1. A letter from the Public Works and Utilities Department or Special Utility District regarding its ability to supply water and sewer facilities to the plat.
 - 2. A letter from the School District having jurisdiction regarding adequacy of school services.
 - 3. A letter from the Bellevue Board of Park Commissioners regarding parks, recreation and open space.

Section 6. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.100.A. are hereby amended to read as follows:

22D.10.100 Hearing examiner review and report.

- A. The Hearing Examiner shall recommend to the City Council approval, disapproval, or approval with modifications, and/or conditions. Recommendations shall be in writing and shall include findings of fact and conclusions supporting the recommendations. Copies of the report and recommendations shall be sent to the Public Works Department, Storm and Surface Water Utility and the Department of Design and Development and transmitted to all parties of record.

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Section 7. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.140.C. are hereby amended to read as follows:

22D.10.140 Approval--Effect--Duration.

. . . .

- C. A final plat meeting all requirements of this chapter shall be submitted to the Department of Design and Development within three years from the date of preliminary plat approval. Requests for renewal of the preliminary plat shall be filed with the Department of Design and Development at least thirty days prior to the termination date of the preliminary plat. Renewal requests shall be submitted by the Department of Design and Development to the Hearing Examiner. The Hearing Examiner may grant an extension if it is shown that the applicant has attempted in good faith to submit the final plat within the initial three year period. Upon approval by the Hearing Examiner of the request for renewal, the preliminary plat shall be extended one year beyond the date the plat would otherwise have become void.

Section 8. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.150.D. are hereby amended to read as follows:

22D.10.150 Contents of final plat.

. . . .

- D. The scale, shown numerically and graphically, meridian and north point. The scale of the final plat shall be determined by the Department of Design and Development in consultation with the Department of Public Works and Utilities in order that all distances, bearings and other data can be clearly shown.

Section 9. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.150.R. are hereby amended to read as follows:

. . . .

- R. Additional pertinent information as required at the discretion of the Public Works and Utilities Director, Storm and Surface Water Utility Director or the Director of Design and Development.

Section 10. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.170 are hereby amended to read as follows:

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22D.10.170 Presentation and processing of final plat.

- A. The final plat for the subdivision shall initially be submitted to the Office of Permit Coordination and shall be a complete and accurate plat for official record. A reproducible tracing of the final plat and a print of the land surveyor's calculation work sheet shall be furnished to the Department of Design and Development. The plat shall be legibly drawn or reproduced according to standards set by the Director of Design and Development in consultation with the Director of Public Works and Utilities.
- B. Portions of an approved preliminary plat may be processed separately for recording in divisions; provided, that any division is approved within the prescribed time limits for the preliminary plat and provided that the division does not violate the intent of the preliminary plat. Prior to the approval of a division of a final plat, the Public Works and Utilities Director may require a performance guarantee for construction improvements in subsequent divisions be submitted if such improvements are necessary for the continuity of transportation, utility, or other systems.
- C. The Department of Public Works and Utilities shall check the calculations and detail of the final plat to determine whether it is accurate and correct.
- D. If the Departments of Public Works and Utilities, and Design and Development and the Storm and Surface Water Utility so find, they shall prepare a report stating that the final plat has been evaluated and checked, that all fees have been paid, and that the final plat conforms with all terms of the preliminary plat as finally approved. Any determination made by the Departments of Public Works or Design and Development or the Storm and Surface Water Utility concerning the acceptability of the final plat may be appealed to the City Council by filing an appeal in writing with the City Clerk at least three (3) working days prior to the public meeting the City Council is to take final action on a final plat. After considering any appeals and any comments or recommendations submitted by a Community Council as provided for in Section 22D.10.180, the City Council may consistently with RCW 58.17.170 approve the final plat as submitted, approve the final plat subject to changes being made, remand the matter to the Hearing Examiner for further consideration, or deny the final plat application.
- E. Judicial review of a decision approving or disapproving a plat may be sought as set forth in RCW 58.17.180.

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Section 11. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.180 are hereby amended to read as follows:

22D.10.180 Community Council review--Final plats.

At least twenty-one days prior to the final action by the City Council on any final plat which is in an area over which a community council, organized pursuant to Chapter 35.14 of the Revised Code of Washington, has jurisdiction, the Department of Design and Development shall transmit a copy of the final plat application to the Community Council for their review. Any comments or recommendations by the Community Council as to whether the final plat meets the requirements of the preliminary plat approval shall be submitted in writing to the City Clerk prior to the public meeting the City Council is to take final action on the final plat.

Section 12. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.210.A. are hereby amended to read as follows:

22D.10.210 Modification of plat.

- A. If circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish a particular feature or element of work required as a condition of preliminary plat approval or voluntarily proposed by the developer and accepted in good faith without having been imposed by the City as a special condition of plat approval, or if the developer proposes to add a particular feature or element which was not previously approved as part of the preliminary plat, the applicant may file a request for modification of the original approval with the Department of Design and Development. Such request shall be accompanied by letters and data determined to be necessary by the Department of Design and Development and the applicant shall pay a fee for processing the request determined according to a schedule approved by the City Council. Upon the giving of notice in the manner required by Section 22D.10.080B of this Chapter, a public hearing shall be conducted before the Hearing Examiner. The Hearing Examiner and the City Council shall review, make recommendations and approve or disapprove the request for modification following the procedures set forth in Sections 22D.10.100 and 22D.10.110 of this Chapter.

Section 13. Section 2 (part) of Ordinance No. 3160 and Bellevue City Code 22D.10.230 are hereby amended to read as follows:

22D.10.230 Notice of amendments to platting and subdivision codes.

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Notwithstanding other ordinance adoption notification procedures, individuals or organizations may request advance notice of any pending legislation to modify BCC Chapter 22D.10. Any such requests shall be made in writing to the Director of Design and Development and shall be valid for two years from the date of receipt.

Section 14. This ordinance shall take effect and be in force thirty days after final passage by the Council.

PASSED by the City Council this 28th day of May, 1985, and signed in authentication of its passage this 28th day of May, 1985.

(SEAL)

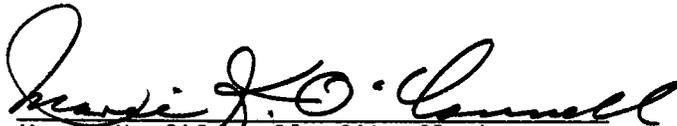

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published June 1, 1985