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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3502

AN ORDINANCE relating to the Clearing and Grading Code; amending Ordinance Nos. 2799 and 3326 and Bellevue City Code 23.76.015, 23.76.030, 23.76.035 and 23.76.036.

WHEREAS, it is desirable to incorporate the Department or Director of Design and Development into the clearing and grading permit review process consistent with the provisions of Ordinance No. 3447; and

WHEREAS, it is desirable to clarify decision making authority in the clearing and grading permit review process; 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. 2799 and Bellevue City Code 23.76.015(25) are hereby amended to read as follows:

. . . .

- 25. Permit Authority: The Director of the Storm and Surface Water Utility. He/she may designate subordinate(s) to make approvals, sign permits, and carry out other responsibilities in application of this code.

Section 2. Section 1 (part) of Ordinance No. 3326 and Bellevue City Code 23.76.030.A.1. are hereby amended to read as follows:

23.76.030 Regulations.

. . . .

- A. General: A clearing and grading permit shall be issued only in conjunction with one or more of the following:
  - 1. A valid building permit application; provided no clearing and grading permit will be issued until a decision has been issued by the Director of Design and Development approving any required administrative design review for the subject property and the time for appealing the decision under Bellevue City Code \*20.30.475(E) or

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\*\*20.30.475(E) has expired without an appeal to the Hearing Examiner having been filed. If an appeal to the Hearing Examiner is filed, no permit shall be issued until the Hearing Examiner has made a decision and the time for appealing that decision under Bellevue City Code \*20.30.475(E) or \*\*20.30.475(E) has expired without an appeal to the City Council having been filed. If an appeal to the City Council is filed, no permit shall be issued until the Council has made a decision.

In the case of property located in a CBD land use district, no clearing and grading permit will be issued until a decision has been issued by the Director of Design and Development approving any required administrative design review for the subject property and the time for appealing the decision under Bellevue City Code 20.30.475(F) has expired without an appeal to the City Council having been filed. If an appeal to the City council is filed, no permit shall be issued until the Council has made a decision.

Section 3. Section 2 (part) of Ordinance No. 2799 and Bellevue City Code 23.76.035 are amended to read as follows:

23.76.035 Variance Procedures.

A technical committee advisory to the permit authority shall be formed for the purposes of technical review of proposed exceptions or variances to standards and practices promulgated by this chapter. The technical committee shall be chaired by the permit authority and composed of an additional representative each from Public Works, the Department of Design and Development - Land Use Division and the Department of Design and Development - Building Division. The committee shall be confined to a technical review and shall not have authorization to countermand the intents and purposes of this chapter or allow activities which are expressly prohibited by city ordinances.

Section 4. Section 2 (part) of Ordinance No. 2799 and Bellevue City Code 23.75.036 are amended to read as follows:

23.76.036 Appeals.

Appeals of administrative decisions of the permit authority made under authority of this chapter shall be heard

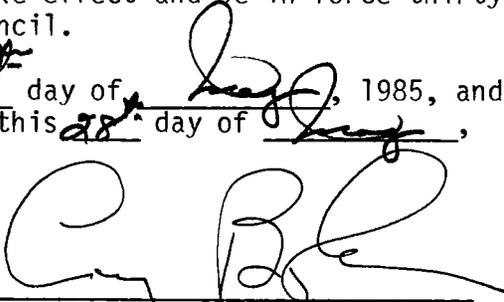
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by the Hearing Examiner. Appeals shall be filed in writing with the Office of Permit Coordination within twenty days of the issuance of the determination appealed from. Procedures upon appeals shall be the same as for administrative determinations under the Land Use Code as set forth in Sections 20.30.075 through 20.30.095 of that Code except that references therein to the "Director of Design and Development" and "Department of Design and Development" shall be deemed, respectively, to mean the permit authority and Storm and Surface Water Utility.

Section 5. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 28<sup>th</sup> day of July, 1985, and signed in authentication of its passage this 28<sup>th</sup> day of July, 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

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