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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3531

AN ORDINANCE regarding the issuance of clearing and grading permits and appeals of decisions of the permit authority; amending Ordinance Nos. 2799, 3326 and 3502 and amending Bellevue City Code 23.76.030(A) and 23.76.036.

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

Section 1. Section 2 (part) of Ordinance 2799, Section 1 (part) of Ordinance 3326, Section 2 of Ordinance No. 3502 and Bellevue City Code 23.76.030(A) are amended to read as follows:

23.76.030 Regulations. It is the intent of this section to promote practices consistent with the City's natural topographic, vegetational, and hydrologic features, and to control substantial land alterations of a speculative nature. In considering whether to issue a permit, and in considering whether and what type of conditions should be imposed thereon, the Permit Authority shall apply the following standards and criteria:

- 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 design review (Bellevue City Code Part 20.30F) for the subject property and the time for appealing that decision has expired without an appeal pursuant to Process V (Bellevue City Code 20.35.500) having been filed. If an appeal pursuant to Process V (Bellevue City Code 20.35.500) is filed, no permit shall be issued until the City Council has made a decision.
  2. Utility extension;
  3. Property access road;
  4. Conditional Use Permit;
  5. Approved street, water, storm and sanitary sewer construction drawings for a preliminary plat;
  6. Approved short plat;

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7. Approved street, water, storm and sanitary sewer construction drawings for a final PUD;
8. Special permission of the Permit Authority for site work under 500 cubic yards based on a demonstration that extenuating circumstances are present and that the project is consistent with the intent and purposes of this chapter, in conjunction with a clearing, grading and drainage plan with landscaping, soil stabilization and surface ground cover elements including continuous maintenance.
9. For site work over 500 cubic yards, the purpose of which is not to achieve approval or development under subsections A.1. through A.7., the Permit Authority shall use Process II (Bellevue City Code 20.35.200).
  - a. Decision Criteria. The Permit Authority may approve or approve with modifications an application submitted under this subsection only if:
    - (1.) The proposal is in accord with the Comprehensive Plan, Comprehensive Drainage Plan, and other City Codes and adopted standards; and
    - (2.) The approval of the proposal will not pose a threat to or be detrimental to the public health, safety, and welfare; and
    - (3.) The applicant has demonstrated that approval of the proposal is necessary for the reasonable development or maintenance of the property; and
    - (4.) Significant trees will be retained in compliance with Bellevue City Code Section 20.20.520.
  - b. Time Limits May Be Imposed. For any permit authorized under this subsection the Permit Authority may impose a time limit within which the proposed site work must be completed, generally not to exceed one year.

Section 2. Section 2 (part) of Ordinance 2799, Section 4 of Ordinance No. 3502 and Bellevue City Code 23.76.036 are amended to read as follows:

23.76.036 Appeals. Appeals of administrative decisions of the permit authority made under authority of this chapter will be processed using Process VI (Bellevue City Code 20.35.600) with the exception of a decision made pursuant to paragraph .030.A.9. which is appealable using Process V (Bellevue City Code 20.35.500).

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Section 3. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 12<sup>th</sup> day of August, 1985, and signed in authentication of its passage this 12<sup>th</sup> day of August, 1985.

(SEAL)

  
Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard S. Gidley, Assistant City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published August 16, 1985