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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3642

AN ORDINANCE relating to processing and environmental review fees for the Department of Design and Development and the Planning Department; and amending Ordinance Nos. 2035, 3305, and 3477, and Bellevue City Code 3.50.060(B), 22.02.080, 22.02.150; and repealing Ordinances Nos. 3211, 3250, and 3504, Section 7 of Ordinance No. 3575 and Bellevue City Code 22B.10.160(G).

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

Section 1. Ordinance No. 3211, Ordinance No. 3250, Ordinance No. 3504, Section 7 of Ordinance No. 3575 and Bellevue City Code 22B.10.160(G) are hereby repealed:

Section 2. Fees are hereby established for processing and for environmental review of the following applications administered by the Planning Department or by the Department of Design and Development.

	<u>Processing Fee</u>	<u>Review Fee</u>
<u>Process I</u>		
o Reclassification/Rezoning	\$1,540	260
o Conditional Use	\$1,348	260
o Shoreline Conditional Use	\$1,348	260
o Preliminary PUD	2,365	260
o Administrative Amendment	685	118
o PUD Combination, Preliminary & Final	2,650	260
o Other Process I Decisions	Hourly rate for existing decisions	

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	<u>Processing Fee</u>	<u>Review Fee</u>
<u>Process II</u>		
o Administrative Conditional Use	\$1,040	260
o Design Review		
- CBD - Major	4,162	260
- Non-CBD - Major	1,040	260
- Alternative Landscape - Major	685	118
- Fence Height - Major	70	118
- Minor - A Design Review that meets the criteria for a minor design review as determined by administrative order issued by Director of Design and Development	685	118
o Class 2 Home Occupation	143	118
o Simple Amendment, except as listed below	142	118
o Simple Amendment		
Fence Height	15	118
Home Occupation	15	118
o Final PUD, Administrative	685	N/A
o Other Process II Decisions	Hourly rate for existing decisions	
<u>Process III</u>		
o Board Variance (LUC or Shoreline)	\$685	118
o Administrative Variance (LUC or Shoreline)	685	118
o Other Process III Decisions	Hourly rate for existing decisions	
<u>Process IV</u>		
o Private Comprehensive Plan Amendment	\$1,540	260
o Other Process IV Decisions	Hourly rate for existing decisions	
<u>Substantial Development Permit</u>		
o Non Single Family	\$263	260
o Single Family	105	118
o Exempt	70	118

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appeal the determination to the city hearing examiner, except, however, when the threshold determination is a determination of significance and has been agreed to by the proponent, it shall not be appealable.

- B. Time Limitation on Appeals. A written notice of appeal of a threshold determination identifying the grounds for appeal must be filed within ten days of the date of publication of the threshold determination.
- C. Notice of Hearing. Notice of appeal, timely filed shall be transmitted by the city clerk to the hearing examiner and the environmental coordinator. The hearing examiner shall determine the date, time and place of a public hearing to consider the appeal, and shall notify the parties thereof.
- D. Public Hearing. A public hearing of an appeal of a threshold determination shall be conducted in accordance with rules of procedure established by the hearing examiner.
- E. Presentation and Recording of Evidence. All testimony taken at the public hearing shall be taken under oath. All parties to the appeal shall be entitled to submit relevant evidence. The hearing shall be recorded electronically or by other suitable method.
- F. Substantial Weight - Burden of Proof. A threshold determination by the environmental coordinator is entitled to substantial weight. The burden is on the appellant to establish that the determination is in error, and the threshold determination shall be upheld unless the hearing examiner determines that it is arbitrary and capricious or clearly erroneous.
- G. Decision of the Hearing Examiner. On the basis of all of the information received in public hearing and all information relied upon by the environmental coordinator, the hearing examiner shall prepare a written decision, including findings and conclusions.

The hearing examiner may sustain, sustain with conditions or reverse the threshold determination.

- H. Dismissal of Appeal. The hearing examiner may summarily dismiss an appeal without hearing when such appeal is determined by the hearing examiner to be without merit on its face, frivolous, or brought merely to secure a delay.

- I. Court Review. The decision of the hearing examiner on a threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action, in accordance with RCW 43.21C.075, the State Environmental Policy Act. Any such appeal must be brought within the time limits specified therein.

Section 6. Section 13 of Ordinance No. 3305 and Bellevue City Code 22.02.150 are amended to read as follows:

22.02.150 Appeal of decision attaching conditions to the approval of a proposal or denying a proposal.

- A. Any action of the city, which is taken by a nonelected official thereof, approving a proposal subject to conditions or denying a proposal, under the authority of Section 22.02.140 which action does not require approval of the city council, may be appealed to the city council by any person aggrieved by such action.
- B. Any such appeal must be made by filing a written notice of appeal, identifying the grounds therefor, with the city clerk within ten days of the date of the action appealed.
- C. The city council designates the hearing examiner, established under chapter 20.40, as the hearing body for such appeals. The hearing body shall conduct such hearings in accordance with such rules and regulations as the examiner has established under Section 20.40.250(C) and following such hearing, shall enter written findings and conclusions and a recommendation based thereon for transmittal to the city council. The city council shall consider the record of the hearing, the findings and conclusions and the recommendation of the hearing examiner at a public hearing and may either accept, accept with modifications or reject the recommendation of the hearing examiner.
- D. The decision of the city council may be appealed to superior court in accordance with the requirements and subject to the limitations of RCW 43.21C.075, the State Environmental Policy Act. Any such appeal must be brought within the time limits specified therein.

Such superior court review shall be conducted on the record compiled by the hearing examiner, consistent with other applicable law.

- E. Where another appeals procedure is provided under this code for a decision of the city, the appeals procedures provided

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under this chapter shall govern where the appeal is based on the imposition of conditions or the denial of a proposal under the authority of this chapter.

F. This section does not apply to permits and variances issued pursuant to RCW Chapter 90.58, Shorelines Management Act.

Section 7. Section 6 of Ordinance 2035 and Bellevue City Code 3.50.060(B) are amended to read as follows:

B. An appeal shall be initiated by filing with the building official of the city a written appeal, within thirty days of the date of the notice and order or other action appealed, on a form to be provided by the city, or in the form prescribed by the Uniform Building Code, 1973 Edition, 2nd printing, Section H-1201.

Section 8. This ordinance shall be in force and take effect thirty days after final passage by the City Council.

PASSED by the City Council this 21st day of April, 1986, and signed in authentication of its passage this 21st day of April, 1986.

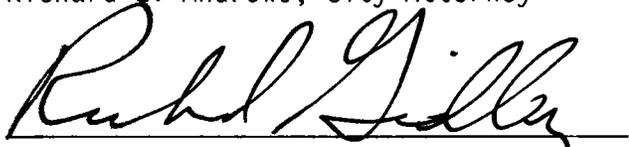
(SEAL)



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 April 25, 1986