

0713C
07/17/90

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4160

AN ORDINANCE relating to vesting of affordable housing requirements approved through discretionary land use review prior to the filing of a complete building permit application, and amending Section 23.10.032 of the Bellevue City Code (Construction Code).

WHEREAS, through the State Environmental Policy Act, the City is evaluating the impacts of all new residential development on the city's Comprehensive Plan goals of expanding the supply of affordable housing; and imposing conditions to ensure that each project contributes its share of affordable units; and

WHEREAS, the City Council wishes to ensure that residential projects approved administratively or by Council action are not subject for one year to affordable housing regulations which the City may adopt prior to the filing of a complete building permit application; and

WHEREAS, the City Council has therefore determined that it is necessary to create a limited vesting provision for the affordable housing component of all projects which have received final discretionary land use approval prior to the adoption of affordable housing regulations; and

WHEREAS, the City has complied with 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 (Construction Code) Section 23.10.032 is amended by the addition of a new paragraph as follows:

23.10.032 Applications for building permit -- Other filings required.

A. At the time of filing a building permit application, the applicant shall submit all information required to be submitted, together with any application form and application fee therefor, for any of the following approvals which may be applicable to the proposed project:

1. Design Review, Land Use Code, Part 20.30F;
2. Administrative conditional use permit, Land Use Code Part 20.30E;
3. Design review by the planning commission;

0713C
07/17/90

4. Conditional use permit, shorelines conditional use permit, planned unit development, Land Use Code, Parts 20.30B, 20.30C and 20.30D;

5. Variance or shorelines variance, Land Use Code, Parts 20.30G, 20.30H and shorelines substantial development permit, Land Use Code, Part 20.25E;

6. Clearing and grading permit, Chapters 23.76 of this code.

B. No building permit application will be accepted for filing by the building official for any proposed project for which any of the approvals referred to in subsection A of this section is required unless the building permit application is accompanied by all information required to be filed for such required approvals.

C. The filing of a complete building permit application for a proposed project, which project is in compliance with applicable state law and the codes, ordinances and regulations of the city in effect at the time of such filing, shall establish a vested right, if a building permit is issued, to proceed with construction of the proposed project in accordance with such then existing codes, ordinances and regulations; provided, however, such proposed project may nonetheless be conditioned or denied by the city under the State Environmental Policy Act. For the purpose of this subsection, a "complete building permit application" means an application which contains all information required to be submitted by any applicable provisions of this code, including, but not limited to, all information required to be submitted by subsection A of this section.

D. No application for design review, administrative conditional use permit, planning commission design review, planned unit development, conditional use permit, variance, shorelines variance, shorelines substantial development permit or a clearing and grading permit shall be accepted by the city for filing unless it is accompanied by a complete building permit application.

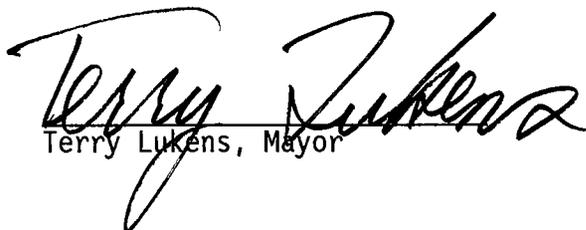
E. Any application for residential development for which the City approves an affordable housing component through a Reclassification, Land Use Code, Part 20.30A; Conditional Use Permit, Land Use Code, Part 20.30B; Shoreline Conditional Use Permit, Land Use Code, Part 20.30C; Planned Unit Development, Land Use Code, Part 20.30D; Administrative Conditional Use Permit, Land Use Code, Part 20.30E; or Design Review, Land Use Code, Part 20.30F, prior to the effective date of the affordable housing regulations implementing Comprehensive Plan Sections 21.G.105 (part) and 21.G.125 adopted by Resolutions Nos. 5220 and 5288, will not be subject to such regulations, if a complete building permit application is filed within one year of such approval. If such approval is appealed, the running of the one year period hereunder shall be tolled until the final determination of all administrative and/or judicial appeals from such approval.

0713C
07/17/90

Section 2. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

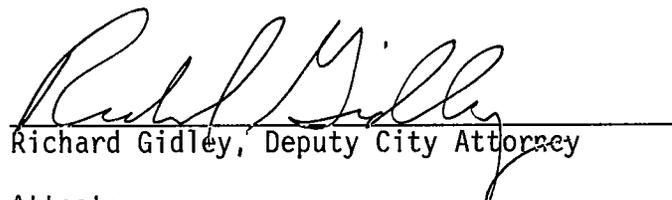
PASSED by the City Council this 6th day of August, 1990, and signed in authentication of its passage this 6th day of August, 1990.

(SEAL)

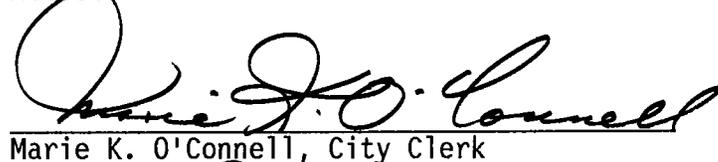

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Deputy City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published August 10, 1990