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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4302

AN ORDINANCE relating to Natural Determinants regulations; amending Sections 20.20.010, 20.20.520.B, 20.20.520.F.1, 20.20.520.I, 20.20.520.J, 20.25H.040.C, 20.25H.070.B, 20.25H.080.B, 20.25H.090.B.4, 20.25H.110.A.6.c.i, 20.25H.110.B.6, 20.25H.110.C.3.c, 20.25H.110.C.4, 20.25H.110.D, 20.25H.120, 20.30P.130, 20.50.040, and 20.50.048 of the Bellevue City Code (Land Use Code).

WHEREAS, the Bellevue City Council adopted Natural Determinants regulations on May 27, 1987; and

WHEREAS, after two years of implementing these regulations, necessary changes have been identified; and

WHEREAS, the changes are consistent with the Natural Determinants Policies of the Comprehensive Plan (Chapter 21.D); and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the City's Environmental Procedures Code; now, therefore,

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

Section 1. Bellevue City Code (Land Use Code) Section 20.20.010 Dimensional Chart and Notes is amended as follows:

NOTES: Uses in Land Use Districts-Dimensional Requirements cont'd

- * (10) The maximum building height may be exceeded upon approval of the Director of Design and Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E. Before granting any such approval, the Director of Design and Development must find that:
- a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
 - b) There is functional need for a height increase; and
 - c) The overall site development will minimize adverse impacts caused by the height increase.

Notwithstanding the provisions of this Note, no height increase is permitted within a Transition Area as defined in Part 20.25B. (Ord. 3530, 8-12-85, Section 11).

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* Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.

- *(11) Except in transition areas, the allowable building height of any office building located in a PO, O, OLB, GC, NB, CB or OU district may be increased by one story, but not to exceed 15 feet, if the ground floor of that building is devoted to parking for that building.

* Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.

- (12) See 20.25H.090 for additional Sensitive Area Setbacks. (Ord. 3775, 5-26-87, Section 6)
- (13) For each square foot of lot area devoted to open space in excess of 30% of the total lot area, one square foot is added to the lot area for the purpose of calculating density.
- (14) Lot coverage is calculated after subtracting all Protected Areas defined by Section 20.25H.070. (Ord. 3775, 5-26-87, Section 6)
- (15) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.
- (16) If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.
- (17) Dwelling units per acre is determined pursuant to Section 20.30D.
- (18) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified. (Ord. 3498, 5-28-85, Section 2).
- (19) See 20.20.030 for designation and measurement of setbacks. (Ord. 3690, 8-4-86, Section 2)
- *(20) Notwithstanding any other provision of this Code, except Part 20.25B or Section 20.20.900-910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if the ground floor of that building is devoted to parking for that building. (Ord. 3747, 1-20-87, Section 2)

*Effective only within Community Council jurisdiction.

- (21) See Section 20.25H.090 for additional Sensitive Area Setbacks. (Ord. 3775, 5-26-87, Section 6)

- (22) Dwelling units per acre is determined pursuant to Section 20.30D.155. (Ord. 3936, 7-18-88, Section 2)
- (23) Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as .5 unit and units 600 square feet or greater count as 1 unit. (Ord. 4065, 10-23-89, Section 3)
- (24) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing. (Ord. 4065, 10-23-89, Section 3)
- (25) Lot coverage may be increased to 50% if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on site; provided, however, that coverage for the non-residential portions of the development cannot exceed the maximum limits indicated. (Ord. 4065, 10-23-89, Section 3)

Section 2. Bellevue City Code (Land Use Code) Section 20.20.520.B is amended as follows:

B. Applicability: The requirements of this Section shall be imposed anytime a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by this Code, or by the Uniform Building Code. However, this section does not apply to a permit for a single family dwelling, unless restrictions on the removal of significant trees on individual single family lots have been imposed through prior City approval.

Section 3. Bellevue City Code (Land Use Code) Section 20.20.520.F.1 is amended as follows:

F. Site Landscaping

1. Perimeter Landscaping Requirements for Use Districts: The applicant shall provide site perimeter landscaping either according to the following chart and subject to Paragraph F.2 and F.6 of this Section; or in conformance with Paragraph J of this Section.

Perimeter Landscaping Requirements for Use Districts

LAND USE DISTRICT IN WHICH THE SUBJECT PROPERTY IS LOCATED ³	STREET FRONTAGE (Type & Minimum Depth)	INTERIOR PROPERTY LINES (Type & Minimum Depth) ¹
R-10, 15, 20, 30	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , see Section 20.25B for requirements.	Type III, 8' but if located in a Transition Area, and directly abutting S/F ² , see Section 20.25B for requirements.

NB, PO, O, OLB	Type III 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, See Section 20.25B for requirements.	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Section 20.25B for requirements.
LI, GC, CB	Type III 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, See Section 20.25B for requirements.	Type III, 8' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Section 20.25B for requirements.

Note 1: If the property which abuts the subject property is in the same or a more intensive Land Use District than the subject property, the landscaping required along that common interior property line may be reduced by 25% in area. The remaining 75% of the required landscaping may be relocated. If approved by the Directors of the Design and Development and Storm & Surface Water Utility Departments, such landscape area may be used for biofiltration swales. If used for biofiltration swales, this area shall be landscaped with quantities and species of plant materials that are compatible with the functional intent of the biofiltration swale.

Note 2: S/F includes the G, OU, R-1, R-1.8, R-2.5, R-3.5, R-4 and R-5 Land Use Districts.

Note 3: Notwithstanding the provisions of this Paragraph, Landscape development requirements for specific uses are listed in Paragraph F.2 of this Section.

Section 4. Bellevue City Code (Land Use Code) Section 20.20.520.I is amended as follows:

1. Species Choice:

The applicant shall utilize plant materials which complement the natural character of the Pacific Northwest; provided, however, that if the subject property includes a Sensitive Area subject to Part 20.25H., the applicant shall utilize plant species as specified by the Director of Design and Development and the Director of the Storm and Surface Water Utility which enhance that Sensitive Area. In selecting species, the applicant should utilize plant materials which reduce or eliminate the need for fertilizers, herbicides, or other chemical controls, especially for properties which include a riparian corridor or wetland.

Section 5. Bellevue City Code (Land Use Code) Section 20.20.520.J.2 is amended as follows:

2. The Director of Design and Development may administratively approve a modification of the landscaping requirements of this Chapter if --

- a. The proposed landscaping represents a superior result than that which could be achieved by strictly following the requirements of this Section, and
- b. The proposed landscaping complies with the stated Purpose of this Section (20.20.520.A), and with the Purpose and intent of Paragraphs F.1 and G. of this Section, and
- c. If a modification of any Paragraph excluding Paragraph E is requested, the proposed landscaping either --
 - i. Incorporates the increased retention of significant trees and naturally occurring undergrowth, or
 - ii. Better accommodates or improves the existing physical conditions of the subject property, or
 - iii. Incorporates elements to provide for wind protection or to maintain solar access; or
 - iv. Incorporates elements to protect or improve water quality.
- d. If a modification of Paragraph E is requested, the proposal either --
 - i. Incorporates the retention of significant trees equal in number to what would otherwise be required, or
 - ii. Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site.

Section 6. Bellevue City Code (Land Use Code) Section 20.25H.040.C is amended as follows:

Design Review (Part 20.30F) is required for all development in a Sensitive Area in an R-10, R-15, R-20 or R-30 Land Use District, excluding detached dwelling units. Design Review is not required if the project obtains Planned Unit Development (Part 20.30D) approval .

Section 7. Bellevue City Code (Land Use Code) Section 20.25H.070.B is amended as follows:

- B. Removal from Protected Area Status: Areas of colluvial or landslide deposit on slopes of 15% or more and slopes of 40% or more may be deemed Buildable Areas. To apply for removal from protected area status, the applicant must --
 1. Demonstrate compliance with all applicable standards and criteria of this Part, and
 2. Provide a geotechnical and stability analysis as required by the City and an engineering design acceptable to the

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Director of Storm and Surface Water Utility which assures long-term slope and soil stability with minimum maintenance, and

3. Provide other information necessary for the analysis as required by the Director of the Storm and Surface Water Utility.

If the Directors of the Design & Development Department and the Storm and Surface Water Utility determine that the applicant has demonstrated such compliance, Protected Area status and regulations no longer apply to the development for which the application was submitted.

Section 8. Bellevue City Code (Land Use Code) Section 20.25H.080 is amended as follows:

20.25H.080 Uses in Land Use Districts

- A. General: Subject to the restrictions of Paragraph 20.25H.080.B, the uses established by Section 20.10.440 for the applicable Land Use District may be undertaken in the Sensitive Area Overlay District as provided for in that Section.

- B. Protected Area Uses: Only the following uses may be located within a Protected Area designated by Section 20.25H.070 or Protected Area setback required by Section 20.25H.090, regardless of the provisions of Section 20.10.440. Each use is subject to the applicable performance standards of Section 20.25H.110 and the specified permit requirements of this Paragraph:

- | | | |
|-----|--|------|
| 1. | Communication Broadcast and Relay
Tower/Microwave | C |
| 2. | Botanical gardens | C |
| 3. | Camping sites/day camp | A |
| 4. | Parks, public | C |
| | private | C |
| 5. | Agriculture | P(2) |
| 6. | Horticulture | P |
| 7. | Tree Farm | C |
| 8. | Fish hatchery, aquaculture | C |
| 9. | Accessory sales of items produced
on site | P |
| 10. | City of Bellevue Utility Facility | C(1) |
| 11. | Any other Utility Facility | C(1) |
| 12. | Local Utility System | P(1) |
| 13. | Regional Utility System | C(1) |
| 14. | Right-of-Way | P(1) |
| 15. | Pedestrian facilities | P(3) |

P = Permitted Use

A = Administrative Conditional Use. See Part 20.30E.

C = Conditional Use. See Parts 20.30B/20.30C.

- (1) Must constitute an Essential Public Utility defined by Section 20.50.018.
- (2) Forested lands may not be converted to agricultural uses.
- (3) These include pedestrian trails and bridges which serve parks, commercial developments, or more than one single family lot.

Section 9. Bellevue City Code (Land Use Code) Section 20.25H.090.B.4 is amended as follows:

4. Slopes:

- a. Top of Slope: 50' from top of a slope designated as a Protected Area by Section 20.25H.070 and having a grade difference from top to bottom of at least 8'.
- b. Toe of Slope: 75' from toe of a slope where historic or potential mass slope movement occurs as determined by the Director of the Storm and Surface Water Utility.
- c. Measurement: The distance from the top of a slope or the toe of a slope is measured as specified by the City of Bellevue Development Standards.
- d. Slope Setback Modification: The Director of Design and Development and the Director of the Storm and Surface Water Utility may waive or modify the slope setback of Paragraph B.4 if the applicant demonstrates that --
 - i. The proposed construction method will, as demonstrated in the required geotechnical analysis, improve or not adversely impact the stability of the slope and reduce erosion potential, and
 - ii. The proposal uses construction techniques which minimize disruption of the existing topography and vegetation and
 - iii. The proposal adequately addresses the existing geological constraints of the site including soils and hydrology.

Section 10. Bellevue City Code (Land Use Code) Section 20.25H.110.A.6.c.i is amended as follows;

- c. Nonresidential Construction.
 - i. New development permitted by Part 20.25H or the substantial improvement of an existing nonresidential structure must --
 - (1) Result in the lowest floor (including basement) elevation being at or above the elevation of the one-hundred-year flood; or

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- (2) Together with attendant utility and sanitary facilities, be designed so that below a point one foot above the elevation of the one-hundred-year flood the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Minimum floodproofing standings are contained within Sections 210.2.1 and 210.2.2 of the U.S. Army Corps of Engineers publication entitled "Floodproofing Regulations," June 1972, or any subsequently adopted amendments thereto. Additionally, no perceptible change in the flood elevation upstream or downstream may occur and no change in the quantity, quality or velocity of flow leaving the site may occur; and

Section 11. Bellevue City Code (Land Use Code) Section 20.25H.110.B.6 is amended as follows:

6. Public Use and Access:

a. Pedestrian facilities must be specifically developed for interpretive, educational or research purposes, by or in cooperation with the City or as part of an adopted non-motorized trail linkage program, or be part of a system of public or private trails as part of a development proposal or serve as access to or within an allowed use within a sensitive or protected area.

Trail development shall:

- i. Avoid removal or disturbance of significant trees and limit disturbance of understory vegetation,
 - ii. Be maintained at the minimum width necessary to accomplish their purpose and function,
 - iii. Consolidate opportunities for public or private access,
 - iv. Minimize crossings of riparian corridors or wetlands and utilize bridges or elevated structures where such crossings occur,
 - v. Incorporate design features and materials which protect water quality and allow adequate surface and ground water movements.
- b. Public and private trails should be located outside protected areas except where no feasible alternative is available. If no feasible alternative exists, trails within protected areas must be located within areas which

- have the lowest sensitivity to human disturbance or alteration, and
- c. No interpretive center may be constructed in a wetland of less than 150 acres. Additionally, an interpretive center must be located in either that portion of a wetland which is degraded or in an intermittent wetland having the lowest sensitivity to human disturbance or alteration; and
 - d. No motorized vehicle is allowed within a wetland or its setback required by Section 20.25H.090 except as required for necessary maintenance, agricultural management or security; and
 - e. Any public access or interpretive facility developed in a wetland must, to the extent possible, be connected with a park, recreation or open-space area; and
 - f. Vegetative edges, structural barriers, signs or other measures must be provided wherever necessary to protect Sensitive Areas by limiting access to designated public use or interpretive areas; and
 - g. Consolidated area for nesting, breeding, and rearing must be preserved in the wetland area and its setback required by Section 20.25H.090 to protect sensitive plant and wildlife species; and
 - h. Dredging or filling within a wetland may occur only for the following purposes:
 - i. Maintenance of an existing water body, or
 - ii. Enhancement or restoration of habitat in conformance with City of Bellevue standards adopted by the Director of Design and Development and the Director of the Storm and Surface Water Utility, or
 - iii. Natural system interpretation, education or research when undertaken by, or in cooperation with, the City, or
 - iv. Flood control or water quality enhancement by the City of Bellevue.

Section 12. Bellevue City Code (Land Use Code) Section 20.25H.110.C.3.c is amended as follows:

3. Roads:

- a. Essential public roads must be designed and maintained to prevent erosion and not restrict the natural movement of groundwater; and

- b. Essential public roads must be located to conform to the topography so that minimum alteration of natural conditions is necessary. The number of crossings is limited to these necessary to provide essential public access; and
- c. Essential public roads must be constructed in a way which does not adversely affect the aesthetic and hydrologic quality of the riparian corridor. Where allowed, crossings of streams and floodplains in Type A and Type B Riparian Corridors shall be made by bridging to minimize adverse environmental impacts. Type C Riparian Corridors do not need to be bridged. Where feasible, roadway crossings should be combined with other essential public utilities; and
- d. Upon completion of construction, the area affected must be restored to an appropriate grade, replanted as required by the Clearing and Grading Code and provided with maintenance care until newly planted vegetation is established.

Section 13. Bellevue City Code (Land Use Code) Section 20.25H.110.C.4 is amended as follows:

4. Public Use and Access:

a. Pedestrian facilities must be specifically developed for interpretive, educational or research purposes, by or in cooperation with the City or as part of an adopted non-motorized trail linkage program, or be part of a system of public or private trails as part of a development proposal or serve as access to or within an allowed use within a sensitive or protected area.

Trail development shall:

- i. Avoid removal or disturbance of significant trees and limit disturbance of understory vegetation,
 - ii. Be maintained at the minimum width necessary to accomplish their purpose and function,
 - iii. Consolidate opportunities for public or private access,
 - iv. Minimize crossings of riparian corridors or wetlands and utilize bridges or elevated structures where such crossings occur. Bridges or elevated structures across riparian corridors must be designed so that they will not wash out during high stream flows.
- b. Public and private trails should be located outside protected areas except where no feasible alternative is available. If no feasible alternative exists, trails within protected areas must be located within areas which

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- have the lowest sensitivity to human disturbance or alteration.
- c. No motorized vehicle is allowed within a Riparian Corridor or its setback required by Section 20.25H.090 except as required for necessary maintenance, agricultural management or security or as part of an approved recreational activity; and
 - d. Any public access or interpretative facility developed in a Riparian Corridor must, to the extent possible, be connected with a park, recreation or open-space area; and
 - e. Vegetative edges, structural barriers, signs or other measures must be provided where necessary to protect Sensitive Areas by limiting access to designated public use or interpretive areas; and
 - f. Consolidated area for nesting, breeding and rearing must be reserved in the riparian corridor area and its setback required by Section 20.25H.090 to protect sensitive plant and wildlife species; and
 - g. Dredging or filling within a Riparian Corridor may occur only for the following purposes:
 - i. Maintenance of an existing corridor; or
 - ii. Enhancement or restoration of habitat in conformance with City of Bellevue standards adopted by the Director of Design and Development and the Director of the Storm and Surface Water Utility, or
 - iii. Natural system interpretation, education or research when undertaken by or in cooperation with the City, or
 - iv. Flood control or water quality enhancement by the City of Bellevue.

Section 14. Bellevue City Code (Land Use Code) Section 20.25H.110.D is amended as follows:

- D. Sensitive Earth Conditions: The provisions of Paragraph 20.25H.110.D apply to each use or development on property including a slope equal to or greater than 15%, including subdivisions, short subdivisions and planned unit developments. Development on individual single family lots is exempt from the provisions of 20.25H.110.D.1 (disturbance limits), except that any restrictions on disturbance on individual single family lots that have been imposed through subdivision, short subdivision or planned unit development approval do apply.
 - 1. Disturbance Limitations.

- a. Basic Requirement: Development on property including a slope equal to or greater than 15% must:
- i. Consolidate all areas of disturbance on the areas of least slope, and
 - ii. Minimize changes in grade, cleared area and volume of cut or fill on the site, and
 - iii. Comply with a limitation on disturbance of the subject property calculated as set forth in the following equation.

Disturbance Equation

$$\begin{aligned} & (\text{sq. ft. of site 0-15\% slope}) \times 100\% + \\ & (\text{sq. ft. of site 15-25\% slope}) \times 60\% + \\ & (\text{sq. ft. of site 25-40\% slope}) \times 45\% + \\ & (\text{sq. ft. of site 40\% plus slope}) \times 30\% = \end{aligned}$$

Total amount of disturbance on site allowed

* Disturbance Chart

Slope Categories	Percent Disturbance Allowed
40% and greater	30%
25 to 40%	45%
15 to 25%	60%

* This chart is for illustration purposes only.

IV. For subdivisions, short subdivisions and planned unit developments, disturbance limits shall be designated on preliminary and final approvals.

Section 15. Bellevue City Code (Land Use Code) Section 20.25H.120 is amended as follows:

20.25H.120 Recording Required: The property owner receiving approval of a use or development pursuant to this Part shall record a site plan clearly delineating the Protected Area designated by Section 20.25H.070 with the King County Division of Records and Elections and with the Bellevue City Clerk. The

site plan must include a statement that the provisions of this Part as now or hereafter amended control use and development of the subject property. Single Family development is exempt from this recording requirement.

Section 16. Bellevue City Code (Land Use Code) Section 20.30P.130 is amended as follows:

20.30P.130 Applicable Procedure: The City will process a Protected Area Development Exception through Process I (Section 20.35.100 et seq.); provided, however, that an Exception for a lot of less than 30,000 gross square feet or a lot for single family development will be processed through Process III (Section 20.35.300 et seq.). The Director of Design and Development and the Director of the Storm and Surface Water Utility serve as the applicable Department Director and the Hearing Examiner is the Hearing Body.

Section 17. Bellevue City Code (Land Use Code) Section 20.050.040 is amended by the addition of the following definition:

Private Park: A facility under private ownership which provides passive recreation activities such as beaches, trails, camping sites, horticultural exhibits or interpretive centers.

Section 18. Bellevue City Code (Land Use Code) Section 20.50.048 is amended by the addition of the following definitions:

Toe of Protected Slope. The lower boundary of the protected slope as delineated on the slope category analysis; or in the case of slopes with colluvium or landslide deposits, as delineated by the geotechnical report.

Top of Protected Slope. The upper boundary of the protected slope as delineated on the slope category analysis; or in the case of slopes with colluvium or landslide deposits, as delineated by the geotechnical report.

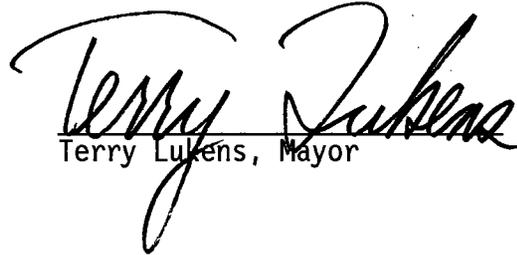
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Section 19. This ordinance shall take force and be in effect five days after passage and legal publication.

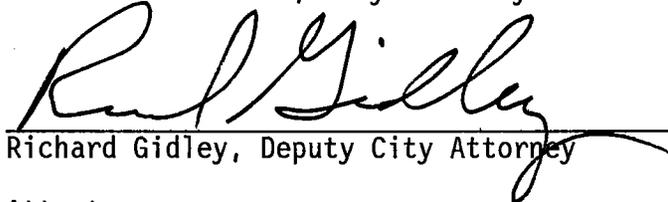
PASSED by the City Council this 18th day of November, 1991 and signed in authentication of its passage this 18th day of November, 1991.

(SEAL)

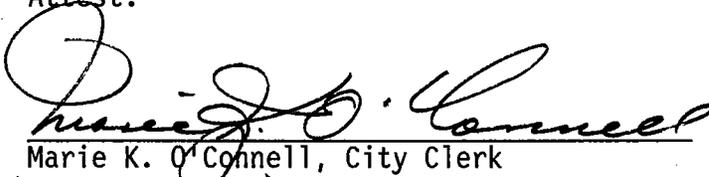

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Deputy City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published November 22, 1991