

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5821

AN ORDINANCE amending the Bellevue City Code to create the Development Services Department and revise the duties of the Planning and Community Development Department and to amend department references resulting from the revision of duties; amending Sections 3.45.010, 3.70.020, 5.06.050, 5.06.060, 5.06.100, 5.08.040, 5.44.060, 5.44.090, 9.09.020, 9.18.020, 9.18.060, 9.19.040, 9.21.020, 14.50.070, 22B.10.020, 22B.10.025, 23.05.060, 23.05.070, and 23.76.015 of the Bellevue City Code; adding new Sections 3.44.010, 3.44.020, 3.45.020, 3.56.080 and 3.64.175 to the Bellevue City Code; and establishing an effective date.

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

Section 1. Section 3.45.010 of the Bellevue City Code is hereby amended as follows:

3.45.010 Department established – Functions.

There is created and established a department of planning and community development which shall be responsible for the following:

- A. Administration of amendments, revisions and updates to the comprehensive plan of the city.
- B. Implementation of provisions of the comprehensive plan of the city related to the functions of the department as described in this section.
- C. Provision of long-range planning for the city related to land use and development, housing, economic development, construction, community development, and other long-range planning services as directed by the City Manager.
- D. Provision of staff support for the planning commission.
- E. Administration and operation of the city's neighborhood mediation program.
- F. Administration of the city's community development and outreach programs.
- G. Administration of the housing section of the capital improvement program.
- H. Administration of the housing fund.
- I. Coordination of cross-departmental strategic planning initiatives in support of the assigned functions of the department.
- J. Provision of such other services as may be directed by the city manager.

Section 2. A new Section 3.45.020 is added to the Bellevue City Code as follows:

3.45.020 Director – Responsibilities.

The city manager shall appoint the director of the department of planning and community development who shall report to the city manager or his designee. The director shall be appointed for an indefinite term and may be removed at any time pursuant to the provisions of RCW 35A.13.100. The director shall direct the operations of the department of planning and community development.

Section 3. A new Chapter 3.44 is added to the Bellevue City Code as follows:

3.44.010 Department established – Functions.

There is created and established a development services department which shall be responsible for the following:

A. Implementation of provisions of the comprehensive plan of the city related to the functions of the department as described in this section.

B. Coordination and performance management of cross-departmental permit review and inspection services.

C. Coordination of cross-departmental code development, and implementation related to land use planning and development, housing, economic and community development, and construction and sustainable building practices.

D. Administration and operation of the city's design and development review processes.

E. Administration, revision and update to the land use code, clearing and grading code, construction codes, subdivision and platting codes, and development regulations and standards.

F. Environmental coordination and administration of the city's environmental procedures code.

G. Provision of plan review, permit coordination and issuance, and inspection and enforcement related to codes administered by the department.

H. Provision of permit and zoning information services.

I. Provision of such other services as may be directed by the city manager.

3.44.020 Director – Responsibilities.

The city manager shall appoint the director of the development services department who shall report to the city manager or his designee. The director shall be appointed for an indefinite term and may be removed at any time pursuant to the provisions of RCW 35A.13.100. The director shall direct the operations of the development services department.

Section 4. A new Section 3.56.080 is hereby added to the Bellevue City Code as follows:

3.56.080 Staff support.

The department of planning and community development shall provide technical and clerical support for the commission.

Section 5. A new Section 3.64.175 is hereby added to the Bellevue City Code as follows:

3.64.175 Staff support.

The department of planning and community development shall provide technical and clerical support for the commission.

Section 6. Section 3.70.020 of the Bellevue City Code is hereby amended as follows:

3.70.020 Staffing and administration.

The dispute resolution center and the employees and volunteers assigned to the center shall be under the direction and administration of the director of the department of planning and community development, or other person designated by the city manager.

Section 7. Section 5.06.050.F of the Bellevue City Code is hereby amended as follows:

F. The clerk, upon presentation of such application and before acting upon the same, shall refer such application to the police department, which shall make a full investigation as to the truth of the statements contained therein, and to the city development services and fire departments, which shall investigate and provide information to the clerk concerning compliance of the premises sought to be licensed and with this and other applicable city, county and state health, zoning, building, fire and safety ordinances and laws.

Section 8. Section 5.06.060 of the Bellevue City Code is hereby amended as follows:

5.06.060 Inspection of dancehall premises.

A. Applicants for any license authorized to be issued under this chapter shall allow the premises sought to be licensed to be inspected by authorized inspectors from the city fire, police and development services departments.

B. Licensees operating premises licensed under this chapter shall hold those areas upon the premises which are accessible to the public open for routine regulatory inspections by the city fire, police and development services and county health departments during normal business hours and during those hours when a dance is being conducted.

Section 9. Section 5.06.100.A of the Bellevue City Code is hereby amended as follows:

5.06.100 Suspension or revocation of licenses – Notice – Summary suspension or revocation.

A. After an investigation and upon the recommendation of the chief of police, director of the development services department or fire chief, the clerk may, upon 30

days notice, temporarily or permanently suspend or revoke any license issued pursuant to this chapter where one or more of the following conditions exist:

1. The license was procured by fraud or false representation of material fact in the application or in any report or record required to be filed with the clerk;
2. The building, structure, equipment or location of the business for which the license was issued does not comply with the requirements or fails to meet the standards of the applicable health, zoning, building, fire and safety laws and ordinances of the state of Washington, King County, and the city, or the requirements of this chapter;
3. The licensee or his or her employee, agent, partner, director, officer or manager has knowingly allowed or permitted:
 - a. Any unlawful act of sexual intercourse, sodomy, oral copulation, or masturbation to be committed in or upon the dancehall premises; or
 - b. The dancehall premises to be used as a place in which unlawful solicitations for sexual intercourse, sodomy, oral copulation or masturbation occur; or
 - c. The possession or consumption of liquor, as defined in RCW 66.04.010(15), by persons under the age of 21 years, in or upon dancehall premises; or
 - d. The giving or supplying of liquor, as defined in RCW 66.04.010(15), to any person under the age of 21 years; or
 - e. The use by any person in or upon the dancehall premises of marijuana, cocaine or any other controlled substance (as defined in RCW 69.50.101(d) as now or hereafter amended) not prescribed by a licensed physician for use by the person possessing or using the substance.

Section 10. Section 5.08.040.B.8 of the Bellevue City Code is hereby amended as follows:

8. Upon receipt of the complete application and fee, the clerk shall provide copies to the police, fire, and development services departments for their investigation and review to determine compliance of the proposed adult cabaret with the laws and regulations which each department administers. Each department shall, within 30 days of the date of such application, inspect the application and premises and shall make a written report to the clerk whether such application and premises comply with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises is not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any adult cabaret license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed adult cabaret is not in conformance with the requirements of this chapter or other law in effect in the city. A recommendation for denial shall cite the specific reason therefor, including applicable laws.

Section 11. Section 5.44.060.A.8 of the Bellevue City Code is hereby amended as follows:

8. The clerk, upon presentation of such application and before acting upon the same, shall provide copies to the police, fire, and development services departments for their investigation and review to determine compliance of the proposed panoram premises with the laws and regulations which each department administers. Each department shall, within 30 days of the date of such application, inspect the application and premises and shall make a written report to the clerk whether such application and premises comply with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises is not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any panoram premises license approved prior to premises construction shall contain a condition that the premises may not be open for business until the premises has been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed panoram premises is not in conformance with the requirements of this chapter or other law in effect in the city. A recommendation for denial shall cite the specific reason therefor, including applicable laws.

Section 12. Section 5.44.090.A of the Bellevue City Code is hereby amended as follows:

5.44.090 Suspension or revocation of licenses – Summary suspension.

A. After an investigation and upon the recommendation of the chief of police or his or her designee, director of the development services department, or the fire chief or his or her designee, the clerk may suspend or revoke any license issued pursuant to this chapter where one or more of the following conditions exist:

1. The license was procured by fraud or false representation of material fact in the applicant or by any report or record required to be filed with the clerk; or
2. The building, structure, equipment or location of the business for which the license was issued does not comply with the requirements or fails to meet the standards of this chapter or any other applicable standards or regulations of the city code relating to buildings, structures, equipment, and zoning; or
3. The failure of the licensee or any of his or her servants, agents or employees to comply with the provisions of Chapter 10A.88 BCC or any other similar local or state law when the licensee knows or should have known of the violations committed by his or her servants, agents or employees; or
4. The conviction of the licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises; or
5. The conviction of any of the licensee's servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50

RCW) committed on the panoram premises when the licensee knew or should have known of the violations committed by his or her servants, agents or employees.

Section 13. Section 9.09.020 of the Bellevue City Code is hereby amended as follows:

9.09.020 Definitions.

For the purposes of this chapter, the following words shall have the following meaning:

A. "Applicable department director" means the director of the development services department or any designated alternate appointed by the city manager.

B. "Code compliance officer" means the person(s) designated by the director of the development services department to enforce this chapter.

C. "Junk vehicle" means any vehicle substantially meeting all of the following requirements (RCW 46.55.010(4)):

1. Is three years old or older; and
2. Is extensively damaged, such damage including, but not limited to any of the following: broken window, or windshield or missing wheels, tires, motor or transmission; and
3. Is apparently inoperable; and
4. Is without a valid, current registration plate; and
5. Has an approximate fair market value equivalent only to the approximate value of the scrap in it.

D. "Landowner" means an owner of private property, or a person in possession or control of private property.

Section 14. Section 9.18.020.A.12 of the Bellevue City Code is hereby amended as follows:

12. Sounds from existing industrial installations which exceed standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of normal necessity and/or demonstrated routine normal operation. Changes in working hours, which would increase the average day-night sound level (Ldn), require written approval of the director of the development services department.

Section 15. Section 9.18.060 of the Bellevue City Code is hereby amended as follows:

9.18.060 Administration and authority.

A. Administration. The director of the development services department shall be responsible for the administration of this chapter.

B. Enforcement.

1. Civil Noise Infractions. The police department shall be responsible for the enforcement of provisions of this chapter relating to noise disturbances (including associated exemptions) and noise in quiet zones, and is authorized

- to issue, serve and file notices of civil noise infractions for violations of BCC 9.18.040 and 9.18.042.
2. Civil Violations. The director of the development services department shall be responsible for the enforcement of provisions of this chapter relating to stationary noise sources, maximum permissible noise levels and development restrictions, and is authorized to issue civil violations for violations of BCC 9.18.030, 9.18.040(A)(4), 9.18.040(A)(5) and 9.18.045B.
 3. Construction Hours Posting. The building official shall be responsible for the enforcement of BCC 9.18.044 relating to the posting of construction hours as provided for in Chapter 23.05 BCC.

Section 16. Section 9.19.040.A of the Bellevue City Code is hereby amended as follows:

9.19.040 Preliminary meeting with city required – Purpose.

A. Prior to opening a group home for children in the city, any provider desiring to open such a group home shall notify the director of development services or designee thereof and schedule a meeting with the city. At the time of scheduling the meeting the provider shall supply the city with the names and addresses of group home support service providers, funding agencies and Department of Social and Health Services representatives who will be involved in the siting and operation of the facility. The city shall invite to the meeting representatives of the group home support services providers, funding agencies and Department of Social and Health Services, together with school district representatives and city police and human services representatives. The purpose of this meeting is to:

1. Discuss the need for the proposed group home in the city and siting opportunities that are available.
2. Identify available locations and/or barriers to siting.
3. Identify any available funding opportunities and resources.
4. Explore siting opportunities and possible legal constraints.
5. Describe the type of program and facility, program and facility requirements, and necessary community safeguards.
6. Explore methods for maintaining a cordial relationship with the neighborhood.
7. Describe the facilities, services and agencies which will provide support to the facility, the program and the neighborhood.
8. Outline the elements of the basic operating plan for the group home.
9. Plan for the presentation of the elements of the basic operating plan at the community meeting.
10. Discuss the other elements of this community involvement process.

Section 17. Section 9.21.020.D of the Bellevue City Code is hereby amended as follows:

D. "Director" means the director of the development services department or the director's designee.

Section 18. Section 14.50.070 of the Bellevue City Code is hereby amended as follows:

A. One representative each from the police, fire, parks, development services, and transportation departments.

Section 19. Section 22B.10.020 definition of "director" in the Bellevue City Code is hereby amended as follows:

"Director" means the director of the development services department or his or her designated representative.

Section 20. Section 22B.10.025.C of the Bellevue City Code is hereby amended as follows:

C. Applicable Procedure. A design review application is reviewed and approved by the development services department through the design review process described in Chapter 20.30F LUC. Requests to amend a previously approved sign master plan, as well as proposals for new signage which are regulated by an existing sign master plan, require approval of a land use exemption (LUX).

Section 21. Section 23.05.060 definition of "department" in the Bellevue City Code is hereby amended as follows:

"Department" means the development services department unless otherwise specified.

Section 22. Section 23.05.060 definition of "director" in the Bellevue City Code is hereby amended as follows:

"Director" means the director of the development services department unless otherwise specified.

Section 23. Section 23.05.070.A of the Bellevue City Code is hereby amended as follows:

A. Enforcement Agency. The development services department shall be responsible for enforcement of the technical codes under the administrative and operational control of the building official, who shall be appointed by the director.

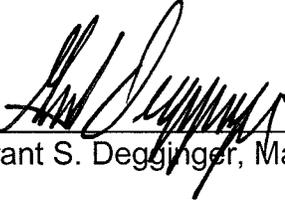
Section 24. Section 23.76.015 definition of "director" in the Bellevue City Code is hereby amended as follows:

"Director" means the director of the development services department or his/her designee or other person designated by the city manager.

Section 25. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 7th day of July, 2008
and signed in authentication of its passage this 7th day of July,
2008.

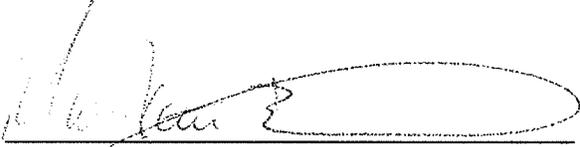
(SEAL)



Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Mary Kate Berens, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

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