City of Bellevue

Memorandum

Date: January 21, 2011

To: Chair Kasner, Members of the East Bellevue Community Council

From: Monica Buck, Assistant City Attorney - 425-452-4082

RE: Rules of Procedure

On Tuesday February 1, 2011, the Community Council will consider revisions to its Rules of Procedure, currently adopted as Resolution No. 419. The Rules of Procedure were last updated in February 2000, and there have been several amendments to Bellevue Land Use Code provisions referenced in the rules that require updating, as well as other necessary and requested revisions.

To assist the Council in its review of the proposed revisions, attached is a resolution in a strike/underline format with annotations. The revisions are described in the resolution as follows:

New - describes new provisions to reflect requested changes by EBCC members.

Consistency - describes revisions required to ensure consistency between the existing Bellevue City Code and Land Use Code.

Correction - describes revisions required to correct errors such as code references (current or outdated), misspellings, formatting and the like.

Clarity - describes revisions that simplify or streamline language and processes without compromising substantive provisions.

Attachments

A. Questions/Requested Revisions by EBCC
B. Resolution No. 419 – Rules of Procedure as currently adopted.
C. Proposed Resolution – changes marked
D. Proposed Resolution – clean version

cc: Michelle Murphy

EBCC Rules & Procedures Update

Section 1. Meetings

A.2 Regular meetings will be held at the Lake Hills Clubhouse, 15230 Boulevard, unless notice of a different location for the meeting is given as provided in Section 1.B.2.

Section 2. Agenda

Any person desiring that a matter be placed on the agenda must submit a written request to the Clerk no later than 12:00 PM, ~~twelve working days~~ seven calendar days prior to the meeting. The Chair of the Council will determine which matters will be placed on the agenda.

Section 8. Public Notice – Hearings – Decision Criteria

A.1.(b) If the proposal involves specific property, rather than an area-wide or zone-wide change, the Director shall mail notice to each owner of real property within ~~200~~ 500 feet of any boundary of subject property, including the date of application, project description and location, and type of approval or permit application, ~~provided in the case of a hearing on a subdivision approval, the Director shall mail notice to each owner of real property within 300 feet of any boundary of the subject property~~.

Monica, please double check noticing radius for consistency with LUC Process III applications.

B.1 The Community Council shall conduct a public hearing on any ordinance or resolution which is before it for approval or disapproval under RCW 35.14.040 unless, at a regular meeting prior to the meeting at which such public hearing would be held, the Community Council determines that a public hearing is not necessary. If it is determined that a public hearing is not necessary, a public meeting shall be held on such ordinance or resolution. No oral comment may be given by the parties or the public at such meeting, however, written comment may be submitted to the Community Council.

Monica, under what circumstances would the above scenario hold true?

B.2 For public hearings on the Comprehensive Plan, Land Use Code, and other matters other than those listed below, the Chair may limit each speaker to a discretionary, but consistent, length of time. Speakers representing the official position of a recognized organization may be allotted a longer amount of time. The Chair has the prerogative to limit public comment if it has gone beyond a reasonable length of time or is deemed not to be germane to the discussion at hand.

No limitation shall be applied to a public hearing on a rezone, conditional use, subdivision (plat), planned unit development, or protected area development exception.

Monica, the Community Council feels above language is not clear. Can you provide or suggest clarifying language.

C. Decision Criteria

Monica, could you make sure that the language under this section is still consistent with the LUC.

Section 9. Order of Business

A. The order of business at all regular meetings shall be as follows:

1. **Call to Order**
2. **Roll Call and Flag Salute**
3. **Reports of City Council, Boards and Commissions**
4. **Communications: Written and Oral**
5. **Approval of Agenda**
6. **Public Hearings**
7. **Resolutions**
8. **Department Reports**
9. **Committee Reports**
10. **Unfinished Business**
11. **New Business**
12. **Continued Communications**
13. **Executive Session**
14. **Approval of Minutes**
15. **Adjournment**

B. The order of business may be changed during the meeting by the Chair with consent of a majority of the members present.

Excerpt from Robert's Rules of Order: Sessions of permanently organized bodies usually follow an established order of business that specifies the sequence in which certain general types or classes of business are to be brought up or permitted to be introduced. If the assembly has no binding order of business, any member who obtains the floor can introduce any legitimate matter he desires at any time when no business is before the assembly for consideration.

Section 11. Rules of Order

A.5 Each member present shall vote on all questions put to the Council, except when a member disqualifies himself/herself for a personal conflict of interest or upon appearance of fairness grounds, or when for good cause shown, such abstention is agreed to by a majority of the member of the Council. Silence will be presumed as a vote with the

majority. No member who has been disqualified may take part in the discussion of or vote on that matter.

Monica, Council would like some clarification. If someone chooses to abstain, why would other members have a say in that? Explain the difference between disqualified, abstention and recusal.

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 419

A RESOLUTION adopting updated rules and procedures for the Community Council and repealing Resolution 416.

WHEREAS, the Community Council desires to update and consolidate its rules and procedures; now, therefore,

THE EAST BELLEVUE COMMUNITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

SECTION 1. MEETINGS

A. Regular Meetings:

1. Section 1. The regular meeting of the East Bellevue Community Council will be held at 6:30 p.m. on the first Tuesday of each month. Whenever such Tuesday fall on either a legal holiday or the November General Election day, such meeting will be held at 6:30 p.m. on the following day, Wednesday.
2. Place:

Regular meetings will be held at the Lake Hills Library, 15228 Lake Hills Boulevard, unless notice of a different location for the meeting is given as provided in Section 1.B.2.

B. Special Meetings and Study Sessions:

1. How Called:

The Chair of the Council or, in his/her absence, the Vice Chair, may call either special meetings or study sessions as he/she deems necessary or when requested by a majority of all the member of the Council. In the absence of both the Chair and Vice Chair, the Alternate Vice Chair may call a special meeting as he/she deems necessary or when requested by a majority of all the member of the Council.

2. Notice:

Written notice of the time, date, place and business to be transacted at either special meetings or study sessions shall be delivered personally or by mail to each councilmember, to each local newspaper or general circulation and to each local radio or television station which has on file with the Council a written request to be notified of such special meetings. Such notice shall be

delivered at least twenty-four hours before the time of such meeting as specified in the notice.

C. Record:

A record shall be made of all proceedings at regular and special meetings. A Deputy to the City Clerk of the City of Bellevue appointed to act as the Clerk of the Community Council shall prepare minutes, reporting all pertinent information, business discussed, motions, decisions made, actions and votes taken.

D. Oral Communications:

1. The Council will receive pubic input at Item No. 3, of its agenda, "Communications: Written and Oral" and Item No. 12, "Continued Communications". Based upon a review of the agenda and the number of speakers in the audience, the Chair may limit each speaker to a discretionary, but consistent, length of time. Speakers representing the official position of a recognized organization may be allotted a longer amount of time. The Chair has the prerogative to limit public comment if it has gone beyond a reasonable length of time or is deemed not to be germane to the discussion at hand.

2. Persons speaking to the Council shall identify themselves for the record as to name, address, and organization, if appropriate.

3. If a time limit is deemed appropriate, the Deputy City Clerk shall be the timekeeper. Oral testimony shall not be taken on quasi-judicial matters outside of a public hearing except on matters of procedure; provided that comments in writing may be submitted to the Council on quasi-judicial matters prior to the public hearing. Such comments may be filed with the City Clerk's Office.

SECTION 2. AGENDA

The Clerk shall prepare a written agenda for each meeting. The agenda shall be distributed to all members of the Community Council at least forty-eight hours prior to the meeting. The Agenda shall also be provided to any person requesting a copy, to the City Council, City Manager and any interested department head.

Any person desiring that a matter be placed on the agenda must submit a written request to the Clerk no later than 12:00 o'clock noon, twelve working days prior to the meeting. The Chair of the Council will determine which matters will be placed on the agenda.

SECTION 3. MEMBERSHIP

The Community Council shall consist of five members elected every four years to consecutively numbered positions at the continuation election pursuant to RCW 35.14.060 from qualified electors residing within the service area. Terms of office shall be as provided by state law. Vacancies shall

be filled by appointment for the remainder of an unexpired term by a majority vote of the remaining members.

SECTION 4. QUORUM-VOTING

Three members of the Community Council shall constitute a quorum for transaction of business. Each action of the Council shall be by written resolution, or oral motion, approved by a vote of a majority of all the members of the Community Council. Three or more votes constitute a majority.

SECTION 5. OFFICERS

There shall be a Chair, Vice Chair and Alternate Vice Chair elected from the membership of the Community Council. The election shall take place each year at the February meeting of the Community Council, or as soon thereafter as an election may be held. A candidate must receive at least three votes to be elected. The term of the Chair, Vice Chair and Alternate Vice Chair shall commence on their election and shall terminate on the election of a Chair, Vice Chair and Alternate Vice Chair at the next annual election. The Officers may be reelected. The Chair shall preside. In his/her absence, the Vice Chair shall preside. They shall retain their right to vote on all actions. If neither the Chair nor Vice Chair is present at a meeting and a quorum is present, the Alternate Vice Chair shall then preside.

SECTION 6. NECESSARY EXPENSES

As prescribed by RCW 35.14.030, the necessary expenses of the community council shall be budgeted and paid by the city after being submitted by the Community Council. The Community Council has deemed necessary expenses to include but not limited to the following:

1. Office;
2. Mileage relating to official council business;
3. Paid outside staff on critical issues, such as land use planning; traffic etc.;
4. Council retreats – opportunity to bring in recognized planning, GMA and other experts to advise on general matters;
5. Newsletter;
6. Attendance at planning seminars and conferences (tuition, travel etc.);
7. Legal fees;
8. Business cards;
9. Internet connections (with computer, dedicated phone line), email connection;
10. Planning periodicals and reports;
11. Filing cabinets and folders;
12. Association dues.
13. Councilmember Portraits

SECTION 7. CLERK

The Clerk shall be appointed by the Bellevue City Manager and shall prepare and maintain all records of Community Council business.

SECTION 8. PUBLIC NOTICE - HEARINGS - DECISION CRITERIA

A. Public Notice:

1. Notice of a public hearing before the Community Council on any matter over which it has approval/disapproval jurisdiction, including notice of any courtesy hearing, shall be given-as follows:

   a. The applicable Department Director shall provide for notice of the public hearing to be published in a newspaper of general circulation in the city at least seven days prior to the date of the public hearing.

   b. If the proposal involves specific property, rather than an area-wide or zone-wide change, the Director shall mail notice to each owner of real property within 200 feet of any boundary of the subject property, provided in the case of a hearing on a subdivision approval, the Director shall mail notice to each owner of real property within 300 feet of any boundary of the subject property.

   c. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director, including a representative from each of the neighborhood groups, community clubs, and other citizen□s groups who have requested regular notice of land use actions.

   d. Except for courtesy public hearings, the Director shall mail notice to each person who was a party of record concerning the matter before the Hearing Examiner and/or City Council. A party of record is a person who provided oral or written comment to the Hearing Examiner and/or City Council and provided a mailing address at which he or she can receive notice.

   e. Notice of such public hearing shall also be sent in writing by the Clerk to those persons speaking at or signing in at previous Community Council courtesy public hearings, public hearings or other informational meetings on the matter under review.

2. Notice of public hearings other than those governed by subsection 1. above shall be given by publishing notice in a newspaper of general circulation in the City, by posting in the places designated in Bellevue City Code 1.08.010 and by posting on or near the site under consideration, if there is such a site, at least seven days preceding the hearing.

B. Public Hearings:

1. The Community Council shall conduct a public hearing on any ordinance or resolution which is before it for approval or disapproval under RCW 35.14.040 unless, at a regular meeting prior to the meeting at which such public hearing would be held, the Community Council determines that a public hearing is not necessary. If

it is determined that a public hearing is not necessary, a public meeting shall be held on such ordinance or resolution. No oral comment may be given by the parties or the public at such meeting; however, written comment may be submitted to the Community Council.

2. For public hearings on the Comprehensive Plan, Land Use Code, and matters other than those listed below, the Chair may limit each speaker to a discretionary, but consistent, length of time. Speakers representing the official position of a recognized organization may be allotted a longer amount of time. The Chair has the prerogative to limit public comment if it has gone beyond a reasonable length of time or is deemed not to be germane to the discussion at hand.

   No limitation shall be applied to a public hearing on a rezone, conditional use, subdivision (plat), planned unit development, or protected area development exception.

3. If a time limit is deemed appropriate, the Deputy City Clerk shall be the timekeeper. Oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure, provided comments in writing may be submitted to the Community Council on quasi-judicial matters prior to the public hearing. Such comments may be filed with the City Clerk's Office.

C. Decision Criteria:

In deciding whether to approve or disapprove an ordinance or resolution before it for consideration under the authority of RCW 35.14.040, the Community Council shall apply the decision criteria listed below:

1. Comprehensive Plan:
   The Community Council may approve an amendment to the Comprehensive Plan if:

   a. There exists obvious technical error in the pertinent Comprehensive Plan provision; or

   b. The following criteria have been met:

      (1) The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies; and

      (2) The amendment is not inconsistent with the General Elements of the Comprehensive Plan or other goals or policies of the City; and

      (3) The amendment addresses changing circumstances or the needs of the City as a whole; and

      (4) If applicable to an identifiable property, the amendment is compatible with adjacent land use and the surrounding development pattern; and

(5) The subject property is suitable for development in general conformance with the zoning standards under the potential zoning classifications; and

(6) The amendment merits approval because it will benefit the City as a whole, will not adversely affect community facilities, and bears a reasonable relationship to the public health, safety and welfare.

2. Land Use Code Amendment:

The Community Council may approve a proposal to amend the text of the Land Use Code if:

a. The amendment is in accord with the Comprehensive Plan;

b. The amendment bears a substantial relation to the public health, safety or welfare; and

c. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

3. Rezones:

The Community Council may approve an application for a rezone of property if:

a. The rezone is consistent with the Comprehensive Plan; and

b. The rezone bears a substantial relation to the public health, safety, or welfare; and

c. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed Land Use District classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and

d. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

e. The rezone has merit and value for the community as a whole;

4. Conditional Use:

The Community Council may approve an application for a Conditional Use Permit if:

a. The conditional use is consistent with the Comprehensive Plan; and

b. The design is compatible with and responds to the existing, or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

c. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and

d. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

e. The conditional use complies with the applicable requirements of the Land Use Code.

5. Planned Unit Development:

The Community Council may approve a Preliminary Development Plan for a Planned Unit Development if:

a. The Planned Unit Development is consistent with the Comprehensive Plan.

b. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

1) Placement, type or reduced bulk of structures, or

2) Interconnected usable open space, or

3) Recreation facilities, or

4) Other public facilities, or

5) Conservation of natural features, or

6) Aesthetic features and harmonious design, or

7) Energy-efficient site design or building features; and

c. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, utilities; and

d. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design; and

e. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by Land Use Code (Section 20.20.520) and enhances the visual compatibility of the development with the surrounding neighborhood; and

f. At least one major circulation point is functionally connected to a public right-of-way; and

g. Open space within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and

h. The design is compatible with and responds to the existing, or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

i. That part of a Planned Unit Development in a Transition area meets the Transition Area requirements (Land Use Code Part 20.25B) or the criteria of Land Use Code Paragraph 20.25B.040.B; and

j. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department and Utilities guidelines for construction of streets; and

k. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

l. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

6. Preliminary Plat:

The Community Council may approve a preliminary plat if:

a. The preliminary plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare; for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and school grounds; and

b. The public use and interest is served by the platting of the subdivision; and

c. The preliminary plat appropriately considers the physical characteristics of the proposed subdivision site; and

d. The proposal complies with all applicable provisions of the Land Use Code (Title 20), the Utility Codes (Title 24), the City of Bellevue Development Standards and RCW 58.17; and

e. The proposal is in accord with the Comprehensive Plan (Title 21); and

f. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; and

g. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

7. Protected Area Development Exception

The Community Council may approve a Protected Area Development Exception if:

a. Limiting use of the property to those uses provided in LUC 20.25H.080.B is not reasonable given the physical characteristics of the property, its location and surrounding development potential; and

b. The Protected Area Exception is the minimum necessary to fulfill the purpose of Part 20.30P of the Land Use Code; and

c. The proposal results in no more than 10 percent of the site being disturbed by structure or other land alteration including but not limited to grading, utility installation, and landscaping; and

d. The proposal is compatible in design, scale and use with other development or potential development in the immediate vicinity of the subject property in the same zone and with similar site constraints; and

e. The proposal utilizes the maximum extent possible the best available construction, design and development techniques which result in the least impact on the protected area; and

f. The proposal incorporates the performance standards of LUC 20.25H.110 to the maximum extent possible; and

g. The proposal is consistent with the purpose and intent of the Land Use Code.

SECTION 9. ORDER OF BUSINESS

A. The order of business at all regular meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Flag Salute
4. Communications: Written and Oral
5. Reports of City Council, Boards and Commissions
6. Approval of Agenda
7. Department Reports
8. Public Hearings

9. Resolutions
10. Committee Reports
11. Unfinished Business
12. New Business
13. Continued Communications
14. Executive Session
15. Approval of Minutes
16. Adjournment

B. The order of business may be changed during the meeting by the Chair with consent of a majority of the members present.

SECTION 10. COMMITTEES

The Chair shall establish those Standing and Special Committees deemed necessary to the conduct of Council business.

SECTION 11. RULES OF ORDER

A. Robert's Rules of Order, Revised, shall govern the deliberations of the Council except as follows:

1. No member shall speak without the permission of the Chair.

2. No person who is not a member of the Council shall be allowed to address the Council while in session without the permission of the Chair.

3. Motions shall be reduced to writing when requested by either the Chair of the Council or any member. All resolutions shall be in writing.

4. Motions to reconsider must be by a member who voted with the majority. Such motions must be made at the same or next regular meeting of the Council. A motion to reconsider, having been put and lost, shall not be renewed.

5. Each member present shall vote on all questions put to the Council, except when a member disqualifies himself/herself for a personal conflict of interest or upon appearance of fairness grounds, or when for good cause shown, such abstention is agreed to by a majority of the member of the Council. Silence will be presumed as a vote with the majority. No member who has been disqualified may take part in the discussion of or vote on that matter.

6. The names of those members voting aye and those voting nay on any questions shall be recorded in the minutes. Unanimous votes shall be so designated.

7. All questions of order shall be decided by the Chair, subject to the right of appeal to the Council by any member.

8. The rules of order may be suspended temporarily by the majority vote of the members present.

9. The Chair of each committee, or a member acting for him/her, shall make a report to the Council when so requested by the Chair or any member.

10. It shall be the duty of the Chair of the Council meeting to:

a. Call the meeting to order.
b. Keep the meeting to its order of business.
c. State each motion and require a second to that motion before permitting discussion.
d. Handle discussion in an orderly manner; and
    1. Give every member who so wishes an opportunity to speak.
    2. Permit audience participation at the appropriate time.
    3. Keep all speakers to the rules and to the questions.
    4. Give pro and con speakers opportunity to speak.
e. Put motions to a vote and announce the outcome.
f. Suggest but not make motions for adjournment.
g. Appoint committees.

SECTION 12. RESOLUTIONS

A. Resolutions requiring action and other matters to be considered by the Council must be introduced and sponsored by a member, except that either the Chair or the City Attorney may present resolutions and other matters to the Council, and any member may assume sponsorship thereof by moving that such resolutions or other matters be adopted.

B. Any member may demand and have a full reading of a proposed resolution immediately before a vote is called for its final adoption. Otherwise, it shall not be necessary to read the resolution.

C. Resolutions to be presented to the Community Council by a member thereof shall be composed by the member sponsoring the resolution and submitted to the Clerk no later than three working days prior to the meeting at which it is to be considered.

SECTION 13. APPEAL OF COMMUNITY COUNCIL ACTION TO SUPERIOR COURT

A. Who May Appeal:

Any decision of the Community Council made under the authority of RCW 35/14/040 to approve or disapprove a decision of the City Council may be appealed by:

1. The applicant, or

2. Any person who participated in the public hearing by the Community Council on the matter.

B. Form of Appeal:

A person filing an appeal must make application to the Superior Court for a Writ of Certiorari, Writ of Prohibition, or Writ of Mandamus.

C. Time of Appeal:

A decision of the Community Council must be appealed to the Superior Court no more than twenty calendar days following the date of the Council decision on the application or is thereafter barred.

SECTION 14. SEVERABILITY

If any provision, section, or subsection of this resolution or its application to any person or circumstances is held invalid, the remainder of the provision, section or subsection of this resolution and its application to other persons or circumstances is not affected.

SECTION 15. AMENDMENT

This resolution may be altered or amended by an affirmative vote of four members. Proposed changes shall be submitted to the Council at least one regular meeting prior to final adoption.

Section 2. Resolution No. 416 is repealed

Section 3. This resolution shall take effect and be in force immediately after its passage and authentication.

This resolution was first introduced on the 4th day of January, 2000, and passed by an affirmative vote of 4 members of the East Bellevue Community Council this 1st day of February, 2000, and signed in authentication of its passage this 1st day of February, 2000.

(SEAL)

James E. Bell, Chair

Attest:

Michelle Murphy, Deputy City Clerk

Attachment C

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. _____

A RESOLUTION adopting updated rules of procedure for the Community Council and repealing Resolution 419.

WHEREAS, the Community Council desires to update its rules and procedures; now, therefore,

THE EAST BELLEVUE COMMUNITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Rules of Procedure for the East Bellevue Community Council are adopted as follows:

SECTION 1. MEETINGS

A. Regular Meetings:

1. ~~Section 1.~~Date and Time:

Comment [mb1]: Correction

The regular meeting of the East Bellevue Community Council will be held at 6:30 p.m. on the first Tuesday of each month. Whenever such Tuesday falls on either a legal holiday or the November General Election day, such meeting will be held at 6:30 p.m. on the following day, Wednesday.

2. Place:

Regular meetings will be held at the Lake Hills Clubhouse ~~Library, 15228~~ 15320 Lake Hills Boulevard, unless notice of a different location for the meeting is given as provided in Section 1.B.2.

Comment [mb2]: Correction

B. Special Meetings and Study Sessions:

1. How Called:

The Chair of the Council or, in his/her absence, the Vice Chair, may call either special meetings or study sessions as he/she deems necessary or when requested by a majority of all the member of the Council. In the absence of both the Chair and Vice Chair, the Alternate Vice Chair may call a special meeting as he/she deems

necessary or when requested by a majority of all the member of the Council.

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Written notice of the time, date, place and business to be transacted at either special meetings or study sessions shall be delivered personally or by mail to each councilmember, to each local newspaper or general circulation and to each local radio or television station which has on file with the Council a written request to be notified of such special meetings. Such notice shall be delivered at least twenty-four hours before the time of such meeting as specified in the notice.

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2. Persons speaking to the Council shall identify themselves for the record as to name, address, and organization, if appropriate.

3. If a time limit is deemed appropriate, the Deputy City Clerk shall be the timekeeper. Oral testimony shall not be taken on quasi-judicial matters outside of a public hearing except on matters of procedure; provided that comments in writing may be submitted to the Council on quasi-judicial matters prior to the public hearing. Such comments may be filed with the City Clerk's Office.

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Comment [mb3]: Clarity

SECTION 3. MEMBERSHIP

The Community Council shall consist of five members elected every four years to consecutively numbered positions at the continuation election pursuant to RCW 35.14.060 from qualified electors residing within the service area. Terms of office shall be as provided by state law. Vacancies shall be filled by appointment for the remainder of an unexpired term by a majority vote of the remaining members.

SECTION 4. QUORUM-VOTING

Three members of the Community Council shall constitute a quorum for transaction of business. Each action of the Council shall be by written resolution, or oral motion, approved by a vote of a majority of all the members of the Community Council. Three or more votes constitute a majority.

SECTION 5. OFFICERS

There shall be a Chair, Vice Chair and Alternate Vice Chair elected from the membership of the Community Council. The election shall take place each year at the February meeting of the Community Council, or as soon thereafter as an election may be held. A candidate must receive at least three votes to be elected. The term of the Chair, Vice Chair and Alternate Vice Chair shall commence on their election and shall terminate on the election of a Chair, Vice Chair and Alternate Vice Chair at the next annual election. The Officers may be reelected. The Chair shall preside. In his/her absence, the Vice Chair shall preside. They shall retain their right to vote on all actions. If neither the Chair nor Vice Chair is present at a meeting and a quorum is present, the Alternate Vice Chair shall then preside.

SECTION 6. NECESSARY EXPENSES

As prescribed by RCW 35.14.030, the necessary expenses of the community council shall be budgeted and paid by the city after being submitted by the Community Council.

The Community Council has deemed necessary expenses to include but not limited to the following:

1. Office;
2. Mileage relating to official council business;
3. Paid outside staff on critical issues, such as land use planning; traffic etc.;
4. Council retreats – opportunity to bring in recognized planning, GMA and other experts to advise on general matters;
5. Newsletter;
6. Attendance at planning seminars and conferences (tuition, travel etc.);
7. Legal fees;
8. Business cards;
9. Internet connections (with computer, dedicated phone line), email connection;
10. Planning periodicals and reports;
11. Filing cabinets and folders;
12. Association dues~~.~~; and
13. Councilmember Portraits.

Comment [mb4]: Correction

SECTION 7. CLERK

The Clerk shall be appointed by the Bellevue City Manager and shall prepare and maintain all records of Community Council business.

SECTION 8. PUBLIC NOTICE - HEARINGS - DECISION CRITERIA

A. Public Notice:

1. Notice of a public hearing before the Community Council on any matter over which it has approval/disapproval jurisdiction, including notice of any courtesy hearing, shall be given as follows:

   a. The applicable Department Director shall provide for notice of the public hearing to be published in a newspaper of general circulation in the city at least seven days prior to the date of the public hearing.

   b. If the proposal involves specific property, rather than an area-wide or zone-wide change, the Director shall mail notice to each owner of real property within 500 ~~200~~ feet of any boundary of the subject property, including the date of application, project description and location, and type of approval or permit application. ~~provided in the case of a hearing on a subdivision approval, the Director shall mail notice to each owner of real property within 300 feet of any boundary of the subject property.~~

Comment [mb5]: Consistency - LUC 20.35.320 for Process III.

c. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director, including a representative from each of the neighborhood groups, community clubs, and other citizens groups who have requested regular notice of land use actions.

d. Except for courtesy public hearings, the Director shall mail notice to each person who was a party of record concerning the matter before the Hearing Examiner and/or City Council. A party of record is a person who provided oral or written comment to the Hearing Examiner and/or City Council and provided a mailing address at which he or she can receive notice.

e. Notice of such public hearing shall also be sent in writing by the Clerk to those persons speaking at or signing in at previous Community Council courtesy public hearings, public hearings or other informational meetings on the matter under review.

f. As an alternative to mailing notice to each person, notice may be provided by electronic mail only, when requested by the recipient.

Comment [mb6]: Consistency

2. Notice of public hearings other than those governed by subsection 1. above shall be given by publishing notice in a newspaper of general circulation in the City, by posting in the places designated in Bellevue City Code 1.08.010 and by posting on or near the site under consideration, if there is such a site, at least seven days preceding the hearing.

B. Public Hearings:

1. The Community Council shall conduct a public hearing on any ordinance or resolution which is before it for approval or disapproval under RCW 35.14.040 unless, at a regular meeting prior to the meeting at which such public hearing would be held, the Community Council determines that a public hearing is not necessary. If it is determined that a public hearing is not necessary, a public meeting shall be held on such ordinance or resolution. No oral comment may be given by the parties or the public at such meeting; however, written comment may be submitted to the Community Council.

Comment [mb7]: For example a public hearing is not required for resolution adopting the rules of procedure.

2. For public hearings on the Comprehensive Plan, Land Use Code, and matters other than those listed below, the Chair may limit each speaker to a discretionary, but consistent, length of time. Speakers representing the official position of a recognized organization may be allotted a longer amount of time. ~~The Chair has the prerogative to limit public comment if it has gone beyond a reasonable length of time or is deemed not to be germane to the discussion at hand.~~

Comment [mb8]: There may be circumstances in which the Chair determines it is necessary to limit public comment – e.g. if there are a number of items on the agenda that need to be addressed. However, this last sentence is not necessary to provide the Chair authority to limit public comment. I recommend removing this sentence.

Comment [mb9]: Clarity

No limitation shall be applied to a public hearing on a rezone, conditional use, subdivision (plat), planned unit development, or protected area development exception.

Comment [mb10]: This is not a legal requirement, and was likely adopted by a previous community council. Please advise if you would like to revise. All matters before the community council could be treated the same with regard to public comment/testimony.

3. If a time limit is deemed appropriate, the Deputy City Clerk shall be the timekeeper. Oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure, provided comments in writing may be submitted to the Community Council on quasi-judicial matters prior to the public hearing. Such comments may be filed with the City Clerk's Office.

C. Decision Criteria:

In deciding whether to approve or disapprove an ordinance or resolution before it for consideration under the authority of RCW 35.14.040, the Community Council shall apply the decision criteria listed below:

1. Comprehensive Plan:
The Community Council may approve an amendment to the Comprehensive Plan if:

   a. There exists obvious technical error in the pertinent Comprehensive Plan provision; or

   b. The following criteria have been met:

      1) The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and

      2) The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and

      3) The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "Significantly Changed Conditions;" and

      4) If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and

5) The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

Comment [mb11]: Consistency - LUC 20.30I.150.

~~(1) The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies; and~~

~~(2) The amendment is not inconsistent with the General Elements of the Comprehensive Plan or other goals or policies of the City; and~~

~~(3) The amendment addresses changing circumstances or the needs of the City as a whole; and~~

~~(4) If applicable to an identifiable property, the amendment is compatible with adjacent land use and the surrounding development pattern; and~~

~~(5) The subject property is suitable for development in general conformance with the zoning standards under the potential zoning classifications; and~~

~~(6) The amendment merits approval because it will benefit the City as a whole, will not adversely affect community facilities, and bears a reasonable relationship to the public health, safety and welfare.~~

Comment [mb12]: Consistency

2. Land Use Code Amendment:

The Community Council may approve a proposal to amend the text of the Land Use Code if:

a. The amendment is ~~in accord~~ consistent with the Comprehensive Plan; and

b. The amendment enhances the public health, safety or welfare ~~The amendment bears a substantial relation to the public health, safety or welfare~~; and

c. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

Comment [mb13]: Consistency - LUC 20.30I.135.

3. Rezones:

The Community Council may approve an application for a rezone of property if:

a. The rezone is consistent with the Comprehensive Plan; and

b. The rezone bears a substantial relation to the public health, safety, or welfare; and

c. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed Land Use District classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and

d. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

e. The rezone has merit and value for the community as a whole;.

4. Conditional Use:

The Community Council may approve an application for a Conditional Use Permit if:

a. The conditional use is consistent with the Comprehensive Plan; and

b. The design is compatible with and responds to the existing, or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

c. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and

d. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

e. The conditional use complies with the applicable requirements of the Land Use Code.

5. Planned Unit Development:

The Community Council may approve a Preliminary Development Plan for a Planned Unit Development if:

a. The Planned Unit Development is consistent with the Comprehensive Plan.

b. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

1) Placement, type or reduced bulk of structures, or

2) Interconnected usable open space, or

3) Recreation facilities, or

4) Other public facilities, or

5) Conservation of natural features, or

6) Conservation of critical areas and critical area buffers beyond that required under Part 20.25H LUC, or

7) Aesthetic features and harmonious design, or

8) Energy-efficient site design or building features; ~~and~~ or

9) Use of low impact development techniques; and

c. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, utilities; and

d. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and

e. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by Land Use Code (Section 20.20.520) and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and

f. At least one major circulation point is functionally connected to a public right-of-way; and

g. Open space, where provided to meet the requirements of LUC 20.30D.160.A.1, within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and

h. The design is compatible with and responds to the existing, or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

i. That part of a Planned Unit Development in a Transition area meets the intent of the Transition Area requirements (Land Use Code Part 20.25B) although the specific dimensional requirements of Part 20.25B LUC may be modified through the Planned Unit Development process ~~or the criteria of Land Use Code Paragraph 20.25B.040.B~~; and

j. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department ~~and Utilities~~ guidelines for construction of streets; and

k. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

l. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

Comment [mb14]: Consistency - LUC 20.30D.120.

6. Preliminary Plat:

The Community Council may approve a preliminary plat if:

a. The preliminary plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare; for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and school grounds; and

b. The public use and interest is served by the platting of the subdivision; and

c. The preliminary plat appropriately considers the physical characteristics of the proposed subdivision site; and

d. The proposal complies with all applicable provisions of the Land Use Code (Title 20), the Utility Codes (Title 24), the City of Bellevue Development Standards and RCW 58.17; and

e. The proposal is in accord with the Comprehensive Plan (Title 21); and

f. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be considered together with an application for preliminary plat so long as the resulting lots may each be developed without individually requiring a variance; and

g. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

Comment [mb15]: Consistency - LUC 20.45A.130.

7. Protected Area Development Exception

The Community Council may approve a Protected Area Development Exception if:

a. Limiting use of the property to those uses provided in LUC 20.25H.080.B is not reasonable given the physical characteristics of the property, its location and surrounding development potential; and

b. The Protected Area Exception is the minimum necessary to fulfill the purpose of Part 20.30P of the Land Use Code; and

c. The proposal results in no more than 10 percent of the site being disturbed by structure or other land alteration including but not limited to grading, utility installation, and landscaping; and

d. The proposal is compatible in design, scale and use with other development or potential development in the immediate vicinity of the subject property in the same zone and with similar site constraints; and

e. The proposal utilizes the maximum extent possible the best available construction, design and development techniques which result in the least impact on the protected area; and

f. The proposal incorporates the performance standards of LUC 20.25H.110 to the maximum extent possible; and

g. The proposal is consistent with the purpose and intent of the Land Use Code.

SECTION 9. ORDER OF BUSINESS

A. The order of business at all regular meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Flag Salute
4. Communications: Written and Oral
5. Reports of City Council, Boards and Commissions
6. Approval of Agenda
7. Department Reports
8. Public Hearings
9. Resolutions
10. Committee Reports
11. Unfinished Business
12. New Business
13. Continued Communications
14. Executive Session
15. Approval of Minutes
16. Adjournment

B. The order of business may be changed during the meeting by the Chair with consent of a majority of the members present.

Comment [mb16]: This is consistent with Robert's Rules of Order.

SECTION 10. COMMITTEES

The Chair shall establish those Standing and Special Committees deemed necessary to the conduct of Council business.

SECTION 11. RULES OF ORDER

A. Robert's Rules of Order, Revised, shall govern the deliberations of the Council except as follows:

1. No member shall speak without the permission of the Chair.

2. No person who is not a member of the Council shall be allowed to address the Council while in session without the permission of the Chair.

3. Motions shall be reduced to writing when requested by either the Chair of the Council or any member. All resolutions shall be in writing.

4. Motions to reconsider must be by a member who voted with the majority. Such motions must be made at the same or next regular meeting of the Council. A motion to reconsider, having been put and lost, shall not be renewed.

5. Each member present shall vote on all questions put to the Council, except when a member disqualifies himself/herself for a personal conflict of interest or upon appearance of fairness grounds. ~~, or when for good cause shown, such abstention is agreed to by a majority of the member of the Council.~~ Such member shall disqualify himself or herself prior to any discussion of the matter. When disqualification of a member or members results or would result in the inability of the Council to act on a matter on which it is required by law to take action, any member who is absent or who is disqualified under the Appearance of Fairness doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate. Silence will be presumed as a vote with the majority. ~~No member who has been disqualified may take part in the discussion of or vote on that matter.~~

Comment [mb17]: Clarity

6. The names of those members voting aye and those voting nay on any questions shall be recorded in the minutes. Unanimous votes shall be so designated.

7. All questions of order shall be decided by the Chair, subject to the right of appeal to the Council by any member.

8. The rules of order may be suspended temporarily by the majority vote of the members present.

9. The Chair of each committee, or a member acting for him/her, shall make a report to the Council when so requested by the Chair or any member.

10. It shall be the duty of the Chair of the Council meeting to:

    a. Call the meeting to order.
    b. Keep the meeting to its order of business.
    c. State each motion and require a second to that motion before permitting discussion.
    d. Handle discussion in an orderly manner; and
        1. Give every member who so wishes an opportunity to speak.
        2. Permit audience participation at the appropriate time.

3. Keep all speakers to the rules and to the questions.
4. Give pro and con speakers opportunity to speak.

e. Put motions to a vote and announce the outcome.
f. Suggest but not make motions for adjournment.
g. Appoint committees.

SECTION 12. RESOLUTIONS

A. Resolutions requiring action and other matters to be considered by the Council must be introduced and sponsored by a member, except that either the Chair or the City Attorney may present resolutions and other matters to the Council, and any member may assume sponsorship thereof by moving that such resolutions or other matters be adopted.

B. Any member may demand and have a full reading of a proposed resolution immediately before a vote is called for its final adoption. Otherwise, it shall not be necessary to read the resolution.

C. Resolutions to be presented to the Community Council by a member thereof shall be composed by the member sponsoring the resolution and submitted to the Clerk no later than three working days prior to the meeting at which it is to be considered.

SECTION 13. TELEPHONIC PARTICIPATION

A. A member may participate telephonically in all or part of a Council meeting if:

1. Prior approval is given by the Chair for good cause, whose approval shall not be unreasonably withheld,
2. All persons participating in the meeting are able to hear each other at the same time, such as by the use of speaker phone,
3. The member participating telephonically shall have reviewed all of the applicable material and participated in the relevant portion of the Council meeting related to the topic to which the member is voting on, and
4. The Clerk is provided 14 days notice to ensure the necessary equipment is available or to find an alternate location for the Council meeting where such equipment is available.

Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately communicating with one another will negate any authorization previously given by the Chair.

Comment [mb18]: New

SECTION 134. APPEAL OF COMMUNITY COUNCIL ACTION TO SUPERIOR COURT

A. Who May Appeal:

Any decision of the Community Council made under the authority of RCW 35/14/040 to approve or disapprove a decision of the City Council may be appealed by:

1. The applicant, or

2. Any person who participated in the public hearing by the Community Council on the matter.

B. Form and Time of Appeal:

Comment [mb19]: Consistency - LUC 20.35.365 and LUC 30.35.440.

1. Process III Decisions. The decision of the Community Council may be appealed to Superior Court as provided for in state law under the Land Use Petition Act, Chapter 36.70C RCW.

2. Process IV Decisions. The action of the Community Council on a Process IV proposal may be appealed by (1) filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290 (the petition must be filed within the 60-day time period set forth in RCW 36.70A.290(2)), and/or (2) makeing application to the Superior Court for a Writ of Certiorari, Writ of Prohibition, or Writ of Mandamus.

~~C. Time of Appeal:~~

~~A decision of the Community Council must be appealed to the Superior Court no more than twenty calendar days following the date of the Council decision on the application or is thereafter barred.~~

SECTION 145. SEVERABILITY

If any provision, section, or subsection of this resolution or its application to any person or circumstances is held invalid, the remainder of the provision, section or subsection of this resolution and its application to other persons or circumstances is not affected.

SECTION 156. AMENDMENT

This resolution may be altered or amended by an affirmative vote of four members. Proposed changes shall be submitted to the Council at least one regular meeting prior to final adoption.

Section 2. Resolution No. 416 is repealed

Section 3. This resolution shall take effect and be in force immediately after its passage and authentication.

Passed by the Community Council this _____ day of _____ _____, 2011, and signed in authentication of its passage this _____ day of _____ _____, 2011.

(SEAL)

_____
Steven Kasner, Chair

Attest:

_____
Michelle Murphy, Deputy City Clerk

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. _____

A RESOLUTION adopting updated rules of procedure for the Community Council and repealing Resolution 419.

WHEREAS, the Community Council desires to update its rules and procedures; now, therefore,

THE EAST BELLEVUE COMMUNITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Rules of Procedure for the East Bellevue Community Council are adopted as follows:

SECTION 1. MEETINGS

A. Regular Meetings:

1. Date and Time:

The regular meeting of the East Bellevue Community Council will be held at 6:30 p.m. on the first Tuesday of each month. Whenever such Tuesday falls on either a legal holiday or the November General Election day, such meeting will be held at 6:30 p.m. on the following day, Wednesday.

2. Place:

Regular meetings will be held at the Lake Hills Clubhouse, 15320 Lake Hills Boulevard, unless notice of a different location for the meeting is given as provided in Section 1.B.2.

B. Special Meetings and Study Sessions:

1. How Called:

The Chair of the Council or, in his/her absence, the Vice Chair, may call either special meetings or study sessions as he/she deems necessary or when requested by a majority of all the member of the Council. In the absence of both the Chair and Vice Chair, the Alternate Vice Chair may call a special meeting as he/she deems necessary or when requested by a majority of all the member of the Council.

2. Notice:

Written notice of the time, date, place and business to be transacted at either special meetings or study sessions shall be delivered personally or by mail to each councilmember, to each local newspaper or general circulation and to each local radio or television station which has on file with the Council a written request to be notified of such special meetings. Such notice shall be delivered at least twenty-four hours before the time of such meeting as specified in the notice.

C. Record:

A record shall be made of all proceedings at regular and special meetings. A Deputy to the City Clerk of the City of Bellevue appointed to act as the Clerk of the Community Council shall prepare minutes, reporting all pertinent information, business discussed, motions, decisions made, actions and votes taken.

D. Oral Communications:

1. The Council will receive pubic input at Item No. 3, of its agenda, "Communications: Written and Oral" and Item No. 12, "Continued Communications". Based upon a review of the agenda and the number of speakers in the audience, the Chair may limit each speaker to a discretionary, but consistent, length of time. Speakers representing the official position of a recognized organization may be allotted a longer amount of time. The Chair has the prerogative to limit public comment if it has gone beyond a reasonable length of time or is deemed not to be germane to the discussion at hand.

2. Persons speaking to the Council shall identify themselves for the record as to name, address, and organization, if appropriate.

3. If a time limit is deemed appropriate, the Deputy City Clerk shall be the timekeeper. Oral testimony shall not be taken on quasi-judicial matters outside of a public hearing except on matters of procedure; provided that comments in writing may be submitted to the Council on quasi-judicial matters prior to the public hearing. Such comments may be filed with the City Clerk's Office.

SECTION 2. AGENDA

The Clerk shall prepare a written agenda for each meeting. The agenda shall be distributed to all members of the Community Council at least forty-eight hours

prior to the meeting. The Agenda shall also be provided to any person requesting a copy, to the City Council, City Manager and any interested department head.

Any person desiring that a matter be placed on the agenda must submit a written request to the Clerk no later than 12:00 o'clock noon, seven calendar days prior to the meeting. The Chair of the Council will determine which matters will be placed on the agenda.

SECTION 3. MEMBERSHIP

The Community Council shall consist of five members elected every four years to consecutively numbered positions at the continuation election pursuant to RCW 35.14.060 from qualified electors residing within the service area. Terms of office shall be as provided by state law. Vacancies shall be filled by appointment for the remainder of an unexpired term by a majority vote of the remaining members.

SECTION 4. QUORUM-VOTING

Three members of the Community Council shall constitute a quorum for transaction of business. Each action of the Council shall be by written resolution, or oral motion, approved by a vote of a majority of all the members of the Community Council. Three or more votes constitute a majority.

SECTION 5. OFFICERS

There shall be a Chair, Vice Chair and Alternate Vice Chair elected from the membership of the Community Council. The election shall take place each year at the February meeting of the Community Council, or as soon thereafter as an election may be held. A candidate must receive at least three votes to be elected. The term of the Chair, Vice Chair and Alternate Vice Chair shall commence on their election and shall terminate on the election of a Chair, Vice Chair and Alternate Vice Chair at the next annual election. The Officers may be reelected. The Chair shall preside. In his/her absence, the Vice Chair shall preside. They shall retain their right to vote on all actions. If neither the Chair nor Vice Chair is present at a meeting and a quorum is present, the Alternate Vice Chair shall then preside.

SECTION 6. NECESSARY EXPENSES

As prescribed by RCW 35.14.030, the necessary expenses of the community council shall be budgeted and paid by the city after being submitted by the Community Council. The Community Council has deemed necessary expenses to include but not limited to the following:

A. Office;
B. Mileage relating to official council business;

C. Paid outside staff on critical issues, such as land use planning; traffic etc.;
D. Council retreats – opportunity to bring in recognized planning, GMA and other experts to advise on general matters;
E. Newsletter;
F. Attendance at planning seminars and conferences (tuition, travel etc.);
G. Legal fees;
H. Business cards;
I. Internet connections (with computer, dedicated phone line), email connection;
J. Planning periodicals and reports;
K. Filing cabinets and folders;
L. Association dues; and
M. Councilmember Portraits.

SECTION 7. CLERK

The Clerk shall be appointed by the Bellevue City Manager and shall prepare and maintain all records of Community Council business.

SECTION 8. PUBLIC NOTICE - HEARINGS - DECISION CRITERIA

A. Public Notice:

1. Notice of a public hearing before the Community Council on any matter over which it has approval/disapproval jurisdiction, including notice of any courtesy hearing, shall be given as follows:

a. The applicable Department Director shall provide for notice of the public hearing to be published in a newspaper of general circulation in the city at least seven days prior to the date of the public hearing.

b. If the proposal involves specific property, rather than an area-wide or zone-wide change, the Director shall mail notice to each owner of real property within 500 feet of any boundary of the subject property, including the date of application, project description and location, and type of approval or permit application.

c. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director, including a representative from each of the neighborhood groups, community clubs, and other citizens groups who have requested regular notice of land use actions.

d. Except for courtesy public hearings, the Director shall mail notice to each person who was a party of record concerning the matter before the Hearing Examiner and/or City Council. A party of record

is a person who provided oral or written comment to the Hearing Examiner and/or City Council and provided a mailing address at which he or she can receive notice.

e. Notice of such public hearing shall also be sent in writing by the Clerk to those persons speaking at or signing in at previous Community Council courtesy public hearings, public hearings or other informational meetings on the matter under review.

f. As an alternative to mailing notice to each person, notice may be provided by electronic mail only, when requested by the recipient.

2. Notice of public hearings other than those governed by subsection 1. above shall be given by publishing notice in a newspaper of general circulation in the City, by posting in the places designated in Bellevue City Code 1.08.010 and by posting on or near the site under consideration, if there is such a site, at least seven days preceding the hearing.

B. Public Hearings:

1. The Community Council shall conduct a public hearing on any ordinance or resolution which is before it for approval or disapproval under RCW 35.14.040 unless, at a regular meeting prior to the meeting at which such public hearing would be held, the Community Council determines that a public hearing is not necessary. If it is determined that a public hearing is not necessary, a public meeting shall be held on such ordinance or resolution. No oral comment may be given by the parties or the public at such meeting; however, written comment may be submitted to the Community Council.

2. For public hearings on the Comprehensive Plan, Land Use Code, and matters other than those listed below, the Chair may limit each speaker to a discretionary, but consistent, length of time. Speakers representing the official position of a recognized organization may be allotted a longer amount of time.

No limitation shall be applied to a public hearing on a rezone, conditional use, subdivision (plat), planned unit development, or protected area development exception.

3. If a time limit is deemed appropriate, the Deputy City Clerk shall be the timekeeper. Oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure, provided comments in writing may be submitted to the Community Council on quasi-judicial matters prior to the public hearing. Such comments may be filed with the City Clerk's Office.

C. Decision Criteria:

In deciding whether to approve or disapprove an ordinance or resolution before it for consideration under the authority of RCW 35.14.040, the Community Council shall apply the decision criteria listed below:

1. Comprehensive Plan:
The Community Council may approve an amendment to the Comprehensive Plan if:

a. There exists obvious technical error in the pertinent Comprehensive Plan provision; or

b. The following criteria have been met:

1) The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and

2) The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and

3) The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "Significantly Changed Conditions;" and

4) If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and

5) The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

2. Land Use Code Amendment:

The Community Council may approve a proposal to amend the text of the Land Use Code if:

a. The amendment is consistent with the Comprehensive Plan; and

b. The amendment enhances the public health, safety or welfare; and

c. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

3. Rezones:

The Community Council may approve an application for a rezone of property if:

a. The rezone is consistent with the Comprehensive Plan; and

b. The rezone bears a substantial relation to the public health, safety, or welfare; and

c. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed Land Use District classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and

d. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

e. The rezone has merit and value for the community as a whole;.

4. Conditional Use:

The Community Council may approve an application for a Conditional Use Permit if:

a. The conditional use is consistent with the Comprehensive Plan; and

b. The design is compatible with and responds to the existing, or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

c. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and

d. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

e. The conditional use complies with the applicable requirements of the Land Use Code.

5. Planned Unit Development:

The Community Council may approve a Preliminary Development Plan for a Planned Unit Development if:

a. The Planned Unit Development is consistent with the Comprehensive Plan.

b. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

   1) Placement, type or reduced bulk of structures, or

   2) Interconnected usable open space, or

   3) Recreation facilities, or

   4) Other public facilities, or

   5) Conservation of natural features, or

   6) Conservation of critical areas and critical area buffers beyond that required under Part 20.25H LUC, or

   7) Aesthetic features and harmonious design, or

   8) Energy-efficient site design or building features; or

   9) Use of low impact development techniques; and

c. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, utilities; and

d. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and

e. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by Land Use Code (Section 20.20.520) and landscaping requirements applicable to

specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and

f. At least one major circulation point is functionally connected to a public right-of-way; and

g. Open space, where provided to meet the requirements of LUC 20.30D.160.A.1, within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and

h. The design is compatible with and responds to the existing, or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

i. That part of a Planned Unit Development in a Transition area meets the intent of the Transition Area requirements (Land Use Code Part 20.25B) although the specific dimensional requirements of Part 20.25B LUC may be modified through the Planned Unit Development process; and

j. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and

k. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

l. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

6. Preliminary Plat:

The Community Council may approve a preliminary plat if:

a. The preliminary plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare; for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and school grounds; and

b. The public use and interest is served by the platting of the subdivision; and

c. The preliminary plat appropriately considers the physical characteristics of the proposed subdivision site; and

d. The proposal complies with all applicable provisions of the Land Use Code (Title 20), the Utility Codes (Title 24), the City of Bellevue Development Standards and RCW 58.17; and

e. The proposal is in accord with the Comprehensive Plan (Title 21); and

f. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be considered together with an application for preliminary plat so long as the resulting lots may each be developed without individually requiring a variance; and

g. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

7. Protected Area Development Exception

The Community Council may approve a Protected Area Development Exception if:

a. Limiting use of the property to those uses provided in LUC 20.25H.080.B is not reasonable given the physical characteristics of the property, its location and surrounding development potential; and

b. The Protected Area Exception is the minimum necessary to fulfill the purpose of Part 20.30P of the Land Use Code; and

c. The proposal results in no more than 10 percent of the site being disturbed by structure or other land alteration including but not limited to grading, utility installation, and landscaping; and

d. The proposal is compatible in design, scale and use with other development or potential development in the immediate vicinity of the subject property in the same zone and with similar site constraints; and

e. The proposal utilizes the maximum extent possible the best available construction, design and development techniques which result in the least impact on the protected area; and

f. The proposal incorporates the performance standards of LUC 20.25H.110 to the maximum extent possible; and

g. The proposal is consistent with the purpose and intent of the Land Use Code.

SECTION 9. ORDER OF BUSINESS

A. The order of business at all regular meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Flag Salute
4. Communications: Written and Oral
5. Reports of City Council, Boards and Commissions
6. Approval of Agenda
7. Department Reports
8. Public Hearings
9. Resolutions
10. Committee Reports
11. Unfinished Business
12. New Business
13. Continued Communications
14. Executive Session
15. Approval of Minutes
16. Adjournment

B. The order of business may be changed during the meeting by the Chair with consent of a majority of the members present.

SECTION 10. COMMITTEES

The Chair shall establish those Standing and Special Committees deemed necessary to the conduct of Council business.

SECTION 11. RULES OF ORDER

A. Robert's Rules of Order, Revised, shall govern the deliberations of the Council except as follows:

1. No member shall speak without the permission of the Chair.

2. No person who is not a member of the Council shall be allowed to address the Council while in session without the permission of the Chair.

3. Motions shall be reduced to writing when requested by either the Chair of the Council or any member. All resolutions shall be in writing.

4. Motions to reconsider must be by a member who voted with the majority. Such motions must be made at the same or next regular meeting of the Council. A motion to reconsider, having been put and lost, shall not be renewed.

5. Each member present shall vote on all questions put to the Council, except when a member disqualifies himself/herself for a personal conflict of interest or upon appearance of fairness grounds. Such member shall disqualify himself or herself prior to any discussion of the matter. When disqualification of a member or members results or would result in the inability of the Council to act on a matter on which it is required by law to take action, any member who is absent or who is disqualified under the Appearance of Fairness doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate. Silence will be presumed as a vote with the majority.

6. The names of those members voting aye and those voting nay on any questions shall be recorded in the minutes. Unanimous votes shall be so designated.

7. All questions of order shall be decided by the Chair, subject to the right of appeal to the Council by any member.

8. The rules of order may be suspended temporarily by the majority vote of the members present.

9. The Chair of each committee, or a member acting for him/her, shall make a report to the Council when so requested by the Chair or any member.

10. It shall be the duty of the Chair of the Council meeting to:

    a. Call the meeting to order.
    b. Keep the meeting to its order of business.
    c. State each motion and require a second to that motion before permitting discussion.
    d. Handle discussion in an orderly manner; and
        1. Give every member who so wishes an opportunity to speak.
        2. Permit audience participation at the appropriate time.

3. Keep all speakers to the rules and to the questions.
4. Give pro and con speakers opportunity to speak.

e. Put motions to a vote and announce the outcome.
f. Suggest but not make motions for adjournment.
g. Appoint committees.

SECTION 12. RESOLUTIONS

A. Resolutions requiring action and other matters to be considered by the Council must be introduced and sponsored by a member, except that either the Chair or the City Attorney may present resolutions and other matters to the Council, and any member may assume sponsorship thereof by moving that such resolutions or other matters be adopted.

B. Any member may demand and have a full reading of a proposed resolution immediately before a vote is called for its final adoption. Otherwise, it shall not be necessary to read the resolution.

C. Resolutions to be presented to the Community Council by a member thereof shall be composed by the member sponsoring the resolution and submitted to the Clerk no later than three working days prior to the meeting at which it is to be considered.

SECTION 13. TELEPHONIC PARTICIPATION

A. A member may participate telephonically in all or part of a Council meeting if:

1. Prior approval is given by the Chair for good cause, whose approval shall not be unreasonably withheld,

2. All persons participating in the meeting are able to hear each other at the same time, such as by the use of speaker phone,

3. The member participating telephonically shall have reviewed all of the applicable material and participated in the relevant portion of the Council meeting related to the topic to which the member is voting on, and

4. The Clerk is provided 14 days notice to ensure the necessary equipment is available or to find an alternate location for the Council meeting where such equipment is available.

Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately communicating with one another will negate any authorization previously given by the Chair.

SECTION 14. APPEAL OF COMMUNITY COUNCIL ACTION TO SUPERIOR COURT

A. Who May Appeal:

Any decision of the Community Council made under the authority of RCW 35/14/040 to approve or disapprove a decision of the City Council may be appealed by:

1. The applicant, or

2. Any person who participated in the public hearing by the Community Council on the matter.

B. Form and Time of Appeal:

1. Process III Decisions. The decision of the Community Council may be appealed to Superior Court as provided for in state law under the Land Use Petition Act, Chapter 36.70C RCW.

2. Process IV Decisions. The action of the Community Council on a Process IV proposal may be appealed by (1) filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290 (the petition must be filed within the 60-day time period set forth in RCW 36.70A.290(2)), and/or (2) making application to the Superior Court for a Writ of Certiorari, Writ of Prohibition, or Writ of Mandamus.

SECTION 15. SEVERABILITY

If any provision, section, or subsection of this resolution or its application to any person or circumstances is held invalid, the remainder of the provision, section or subsection of this resolution and its application to other persons or circumstances is not affected.

SECTION 16. AMENDMENT

This resolution may be altered or amended by an affirmative vote of four members. Proposed changes shall be submitted to the Council at least one regular meeting prior to final adoption.

Section 2. Resolution No. 416 is repealed

Section 3. This resolution shall take effect and be in force immediately after its passage and authentication.

Passed by the Community Council this _____ day of _____ _____, 2011, and signed in authentication of its passage this _____ day of _____ _____, 2011.

(SEAL)

_____
Steven Kasner, Chair

Attest:

_____
Michelle Murphy, Deputy City Clerk