

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6102

AN ORDINANCE amending the Bellevue Land Use Code for consistency with the new Light Rail Overlay; amending Sections 20.10.440 (Transportation and Utilities Use Chart), 20.25A.020.D, 20.25D.080.D, 20.25H.055.B, 20.35.015, 20.35.020, 20.35.030.A, and 20.40.500; and establishing an effective date.

WHEREAS, the City Council has by separate Ordinance created a new Part 20.25M in the Bellevue Land Use Code providing for regulation of Regional Light Rail systems and facilities; and

WHEREAS, amendments to other sections of the Land Use Code are necessary to provide appropriate cross-referencing and avoid conflicts; WHEREAS, the City Council held public hearings on October 22, 2012 and February 11, 2013 after providing the legally required notice, with regard to the Land Use Code amendments proposed herein; and

WHEREAS, the City Council finds that necessity exists to allow amendment to the Land Use Code as provided in this Ordinance without prior review or recommendation from the Planning Commission in order to ensure consistency with Council objectives for regional light rail and to satisfy commitments included in the Memorandum of Understanding with the Central Puget Sound Regional Transit Authority; and

WHEREAS, the City Council finds that the proposed conformance and consistency amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report for the amendment dated February 11, 2013; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

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

Section 1. Section 20.10.440 – Transportation and Utilities Use Chart of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.10.440 Uses in land use districts

20.10.440 – Transportation and Utilities Use Chart

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
4	Transportation, Communications and Utilities											
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters											
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11
	Accessory Parking (6) (24)	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages (24)											
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios											
485	Solid Waste Disposal (19)											
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C

On-Site Hazardous Waste Treatment and Storage Facility (7)												
Off-Site Hazardous Waste Treatment and Storage Facility (8)												
Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C	C
Regional Light Rail Transit Systems and Facilities (25)	C/P											
Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21											
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16											
Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P	P
Electrical Utility Facility (22)	A/C 22											

Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Light Industry	General Commer- -cial	Neighbor hood Business	Commu nity Busines s	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
4	Transportation, Communications and Utilities										
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters				P	P		P	P		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)				P	C					

43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11	C 12	C 11	C 12									
	Accessory Parking (6)(24)	P	P	P	P	P	P	P	P	P	P	P	P	P
46	Auto Parking: Commercial Lots and Garages (24)		C	C	C	C	C		C	C	C	C	C	C
475	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C	C	C	C
	Radio and Television Broadcasting Studios	P	P	P	P	P	P		P	P	P	P	P	P
485	Solid Waste Disposal (19)													
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P		P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C		C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P		P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C		C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)													
			A	A	A	A	A		A	A	A	A	A	A

Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
4	Transportation, Communications and Utilities						
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)	S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A 11	A 11	A 12			A 11
	Accessory Parking (6) (24)	P 4	P 4	P 4	P 4	P 4	P 4
46	Auto Parking: Commercial Lots and Garages (24)	P 13	P 13	P 13	A	P 13	P 13
	Park and Ride (5) (24)			A			A
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal (19)						
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P

Regional Utility System	C	C	C	C	C	C
On-Site Hazardous Waste Treatment and Storage Facility (7)	A	A	A	A	A	A
Off-Site Hazardous Waste Treatment and Storage Facility (8)						
Essential Public Facility (20)	C	C	C	C	C	C
Regional Light Rail Transit Systems and Facilities (25)	C/P	C/P	C/P	C/P	C/P	C/P
Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
Satellite Dishes (18)	P	P	P	P	P	P
Electrical Utility Facility (22)	A/C 22					

Add Footnote (25) to "Essential Public Facility" land use classification

(25) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Section 2. Section 20.25A.020.D of the Bellevue Land Use Code is hereby amended as follows:

Section 20.25A.020

D. Floor Area Ratio Computation – Right-of-Way Designation.

1. General. Land which is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of a RLRT System without compensation to the owner in conformance with paragraph D.2 of this section is included in land area for the purpose of computing maximum FAR notwithstanding LUC 20.50.020, floor area ratio (FAR).

2. Special Dedications.
 - a. A property owner may make a special dedication by conveying land identified for right-of-way or linear alignment of a RLRT System acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.
 - b. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects.

3. Recording Requirements. The Director of the Development Services Department must record the amount (square footage) of floor area earned by area dedicated in conformance with paragraph D.2 of this section and the increase in maximum building height acquired in conformance with subsection B.4.c of this section with the King County Recorder's Office or its successor agency.

Section 3. Section 20.25D.070 – Transportation and Utilities Uses in Bel-Red Land Use Districts chart of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.25D.070

Transportation and Utilities Uses in Bel-Red Land Use Districts.¹

		Transportation and Utilities – Bel-Red Districts						
		Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
STD LAND USE CODE	LAND USE REF CLASSIFICATION	BR-MO/ MO-1	BR-OR/ OR-1 OR-2	BR-RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
4	Transportation, Communications and Utilities							

41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C/C	C/C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					C		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (15)	C/	C/			C		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					
	Accessory Parking (2,3,16)	P/P	P/P	P	P 4	P	P	P
46	Auto Parking Commercial Lots and Garages (5, 16)	/P	/P	P				
	Park and Ride (6, 16)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							

Highway and Street Right-of-Way (8, 16)	P	P/P	P	P	P	P	P
Utility Facility	C	C/C	C	C	C	C	C
Local Utility System	P	P/P	P	P	P	P	P
Regional Utility System	C	C/C	C	C	C	C	C
On- and Off-Site Hazardous Waste Treatment and Storage Facilities							
Essential Public Facility (9)	C	C/C	C	C	C	C	C
Regional Light Rail Transit Systems and Facilities (17)	C/P						
Wireless Communication Facility (WCF): (without WCF Support Structures)	10, 11, and 12						
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11
Satellite Dishes (13)	P	P/P	P	P	P	P	P
Electrical Utility Facility (14)	A C/A C	A C/A C	A C	A C	A C	A C	A C

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Add Footnote (17) to "Essential Public Facility" land use classification

(17) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Section 4. Section 20.25D.080.D of the Bellevue Land Use Code is hereby amended as follows:

D. Floor Area Ratio Earned from Special Dedications and Transfers.

1. General. Land that is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of a RLRT System, parks, or open space, without compensation to the owner, may be used for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio in LUC 20.50.020; provided, that the requirements of subsection D.2 or D.3 of this section are met. The Director shall calculate the amount of square footage earned for transfer. Any dedication for which a transfer is earned under this subsection D is not eligible to earn additional bonus under Chart 20.25D.090.C.2.
2. Right-of-Way and Linear Alignment of a RLRT System Special Dedications. The special dedication provisions of LUC 20.30V.170.B do not apply in the Bel-Red subarea.
 - a. Eligible Right-of-Way Identified in an Adopted Plan or Document. A property owner may make special dedication by conveying land identified for right-of-way or linear alignment of a RLRT System acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council, the Capital Investment Program Plan or the street development standards of LUC 20.25D.140 by an instrument approved by the City Attorney.
 - b. Eligible Right-of-Way Not Otherwise Identified. A property owner may make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects by an instrument approved by the City Attorney.
 - c. Floor Area Earned. The floor area available to transfer shall be equal to that permitted through the base and maximum FAR limits that apply to the square footage of the area to be dedicated in conformance with this subsection D.2 and shall be included in the project limit for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area and may include FAR earned through the amenity incentive system if permitted by the land use district.

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Section 5. Section 20.25H.055.B of the Bellevue Land Use Code is hereby amended as follows:

20.25H.055.B Uses and Development Allowed within Critical Areas

The following chart lists uses and development that may be allowed in a critical area, critical area buffer, or critical area structure setback. The sections noted in the chart for each use or activity and critical area refer to the applicable performance standards that must be met.

		Type of Critical Area				
		Streams	Wetlands	Shorelines	Geologic Hazard Areas ⁷	Areas of Special Flood Hazard
Allowed Use or Development	Repair and maintenance of parks and parks facilities, including trails ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.P	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C 20.25H.180.D.2
	Repair and maintenance of utility facilities, utility systems, stormwater facilities and essential public facilities ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.U	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
	Repair and maintenance of public rights-of-way, private roads, access easements, surface parking areas, and driveways ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C

	Repair and maintenance of bridges and culverts ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
	Construction staging ^{1,2,11}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
	Existing agricultural activities ²	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.080.A	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.100	20.25H.055.C.1 20.25H.055.C.3.a 20.25E.080.B 20.25E.080.C	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.125	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.180.C
	Emergency actions	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b
	New or expanded utility facilities, utility systems, stormwater facilities ²	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.U	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C
	New or expanded essential public facilities (12)	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.3
Allowed Use or Development	Public flood protection measures ⁴	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.c 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.180.C 20.25H.180.D.5
	Instream structures ⁵	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.d 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.d	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.180.C

New or expanded public rights-of-way, private roads, access easements and driveways	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.4
New or expanded bridges and culverts	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.e 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.180.C
New or expanded private nonmotorized trails	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.f 20.25E.080.B 20.25E.080.G	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.180.C
New or expanded City and public parks	20.25H.055.C.3.g 20.25H.080.A	20.25H.055.C.3.g 20.25H.100	20.25H.055.C.3.g 20.25E.080.B 20.25E.080.P	20.25H.055.C.3.g 20.25H.125	20.25H.055.C.3.g 20.25H.180.C 20.25H.180.D.2
Existing landscape maintenance ²	20.25H.055.C.3.h 20.25H.080.A	20.25H.055.C.3.h 20.25H.100	20.25H.055.C.3.h 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.h 20.25H.125	20.25H.055.C.3.h 20.25H.180.C
Vegetation management ⁶	20.25H.055.C.3.i 20.25H.080.A	20.25H.055.C.3.i 20.25H.100	20.25H.055.C.3.i 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.i 20.25H.125	20.25H.055.C.3.i 20.25H.180.C
Habitat improvement projects	20.25H.055.C.3.j 20.25H.080.A	20.25H.055.C.3.j 20.25H.100	20.25H.055.C.3.j 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.j 20.25H.125	20.25H.055.C.3.j 20.25H.180.C
Forest practices	20.25H.055.C.3.k 20.25H.080.A	20.25H.055.C.3.k 20.25H.100	20.25H.055.C.3.k 20.25E.080.B	20.25H.055.C.3.k 20.25H.125	20.25H.055.C.3.k 20.25H.180.C
Aquaculture	20.25H.055.C.3.l 20.25H.080.A	20.25H.055.C.3.l 20.25H.100	20.25H.055.C.3.l 20.25E.080.B 20.25E.080.D	20.25H.055.C.3.l	20.25H.055.C.3.l 20.25H.180.C
Stabilization measures	20.25H.055.C.3.m 20.25H.080.A	20.25H.055.C.3.m 20.25H.100	20.25E.080.B 20.25E.080.E	20.25H.055.C.3.m 20.25H.125	20.25H.055.C.3.m 20.25H.180.C

Expansion of existing single-family primary structures	20.25H.055.C.3.n 20.25H.080.A	20.25H.055.C.3.n 20.25H.100	20.25H.055.C.3.n 20.25E.080.B 20.25E.080.Q	20.25H.055.C.3.n 20.25H.125	20.25H.055.C.3.n 20.25H.180.C ⁹ 20.25H.180.D.1 20.25H.180.D.7
Reasonable use exception ⁹	20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C 20.25H.180.D.7
Recreational vehicle storage ¹⁰					20.25H.180.C 20.25H.180.D.6
Additional shoreline-specific uses or development			Part 20.25E		

Add Footnote (12) to “Essential Public Facility” land use classification

(12) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Section 6. Section 20.35.015 of the Bellevue Land Use Code is hereby amended as follows:

20.35.015 Framework for decisions.

- A. Land use decisions are classified into four processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.
- B. Process I decisions are quasi-judicial decisions made by the Hearing Examiner on project applications. The following types of applications require a Process I decision:
 - 1. Conditional Use Permits (CUPs) and Shoreline Conditional Use Permits;
 - 2. Preliminary Subdivision Approval (Plat); and
 - 3. Planned Unit Development (PUD) Approval; provided, that applications for CUPs, shoreline CUPs, preliminary plats, and PUDs, within the jurisdiction of a Community Council pursuant to RCW 35.14.040, shall require a Process III decision.

- C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign Code, BCC 22B.10.180.) The following types of applications require a Process II decision:
1. Administrative amendments;
 2. Administrative Conditional Use;
 3. Design Review;
 4. Home Occupation Permit;
 5. Interpretation of the Land Use Code;
 6. Preliminary Short Plat;
 7. Shoreline Substantial Development Permit;
 8. Variance and Shoreline Variance;
 9. Critical Area Land Use Permits;
 10. Master Development Plans;
 11. Design and Mitigation Permits required pursuant to the Light Rail Overlay Part 20.25M LUC; and
 12. Review under State Environment Policy Act (SEPA) when not consolidated with another permit.
- D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:
1. Site-specific or project-specific rezone;
 2. Conditional Use, Shoreline Conditional Use, Preliminary Plat, and Planned Unit Development projects subject to the jurisdiction of a Community Council pursuant to RCW 35.14.040; and
 3. A rezone of any property to the OLB-OS Land Use District designation.
- E. Process IV decisions are legislative nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The following are Process IV decisions:
1. Consideration of suggestions for amendments to the Comprehensive Plan;
 2. Amendments to the text of the Land Use Code or Comprehensive Plan;
 3. Amendments to the Comprehensive Plan Map;
 4. Amendments to the Zoning Map (rezones) on a Citywide or areawide basis.
- F. Process V decisions are administrative land use decisions made by the Director, for which no administrative appeal is available. The following are Process V decisions:
1. Temporary Encampment Permits.
- G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.

1. Boundary Line Adjustment;
2. Final Plat (also requires Hearing Examiner approval prior to recording);
3. Final Short Plat;
4. Land Use Exemption;
5. Temporary Use Permit;
6. Vendor Cart Permit;
7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.

Section 7. Section 20.35.020 of the Bellevue Land Use Code is hereby amended as follows:

20.35.020 – Pre-Application Conferences

A pre-application conference is required prior to submitting an application for Conditional Use or Shoreline Conditional Use Permits, preliminary subdivision approval, planned unit developments, Master Development Plans, Design and Mitigation Permits required pursuant to the Light Rail Overlay Part 20.25M LUC, and Design Review projects, unless waived by the Director.

Section 8. Section 20.35.030.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.030.A Who May Apply.

Applications for the various types of land use decisions may be made by the following parties:

1. The property owner, authorized agent of the owner, or regional transit authority authorized by 20.25M.010.C to apply for permits may apply for any type of Process I, Process II, or Process III land use decision.
2. A resident of the dwelling may apply for a Home Occupation Permit.
3. The City Council, the Director of the Development Services Department or the Planning Director may apply for a project-specific or site-specific rezone or for an areawide (Process IV) rezone.
4. The Planning Commission may propose site-specific and non-site-specific amendments to the Comprehensive Plan Map or to the text of the Comprehensive Plan for consideration pursuant to the procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.B.2.
5. City Council, the Planning Commission, or the Director with the concurrence of either body, may initiate an amendment to the text of the Land Use Code.
6. A property owner or authorized agent of a property owner may apply to propose a site-specific amendment to the Comprehensive Plan pursuant to the annual procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.A.
7. Any person may apply to propose a non-site-specific amendment to the Comprehensive Plan pursuant to the annual procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.A.

8. Any person may request an interpretation of the Land Use Code. In addition, the Director may issue interpretations of the Land Use Code as needed.

Section 9. Section 20.35.227 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.227 Public meetings.

The Director may require the applicant to participate in a public meeting to inform citizens about a proposal, provided that a public meeting shall be required for every Design and Mitigation permit submitted pursuant to Part 20.25M LUC. When required, public meetings shall be held as early in the review process as possible for Process II applications. For projects located within the boundaries of a Community Council, the public meeting may be held as part of that Community Council's regular meeting or otherwise coordinated with that Council's meeting schedule. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

Section 10. Section 20.40.500 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500 Vesting and expiration of vested status of land use permits and approvals.

A. Vesting for Permits and Approvals.

1. Permits and Approvals Other than Subdivisions and Short Subdivisions. Applications for all land use permits and approvals except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete Building Permit application, meeting the requirements of BCC 23.10.032, is filed. If a complete Building Permit application is not filed, the land use permit or approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.
2. Subdivisions and Short Subdivisions. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, shall be considered under the Land Use Code and other land use control ordinances in effect when a fully completed application is submitted for such approval which satisfies the submittal requirements of the Director specified pursuant to LUC 20.35.030.

B. Expiration of Vested Status of Land Use Permit or Approval.

1. The vested status of a land use permit or approval shall expire as provided in subsection B.2 of this section; provided, that:
 - a. Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action; and

- b. Critical Areas Land Use Permits shall expire as set forth in LUC 20.30P.150; and
 - c. Lots in a subdivision or short subdivision shall be vested against changes in the Land Use Code, except for changes that address a serious threat to the public health or safety as found by the City Council when such change is adopted, for a period of five years following the date of recording of the final plat or final short plat; and
 - d. The time period established pursuant to subsection B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the applicant for the permit or approval related to that permit or approval.
2. The vested status of a land use permit or approval shall expire two years from the date of the City's final decision, unless:
- a. A complete Building Permit application is filed before the end of the two-year term. In such cases, the vested status of the land use permit or approval shall be automatically extended for the time period during which the Building Permit application is pending prior to issuance; provided, that if the Building Permit application expires or is canceled pursuant to BCC 23.05.160, the vested status of a land use permit or approval shall also expire or be canceled. If a Building Permit is issued and subsequently renewed, the vested status of the land use permit or approval shall be automatically extended for the period of the renewal;
 - b. For projects which do not require a Building Permit, the use allowed by the permit or approval has been established prior to the expiration of the vested status of the land use permit or approval and is not terminated by abandonment or otherwise;
 - c. The vested status of a land use permit or approval is extended pursuant to subsection B.3 of this section; or
 - d. The vested status of a land use permit or approval is extended pursuant to:
 - i. LUC 20.25A.125 (Vesting and expiration of vested status of land use permits and approvals - Downtown projects);
 - ii. LUC 20.30V.190 (Extended vesting period for Master Development Plans and associated Design Review approval); or
 - iii. A development agreement authorized by the terms of this Land Use Code to extend vested status.
3. When a Building Permit is issued, the vested status of a land use permit or approval shall be automatically extended for the life of the Building Permit. If the Building Permit expires, or is revoked or canceled pursuant to BCC 23.05.160 or otherwise, then the vested status of a land use permit or approval shall also expire, or be revoked or canceled.

Section 11. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the

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ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 12. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

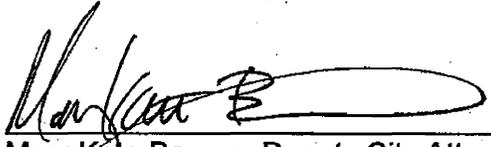
Passed by the City Council this 25th day of February, 2013
and signed in authentication of its passage this 27th day of February,
2013.

(SEAL)

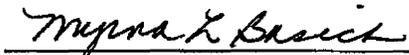

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Mary Kate Berens, Deputy City Attorney

Attest:


Myrna L. Basich, City Clerk

Published February 28, 2013,

Excerpt From:

East Bellevue Community Council
Summary Minutes – October 2, 2012

5. **COURTESY PUBLIC HEARING**

- (a) Land Use Code Amendments to establish a consolidated land use permitting process for Regional Light Rail Transit Projects

Ms. Catherine Drews, Development Services Department, explained the concept of a Light Rail Overlay District and the two paths for permitting, either through a development agreement or a conditional use process. She provided background for the proposed code amendment. The purpose of the amendment is to provide certainty and predictability for the City, Sound Transit and the public with respect to land use code requirements and processes; allow the City Council, through a development agreement, to establish a comprehensive and consolidated permit process for the Project; add provisions in the Land Use Code to accommodate Light Rail Transit Facilities and Systems as a permitted use under the consolidated permit process; allow for extended vesting or duration of land use approvals for the Project; provide a mechanism for addressing any Land Use Code requirements that are impractical or infeasible for the Project; and, resolve identified technical code conflicts.

Ms. Drews reviewed next steps, explaining the draft code amendments are not complete but will be available October 8th.

Mr. Kasner questioned the designation of 'essential public facility' and how it differs from a private applicant applying for a conditional use permit.

Ms. Drews responded that an 'essential public facility' is defined in the State's Revised Code of Washington and addressed in the City's Land Use Code. In response to Chair Kasner, she stated she would provide the statute to the Community Council.

Councilmember Seal questioned how the Planning Commission would be involved, stating he did not view Light Rail as an 'essential service'.

Chair Kasner continued Mr. Seal's line of questions, asking if the designation is open to discussion. In response to Mr. Kasner, Ms. Drews confirmed that a development agreement would not come before the Community Council.

Ms. Drews offered to return to the Community Council at a future date to review the Community Council's role related to the siting of 'essential public facilities'. Chair Kasner explained the need for the Community Council to understand the underlying framework.

Ms. Betsy Blackstock provided her interpretation of the definition for an 'essential public facility' found in State code.

Chair Kasner questioned the timing of this courtesy hearing in light of the lack of draft legislation available for review. He stated the presentation feels too early in the process.

Ms. Drews replied that it is early in the process, but that staff always comes before this body before there is a public hearing. If this process had followed a typical path through the Planning

Commission, a preliminary draft would have been available. But, in this instance, due to the importance and potential impact of this project, City Council has directed the entire process remain before them. She reiterated that the draft language would be forwarded to the Community Council next week.

Chair Kasner noted the practice of the Houghton Community Council to hold joint meetings with the Kirkland Planning Commission when projects under review fell within their area. Mr. Kasner stated he is glad for the process, just that it feels too early to comment on language the Community Council has not seen.

Councilmember Hughes questioned if the proposed overlay put in place a set of rules and procedures for Light Rail that could potentially include the Community Council area. Ms. Drews explained the reason for the proposed overlay is to eliminate the need to amend each individual overlay district light rail crosses and any unintended consequences that might occur. This approach is written specifically to address language in the Memorandum of Understanding currently in force between the City of Bellevue and Sound Transit.

In response to Councilmember Seal, Ms. Drews stated there is a specific provision under the Growth Management Act that allows for development agreements and the potential to negotiate extended vesting.

Ms. Blackstock stated the existence of 'off ramps' built into the MOU that allow either party to drop out if agreement is not reached on any one of the elements in the developer agreement.

In response to Chair Kasner, Ms. Drews stated this first round of code amendments is called out in the MOU to be accomplished by year's end.

Ms. Blackstock commented on the historic use of the Planning Commission in draft legislative review.

In response to Chair Kasner, Ms. Drew stated City Council will hold a public hearing on the Light Rail Transit Overlay on October 22nd.

Chair Kasner opened the courtesy hearing.

Ms. Blackstock stated the residents of Surrey Downs support the Overlay District approach. She noted the loss of 49 homes in the wake of Sound Transit East Link. She stated 300 homes in Surrey Downs stand to have restricted ingress/egress with the closing of NE 4th resulting in a negative monetary impact on property values.

Chair Kasner thanked Ms. Blackstock for her input.

In response to Mr. Kasner, Ms. Drews stated the draft legislative language is due to be released on October 8th.

Chair Kasner questioned the process and Sound Transit's burden of proof obligation to meet Bellevue's Land Use Codes. Ms. Drews responded that the process is the same as any other Conditional Use Permit applications brought forward in the past. She next explained the Overlay process which will address which design standards apply.

Councilmember Hughes reported on the concerns he has heard from constituents. He noted that light rail will happen; the only question is what it will look like.

In response to Mr. Hughes, Ms. Blackstock stated the East Link project is scheduled to start construction in 2015. She noted Sound Transit's technical problem of crossing the bridge.

Mr. Scott questioned the overlay process. Responding, Ms. Drews stated that this is a long, linear system with the bulk of it built in the rights-of-way. She stated some condemnations of private property will be required. She also noted that the system includes knockouts at various locations for stations and construction staging.

Seeing no one further wishing to speak, Chair Kasner closed the public hearing.

6. **RESOLUTIONS:** - None.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS:**

Councilmember Seal reported on his trip to Olympia to attend the Joint Select Committee on Junior Taxing Districts, Municipal Corporations, and Local Government Finance meeting. He also reported on his attendance at the Eastside Transportation Association meeting.

Councilmember Capron reported on progress at the Kelsey Creek Center and new businesses preparing for openings. He stated there does not appear to be any parking issues. He next reported his disappointment at the misconduct of three Bellevue Police Officers at a recent Seahawks game.

Chair Kasner noted that Chief Pillo made a statement at a recent City Council meeting, stating they are conducting an internal investigation into the incident.

Councilmember Gooding reported on a police response incident in his neighborhood. He also noted the potential addition of a new elementary school in the downtown area.

Councilmember Hughes reported attendance at the Newport High School football games. He accompanied Mr. Seal and Mr. Kasner to Olympia to attend the meeting of the Joint Select Committee on Junior Taxing Districts, Municipal Corporations, and Local Government Finance. He next reported that an abandoned house in his neighborhood is being demolished, making way for new construction. He reported that Mr. Kasner and he took a tour of 164th Avenue to view overhead lines in contrast with 148th Avenue.

Councilmember Kasner reported on his activities this past month. He went to Olympia along with Mr. Seal and Mr. Hughes; met with City Councilmember Stokes; participated on the