CITY OF BELLEVUE

EAST BELLEVUE COMMUNITY COUNCIL

FINAL PUBLIC HEARING NOTICE

Rules of Procedure are available at the City Clerk's Office

The East Bellevue Community Council will hold a final public hearing during its Regular Meeting on **Tuesday, September 6, 2011, at 6:30 p.m.**, in the Lake Hills Clubhouse, 15230 Lake Hills Boulevard, to consider a
Land Use Code Amendment to prohibit all but emergency helicopter landing facilities city-wide.

File No. 11-115160-AD
Project Name/Address: Helicopter Landing Facilities
City-wide

Written comments may be addressed to the East Bellevue Community Council in care of Michelle Murphy, Deputy City Clerk, P.O. Box 90012, Bellevue, WA 98009.

Posting/Publication Date: August 29, 2011

City of Bellevue

MEMORANDUM

DATE: August 24, 2011

TO: Chair Kasner and Members of the East Bellevue Community Council

FROM: Catherine A. Drews, Legal Planner, 425-452-6134

SUBJECT: Helicopter Landing Facilities—Land Use Code Amendment to the Land Use Code (Bellevue File No. 11-115160-AD)

INTRODUCTION

On September 6, the East Bellevue Community Council (EBCC) will be holding a final public hearing on the Helicopter Landing Facilities amendment to the Land Use Code (LUC). The Bellevue City Council adopted Ordinance No. 6016 on August 1, 2011, a copy of which is attached to this memorandum. The ordinance is not effective within the EBCC area until the EBCC votes to approve the ordinance or the EBCC fails to disapprove the ordinance within 60 days following its enactment by the City Council. LUC 20.35.450.A.

A courtesy hearing was previously held before the EBCC on July 5, 2011. The Planning Commission recommended the Helicopter Landing Facilities LUCA to the Council in substantially the same form that was previously reviewed by the EBCC and raised concerns about the ordinance related to fairness and lack of a sunset clause. The Planning Commission requested the City Council add review of the helicopter regulations to the code amendment work program, which the Council did. The City Council subsequently approved the ordinance in the form recommended by the Planning Commission.

DISCUSSION

Heliports and helistops are regulated pursuant to Land Use Code (LUC) general development requirements, and the charts governing transportation and utilities uses. In residential, professional office, and neighborhood business land use districts (R-1 – R-30, PO and NB), helicopter landing facilities are restricted to government heliports used only for emergency purposes. Helicopter landing facilities are prohibited outright in the Residential and Old Bellevue districts of Downtown, and are prohibited outright in all but the Medical Office and Office Residential districts of Bel-Red. Where not otherwise prohibited, heliports may be approved through the conditional use permit process if performance criteria are met and impacts are adequately addressed.

Performance criteria applicable to helicopter landing facilities are contained in LUC 20.20.450. These criteria speak to noise mitigation, use of optimal aircraft technology, adverse impacts associated with helicopter approach and departure paths, safe

clearance distances, and signage. The Federal Aviation Administration (FAA) also has a review responsibility that is described in the code.

The recommended LUC amendment responds to City Council direction to process a targeted LUC amendment to prohibit permanent helicopter landing facilities citywide when not used for emergency purposes. The ordinance amends three sections of the code – the general land use charts for transportation and utilities uses (LUC 20.10.440), the helicopter performance standards (LUC 20.20.450), and the Bel-Red land use charges for transportation and utilities uses (LUC 20.25D..070).

Where government facilities are the only use in a specific land use district allowed to provide emergency services, the ordinance allows helicopter landing facilities for any emergency-related service (government or hospital). In addition to the use chart limitations, the ordinance clarifies that the requirements apply irrespective of whether the application is required to be processed as an administrative conditional use or a full conditional use.

ACTION REQUESTED OF THE EAST BELLEVUE COMMUNITY COUNCIL

Following review of Ordinance No. 6016, vote to approve the ordinance so it will become effective within the jurisdiction of the EBCC. Staff will be present at the September 6, 2011 hearing to answer any questions you may have.

Please contact me if you have any questions before the September 6, 2011 meeting.

Attachment: Ordinance No. 6016.

ORIGINAL

1235-ORD
07/28/11

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6016

AN ORDINANCE amending the Bellevue Land Use Code relating to the prohibition of helicopter landing facilities city-wide except for emergency purposes; specifically amending Land Use Code Sections 20.10.440 (Transportation and Utilities use chart and notes), 20.20.450 and 20.25D.070 (Bel-Red Transportation and Utilities use chart and notes) of the Bellevue Land Use Code; providing for severability and establishing an effective date.

WHEREAS, the Bellevue City Council adopted Land Use Code regulations governing the development of heliport and helistop facilities in 1989; and

WHEREAS, since that time, land uses patterns in and around downtown Bellevue and other commercial areas of the city have changed to include greater density in a variety of residential uses; and

WHEREAS, the City Council finds that the potential environmental impacts associated with multiple heliport or helistop locations could compromise the health, safety and quality of life for residents of Bellevue; and

WHEREAS, the applicable provisions of the Comprehensive Plan, Bellevue Land Use Code, other City Codes and existing infrastructure do not adequately address the need for and form of standards for addressing the possibility of multiple private non-emergency helistop and heliport locations; and

WHEREAS, the development and activation of private non-emergency heliport or helistop facilities should not be permitted; and

WHEREAS, a Citywide prohibition on all non-emergency heliport or helistop facilities will allow the City within a reasonable time to review and if necessary draft Comprehensive Plan and Bellevue Land Use Code and other City Code amendments that provide a balance between mobility and public health, safety and quality of life for residents; and

WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this proposal will not result in any probable, significant, adverse impacts and as such a final threshold determination of non-significance (DNS) was issued on July 7, 2011; and

WHEREAS, the Planning Commission held a public hearing on July 13, 2011 for the proposed Land Use Code Amendment (LUCA) contained herein; and

WHEREAS, the Planning Commission recommends APPROVAL of the Prohibition on Nonemergency Helicopter Landing Facilities LUCA, 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 and notes) of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.10.440
Uses in land use districts

STD LAND USE CODE REF		Transportation and Utilities – Residential Districts										
	LAND USE CLASSIFICATION	**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											
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)	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											
	Park and Ride (5)	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	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
	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	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	14, 16	14, 16	14, 16	14, 16	14, 16
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.
Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.
Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.
Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.
* Not effective within the jurisdiction of the East Bellevue Community Council.

Chart 20.10.440
Uses in land use districts

		Transportation and Utilities – Nonresidential Districts									
STD LAND USE CODE REF		Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
	LAND USE CLASSIFICATION	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				P	C					
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11	C 12	C12	C 12	C 12	C 11	C 12	C 12	C 12	C 12
	Accessory Parking (6)	P	P	P	P	P	P	P	P	P	P
46	Auto Parking: Commercial Lots and Garages			C	C	C		C	C	C	C
	Park and Ride (5)	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios	P	P	P	P 10	P 10		P	P	P	P
485	Solid Waste Disposal (19)				C						
	Highway and Street Right-of-Way	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	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
	Off-Site Hazardous Waste Treatment and Storage Facility (8)				C						

	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C
	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	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	14, 16	14, 16	14, 16	14, 16
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.
Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.
Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.
Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.
* Not effective within the jurisdiction of the East Bellevue Community Council.

Chart 20.10.440
Uses in land use districts

		Transportation and Utilities – Downtown Districts					
STD LAND USE CODE REF		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
	LAND USE CLASSIFICATION	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	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)	P 4	P 4	P 4	P 4	P 4	P 4
46	Auto Parking: Commercial Lots and Garages	P 13	P 13	P 13	A	P 13	P 13
	Park and Ride (5)			A			A
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal (19)						
	Highway and Street Right-of-Way	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
	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	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.
Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.
Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.
Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.
* Not effective within the jurisdiction of the East Bellevue Community Council.

Notes: Uses in land use districts – Transportation and Utilities
(1) (Deleted by Ord. 5086).
(2) Intentionally deleted.

(3) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.
(4) The location of an off-site parking facility must be approved by the Director of Planning and Community Development. See LUC 20.25A.050H.
(5) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
(6) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440.
(7) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
(8) Off-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
(9) (Deleted by Ord. 5086).
(10) These uses are permitted only if located in a multiple function building or complex.
(11) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
(12) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
(13) Design Review approval, Part 20.30F LUC, or a Change of Use Permit is required to establish a commercial parking facility. Refer to LUC 20.25A.050E for additional development requirements.
(14) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. This note does not prohibit locating WCF: a) on any residential structure or undeveloped site in R-20 or R-30 Land Use Districts; or b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.
(15) Intentionally deleted.
(16) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
(17) Intentionally deleted.
(18) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
(19) Refer to LUC 20.20.820 for general requirements applicable to solid waste disposal facilities.
(20) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
(21) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use

districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
(22) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

Section 2. Section 20.20.450 of the Bellevue Land Use Code is hereby amended as follows:

20.20.450 Helicopters.

A. Heliports – General Requirements.
   1. In addition to the applicable decision criteria in LUC 20.30B.140 or 20.30E.140, the City shall consider, but not be limited to, the following criteria, in deciding whether to approve or approve with modifications an application for a heliport Conditional Use or Administrative Conditional Use Permit:
      a. In consideration of identified noise impacts, the City may impose conditions restricting the type of aircraft permitted to land at an approved heliport, and conditions which limit the number of daily takeoffs and landings and hours of operation.
      b. The City may impose a periodic review requirement on heliport approvals in order to consider imposing additional conditions to mitigate adverse impacts from new aircraft technology.
      c. The City may consider whether approach and departure paths are obstruction-free and whether residential or critical areas would be adversely affected. The City may also consider whether approach and departure paths abut freeway corridors or waterways.
      d. The City may consider whether the proposed heliport facility will participate in a voluntary noise reduction program such as the "Fly Neighborly Program."

   2. All applications to construct a heliport must include the results of the appropriate Federal Aviation Administration review. A determination of negative impact on navigable airspace by the FAA will result in denial of a land use or Building Permit unless the applicant agrees to comply with

the recommendations to mitigate such impacts. The mitigating measures shall be made conditions of the land use or Building Permit.

3. Heliport landing areas shall be at least 1.5 times the overall length of the largest helicopter expected to use the facility.

4. The heliport primary surface shall be of level grade and consist of a dust-proof surface.

5. Public use heliports shall be marked in accordance with FAA recommendations.

6. Private use and personal use heliports may be unmarked or marked with individualized markings recognizable to the pilots authorized to use the facility, but may not be marked with the same markings as a public use heliport.

7. All heliports intended to accommodate night landings shall be lighted in accordance with FAA recommendations.

8. Access to heliport landing areas, except water surfaces, shall be controlled by physical restraints. If fences, walls, or parapets are used for access control, the minimum height shall be 42 inches.

9. All approaches to an area of helicopter operations will have conspicuous signs notifying those who approach the operation.

10. Touchdown Pads.
    a. Recommended Touchdown Pad. The recommended dimension of a touchdown pad is equal to the rotor diameter of the largest helicopter expected to operate from the facility.
    b. Minimum Touchdown Pad. At a heliport that has an extremely low level of activity, smaller areas may be used. Pad dimensions are based on rectangular configurations. A circular pad having a diameter equal to the longer side of the rectangular configuration set forth in paragraph A.10.b.i. or ii of this section is acceptable. Skid or float length should be substituted for wheelbase as appropriate.
        i. Public Use Heliports. The minimum sized touchdown pad shall have a length and width at least 2.0 times the wheelbase and tread, respectively, or a diameter of 2.0 times the wheelbase of the largest helicopter expected to use the facility.
        ii. Private Use or Personal Use Heliports. The minimum sized touchdown pad shall have a length and width at least 1.5 times the wheelbase and tread, respectively, or a diameter of 1.5 times the wheelbase of the largest helicopter expected to use the facility.

11. Each helicopter landing area shall have at least one obstruction-free heliport approach path conforming to the definition of Heliport Approach Surfaces.

12. No obstructions, natural or manmade, will be permitted within the Heliport Primary Surface, Heliport Approach Surfaces, or Heliport Transition Surfaces.

13. The requirements of paragraphs A.3 through A.12 of this section may be modified in special circumstances upon written technical evaluation and recommendation of the nearest FAA Airports District Office or Washington State Department of Transportation, Division of Aeronautics office.

14. A hospital emergency-use-only heliport is exempt from the provisions of paragraph A.1 of this section but must comply with the requirements in paragraphs A.2 through A.13 of this section. For purposes of this paragraph, "emergency" is defined as when any patient who requires care of significant severity such that alternative means of transport would adversely affect the health of that person.

15. Government use heliport facilities are exempt from the requirements of paragraphs A.3 through A.12 of this section. Government heliport design shall be based upon technical evaluation and recommendation of the nearest FAA Airports District Office or Washington State Department of Transportation, Division of Aeronautics office.

16. A heliport site must have flight path access directly to the interstate highway system which does not require flight over any residential zoned properties.

B. Helicopter Landing Permits.

1. A Temporary Use Permit is required for the landing of helicopters at a site other than a City-approved heliport.

2. A permit is valid for a maximum of 30 days. Conditions may be imposed which limit the number of flights and the hours of operation. The applicant shall be required to execute a hold harmless agreement in favor of the City.

3. A permit will be refused if the City determines that the proposed landing(s) will pose a substantial threat to the health, safety or welfare of the surrounding community.

4. Operations of a government authority in cases of emergency, search and rescue, fire and law enforcement are exempt from the permit requirements of this subsection.

Section 3. Section 20.25D.070 (Bel-Red Transportation and Utilities use chart and notes) 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.

		Transportation and Utilities – Bel-Red Districts						
STD LAND USE CODE REF		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
	LAND USE 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	C/	C/			C		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					
	Accessory Parking (2,3)	P/P	P/P	P	P 4	P	P	P
46	Auto Parking Commercial Lots and Garages (5)	/P	/P	P				
	Park and Ride (6)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							
	Highway and Street Right-of-Way (8)	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
	Wireless Communication Facility (WCF): (without WCF Support Structures)	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	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

Existing uses in the Bel-Red District are regulated pursuant to LUC 20.25D.060.
Key
P – Permitted Use
C – Conditional Use (see Parts 20.30B and 20.30C LUC)
A – Administrative Conditional Use (see Part 20.30E LUC)

Notes: Uses in land use districts – Transportation and Utilities.

(1) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.

(2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to Chart 20.25D.070.

(3) The location of an off-site parking facility shall be approved by the Director. See LUC 20.25D.120.

(4) Accessory parking is not permitted in the BR-R land use district as accessory to any use that is not permitted in BR-R.

(5) Commercial lots and garages are only permitted to accommodate short-term parking (four hours or less). Parking structures are required to meet the performance standards contained in LUC 20.25D.120.D.

(6) A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an established use, shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a conditional use permit.

(7) Solid waste disposal facilities may be continued as an existing use pursuant to LUC 20.25D.060, provided all requirements in LUC 20.20.820 are met.

(8) Design is required to meet the standards contained in LUC 20.25D.140 and the 2008 Transportation Department Design Manual as currently adopted or subsequently amended or superseded.

(9) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).

(10) Wireless communication facilities (WCFs) are not permitted on residential structures, sites developed with a residential use, or on undeveloped sites located in the BR-R land use district. This note does not prohibit locating a WCF on nonresidential structures (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any BR land use district.

(11) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast, and relay facilities.

(12) Antennas and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.4000, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.

(13) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes. In BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, and BR-R, only the provisions of LUC 20.20.730.B and 20.20.730.C shall apply.

(14) For the definition of Electrical Utility Facility see LUC 20.50.018 and for reference to applicable development regulations relating to electrical utility facilities see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

Section 4. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

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

ORIGINAL

1235-ORD
07/28/11

Passed by the City Council this 1st day of August, 2011 and signed in authentication of its passage this 1st day of August, 2011.

(SEAL)

Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Lacey Madche, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published August 4, 2011

East Bellevue Community Council
Summary Minutes of Regular Meeting

July 5, 2011
6:30 p.m.

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Kasner and Councilmembers Capron, and Seal

ABSENT: Councilmembers Elwin and Gooding

STAFF: Carol Helland, Land Use Director

1. **CALL TO ORDER**

The meeting was called to order at 6:30 p.m. with Chair Pro Tem Seal presiding.

2. **ROLL CALL**

The Clerk called the roll. All Councilmembers were present with the exception of Councilmembers Elwin and Gooding. Mr. Kasner participated via speaker phone.

Chair Pro Tem Seal led the flag salute.

3. **COMMUNICATIONS - WRITTEN AND ORAL**: None.

4. **APPROVAL OF AGENDA**

Councilmember Kasner requested the addition of item 10(a) Islamic Center to the agenda.

Councilmember Kasner move approval of agenda as amended. Councilmember Capron seconded the motion which carried 3-0.

5. **COURTESY HEARING**

(a) Prohibition of Nonemergency Helicopter Landing Facilities

Chair Pro Tem Seal opened the courtesy hearing.

Carol Helland, Development Services Department, provided the staff overview. She stated that the proposed land use code amendment was initiated by City Council to prohibit future nonemergency helicopter landing facilities city-wide. Ms. Helland reviewed the three options considered by City Council and the purpose of this targeted land use code amendment.

In response to Councilmember Kasner, Ms. Helland explained the appeal process and the ultimate approval of the Kemper Development application for a helistop facility on the top of the Bank of America building with conditions. The approval is currently being appealed to Superior Court.

Ms. Helland explained that the current proposed prohibition does not affect the outcome of the Kemper Development helistop. The new proposed legislation is prospective and cannot be applied retroactive. She further explained that at this time she foresees no impact to the Community Council area.

Councilmember Capron recounted the approval process for the Kemper Development helistop, stating an outright prohibition at this time seems extreme.

In response to Councilmember Kasner, Ms. Helland explained the appeal process to Superior Court.

Continuing her response, Ms. Helland noted the City Council's frustration that the current rules governing helistops in the City's Code did not adequately address noise, health and safety impacts.

Ms. Helland stated that the Planning Commission's public hearing on this topic is scheduled for July 13, 2011.

Mr. Kasner stated his concern with the fairness of allowing one such facility and no other.

Ms. Helland stated that Mr. Kasner's concern is shared by the Planning Commission as well.

In response to Mr. Kasner, Ms. Helland explained current code limitations on the number of landings and duration. She stated the most common temporary use permit is for construction purposes such as removal or installation of HVAC units. Such uses are sporadic.

Mr. Kasner thanked staff for their hard work.

Seeing no one wishing to testify, Mr. Seal closed the courtesy hearing.

6. **RESOLUTIONS:** None.

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

Councilmember Capron provided an update on the Kelsey Creek Center redevelopment. He stated he had spoken to Mr. Nat Franklin and has been assured that the project is on schedule. He reported that the job site is clean and noted minor parking issues with non center use parking.

8. **DEPARTMENT REPORTS**: None.