



DATE: October 2, 2007

TO: Chair Bell, Members of the East Bellevue Community Council

FROM: Lacey Madche, Legal Planner
Department of Planning and Community Development

SUBJECT: Process Based Land Use Code Amendments

INTRODUCTION

This memorandum addresses several proposed Land Use Code (LUC) amendments, which are process based rather than substantive changes to the LUC. Attachment A contains the proposed amendments.

BACKGROUND

Throughout the process of administering the LUC, staff has identified process based modifications that fall into one of three categories: (1) unnecessary language, (2) inconsistencies with state law, and (3) efficiency improvements.

PROPOSAL AND DISCUSSION

The following describes specific code amendments as they relate to the three categories set forth above.

Unnecessary Language.

- *Proposal:* Deletion of unnecessary language relating to administrative amendments for conditional use permits, planned unit development, and subdivision of land.

Staff proposes to delete the following decision criteria from the above referenced land use processes: "The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively." The City's adoption of an administrative amendment process for a conditional use permit, planned unit development, or for subdivision of land, inherently means amendment to the original approval is permitted provided all decision criteria are met. Accordingly, inclusion of the above quoted decision criteria is unnecessary, confusing, and should be deleted.

- *Proposal:* Amend LUC to treat hotel, motel, and religious institutional uses as unspecified uses for purposes of determining required parking under LUC 20.20.590.

Currently all uses specified in LUC 20.20.590 are subject to minimum and maximum parking requirements. Under LUC 20.20.590, hotel, motel, and religious institutional uses, however, are not subject to a maximum parking requirement. Because hotel, motel, and religious institutional uses have unique parking demands based on the nature of such uses and because institutional uses do not typically fall below the set minimum number of parking spaces set forth in LUC 20.20.590, the City customarily uses a parking demand analysis to impose parking requirements for these uses rather than rely on LUC 20.20.590. Accordingly, treating hotel, motel, and religious institutional uses as specified uses under LUC 20.20.590 is inaccurate and should be deleted.

Consistency with State Law.

- *Proposal:* Inclusion of LUC text relating to Amendment and Revocation of Final Plats.

State law, codified at Chapter 58.17 RCW, governs the process by which land is divided and sets forth the basic guidelines by which cities adopt procedures relating to subdivision. Currently the City has relied on provisions of Chapter 58.17 RCW because the LUC does not provide a process by which final plats may be amendment or revoked. The proposed amendment adopts a local amendment and revocation process in the LUC based on the parameters set forth in Chapter 58.17 RCW.

- *Proposal:* Amend LUC to ensure project timelines comport with the Growth Management Act.

Recent legislation relating to the Growth Management Act (GMA) requires cities establish time periods for local government actions on specific project permit applications; a term defined by statute to include any land use or environmental permit required from a local government for a project action. Specifically, local governments must establish minimum requirements for complete project permit applications that should not exceed the statutory 120-day period. Staff proposes an amendment to LUC 20.35.030(D) which would authorize the PCD Director to establish reasonable and predictable timelines for review of land use applications.

- *Proposal:* Amend LUC authorizing the City Council to take action on land use amendments without prior review or recommendation from the Planning Commission if and when necessary but not as a matter of practice.

Currently the LUC contemplates that the Planning Commission will review, recommend, and hold a public hearing relating to adoption of land use code amendments. Similarly, although not before the Planning Commission, Chapter 3.64 of the Bellevue City Code (BCC) requires the Planning Commission to review and make recommendations to the City Council relating to all land use code amendments.

Provided a public hearing is held, state law permits the City Council to take action on land use code amendments without prior review and recommendation from the Planning Commission. Accordingly, the proposed amendment modifies the language in the BCC that requires the Planning Commission review and make recommendations on all land

use code amendments prior to final action by the City Council and otherwise clarifies provisions of the LUC relating to the same.

This proposed amendment is intended to track the City's land use amendment process with the available authority under state law *not* to promote or modify the City's long standing practice that the Planning Commission reviews and provides recommendations to the City Council on land use code amendments. In the event the City should need to take immediate or emergency action relating to amendment of the LUC, this proposal would ensure the City Council maintains the authority under the BCC and LUC to do so.

Efficiency Improvements

- *Proposal:* Repeal Part 20.30N requiring Home Occupation permits and rather adopt new LUC performance standards relating to Home Occupations.

Currently the City requires, in addition to a business license, that a permit be obtained before operation of a home occupation. Staff's proposal would replace the permit process with performance standards. Staff's proposal would, likewise, remove submittal of quarterly reports to the EBCC as currently required by LUC 20.30N.155. Staff recommends this proposal for the reasons set forth below.

The decision criteria set forth in Part 20.30N LUC do not assist the City in regulating home occupations. Generally, the City addresses code compliance matters on a complaint basis, which otherwise provides the City with notice as to which home occupations are violating conditions of approval (i.e., compliance with decision criteria). At the time of issuance, the City has no ability to determine whether the home occupation will, in fact, operate consistent with such criteria. The City's current use of the permit process requires staff to provide notification of the application and decision, which includes preparation of a staff report that addresses all decision criteria. This process is not only costly but is consuming on staffs' time.

Regardless of whether the City has in place performance standards or requires a permit prior to operation of a home occupation, the enforcement route is the same – complaint based and handled by code compliance. Accordingly, this proposal will not impact the City's regulation of home occupations. This proposal will, however, reduce notification costs of permit applications and approvals.

Furthermore, staff proposes to remove requirements that quarterly reports of home occupations be provided to both those members of the public that have requested such reports and to the EBCC. Removing this requirement does not impact the City's regulation of home occupations and rather, reduces staff time spent on preparation of these reports.

- *Proposal:* Amend LUC to allow the City to issue land use approvals during Process II appeal periods if no parties submitted written comments prior to the date the final decision was issued and the applicant submits a waiver of appeal statement to the City.

Currently LUC 20.35.200 (relating to Process II Administrative Decisions and Appeals) prohibits the City from issuing permits for projects during Process II appeal periods. PCD proposes to amend this prohibition to allow the City to issue project permits during Process II appeal periods provided the City has not received written comments from third parties and receives a waiver of appeal from the applicant. The basis for PCD's recommendation is that if the City has not received written comment from third parties prior to the date the final decision was issued and the applicant waives his/her right to appeal, no person or entity (except the City) would have a cognizable appeal (otherwise referred to as "standing"). Accordingly, it is more efficient for the City and the applicant for the City to issue project permits when capable rather than waiting for an appeal period to run wherein no legal risk of a cognizable appeal exists.

- *Proposal:* Amend LUC to allow the City to provide notification by electronic mail and publish the availability of documents electronically in addition to providing notification by U.S. Postal mail or by publishing documents in the City's official newspaper.

Staff proposes the above referenced alternative notification and publication processes to reduce publication costs and to more efficiently notify citizens of land use applications and decisions. Currently the City provides notification of land use matters by U.S. Postal Mail, publication in the City's permit bulletin, and by publication in the City's official newspaper. This proposal would allow the City to provide electronic notification to citizens that otherwise request that form of notification. This proposal would also allow the City to publish documents by way of the City's permit bulletin, which is accessible by the City's official website. This proposal would not, however, negate the City's responsibility to publish certain land use matters in the City's official newspaper as required by state law. This proposal, as well, would not negate the applicant's responsibility to post notification signs of proposed land use actions on the subject site.

NEXT STEPS

The Planning Commission reviewed these proposed amendments on September 26, 2007. Staff anticipates bringing back an ordinance on October 24, 2007 for the Commission's review with a public hearing and anticipated action scheduled, as well, for that meeting. Staff anticipates bringing this matter back to the EBCC in late 2007 or early 2008 for further consideration at a final hearing.

ATTACHMENT

See draft code language affixed hereto as Attachment A.

Attachment A

A. Unnecessary Language Amendments.

1. Administrative Amendment Language - Amend land use code to delete unnecessary language relating to administrative amendments for conditional use permits, planned unit development, and subdivision.

20.30B.175(D) Administrative Amendment.

1. **Scope.** A proposed amendment which the Director determines meets the criteria of this section will be decided as an administrative amendment unless the applicant has chosen to have the amendment reviewed as a new application.

2. **Decision Criteria.** The Director shall approve a proposed amendment to an approved project or decision if:

a. The amendment maintains the design intent or purpose of the original approval; and

b. The amendment maintains the quality of design or product established by the original approval; and

c. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property; and

3. The applicant carries the burden of proof and must demonstrate that the application merits approval or approval with modifications.

4. **Conditions.** The Director may include conditions as part of the approval or approval with modifications to ensure conformance with the decision criteria for an administrative amendment and for the original approval.

5. **Written Decision.** The Director shall issue a written decision on the administrative amendment which contains the following:

a. A description of the original project or decision and the proposed administrative amendment; and

b. An analysis of the proposed administrative amendment using the applicable decision criteria, including the facts upon which the decision and any conditions for the project are based; and

c. A statement that the administrative amendment is approved, approved with modifications or denied subject to the provisions of this section.

Deleted: d. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.¶

20.30D.285(D) Administrative Amendment of Planned Unit Development.

The Director may approve modifications to an approved Planned Unit Development as an administrative amendment subject to the procedures set forth in LUC 20.35.200 et seq., if the following criteria are met:

1. The amendment maintains the design intent or purpose of the original approval; and
2. The amendment maintains the quality of design or product established by the original approval; and
3. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property; and

20.45A.250 Modification of an approved preliminary plat.

A. There are three ways to modify an approved preliminary plat: process as a new preliminary plat application, process as an administrative amendment, or qualify for an exception.

B. General.

Except as provided in subsections C and D of this section, a modification of a previously approved preliminary plat is treated as a new application.

C. Exception.

The following modifications of preliminary plat approval may be reviewed through plat engineering and do not require further review:

1. Engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval;
2. Minor changes in lot lines or lot dimensions;
3. A decrease in the number of lots to be created or an increase of no more than five percent of the number of lots depicted on the preliminary plat.

D. Administrative Amendment.

1. Scope. A proposed amendment which the Director determines meets the criteria of this section will be processed as an administrative amendment unless the applicant has chosen to have the amendment reviewed as a new application.

Deleted: 4. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.¶

2. Decision Criteria. The Director shall approve or approve with modifications a proposed amendment to an approved preliminary plat if:

- a. The amendment maintains the design intent or purpose of the original approval; and
- b. The amendment maintains the quality of design or product established by the original approval; and
- c. The amendment does not cause a significant environmental or land use impact on or beyond the site; and

e. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat approval.

Deleted: d. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively; and ¶

3. Conditions. The Director may include conditions as part of an approval or approval with modifications to ensure conformance with the decision criteria above.

4. Written Decision. The Director shall issue a written decision on the administrative amendment which contains the following:

- a. A description of the original preliminary plat approval and the proposed amendment; and
- b. An analysis of the proposed administrative amendment using the applicable decision criteria, including the facts upon which the decision and any conditions for the project are based; and
- c. A statement that the administrative amendment is approved, approved with modifications or denied subject to the provisions of this section.

2. Hotel, Motel, and Religious Institutions – Parking. Amend land use code to treat hotel and motel uses as unspecified for purposes of determining required parking.

20.20.590 Parking, circulation, and walkway requirements.

F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. Subject to LUC 20.20.590.G and 20.20.590.H, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

Use	Minimum Number of Parking Spaces Required	Maximum Number of Parking Spaces Allowed
-----	---	--

a.	Auditorium/assembly room/exhibition hall/theater/commercial recreation (4)	1:4 fixed seats or 10:1,000 nsf (if there are no fixed seats)	No max.
b.	Boat moorage, public or semi-public	1:2 docking slips	No max.
c.	Financial institution	4:1,000 nsf	5:1,000 nsf
d.	Funeral home/mortuary/	1:5 seats	No max.
e.	High technology/industry (1)	4:1,000 nsf	5:1,000 nsf
f.	Home furnishing-retail and major appliances-retail	1.5:1,000 nsf	3:1,000 nsf
g.	Hospital/in-patient treatment facility/outpatient surgical facility	1:patient bed	No max.
	Retail:		
	Less than 15,000 nsf	1:1,000 nsf	No max.
	More than 15,000 nsf	1.5:1,000 nsf	No max.
i.	Manufacturing/assembly (other than high technology/light industry)	1.5:1,000 nsf	No max.

Deleted: religious institution

Deleted: h.

Deleted: Hotel/motel and associated uses:

Deleted:

Deleted:

Deleted:

Deleted: Basic guest and employee

Deleted: 0.9:guest room

Deleted: No max.

Deleted:

Deleted: Restaurant/lounge/bar

Deleted: 10:1,000 nsf of seating area

Deleted: No max.

Deleted:

Deleted: Banquet/meeting rooms

Deleted: 6:1,000 nsf of seating area

Deleted: No max.

j.	Office (1) business services/professional services/general office	4:1,000 nsf	5:1,000 nsf
k.	Office (2) Medical/dental/health related services	4.5:1,000 nsf	5:1,000 nsf
l.	Personal services:		
	Without fixed stations	3:1,000 nsf	No max.
	With fixed stations	1.5:station	No max.
m.	Residential:		
	Single-family detached	2:unit	No max.
	Multiple unit structure:		
	One-bedroom or studio unit	1.2:unit	No max.
	Two-bedroom unit	1.6:unit	No max.
	Three or more bedroom unit	1.8:unit	No max.
n.	Restaurant:		
	Sitdown only	14:1,000 nsf	No max.
	With takeout service	16:1,000 nsf	No max.
o.	Retail/mixed retail/shopping center uses (3):		
	Less than 15,000 nsf	5:1,000 nsf	5.5:1,000 nsf
	15,000-400,000 nsf	4:1,000 nsf	4.5:1,000 nsf
	400,000-600,000 nsf	4:1,000 nsf	5:1,000 nsf
	More than 600,000 nsf	5:1,000 nsf	5:1,000 nsf
p.	Senior housing:		
	nursing home	0.33:bed	1:bed

	congregate care senior housing	0.5:unit	1.5:unit
	senior citizen dwelling	0.8:unit	1.5:unit
q.	Rooming/boardings	1:rented room	No max.
r.	Wholesale, warehouse	1.5:1,000 nsf	No max.
s.	Vendor cart	1:cart	No max.

B. Consistency with State Law.

1. **Amendment and Revocation to Final Plat Approval** - Amend land use code to include process for amendment or vacation of a final plat based on Chapter 58.17 RCW.

20.45A.190 Final plat – Applicable procedure.

The City shall process an application for a final plat and any amendment or vacation thereof as provided in LUC 20.45A.180 through 20.45A.280. The Director of Planning and Community Development is the applicable Department Director.

Deleted: will

Deleted: 6

20.45A.270 Final Plat –Modification.

A. Scope. Any person seeking to modify or amend a subdivision or any portion thereof shall comply with the requirements set forth in Chapter 58.17 RCW and submit an application to request the amendment to the City.

B. Application.

1. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be modified.

2. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for modification would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or modify the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Comment [CoB1]: We need to clarify what these means – does it mean contemporaneous or does it mean within a certain time frame.

Deleted: .

B. Notice. Upon receipt of an application for modification, the City shall provide notice of the application to all owners of property within the subdivision pursuant to the requirements of LUC 20.45A.110, LUC 20.35.120, and LUC 20.35.135. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

C. Decision Criteria. The Director may administratively approve or approve with modifications an application for amendment to a final plat if:

1. The proposed amendment to final 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;

2. The public use and interest is served by the amendment;

3. The proposed amendment to final plat appropriately considers the physical characteristics of the subdivision site;

4. The proposed amendment complies with all applicable provisions of the Land Use Code, BCC Title 20, the Utility Codes, BCC Title 24, the City of Bellevue Development Standards and Chapter 58.17 RCW;

5. The proposed amendment is consistent with the Comprehensive Plan, BCC Title 21;

6. 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 amendment to a final plat provided the resulting lots may each be developed without individually requiring a variance; and

D. Limitations.

1. If any land within the proposed amendment is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

2. If any land within the proposed modification contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

3. This section shall not be construed as applying to the modification or replatting of any plat of state-granted shorelands.

E. Recording Required. After approval of the amendment, the applicant shall produce a revised drawing of the approved modification to the final plat, which after signature by the City, shall be filed with the County Auditor to become the lawful plat of the property.

20.45A.280 Final Plat – Vacation.

Any person seeking to vacate a final plat shall follow the procedures set forth in RCW 58.17.212.

2. Land Use Code Amendments – Project Timelines - Amend land use code to ensure project timelines comport with new GMA legislation. (HB 2811).

20.35.030 Applications.

A. Who May Apply.

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

1. The property owner or authorized agent of the owner 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 Planning and Community Development 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.

B. Submittal Requirements.

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The Director may waive specific submittal

requirements determined to be unnecessary for review of an application. The Director may require additional material such as maps, studies, or models when the Director determines such material is needed to adequately assess the proposed project.

C. Notice of Complete Application.

1. Within 28 days after receiving a land use permit application, the Director shall mail, fax, or otherwise provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete.
2. If the Director does not provide a written determination within the 28 days, the application shall be deemed complete as of the end of the 28th day.
3. If additional information is needed to make the application complete, within 14 days after an applicant has submitted the information identified by the Director as being needed, the Director shall notify the applicant whether the application is complete or what additional information is necessary.
4. A land use application is complete for purposes of this section when it meets the submittal requirements established by the Director and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

D. Project Timelines.

Subject to Chapter 36.70B RCW, the Director shall establish reasonable and predictable timelines for review of land use applications and shall provide target dates for decisions on such applications. The project timelines established by the Director may be modified for a proposal including a critical areas report as set forth in LUC 20.25H.270.

3. Council Adoption Without Prior Review by Planning Commission - Amend BCC and LUC authorizing the City Council to take action on land use amendments without prior review or recommendation from the Planning Commission.

Note – the following code amendments relate to the Bellevue City Code and are being provided to the Planning Commission for context rather than for recommendations thereto.

3.64.160 Duties and responsibilities.

A. The planning commission shall review the comprehensive plan of the city and shall make recommendations concerning such to the city council.

Deleted: T
Deleted: . All land use decisions on applications filed on or after April 1, 1996, shall be made within the time period specified under RCW 36.70B.090. For purposes of calculating timelines and counting days of permit processing, the applicable time period shall begin on the first working day following the date the application is determined to be complete and shall only include the time during which the City can proceed with review of the application as specified in RCW 36.70B.090.
Deleted: is
Deleted: section
Deleted: other planning documents to determine if the city's plans, goals, policies, land use ordinances and regulations are promoting orderly and coordinated development within the city. The commission
Deleted: this

B. The planning commission may review land use ordinances and regulations of the city and make recommendations regarding such to the city council. The City Council may take action on land use amendments after holding a public hearing without prior review or recommendation by the planning commission pursuant to the provisions set forth in LUC 20.35.400 through 20.35.450.

Deleted: shall

Deleted: them

Deleted: .

C. The planning commission shall recommend, establish priorities for, and review studies of geographic sub-areas in the city.

D. The planning commission shall be encouraged to maintain liaison with the planning agencies of other Eastside municipalities and regional planning agencies.

E. All other city boards, committees, and commissions shall coordinate their planning activities, as they relate to land use or the city comprehensive plan, with the planning commission.

F. The planning commission may hold public hearings in the exercise of its duties and responsibilities as it deems necessary.

G. The planning commission shall have such other duties and powers as heretofore have been or hereafter may be conferred upon the commission by city ordinances or as directed by council resolution, the performance of such duties and exercise of such authority to be subject to the limitations expressed in such enactments.

H. The planning commission should provide at least monthly communications to the city council highlighting major activities, future work plans, any changes in work plans and any policy direction requested.

Note – the following contains land use code amendments to Part 20.30J of the Bellevue Land Use Code.

20.30J.125 Who may initiate.

A. The City Council, the Planning Commission or the Director of Planning and Community Development, with the concurrence of either body, may initiate an amendment to the text of the Land Use Code.

B. Although the Planning Commission is generally the Advisory Body for land use amendments as set forth in LUC 20.30J.130, the City Council may, if necessary, amend the text of the land use code without prior review or recommendation from the Planning Commission.

Comment [CoB2]: This language can be written more straight forward but I padded it so as not to imply this is the preferred process.

20.30J.130 Applicable procedure.

The City will process an amendment to the text of the Land Use Code using Process IV, LUC 20.35.400 et seq. The Planning Commission is generally the Advisory Body and the Director of Planning and Community Development is the applicable Department Director.

20.35.400 Process IV: City Council legislative actions.

LUC 20.35.400 through 20.35.450 contain the procedures the City will use to make legislative land use decisions (Process IV actions). The process shall include a public hearing, and an action by the City Council. Review under the State Environmental Policy Act (SEPA) and the Bellevue Environmental Procedures Code may be required. An action by a Community Council may also be required, in which case, the Community Council may hold a courtesy public hearing at any time prior to the City Council action.

Deleted: usually
Deleted: s
Deleted: and recommendation by the Planning Commission
Deleted: Alternatively, the City Council may hold its own hearing regarding proposals to change the text of the Land Use Code.

20.35.410 Planning Commission procedure.

A. General.

Process IV proposals may be introduced to the Planning Commission, which may schedule study sessions as needed to consider the proposal. Prior to making a recommendation, the Planning Commission shall schedule a public hearing. After the public hearing, and after any further study sessions as may be needed, the Planning Commission shall transmit its recommendation to the City Council through the applicable Department Director and the City Clerk. Alternatively, the City Council may conduct its own process and hold its own hearing when the proposal is for a change to the text of the Land Use Code.

Deleted: will usually

B. Criteria.

The Planning Commission may recommend the Council adopt or adopt with modifications a proposal if it complies with the applicable decision criteria of the Bellevue City Code or Land Use Code. In all other cases, the Planning Commission shall recommend denial of the proposal.

C. Limitation on Modification.

If the Planning Commission recommends a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to LUC 20.35.420, the Planning Commission shall conduct a new public hearing on the proposal as modified.

D. Required Vote.

A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the Planning Commission members present and voting.

C. Efficiency Improvements.

1. Home Occupation Permit - To repeal Part 20.30N relating to Home Occupation Permits and adopt performance standards by adding LUC 20.20.455.

20.20.455 Home Occupations.

A. General Requirements – Performance Standards.

1. The home occupation shall not involve automobile related services, warehousing of more than 1,000 cubic feet of materials, or external storage of goods;
2. The home occupation shall be conducted wholly within a structure and shall not utilize more than 25 percent of the gross floor area of the structure in which it is located;
3. No more than one nonresident of the dwelling may participate in the home occupation;
4. The home occupation shall not have exterior displays or any exterior alteration of the property, including expansion of parking;
5. The home occupation shall have no exterior signs other than business signage on the occupant's vehicle;
6. The home occupation shall have no exterior storage of materials or other exterior indication of the home occupation;
6. The home occupation shall, in the opinion of the Land Use Director, cause no variation from the residential character of the premises;
7. The home occupation shall, in the opinion of the Land Use Director, cause no structural alteration to the interior or exterior of the structure which changes its residential character;
8. The home occupation shall not use electrical or mechanical equipment which would change the fire rating of the structure, create visible or audible interference in radio or television receivers, or which would cause fluctuations in line voltage outside the dwelling;
9. The home occupation shall not produce noise, vibration, smoke, dust, odor, heat, or glare which would exceed that normally associated with a dwelling;
10. In addition to residential parking requirements for the residents, the home occupation shall not result in more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time;

Deleted: Part 20.30N Home Occupation Permit¶

¶ 20.30N.110 Scope.¶

¶ This Part 20.30N establishes the procedure and criteria that the City will use in making a decision upon an application for a Home Occupation Permit.¶

¶ 20.30N.115 Applicability.¶

¶ A Home Occupation Permit is required for any occupation or profession carried on in a dwelling unit, subject to the following exceptions. The requirements of this section are not applicable to: 1) businesses which have no external indication of commercial activity, including no nonresident employees, no client visits, no business-related deliveries, and no vehicle signage; and 2) family child care homes located in a residence (see LUC 20.20.170.C).¶

¶ 20.30N.120 Purpose.¶

¶ A Home Occupation Permit is a mechanism by which the City may permit a business to be conducted in a dwelling by a resident of that dwelling. The business must be largely incidental to use of the premises as a dwelling. In a nonresidential land use district either a Home Occupation Permit must be obtained or all commercial development standards must be met.¶

¶ 20.30N.125 Who may apply.¶

¶ A resident of the dwelling may apply for a Home Occupation Permit.¶

¶ 20.30N.140 Decision criteria.¶

¶ A. The Director of Planning and Community Development may approve or modify and approve a Home Occupation Permit if the following decision criteria are met:¶

¶ 1. The business does not involve automobile related services, warehousing of more than 1,000 cubic feet of materials, or external storage of goods; and¶

¶ 2. The business is conducted wholly within a structure and utilizes no more than 25 percent of the gross floor area of the structure in which it is located; and¶

¶ 3. No more than one person who is not a resident of the dwelling is participating in the business at the dwelling; and¶

¶ 4. There is no exterior display, exterior alteration of the property, including expansion of parking, no exterior ¶ ... [1]

11. The home occupation shall not have more than six client visits per day and not more than one client is permitted on the premises at any one time. A family arriving in a single vehicle constitutes "one client" for purposes of this subsection;

12. The home occupation shall not have more than two deliveries per week either to or from the residence by a private delivery service; and

13. The home occupation shall not use commercial vehicles in the operation of the business.

B. Violation of Performance Standards.

Violation of the performance standards set forth above may result in enforcement action pursuant to Chapter 1.18 BCC and revocation of the business license issued for the home occupation.

20.20.120 Accessory dwelling units.

A. Definitions.

1. "Accessory dwelling unit" means a subordinate dwelling unit incorporated within a single-family structure. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure.

2. "Existing single-family dwelling" means that permits for construction of the principal dwelling were finalized (occupancy approved) at least three years prior to application for accessory dwelling unit.

3. "Owner occupancy" means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit.

B. General.

One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling provided the following criteria are met:

1. Either the primary residence or the accessory dwelling unit must be occupied by an owner of the property;

2. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in LUC 20.50.020;

3. The accessory dwelling unit shall contain not less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, if the accessory unit is completely located on a single floor, the Director may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;

4. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed 40 percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;

5. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street spaces required for the primary residence;

6. The construction of a second entry door facing on a street front for entrance into an accessory unit is prohibited; new entrances not facing on a street front are permitted on the sides and rear of a house, or on a front side facing on a street where no other door exists; provided, that existing single-family structures with two or more entry doors facing on a street shall not be prohibited from using one of those doors to access the accessory unit; and

7. The accessory dwelling unit shall meet all technical code standards, BCC Title 23, including building, electrical, fire, and plumbing code requirements.

C. Location.

Accessory dwelling units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.

D. Limitations.

A site may not contain both an accessory dwelling unit and a business subject to the regulations in LUC 20.20.920 relating to home occupations.

E. Affordable Housing.

The creation of an accessory dwelling unit shall not satisfy the affordable housing requirements in LUC 20.20.128.

F. Inspection and Registration.

1. Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the Planning and Community Development Department.

2. The property owner shall file a completed registration application form affirming that at least one owner will occupy the primary residence or the accessory unit and agreeing to the limits on total number of residents and other standards as provided above. The

Deleted: Part 20.30N LUC for a

Deleted: H

Deleted: O

Deleted: Permit.

registration application shall include a requirement for mailing labels for all owners of property lying within 500 feet of the site.

3. After receipt of a complete application form and prior to approval of any accessory dwelling unit, the Director shall inspect the property to confirm that minimum and maximum size limits are met, required parking is provided, design limitations regarding front entrances are met, and technical code standards are met.

4. The registration form or other form as required by the Director shall be filed as a deed restriction with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described above.

5. The Director shall report annually to the Council on accessory dwelling unit registration, number of units and distribution throughout the City, average size of units, and number and type of complaint- and enforcement-related actions.

6. After approval, the Director shall provide notice of the registration of the accessory unit to owners of property within 500 feet of the registered site. The notice shall state that the unit complies with the standards of this section, shall describe the requirements for maintaining the unit, and shall explain how to obtain general information and how to request inspections.

7. Cancellation of the accessory unit's registration may be accomplished by the owner filing a certificate with the Director for recording at the King County Department of Records and Elections, or may occur as a result of enforcement action. The cancellation certificate will confirm that the residence has reverted to use as a single dwelling.

20.20.140 Boarding houses and bed and breakfasts.

Boarding houses and bed and breakfasts are subject to the provisions set forth in LUC 20.20.920 relating to home occupation. In addition, not more than two rooms may be rented to not more than two persons other than those occupying a single-family dwelling, provided there is compliance with health and building code requirements. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of at least one parking stall for each room.

Deleted: require a Home Occupation Permit, Part 20.30N LUC, approval.

20.20.192 Commercial vehicles in residential land use districts.

Commercial vehicles are not permitted to be parked overnight on residential properties. "Commercial vehicles" include: 1) vehicles used in a commercial enterprise which exceed 19 feet in length; and 2) truck tractors used in the drayage of semi-truck trailers.

Deleted: unless approved through a Home Occupation Permit.

20.20.800 Short term stay uses – Limitations and general requirements.

A. Definition.

Short Term Stay Use. Transient lodging provided in a Planned Unit Development or multifamily dwelling unit located in a Residential (R-1 through R-30) land use district. Boarding houses and bed and breakfasts permitted to operate in Residential districts subject to the provisions of LUC 20.20.920, group homes for children sited pursuant to the Group Home for Children Community Involvement Process, Chapter 9.19 BCC, and institutions housing persons under legal restraint or requiring medical attention or care are not included within the scope of this definition.

Deleted: pursuant to a valid Home Occupation Permit, Part 20.30N LUC

B. Limitation on Number of Short Term Stay Uses. No more than five units in any building and no more than 20 percent of the dwelling units comprising a development shall be used for Short Term Stay Use at any given time.

C. General Requirements.

1. Registration Notice. Any person or company providing a Short Term Stay Use shall file a Registration Notice with the Department of Planning and Community Development. The registration notice shall be submitted in writing in a form approved by the Director. The registration notice shall state (a) the name and address of the person or company by whom it is submitted (registrant); (b) identify by name and address the building and development to which the registration notice applies; and (c) state the number of dwelling units where the registrant provides Short Term Stay Uses in the referenced building and development. The registration notice shall remain in effect until the Registrant notifies the Department in writing that the registrant is no longer providing any units in the referenced building or development for Short Term Stay Uses.

2. House Rules. When rules of conduct have been adopted for universal application to all occupants of a development, any person or company providing a Short Term Stay Use shall provide a copy of the rules to each licensee prior to commencement of their stay and shall post a copy of the rules in each unit provided for Short Term Stay Use.

D. Time for Compliance.

1. Notwithstanding any other provision of this section, for a maximum period of 12 months from the effective date of the ordinance codified in this section, Short Term Stay Uses in existence on the effective date of the ordinance may continue to operate without meeting the limitations set forth in paragraph B of this section, provided that all the requirements of paragraph C of this section are met. Twelve months following the effective date of the ordinance, Short Term Stay Uses not meeting the limitations set forth in paragraph B of this section will be operating in violation of the LUC and subject to enforcement provisions contained in LUC 20.40.460 and Chapter 1.18 BCC.

2. Short Term Stay Uses in existence on the effective date of the ordinance codified in this section shall comply with the General Requirements of paragraph C of this section within three months from the effective date of the ordinance.

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 decision maker, 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. Interpretation of the Land Use Code; | Deleted: 4. Home Occupation Permit; 5 |
| 5. Preliminary Short Plat; | Deleted: 6 |
| 6. Shoreline Substantial Development Permit; | Deleted: 7 |
| 7. Variance and Shoreline Variance; | Deleted: 8 |
| 8. Critical Area Land Use Permits; and | Deleted: 9 |
| 9. Review under State Environment Policy Act (SEPA) when not consolidated with another permit. | Deleted: 10 |

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 (Annual Docket Adoption);
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 area-wide 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.*

20.35.030 Applications.

A. Who May Apply.

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

1. The property owner or authorized agent of the owner may apply for any type of Process I, Process II, or Process III land use decision.

2. The City Council, the Director of Planning and Community Development or the Planning Director may apply for a project-specific or site-specific rezone or for an areawide (Process IV) rezone.

Deleted: 2. A resident of the dwelling may apply for a Home Occupation Permit.

Deleted: 3

3. 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.

Deleted: 4

4. 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.

Deleted: 5

5. 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.

Deleted: 6

6. 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.

Deleted: 7

7. 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.

Deleted: 8

B. Submittal Requirements.

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The Director may waive specific submittal requirements determined to be unnecessary for review of an application. The Director may require additional material such as maps, studies, or models when the Director determines such material is needed to adequately assess the proposed project.

C. Notice of Complete Application.

1. Within 28 days after receiving a land use permit application, the Director shall mail, fax, or otherwise provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete.

2. If the Director does not provide a written determination within the 28 days, the application shall be deemed complete as of the end of the 28th day.

3. If additional information is needed to make the application complete, within 14 days after an applicant has submitted the information identified by the Director as being needed, the Director shall notify the applicant whether the application is complete or what additional information is necessary.

4. A land use application is complete for purposes of this section when it meets the submittal requirements established by the Director and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

D. Project Timelines.

The Director shall establish reasonable and predictable timelines for review of land use applications and shall provide target dates for decisions on such applications. All land use decisions on applications filed on or after April 1, 1996, shall be made within the time period specified under RCW 36.70B.090. For purposes of calculating timelines and counting days of permit processing, the applicable time period shall begin on the first working day following the date the application is determined to be complete and shall only include the time during which the City can proceed with review of the application as specified in RCW 36.70B.090. The project timelines established by this section may be modified for a proposal including a critical areas report as set forth in LUC 20.25H.270.

20.35.210 Notice of application.

A. Notice of application for Process II land use decisions shall be provided within 14 days of issuance of a notice of completeness as follows:

Table 20.35.210.A

Application Type	Publish	Mail	Sign
Administrative Amendment	X	X	X
Administrative Conditional Use	X	X	X
Design Review	X	X	X
Interpretation of Land Use Code	X		

- Deleted: Home Occupation Permit
- Deleted: X
- Deleted: X
- Deleted:

Preliminary Short Plat	X	X	X
Shoreline Substantial Development Permit	X	X	
Variance, Shoreline Variance	X	X	
Critical Areas Land Use Permit	X	X	
SEPA Review (when not consolidated with another permit)	X		

1. For Process II decisions not included in Table 20.35.210.A, notice of application shall be provided by publication and mailing.
2. When required by Table 20.35.210.A, publishing shall include publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation in the City.
3. Mailing shall include mailed notice to owners of real property within 500 feet of the project site including the following information:
 - a. The date of application;
 - b. The project description and location;
 - c. The types of City permit(s) or approval(s) applied for;
 - d. The Director may, but need not, include other information to the extent known at the time of notice of application, such as: the identification of other City permits required, related permits from other agencies or jurisdictions not included in the City permit process, the dates for any public meetings or public hearings, identification of any studies requested for application review, any existing environmental documents that apply to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation.
4. If signs are required, two signs or placards shall be posted by the applicant on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the signs or placards.
5. Mailings shall also include mailing notice of the application including at least the information required in subsection A.1 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include all members of a Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

2. Land Use Approvals During Process II Appeal Periods - Amend land use code to allow the City to issue land use approvals during appeal period for Process II appeals if no parties submitted written comments prior to the date the final decision was issued and the applicant submits a waiver of appeal statement to the City.

20.35.200 Process II: Administrative decisions.

A. LUC 20.35.200 through 20.35.250 contain the procedures the City will use in implementing Process II. A Process II land use decision is an administrative decision made by the Director of the Department of Planning and Community Development. Process II applications go through a period of public notice and an opportunity for public comment. An informational meeting may be held for projects of significant impact or for projects involving major changes to the expected pattern of development in an area. The Director then makes a decision based upon the decision criteria set forth in the Code for each type of Process II application. Public notice of the decision is provided, along with an opportunity for administrative appeal of the decision.

B. If required by the State Environmental Policy Act (SEPA), a threshold determination will be issued by the Environmental Coordinator. The threshold determination is also a Process II decision, except as set forth in LUC 20.35.015.C, and may be issued in conjunction with the Director's decision on the accompanying land use decision. If an Environmental Impact Statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to the issuance of the accompanying land use decision. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will be resolved prior to the issuance of the land use decision. (See BCC 22.02.031 and 22.02.160 regarding timing of issuance of the threshold determination.)

C. Process II decisions of the Director and SEPA threshold determinations are final decisions, effective on the day following the expiration of any associated administrative appeal period, except that for projects where no person or entity submitted written comments prior to the date the final decision was issued as set forth in LUC 20.35.250(A)(1), the process II decision is a final decision effective on the date of issuance. If an administrative appeal is filed by a person or entity that submitted written comments prior to the date the final decision was issued as set forth in LUC 20.35.250(A)(1), the decision is not final until the appeal is heard and decided by the City Hearing Examiner, the Shoreline Hearings Board pursuant to LUC 20.35.250.B and RCW 90.58.180, or the Growth Management Hearings Board pursuant to LUC 20.35.250.C and RCW 36.70A.290.

D. Where no person or entity has submitted written comments prior to the date the final decision was issued, as set forth in LUC 20.35.250(A)(1), the City may issue project permits during the appeal period, provided the applicant submits a waiver of appeal statement to the City.

3. **Notice and Publication Requirements** - Amend land use code to allow the City to (1) provide notification by either US Postal Mail, Electronic Mail, or by the City's weekly permit bulletin and (2) publish documents electronically through the City's official website.

20.35.035 Method of Mailing, Publication, and Postcard Notification.

A. Mailing. For purposes of this Chapter, reference to "mailing" shall include either US postal mail or electronic mail. The City shall, however, provide notification by electronic mail only when requested by the recipient.

B. Publication. For purposes of this Chapter, reference to "publication" shall include either publication in the City's official newspaper of record, electronic notification through use of the City's official website, or by inclusion in the City's weekly permit bulletin.

Part 20.30N Home Occupation Permit

20.30N.110 Scope.

This Part 20.30N establishes the procedure and criteria that the City will use in making a decision upon an application for a Home Occupation Permit.

20.30N.115 Applicability.

A Home Occupation Permit is required for any occupation or profession carried on in a dwelling unit, subject to the following exceptions. The requirements of this section are not applicable to: 1) businesses which have no external indication of commercial activity, including no nonresident employees, no client visits, no business-related deliveries, and no vehicle signage; and 2) family child care homes located in a residence (see LUC 20.20.170.C).

20.30N.120 Purpose.

A Home Occupation Permit is a mechanism by which the City may permit a business to be conducted in a dwelling by a resident of that dwelling. The business must be largely incidental to use of the premises as a dwelling. In a nonresidential land use district either a Home Occupation Permit must be obtained or all commercial development standards must be met.

20.30N.125 Who may apply.

A resident of the dwelling may apply for a Home Occupation Permit.

20.30N.140 Decision criteria.

A. The Director of Planning and Community Development may approve or modify and approve a Home Occupation Permit if the following decision criteria are met:

1. The business does not involve automobile related services, warehousing of more than 1,000 cubic feet of materials, or external storage of goods; and
2. The business is conducted wholly within a structure and utilizes no more than 25 percent of the gross floor area of the structure in which it is located; and
3. No more than one person who is not a resident of the dwelling is participating in the business at the dwelling; and
4. There is no exterior display, exterior alteration of the property, including expansion of parking, no exterior sign other than business signage on the applicant's vehicle, no exterior storage of materials or other exterior indication of the business; and

5. There is no variation from the residential character of the premises; and
6. There is no structural alteration to the interior or exterior of the structure which changes its residential character; and
7. There is no use of electrical or mechanical equipment which would change the fire rating of the structure or which would create visible or audible interference in radio or television receivers or which would cause fluctuations in line voltage outside the dwelling; and
8. There is no noise, vibration, smoke, dust, odor, heat or glare produced by the business which would exceed that normally associated with a dwelling; and
9. In addition to parking required for the residents, there are no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time; and
10. There are no more than six client visits per day and there is not more than one client on the premises at any one time. One client does include a family arriving in a single vehicle; and
11. There are no more than two deliveries per week either to or from the residence by a private delivery service and no other use of a commercial vehicle other than that normally used by the applicant or an employee; and
12. If deemed necessary, the business has been inspected by the Bellevue Fire Department and the applicant commits to implement all required corrective measures within the stated time period.

B. In approving, conditioning or denying an application for a Home Occupation Permit, the City may consider, in addition to the criteria in paragraph A of this section, the following:

3. The location of the proposed home occupation in relation to traffic impacts and safety concerns to the adjacent neighborhood; and
2. The impacts the proposed home occupation may have on the residential character of the neighborhood; and
3. The cumulative impacts of the proposed home occupation in relation to other City-approved home occupations in the immediate vicinity; and
4. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the home occupation within a certain timeframe from approval date, based on complaints filed with the City.

B. 20.30N.145 Conditions.

The Director of Planning and Community Development may impose conditions to mitigate any potential adverse impact on surrounding uses.

20.30N.150 Time limitation.

The Director of Planning and Community Development may establish a time limitation on the effectiveness of a Home Occupation Permit in order to provide for periodic review of business activity in a dwelling.

20.30N.155 Quarterly report.

The Director of Planning and Community Development shall send a report listing all Home Occupation Permits by number and address and describing the status of each, at least quarterly, to:

- A. Each person who has requested public notices for the calendar year and who has paid the fee established by the Director of Planning and Community Development, and
- B. Each member of a Community Council.

20.30N.160 Revocation of Home Occupation Permit.

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director of Planning and Community Development may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a Home Occupation Permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a Home Occupation Permit will be processed using the Process II appeal procedures, LUC 20.35.250.

20.30N.165 Assurance device.

In appropriate circumstances, the Director of Planning and Community Development may require a reasonable performance or maintenance assurance device in conformance with LUC 20.40.490 to assure compliance with the provisions of the Land Use Code and the Home Occupation Permit as approved.