

Part 20.30C Shoreline Conditional Use Permit

20.30C.110 Scope.

This Part 20.30C establishes the procedure and criteria that the City will use in making a decision upon an application for a Shoreline Conditional Use Permit.

20.30C.115 Applicability.

This part applies to each application for a Shoreline Conditional Use Permit.

20.30C.120 Purpose.

A Shoreline Conditional Use Permit is a mechanism by which the City may both provide more control and allow greater flexibility in administering the Shoreline Master Program in a manner consistent with the policies of the Shoreline Management Act. The City may permit certain uses to be established or may require special conditions on development or on the use of land in order to insure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property.

20.30C.130 Limitation on filing.

An application for a Shoreline Conditional Use Permit will not be accepted for filing unless accompanied by a complete application for a Substantial Development Permit (See LUC 20.25E.040).

20.30C.145 Limitation on City action.

The City may not take final action on an application for a Shoreline Conditional Use Permit for at least 30 days following the second publication required by LUC 20.30C.140.

20.30C.155 Decision criteria.

The City may approve or approve with modifications an application for a Shoreline Conditional Use Permit if:

- A. The proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Bellevue Shoreline Master Program; and
- B. The proposed use will not interfere with the normal public use of public shorelines; and
- C. The proposed use of the site and design of the project will be compatible with other permitted uses within the area; and
- D. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located; and
- E. The public interest suffers no substantial detrimental effect; and
- F. The proposed use complies with all requirements of WAC 173-14-140; and
- G. The proposed use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the

immediate vicinity of the subject property and with the physical characteristics of the subject property; and

H. The proposed use will be served by adequate public facilities including streets, fire protection, water, stormwater control and sanitary sewer; and

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

J. The proposed use has merit and value for the community as a whole; and

K. The proposed use is in accord with the Comprehensive Plan; and

L. The proposed use complies with all other applicable criteria and standards of the Bellevue City Code.

20.30C.160 Transmittal to Department of Ecology/Attorney General.

Pursuant to WAC 173-14-090 and WAC 173-14-130, the Director of the Development Services Department shall send the following to the Department of Ecology and the Attorney General's Office within eight days of the City Council action on a Shoreline Conditional Use Permit:

- A. The original application; and
- B. An affidavit of public notice; and
- C. A copy of the approved site plan; and
- D. A vicinity map; and
- E. A copy of the approved Shoreline Conditional Use and Substantial Development Permits; and
- F. If applicable, the Council ordinance or resolution approving the application.

20.30C.165 Effective date.

Notwithstanding the provisions of LUC 20.35.100 et seq., a Shoreline Conditional Use Permit is not effective until it is approved by the Department of Ecology as required by WAC 173-14-130.

20.30C.170 Time limitation.

A. A Shoreline Conditional Use Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Conditional Use Permit unless the applicant has received an extension for the Shoreline Conditional Use Permit pursuant to LUC 20.30C.175. "Substantial progress" includes the following, where applicable: the making of contracts; signing of notice to proceed; completion of grading and excavation; and the laying of major utilities; or if no construction is involved, commencement of the activity.

B. Permit authorization expires finally, despite substantial progress, five years after the effective date of the Shoreline Conditional Use Permit unless the applicant has received an extension pursuant to LUC 20.30C.175. (Ord. 4055, 3914, 9-25-89, § 15)

20.30C.175 Extension.

A. The Director of the Development Services Department may extend a Shoreline Conditional Use Permit, not to exceed one year, with prior notice to the Department of Ecology and those who requested copies of the City's decision, only if:

1. Unforeseen circumstances or conditions necessitate the extension of the permit; and
2. Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
3. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

B. The Director of the Development Services Department may grant no more than two extensions – one only of the two-year “substantial progress” deadline described in LUC 20.30C.170.A and one only of the five-year final deadline described in LUC 20.30C.170.B. (Ord. 4055, 3914, 9-25-89, § 16)

20.30C.185 Amendment to an approved Shoreline Conditional Use Permit.

A. General.

The provisions of this section are in addition to those procedures governing amendments to an approved project or decision found in LUC 20.30B.175.

B. Additional Criteria for Administrative Amendment.

An amendment may be reviewed as an administrative amendment if it complies with the provisions of WAC 173-14-064.

C. Transmittal to Department of Ecology/Attorney General.

The Director shall send a copy of the final City action on to the Department of Ecology and the Attorney General’s Office in conformance with LUC 20.30C.160 and WAC 173-14-064. (Ord. 4973, 3-3-97, § 829; Ord. 4816, 12-4-95, § 929)

20.30C.190 Merger with Binding Site Plan.

A. General.

The applicant may request that the site plan approved with the Shoreline Conditional Use Permit constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.

B. Survey and Recording Required.

If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.

C. Effect of Binding Site Plan.

Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law. (Ord. 3848, 11-16-87, § 2)

20.30C.195 Periodic review.

The City may impose periodic review requirements as a condition of permit approval. (Ord. 4066, 10-23-89, § 3)

20.30C.200 Modification/revocation.

A. Modification.

The City may initiate a modification to an approved Shoreline Conditional Use Permit. A modification will be processed through Process I, LUC 20.35.100 et seq.; provided, that modification of a Shoreline Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. Through the modification procedure, the Hearing Body may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

B. Revocation.

The Hearing Body may revoke an approved permit through Process I, LUC 20.35.100 et seq.; provided, that revocation of a Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. An approved permit may be revoked only upon a finding that:

1. The use for which the approval was granted has been abandoned for a period of at least one year; or
 2. Approval of the permit was obtained by misrepresentation of material fact;
- or
3. The permit is being exercised contrary to the terms of approval. (Ord. 4973, 3-3-97, § 830; Ord. 4816, 12-4-95, § 930; Ord. 4066, 10-23-89, § 4)