



MEMORANDUM

DATE: June 20, 2011

TO: Chair Turner and Members of the Planning Commission

FROM: Carol Helland, Land Use Director 425-452-2724
Development Services Department

SUBJECT: Staff Report – Prohibition on Nonemergency Helicopter Landing Facilities
LUCA (File No. 11-115160 AD)

This memorandum presents the report and recommendation of the Development Services Department (DSD) on draft Land Use Code (LUC) amendments necessary to prohibit permanent helicopter landing facilities city-wide when not used for emergency purposes. This amendment is proposed in response to City Council direction to process a targeted code amendment to prohibit future nonemergency helicopter landing facilities. A copy of the draft ordinance is included with this memorandum as Attachment A.

Following the public hearing scheduled for July 13, 2011, and consideration of public comment, staff requests that the Planning Commission make a recommendation to the City Council to adopt the code amendment as drafted in Attachment A, or as amended following Planning Commission deliberations.

Sample motion language (for reference): *I move to recommend to the City Council approval of the proposed Land Use Code Amendment related to the prohibition on Nonemergency Helicopter Landing Facilities (file no. 11-115160 AD), as drafted in the ordinance included in Attachment A.*

I. BACKGROUND

Heliports and helistops are regulated pursuant to 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 CUP 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.

Since the helicopter regulations were adopted in 1989, two applications for permanent helicopter landing facilities have been received and subsequently approved. The first was for a helistop at Overlake Hospital that was established in 2009 to support its upgraded trauma facility. That facility is limited to use for emergency response associated with the hospital. The second facility was the Kemper Development Company (KDC) application to establish a helistop on the rooftop of the Bank of America building in downtown Bellevue. The KDC facility is for private use, and is not limited to emergency response.

The KDC application was recommended by DSD, and ultimately approved by the Hearing Examiner, before it was appealed to the City Council. On May 16, 2011, the CUP appeal of the KDC proposal to establish a helistop on the Bank of America building was before Council for final decision. In order to grant an appeal of a Hearing Examiner decision, the Council is required to find that an application is "not supported by material and substantial evidence." LUC 20.35.150.A.7.a. The Council denied the appeal and approved the project, because it was unable to make such a finding based on the record. Following discussion of the appeal, Council members requested that staff bring forward a range of options for Council consideration to address its concerns regarding the adequacy of performance standards and processing requirements for future applications to establish helicopter landing facilities.

On May 31, the Council considered three options for responding to issues raised regarding the regulation of helicopter landing facilities.

1. Adopt a moratorium and evaluate helicopter landing facility location issues as a standalone work program.
2. Initiate a targeted code amendment immediately to prohibit all but emergency helicopter landing facilities city-wide, and conduct a broad study of private helicopter landing facilities as part of a future code amendment work program item funded in the future.
3. Take no action at this time, and direct staff to include evaluation of helicopter landing facility regulations as part of a future code amendment work program item when proposed for funding.

Following its discussion of the issue, the Council directed staff to "initiate a targeted code amendment to prohibit all but emergency helicopter landing facilities city-wide." The Council confirmed that the Planning Commission should be the body to hold the public hearing on the this topic (rather than retaining hearing responsibility with the Council), but reiterated the focused nature of the amendment and set an expectation

that the public hearing be held quickly, and that the Commission recommendation be presented back to the Council for consideration prior to the summer break.

II. PROPOSAL – TARGETED CODE AMENDMENT

A draft ordinance responding to the Council direction has been included as Attachment A to this memorandum. The ordinance would amend 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 charts 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 proposed amendment would allow helicopter landing facilities only when associated with a government facility. In districts where hospitals are an allowed use, the proposed amendment would allow helicopter landing facilities for any emergency related service (government or hospital). In addition to the use chart limitations, amendments are proposed to the helicopter landing facility performance criteria to clarify that the requirements apply irrespective of whether the application is required to be processed as an administrative conditional use or a full conditional use.

III. STATE ENVIRONMENTAL POLICY ACT (SEPA)

It is anticipated that the Environmental Coordinator for the City of Bellevue will determine that this proposal is not likely to result in any probable, significant, adverse environmental impacts. It is likely that a threshold determination of nonsignificance (DNS) will be issued, and issuance will occur on or before July 7, 2011. The threshold determination will be included in the project file and will be provided to the Planning Commission prior to the public hearing that is scheduled for July 13, 2011.

IV. PUBLIC NOTICE, PARTICIPATION, COMMENT AND RESPONSE

This LUC amendment was introduced to the Planning Commission at the study session held on June 22, 2011. Notice of the Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on June 16 and June 23, 2011. The staff recommendation was published in the Weekly Permit Bulletin on June 23, 2011, and the SEPA determination (DNS) is anticipated to be issued and published in the Weekly Permit Bulletin on July 7, 2011. The public hearing is scheduled to be held on July 13, 2011.

A courtesy public hearing on the proposal will be held with the East Bellevue Community Council (EBCC) on July 5, 2011. Any concerns expressed by the EBCC will be transmitted to the Planning Commission for consideration during the scheduled public hearing.

Pursuant to the requirements of the Growth Management Act, state agencies must be given an opportunity to review and comment on the proposed amendment to the LUC. Copies of the draft ordinance were provided to the state agencies for review on June 21, 2011.

V. APPLICABLE DECISION CRITERIA – LAND USE CODE PART 20.30J

The Planning Commission may recommend and the City Council may approve or approve with modifications an amendment to the text of the Land Use Code if:

A. The amendment is in accord with the Comprehensive Plan; and

The proposed amendment is consistent with the Comprehensive Plan. The proposed amendment is intended to prohibit permanent helicopter landing facilities city-wide when not used for emergency purposes. Several Comprehensive Plan policies support this prohibition until such time as resources are available to conduct the thorough evaluation needed to determine whether there are any circumstances where nonemergency helicopter landing facilities could be permitted in the city with appropriate performance standards to ensure that impacts to health and the environment are mitigated, and to ensure that future facilities are developed in a manner that is compatible with existing residential areas and areas zoned to attract future residential uses.

POLICY LU-9. Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

POLICY EN-1. Consider the immediate and long range environmental impacts of policy and regulatory decisions and evaluate those impacts in the context of the city's commitment to provide for public safety, infrastructure, economic development, and a compact Urban Center in a sustainable environment.

POLICY EN-88. Ensure that excessive noise does not impair the permitted land use activities in residential, commercial, and industrial land use districts.

POLICY EN-89. Protect residential neighborhoods from noise levels that interfere with sleep and repose through development standards and code enforcement.

POLICY CP-4. Balance the interests of the commercial and residential communities when considering modifications to zoning or development regulations.

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

Implementation of the Comprehensive Plan through the City's development regulations is an appropriate use of City authority, and fulfills the GMA mandate for consistency between the City's Comprehensive Plan and Land Use Code. The proposed amendment serves the public health, safety, and welfare by addressing issues of use compatibility between a transportation facility with its attendant health and environmental affects, and existing residential neighborhoods and areas zoned to attract future residential development to fulfill the City's housing growth targets.

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

The public interest is articulated in the form of the community vision that is identified in the Comprehensive Plan and the development regulations that implement it. As described above, the proposed amendment serves to advance the community vision articulated in the Comprehensive Plan through proposed amendments to the LUC. The public interest is advanced through this proposal.

VI. RECOMMENDATION

Staff requests the Planning Commission develop a recommendation to the City Council regarding adoption of the draft LUC amendment included in Attachment A, and transmit the ordinance on to the City Council for final approval. To meet the Council intent of being able to review the Commission recommendation before its August break, the Commission will be asked to deliberate and make a recommendation on the draft ordinance following the public hearing at its July 13th meeting.

ATTACHMENTS:

- A. Draft Ordinance for Land Use Code Amendments

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

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 until such time as the City has the ability to comprehensively consider the impacts of and appropriate regulations for multiple private non-emergency heliport and helistop facilities; and

WHEREAS, a City-wide prohibition on all non-emergency heliport or helistop facilities will allow the City at a future 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 [insert notice date for determination of nonsignificance], 2011; and

Attachment A

| | | | | | | | | | | | | |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Highway and Street Right-of-Way | P | P | P | P | P | P | P | P | P | P | P | P |
| Utility Facility | C | C | C | C | C | C | C | C | C | C | C | C |
| Local Utility System | P | P | P | P | P | P | P | P | P | P | P | P |
| Regional Utility System | C | C | C | C | C | C | C | C | C | C | C | C |
| On-Site Hazardous Waste Treatment and Storage Facility (7) | | | | | | | | | | | | |
| Off-Site Hazardous Waste Treatment and Storage Facility (8) | | | | | | | | | | | | |
| Essential Public Facility (20) | C | C | C | C | C | C | C | C | C | C | C | C |
| Wireless Communication Facility (WCF): (without WCF Support Structures) | 14, 16, 21 |
| Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding) | 14, 16 |
| Satellite Dishes (18) | P | P | P | P | P | P | P | P | P | P | P | P |
| Electrical Utility Facility (22) | A/C 22 |

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.

| | | | | | | | | | | | |
|--|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | | | | | | | | | | | |
| | Wireless Communication Facility (WCF): (without WCF Support Structures) | 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 |

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

| STD LAND USE CODE REF | LAND USE CLASSIFICATION | Transportation and Utilities – Downtown Districts | | | | | |
|-----------------------------------|--|---|---------------|------------|-----------|------------|---------------|
| | | 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/C 2,1211 | A/C 2,1211 | A/C 12 | | | A/C 2,1211 |
| | 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 |

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) ~~Aircraft transportation is limited to only heliports in Downtown-O-1, Downtown-O-2 and Downtown-OLB Districts. 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 only exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (12) ~~A roof top helicopter landing area which is utilized for life threatening emergencies only does not require conditional use approval~~ 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 ~~conditional-use~~ 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.

| STD LAND USE CODE REF | LAND USE CLASSIFICATION | Transportation and Utilities – Bel-Red Districts | | | | | | |
|-----------------------------------|--|--|-------------------------------------|---|------------------------|----------------------------------|--------------------------------------|---|
| | | Bel-Red Medical Office/Node | Bel-Red Office Residential/Nodes | Bel-Red Residential Commercial Nodes | Bel-Red Residential | Bel-Red General Commercial | Bel-Red Commercial Residential | Bel-Red Office Residential Transition |
| | | 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 |
| | 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 only government and hospital heliports used exclusively for emergency purposes and is 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.

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