VI. ADMINISTRATION AND ENFORCEMENT AND DEFINITIONS

20.25E.250 ADMINISTRATION.

A. Purpose.

The purpose of this section is to set forth the provisions for the interpretation, general administration, and enforcement of the Bellevue SMP, and to provide definitions and acronyms specific to Part 20.25E LUC.

B. Applicability.

Chapter 20.40 LUC contains provisions governing the administration and enforcement of the Land Use Code. Such provisions shall apply within the shoreline jurisdiction, except as noted below. If a conflict occurs between the provisions of Chapter 20.40 LUC and the Bellevue SMP, the provisions of the SMP shall prevail.

C. Administrative Provisions Specific to the Shoreline Master Program.

1. Vesting of Shoreline Application. An application for approval of either a shoreline substantial development permit or a shoreline conditional use permit shall be considered under the Shoreline Master Program, the Land Use Code, and other land use controls in effect on the date that a fully completed application is submitted for approval which satisfies the submittal requirements specified by the Director pursuant to LUC 20.25E.100.C.3.

Comment [j1]: Case law

2. Expiration of Vested Status of Shoreline Permits and Shoreline Variances. Shoreline substantial development permits, shoreline conditional use permits, and variances shall expire and are void two years from the effective date of the permit as defined in WAC 173-27-090(4), unless:

Comment [j2]: WAC 173-27-090(2)

   a. The applicant commences construction activities within two years of the effective date of the shoreline permit; or where no construction activities are involved, the use or activity is commenced within two years of the effective date of the shoreline permit; or

   b. The applicant requested an extension prior to the expiration date and received an extension for the shoreline permit pursuant to paragraph C.6 of this section.

3. Shoreline Variances. Shoreline variances shall run with the land in perpetuity if they are recorded with the King County Department of Elections and Records, or its successor entity, within 60 days following Ecology's final action on the variance. Unrecorded variances shall survive the life of the project.

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4. Final Expiration of Shoreline Permits. Permit authorization expires finally, despite commencement of construction, five years after the effective date of the relevant shoreline permit, unless the applicant has received an extension pursuant to paragraph C.6 of this section.

5. Tolling. The time period set forth in paragraph C.2 of this section shall not include the time during which an activity or development was not actively pursued because of the pendency of litigation or the need to obtain other government permits or approvals, including all reasonably-related administrative or legal actions on such permits or approvals.

6. Extension of shoreline permits.

   i. The Director may extend a shoreline permit, not to exceed one year, with prior notice to the Department of Ecology and those who requested copies of the Director's decision, only if:

      (1) Unforeseen circumstances or conditions necessitate the extension of the permit;

      (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.

   ii. The Director may grant no more than two extensions:

      (1) A single one year extension may be granted to the two-year construction commencement deadline described in paragraph C.2 of this section; and,

      (2) A single one year extension may be granted to the five-year final expiration deadline described in paragraph C.4 of this section.

   iii. When a Building permit is issued, the vested status of a shoreline permit shall be automatically extended for the life of the Building Permit. If the Building Permit expires, or is revoked or cancelled pursuant to BCC 23.06.100 or otherwise, then the vested status of a shoreline permit shall also expire, or be revoked or cancelled.

Comment [ch3]: WAC 173-27-090(3)

Comment [j4]: WAC 173-27-090(4)

Comment [ch5]: WAC 173-27-090(1)

20.25E.260 Enforcement.

The enforcement of the Bellevue SMP shall be in conformance with LUC 20.40.450 and the enforcement provisions of Chapter 173-27 WAC, as currently adopted or subsequently amended or superseded.

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20.25E.270 Interpretations.

Comment [ch6]: WAC 173-26-140

A. Rules of Statutory Construction. Consistent with RCW 90.58.900, the Bellevue SMP is exempt from the rule of strict construction and shall be liberally construed to give full effect to the purposes, goals, objectives, polices, and regulations.

B. Requests for Written Interpretation. Requests for written interpretation of the provisions of the Shoreline Overlay (Part 20.25E LUC) will be processed as a Land Use Process II decision pursuant to Chapter 20.35 LUC using the procedures and criteria for Interpretation of the Land Use Code contained in Part 20.30K LUC.

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