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ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2399

AN ORDINANCE establishing the office of Hearing Examiner, setting forth powers, duties, procedures and adding a new chapter to the Bellevue City Code, Chapter 3.56.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby added to the Bellevue City Code a new Chapter 3.56 to read as follows:

CHAPTER 3.56

HEARING EXAMINER

Sections:

- 3.56.010 Purpose.
- 3.56.020 Hearing Examiner.
- 3.56.030 Appointment.
- 3.56.040 Hearing Examiner - Conflict of interest and freedom from improper influence.
- 3.56.050 Powers.
- 3.56.060 Procedures.

3.56.010 Purpose. The purpose of this Chapter is to provide an administrative land use regulatory system which will best satisfy the following basic needs:

1. The need to separate the City's land use regulatory function from its land use planning function;
2. The need to ensure and expand the principles of fairness and due process in public hearings; and
3. The need to provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters.

3.56.020 Office of Hearing Examiner - Established. The office of Hearing Examiner is hereby established. The Hearing Examiner shall exercise the authority of the Hearing Body, designated in the Bellevue Zoning Code and Bellevue City Code for the land use matters set forth in Section 3.56.050. Hearings held by the Hearing Examiner shall constitute the hearings required by state law for such land use matters.

3.56.030 Appointment. The Examiner shall be appointed by the City Manager. The Examiner shall be appointed solely with regard to qualifications for the duties of such office and shall have such training

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or experience as will qualify the Examiner to conduct administrative or quasi-judicial hearings on land use regulatory matters. The Examiner shall hold no other appointive or elective public office or position in the City Government except as herein provided.

3.56.040 Hearing Examiner - Conflict of interest and freedom from improper influence. The Examiner shall not conduct or participate in any hearing or decision in which the Examiner has a direct or substantial financial interest.

No Council member, City official or any other person shall attempt to influence or in any way interfere with the Examiner in the performance of his designated duties.

3.56.050 Powers. The Examiner shall have the authority to and shall conduct public hearings and prepare a record thereof, and enter written findings and conclusions, recommendations or decisions for the following land use matters:

1. Applications for Conditional Uses,
2. Applications for Contingent Uses,
3. Applications for Planned Residential Unit Developments,
4. Applications for Planned Unit Developments,
5. Applications for Plats, and
6. Appeals from administrative short plat decisions.

The Examiner's decisions shall be based upon the policies of the Comprehensive Plan, Shorelines Management Act, State Environmental Policy Act, the standards set forth in the various land use regulatory codes of the City, or any other applicable program adopted by the City Council; and the Examiner may attach reasonable conditions found necessary to make the project compatible with its environment and to carry out the goals and policies of the City's Comprehensive Plan, Shorelines Master Program, or other applicable plan or program adopted by the City Council.

Such conditions may include but are not limited to the following:

1. Exact location and nature of development, including additional building and parking area setbacks, screenings in the form of landscaped berms, landscaping, or fencing;
2. Impact of the development upon other land;
3. Hours of use or operation or type and intensity of activities;
4. Sequence and scheduling of development;

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5. Maintenance of the development;
6. Duration of use and subsequent removal of structures;
7. Granting of easements for utilities or other purposes and dedication of land or other provisions for public facilities, the need for which the Examiner finds would be generated in whole or in significant part by the proposed development;
8. Mitigation of any adverse environmental impacts; and
9. Provisions which would bring the proposal into compliance with the Comprehensive Plan policy.

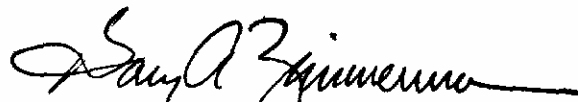
The Examiner shall have the power to prescribe rules and regulations for the conduct of hearings authorized herein, subject to confirmation by the City Council, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Examiner.

**3.56.060 Procedures.** The procedures of Chapters 18.42 and 18.64 of the Bellevue Zoning Code and Chapter 22C.10 of the Bellevue City Code, as applicable, shall apply to the land use matters heard by the Examiner under the authority of this Chapter.

Section 2. This ordinance shall take effect and be in force on July 1, 1977.


PASSED by the City Council this 14 day of March, 1977 and signed in authentication of its passage this 14 day of March, 1977.

(SEAL)

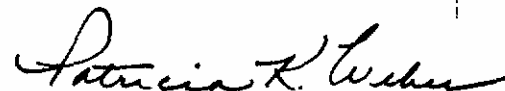


Gary A. Zimmerman, Pro-tem

Approved as to form:

  
Lee Kraft, City Attorney

Attest:

  
Patricia K. Weber, City Clerk

Published March 22, 1977