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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2603

AN ORDINANCE imposing requirements on approval of proposals subject to conditions, or denial of proposals, under RCW 43.21C and Bellevue City Code Chapter 22.02; providing an appeal to the City Council from decisions of the City approving proposals subject to conditions, or denying proposals; and adding new Section 22.02.080 and .085 to the Bellevue City Code.

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

Section 1. A new section is hereby added to Chapter 22.02 of the Bellevue City Code, to be designated Section 22.02.080 thereof:

22.02.080 Approval subject to conditions - Denial - Requirements.

Whenever the City takes action approving a proposal subject to conditions, or denying a proposal, under RCW Chapter 43.21C or this chapter of the Bellevue City Code, which action does not require approval of the City Council, it shall do so only on the basis of specific adverse environmental impacts which are both 1) identified in the environmental documents prepared pursuant to RCW Chapter 43.21C or this chapter of the Bellevue City Code and 2) stated in writing by the responsible official acting for the City. The approval of such a proposal subject to conditions, or the denial of a proposal, shall also be based upon one or more of the following:

1. The Comprehensive Plan of the City of Bellevue.
2. The Land Use or Zoning Code of the City of Bellevue.
3. The Shoreline Master Program of the City of Bellevue.
4. The policies and objectives of the State Environmental Policy Act of 1971, as amended, as adopted as the policies and objectives of the City of Bellevue under this chapter.
5. Any other policies of the City which have been incorporated into resolutions, regulations, ordinances, plans, or codes and which provide a reasonable basis for attaching conditions to the approval of a proposal, or for denying a proposal, in order to mitigate adverse environmental impacts.

8-3-78  
2603

Section 2. A new section is hereby added to Chapter 22.02 of the Bellevue City Code to be designated Section 22.02.085 thereof:

22.02.085 Appeal of decision attaching conditions to the approval of a proposal, or denying a proposal. Any action of the City, which is taken by a non-elected official thereof, approving a proposal subject to conditions, or denying a proposal, under the authority of Section 22.02.080 hereof, which action does not require approval of the City Council, may be appealed to the City Council by any person aggrieved by such action. The City Council hereby designates the Hearing Examiner, established under Bellevue City Code Chapter 3.56, as the hearing body for such appeal. The Hearing Examiner shall conduct such hearings in accordance with such rules and regulations as the Examiner has established under Bellevue City Code 3.56.050 (C) and, following such hearing, shall enter written findings and conclusions and a recommendation based thereon for transmittal to the City Council. The City Council shall consider the record of said hearing, said findings and conclusions and the recommendation of the Hearing Examiner at a public meeting and may either accept, accept with modifications or reject the recommendation of the Hearing Examiner.

Any such appeal must be made by filing a written notice of appeal, identifying the grounds therefor, with the City Clerk within ten (10) days of the date of the action appealed.

Where another appeals procedure is provided under the Bellevue City Code for a decision of the City, the appeals procedures provided hereunder shall govern where the appeal is based on the imposition of conditions or the denial of a proposal under the authority of this chapter.


This section does not apply to permits and variances issued pursuant to RCW 90.58, the Shorelines Management Act.

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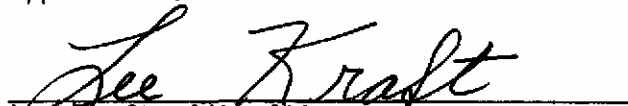
Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 7 day of Aug 1978, and signed in authentication of its passage this 7 day of Aug, 1978.

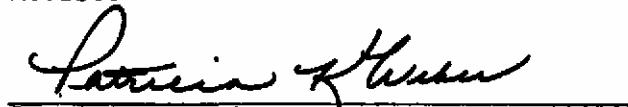
(SEAL)

  
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Gary A. Zimmerman, Mayor

Approved as to form:

  
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Lee Kraft, City Attorney

Attest:

  
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Patricia K. Weber, City Clerk

Published August 12, 1978