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5-27-88

## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3913

AN ORDINANCE relating to procedures for Code interpretation requests; amending Bellevue City Code (Land Use Code) 20.30K.125, 20.30K.130, 20.30K.160.

WHEREAS, the existing Code interpretation procedure does not provide notice or an appeal to affected property owners when an interpretation is requested by a non-property owner; and

WHEREAS, notice and the right to appeal are necessary to satisfy procedural due process requirements under the United States Constitution and the Washington State Constitution; and

WHEREAS, this ordinance corrects procedural deficiencies in the existing Code interpretation process relating to notice and appeals; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and with the City's Environmental Procedures Ordinance; now therefore,

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

Section 1. Bellevue City Code (Land Use Code) 20.30K.125 is amended as follows:

20.30K.125 Who May Request: Any Bellevue resident, Bellevue property owner, or proponent of a project located in Bellevue may request a written interpretation of the provisions of the Land Use Code; and any person residing within 400 feet of a parcel of property in the City may request a written interpretation of the provisions of the Land Use Code relating specifically to that parcel. In addition, the Director of Design and Development may issue an interpretation on his/her own initiative.

Section 2. Bellevue City Code (Land Use Code) 20.30K.130 is amended as follows:

20.30K.130 Applicable Procedure:

- A. The Director of Design and Development shall interpret the provisions of the Land Use Code in conformance with this Part 20.30K.

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- B. A site specific code interpretation requested by a person other than the project proponent or property owner will be processed pursuant to Process II (Section 20.35.200) et seq.) and shall include notice to the project proponent or property owner.
- C. When an interpretation is made in response to a written request pursuant to this Part, the person filing the written request and parties to whom notice was sent may appeal the decision of the Director through Process V (Section 20.35.500, et seq.).
- D. The Hearing Examiner may delay hearing a project specific code interpretation appeal until after the applicable land use decisions have been made or development permits have been approved or denied if separate appeals would constitute a duplication of effort unless the delay would nullify the issue(s) on appeal. The Hearing Examiner may also consolidate code interpretation appeals with other appeals related to the project.

Section 3. Bellevue City Code (Land Use Code) 20.30K.160 is amended as follows:

20.30K.160 Response to Written Request: The Director of Design and Development shall mail a written response to any person filing a written request to interpret the provisions of the Land Use Code within 14 calendar days of having received that request, except if the provisions of 20.30K.130.B apply.

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Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 23<sup>rd</sup> day of May, 1988,  
and signed in authentication of its passage this 23<sup>rd</sup> day  
of May, 1988.

(SEAL)

Nan Campbell  
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews  
Richard L. Andrews, City Attorney

Attest:

Marie K. O'Connell  
Marie K. O'Connell, City Clerk

Published June 3, 1988