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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4029

AN ORDINANCE relating to heliports; amending Sections 20.10.440, 20.50.022, 20.50.024, 20.50.040 and 20.50.048 of the Bellevue City Code (Land Use Code); repealing Ordinance No. 436; and adding a new section 20.20.450 to the Bellevue City Code (Land Use Code).

WHEREAS, the City of Bellevue helicopter regulations need revision to reflect new heliport design standards; and

WHEREAS, the City of Bellevue recognizes the importance of protecting residential neighborhoods from the adverse impacts of helicopter noise; and

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

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

Section 1. Ordinance No. 436 is hereby repealed.

Section 2. Bellevue City Code (Land Use Code) Section 20.10.440 (Transportation and Utilities) is amended to read as follows:

NOTES: USES IN LAND USE DISTRICTS—TRANSPORTATION AND UTILITIES

1. Rail Transportation is limited to only Right-of-Way in OU districts.
2. Aircraft Transportation is limited to only Heliports in OU, CBD-O-1, CBD-O-2 and CBD-OLB districts.
3. Commercial lots and garages are those lots and garages which provide vehicular parking for the public generally for a fee and do not include lots and garages which provide the required parking for other uses.
4. Utilities: Local Storage, Distribution & Substations are limited to those utilities serving only the community surrounding them as part of the storage and distribution network. All other utilities are classified Utilities: Production, Generation, Disposal, Processing & Treatment Plants, Regional Storage, Distribution & Substations.
5. Permitted only as a subordinate use to a permitted or special use in CBD-O-1, CBD-O-2, CBD-MU and CBD-OLB districts.
6. The location of an off-site parking facility must be approved by the Director of Design and Development. See Section 20.25A.050H.

(Ord. 2945, 2-2-82, Section 5)

7. 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 Section 20.20.200. Any other Park and Ride requires a conditional use permit. (Ord. 3690, 8-4-86, Section 1)
8. Commercial parking facilities are limited to spaces in surface lots which are not required pursuant to Section 20.25A.050. Commercial lots must comply with the requirements of Paragraph 20.25A.050.D. (Ord. 3747, 1-20-87, Section 1)
9. Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to Section 20.10.440. (Ord. 3747, 1-20-87, Section 1)
10. Onsite hazardous waste treatment and storage facilities as defined by 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. (Ord. 3903, 4-18-88, Section 1)
11. Offsite hazardous waste treatment and storage facilities as defined by 20.50.024 must comply with the State siting criteria as adopted in accordance with RCW 70.105.210. (Ord. 3904, 4-18-88, Section 1)
12. Aircraft Transportation is limited in these districts to government heliports used only for emergency purposes.
13. A roof top helicopter landing area which is utilized for life threatening emergencies only does not require conditional use approval.

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Section 3. Bellevue City Code (Land Use Code) Chapter 20.20 is amended with the addition of the following section:

20.20.450. Helicopters

A. Heliports. General Requirements.

1. In addition to the decision criteria in Section 20.30B.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 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 environmentally sensitive 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.

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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 (1) or (2) below is acceptable. Skid or float length should be substituted for wheelbase as appropriate.
 - (1) 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.
 - (2) Private Use or Personal Use Heliports. The minimum sized touchdown pad shall have a length

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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 20.20.450 A.3-12 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 20.20.450.A.1 but must comply with the requirements in paragraphs 2-13. 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 20.20.450 A.3-12. 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.

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4. Operations of a government authority in cases of emergency, search and rescue, fire and law enforcement are exempt from the permit requirements of Paragraph B.

Section 4. Bellevue City Code (Land Use Code) Section 20.50.022 is amended by the addition of the following definition:

Government Use Heliport. Any heliport that is owned and operated by an agency of local, state or federal government for use by its own helicopters, and which is not available for private use.

Section 5. Bellevue City Code (Land Use Code) Section 20.50.024 is amended by the revision and addition of the following definition(s):

Heliport. A heliport is an area of land or water or a structural surface which is used as a permanent facility for the landing and takeoff of helicopters, and any appurtenant areas which are used for heliport buildings and other facilities. Refueling, maintenance, repairs or storage of a helicopter is included in this definition.

Heliport Approach Surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet (1,220 m) where its width is 500 feet (152 m). The standard slope of the approach surface is 8 to 1.

Heliport Primary Surface. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Heliport Transitional Surfaces. These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface, and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet (76 m) measured horizontally from the centerline of the primary and approach surfaces.

Section 6. Bellevue City Code (Land Use Code) Section 20.50.032 is amended by the addition of the following definitions:

Personal Use Heliport. Any heliport that is used exclusively by the owner.

Private Use Heliport. Any heliport that restricts usage to the owner or persons authorized by the owner.

Public Use Heliport. Any heliport open to the general public and which does not require prior permission of the owner to land.

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Section 7. Bellevue City Code (Land Use Code) Section 20.50.048 is amended by the addition of the following definitions:

Takeoff and Landing Area. Obstruction-free area designed for the arrival and departures of helicopters.

Touchdown Pad. The area of a heliport upon which the landing gear of a helicopter rests immediately after landing or just prior to takeoff.

Section 8. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 5th day of September 1989,
and signed in authentication of its passage this 5th day
of September 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley
Richard Gidley, Deputy City Attorney

Attest:

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

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