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ORIGINAL

Process Option B

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4972

AN ORDINANCE amending Procedural provisions contained in Title 20, the City of Bellevue.

WHEREAS, the City Council amended the Land Use Code of the City of Bellevue on December 4, 1995 by Ordinance No. 4816 to fulfill the mandates of Chapter 347, Laws of 1995; and

WHEREAS, the East Bellevue and Sammamish Community Councils disapproved Ordinance No. 4816 by Resolution Nos. 369-A and 353-A respectively; and

WHEREAS, the Superior Court of the State of Washington in its November 27, 1996, Order Granting Motion for Summary Judgment in City of Bellevue v. East Bellevue Municipal Corporation and Lake Sammamish Community Council (Case No. 96-2-08252-0 SEA) ruled against the City and ordered the City to give effect to the disapproval by the Community Councils; and

WHEREAS, the City has made modifications to Ordinance No. 4816 to preserve the approval/disapproval authority of the Community Councils; now therefore,

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

Section 1. Portions of Ordinance No. 4816, amending process related sections of Title 20 of the City of Bellevue Land Use Code, adopted by the City Council on December 4, 1995, is readopted with modifications as follows:

WHEREAS the state legislature passed regulatory reform legislation in 1995 including Chapter 347, Laws of 1995; and

WHEREAS, in Chapter 347, Laws of 1995, the state legislature mandated that each city planning under the Growth Management Act establish an integrated and consolidated project permit review process and provide for improved public participation in that process; and

WHEREAS, in Chapter 347, Laws of 1995, the state legislature mandated that each city planning under the Growth Management Act issue its final notice of decision on a project permit within 120 days of receipt of a complete application for such permit; and

WHEREAS, the City of Bellevue must amend its Land Use Code to fulfill the mandates of Chapter 347, Laws of 1995; and

WHEREAS, the City of Bellevue has conducted its own regulatory reform program to amend its Land Use Code to improve the clarity of regulatory standards, omit

unnecessary regulation, provide consistency with other codes, increase efficiency, and foster development that meets City goals, now, therefore,

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

Section 2. Chapter 20.35 of the Bellevue City Code (Land Use Code Review and Appeal Procedures) is hereby repealed.

Section 3. A new Chapter 20.35 of the Bellevue City Code is hereby adopted as follows:

20.35.010 Purpose and Scope.

The purpose of this chapter is to establish standard procedures for all land use and related decisions made by the City of Bellevue. The procedures are designed to promote timely and informed public participation, eliminate redundancy in the application, permit review, and appeal processes, minimize delay and expense, and result in development approvals that further City goals as set forth in the Comprehensive Plan. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with the procedures for review of land use decisions and provide for the consolidation of appeal processes for land use decisions.
(Ord. 4816, 12-4-95, § 102)

20.35.015 Framework for Decisions.

A. Land use decisions are classified into four processes based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

B. Process I decisions are quasi-judicial decisions made by the Hearing Examiner on project applications. The following types of applications require a Process I decision:

1. Conditional Use Permits (CUP) and Shoreline Conditional Use Permits;
2. Preliminary Subdivision Approval (Plat); and
3. Planned Unit Development Approval (PUD);

provided that applications for conditional use permits, shoreline conditional use permits, preliminary plats, and planned unit developments within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision.

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II

decisions. (See the Environmental Procedures Code, BCC 22.02.034 and Sign Code, BCC 22B.10.180.) The following types of applications require a Process II decision:

1. Administrative Amendments;
2. Administrative Conditional Use;
3. Binding Site Plan;
4. Design Review;
5. Home Occupation Permit;
6. Interpretation of the Land Use Code;
7. Preliminary Short Plat;
8. Shoreline Substantial Development Permit;
9. Variance and Shoreline Variance.

D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:

1. Site-specific or Project-specific Rezone;
2. Conditional Use, Shoreline Conditional Use, Preliminary Plat, and

Planned Unit Development projects subject to the jurisdiction of a Community Council pursuant to RCW 35.14.040.

E. Process IV decisions are legislative non-project decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The following are Process IV decisions:

1. Amendments to the text of the Land Use Code or Comprehensive Plan;
2. Amendments to the Comprehensive Plan Map;
3. Amendments to the Zoning Map (rezones) on a city-wide or area-wide basis.

F. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.

1. Boundary Line Adjustment;
2. Final Plat (also requires Hearing Examiner approval prior to recording);
3. Final Short Plat;
4. Land Use Exemption;
5. Temporary Use Permit;
6. Vendor Cart Permit (Ord. 4816, 12-4-95, § 102)

20.35.020 Preapplication Conferences.

A preapplication conference is required prior to submitting an application for conditional use or shoreline conditional use permits, preliminary subdivision approval,

planned unit developments, and design review projects, unless waived by the Director.
(Ord. 4816, 12-4-95, § 102)

20.35.030 Applications.

A. Who May Apply

Application for the various types of land use decisions may be made by the following parties:

1. The property owner or any agent of the owner with authorized proof of agency may apply for any type of Process I, Process II, or Process III land use decision, or for a site-specific Comprehensive Plan Amendment.
2. A resident of the dwelling may apply for a home occupation permit.
3. The City Council, the Director of Community Development or the Director of the Planning, Neighborhoods, and Economic Development Department, may apply for a project-specific or site-specific rezone or for an area-wide rezone.
4. The Director of Community Development, the Director of the Planning, Neighborhoods, and Economic Development Department, or the Planning Commission or City Council may initiate amendments to the Comprehensive Plan Map or text or to the text of the Land Use Code.
5. Any person may request an interpretation of the Land Use Code. In addition, the Director may issue interpretations of the Land Use Code as needed.

B. Submittal Requirements

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The Director may waive specific submittal requirements determined to be unnecessary for review of an application. The Director may require additional material such as maps, studies, or models when the Director determines such material is needed to adequately assess the proposed project.

C. Notice of Complete Application

1. Within 28 days after receiving a land use permit application, the Director shall mail, fax, or otherwise provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete.
2. If the Director does not provide a written determination within the 28 days, the application shall be deemed complete as of the end of the 28th day.
3. If additional information is needed to make the application complete, within 14 days after an applicant has submitted the information identified by the Director as being needed, the Director shall notify the applicant whether the application is complete or what additional information is necessary.
4. A land use application is complete for purposes of this section when it meets the submittal requirements established by the Director and is sufficient for continued processing even though additional information may be required or project

modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

D. Project Timelines

The Director shall establish reasonable and predictable timelines for review of land use applications and shall provide target dates for decisions on such applications. All land use decisions on applications filed on or after April 1, 1996 shall be made within the time period specified under RCW 36.70B.090. For purposes of calculating timelines and counting days of permit processing, the applicable time period shall begin on the first working day following the date the application is determined to be complete and shall only include the time during which the City can proceed with review of the application as specified in RCW 36.70B.090.
(Ord. 4816, 12-4-95, § 102)

20.35.045 Land Use Decisions.

When a decision is made to approve, conditionally approve, or deny an application, the applicant shall be notified. Administrative land use decisions that are not subject to administrative appeal shall be final at the time of the Director's decision that the application conforms to all applicable codes and requirements. Process I decisions are final upon expiration of any applicable City administrative appeal period, or if appealed, on the date of the City Council's final decision on the application. Process II decisions are final upon expiration of any applicable City administrative appeal period, or, if appealed, on the day following issuance of a final City decision on the administrative appeal. Process III and IV decisions are final on the date of the City Council's final decision or action on the application or proposal, subject to LUC 20.35.365 and 20.35.450, respectively, regarding Community Council jurisdiction. (Ord. 4816, 12-4-95, § 102)

20.35.070 Appeal of City Land Use Decisions to Superior Court.

A. A final City decision on a land use permit application (Process I-III), except for shoreline permits, may be appealed to Superior Court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled. An appeal of a shoreline substantial development permit, a shoreline conditional use permit, or a shoreline variance shall be to the State Shoreline Hearings Board and shall be filed within 21 days as set forth in RCW 90.58.180.

B. A final City action on a legislative non-project land use proposal (Process IV) may be appealed by petition to the Growth Management Hearing Board as set forth in LUC 20.35.440.C and RCW 36.70A.290.

20.35.080 Merger of Process I and III Recommendations and Process II Decisions.

When a single project includes a combination of Process I, Process II, and/or Process III land use applications, review of the project shall combine review of the Process I, Process II, and Process III components. A consolidated report setting forth the Process I and/or Process III recommendation of the Director and the Process II decisions will be issued.

(Ord. 4816, 12-4-95, § 102)

20.35.085 Appeals of Non-Land Use Code Matters.

Certain other appealable administrative decisions are made by City Departments, including but not limited to decisions pursuant to the City's Transportation Improvement Program (Chapter 22.16 BCC), the Sewer Code (Chapter 24.04 BCC), the Storm and Surface Water Utility Code (Chapter 24.06 BCC), the Sign Code (Title 22B BCC), and the Environmental Procedures Code (Chapter 22.02 BCC). These types of non-Land Use Code appeals are heard and decided by the City Hearing Examiner. When associated with a consolidated Land Use permit application, the appeal will be heard in conjunction with any appeal on the Land Use application. In some cases, the relevant code modifies the appeal process slightly compared to Land Use Code appeals. (See e.g., Transportation Improvement Program: only applicant may appeal.) In such cases, and as to those codes only, the procedures governing other appeals shall control. In all cases, however, the final City decision on the administrative appeal is made by the Hearing Examiner. Information on non-Land Use Code appeals is available from the department administering the relevant code and from the City Hearing Examiner.

(BCC 4816, 12-4-95, §102)

20.35.100 Process I: Hearing Examiner Quasi-Judicial Decisions.

A. LUC 20.35.100 through 20.35.150 contain the procedures the City will use in implementing Process I. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting will be held. If required by the State Environmental Policy Act (SEPA) a threshold determination will be issued by the Environmental Coordinator. The threshold determination may be issued in conjunction with issuance of the Director's recommendation on the application. If an Environmental Impact Statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to issuance of the Director's recommendation. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Director's recommendation.

B. Following issuance of the Director's recommendation, a public hearing will be held before the City Hearing Examiner. If a SEPA Determination of Non-Significance (DNS) was issued (no EIS required) and an appeal of the DNS has been filed, the appeal hearing on the DNS will be combined with the public hearing on the Director's recommendation. Following the public hearing, the Hearing Examiner will issue a written report which will set forth a decision to approve, approve with modifications, or deny the application. The Examiner's report will also include a final City decision on any DNS or other Process II appeal.

C. The decision of the Hearing Examiner on a Process I application is appealable to the City Council. The City Council action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Process I application.
(Ord. 4816, 12-4-95, § 102)

20.35.120 Notice of Application.

A. Within 14 days of issuance of notice of completeness for an application for a Process I land use decision, the Director shall provide notice of the application as follows:

1. Publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed in a newspaper of general circulation in the City;
2. Mailed notice to owners of real property within 200 feet of the project site including the following information:
 - a. The date of application,
 - b. The project description and location,
 - c. The types of City permits or approvals applied for,
 - d. The Director may, but need not, include other information to the extent known at the time of notice of application, such as: the identification of other City permits or approvals required, related permits from other agencies or jurisdictions not included in the City permit process, the dates for any public meetings or public hearings, identification of any studies requested for application review any existing environmental documents that apply to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation;
3. Posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording and placement of the signs or placards;
4. Mailing notice of the application including at least the information required in paragraph A.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be the Chair and Vice Chair of each Community Council and a

representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested regular notice of land use actions;

5. Mailing notice of the application including at least the information required in paragraph A.1 of this section to each member of a Community Council having jurisdiction over an application.

(Ord. 4816, 12-4-95, § 102)

20.35.125 Minimum Comment Period.

A. The Notice of Application shall provide a minimum comment period of 14 days. The Director's recommendation on a Process I application will not be issued prior to the expiration of the minimum comment period.

B. Comments should be submitted to the Director as early in the review of an application as possible and should be as specific as possible.

C. The Director may accept and respond to public comments at any time prior to the closing of the public hearing record.

D. For projects requiring review under the State Environmental Policy Act (SEPA), a single comment letter may be submitted to the Director or the Environmental Coordinator addressing environmental impacts as well as other issues subject to review under the approval criteria for the Process I decision.

(Ord. 4816, 12-4-95, § 102)

20.35.127 Public Meetings.

A public meeting is required for all Process I applications. The Director may require the applicant to participate in the meeting to inform citizens about the proposal. Public meetings shall be held as early in the review process as possible for Process I applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

(Ord. 4816, 12-4-95, § 102)

20.35.130 Director's Recommendation.

A written report of the Director making a recommendation to the Hearing Examiner for approval, approval with conditions or with modifications, or for denial shall be prepared. The Director's recommendation shall be based on the applicable Land Use Code decision criteria, shall include any conditions necessary to ensure consistency with City development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

(Ord. 4816, 12-4-95, § 102)

20.35.135 Public Notice of Director's Recommendation.

A. Notice of Recommendation, SEPA Determination, and Hearing Examiner hearing.

1. Public Notice of the availability of the Director's recommendation shall be published in a newspaper of general circulation. If a Determination of Significance (DS) was issued by the Environmental Coordinator, the notice of the Director's recommendation shall state whether an EIS or Supplemental EIS was prepared or whether existing environmental documents were adopted. If a Determination of Non-Significance (DNS) is issued, the DNS may be issued and published in conjunction with the Director's recommendation except as provided in the Environmental Procedures Code, BCC 22.02.031 and 22.02.160. The notice of recommendation shall also include the date of the Hearing Examiner public hearing for the application, which shall be scheduled no sooner than 14 days following the date of publication of the notice.

2. The Director shall mail notice of the recommendation and public hearing to each owner of real property within 200 feet of the project site.

3. The Director shall mail notice to each person who submitted comments during the comment period or at any time prior to the publication of the notice of recommendation.

4. The Director shall mail notice to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be the Chair and Vice Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested regular notice of land use decisions.
(Ord. 4816, 12-4-95, § 102)

20.35.137 Hearing Examiner Public Hearing.

A. Participation in Hearing. Any person may participate in the Hearing Examiner public hearing on the Director's recommendation by submitting written comments to the Director prior to the hearing or by submitting written comments or making oral comments at the hearing.

B. Transmittal of File. The Director shall transmit to the Hearing Examiner a copy of the Department file on the application including all written comments received prior to the hearing, and information reviewed by or relied upon by the Director or the Environmental Coordinator. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of SEPA decision, and notice of Director's recommendation) have been met.

C. Hearing Record. The Hearing Examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
(Ord. 4816, 12-4-95, § 102)

20.35.140 Hearing Examiner Decision.

A. Criteria for Decision. The Hearing Examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall deny the application.

B. Limitation on Modification. If the Hearing Examiner requires a modification which results in a proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to LUC 20.35.135, the Hearing Examiner shall conduct a new hearing on the proposal as modified.

C. Conditions. The Hearing Examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.

D. Written Decision of the Hearing Examiner. The Hearing Examiner shall within 10 working days following the close of the record distribute a written report supporting the decision. The report shall contain the following:

1. The decision of the Hearing Examiner; and
2. Any conditions included as part of the decision; and
3. Findings of facts upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
4. A statement explaining the process to appeal the decision of the Hearing Examiner to the City Council.

E. Distribution. The Office of the Hearing Examiner shall mail the written decision, bearing the date it is mailed, to each person who participated in the public hearing.

(Ord. 4816, 12-4-95, § 102)

20.35.150 Appeal of Hearing Examiner Decision.

A. A Process I decision of the Hearing Examiner may be appealed to the City Council.

1. Who May Appeal. The decision of the Hearing Examiner may be appealed by any person who participated in the public hearing as provided for in LUC 20.35.137, or by the applicant or the City.

2. Form of Appeal. A person appealing the decision of the Hearing Examiner must file with the City Clerk a written statement of the findings of fact or conclusions which are being appealed and must pay a fee, if any, as established by ordinance or resolution.

3. Time to Appeal. A written statement appealing the decision must be received by the City Clerk, and the appeal fee, if any, must be paid no later than 14 days following the date the decision of the Hearing Examiner was mailed.

4. Hearing Required. The City Council shall conduct a closed record appeal hearing in order to decide upon an appeal of the decision of the Hearing Examiner. The decision on any such appeal shall be made within such time as is required by applicable state law.

5. Closed Record Hearing on Appeal to City Council.

a. Who May Participate. The applicant, the appellant, the applicable Department Director, or representatives of these parties may participate in the appeal hearing.

b. How to Participate. A person entitled to participate may participate in the appeal hearing by: Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's Rules of Procedure, or by making oral argument on the appeal to the City Council at the appeal hearing. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.

c. Hearing Record. The City Council shall make an electronic sound recording of each appeal hearing.

6. City Council Decision on Appeal.

a. Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant has carried the burden of proof and the City Council finds that the decision of the Hearing Examiner is not supported by a preponderance of the evidence. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner.

b. Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modifications to ensure conformance with the criteria under which the application was made.

c. Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.

d. Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. Any other vote constitutes denial of the appeal.

B. Following resolution of any Process I appeal, the City Council shall take final action to approve, approve with modifications, or deny the project.

1. Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.

2. Findings of Fact and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the ordinance approving or approving with

modifications the application. The City Council may by reference adopt some or all of the findings and conclusions of the Hearing Examiner.

C. Required Vote. The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council.

D. Effect of Decision.
The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court as provided in LUC 20.35.070, except that an appeal of a shoreline conditional use decision shall be filed with the State Shoreline Hearings Board as set forth in RCW 90.58.180.

E. Commencement of Activity.
Subject to LUC 20.35.070 the applicant may commence activity or obtain other required approvals authorized by the Process I decision the day following the effective date of the ordinance approving the project or approving it with modifications. Activity commenced prior to the expiration of the full appeal period (LUC 20.35.070) is at the sole risk of the applicant.
(Ord. 4816, 12-4-95, § 102)

20.35.200 Process II: Administrative Decisions.

A. LUC 20.35.200 through 20.35.250 contain the procedures the City will use in implementing Process II. A Process II land use decision is an administrative decision made by the Director of the Department of Community Development. Process II applications go through a period of public notice and an opportunity for public comment. An informational meeting may be held for projects of significant impact or for projects involving major changes to the expected pattern of development in an area. The Director then makes a decision based upon the decision criteria set forth in the Code for each type of Process II application. Public notice of the decision is provided, along with an opportunity for administrative appeal of the decision.

B. If required by the State Environmental Policy Act (SEPA), a threshold determination will be issued by the Environmental Coordinator. The threshold determination is also a Process II decision and may be issued in conjunction with the Director's decision on the accompanying land use decision. If an Environmental Impact Statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to the issuance of the accompanying land use decision. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will be resolved prior to the issuance of the land use decision. (See 22.02.031 and 22.02.160 regarding timing of issuance of the threshold determination.)

C. Process II decisions of the Director and SEPA threshold determinations are final decisions, effective on the day following the expiration of any associated administrative appeal period. If an administrative appeal is filed, the decision is not final until the appeal is heard and decided by the City Hearing Examiner.
(Ord. 4816, 12-4-95, § 102)

20.35.210 Notice of Application.

A. Notice of application for Process II land use decisions shall be provided within 14 days of issuance of a notice of completeness as follows.

TABLE 20.35.210.A

Application Type	Publish	Mail	Sign
Administrative Amendment	X	X	X
Administrative Conditional Use	X	X	X
Binding Site Plan	X		X
Design Review	X	X	X
Home Occupation Permit	X	X	
Interpretation of Land Use Code	X		
Preliminary Short Plat	X		X
Shoreline Substantial Development Permit	X	X	
Variance, Shoreline Variance	X	X	
Wetland Boundary Adjustment	X		X

1. When required by Table 20.35.210.A, publishing shall include publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation in the City;

2. Mailing shall include mailed notice to owners of real property within 200 feet of the project site including the following information:

- a. The date of application;
- b. The project description and location;
- c. The types of City permit(s) or approval(s) applied for;

d. The Director may, but need not, include other information to the extent known at the time of notice of application, such as: the identification of other City permits required, related permits from other agencies or jurisdictions not included in the City permit process, the dates for any public meetings or public hearings, identification of any studies requested for application review, any existing environmental documents that apply to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation.

3. If signs are required, two signs or placards shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording and placement of the signs or placards.

4. Mailings shall also include mailing notice of the application including at least the information required in paragraph A.1 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include the Chair and Vice-Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens groups who have requested notice of land use activity.

(Ord. 4816, 12-4-95, § 102)

20.35.225 Minimum Comment Period.

A. The Notice of Application shall provide a minimum comment period of 14 days. The Director's decision on a Process II application will not be issued prior to the expiration of the minimum comment period.

B. Comments should be submitted to the Director as early in the review of an application as possible and should be as specific as possible.

C. The Director may accept and respond to public comments at any time prior to making the Process II decision.

D. For projects requiring review under the State Environmental Policy Act (SEPA), a single comment letter may be submitted to the Director or the Environmental Coordinator addressing environmental impacts as well as other issues subject to review under the approval criteria for the Process II decision.

(Ord. 4816, 12-4-95, § 102)

20.35.227 Public Meetings.

The Director may require the applicant to participate in a public meeting to inform citizens about a proposal. When required, public meetings shall be held as early in the

review process as possible for Process II applications. For projects located within the boundaries of a Community Council, the public meeting may be held as part of that Community Council's regular meeting or otherwise coordinated with that Council's meeting schedule. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

(Ord. 4816, 12-4-95, § 102)

20.35.230 Director's Decision.

A written record of the Process II decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions or denied. The Director's decision shall be based on the applicable Land Use Code decision criteria, shall include any conditions to ensure consistency with City development regulations, and may include mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

(Ord. 4816, 12-4-95, § 102)

20.35.235 Notice of Decision.

A. Public notice of all Process II decisions shall be published in a newspaper of general circulation.

B. The Director shall mail notice of the decision to each person who submitted comments during the public comment period or at any time prior to issuance of the decision.

C. The Director shall mail notice to each member of a Community Council if the proposal is located within the boundaries of the Community Council.

D. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be the Chair and Vice-Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, and other citizens' groups who have requested regular notice of land use decisions.

(Ord. 4816, 12-4-95, § 102)

20.35.250 Appeal of Process II Decisions.

A. Process II decisions, except for shoreline permits and SEPA Threshold Determinations on Process IV actions, may be appealed as follows:

1. Who May Appeal. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.

2. Form of Appeal. A person appealing a Process II decision must file a written statement setting forth:

- a. Facts demonstrating that the person is adversely affected by the decision;
- b. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
- c. The specific relief requested; and
- d. Any other information reasonably necessary to make a decision on the appeal.

The written statement must be filed together with an appeal notification form available from the Office of the City Clerk. The appellant must pay such appeal fee, if any, as established by ordinance or resolution at the time the appeal is filed.

3. Time and Place to Appeal. The written statement of appeal, the appeal notification form, and the appeal fee, if any, must be received by the City Clerk no later than 5:00 p.m. on the 14th day following the date of publication of the decision of the Director; except that if the Director's decision is consolidated with a threshold Determination of Non-significance under the State Environmental Policy Act for which a comment period pursuant to WAC 197-11-340 must be provided, the appeal period for the consolidated decision shall be 21 days.

B. Shoreline Permit Appeals.

An appeal of a shoreline substantial development permit or a shoreline variance shall be to the State Shoreline Hearings Board and shall be filed within 21 days as set forth in RCW 90.58.180.

C. SEPA Threshold Determinations on Process IV Actions.

An appeal of a SEPA Threshold Determination on a Process IV action shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290.

D. Notice of Appeal Hearing.

If a Process II decision is appealed, a hearing before the City Hearing Examiner shall be set and notice of the hearing shall be mailed to the appellant, the applicant, and all parties of record by the applicable Department Director. Notice shall be mailed no less than 14 days prior to the appeal hearing; except that if the Process II decision has been

consolidated with a recommendation on a Process I or Process III application, any appeal of the Process II decision shall be consolidated with the Process I or Process III public hearing. No separate notice of a Process II appeal need be provided if the public hearing has already been scheduled for the Process I or Process III component of an application.

E. Hearing Examiner Hearing.

The Hearing Examiner shall conduct an open record hearing on a Process II appeal. The appellant, the applicant, and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information; provided, that the Examiner may allow non-parties to present relevant testimony if allowed under the Examiner's Rules of Procedure.

F. Hearing Examiner Decision on Appeal.

Within 10 working days after the close of the record for the Process II appeal, the Hearing Examiner shall issue a decision to grant, grant with modifications, or deny the appeal. The Examiner may grant the appeal or grant the appeal with modification if:

1. The appellant has carried the burden of proof; and
2. The Examiner finds that the Process II decision is not supported by a preponderance of the evidence.

The Hearing Examiner shall accord substantial weight to the decision of the applicable Department Director and the Environmental Coordinator.

G. Appeal of Hearing Examiner Decision.

A final decision by the Hearing Examiner on a Process II application may be appealed to Superior Court as set forth in LUC 20.35.070.

H. Time Period to Complete Appeal Process.

In all cases except where the parties to an appeal have agreed to an extended time period, the administrative appeal process shall be completed within 90 days from the date the original administrative appeal period closed. Administrative appeals shall be deemed complete on the date of issuance of the Hearing Examiner's decision on the appeal.

20.35.300 Process III: City Council Quasi-Judicial Decisions.

LUC 20.35.300 through 20.35.365 contain the procedures the City will use in implementing Process III. The process is similar to Process I, except that the Hearing Examiner makes a recommendation to the City Council following the public hearing. The City Council acts as the final decision maker even when no appeal of the Hearing Examiner recommendation is filed.

(Ord. 4816, 12-4-95, § 102)

20.35.320 Notice of Application.

A. Within 14 days of issuance of notice of completeness for an application for a Process III land use decision, the Director shall provide notice of the application as follows.

1. Publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation in the City;
2. Mailed notice to owners of real property within 200 feet of the project site including the following information:
 - a. The date of application;
 - b. The project description and location;
 - c. The types of City permits or approvals applied for;
 - d. The Director may, but need not, include other information to the extent known at the time of notice of application, such as: the identification of other City permits or approvals required; related permits from other agencies or jurisdictions not included in the City permit process; the dates for any public meetings or public hearings; identification of any studies requested for application review; any existing environmental documents that apply to the project; and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation.
3. Posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording and placement of the signs or placards.
4. Mailing notice of the application including at least the information required in paragraph A.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be the Chair and Vice Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens groups who have requested regular notice of land use actions.
5. Mailing notice of the application including at least the information required in paragraph A.1 of this section to each member of a Community Council having jurisdiction over an application pursuant to RCW 35.14.
(Ord. 4816, 12-4-95, § 102)

20.35.325 Minimum Comment Period.

A. The Notice of Application shall provide a minimum comment period of 14 days. The Director's recommendation on a Process III application will not be issued prior to the expiration of the minimum comment period.

B. Comments should be submitted to the Director as early in the review of an application as possible and should be as specific as possible.

C. The Director may accept and respond to public comments at any time prior to the closing of the public hearing record.

D. For projects requiring review under the State Environmental Policy Act (SEPA), a single comment letter may be submitted to the Director or the Environmental Coordinator addressing environmental impacts as well as other issues subject to review under the approval criteria for the Process III decision.

(Ord. 4816, 12-4-95, § 102)

20.35.327 Public Meetings.

A. A public meeting is required for all Process III applications. The Director may require the applicant to participate in the meeting to inform citizens about the proposal. Public meetings shall be held as early in the review process as possible for Process III applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

B. Community Council Meetings. If an application is within the jurisdiction of a Community Council pursuant to RCW 35.14, the public meeting shall be held as part of that Community Council's regular meeting. The meeting may be conducted according to the Community Council's rules for a courtesy public hearing or otherwise coordinated with that Council's meeting schedule.

(Ord. 4816, 12-4-95, § 102)

20.35.330 Director's Recommendation.

A written report of the Director making a recommendation to the City Council for approval, approval with conditions or with modifications, or for denial shall be prepared. The Director's recommendation shall be based on the applicable Land Use Code decision criteria, shall include any conditions to ensure consistency with City development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

(Ord. 4816, 12-4-95, § 102)

20.35.335 Public Notice of Director's Recommendation.

Notice of Recommendation, SEPA determination, and Hearing Examiner hearing.

A. Public notice of the availability of the Director's recommendation shall be published in a newspaper of general circulation. If a Determination of Significance (DS) was issued by the Environmental Coordinator, the notice of the Director's recommendation shall state whether an Environment Impact Statement (EIS) or Supplemental EIS was prepared or whether existing environmental documents were adopted. If a Determination of Non-Significance (DNS) is issued, the DNS may be issued and published in conjunction with the Director's recommendation. The notice of recommendation shall also include the date of the Hearing Examiner public hearing for the application, which shall be scheduled no sooner than 14 days following the date of publication of the notice.

B. The Director shall mail notice of the recommendation and public hearing to each owner of real property within 200 feet of the project site.

C. The Director shall mail notice to each person who submitted comments during the comment period or at any time prior to the publication of the notice of recommendation.

D. The Director shall mail notice to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be the Chair and Vice Chair of each Community Council and a representative from each of the neighborhood associations, community clubs, or other citizens groups who have requested notice of land use actions.

E. The Director shall mail notice to each member of a Community Council if the proposal is located within the boundaries of the Community Council.
(Ord. 4816, 12-4-95, § 102)

20.35.337 Hearing Examiner Public Hearing.

A. Participation in Hearing. Any person may participate in the Hearing Examiner public hearing on the Director's recommendation by submitting written comments to the Director prior to the hearing or by submitting written comments or making oral comments at the hearing.

B. Transmittal of File. The Director shall transmit to the Hearing Examiner a copy of the Department file on the application including all written comments received prior to the hearing, and information reviewed by or relied upon by the Director or the Environmental Coordinator. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of SEPA decision, and notice of Director's recommendation) have been met.

C. Hearing Record. The Hearing Examiner shall create for the City Council a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

(Ord. 4816, 12-4-95, § 102)

20.35.340 Hearing Examiner Recommendation.

A. Criteria for Recommendation. The Examiner shall recommend approval or approval with conditions or modification if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall recommend denial of the application.

B. Limitation on Modification. If the Hearing Examiner recommends a modification which results in a proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to LUC 20.35.335, the Hearing Examiner shall conduct a new hearing on the proposal as modified.

C. Conditions. The Hearing Examiner may include conditions to ensure the proposal conforms to the relevant decision criteria.

D. Written Recommendation of the Hearing Examiner. The Hearing Examiner shall within 10 working days following the close of the record distribute a written report including a recommendation on the public hearing. The report shall contain the following :

1. The recommendation of the Hearing Examiner; and
2. Any conditions included as part of the recommendation; and
3. Findings of facts upon which the recommendation, including any conditions, was based and the conclusions derived from those facts; and
4. A statement explaining the process to appeal the recommendation of the Hearing Examiner; and
5. The date on which the matter has been scheduled for consideration by the City Council and information on how to find out whether the Examiner's recommendation has been appealed.

E. Distribution. The Office of the Hearing Examiner shall mail the written recommendation, bearing the date it is mailed, to each person who participated in the public hearing.

(Ord. 4816, 12-4-95, § 102)

20.35.350 Appeal of Hearing Examiner Recommendation.

A. A recommendation of the Hearing Examiner may be appealed to the City Council.

1. Who May Appeal. The recommendation of the Hearing Examiner may be appealed by any person who participated in the public hearing as provided for in LUC 20.35.337, or by the applicant or the City.

2. Form of Appeal. A person appealing the recommendation of the Hearing Examiner must file with the City Clerk a written statement of the findings of fact or conclusions which are being appealed and must pay a fee, if any, as established by ordinance or resolution.

3. Time to Appeal. A written statement appealing the recommendation of the Hearing Examiner must be received by the City Clerk, and the appeal fee, if any, must be paid no later than 14 calendar days following the date the recommendation of the Hearing Examiner was mailed.

4. Hearing Required. The City Council shall conduct a closed record appeal hearing and shall decide upon an appeal of the recommendation of the Hearing Examiner prior to or in conjunction with taking final action on the application pursuant to LUC 20.35.355. The decision on any appeal of the Hearing Examiner's recommendation and final action on the application shall be made within such time as is required by applicable state law.

5. Closed Record Hearing on Appeal to City Council.

a. Who May Participate. The applicant, the appellant, the applicable Department Director or representatives of these parties may participate in the appeal hearing.

b. How to Participate. A person entitled to participate may participate in the appeal hearing by: Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's Rules of Procedure or by making oral argument on the appeal to the City Council at the appeal hearing. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.

c. Hearing Record. The City Council shall make an electronic sound recording of each appeal hearing.

6. City Council Decision on Appeal.

a. Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant has carried the burden of proof and the City Council finds that the recommendation of the Hearing Examiner is not supported by a preponderance of the evidence. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the recommendation of the Hearing Examiner.

b. Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modifications to ensure conformance with the criteria under which the application was made.

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c. Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.

d. Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. Any other vote constitutes denial of the appeal.

(Ord. 4816, 12-4-95, § 102)

20.35.355 City Council Decision on the Application.

A. General.

The City Council shall, at a public meeting, consider and take final action on each Process III application. If an appeal of the Hearing Examiner recommendation was filed, the City Council will consolidate and integrate the appeal hearing and decision into their consideration of the application.

B. Elements to be Considered. The City Council shall not accept new information, written or oral, on the application, but shall consider the following in deciding upon an application:

1. The complete record developed before the Hearing Examiner; and
2. The recommendation of the Hearing Examiner; and
3. The comments of a Community Council with jurisdiction pursuant to RCW 35.14; and
4. The City Council decision on any appeal of the recommendation of the Hearing Examiner.

C. Decision.

The City Council shall either:

1. Approve the application, incorporating its decision on any appeal pursuant to LUC 20.35.350; or
2. Approve the application with modifications, also incorporating its decision on any appeal pursuant to LUC 20.35.350; or
3. Remand the application to the Hearing Examiner and the Director for an additional hearing limited to specific issues identified by the Council; or
4. Deny the application.

D. Ordinance.

1. Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the criteria under which the application was made.

2. Findings of Fact and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the ordinance approving or approving with modifications the application. The City Council may by reference adopt some or all of the findings and conclusions of the Hearing Examiner.

E. Required Vote.

The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council. Any other vote constitutes a denial of the application.

F. Distribution.

The City Clerk shall mail a letter, bearing the date it is mailed, indicating the content of the final decision of the City to any person who participated in the public hearing before the Hearing Examiner on the application.

G. Effect of Decision.

1. The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court as provided in LUC 20.35.070.

2. For City Council decisions that are subject to the jurisdiction of a Community Council pursuant to RCW 35.14.040, the decision of the City Council shall be final upon the date of Community Council action or upon the end of the 60th day following City Council action.

H. Commencement of Activity. Subject to LUC 20.35.365 and 20.35.070 the applicant may commence activity or obtain other required approvals authorized by the Process III decision the day following the effective date of the ordinance approving the project or approving it with modifications. Activity commenced prior to the expiration of the full appeal period (LUC 20.35.070) is at the sole risk of the applicant.

(Ord. 4816, 12-4-95, § 102)

20.35.365 Community Council Review and Decision.

A. If the City Council approves, or approves with modifications, an application within the jurisdiction of a Community Council pursuant to RCW 35.14.040, that approval

is not effective within the jurisdiction of the Community Council until the Community Council votes to approve the ordinance, or the Community Council fails to disapprove the ordinance within 60 days of the enactment of that ordinance.

B. The applicable Department Director shall prepare and distribute notice of the public meeting at which the Community Council will take action in accordance with the Community Council's Rules of Procedure.

C. The decision of the Community Council may be appealed to Superior Court as provided for in state law under the Land Use Petition Act, Chapter 36.70C RCW. (Ord. 4816, 12-4-95, § 102)

20.35.400 Process IV: City Council Legislative Actions.

LUC 20.35.400 through 20.35.450 contain the procedures the City will use to make legislative land use decisions (Process IV actions). The process usually includes a hearing and recommendation by the Planning Commission and an action by the City Council. Alternatively, the City Council may hold its own hearing regarding proposals to change the text of the Land Use Code. Review under the State Environmental Policy Act (SEPA) and the Bellevue Environmental Procedures Code may be required. An action by a Community Council may also be required, in which case, the Community Council may hold a courtesy public hearing at any time prior to the City Council action. (Ord. 4816, 12-4-95, § 102)

20.35.410 Planning Commission Procedure.

A. General.

Process IV proposals will usually be introduced to the Planning Commission, which may schedule study sessions as needed to consider the proposal. Prior to making a recommendation, the Planning Commission shall schedule a public hearing. After the public hearing, and after any further study sessions as may be needed, the Planning Commission shall transmit its recommendation to the City Council through the applicable Department Director and the City Clerk. Alternatively, the City Council may conduct its own process and hold its own hearing when the proposal is for a change to the text of the Land Use Code.

B. Criteria.

The Planning Commission may recommend the Council adopt or adopt with modifications a proposal if it complies with the applicable decision criteria of the Bellevue City Code. In all other cases, the Planning Commission shall recommend denial of the proposal.

C. Limitation on Modification.

If the Planning Commission recommends a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to LUC 20.35.420, the Planning Commission shall conduct a new public hearing on the proposal as modified.

D. Required Vote.

A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the Planning Commission members present and voting.
(Ord. 4816, 12-4-95, § 102)

20.35.420 Public Hearing Notice.

A. Content.

When the Planning Commission or City Council has scheduled a public hearing on a Process IV proposal, the applicable Department Director shall prepare a notice containing the following information:

1. The name of the applicant, and if applicable, the project name;
2. If the application involves specific property, the street address of the subject property, a description in non-legal terms sufficient to identify its location, and a vicinity map indicating the subject property;
3. A brief description of the action or approval requested;
4. The date, time and place of the public hearing; and
5. A statement of the right of any person to participate in the public hearing as provided for in LUC 20.35.430.

B. Provision of Notice.

1. The applicable Department Director shall provide for notice of the public hearing to be published in a newspaper of general circulation in the City at least 14 days prior to the date of the public hearing.

2. If the proposal involves specific property, rather than an area-wide or zone-wide change, two signs or placards shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using the adjacent streets.

3. If the proposal involves specific property, rather than an area-wide or zone-wide change, notice of the public hearing shall be mailed to each owner of real property within 200 feet of any boundary of the subject property.

4. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be the Chair and Vice-Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, and other citizens' groups who have requested regular notice of land use actions.

5. Notice shall be mailed to each member of a Community Council having jurisdiction over the application.

(Ord. 4816, 12-4-95, § 102)

20.35.430 Public Hearing.

A. Participation.

Any person may participate in the public hearing by submitting written comments to the applicable Department Director prior to the hearing or by submitting written or making oral comments to the Planning Commission or the Council at the hearing. All written comments received by the applicable Department Director shall be transmitted to the Planning Commission or City Council not later than the date of the public hearing.

B. Hearing Record. The Planning Commission or City Council shall compile written minutes of each hearing.

(Ord. 4816, 12-4-95, § 102)

20.35.435 Community Council Courtesy Hearing.

A. If the proposal is subject to jurisdiction of a Community Council pursuant to RCW 35.14.040, the Community Council may hold a courtesy public hearing at any time prior to the City Council action. Comments from the Community Council on the proposal may be forwarded to the Planning Commission or directly to the City Council.

B. The applicable Department Director shall prepare and distribute notice for the courtesy hearing as set forth in the Community Council Rules of Procedure.

(Ord. 4816, 12-4-95, § 102)

20.35.440 City Council Action.

A. General. The City Council shall consider at a public meeting each recommendation transmitted by the Planning Commission and each proposal before the Council at the Council's own direction. The Council shall take legislative action on the proposal in accordance with state law.

B. City Council Action. The City Council may take one of the following actions:

1. Adopt an ordinance or resolution adopting the proposal or adopting the proposal with modifications; or
2. Adopt a motion denying the proposal; or
3. Refer the proposal back to the Planning Commission for further proceedings, in which case the City Council shall specify the time within which the Planning Commission shall report back to the City Council with a recommendation.

C. Effect of City Council action.

The action of the City Council on a Process IV proposal may be appealed together with any SEPA Threshold Determination by filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290. The petition must be filed within the 60-day time period set forth in RCW 36.70A.290(2).

20.35.450 Community Council Review and Action.

A. If the City Council adopts or adopts with modifications, a proposal within the jurisdiction of a Community Council pursuant to RCW 35.14.040, that action is not effective within the jurisdiction of the Community Council until the Community Council votes to approve the ordinance or resolution, or the Community Council fails to disapprove the ordinance or resolution within 60 days of the enactment of that ordinance or resolution.

B. Notice. The applicable Department Director shall prepare and distribute notice of the public meeting at which the Community Council will take action as provided for in the Rules of Procedure of the Community Council.

(Ord. 4816, 12-4-95, § 102)

Section 4. Section 20.25C.010 of the Land Use Code is amended as follows:

20.25C.010 Applicability of site development and design standards.

All new development and substantial remodels are subject to the site development and design standards of this Part 20.25C.

(Ord. 4816, 12-4-95, § 103; Ord. 3530, 8-12-85, § 57)

Section 5. Section 20.25C.030 of the Land Use Code is hereby amended as follows:

20.25C.030 Minimum yard dimensions in OLB District.

A. In OLB Districts required side yards may be reduced equally to permit building on 50 percent of the total property dimension measured from one side property line to the other.

B. The combined dimension of the rear and front yards need not be more than 50 percent of the total property dimension measured from front to rear property line, and may be adjusted as follows:

1. Where the required front and rear yard dimensions combined is more than 50 percent of the total property dimension, measured from front to rear, the location of the rear building line may first be adjusted by measuring from the required front building line a dimension equal to 50 percent of the total property dimension.

2. Where the required front yard dimension is greater than 50 percent of the total property dimension, measured from front to rear and after making the maximum adjustment of the rear yard, the location of the front yard building line may be adjusted by measuring from the rear property line a dimension equal to 50 percent of the total property dimension, and no rear yard shall be required. (Ord. 4816, 12-4-95, § 104)

Section 6. Section 20.25C.040 of the Land Use Code is hereby amended as follow:

20.25C.040 Design standards in OLB Districts.

A. Building Design Standards.

1. The entire site complex shall have a unity of design by use of similar wall and roof materials, roof slopes and window patterns, in order to reduce adverse visual impacts to those on and along major access routes and to mitigate adverse impacts from major access routes on nearby, less intensive uses.

2. Rooftop equipment shall be visually screened pursuant to LUC 20.20.525. The design and color of rooftop mechanical screening should be integrated with the building architectural style.

3. The building should include architectural elements that provide weather protection such as overhangs and recesses at building entrances.

B. Landscaping Design Standards.

1. A minimum of 15 percent of the property area of each site shall be in landscaped open space. For each percent that the ground floor area of a structure exceeds 15 percent, the landscaping requirements for that site shall be increased by 0.5 percent to a maximum of 20 percent of the property area of the site.

2. Service yards and at-grade mechanical equipment shall be sight-screened from adjoining property or streets or highway by a solid planting of evergreen trees and shrubs at least as high as the equipment or use being screened within two years from the time of planting.

3. Parking areas shall include plantings using trees of three inches caliper or 14 to 16 feet high and 42-inch high shrubs at approximately 35 feet on-center parallel to the aisle, or shall be screened as a service yard using similar materials. Other parking lot landscaping shall meet LUC. 20.20.590 requirements for Type V landscaping.

4. When property abuts the right-of-way for I-90, I-405, or SR 520 highways, or abuts parallel frontage roads of said highways, plant material shall be planted and spaced in a planting area a minimum of 10 feet wide. Deciduous trees shall have a minimum caliper of three inches, evergreen trees shall have a minimum height of 14 to 16 feet tall and shall be at intervals of no greater than 35 feet on center along the right-of-way. No more than 30 percent of the trees shall be deciduous. Trees shall have a minimum mature height of 45 feet. Shrubs shall be a minimum of 42 inches high.

5. Trees installed as part of general site landscaping shall be a minimum of one and one-half inches in caliper or eight to 12 feet high.

6. Accessible outdoor gathering areas should be provided for the employees, general public, and visitors to the site.

C. Signs:

All signs shall be an integral part of the architectural design consistent with the scale and architecture of the building. Signs shall meet the requirements of Chapter 22B.10 BCC, Bellevue Sign Code.

(Ord. 4816, 12-4-95, § 105; Ord. 4654, 6-6-95, § 45; Ord. 4154, 7-2-90, § 1)

Section 7. Section 20.25B.040 of the Land Use Code is hereby amended as follows:

20.25B.040 Development standards.

Pursuant to LUC 20.25B.030, all development activity within a transition area must comply with the following:

A. Building Height.

1. Definition. For purposes of this chapter, building height shall be measured from average existing grade around the building to the highest point of a flat roof or parapet or to the mean height between the eaves and ridge of a pitched roof. Mechanical equipment and satellite dish antennas are included in building height calculations, except that mechanical equipment may extend into the upper one-half of a pitched roof form not to exceed 10 feet above maximum building height. This additional 10 feet is for equipment or screening purposes only and not to obtain additional habitable space.

Specifically excluded from this definition are slender structural elements not intended for human habitation and not exceeding 10 feet above the maximum building height including chimneys, smoke ventilation stacks, antennas, and flagpoles. This definition supersedes the building height definition in LUC 20.50.012 for purposes of this chapter only.

2. Maximum Height. The following chart sets forth the height limitation of any building within a transition area and the maximum height which may be achieved through bonuses as indicated in paragraph A.3 of this section:

Zone	Height Limitation (Underlying Zone)	Maximum Height w/Bonuses Limitation
OU	30'	40'
R-10	30'	30'
R-15	30'	30'
R-20	30'	40'
R-30	30'	40'
PO	20'	30'
O	30'	40'
OLB	30'	45'
LI	30'	45'
GC	30'	40'
NB	20'/30'1	35'2
CB	30'	45'

Note (1) In the NB District, the 30-foot height limit may be achieved only when the development is in compliance with LUC 20.20.010, Note (25).

Note (2) The 35-foot height limit may be achieved only when the development is in compliance with LUC 20.20.010, Note (25) and achieves a 5-foot height bonus as indicated in paragraph A.3 of this section.

3. Allowable Height Increase. Except in an R-10 or R-15 district, the height limitation may be increased up to maximum height with bonuses limitation indicated in paragraph A.2 of this section, only if one or more of the following items is provided, the decision criteria for Administrative Design Review are met, and the intent of the transition area design district is maintained.

Item	Increase Allowed
a. Under building parking:	5-foot increase
b. Underground parking:	10-foot increase
c. Pitched roof:	5-foot increase
d. Top floor stepback on all sides of at least 10 feet:	5-foot increase
e. No mechanical equipment on the roof:	5-foot increase
f. Existing grade at the proposed building line is at 10 feet below the existing grade at the property line of the property receiving transition:	5-foot increase

For purposes of this section, "underground" is defined the same as a basement in LUC 20.50.012.

4. Modification to Height. The maximum building height allowed in paragraph A.2 of this section may be modified through the Administrative Design Review process only if the following conditions are met:

a. When the location of the building pad is at least 20 feet below the existing grade at the property line of the property receiving transition; and

b. The modified building height does not exceed the maximum height permitted by the underlying land use district for properties outside transition areas; and

c. The project, with the height modification will provide the same or better transition to the property receiving transition as with the maximum height permitted in paragraph A.2 of this section.

B. Setbacks.

1. Setback for Primary Structures. Primary structures must be located a minimum of 30 feet from the property line of the district receiving transition.

2. Distance between Primary Structures. Primary structures must be located a minimum of 20 feet from other primary structures.

C. Landscaping, Open Space and Buffers.

1. Landscaping. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternate Landscaping Option) are applicable and, in addition, may be used to modify up to 10 feet of required street frontage landscaping.

2. Buffer.

a. A landscaped buffer, at least 20 feet in width, shall be provided along the entire street frontage where any portion of the street frontage is abutting a district receiving transition and along the interior property line abutting the district receiving transition.

b. All significant trees within 15 feet of the property line shall be retained as required by LUC 20.20.520.E.

c. The buffer shall be planted with the following:

i. Evergreen and deciduous trees, of which no more than 40 percent can be deciduous. There shall be a minimum of five trees per 1,000 square feet of buffer area, which shall be a minimum of 10 feet high at planting, along with the evergreen shrubs and living ground cover as described in paragraphs C.2.c(ii) and (iii) of this section to effectively buffer development from adjacent residential properties; and

ii. Evergreen shrubs, a minimum 42 inches in height at planting, at a spacing no greater than three feet on center; and

iii. Living ground cover planted to cover the ground within three years; and

iv. Alternatively, where the street frontage landscaping will be planted to buffer a building elevation and not a parking area, driveway or site development other than a building, lawn no less than five feet in width may be substituted for the shrubs and ground cover required in paragraphs C.2.c(ii) and (iii). This paragraph does not apply in LI and GC districts.

d. Where an LI, GC, or CB zoned property abuts a residential district on an interior property line, an evergreen hedge a minimum of four feet in height at planting and capable of achieving a continued visual screen with a height of five feet within

a three-year period or a combination of shrubs and fence shall be added within the required planting area to achieve the effect of a hedge.

e. Patios and other similar ground level features and trails may be incorporated into the buffer area, except that no more than 20 percent of the area may be used for such features. Patios shall not be located within 10 feet of the property line.

D. Site Design Standards.

1. Surface parking lots shall be screened from street level views and from ground level views of an abutting residential district of a lower intensity by berms, hedges, walls or combinations thereof. In appropriate circumstances, surface parking lots should be located away from adjacent residential properties.

2. Site features such as fences, walls, refuse enclosures, light fixtures, carports, and storage units shall be designed to be integrated with the architectural design of the primary structure.

E. Mechanical Equipment. Mechanical equipment which is located on the roof shall be incorporated into the pitched or stepped roof form, and not appear as a separate penthouse or box.

F. Refuse Containers. All refuse and recycling containers within a transition area shall be contained within structures enclosed on all four sides and utilize lids made of molded plastic or other sound buffering material.

G. Signs. Building design shall provide for architecturally integrated signage consistent with the scale and architecture of the building. Signs shall meet the requirements of Chapter 22B.10 BCC, Bellevue Sign Code. (Ord. 4816, 12-4-95, § 106; Ord. 4654, 6-6-94, § 44; Ord.4422, 9-28-92, § 4; Ord. 4352, 4-13-92, § 1; Ord. 4130, 3-12-90, § 4)

Section 8. Section 20.25B.050 of the Land Use Code is hereby amended as follows:

20.25B.050 Design guidelines.

Pursuant to LUC 20.25B.030, all development activity within a transition area must comply with the following guidelines:

A. Site Design Guidelines.

1. Whenever possible, vehicular access should be designed so that traffic is not directed through an abutting residential district of lower intensity.

2. Loading and refuse collection areas should be on the side of a building facing away from an abutting residential district of a lower intensity, but not in a front yard setback.

3. In addition to the minimum requirements of LUC 20.20.520, site development should maximize the retention of existing significant vegetation in order to soften the visual impact on adjacent residential uses.

4. Surrounding vegetation, topography, street patterns, parking configuration and building massing should be considered in order to result in a compatible fit between the proposed development and existing residential development.

B. Building Design Guidelines.

1. Building surfaces facing abutting residential districts should be clad with materials which are similar to or compatible with surrounding uses, and which minimize reflected lighting.

2. Building facades should incorporate elements such as stepbacks, offsets, angled facets, deep roof overhangs, recesses and other architectural features which serve to break down the scale. The larger the building, the greater the number and variety of such elements that may be necessary to achieve the effect of diminishing scale.

3. Within transition areas, pitched roof forms are preferred in order to enhance the compatibility with nearby residential areas. However, under certain circumstances, a stepped roof form could achieve a similar effect.

4. Communication dishes greater than two feet in diameter should not be visible from adjacent residential districts.

5. Within transition areas, materials and colors used on the building facades should be compatible with nearby residential buildings and the surrounding natural environment; however, colors and materials used for the purpose of accent may be approved. (Ord. 4816, 12-4-95, § 107; Ord. 4130, 3-12-90, § 4)

Section 9. Section 20.251.010 of the Land Use Code is hereby amended as follows:

20.251.010 Purpose.

The purpose of the Community Retail Design District is to ensure that development within the retail districts outside the Downtown exhibits a high quality of design in support of their role as the retail/service centers of the surrounding residential areas. Development in the district should incorporate architectural, landscape, and pedestrian features which are compatible with and provide identification for the surrounding area. (Ord. 4816, 12-4-95, § 108)

Section 10. Section 20.251.030 of the Land Use Code is hereby amended as follows:

20.251.030 Design Review required.

All development activity within the Community Retail Design District must be reviewed by the Director of Community Development using the Design Review Process, Part 20.30F LUC (Ord. 4816, 12-4-95, § 109)

Section 11. Section 20.251.040 of the Land Use Code is hereby amended as follows:

20.251.040 Design guidelines.

The following design guidelines apply to development in the Community Retail Design District:

A. Building Design Guidelines.

1. All buildings within a multi-building complex should achieve a unity of design through the use of similar architectural elements, such as roof form, exterior building materials, colors, and window pattern.
2. Individual buildings should incorporate similar design elements, such as surface materials, color, roof treatment, windows and doors, on all sides of the building to achieve a unity of design.

B. Site Design Guidelines.

1. Where a perimeter landscape area required under LUC 20.20.520.F may be relocated under Note (1) of that section, some or all of the relocated area should be used to provide a landscaped courtyard. Any relocated landscape area should be visible from the public street. The courtyard should be protected from wind on two sides and in sun during part of the day. Seating shall be provided.
2. Parking areas should be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, access, and pedestrian areas within parking lots.
3. The landscape design for the site should include plantings which emphasize the major points of pedestrian and vehicular access to the site.
4. Site features such as fences, walls, refuse and recycle enclosures, and light fixtures should be designed to be consistent with the scale and architectural

design of the primary structure(s). Such site features should be designed and located to contribute to the pedestrian environment of the site development.

5. Loading areas should not be located between the building and the street unless there is no alternative location possible. Loading areas, if located between the building and the street, should be oriented away from the street and screened to minimize views of the loading area from the street and sidewalk. Loading areas should not be located on the side of a building which faces toward a residential use.

6. In multiple building complexes, buildings should be located to facilitate safe and comfortable pedestrian movement between buildings. On sites which are adjacent to other properties within the Community Retail Design District, building location should be chosen to facilitate pedestrian and vehicular connections to buildings on those adjacent properties.

7. In locations and districts specifically described in the Comprehensive Plan Urban Design Element Figure UD.1, consideration should be given to locating buildings closer to the public street with entrances to the buildings from the public sidewalk, with no intervening parking or driving area. Corner locations are particularly appropriate for this treatment.

8. Opportunities should be found for safe, convenient, and pleasant pedestrian connections to existing transit facilities. Where needed, shelters and lay-bys for transit vehicles should be incorporated into the site development. (Ord. 4816, 12-4-95, § 110)

Section 12. Section 20.251.050 of the Land Use Code is hereby amended as follows:

20.251.050 Design standards.

A. Special Corner Feature.

If the property is located at the intersection of two arterial streets, the site development shall incorporate a special corner feature at the corner of the site. A special corner feature can be a landscape feature, seasonal color planting area, sculpture or water feature. The feature should provide a visual landmark and some amount of seating area. If the property is not located at an intersection, a similar feature should be considered in conjunction with a transit stop or at the primary access point to the site.

B. Building Design Standards.

1. The design of buildings shall incorporate elements such as special architectural details, distinctive color schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to distinguish the complex from other retail complexes in the City.

2. The sides of a building which face toward a public street shall include public entrances to the building and windows to provide visual access to the activity within the building.

3. The sides of a building which face toward an adjoining property, but not toward a public street, shall include elements such as windows, doors, color, texture, landscaping or wall treatment to provide visual interest and prevent the development of a long continuous blank wall.

4. Building design shall provide for architecturally integrated signage. Signs shall be in proportion to the development and oriented to the main direction access and to pedestrian movement. Signs shall meet the requirements of Chapter 22B.10 BCC, Bellevue Sign Code.

C. Internal Walkways. The following design standards apply within the Community Retail Design District:

1. Walkways, of six feet in width minimum, shall be provided from the public sidewalk or right-of-way to the building. At a minimum, walkways shall be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points.

2. Walkways shall be provided to connect with walkways or potential walkway locations on adjoining properties in the District to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.

On the sides of the building which provide public access into the building, the walkway should be wide enough to allow for sidewalk seating area or window gazing as well as pedestrian travel. Weather protection of the building walkway should be provided at a minimum at the entrance area and, if appropriate, along the entire building walkway.

3. Internal walkway surfaces shall be designed to be visually attractive and distinguishable from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.

D. Other Development Standards.

1. Rooftop equipment shall be visually screened pursuant to LUC 20.20.525. The design and color of rooftop mechanical equipment should be integrated with the building architectural style.

2. The outdoor display of building materials and similar bulky products shall be screened from views from the public street, sidewalk, and properties outside the District with a durable, solid wall or fence, or an evergreen hedge or a combination of the above. The screening requirement does not apply to the display of seasonal products of a decorative nature such as bedding plants, Halloween pumpkins, and holiday greens.

3. Bicycle racks shall be provided on site. Facilities for a minimum of 10 bicycles shall be provided for developments having 100 or fewer parking stalls. For each 100 additional stalls, facilities for five additional bicycles shall be provided. (Ord. 4816, 12-4-95, § 111; Ord. 4654, 6-6-94, § 53)

Section 13. Section 20.30F.116 of the Land Use Code is hereby amended as follows:

20.30F.116 City Council design review.. Notwithstanding any provisions of the Code requiring that design review be conducted under this Part 20.30F, all projects for which a City Council-approved design competition in which an opportunity for public comment has been provided shall be exempt from the design review process, but must comply with the applicable design review criteria and standards of this Code. (Ord. 4816, 12-4-95, § 112; Ord 4207, 1-14-91, § 1; Ord. 3599B, 3-24-86, § 2)

Section 14. Section 20.30F.130 of the Land Use Code is hereby repealed.

Section 15. Section 20.30F.135 of the Land Use Code is hereby repealed.

Section 16. Section 20.30F.145 of the Land Use Code is hereby amended as follows:

20.30F.145 Decision criteria.

The Director may approve or approve with modifications an application for Design Review if:

- A. The proposal is consistent with the Comprehensive Plan; and
- B. The proposal complies with the applicable requirements of this Code; and
- C. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and
- D. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity ; and

E. The proposal will be served by adequate public facilities including streets, fire protection, and utilities. (Ord. 4816, 12-4-95, § 115)

Section 17. Section 20.30F.150 of the Land Use Code is hereby repealed.

Section 18. Section 20.30F.155 of the Land Use Code is hereby repealed.

Section 19. Section 20.30F.160 of the Land Use Code is hereby repealed.

Section 20. Section 20.30F.170 of the Land Use Code is hereby amended as follows:

20.30F.170 Planning Commission design review.

The authority designated in a land use approval or concomitant agreement for the Bellevue Planning Commission to review a design review proposal is transferred to the Director to review said design review proposal under this Part 20.30F. (Ord. 4816, 12-4-95, § 119; Ord. 4255, 6-3-91, § 11)

Section 21. A new Section 20.30F.175 of the Land Use Code is hereby added as follows:

20.30F.175 Modification or addition to an approved design review project or decision.

A. There are two ways to modify or add to an approved project or decision: process as a new decision, or process as a Land Use Exemption.

B. General. Except as provided in subsection C of this section, an amendment of a previously approved project or decision is treated as a new application.

C. Land Use Exemption for Design Review Approval.

1. The Director may determine that an addition or modification to a previously approved project or decision is exempt from further review or review as a new application, provided the following criteria are met:

a. The proposal does not result in any significant adverse impact beyond the site; and

b. The proposal is consistent with the general scope of the purpose and intent of the original approval; and

- c. The proposal complies with applicable Land Use Code requirements; and
- d. The proposal does not add more than 20 percent gross square footage; and
- e. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not exceed 20 percent gross square footage.

2. The Director may determine that a new development outside the Downtown is exempt from review as a new application; provided, that the building form and scale of the new building or addition, regardless of size, is not visible from the right-of-way, a public park or zoned and developed single family residential property.

D. Conditions. The Director may impose conditions on a Land Use Exemption to ensure that the applicable decision criteria and any conditions of the original approval are met. (Ord. 4816, 12-4-95, § 120)

Section 22. Section 20.45A.040 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.040 Definitions specific to the platting and subdivision chapter. As used in this chapter, the following definitions apply:

A. Development Standards. Currently effective Community Development, Transportation, and Utility Departments' Development and Engineering Standards.

B. Lot. A fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.

C. Right-of-Way. A strip of land dedicated for public use for utilities, vehicular and/or pedestrian travel, access to adjoining properties, or other use involving maintenance by a public agency.

D. Subdivider, Developer or Platter. Any person, firm or corporation or authorized representative undertaking the subdividing or resubdividing of a lot, tract, block, or other parcel of land. (Ord. 4816, 12-4-95, § 121; Ord. 3937, 7-18-88)

Section 23. Section 20.45A.050 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.050 General requirements.

A. All subdivisions of land shall comply with all applicable goals, regulations and standards of the Bellevue City Code and Title 58 RCW (Boundaries and Plats). Subdivisions shall also be in accord with the policies of the City's Comprehensive Plan.

B. A proposed subdivision shall be considered under all applicable land use regulations as provided in LUC 20.40.500. (Ord. 4816, 12-4-95, § 122; Ord. 3937, 7-18-88)

Section 24. Section 20.45A.060 of the Bellevue Land Use Code is hereby repealed.

Section 25. Section 20.45A.090 of the Bellevue Land Use Code is hereby repealed.

Section 26. Section 20.45A.110 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.110 Preliminary plat - Special notice requirement.

A. General. The notice requirements of this section are in addition to the notice requirements of LUC 20.35.120.

B. Means of Notice. The Director of Community Development shall provide notice of the public hearing by:

1. Mailing notice of the public hearing to appropriate city or town officials if the plat includes the use of any city or town utility or is adjacent to or within a mile of the boundaries of that city or town; and

2. Mailing notice of the public hearing to appropriate county officials if the plat is adjacent to the Bellevue City boundary; and

3. Mailing notice of the public hearing to the State Secretary of Transportation if the plat is adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport; and

4. Mailing notice of the public hearing to owners of real property within 300 feet of the proposed subdivision site. (Ord. 4816, 12-4-95, § 125; Ord. 3937, 7-18-88)

Section 27. Section 20.45A.120 of the Bellevue Land Use Code is hereby repealed.

Section 28. Section 20.45A.140 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.140 Preliminary plat - Time limitation.

A preliminary plat automatically expires and is void if the applicant fails to file for approval of the final plat within five years of the effective date of the preliminary plat approval unless the plat is a phased development and the applicant has received an extension for the preliminary plat pursuant to LUC 20.45A.150. (Ord. 4816, 12-4-95, § 126; Ord. 3937, 7-18-88)

Section 29. Section 20.45A.150 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.150 Preliminary plat - Extension for phased development.

The Director of Community Development may extend a preliminary plat for a phased development, but not including the initial phase or division one improvements, for up to three additional years beyond the period provided in LUC 20.25A.140, above, if:

A. A written request for extension is filed at least 30 days before the expiration of the preliminary plat; and

B. Unforeseen circumstances or conditions which are not the result of voluntary actions of the applicant necessitate the extension of the preliminary plat; and

C. Conditions in the immediate vicinity of the subject property have not changed substantially since the preliminary plat was first approved; and

D. An extension of the preliminary plat will not cause substantial detriment to existing uses in the immediate vicinity of the subject property or to the community as a whole; and

E. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and

F. The preliminary plat substantially complies with applicable City Code provisions in effect on the date that the application for extension was made. (Ord. 4816, 12-4-95, § 128; Ord. 4638, 4-4-94, § 3; Ord. 3937, 7-18-88)

Section 30. Section 20.45A.160 of the Bellevue Land Use Code is hereby repealed.

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Section 31. Section 20.45A.170 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.170 Preliminary plat - Effect of approval.

A. The approval of a preliminary plat by the Hearing Examiner is approval of the general acceptability of the layout and its relation to adjoining properties. Engineering detail remains subject to the approval of the Departments of Community Development, Transportation, and Utilities.

B. After final approval of engineering drawings for public facilities within an approved preliminary plat, permits for the development of plat improvements may be issued and work commenced. Such permits shall be contingent upon compliance with the conditions specified on the approval of the preliminary plat, conformance with City of Bellevue Development and Engineering Standards, the payment of all fees, and the submittal of assurance devices as may be required. (Ord. 4816, 12-4-95, § 130; Ord. 3937, 7-18-88)

Section 32. Section 20.45A.180 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.180 Final plat - General.

The applicant must submit the final plat within five years of the effective date of the preliminary plat or the extension date if an extension was granted pursuant to LUC 20.45A.150. (Ord. 4816, 12-4-95, § 131; Ord. 3937, 7-18-88)

Section 33. Section 20.45A.190 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.190 Final plat - Applicable procedure.

The City will process an application for a final plat as provided in LUC 20.45A.200 through 20.45A.260. The Director of Community Development is the applicable Department Director. (Ord. 4816, 12-4-95, § 132; Ord. 3937, 7-18-88)

Section 34. Section 20.45A.200 of the Bellevue Land Use Code is hereby repealed.

Section 35. Section 20.45A.210 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.210 Final plat - Hearing Examiner review and approval.

A. Report to Hearing Examiner. The Director of Community Development shall submit a written report to the Hearing Examiner evaluating compliance with the preliminary plat and with any conditions imposed on the preliminary plat. The Director shall respond to Community Council comments on the final plat in the report to the Hearing Examiner.

B. Hearing Examiner Action. The Hearing Examiner shall consider the report and approve or deny the final plat. Modifications to preliminary plat approval will be processed as provided in LUC 20.45A.250. (Ord. 4816, 12-4-95, § 134; Ord. 3937, 7-18-88)

Section 36. Section 20.45A.220 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.220 Final plat - Decision criteria.

Except as provided in LUC 20.45A.250, the Hearing Examiner shall approve a final plat if it conforms to the preliminary plat and to all conditions of approval of the preliminary plat. (Ord. 4816, 12-4-95, § 135; Ord. 3937, 7-18-88)

Section 37. Section 20.45A.230 of the Bellevue Land Use code is hereby amended as follows.

20.45A.230 Final plat - Community Council review.

Prior to the final action by the Hearing Examiner on any final plat which is in an area over which a Community Council has jurisdiction, the Department of Community Development shall transmit a copy of the final plat application to the Community Council for its review. Any comments or recommendations by the Community Council as to whether the final plat meets the requirements of the preliminary plat approval shall be submitted in writing to the Director of Community Development within 14 days of receipt of the final plat application by the Community Council. (Ord. 4816, 12-4-95, § 136; Ord. 3937, 7-18-88)

Section 38. Section 20.45A.240 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.240 Final plat - Phased development.

Portions of an approved preliminary plat may be processed separately for recording in divisions provided that all divisions are approved within the prescribed time limits for the preliminary plat; and provided, that the division does not violate the intent of the preliminary plat. Prior to the approval of a division of a final plat the Departments of Transportation, Utilities or Community Development may require an assurance device be submitted for construction of improvements in subsequent divisions if such improvements are necessary for the continuity of transportation, utility, or other systems. (Ord. 4816, 12-4-95, § 137; Ord. 3937, 7-18-88)

Section 39. Section 20.45A.250 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.250 Modification of an approved preliminary plat.

A. There are three ways to modify an approved preliminary plat: process as a new preliminary plat application, process as an administrative amendment, or qualify for an exception.

B. General. Except as provided in subsections C and D of this section, a modification of a previously approved preliminary plat is treated as a new application.

C. Exception. The following modifications of preliminary plat approval may be reviewed through plat engineering and do not require further review:

1. Engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval;
2. Minor changes in lot lines or lot dimensions;
3. A decrease in the number of lots to be created or an increase of no more than five percent of the number of lots depicted on the preliminary plat.

D. Administrative Amendment.

1. Scope. A proposed amendment which the Director determines meets the criteria of this subsection will be processed as an Administrative Amendment unless the applicant has chosen to have the amendment reviewed as a new application.

2. Decision criteria. The Director shall approve or approve with modifications a proposed amendment to an approved preliminary plat if:

- a. The amendment maintains the design intent or purpose of the original approval; and
 - b. The amendment maintains the quality of design or product established by the original approval; and
 - c. The amendment does not cause a significant environmental or land use impact on or beyond the site; and
 - d. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively; and
 - e. Circumstances render it impractical, unfeasible, or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat approval.
3. Conditions. The Director may include conditions as part of an approval or approval with modifications to ensure conformance with the decision criteria above.
4. Written Decision. The Director shall issue a written decision on the administrative amendment which contains the following:
- a. A description of the original preliminary plat approval and the proposed amendment; and
 - b. An analysis of the proposed administrative amendment using the applicable decision criteria, including the facts upon which the decision and any conditions for the project are based; and
 - c. A statement that the administrative amendment is approved, approved with modifications or denied subject to the provisions of this section. (Ord. 4816, 12-4-95, § 138; Ord. 3937, 7-18-88)

Section 40. Section 20.45A.260 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.260 Final plat - Recording required.

A. Upon approval of a final plat, the Hearing Examiner may execute written approval on the face of the plat, and the original of the final plat shall be returned to the subdivider for compliance with recording requirements.

B. Approval of the final plat for recording by the Hearing Examiner shall be deemed to constitute acceptance of any dedication shown on the plat. Approval of the final plat shall be null and void if the plat is not recorded with King County Department of Records and Elections within 90 days after the date of the approval. (Ord. 4816, 12-4-95, § 139; Ord. 3937, 7-18-88)

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Section 41. Section 20.45A.270 of the Bellevue Land Use Code is hereby repealed.

Section 42. Section 20.30D.115 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.115 Applicability.

- A. This part applies to each application for a Planned Unit Development
- B. An applicant may submit an application for a Planned Unit Development for a residential or mixed residential and commercial use project.
- C. In no case may a Planned Unit Development include uses which are not permitted by the zoning of the subject property. For purposes of this Part 20.30D, however, a single family dwelling as defined in LUC 20.50.016 includes dwellings attached by common walls. (Ord. 4816, 12-4-95, § 141)

Section 43. Section 20.30D.125 of the Bellevue Land Use Code is hereby repealed.

Section 44. Section 20.30D.130 of the Bellevue Land Use code is hereby repealed.

Section 45. Section 20.30D.135 of the Bellevue Land Use Code is hereby repealed.

Section 46. Section 20.30D.140 of the Bellevue Land Use Code is hereby repealed.

Section 47. Section 20.30D.145 of the Bellevue Land Use Code is hereby repealed.

Section 48. Section 20.30D.150 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.150 Planned Unit Development Plan - Decision criteria.

The City may approve or approve with modifications a Planned Unit Development plan if:

A. The Planned Unit Development is consistent with the Comprehensive Plan;
and

B. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

1. Placement, type or reduced bulk of structures, or
2. Interconnected usable open space, or
3. Recreation facilities, or
4. Other public facilities, or
5. Conservation of natural features, or
6. Aesthetic features and harmonious design, or
7. Energy efficient site design or building features; and

C. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities; and

D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design; and

E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this Code (LUC 20.20.520) and enhances the visual compatibility of the development with the surrounding neighborhood; and

F. At least one major circulation point is functionally connected to a public right-of-way; and

G. Open space within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and

H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

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I. That part of a Planned Unit Development in a Transition Area meets the Transition Area requirements (Part 20.25B LUC) or the criteria of LUC 20.25B.040.B; and

J. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and

K. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

L. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment. (Ord. 4816, 12-4-95, § 147)

Section 49. Section 20.30D.155 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.155 Residential density for OU Districts.

The density of dwelling units in an OU District, which may not exceed an average of five units per acre, will be determined through the Planned Unit Development approval process. Density shall be one unit per acre unless the applicant can demonstrate the appropriateness of increased density based on the following criteria:

- A. The nature of the site and compatibility with surrounding development; and
- B. The Comprehensive Plan designation; and
- C. The percentage of the site affected by sensitive areas and sensitive area setback requirements; and
- D. Other relevant factors. (Ord. 4816, 12-4-95, § 148; Ord. 3936, 7-18-88, § 3)

Section 50. Section 20.30D.160 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.160 Planned Unit Development Plan - Open and recreation space requirement.

A. General. Within a Planned Unit Development including residential uses:

1. At least 40 percent of the gross land area, which includes any protected area, of the subject property must be retained or developed as open space as defined by LUC 20.50.038; and

2. At least 10 percent of the gross land area, which includes any protected area, of the subject property must be retained or developed as common recreation space as defined by LUC 20.50.044, provided, however, that the requirement for recreation space may be waived if the total of protected area and protected area setback equals at least 40 percent of the gross land area; and

3. Recreation space as required by paragraph A.2 of this section may be included in the open space required by paragraph A.1 of this section if:

a. The common recreation space meets the definition of open space (LUC20.50.038), and

b. At least 20 percent of the gross land area is non-recreation open space.

Provided, however, that recreation space may not occur in a protected area or a protected area setback; and

4. The area of the site devoted to pedestrian trails shall not be included in the required common recreation space unless public trails are specifically required by the City.

5. An outdoor children's play area meeting the requirements of LUC 20.20.540 may be included in the above described common recreation space requirement.

6. For mixed use projects, the required open and recreation space shall be designed to meet the needs of both the residential and commercial uses.

B. Maintenance. In appropriate circumstances the City may require a reasonable performance or maintenance assurance device in conformance with LUC 20.40.490 to assure the retention and continued maintenance of all open and recreation space in conformance with the Land Use Code and the Planned Unit Development Plan approval. (Ord. 4816, 12-4-95, § 149; Ord. 3775, 5-26-87, § 20)

Section 51. Section 20.30D.165 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.165 Planned Unit Development plan - Request for Modification of zoning requirements.

The applicant may request a modification of the requirements and standards of the Land Use Code as follows:

A. Density.

1. General. Except in an OU Land Use District, the applicant may request a bonus in the number of dwelling units permitted by the underlying land use district (see LUC 20.10.010).

2. Bonus Decision Criteria. The City may approve a bonus in the number of dwelling units allowed by no more than 10 percent, based on the gross land area of the property excluding either that area utilized for traffic circulation roads or 20 percent, whichever is less, if:

a. The design of the development offsets the impact of the increase in density; and

b. The increase in density is compatible with existing uses in the immediate vicinity of the subject property.

3. Senior Citizen Dwelling. An additional 10 percent density bonus may be approved for senior citizen dwellings if the criteria in paragraph A.2 of this section is met and if the average dwelling unit size does not exceed 600 square feet.

B. Height. The applicant may request a modification of height from that allowed by the land use district, provided topography and arrangement of structures does not unreasonably impair primary scenic views (e.g., mountains, lakes, unique skylines) of the surrounding area, as compared to lot-by-lot development.

C. Other.

1. The applicant may request a modification of any requirement or standard of the Land Use Code, except as provided in LUC 20.30D.170.

2. The City may approve a modification of any provision of the Land Use Code, except as provided in LUC 20.30D.170, if the resulting site development complies with the criteria of this part. (Ord. 4816, 12-4-95, § 150; Ord. 4065, 10-23-89, § 6; Ord. 3690, 8-4-86, § 19)

Section 52. Section 20.30D.170 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.170 Planned Unit Development plan - Limitation on authority to modify zoning.

The following provisions of the Land Use Code may not be modified pursuant to LUC 20.30D.165:

- A. Any provision of this Part 20.30D LUC, Planned Unit Development; or
- B. Any provision of LUC 20.10.440 - Uses in Land Use Districts; or
- C. The maximum density and site coverage for development in an OU Land Use District (LUC 20.20.010); or
- D. Any provision of Part 20.25E LUC, the Shoreline Overlay District; or
- E. Any provision of the Land Use Code which specifically states that it is not subject to modification; or
- F. The procedural, enforcement and administrative provisions of the Land Use Code or any other applicable City Code; or
- G. Any provision of Part 20.25H LUC, the Sensitive Area Overlay District, except as specifically provided for in that part. (Ord. 4816, 12-4-95, § 151; Ord. 3775, 5-26-87, § 21)

Section 53. Section 20.30D.175 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.175 Planned Unit Development plan - Authorized activity.

Following approval of the Planned Unit Development plan, the applicant may begin any work that is specifically authorized in the Planned Unit Development approval and is not prohibited by any other applicable regulation. No other work may be done until the final development plan is approved. (Ord. 4816, 12-4-95, § 152)

Section 54. Section 20.30D.180 of the Bellevue Land Use Code is hereby repealed.

Section 55. Section 20.30D.185 of the Bellevue Land Use Code is hereby repealed.

Section 56. Section 20.30D.190 of the Bellevue Land Use Code is hereby repealed.

Section 57. Section 20.30D.195 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.195 Planned Unit Development plan - Merger with subdivision.

A. General. The applicant may request that the City process a preliminary plat in conjunction with a Planned Unit Development plan. Platting is required for all projects which involve or contemplate the subdivision of land.

B. Procedure. The City may review and decide upon a preliminary plat at the same hearing as the preliminary development plan to the extent allowed by such procedures.

C. Plat Requirements. The preliminary plat must comply with the procedures, standards and criteria of Chapter 20.45 LUC and must conform to the Planned Unit Development plan. (Ord. 4816, 12-4-95, § 156)

Section 58. Section 20.30D.200 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.200 Planned Unit Development plan - Effect of approval.

The approval of the Planned Unit Development plan constitutes the City's acceptance of the general project, including its density, intensity, arrangement and design. (Ord. 4816, 12-4-95, § 157)

Section 59. Section 20.30D.205 of the Bellevue Land Use Code is hereby repealed.

Section 60. Section 20.30D.210 of the Bellevue Land Use Code is hereby repealed.

Section 61. Section 20.30D.215 of the Bellevue Land Use code is hereby repealed.

Section 62. Section 20.30D.220 of the Bellevue Land Use Code is hereby repealed.

Section 63. Section 20.30D.225 of the Bellevue Land Use Code is hereby repealed.

Section 64. Section 20.30D.230 of the Bellevue Land Use Code is hereby repealed.

Section 65. Section 20.30D.235 of the Bellevue Land Use Code is hereby repealed.

Section 66. Section 20.30D.240 of the Bellevue Land Use Code is hereby repealed.

Section 67. Section 20.30D.245 of the Land Use Code is hereby repealed.

Section 68. Section 20.30D.250 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.250 Planned Unit Development plan - Phased development.

If developed in phases, each phase of an approved Planned Unit Development must contain the required number of parking spaces, the required open space, recreation space, landscaping and utility areas necessary to create a desirable and stable environment pending completion of the total Planned Unit Development as approved. (Ord. 4816, 12-4-95, § 167)

Section 69. Section 20.30D.255 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.255 Planned Unit Development plan - Map designation.

A. General. Upon approval of the development plan the City will place the file number of the Planned Unit Development on the location of the subject property on the City of Bellevue Zoning Map.

B. Effect. Redevelopment of property for which a Planned Unit Development has been approved must be consistent with the Planned Unit Development plan and any amendments to that plan.

(Ord. 4816, 12-4-95, § 168)

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Section 70. Section 20.30D.260 of the Bellevue Land Use Code is hereby repealed.

Section 71. Section 20.30D.265 of the Bellevue Land Use Code is hereby repealed.

Section 72. Section 20.30D.270 of the Bellevue Land Use Code is hereby repealed.

Section 73. Section 20.30D.275 of the Bellevue Land Use Code is hereby repealed.

Section 74. Section 20.30D.280 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.280 Merger with Binding Site Plan.

A. General. The applicant may request that the site plan approved with the Planned Unit Development constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.

B. Survey and Recording Required. If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.

C. Effect of Binding Site Plan. Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law. (Ord. 4816, 12-4-95, § 173; Ord. 3848, 11-16-88, § 3)

Section 75. Section 20.30D.285 of the Bellevue Land Use Code is hereby added as follows:

20.30D.285 Amendment of an approved Planned Unit Development.

A. There are three ways to modify or add to an approved Planned Unit Development: process as a new decision, process as a Land Use Exemption, or process as an Administrative Amendment.

B. Except as provided in subsections C and D of this section, modification of a previously approved Planned Unit Development shall be treated as a new application.

C. Land Use Exemption for a Planned Unit Development. The Director may determine that a modification to a previously approved Planned Unit Development is exempt from further review under the administrative amendment process or as a new application, provided the following criteria are met:

1. The change is necessary because of natural features of the subject property not foreseen by the applicant or the City prior to the approval of the Planned Unit Development; and
2. The change will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and
3. The change will not have the effect of increasing the density of the Planned Unit Development; and
4. The change will not have the effect of increasing the total amount of floor area of the Planned Unit Development by more than 20 percent; and
5. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and
6. The change will not reduce any approved setback by more than 10 percent; and
7. The change will not result in a significant increase in the height of any structure; and
8. The change will not increase or create new adverse impacts or undesirable effects of the Planned Unit Development on the surrounding neighborhood.

D. Administrative Amendment of Planned Unit Development. The Director may approve modifications to an approved Planned Unit Development as an administrative amendment subject to the procedures set forth in LUC 20.35.200 et seq. if the following criteria are met:

1. The amendment maintains the design intent or purpose of the original approval; and
2. The amendment maintains the quality of design or product established by the original approval; and
3. The amendment does not cause a significant adverse environmental or land use impact on or beyond the site; and
4. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.

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E. The Director may impose conditions upon any Land Use Exemption or Administrative Amendment to ensure the proposal complies with the decision criteria and the purpose and intent of the original approval. (Ord. 4816, 12-4-95, § 174)

Section 76. Section 20.30B.125 of the Bellevue Land Use Code is hereby repealed.

Section 77. Section 20.30B.130 of the Bellevue Land Use Code is hereby repealed.

Section 78. Section 20.30B.135 of the Bellevue Land Use Code is hereby repealed.

Section 79. Section 20.30B.140 of the Bellevue Land Use Code is hereby amended as follows:

20.30B.140 Decision criteria.

The City may approve or approve with modifications an application for a Conditional Use Permit if:

- A. The conditional use is consistent with the Comprehensive Plan; and
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- C. The conditional use will be served by adequate public facilities including streets, fire protection; and
- D. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The conditional use complies with the applicable requirements of this Code. (Ord. 4816, 12-4-95, § 178)

Section 80. Section 20.30B.145 of the Bellevue Land Use Code is hereby repealed.

Section 81. Section 20.30B.150 of the Bellevue Land Use Code is hereby repealed.

Section 82. Section 20.30B.155 of the Bellevue Land Use Code is hereby repealed.

Section 83. Section 20.30B.170 of the Bellevue Land Use Code is hereby amended as follows:

20.30B.170 Modification/revocation.

A. Modification. The City may initiate a modification to an approved Conditional Use Permit. A modification will be processed through Process I (LUC 20.35.100 et seq.); provided, that modification of a Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. Through the modification procedure, the Hearing Body may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

B. Revocation. The Hearing Body may revoke an approved permit through Process I (LUC 20.35.100 et seq.); provided, that revocation of a Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. An approved permit may be revoked only upon finding that:

1. The use for which the approval was granted has been abandoned for a period of at least one year; or
2. Approval of the permit was obtained by misrepresentation of material fact; or
3. The permit is being exercised contrary to the terms of approval.

(Ord. 4816, 12-4-95, § 182; Ord. 4066, 10-23-89, § 2)

Section 84. Section 20.30B.175 of the Bellevue Land Use Code is hereby added.

20.30B.175 Modification or Addition to an approved project or decision.

A. There are three ways in which to modify or add to an approved conditional use: process as a new decision, process as a Land Use Exemption, or process as an Administrative Amendment.

B. General. Except as provided in subsections C and D of this section, an amendment of a previously approved project or decision is treated as a new application.

C. Land Use Exemption for Conditional Use Permit. The Director may determine that an addition or modification to a previously approved project or decision is exempt from further review under the Administrative Amendment process or as a new application, provided the following criteria are met:

1. The proposal does not result in any significant adverse impact beyond the site; and
2. The proposal is within the general scope of the purpose and intent of the original approval; and
3. The proposal complies with all applicable Land Use Code requirements; and
4. The proposal does not add more than 20 percent gross square footage; and
5. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not exceed 20 percent gross square footage.

D. Administrative Amendment.

1. Scope. A proposed amendment which the Director determines meets the criteria of this section will be decided as an Administrative Amendment unless the applicant has chosen to have the amendment reviewed as a new application.

2. Decision Criteria. The Director shall approve a proposed amendment to an approved project or decision if:

- a. The amendment maintains the design intent or purpose of the original approval; and
- b. The amendment maintains the quality of design or product established by the original approval; and
- c. The amendment does not cause a significant adverse environmental or land use impact on or beyond the site; and
- d. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.

3. The applicant carries the burden of proof and must demonstrate that the application merits approval or approval with modifications.

4. Conditions. The Director may include conditions as part of the approval or approval with modifications to ensure conformance with the decision criteria for an administrative amendment and for the original approval.

5. Written Decision. The Director shall issue a written decision on the administrative amendment which contains the following:

- a. A description of the original project or decision and the proposed administrative amendment; and
- b. An analysis of the proposed administrative amendment using the applicable decision criteria, including the facts upon which the decision and any conditions for the project are based; and
- c. A statement that the administrative amendment is approved, approved with modifications or denied subject to the provisions of this section.
(Ord. 4816, 12-4-95, § 183)

Section 85. Section 20.30E.125 of the Bellevue Land Use Code is hereby repealed.

Section 86. Section 20.30E.130 of the Bellevue Land Use Code is hereby repealed.

Section 87. Section 20.30E.135 of the Bellevue Land Use Code is hereby repealed.

Section 88. Section 20.30E.140 of the Bellevue Land Use Code is hereby amended as follows:

20.30E.140 Decision criteria.

The Director of Community Development may approve or approve with modifications an application for an Administrative Conditional Use Permit if:

- A. The administrative conditional use is consistent with the Comprehensive Plan; and
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- C. The administrative conditional use will be served by adequate public facilities including streets, fire protection, and utilities; ; and
- D. The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

E. The administrative conditional use complies with the applicable requirements of this Code.

(Ord. 4816, 12-4-95, § 187)

Section 89. Section 20.30E.145 of the Bellevue Land Use Code is hereby repealed.

Section 90. Section 20.30E.150 of the Bellevue Land Use Code is hereby repealed.

Section 91. Section 20.30E.155 of the Bellevue Land Use Code is hereby repealed.

Section 92. Section 20.30E.170 of the Bellevue Land Use Code is hereby amended as follows:

20.30E.170 Modification/revocation.

A. Modification. The City may initiate a modification to an approved Administrative Conditional Use Permit. A modification will be processed through Process II (LUC 20.35.200 et seq.). Through the modification procedure, the Director of Community Development may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

B. Revocation. The Hearing Examiner may revoke an approved permit through Process I (LUC 20.35.100 et seq.) only upon finding that:

1. The use for which the approval was granted has been abandoned for a period of at least one year; or
2. Approval of the permit was obtained by misrepresentation of material fact; or
3. The permit is being exercised contrary to the terms of such approval. (Ord. 4816, 12-4-95, § 191; Ord. 4654, 6-6-94, § 56; Ord. 4066, 10-23-89, § 6)

Section 93. Section 20.30E.175 of the Bellevue Land Use Code is hereby added.

20.30E.175 Modification or addition to an approved project or decision.

A. There are two ways in which to modify or add to an approved administrative conditional use. They include process as a new decision using Process II, or process as a Land Use Exemption.

B. General. Except as provided in subsection C of this section, an amendment of a previously approved project or decision is treated as a new application.

C. Land Use Exemption from Administrative Conditional Use Permits. The Director of Community Development may determine that an addition or modification to a previously approved project or decision is exempt from an Administrative Conditional Use Permit, provided the following criteria can be met:

1. The proposal does not result in any significant adverse impact beyond the site; and
2. The proposal is within the general scope of the purpose and intent of the original approval; and
3. The proposal complies with all applicable Land Use Code requirements and all applicable development standards, and will be compatible with all applicable design criteria; and
4. The proposal does not add more than 20 percent gross square footage; and
5. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not exceed 20 percent gross square footage. (Ord. 4816, 12-4-95, § 192)

Section 94. Section 20.50.044 of the Bellevue Land Use Code is hereby amended as follows:

20.50.044 R definitions.

...
Recreation Space (Common). Interior or exterior areas designed and set aside exclusively for diversion, amusement or entertainment; including, but not limited to, swimming pools, tennis courts, rest areas, or picnicking areas, located and designed for common use of all residents within a Planned Unit Development. (Ord. 4816, 12-4-95, § 193)

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Section 95. This ordinance shall take effect and be in force five (5) days after passage and legal publication of this ordinance or a summary thereof.

PASSED by the City Council this 3rd day of March, 1997, and signed in authentication of its passage this 3rd day of March, 1997.

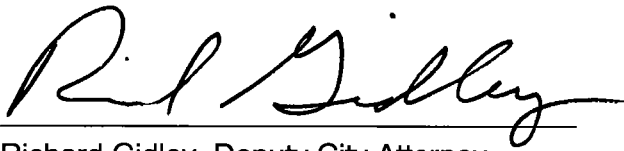
(SEAL)



Ronald E. Smith, Mayor

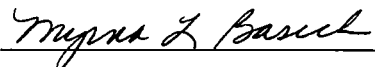
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

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