

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5233

AN ORDINANCE relating to updating the Bellevue Land Use Code to amend procedural provisions to modify the deadline for filing comprehensive plan amendments, clarify various provisions of the code and require enforcement actions to be resolved prior to the issuance of new permits; amending Sections 20.30I.130, 20.35.015F, 20.35.030A, 20.35.200C and 20.40.450; of the Bellevue Land Use Code.

WHEREAS, the City of Bellevue continues to conduct a regulatory reform program to amend its Land Use Code to improve regulatory procedures; and

WHEREAS, it is the intent of the Bellevue City Council that the Land Use Code provide clarity and ease of administration of the land use permit and approval processes; now, therefore,

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

Section 1. Section 20.30I.130 of the Bellevue Land Use Code is hereby amended as follows:

20.30I.130 Time to initiate.

A. Subject to subsections C and D of this section, the City Council or the Planning Commission may initiate consideration of an amendment to the Comprehensive Plan at any time. A new element may be added to the Comprehensive Plan at any time.

B. Subject to subsections C and D of this section, a resident or property owner may apply for an amendment to the Comprehensive Plan between December 1st and the end of January of the following year. At any other time during the year, a resident or property owner may request that the Planning Commission or City Council initiate consideration of an amendment to the Comprehensive Plan.

C. An amendment to the Comprehensive Plan may not be initiated by the Planning Commission or by a private party unless at least three years have elapsed since the adoption or review and reaffirmation of the Element or Subarea Plan affected by the proposed amendment. In addition, at least three years must elapse between amendments to the land use designation of a property. These time limits do not apply if the applicant proves that there exists obvious technical error justifying the need for the amendment.

D. The Planning Commission may defer review of a proposed amendment if review of the affected subarea is scheduled or reasonably likely to occur within the calendar year the proposed amendment was requested.

Section 2. Section 20.35.015F of the Bellevue Land Use Code is hereby amended as follows:

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. 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;
7. Requests for Reasonable Accommodation as defined by LUC part 20.30T.

Section 3. Section 20.35.030A of the Bellevue Land Use Code is hereby amended as follows:

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 authorized agent of the owner 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 Planning and Community Development or the Planning Director, may apply for a project-specific or site-specific rezone or for an area-wide rezone.
4. The Director of Planning and Community Development, the Planning Director, 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.

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Section 4. Section 20.35.200C of the Bellevue Land Use Code is hereby amended as follows:

20.35.200 Process II: Administrative decisions.

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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, the Shoreline Hearings Board pursuant to LUC 20.35.250B and RCW 90.58.180, or the Growth Management Hearings Board pursuant to LUC 20.35.250C and RCW 36.70A.290.

Section 5. Section 20.40.450 of the Bellevue Land Use Code is hereby amended as follows:

20.40.450 Violation of this Code.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Code. No permit, approval or other entitlement shall be granted by the City for activities to occur on property that is the subject of any active civil violation proceeding under Chapter 1.18 BCC.

Section 6. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this 17th day of July, 2000, and signed in authentication of its passage this 17th day of July, 2000.

(SEAL)

Chuck Mosher, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Michelle Murphy, Deputy City Clerk

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