

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5404

AN ORDINANCE creating regulations regarding Secure Community Transition Facilities; amending the City of Bellevue Land Use Code; amending Sections 20.10.440 and 20.50.046; adding a new Section 20.20.750; and establishing an effective date.

WHEREAS the State Legislature requires each jurisdiction planning under the Growth Management Act to adopt policies and regulations regarding Secure Community Transition Facilities on or before September 1, 2002;

WHEREAS, the State Legislature has provided that jurisdictions failing to adopt such regulations by September 1, 2002 may have their land use and other authority pre-empted by the Department of Social and Health Services after October 1, 2002 with respect to the siting, construction and operation of Secure Community Transition Facilities;

WHEREAS, the intent of this ordinance is to adopt regulations regarding Secure Community Transition Facilities that allow the City to participate to the maximum extent possible in decisions about where these facilities are sited in the City while complying with the Growth Management Act;

WHEREAS, the development regulations adopted in this ordinance are deemed necessary by the City Council and are further deemed to be in the best interests of the public health, safety, and general welfare of the City and its residents; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act, RCW Chapter 43.21C, and the City Environmental Procedures Code, BCC Chapter 22.02 as to the development regulations herein; now, therefore,

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

Section 1. Section 20.10.440 Residential Land Use Chart is hereby amended to read as follows:

Uses in land use districts

Residential

STD LAND
USE CODE
REF

LAND USE CLASSIFICATION		Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
1	Residential											
	Single-Family Dwelling 3	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure ⁶ *	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure ⁶ *	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities								C	P	P	P
	Senior Citizen Dwellings 4,7	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	P	P	P	P
13 15	Hotels and Motels											
	Congregate Care Senior Housing 4,7								P	P	P	P
6516	Nursing Home ⁷ *								C	P	P	P
	Assisted Living 4,7								C	P	P	P
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S	S	S	S	S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

KEY	
P	PERMITTED USE
C	CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD	PERMITTED subject to planned unit development only. (See Part 20.30D)
A	ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S	Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Residential

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
1	Residential																
	Single-Family Dwelling 3	P15	P 1	S	S	S	P 8	S	S	S	S	P	P	P	P	P	
	Two to Four Dwelling Units Per Structure 6*		P 1	P			P 8	P 6	P	P	P	P	P	P	P	P	
	Five or More Dwelling Units Per Structure 6*		P 1	P			P 8	P 6	P	P	P	P	P	P	P	P	
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions, and Excluding Secure Community Transition Facilities							C	C			P	P	P	P	P	
	Senior Citizen Dwellings 4,7	P	P	P			P 8	P	P	P	P	P	P	P	P	P	
13 15	Hotels and Motels			P				C	C	P	P	P	P	P	P	P	P
	Congregate Care Senior Housing 4,7	P	P	P			P	P	P	P	P	P	P	P	P	P	
6516	Nursing Home 7*	C	P	P			C	P	P	P	P			P	P	P	
	Assisted Living 4,7	C	P	C			C	P	P	C	C			P	P	P	
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S	S	S	S			S	S	S	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

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Notes: Uses in land use districts – Residential

- (1) No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.
- (2) (Deleted by Ord. 4999).
- (3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling provided the requirements of LUC 20.20.140 are met.
- (4) An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing.
- (5) Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.
- (6) Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street is not allowed. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.*
- (7) In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.*
- (8) These residential uses are permitted in NB Districts only if located on the second floor and above the permitted ground floor nonresidential uses.
- (9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.
- (10) (Deleted by Ord. 4999).
- (11) (Deleted by Ord. 4999).
- (12) (Deleted by Ord. 4999).
- (13) (Deleted by Ord. 4999).
- (14) (Deleted by Ord. 4999).
- (15) One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council*

Section 2. Section 20.10.440 Services Land Use Chart is hereby amended to read as follows:

Uses in land use districts

Services

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
6	Services											
61	Finance, Insurance, Real Estate Services											
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair											
6241	Funeral and Crematory Services											
6262	Cemeteries	C	C	C	C	C	C	C	C	C	C	C
629	Child Care Services 3,4											
	Family Child Care Home in Residence	P	P	P	P	P	P	P	P	P	P	P
	Child Day Care Center							C	C	P	P	
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment											
634	Building Maintenance and Pest Control Services											
637	Warehousing and Storage Services, Excluding Stockyards											
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools											
641	Auto Repair and Washing Services											
649	Repair Services: Watch, TV, Electrical, Upholstery											
	Professional Services: Medical Clinics and Other Health Care Related Services											
	Professional Services: Other											
6513	Hospitals											
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape											

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

KEY
P – PERMITTED USE
C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subordinate use to a permitted or special use

Uses in land use districts

Services

STD
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LAND USE CLASSIFICATION		Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB 16	CB	F1	F2	F3	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
6	Services																
61	Finance, Insurance, Real Estate Services	P	P	P	P ₁	P	P	P	P	P	P	P ₁₃	P ₁₃	P	P _{11, 12}	P	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair			S	P ₂	P	P	P	P	S	S	P	P	P	P _{11, 12}	P	P _{11, 20}
6241	Funeral and Crematory Services	C	C	C					C	C							
6262	Cemeteries	C	C	C	C	C	C	C	C	C	C						
629	Child Care Services 3,4																
	Family Child Care Home in Residence	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Child Day Care Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	P	P	P	P ₅	P	P ₁₇	P	P	P	P	P	P	P	P _{11, 12}	P	P
634	Building Maintenance and Pest Control Services				P	P		P	P								
637	Warehousing and Storage Services, Excluding Stockyards				P	P		S	S								
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools			S	P ₆	P	A ₁₈	P ₇	P ₇	S	S			P			S
641	Auto Repair and Washing Services				P	P	A ₁₉	P	P					P ₈			
649	Repair Services: Watch, TV, Electrical, Upholstery				P	P	P	P	P			P	P	P		P	
	Professional Services: Medical Clinics and Other Health Care Related Services	P	P	P		P	P	P	P	P	P	P	P	P	P _{11, 12}	P ₁₁	P
	Professional Services: Other	P	P	P	P ₉	P		P	P	P	P	P	P	P	P _{11, 12}	P ₁₁	P
6513	Hospitals	C	C	C	C	C		C	C	C	C			C	C		
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape				P	P											

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

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Uses in land use districts

Services

STD LAND USE CODE REF LAND USE CLASSIFICATION		Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions					C 15						
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
	Limited Governmental Services: Protective Functions ²¹								P	P	P	P
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions ²²											
674 675	Military and Correctional Institutions	C	C	C	C	C	C	C	C	C	C	C
	Secure Community Transition Facility ^{23, 24}											
681	Education: Primary and Secondary	C	C	C	C	C	C	C	C	C	C	C
682	Universities and Colleges	C	C	C	C	C	C	C	C	C	C	C
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools											
691	Religious Activities	C	C	C	C	C	C	C	C	C	C	C
692 (A)	Professional and Labor Organizations Fraternal Lodge											
692 (B)	Social Service Providers	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14
	Administrative Office General											
	Computer Program, Data Processing and Other Computer Related Services											
	Research, Development and Testing Services											

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

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		PO	O	OLB	LI	GC	NB 16	CB	F1	F2	F3	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	C	C	C				C	C	C	C	P	P	P	P 11, 12	P 11	A
672	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C	C	C	C 10	C 10	C	C	C	C	C			P	C	C	A
	Limited Governmental Services: Protective Functions ²¹																
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions ²²	P	P	P		P	P	P	P	P	P	P	P	P	P 12	P	P
674	Military and Correctional Institutions	C	C	C	C	C	C	C	C	C	C						
675	Secure Community Transition Facility 23, 24				C	C											
681	Education: Primary and Secondary	C	A	A	A	A	C	A	A	A	A	A	A	A	C	A	A
682	Universities and Colleges	P	P	P	P	P	C	P	P	P	P	P	P	P			
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P	P	P	P	P		P	P	P	P			P	P 11, 12	P 11	P
691	Religious Activities	P	P	P	P	P	C	P	P	P	P	P	P	P	C	C	P
692 (A)	Professional and Labor Organizations Fraternal Lodge	C	C	P		P		P	P	P	P	P	P	P	C	C	P
692 (B)	Social Service Providers	C	C	P	P	P	P	P	P	P	P	P	P	P	C	C	P
	Administrative Office General	P	P	P	P 5	P		P	P	P	P	P	P	P	P 11, 12	P	P
	Computer Program, Data Processing and Other Computer Related Services	P	P	P	P 5	P				P	P	P	P	P	P 11, 12	P	P
	Research, Development and Testing Services	P	P	P	P 5	P				P	P	P	P	P	P 11, 12	P	P

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.
*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.

Notes: Uses in land use districts – Services

- (1) Finance, Insurance, Real Estate Services are permitted only if commercially or industrially related in LI Districts.
- (2) Personal Services are permitted in LI Districts only if located in a multiple function building or complex.
- (3) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.
- (4) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.
- (5) These uses are permitted in LI only if located in a multiple function building or complex.
- (6) Automobile rental and leasing services require administrative conditional use approval and are subject to the decision criteria in LUC 20.20.135.
- (7) Rental Services are restricted to autos and furniture in CB and F1 Districts and to truck, trailer, and tool rentals provided the site has two street frontages.
- (8) Auto repair and washing services are permitted only if washing services are a subordinate use to a permitted or special use in Downtown-MU Districts.
- (9) Professional services are permitted in LI Districts only if located in a multiple function building or complex.
- (10) Governmental Services include maintenance shops in LI and GC Districts.
- (11) Limited to a maximum of 1,500 gross square feet per establishment.
- (12) Nonresidential uses are permitted in Downtown-R only if developed in a building which contains residential uses.
- (13) Drive-in facilities may be permitted through Design Review Part 20.30F LUC at any location in the Downtown-O-2 District, or within 200 feet of NE 4th Street or NE 8th Street in the Downtown-O-1 District; but only if all the following criteria are met:
 - (a) On-site capacity for vehicle stacking of 10 spaces for one drive-up station and 20 spaces for two or more drive-up stations must be provided.
 - (b) The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. The vehicular access will not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the buildings.
 - (c) The vehicle stacking lanes must be contained within a structured parking area, or be otherwise screened.
 - (d) Landscaping or screening must be provided to mitigate any adverse effects on nearby property. Perimeter walkways and sidewalks must conform to the requirements of LUC 20.25A.060.
 - (e) Walk up banking service, whether manned or electronically activated customer service stations, must be provided on-site during regular daytime business hours for pedestrian business when there is no interior banking service.
- (14) These uses are permitted only in Bellevue School District schools, whether under control of the School District or the City.
 - (a) In the review of the proposed use or uses under the Administrative Conditional Use

Permit application, Part 20.30E LUC, the following criteria shall be considered:

- (i) Consistency of the proposal with the goals and policies of the Comprehensive Plan.
- (ii) Extent to which the physical environment will be modified by the proposal.
- (iii) Ability to provide on-site parking facilities to accommodate intended uses under the proposal.
- (iv) Extent of additional demand on public utilities and public services resulting from the proposal.
- (v) Noise impacts of the proposal.
- (vi) Traffic volumes and street classifications in the area of the proposal.
- (vii) Compatibility of the proposal with surrounding land uses.
- (viii) Impact of the proposal on the visual and aesthetic character of the neighborhood.

In addition, the proposed use or uses shall not be more intensive than if the school were being used as a school.

- (b) A Master Conditional Use Permit listing a range of permissible uses from those permitted in the land use district as listed in LUC 20.10.440 can be obtained for the entire school by using the conditional use process, Part 20.30B or Part 20.30C LUC. Uses listed in the permit shall be permitted outright and uses not listed but permitted as conditional uses shall obtain a Conditional Use Permit.

(15) Permitted in inactive elementary school facilities. The following criteria shall be considered:

- (a) Criteria a.i-viii, Note 14 – Uses in land use districts – Services.
- (b) Hours of operation.
- (c) Proposed signing.

(16) Each individual service use in NB Districts is limited to 5,000 square feet. Administrative conditional use approval is required for hours of operation between 12:00 midnight and 6:00 a.m. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: 1) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and 2) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of City of Bellevue Ordinance No. 4422 are exempt from the ACUP requirements.

(17) Only travel agencies are permitted in NB District.

(18) Rental services limited to truck, trailer and tool rentals are permitted in NB Districts with administrative conditional use approval, provided the site has two street frontages.

(19) Auto repair and washing services are permitted with administrative conditional use approval only in NB sites that have two street frontages.

(20) Personal services are permitted only when functionally integrated within a building or complex used primarily as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreational facility.

(21) Uses are limited to neighborhood community police stations of 1,000 square feet or less.

- (22) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.
- (23) No portion of a property on which a Secure Community Transition Facility is proposed to be located may be within 300 feet of the boundary of any land use district within which the SCTF use is prohibited. The required 300 feet shall be measured in accordance with the policy guidelines established by the Department of Social and Health Services pursuant to RCW 71.09.285(4), now or as hereafter amended.
- (24) Secure Community Transition Facilities are subject to the regulations for Secure Community Transition Facilities in LUC 20.20.750.

Section 3. A new Section 20.20.750 is hereby added to the Land Use Code as follows:

20.20.750 Secure Community Transition Facility

A. Applicability.

This section applies to each Secure Community Transition Facility within the City. The requirements of this section shall be imposed at the initiation of any Secure Community Transition Facility use, and upon any addition or modification to a Secure Community Transition Facility use or structure housing that use.

B. General.

- 1. Wherever located in the City, a Secure Community Transition Facility requires a Conditional Use Permit, LUC 20.30B or LUC 20.30C, prior to establishment of the facility.
- 2. The applicant for the Secure Community Transition Facility shall certify compliance with all applicable use requirements and conditions of this section in the application for conditional use required in subsection 1.

C. Use Requirements.

The following requirements apply to each Secure Community Transition Facility:

- 1. The applicant must demonstrate that the facility meets the definition of Secure Community Transition Facility.
- 2. The Secure Community Transition Facility and its operator must have received all necessary permits or approvals from the State of Washington Department of Social and Health Services.
- 3. The applicant must demonstrate compliance with State of Washington Department of Social and Health Services guidelines established pursuant to RCW 71.09.285, now or as hereafter amended.
- 4. The applicant must demonstrate compliance with the requirements of RCW Sections 71.09.285 through 71.09.340 inclusive, now or as hereafter amended.

For purposes of this section, the applicant must demonstrate compliance with the cited guidelines and statutory provisions through a written description specifically describing

the steps taken to satisfy such guidelines or statutory requirements. In the event that compliance with the cited guidelines and statutory provisions can occur only during the construction of the facility or during its operation, then the applicant shall set forth the specific steps that will be taken to comply with such provisions, and such steps shall be made a condition of the Conditional Use Permit for the facility.

D. Conditions.

1. The City may impose conditions to mitigate any and all potential adverse impacts of the facility on surrounding uses, except that for the requirements specifically addressed in RCW 71.09.285 through 71.09.340 inclusive, now or as hereafter amended, such conditions may not impose restrictions on the facility greater than those set forth in the cited statutory provisions.
2. The City shall impose a condition on the Conditional Use Permit for the facility limiting the number of beds to those requested by the applicant. Any increase in the number of beds beyond that applied for by the applicant and included in the Conditional Use Permit shall require an amendment to the Conditional Use Permit pursuant to LUC 20.30B.175 or LUC 20.30C.185.

E. Additional Public Safety Measures.

The City may seek additional public safety measures for any facility proposed under this section beyond those suggested by statute or proposed by the applicant. The City shall submit the comments to the Department of Social and Health Services in the manner and at the times set forth in RCW Chapter 71.09 now or as hereafter amended. The City may petition the governor to designate a person with law enforcement expertise to review the Department of Social and Health Services response to the City's comments in the manner set forth in RCW Chapter 71.09.

F. Additional Risk Potential Activities.

The City may suggest additional Risk Potential Activities, as defined in RCW 71.09.020(7), now or as hereafter amended, for consideration by the Department of Social and Health Services, consistent with the provisions of RCW 71.09.020(7), now or as hereafter amended.

Section 4. A new definition is added to Section 20.50.046 as follows:

Secure Community Transition Facility. Shall have the meaning set forth in RCW 71.09.020, now or as hereafter amended.

0554-ORD
8/20/2002

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

PASSED by the City Council this 5th day of August, 2002, and signed in authentication of its passage this 5th day of August, 2002.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published August 9, 2002