

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5453

AN ORDINANCE amending the Bellevue Land Use Code to include regulations for essential public facilities, including solid waste handling facilities; amending Sections 20.10.440, 20.20.520.F.2.b, 20.25H.080.B, 20.25L.020, and 20.50.018 of the Bellevue Land Use Code; creating new Sections 20.20.350 and 20.20.820 in the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City adopted Ordinance No. 5397 amending the Comprehensive Plan of the City of Bellevue by modifying the Capital Facilities Element to include policies relating to the identification and siting of Essential Public Facilities; and

WHEREAS, the Land Use Code of the City of Bellevue must be amended to implement the provisions of Ordinance No. 5397; and

WHEREAS, the Planning Commission held a public hearing on April 30, 2003 with regard to such proposed Land Use Code amendment; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendment; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

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

Section 1. Section 20.10.440 Transportation and Utilities chart of the Bellevue Land Use Code is hereby amended as follows:

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Chart 20.10.440

Uses in land use districts

Transportation and Utilities

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
4	Transportation, Communications and Utilities											
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters											
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C11	C 11	C 11	C 11	C11	C11	C 11	C11	C11	C11	C11
	Accessory Parking 6	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages											
	Park and Ride 5	C	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios											
485	Solid Waste Disposal 21											
	Highway and Street Right-of-Way	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility 7											
	Off-Site Hazardous Waste Treatment and Storage Facility 8											
	Essential Public Facility 22	C	C	C	C	C	C	C	C	C	C	C
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 19	14, 16, 19	14, 16, 19	14, 16, 19	14, 16, 19	14, 16, 19	14, 16, 19	14, 16, 19	14, 16, 19	14, 16, 19	14, 16, 19
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
	Satellite Dishes 18	P	P	P	P	P	P	P	P	P	P	P
	Amateur Radio Services Station 20	P	P	P	P	P	P	P	P	P	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.

Permitted uses in the Office Limited Business – Open Space district (OLB-OS) are listed in LUC 20.25L.020.

**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

Notes: Uses in land use district – Transportation and Utilities

- (1) (Deleted by Ord. 5086).
- (2) Aircraft transportation is limited to only heliports in Downtown-O-1, Downtown-O-2 and Downtown-OLB Districts.
- (3) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.
- (4) The location of an off-site parking facility must be approved by the Director of Planning and Community Development. See LUC 20.25A.050H.
- (5) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
- (6) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440.
- (7) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (8) Off-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (9) (Deleted by Ord. 5086).
- (10) These uses are permitted only if located in a multiple function building or complex.
- (11) Aircraft transportation is limited in these districts to government heliports used only for emergency purposes.
- (12) A roof top helicopter landing area which is utilized for life threatening emergencies only does not require conditional use approval.
- (13) Design Review approval, Part 20.30F LUC, or a Change of Use Permit is required to establish a commercial parking facility. Refer to LUC 20.25A.050E for additional development requirements.
- (14) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site in a residential land use district, or site that is developed with a residential use, except that WCF equipment may be located on a site that is developed with a residential use. This note does not prohibit locating WCF: a) on any residential structure or undeveloped site in R-20 or R-30 Land Use Districts; or b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district. Public facility structures are defined in LUC 20.20.195A.1.b.i.
- (15) Intentionally Deleted
- (16) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.

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- (17) Intentionally Deleted
- (18) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (19) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of Section , 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
- (20) An Amateur ("HAM") Radio Service Station is a permitted use in all land use districts and is exempt from the requirements of Section 20.20.010, 20.20.195 and 20.20.525. A building permit may be required to ensure safe installation of the antenna and equipment.
- (21) Refer to LUC 20.20.820 for general requirements applicable to solid waste disposal facilities.
- (22) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).

Section 2. A new Section 20.20.350 is hereby added to the Land Use Code as follows:

20.20.350 Essential Public Facility (EPF).

A. Applicability.

This section applies to each Essential Public Facility (EPF) within the City except where a specific use is otherwise identified and regulated in the use charts in LUC 20.10.440. The requirements of this section shall be imposed at the establishment of any such EPF use, and upon any addition or modification to any such EPF use or structure housing that use.

Any EPF specifically identified and regulated in the use charts in LUC 20.10.440 shall be subject to the permitting procedures and requirements for that use, and shall not be subject to this Section.

B. Additional Submittal Requirements. In addition to the application materials required for any permit required to construct or modify the EPF, the applicant shall submit the following material:

1. Information demonstrating compliance with any existing multi-jurisdictional siting criteria in selecting the proposed location for the EPF; and
2. Information regarding all alternative sites considered for the proposed EPF, including information about why such alternative sites were not selected.

C. Decision Criteria. In addition to the decision criteria applicable to any permit required to construct or modify the EPF, the City may approve, or approve with modifications a proposal to construct or modify an EPF if:

1. The location and design is consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document;
2. The location, design, use and operation of the EPF complies with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority;
3. A building which houses all or a majority of an EPF must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to an EPF where significant elements of the facility are not housed in a building or to isolated minor elements such as utility meters;
4. An EPF may be permitted in a Neighborhood Business or residential land use district only if there is an operational or other need that requires locating in that district to achieve the purpose or function of the EPF;
5. The City may approve a request to exceed the height limit for the underlying land use district if the applicant demonstrates that:

- a. The requested increase is the minimum necessary for the effective functioning of the EPF; and
- b. Visual and aesthetic impacts associated with the EPF have been mitigated to the greatest extent technically feasible.

and

6. If the City determines that the EPF is potentially dangerous to human life, appropriate protective measures may be required.

D. Conditions. The City may impose conditions on the location, design, use or operation of the EPF within the scope of the City's authority in order to mitigate identified environmental, public safety or other impacts of the EPF.

Section 3. A new section 20.20.820 is hereby added to the Land Use Code as follows:

20.20.820 Solid Waste Disposal.

A. Additional Submittal Requirements. In addition to the application materials required for any permit required to construct or modify a solid waste disposal facility, the applicant shall submit the following material:

1. Information demonstrating compliance with any existing multi-jurisdictional siting criteria in selecting the proposed location for the solid waste disposal facility, or for the proposed modification of such facility; and
2. Information regarding all existing and alternative sites considered for the proposed solid waste disposal facility, including information about why such alternative sites were not selected for the construction or modification.

B. Decision Criteria. In addition to the decision criteria applicable to any permit required to construct or modify a solid waste disposal facility pursuant to LUC Section 20.10.440, the City may approve, or approve with modifications a proposal to construct or modify a solid waste disposal facility, provided the following standards are met:

1. All components of the solid waste disposal facility shall be contained within a building that is compatible with the architectural form of surrounding buildings. This requirement shall not apply to those components of the facility that cannot effectively function inside of a building.
2. A transportation plan may be required. The City shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility.
3. The facility shall be designed to include design and operation measures to control odor emissions and airborne pollutants, rodents, birds, and other vectors.
4. The location, design, use and operation of the facility shall comply with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority.

5. The location and design is consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document.

Section 4. Section 20.20.520.F.2.b of the Land Use Code is hereby amended to read as follows:

- b. Subject to paragraph F.6 of this section, the following uses require 10 feet of Type II landscaping along the street frontage, and 10 feet of Type III landscaping along interior property lines unless a more stringent requirement is specified in paragraph F.1 of this section:
- i. Church;
 - ii. Commercial or public parking lot not serving a primary use;
 - iii. Mobile home park;
 - iv. Government service building;
 - v. Community club;
 - vi. Charitable or fraternal organization;
 - vii. Hospital;
 - viii. Solid waste disposal facility.

Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met.

Section 5. Section 20.25H.080.B of the Land Use Code is hereby amended to read as follows:

B. Protected Area Uses.

Only the following uses may be located within a protected area designated by LUC 20.25H.070 or protected area setback required by LUC 20.25H.090, regardless of the provisions of LUC 20.10.440. Each use is subject to the applicable performance standards of LUC 20.25H.110 and the specified permit requirements of this paragraph:

- | | |
|--|------|
| 1. Communication broadcast and relay tower/microwave | C |
| 2. Botanical gardens | C |
| 3. Camping sites/day camp | A |
| 4. Parks | |
| Public | C |
| Private | C |
| City | P/C4 |
| 5. Agriculture | P2 |
| 6. Horticulture | P |
| 7. Tree farm | C |
| 8. Fish hatchery, aquaculture | C |
| 9. Accessory sales of items produced on-site | P |

10. City of Bellevue utility facility	C1
11. Any other utility facility	C1
12. Local utility system	P1
13. Regional utility system	C1
14. Right-of-way	P1
15. Pedestrian facilities	P3
16. Essential Public Facility	C5

P = Permitted Use

A = Administrative Conditional Use. See Part 20.30E LUC.

C = Conditional Use. See Parts 20.30B and 20.30C LUC.

Notes:

- (1) Must constitute an Essential Public Utility defined by LUC 20.50.018.
- (2) Forested lands may not be converted to agricultural uses.
- (3) These include pedestrian trails and bridges which serve parks, commercial developments, or more than one single-family lot.
- (4) See Note (10) to LUC 20.10.440, Recreation Chart, for listing of types of park or facility requiring Conditional Use approval.
- (5) An Essential Public Facility may be located in a protected area or protected area setback only if no feasible alternative location exists based on an analysis of technology and system efficiency, and is subject to the performance standards set forth for "essential public utilities" in LUC 20.25H.110.

Section 6. Section 20.25L.020 of the Land Use Code is hereby amended to read as follows:

20.25L.020 Permitted land uses.

The following chart indicates the permitted land uses within the OLB-OS Land Use District.

Land Use	Process
Hotels and Motels	P
Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Manufacturing; Computer Software	P
Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C
Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C
Accessory Parking (1)	P
Auto Parking Commercial Lots and Garages	C

Park and Ride (2)	C
Radio and Television Broadcasting Studios	P
Highway and Street Right-of-Way	P
Utility Facility	C
Local Utility System	P
Regional Utility System	C
On-site Hazardous Waste Treatment and Storage Facility (3)	A
Essential Public Facility (17)	C
Wireless Communication Facility (WCF): Attached (4), (5)	P/A
Communication, Broadcast and Relay Towers Including WCF with Support Structures (Freestanding) (5), (6)	A/C
Satellite Dishes (7)	P
Gasoline Service Stations (8)	A
Apparel and Accessories (Retail)	S
Eating and Drinking Establishments (9), (10)	P
Miscellaneous Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies	S
Adult Retail Establishments (11)	S
Finance, Insurance, Real Estate Services	P
Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	S
Funeral and Crematory Services	C
Cemeteries	C
Child Day Care Center	P
Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	P
Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools	S
Professional Services: Medical Clinics and Other Health Care Related Services	P
Professional Service: Other	P
Hospitals	C
Governmental Services: Executive, Legislative, Administrative and Judicial Functions	C
Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C
Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions	P
Military and Correctional Institutions	C

Education: Primary and Secondary (16)	A
Universities and Colleges	P
Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P
Religious Activities	P
Professional and Labor Organizations Fraternal Lodge	P
Social Service Providers	P
Administrative Office – General	P
Computer Program, Data Processing and Other Computer Related Services	P
Research, Development and Testing Services	P
Library, Museum	P
Art Gallery	P
Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	C
Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls But Excluding School Facilities	P
Motion Picture, Theaters, Night Clubs, Dance Halls, and Teen Clubs	P
Adult Theaters (12)	P
Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (13)	C
Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction	C
Camping Sites and Hunting Clubs	C
Private Leisure and Open Space Areas Excluding Recreations Activities Above	P
Public/Private Park	P
City Park (14)	P/C
Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs (15)	P
Forestry, Tree Farms and Timber Production	C
Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	C
<p>P: The use is permitted subject to general requirements for the use and the use district.</p> <p>A: The use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC and to general requirements for the use and the use district.</p> <p>C: The use is permitted subject to the Conditional Use provisions as specified in Part 20.30B or 20.30C LUC, and to general requirements for the use and the use district.</p> <p>S: Permitted only as a subordinate use to a permitted or special use.</p>	

- (1) Accessory parking requires approval through the review process required for the primary land use which it serves.
- (2) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
- (3) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (4) Attached WCFs meeting the requirements of LUC 20.20.195.A and B are permitted in all land use districts (subject to the limitations contained in Note (14) of this section); provided, that attached WCFs which require greater height than that allowed by the underlying land use district require administrative conditional use approval. The 15-foot building height increase permitted for some nonhabitable structural elements does not apply in single-family land use districts; therefore, attached WCFs located in single-family residential land use districts require administrative conditional use approval to exceed the maximum building height limit contained in LUC 20.20.010.
- (5) Refer to LUC 20.20.195 for general requirements applicable to wireless communication, broadcast and relay facilities.
- (6) Wireless communication facilities (WCFs) with freestanding support structures require administrative conditional use approval in all nonresidential land use districts; provided, that when located in a transition area, WCFs with freestanding support structures require conditional use approval.
- (7) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (8) Gasoline service stations may include subordinate convenience stores.
- (9) Eating and Drinking Establishments are permitted in the OLB-OS District subject to the following criteria:
 - a. Such uses are physically integrated within a structure primarily used as a hotel or motel, office building, charitable, social, professional and labor organization, fraternal lodge, recreational facility or institution such as a hospital or public assembly (indoor).
 - b. Such uses do not exceed 20 percent of the gross floor area of the structure or structures.
 - c. The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.

- (10) Microbrewery manufacturing is permitted subordinate to an eating and drinking establishment; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.
- (11) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (12) Adult Theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (13) For carnivals, see LUC 20.20.160.
- (14) City parks are generally permitted in all zones. However, the following types of uses or facilities in City parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Nonrecreation uses in City parks in all zones outside the Downtown require conditional use approval. For purposes of this requirement, "nonrecreation use" means a commercial, social service or residential use located on park property but not functionally related to City park programs and activities.
- (15) Agriculture is limited to the production of food and fiber crops.
- (16) Primary and secondary education facilities are subject to the regulations for schools in LUC 20.20.740.
- (17) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).

Section 7. A new definition is added to Section 20.50.018 of the Land Use Code as follows:

Essential Public Facility (EPF). An EPF includes any facility meeting the definition of EPF set forth in RCW 36.70A.200(1), now or as hereafter amended, any facility identified on the statewide list maintained by the Office of Financial Management as required pursuant to RCW 36.70A.200(4), now or as hereafter amended, and any facility identified on the countywide list of essential public facilities.

Section 8. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

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PASSED by the City Council this 7th day of July, 2003, and
signed in authentication of its passage this 7th day of July, 2003.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan
Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

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