

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5477

AN ORDINANCE amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Sections 20.20.450, 20.50.022, 20.50.024, 20.50.040, and 20.50.048 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, after public hearing and due consideration, the East Bellevue Community Council disapproved Ordinance Number 4029; and

WHEREAS, as a result of such disapproval, the provisions of Ordinance 4029 are not effective within the East Bellevue Community Council's jurisdiction; and

WHEREAS, the East Bellevue Community Council has agreed to reconsider certain provisions of such ordinance; and

WHEREAS, the Planning Commission held a public hearing on July 16, 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 20.20.450 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.450 Helicopters.

A. Heliports – General Requirements.

1. In addition to the decision criteria in LUC 20.30B.140, the City shall consider, but not be limited to the following criteria, in deciding whether to approve or approve with modifications an application for a heliport Conditional Use Permit:
 - a. In consideration of identified noise impacts, the City may impose conditions restricting the type of aircraft permitted to land at an approved heliport, and

- conditions which limit the number of daily takeoffs and landings and hours of operation.
- b. The City may impose a periodic review requirement on heliport conditional use approvals in order to consider imposing additional conditions to mitigate adverse impacts from new aircraft technology.
 - c. The City may consider whether approach and departure paths are obstruction free and whether residential or environmentally sensitive areas would be adversely affected. The City may also consider whether approach and departure paths abut freeway corridors or waterways.
 - d. The City may consider whether the proposed heliport facility will participate in a voluntary noise reduction program such as the "Fly Neighborly Program."
2. All applications to construct a heliport must include the results of the appropriate Federal Aviation Administration review. A determination of negative impact on navigable airspace by the FAA will result in denial of a land use or Building Permit unless the applicant agrees to comply with the recommendations to mitigate such impacts. The mitigating measures shall be made conditions of the land use or Building Permit.
 3. Heliport landing areas shall be at least 1.5 times the overall length of the largest helicopter expected to use the facility.
 4. The heliport primary surface shall be of level grade and consist of a dust-proof surface.
 5. Public use heliports shall be marked in accordance with FAA recommendations.
 6. Private use and personal use heliports may be unmarked or marked with individualized markings recognizable to the pilots authorized to use the facility, but may not be marked with the same markings as a public use heliport.
 7. All heliports intended to accommodate night landings shall be lighted in accordance with FAA recommendations.
 8. Access to heliport landing areas, except water surfaces, shall be controlled by physical restraints. If fences, walls, or parapets are used for access control, the minimum height shall be 42 inches.
 9. All approaches to an area of helicopter operations will have conspicuous signs notifying those who approach the operation.
 10. Touchdown Pads.

- a. Recommended Touchdown Pad. The recommended dimension of a touchdown pad is equal to the rotor diameter of the largest helicopter expected to operate from the facility.
 - b. Minimum Touchdown Pad. At a heliport that has an extremely low level of activity, smaller areas may be used. Pad dimensions are based on rectangular configurations. A circular pad having a diameter equal to the longer side of the rectangular configuration set forth in paragraph A.10.b.i. or ii of this section is acceptable. Skid or float length should be substituted for wheelbase as appropriate.
 - i. Public Use Heliports. The minimum sized touchdown pad shall have a length and width at least 2.0 times the wheelbase and tread, respectively, or a diameter of 2.0 times the wheelbase of the largest helicopter expected to use the facility.
 - ii. Private Use or Personal Use Heliports. The minimum sized touchdown pad shall have a length and width at least 1.5 times the wheelbase and tread, respectively, or a diameter of 1.5 times the wheelbase of the largest helicopter expected to use the facility.
11. Each helicopter landing area shall have at least one obstruction-free heliport approach path conforming to the definition of Heliport Approach Surfaces.
 12. No obstructions, natural or man-made, will be permitted within the Heliport Primary Surface, Heliport Approach Surfaces, or Heliport Transition Surfaces.
 13. The requirements of paragraphs A.3 through 12 of this section may be modified in special circumstances upon written technical evaluation and recommendation of the nearest FAA Airports District Office or Washington State Department of Transportation, Division of Aeronautics office.
 14. A hospital emergency-use-only heliport is exempt from the provisions of paragraph A.1 of this section but must comply with the requirements in paragraphs A.2 through 13 of this section. For purposes of this paragraph 14, emergency is defined as when any patient who requires care of significant severity such that alternative means of transport would adversely affect the health of that person.
 15. Government use heliport facilities are exempt from the requirements of paragraphs A.3 through 12 of this section. Government heliport design shall be based upon technical evaluation and recommendation of the nearest FAA Airports District Office or Washington State Department of Transportation, Division of Aeronautics office.
 16. A heliport site must have flight path access directly to the interstate highway system which does not require flight over any residential zoned properties.

B. Helicopter Landing Permits.

1. A Temporary Use Permit is required for the landing of helicopters at a site other than a City-approved heliport.
2. A permit is valid for a maximum of 30 days. Conditions may be imposed which limit the number of flights and the hours of operation. The applicant shall be required to execute a hold harmless agreement in favor of the City.
3. A permit will be refused if the City determines that the proposed landing(s) will pose a substantial threat to the health, safety or welfare of the surrounding community.
4. Operations of a government authority in cases of emergency, search and rescue, fire and law enforcement are exempt from the permit requirements of this subsection.

Section 2. The definition of "government use heliport" in Section 20.50.022 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 3. The definition of "heliport approach surface" in Section 20.50.024 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 4. The definition of "heliport primary surface" in Section 20.50.024 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 5. The definition of "heliport transitional surfaces" in Section 20.50.024 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 6. The definition of "helistop" in Section 20.50.024 of the Bellevue Land Use Code is hereby amended as follows:

Helistop. A helistop is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

Section 7. The definition of "personal use heliport" in Section 20.50.040 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 8. The definition of "private use heliport" in Section 20.50.040 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 9. The definition of "public use heliport" in Section 20.50.040 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 10. The definition of "take off and landing area" in Section 20.50.048 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 11. The definition of "touchdown pad" in Section 20.50.048 of the Bellevue Land Use Code is hereby amended as follows:

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

Section 12. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

PASSED by the City Council this 20th day of October, 2003, and signed in authentication of its passage this 20th day of October, 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

Published October 24, 2003