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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5649

AN ORDINANCE amending the Bellevue Land Use Code to modify land use decision notice requirements; amending Sections 20.35.120.B.2, 20.35.135.A.2., 20.35.210.A.3, 20.35.320.B.2, 20.35.335.B, 20.35.415.A.2, 20.35.420.B.3, and 20.20.120F of the Bellevue Land Use Code, and establishing an effective date.

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

WHEREAS, the Land Use Code establishes procedures for all land use and related decisions made by the City, including notice provisions that are designed to enable timely and informed public participation;

WHEREAS, the City desires to insure that ample notice is provided to property owners in proximity to a project who may be affected and have an interest in making their views on the project known to the City;

WHEREAS, the City desires to expand the number of property owners that will receive notice by increasing the radius from the project site to which notices will be mailed to 500 feet;

WHEREAS, the East Bellevue Community Council held a courtesy public hearing on November 1, 2005 regarding these proposed Land Use Code amendments;

WHEREAS, the Planning Commission held a public hearing on November 16, 2005 regarding these proposed Land Use Code amendments;

WHEREAS, the Planning Commission recommends that the City Council approve these proposed amendments;

WHEREAS, the City Council finds that the amendments to the Land Use Code contained in this ordinance satisfy the decision criteria established in LUC 20.30J.135; now, therefore,

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

Section 1. Section 20.35.120.B.2 of the Bellevue Land Use Code is hereby amended as follows:

2. Mailed notice to owners of real property within 500 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;

Section 2. Section 20.35.135.A.2 of the Bellevue Land Use Code is hereby amended as follows:

- 2. The Director shall mail notice of the recommendation and public hearing to each owner of real property within 500 feet of the project site.

Section 3. Section 20.35.210.A.3 of the Bellevue Land Use Code is hereby amended as follows:

- 3. Mailing shall include mailed notice to owners of real property within 500 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.

Section 4. Section 20.35.320.B.2 of the Bellevue Land Use Code is hereby amended as follows:

- 2. Mailed notice to owners of real property within 500 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

ORIGINAL

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.

Section 5. Section 20.35.335.B of the Bellevue Land Use Code is hereby amended as follows:

B. The Director shall mail notice of the recommendation and public hearing to each owner of real property within 500 feet of the project site.

Section 6. Section 20.35.415.A.2 of the Bellevue Land Use Code is hereby amended as follows:

2. If the proposal involves specific property, rather any an areawide or zonewide change, notice of the application containing at least the information in subsection A.1 of this section shall be mailed to each owner of real property within 500 feet of any boundary of the subject property.

Section 7. Section 20.35.420.B.3 of the Bellevue Land Use Code is hereby amended as follows:

3. If the proposal involves specific property, rather than an areawide or zonewide change, notice of the public hearing shall be mailed to each owner of real property within 500 feet of any boundary of the subject property.

Section 8. Section 20.20.120F of the Bellevue Land Use Code is hereby amended as follows:

20.20.120 Accessory dwelling units.

F. Inspection and Registration.

1. Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the Planning and Community Development Department.

2. The property owner shall file a completed registration application form affirming that at least one owner will occupy the primary residence or the accessory unit and agreeing to the limits on total number of residents and other standards as provided above. The registration application shall include a requirement for mailing labels for all owners of property lying within 500 feet of the site.

3. After receipt of a complete application form and prior to approval of any accessory dwelling unit, the Director shall inspect the property to confirm that minimum and maximum size limits are met, required parking is provided, design limitations regarding front entrances are met, and technical code standards are met.

4. The registration form or other form as required by the Director shall be filed as a deed restriction with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described above.

5. The Director shall report annually to the Council on accessory dwelling unit registration, number of units and distribution throughout the City, average size of units, and number and type of complaint and enforcement related actions.


6. After approval, the Director shall provide notice of the registration of the accessory unit to owners of property within 500 feet of the registered site. The notice shall state that the unit complies with the standards of this section, shall describe the requirements for maintaining the unit, and shall explain how to obtain general information and how to request inspections.

7. Cancellation of the accessory unit's registration may be accomplished by the owner filing a certificate with the Director for recording at the King County Department of Records and Elections, or may occur as a result of enforcement action. The cancellation certificate will confirm that the residence has reverted to use as a single dwelling.

Section 9. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 3rd day of January, 2006,
and signed in authentication of its passage this 9th day of January, 2006.

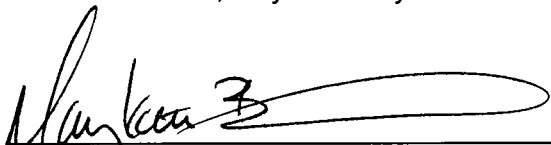
(SEAL)



Grant Degginger, Mayor

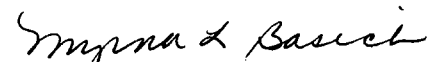
Approved as to form:

Lori M. Riordan, City Attorney



Mary Kate Berens, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published January 7, 2006