

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5727

AN ORDINANCE amending Section 20.25J.015; creating a new Part 20.30V of the Bellevue Land Use Code and establishing an effective date.

WHEREAS, the City of Bellevue has determined that a site planning procedure and associated criteria would be useful in making decisions upon applications for phased development of large sites with multiple buildings; and

WHEREAS, a Master Development Plan approval process of general applicability was identified as an effective tool to include in the Land Use Code for making such decisions; and

WHEREAS, the Planning Commission held a public hearing on February 28, 2007, where proposed Master Development Plan procedures and criteria were evaluated for addition to the Land Use Code; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed additions and related consistency amendments to the Land Use Code; 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 20.25J.015 of the Land Use Code is amended as follows:

20.25J.015 Review required.

A. Master Development Plan.

1. All development within the Medical Institution District shall be governed by a Master Development Plan reviewed by the Director of the Department of Planning and Community Development pursuant to 20.30V LUC. The design guidelines contained in this Part 20.25J LUC apply in addition to the decision criteria of LUC 20.30V.150.

B. Design Review.

Each structure located within the Medical Institution District and approved as part of a Master Development Plan must be reviewed by the Director of the Department of Planning and Community Development through Design Review, Part 20.30F LUC. The design guidelines contained in this Part 20.25J LUC apply in addition to the decision criteria of LUC 20.30F.145.

Section 2. A new Part 20.30V is added to the Land Use Code as follows:

Part 20.30V Master Development Plan

20.30V.110 Scope

This Part 20.30V establishes the procedure and criteria that the City will use in making a decision upon an application for a Master Development Plan.

20.30V.115 Applicability

This Part 20.30V applies to each application for a Master Development Plan.

20.30V.120 Purpose

The Master Development Plan process is a mechanism by which the City can ensure that site development including structure placement, vehicular and pedestrian mobility and necessary amenities are developed and phased to conform to the terms of the Land Use Code and other applicable City codes and standards.

20.30V.130 Phasing Plan

A phasing plan for installation of site improvements, landscaping and amenities necessary to support each phase of development must be approved as part of the Master Development Plan. The Phasing Plan is not intended to prescribe a timeline or sequence for development, but shall provide for proportionate installation of amenities that must be included when each phase of development is constructed. Required amenities and improvements shall be included.

20.30V.140 Binding Site Plan

- A. General. The applicant may request that the Master Development Plan constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.
- B. Survey and Recording Required. If a Master Development Plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record that Binding Site Plan and survey with the King County Department of Records and Elections. No document may be recorded without the signature of each owner of the subject property.
- C. Effect of Binding Site Plan. Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the Binding Site Plan and without regard to lot lines internal to the subject property. The applicant may sell or lease parcels subject to the Binding Site Plan.

20.30V.150 Decision Criteria.

- A. The Director may approve or approve with modifications an application for a Master Development Plan if:

1. The proposed Master Development Plan is consistent with the Comprehensive Plan; and
2. The Master Development Plan complies with the applicable requirements of the Bellevue City Code; and
3. The proposed Master Development Plan addresses all applicable standards, guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and
4. The Master Development Plan depicts features of and relationships and connectivity between required site features for the underlying Land Use District.

20.30V.160 Modification or Addition to an Approved Master Development Plan.

There are two ways in which to modify or add to an approved Master Development Plan: process as a new Master Development Plan or process as a Land Use Exemption.

- A. New Master Development Plan. Except as provided in subsection B of this section, an amendment to a previously approved Master Development Plan is treated as a new application.
- B. Land Use Exemption to an Existing Master Development Plan. The Director may determine that a modification to a previously approved Master Development Plan is exempt from further review as a new application, provided the following criteria are met:
 1. The modification is exempt from SEPA review; and
 2. The modification is within the general scope of the purpose and intent of the original approval; and
 3. The modification complies with all applicable Land Use Code requirements and all applicable development standards and is compatible with all applicable design criteria; and
 4. The modification does not add more than 20 percent of the square footage assigned to any single building in the original Master Development Plan and in no event may the modification process be used to exceed the development intensity limitations for the area that is subject to Master Development Plan approval.

20.30V.170 Land Area Computation

- A. General. Land which is dedicated to the City of Bellevue for right-of-way without compensation to the owner in conformance with Paragraph B of this section is included in the land area for the purpose of computing maximum FAR notwithstanding LUC 20.50.020, floor area ratio (FAR) and for the purpose of computing allowable dwelling units per acre.
- B. Special Dedications
 1. A property owner may make a special dedication by conveying land identified for right-of-way acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City

Council or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.

2. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety operational improvement projects.

20.30V.180 Recording Required.

Following approval of the Master Development Plan or a modification, the applicant shall record the plans and conditions which constitute the approved Master Development Plan and the amount (square footage) of any area dedicated in conformance with Section 20.30V.170.B above with the King County Division of Records and Elections. The Master Development Plan is binding on and runs with the land.

20.30V.190 Extended Vesting Period for Master Development Plans and Associated Design Review Approvals

To the extent not precluded by other sections of this code, an applicant for a Master Development Plan may request a modification to the vesting and expiration provisions of 20.40.500, allowing for vesting of the land use permits and approvals for a period of up to 10 years from the date of issuance of the Master Development Plan.

- A. Timing of Request for Modification. The request for modification may be submitted with the application for land use review or at any time prior to expiration of a previously approved land use permit or approval pursuant to 20.40.500. If submitted at the time of application for the land use review, the decision on the request for modification shall be merged with the decision on the underlying land use permit. If submitted after the land use permit or approval has been issued, the request for modification shall be processed pursuant to 20.30V.160.B or 20.30F.175. In no event shall the vesting period for a Master Development Plan or associated Design Review approval exceed 10 years from the date of issuance of the Master Development Plan approval pursuant to 20.30V.150.
- B. The Director may approve an increased vesting period; provided that the project complies with an approved phasing plan pursuant to LUC 20.30V.130. The Director shall consider: (a) the site and size, (b) the size, scope and complexity of the project, and (c) construction and permitting activity in the vicinity of the project in determining the appropriate vesting period. The vested status of other required review, including but not limited to SEPA, Traffic Standards Code, Transportation Development Code, and building or other technical code review, is not controlled by this section.
- C. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the condition of land use approval and the phasing plan throughout the vested period.

Section 3. Section 20.35.015C of the Land Use Code is amended as follows:

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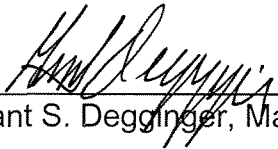
C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign Code, BCC 22B.10.180.) The following types of applications require a Process II decision:

1. Administrative amendments;
2. Administrative Conditional Use;
3. Design Review;
4. Home Occupation Permit;
5. Interpretation of the Land Use Code;
6. Preliminary Short Plat;
7. Shoreline Substantial Development Permit;
8. Variance and Shoreline Variance;
9. Critical Area Land Use Permits
10. Master Development Plans; and
11. Review under State Environment Policy Act (SEPA) when not consolidated with another permit.

Section 4. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 19th day of March, 2007
and signed in authentication of its passage this 19th day of March,
2007.


(SEAL)



Grant S. Degginger, Mayor

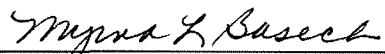
Approved as to form:

Lori M. Riordan, City Attorney



Mary Kate Berens, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published March 22, 2007