

ORIGINAL

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6281

AN ORDINANCE amending the City of Bellevue Land Use Code to streamline processing of the Operations Maintenance Satellite Facility (OMSF) by Sound Transit in the Bel-Red Subarea if certain design elements and mitigation are provided in the application for Master Development Plan and Design Review approval by adding definitions to 20.25D.020 (Definitions Specific to Bel-Red); amending the Bel-Red land use chart 20.25D.070 (Transportation and Utilities Uses in Bel-Red Land Use Districts); adding a new section 20.25D.105 (Operations and Maintenance Satellite Facility Development Regulations); providing for severability; and establishing an effective date.

WHEREAS, the City and Sound Transit entered into an Amended and Restated Umbrella Memorandum of Understanding in May 2015 (2015 MOU) that, among other things, described the City's intent to initiate a code amendment process that would allow the OMSF to be approved under Process II permit review procedures; and

WHEREAS, the purpose of the Land Use Code Amendment is to provide certainty and predictability for the City, the Regional Transit Authority, and the public with respect to Land Use Code requirements and processes applicable to an OMSF, and to ensure that the design, development, construction and operation of the OMSF is consistent with the Bel-Red Subarea Plan Policies; and

WHEREAS, the Council satisfied the terms of paragraph 20.3 contained in the 2015 MOU by initiating the OMSF Process Streamlining amendment to the Land Use Code on November 16, 2015; and

WHEREAS, the City Council indicated at its Study Session on November 16, 2015 that the required public hearing associated with the Land Use Code Amendment be held by the City Council, and that required public hearing was duly held on March 7, 2016; 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, (Chapter 22.02 BCC); now, therefore,

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

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Section 1. Land Use Code Section 20.25D.020 is hereby amended to add two new definitions as follows:

20.25D.020 Definitions Specific to Bel-Red.

A. Bel-Red Definitions.

The following definitions are specific to the Bel-Red land use districts and shall have the following meanings:

Average Finished Grade Along Facade. Proposed grade after development as measured along a building facade from perpendicular wall to perpendicular wall including offsets, bays, and other minor modulating treatments not more than five feet deep.

Battery Charging Station. An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standard, codes, and regulations set forth in Chapter 19.28 RCW and consistent with the rules adopted by the Building Code Council for electric vehicle infrastructure requirements.

Battery Exchange Station. A fully automated facility that will enable an electric vehicle with an interchangeable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth in Chapter 19.28 RCW and consistent with the rules adopted by the Building Code Council for electric vehicle infrastructure requirements. Operators of battery exchange stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

BROTS. An interlocal agreement between the cities of Bellevue and Redmond regarding land use planning and the funding and construction of transportation improvements in the Bel-Red/Overlake Transportation Study Area, as adopted by Resolution No. 6353 and subsequently amended.

Build-to Lines. A location along a designated block or right-of-way where a building must be constructed. The build-to line is the property line unless designated otherwise by an adopted street design.

Curb Extension. A section of sidewalk that projects into the street at an intersection or mid-block crossing that reduces the crossing width of a street or right-of-way for pedestrians.

Electric Vehicle Infrastructure. Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Facade Length. The length of a building from perpendicular wall to perpendicular wall including offsets, bays, and other minor modulating treatments not more than five feet deep.

Gross SF/Floor. Floor area in square feet within the surrounding exterior walls measured from the interior wall surface and including openings in the floor plate such as vent shafts, stairwells, and interior atriums.

Natural Drainage Practices. Techniques such as rain gardens, pervious pavement, vegetated roofs, and amended soils that manage stormwater runoff in a manner that improves the quality of runoff and more closely mimics natural drainage flows and rates than traditional stormwater techniques.

Node. An area or district where planned transportation facilities will support sufficient development intensity, amenities, recreation opportunities, and a mix of uses that foster a high level of pedestrian activity.

Operations and Maintenance Satellite Facility (OMSF). A type of essential public facility, and refers to a regional light rail transit facility component used for overnight storage and maintenance of the expanded fleet of light rail vehicles as described in the Sound Transit "Link Operations and Maintenance Satellite Facility Environmental Scoping Information Report" dated September 2012, and other related documents.

Project Limit. A lot, portion of a lot, or combination of lots or portions of lots treated as a single development parcel for purposes of the Land Use Code. A project limit may cross a right-of-way as long as the project limit results in a cohesive design and the Master Development Plan process is used.

Rapid Charging Station. An industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meet or exceed any standards, codes, and regulations set forth in Chapter 19.28 RCW and consistent with the rules adopted by the Building Code Council for electric vehicle infrastructure requirements.

Regional Transit Authority (RTA). "Regional Transit Authority" refers to an agency formed under the authority of Chapters 81.104 and 81.112 RCW to plan and implement a high capacity transportation system within a defined region.

Required Ground Floor Uses. Retail and commercial activities or a combination thereof as permitted by LUC 20.25D.070 that are required to be located on the ground floor. Ground floor uses shall be located as indicated in LUC Figure 20.25D.130.A.

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Tower. That portion of a building that is in excess of 40 feet above average finished grade for any building with a maximum allowable height of 70 feet or greater.

Tree Well. A tree planting area, generally within a paved surface area.

Work-Live Unit. A commercial building or tenant space that includes a functionally related and integrated residential unit. Employees and walk-in trade are permitted.

B. General Definitions Not Applicable to Bel-Red.

General definitions not applicable to Bel-Red are noted in the text of the general definitions contained in Chapter 20.50 LUC.

Section 2. Land Use Code Chart 20.25D.070 Transportation and Utilities Uses in Bel-Red Land Use Districts is hereby amended as follows:

20.25D.070 Land Use Charts.

The following charts apply to Bel-Red. The use charts contained in LUC 20.10.440 do not apply within the Bel-Red land use districts.

Chart 20.25D.070

Transportation and Utilities Uses in Bel-Red Land Use Districts.

STD LAND USE CODE REF		Transportation and Utilities – Bel-Red Districts						
		Bel-Red Medical Office/ Node	Bel-Red Office Residential/ Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR-OR/ OR-1 OR- 2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
LAND USE CLASSIFICATION								
4	Transportation, Communications and Utilities							
41	Rail Transportation: Right- of-Way, Yards, Terminals, Maintenance Shops	C/C	C/C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					C		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (15)	C/	C/			C		

		Transportation and Utilities – Bel-Red Districts						
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Bel-Red Medical Office/ Node	Bel-Red Office Residential/ Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR-OR/ OR-1 OR- 2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					
	Accessory Parking (2,3,16)	P/P	P/P	P	P 4	P	P	P
46	Auto Parking Commercial Lots and Garages (5, 16)	/P	/P	P				
	Park and Ride (6, 16)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							
	Highway and Street Right- of-Way (8, 16)	P	P/P	P	P	P	P	P
	Utility Facility	C	C/C	C	C	C	C	C
	Local Utility System	P	P/P	P	P	P	P	P
	Regional Utility System	C	C/C	C	C	C	C	C
	On- and Off-Site Hazardous Waste Treatment and Storage Facilities							
	Essential Public Facility (9)	C	C/C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (17)	C/P	C/P	C/P	C/P	C/P	C/P	C/P
	Operations and maintenance satellite facility (OMSF)	(18)	(18)		(18)	(18)		
	Wireless Communication Facility (WCF): (without WCF Support Structures)	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11
	Satellite Dishes (13)	P	P/P	P	P	P	P	P
	Electrical Utility Facility (14)	A C/A C	A C/A C	A C	A C	A C	A C	A C

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Existing uses in the Bel-Red District are regulated pursuant to LUC
20.25D.060.

Key

- P – Permitted Use
- C – Conditional Use (see Parts 20.30B and 20.30C LUC)
- A – Administrative Conditional Use (see Part 20.30E LUC)

Notes: Uses in land use districts – Transportation and Utilities.

- (1) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to Chart 20.25D.070.
- (3) The location of an off-site parking facility shall be approved by the Director. See LUC 20.25D.120.
- (4) Accessory parking is not permitted in the BR-R land use district as accessory to any use that is not permitted in BR-R.
- (5) Commercial lots and garages are only permitted to accommodate short-term parking (four hours or less). Parking structures are required to meet the performance standards contained in LUC 20.25D.120.D.
- (6) 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 established use, shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a conditional use permit.
- (7) Solid waste disposal facilities may be continued as an existing use pursuant to LUC 20.25D.060, provided all requirements in LUC 20.20.820 are met.
- (8) Design is required to meet the standards contained in LUC 20.25D.140 and the 2008 Transportation Department Design Manual as currently adopted or subsequently amended or superseded.
- (9) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
- (10) Wireless communication facilities (WCFs) are not permitted on residential structures, sites developed with a residential use, or on undeveloped sites located in the BR-R land use district. This note does not prohibit locating a WCF on nonresidential structures (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any BR land use district.

(11) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast, and relay facilities.

(12) Antennas 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 LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.4000, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.

(13) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes. In BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, and BR-R, only the provisions of LUC 20.20.730.B and 20.20.730.C shall apply.

(14) For the definition of Electrical Utility Facility see LUC 20.50.018 and for reference to applicable development regulations relating to electrical utility facilities see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

(15) Battery Exchange Stations are ancillary to Motor Vehicle Transportation, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

(16) Electric Vehicle Infrastructure, excluding Battery Exchange Stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.

(17) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A Conditional Use Permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

(18) Refer to LUC 20.25D.105 for specific requirements applicable to EPF defined as an Operations and Maintenance Satellite Facility (OMSF) pursuant to LUC

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20.25D.020. An OMSF is permitted through approval of a Master Development Plan and associated Design Review (Process II) when the application conditions of LUC 20.25D.105.C have been met. When the application conditions of LUC 20.25D.105.C have not been met, an OMSF shall require approval through a Conditional Use Permit (Process I) and shall meet the requirements of LUC 20.20.350 in addition to the requirements of LUC 20.25D.105.D.

Section 3. A new section 20.25D.105 is hereby added to the Land Use Code as follows:

20.25D.105 Operations and Maintenance Satellite Facility Development Requirements.

A. **Applicability.** This section applies to property where the use, construction, or installation of an OMSF is proposed, including areas disturbed temporarily during construction and identified for mitigation of permanent and temporary impacts related thereto.

B. **Purpose.** The purpose of this part is to:

1. Provide certainty and predictability for the City, the Regional Transit Authority, and the public with respect to Land Use Code requirements and processes applicable to an OMSF;
2. Provide a mechanism for addressing any applicable Land Use Code requirements that are impractical or infeasible for an OMSF;
3. Facilitate transparent and efficient decision making and interagency cooperation between the City of Bellevue and the Regional Transit Authority;
4. Ensure that the design, development, construction and operation of the OMSF is consistent with applicable Comprehensive Plan and Subarea Plan Policies; and
5. Ensure that the development, construction and operation of the OMSF complies with applicable Bellevue City Codes, including without limitation the noise control code, Chapter 9.18 BCC, and the environmental procedures code, Chapter 22.02 BCC.

C. **Who May Apply.** A Regional Transit Authority authorized under Chapter 81.112 RCW, as may be hereinafter amended, may apply for Master Development Plan and Design Review approvals required by the terms of LUC 20.25D.070 Transportation and Utilities Chart Note (18) to develop an OMSF; provided, the following conditions have been satisfied for all properties affected by the application(s):

1. The Regional Transit Authority has completed environmental review of the OMSF site identified in the City of Bellevue;
2. Design elements agreed to in any MOU between the Regional Transit Authority and the City of Bellevue have been included in the environmental review completed to support siting and development of the OMSF;
3. The OMSF is designed to serve or accommodate storage of no more than 96 cars; and
4. A final decision regarding location of the OMSF site has been made by the Regional Transit Authority.

D. Applicable Land Use Code Provisions.

1. **Applicable Bel-Red Land Use District Sections Incorporated by Reference.** Predictability and certainty with respect to substantive Land Use Code requirements ensures that an OMSF design is sensitive to the context of the underlying land use district, and that temporary and permanent impacts are appropriately mitigated. The following Bel-Red Land Use District sections of the Land Use Code are expressly incorporated into the provisions of this Section 20.25D.105 and made applicable to an OMSF within that land use district:
 - a. LUC 20.25D.010 – General;
 - b. LUC 20.25D.020 – Definition Specific to Bel-Red;
 - c. LUC 20.25D.030 – Review Required;
 - d. LUC 20.25D.050 – Permitted Uses;
 - e. LUC 20.25D.070 – Transportation and Utilities Use in Bel-Red Land Use Districts;
 - f. LUC 20.25D.110.B, D, E, F – Various Landscape Standards;
 - g. LUC 20.25D.110.H – Fences;
 - h. LUC 20.25D.120 – Parking, Circulation and Internal Walkway Requirements;
 - i. LUC 20.25D.130.E – Building Materials;
 - j. LUC 20.25D.150 – Design Guidelines

2. The following development requirements shall apply to the OMSF use in addition to the provisions contained in paragraph D.1 above.

a. Dimensional Requirements

- i. Height Limitations. The height limitation applicable to OMSF structures is 45 feet.
- ii. Setbacks. On 120th Ave NE, the minimum setback applicable to the OMSF facility is as agreed to between the Regional Transit Authority and the City. On perimeter property lines other than 120th Ave NE, the setback to the OMSF facility is determined by the landscaping required by paragraph D.2.b below.

b. Landscaping for OMSF Use.

- i. The OMSF use requires 15 feet of Type I landscaping pursuant to the requirements of LUC 20.20.520.G.1 on all sides of the facility when not housed within a building. Type V landscaping is required within all parking areas.
- ii. Existing Vegetation in Lieu of Landscape Development. If the proposal is located within the Critical Areas Overlay District, the Director may waive the planting requirements of paragraph D.2.b.i of this section and allow the use of native vegetation that exists within a critical area or within a critical area buffer in lieu of landscape development if the width of that existing vegetated area equals at least twice the dimension required by paragraph D.2.b.i of this section and the dense sight barrier purpose of the Type I landscaping is achieved. Supplemental landscaping may also be added adjacent to a buffer to create the necessary width.
- iii. The Director will allow the planting requirements of paragraphs D.2.b.i of this section to be satisfied within a critical area buffer where landscaping is added pursuant to a habitat improvement plan meeting the requirements of LUC 20.25H.055, provided that the dense sight barrier purpose of the Type I landscaping is achieved.
- iv. All landscaping of the OMSF shall comply with the provisions contained in LUC 20.20.520.F.5, F.8, and I.

v. Additional Landscaping Provisions:

- (1) Landscape development required by this paragraph shall be installed and maintained pursuant to the guidance set forth in the Environmental Best Practices and Design Standards (Bellevue Parks Department 2006), now or hereafter amended.
 - (2) Maintenance of Landscape Screening. Landscape screening is required to be maintained by the owner of the OMSF for the life of the project. Maintenance of landscape screening may be reassigned pursuant to voluntary written agreement filed with the Development Services Department and King County Recorder's Office or its successor agency.
 - (3) The applicant may request a modification of the landscape requirements contained in the section pursuant to the provisions of LUC 20.20.520.J; provided, however, that modification of the provisions of paragraph D.2.b.ii of this section shall not allow disturbance of a critical area or critical area buffer.
- c. Light and Glare. The provisions of LUC 20.20.522 shall apply to the generation of light and glare from OMFS facilities.
- d. Mechanical Equipment. Mechanical equipment shall be required to meet the requirements of LUC 20.20.525. Any mechanical screening associated with the OMSF shall be consistent with the landscaping requirements of paragraph B of this section.
- e. Recycling and Solid Waste. Solid waste and recyclable material collection areas shall be provided for workers maintaining and operating the OMSF and for removal of waste generated by operation of the OMSF. The applicable sections of LUC 20.20.725 shall apply.
- f. Critical Areas.
- i. General. The provisions of Part 20.25H LUC, Critical Areas Overlay District, apply except as modified pursuant

to the provisions of this paragraph f or paragraph 20.25D.105.E.

- ii. An applicant seeking approval of an OMSF is not required to demonstrate that no technically feasible location alternative with less impact exists; provided, that the application conditions of LUC 20.25D.105.C have been met. If the application conditions of LUC 20.25D.105.C have not been met, the Regional Transit Authority will be required to demonstrate that no technically feasible location alternative exists consistent with the terms of LUC 20.25H.055.C.2.a.

E. Administrative Modification Process. Due to the unique nature of an OMSF use, strict application of LUC provisions will not always be practical or feasible. The purpose of this paragraph is to provide an administrative modification process to modify or waive provisions of the Land Use Code when the strict application will render the construction or operation of the OMSF impracticable or infeasible.

1. **Decision Criteria.** The City, including the Director, may approve or approve with conditions a modification or waiver from the provisions of the Land Use Code if the following criteria have been met:

- a. The modification or waiver is the minimum reasonably necessary to make construction or operation of the OMSF practicable and feasible; or
- b. The modification or waiver is reasonably necessary to implement or ensure consistency with other related actions approved by the City Council with respect to the OMSF including, but not limited to, any development agreement between the City and the Regional Transit Authority.

2. **Limitation on Authority.** The Director may not grant a modification or waiver to:

- a. The provisions of LUC 20.25D.070 establishing the allowable uses in each land use district in Bel-Red.
- b. The provisions of Chapters 20.30 and 20.35 LUC or any other procedural or administrative provision of the Land Use Code; or
- c. Any provision of the Land Use Code or this overlay which, by the terms of the code or overlay, are specifically identified as not subject to modification or waiver, unless such modification is

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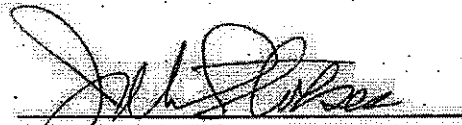
necessary to comply with the terms of subsection E.1.b of this section.

Section 4. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

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 21st day of March, 2016
and signed in authentication of its passage this 21st day of March,
2016.


(SEAL)



John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Monica Buck, Assistant City Attorney

Attest:



Kyle Stannert, City Clerk

Published March 24, 2016.

