

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6719

AN ORDINANCE amending the Bellevue Environmental Procedures Code, chapter 22.02 of the Bellevue City Code, to remove references to City Council appeal authority for Process I and III land use decisions, consistent with amendments adopted in Ordinance No. 6673; providing for severability; and establishing an effective date.

WHEREAS, on August 1, 2022, the Bellevue City Council adopted Ordinance No. 6673, which amended Chapter 20.35 of the Bellevue Land Use Code (LUC) to eliminate quasi-judicial appeals to the City Council from Hearing Examiner decisions and recommendations in Process I and III land use matters; and

WHEREAS, Ordinance No. 6673 did not include amendments to other chapters of the Bellevue City Code (BCC) outside of the LUC; and

WHEREAS, the City's Environmental Procedures Code, Chapter 22.02 BCC, which implements requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, includes references to quasi-judicial appeals to the City Council for Process I land use matters; and

WHEREAS, amending the Environmental Procedures Code is necessary to conform the City's SEPA procedures with the land use process currently in effect for Process I and Process III land use matters and to improve regulatory and administrative consistency, conformity, and certainty; and

WHEREAS, the City of Bellevue has complied with SEPA and the City's Environmental Procedures Code for these amendments; now, therefore:

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

Section 1. Section 22.02.150 of the Bellevue City Code is hereby amended to read as follows:

22.02.150 Administrative appeal of decision approving a proposal, with or without conditions, or denying a proposal.

- A. *General.* A Process I decision of the hearing examiner approving a proposal with or without SEPA conditions or denying a proposal under the authority of BCC 22.02.140 and a decision of the director approving a Process V permit with or without SEPA conditions or denying a Process V proposal under the authority of BCC 22.02.140 may not be administratively appealed. A Process

II or other administrative decision of the applicable department director approving a proposal with or without SEPA conditions or denying a proposal under the authority of BCC 22.02.140 may be administratively appealed. The appeal will be processed in conjunction with the administrative appeal for the underlying action. In cases where no administrative appeal is provided for the underlying action, the appeal will be provided as a Process II appeal (LUC 20.35.200 et seq.), except that there is no administrative appeal of SEPA associated with a Process V proposal. Only one SEPA appeal may be conducted for a proposal. The SEPA appeal must consolidate consideration of procedural and substantive issues and must be held in conjunction with any appeal of the underlying action; provided, that an appeal of a determination of significance shall be conducted prior to any appeal on the underlying action and an appeal of a determination of nonsignificance for a Process I decision shall be conducted and decided by the hearing examiner in conjunction with the public hearing for the proposal.

...

- E. *Time to Appeal Administrative Decision.* A written statement appealing the substantive decision of the applicable department director must be filed with the city clerk within 14 days of the date the decision was mailed or otherwise became effective, or, if the decision is issued concurrently with a determination of nonsignificance for which a comment period is required by state or local rules, within 21 days of the decision.

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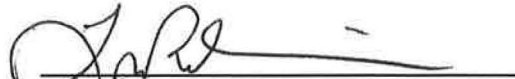
Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 23rd day of JANUARY, 2023 and signed in authentication of its passage this 23rd day of JANUARY, 2023.

(SEAL)




Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney


Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

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