

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6924

AN ORDINANCE amending the hearing examiner code in chapter 3.68 of the Bellevue City Code to authorize the hearing examiner to conduct any required public hearing for real property disposition and to make improvements to clarity and implementation; providing for severability; and setting an effective date.

WHEREAS, the office of the hearing examiner is established in chapter 3.68 of the Bellevue City Code (BCC) to conduct administrative hearings and other proceedings; and

WHEREAS, under state law and city code, certain real property dispositions require a public hearing in order to receive and consider public comments prior to any disposition; and

WHEREAS, when required, the city council currently conducts the public hearing, which can create project delays and utilizes significant city council and staff resources; and

WHEREAS, the hearing examiner has expertise in conducting administrative hearings; and

WHEREAS, having the hearing examiner conduct the required public hearing for real property dispositions will increase efficiency; and

WHEREAS, many parts of the current chapter 3.68 BCC are original to its adoption in 1986, with only some sections updated in 2009; and

WHEREAS, updating chapter 3.68 BCC are necessary to improve clarity and implementation of this chapter; and

WHEREAS, amending chapter 3.68 BCC to enable the hearing examiner to conduct any required public hearing for real property disposition and to make improvement updates will result in operations efficiencies and streamline city processes; and now, therefore,

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

Section 1. Section 3.68.200 of the Bellevue City Code is hereby amended to read as follows:

3.68.200 Hearing examiner.

This chapter establishes the office of hearing examiner and the authority of the hearing examiner, which shall include:

- A. Conducting administrative hearings and proceedings as prescribed by this code, city ordinance, administrative orders, or other valid authorization; and
- B. Exercising the authority of the hearing body, as designated in state law and city code for land use matters, and providing an administrative land use regulatory system to satisfy the following:
 - 1. The need to separate the city's land use regulatory function from its land use planning function;
 - 2. The need to ensure and expand the principles of fairness and due process in public hearings;
 - 3. The need to provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters; and
 - 4. Requirements of city code and state law.

Section 2. Section 3.68.220 of the Bellevue City Code is hereby repealed in its entirety.

Section 3. Section 3.68.230 of the Bellevue City Code is hereby amended to read as follows:

3.68.230 Selection.

The examiner shall be selected by the city manager. The selection of the examiner shall be solely with regard to qualifications for the duties of such office and the examiner shall have such training or experience as will qualify the examiner to conduct public hearings, administrative appeal hearings, civil enforcement hearings, quasi-judicial hearings, or perform other authorized duties. The examiner shall hold no other appointive or elective public office or position in the city government except as herein provided.

Section 4. Section 3.68.235 of the Bellevue City Code is hereby repealed in its entirety.

Section 5. Section 3.68.250 of the Bellevue City Code is hereby amended to

read as follows:

3.68.250 Powers.

A. The examiner shall have the authority to and shall conduct public hearings, administrative appeal hearings, code enforcement hearings, and other hearings and proceedings provided by city code or state law; prepare a record thereof; and enter written findings, conclusions, recommendations and decisions.

B. The examiner's decision for land use matters shall be based upon the policies of the comprehensive plan, Shoreline Management Act, State Environmental Policy Act, any applicable state law, the standards set forth in the various land use regulatory codes of the city, or any other applicable program adopted by the city council. The examiner may attach reasonable conditions that the examiner finds necessary to make a project compatible with its environment and to carry out the requirements, goals and policies of applicable laws, codes, plans or programs adopted by the city council.

Such conditions may include but are not limited to the following:

1. Exact location and nature of development, including additional building and parking area setbacks, screenings in the form of landscaped berms, landscaping, or fencing;
2. Impact of the development upon other lands;
3. Hours of use of operation or type and intensity of activities;
4. Sequence and scheduling of development;
5. Maintenance of the development;
6. Duration of use and subsequent removal of structures;
7. Granting of easements for utilities or other purposes and dedication of land or other provisions for public facilities, the need for which the examiner finds would be generated in whole or in significant part by the proposed development;
8. Mitigation of any adverse environmental impacts; and
9. Provisions which would bring the proposal into compliance with the comprehensive plan policy.

C. The examiner shall have the authority to fix the dates and conduct public hearings required by city code or state law, including but not limited to, for the purpose of taking public comment on the sale or disposition of personal or real property. The hearing examiner shall provide a written summary of public comments submitted orally or in writing for review by the city council. The hearing examiner shall not provide any recommendations or render any decisions related to the subject of these hearings. The summary of the hearing examiner shall be final, and no portion thereof shall be subject to appeal.

D. The examiner shall have the authority to and shall conduct public hearings and prepare a record thereof, and, as needed, enter written findings and conclusions, recommendations or decisions for the following employment related matters:

1. Appeals of significant disciplinary actions and/or involuntary separation, consistent with city policy;
2. Employee grievances or grievance appeals consistent with this code and with city policy;
3. Appeals of wage overpayment determinations as provided by RCW 49.48.210; and
4. Any other matter designated or required by this code, city ordinance, or other applicable law.

E. In connection with code enforcement hearings before the examiner pursuant to chapter 1.18 BCC, the examiner may retain authority to oversee, enforce, or modify issued orders or rulings as long as the matter remains within the examiner's jurisdiction and circumstances warrant continued oversight to facilitate compliance with the examiner order or ruling.

F. The examiner shall have the power to prescribe rules and regulations concerning procedures for hearings and other proceedings authorized herein, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with rules of the examiner.

Section 6. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application or the provision to other person or circumstance shall not be affected.

Section 7. This ordinance shall take effect and be in force thirty (30) days after its passage and legal publication.

Passed by the City Council this ____ day of _____, 2026, and signed in authentication of its passage this ____ day of _____, 2026.

(SEAL)

Mo Malakoutian, Mayor

Approved as to form:
Trisna Tanus, City Attorney

Christopher C. Cowgill, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published_____