

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6933

AN ORDINANCE relating land use review procedures; Amending LUC 20.20.538, LUC 20.25A.030, LUC 20.25D.030, LUC 20.25E.180, LUC 20.25F1.020, LUC 20.25I.030, LUC 20.25J.015, LUC 20.25J.040, LUC 20.25J.060, LUC 20.25J.070, LUC 20.25L.040, LUC 20.25M.030, LUC 20.25N.010, LUC 20.25N.020, LUC 20.25P.020, LUC 20.25Q.030, LUC 20.25R.010, LUC 20.30B.140, LUC 20.30B.160, LUC 20.30D.150, LUC 20.30D.280, LUC 20.30E.140, LUC 20.30E.160, Part 20.30F LUC, Part 20.30V LUC, Chapter 20.35 LUC, LUC 20.40.500, LUC 20.45B.050, LUC 20.45B.130, LUC 20.45B.260, LUC 20.50.012, and LUC 20.50.032; Amending Chapter 20.30 LUC to include new Parts 20.30H and 20.30R LUC; Amending Chapter 20.45B LUC to include a new LUC 20.45B.270; Repealing LUC 20.25N.030, LUC 20.30F.116, and LUC 20.40.401; Providing for severability; and setting effective dates.

WHEREAS, on February 3, 2026, the City Council initiated work on the 2026 Omnibus Amendments; and

WHEREAS, the 2026 Omnibus Amendments package a collection of relatively small, discrete text amendments to both the Land Use Code and the Bellevue City Code into a single legislative process for administrative efficiency; and

WHEREAS, this Ordinance contains the text amendments to the Land Use Code of land use review procedures included within the 2026 Omnibus Amendments; and

WHEREAS, on April 8, 2026, the Planning Commission held a study session on the 2026 Omnibus Amendments and reviewed the text amendments to the Land Use Code contained in this Ordinance; and

WHEREAS, on April 29, 2026, a notice of a public hearing on the text amendments to the Land Use Code contained in this Ordinance was published in the Seattle Times and in the City's Weekly Permit Bulletin; and

WHEREAS, on May 13, 2026, the Planning Commission held a public hearing on the 2026 Omnibus Amendments, including the text amendments to the Land Use Code contained in this Ordinance; and

WHEREAS, on May 13, 2026, following the public hearing, the Planning Commission unanimously recommended that the City Council adopt the text amendments to the Land Use Code included in 2026 Omnibus Amendments; and

WHEREAS, on June 9, 2026, the City Council held a study session on the 2026 Omnibus Amendments and reviewed the text amendments to the Bellevue City Code contained in this Ordinance; and

WHEREAS, in accordance with Chapter 43.21C RCW and Chapter 22.02 BCC, the Environmental Coordinator for the City of Bellevue determined that the text amendments to the Land Use Code contained in this Ordinance will not result in any probable, significant, adverse impact and issued a final threshold determination of non-significance on April 29, 2026; and

WHEREAS, in accordance with RCW 36.70A.370, the City has reviewed the guidance provided by the Washington State Attorney General's Office and evaluated the proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property; and

WHEREAS, notice was provided to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, in reviewing this Ordinance, the City Council has considered and weighed the goals outlined in the Washington State Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the City Council finds that the proposed text amendments to the Land Use Code contained in this Ordinance meet the decision criteria of LUC 20.30J.135 in that the amendments: (A) are consistent with the Comprehensive Plan; (B) enhance the public health, safety, and welfare; and (C) are not contrary to the best interests of the citizens and property owners of the City of Bellevue; Now, therefore:

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

**Section 1.** The foregoing recitals are hereby adopted by the City Council as findings of fact supporting and explaining the legislative intent behind the adoption of this ordinance.

**Section 2.** Section 20.25A.030 of the Land Use Code is hereby amended to read as follows:

**20.25A.030 Review required.**

#### **A. Applicable Review.**

All development in Downtown shall be reviewed by the Director for consistency with this Part 20.25A LUC and all other applicable development regulations.

#### **B. Master Development Plan.**

For the purposes of Part 20.25A LUC and Part 20.30V LUC, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:

1. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the project limit;
2. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
3. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
4. Only a right-of-way meeting the requirements of LUC 20.25A.070.C.2 may be included in the land area located within the project limit for the purpose of computing maximum FAR.

**Section 3.** Section 20.25D.030 of the Land Use Code is hereby amended to read as follows:

#### **20.25D.030 Review required.**

##### **A. Applicable Review.**

All development in BelRed shall be reviewed by the Director for consistency with this Part 20.25D LUC and all other applicable development regulations.

##### **B. Master Development Plan.**

For the purposes of Part 20.25D LUC and Part 20.30V LUC, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:

- a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;
- b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
- c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
- d. Only a right-of-way meeting the requirements of LUC 20.25D.080.D may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

### **C. Design Review Deviations.**

Design Review Deviations. The Director may, through the design review process, approve a proposal that varies from the specific requirements set forth in LUC 20.25D.130 if the applicant demonstrates that the resulting design will be more consistent with the purpose and intent of the code. Deviation from the following dimensional requirements is not permitted, except pursuant to LUC 20.25D.080.B or C, or unless a variance is obtained under Part 20.30G LUC:

1. Floor plate maximums;
2. Minimum setbacks/stepbacks;
3. Impervious surface/lot coverage percentages; and
4. Maximum floor area ratio.

**Section 4.** Subsection 20.25E.180.I of the Land Use Code is hereby amended to read as follows:

#### **I. Merger with Binding Site Plan**

1. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Shoreline Conditional Use Permit constitute a Binding Site Plan in accordance with Part 20.30R LUC.

2. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.

**Section 5.** Section 20.25F1.020 of the Land Use Code is hereby amended to read as follows:

**20.25F1.020 Review required.**

**A. Applicable Review.**

All development in the F1 Land Use District shall be reviewed by the Director for consistency with this Part 20.25F1 LUC and all other applicable development regulations.

**B. Design Review Deviations.**

Dimensional Deviations. The Director may, through the Design Review process, approve a proposal that varies from the specific dimensional requirements set forth in the applicable criteria and standards if the applicant demonstrates that the resulting design will be more consistent with the Design Review criteria and Design Standards. Minimum required setbacks identified in LUC 20.25F1.040 are not permitted to be varied under the terms of this subsection. Intrusions into required setbacks are governed by LUC 20.20.025.

**Section 6.** Section 20.25I.030 of the Land Use Code is hereby amended to read as follows:

**20.25I.030 Review Required.**

All development in the Community Mixed-Use Design District shall be reviewed by the Director consistent with the terms of this Part 20.25I LUC and all other applicable development regulations.

**Section 7.** Section 20.25J.015 of the Land Use Code is hereby amended to read as follows:

**20.25J.015 Review required.**

All development within the Medical Institution District shall be reviewed by the Director for consistency with this Part 20.25J LUC and all other applicable development regulations.

**Section 8.** Subsection 20.25J.040.A.3 of the Land Use Code is hereby amended to read as follows:

3. The limitation on development intensity may be exceeded on a temporary basis to accommodate development phasing and tenant relocation identified in a Phasing Plan approved through the Master Development Plan or Design Review where Master Development Plan approval is not required.

**Section 9.** Subsection 20.25J.060.A of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.25J.060.A that are omitted below, as indicated by an ellipsis, remaining unchanged:

- A. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development within the Medical Institution Land Use District. The following landscaping provisions are required:

| Street Frontage                          | Landscaping Requirements (1)                                                                                                                                                                                                                                           |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ...                                      |                                                                                                                                                                                                                                                                        |
| NE 8th Street                            | Gateway location and conceptual design approval required through the Master Development Plan review process or Design Review where Master Development Plan approval is not required.<br><br>Gateway design detail approval required through the Design Review process. |
| NE 10th Street east of East Campus Drive | Gateway location and conceptual design approval required through the Master Development Plan review process.<br><br>Gateway design detail approval required through the Design Review process.                                                                         |
| ...                                      |                                                                                                                                                                                                                                                                        |

Footnotes:

...

(4) Street frontage landscaping in the vicinity of required gateways will be reviewed through the Design Review process described in LUC 20.25J.015.B and must comply with the streetscape design requirements (LUC 20.25J.070) and Street Frontage Design Guidelines (LUC 20.25J.080.D).

**Section 10.** Subsections 20.25J.070.C.4.c and C.4.d of the Land Use Code are hereby amended to read as follows:

- c. The interior width of the bridge, measured from inside face to inside face, shall be no less than 10 feet and no more than 14 feet unless functional need is demonstrated, other applicable decision criteria are met and departure from the width standard is approved through the Master Development Plan review process or Design Review where Master Development Plan approval is not required;
- d. The bridge shall be located at an upper building level, with a minimum clearance of 16 feet above the grade of the public right-of-way and a maximum clearance of 30 feet from the sidewalk grade unless functional need is demonstrated, other applicable decision criteria are met and departure from the clearance standard is approved through the Master Development Plan review process or Design Review where Master Development Plan approval is not required; and

**Section 11.** Subsection 20.25L.040.C of the Land Use Code is hereby repealed in its entirety.

**Section 12.** Subsection 20.25M.030.B.1 of the Land Use Code is hereby amended to read as follows:

- 1. Development Agreement – Council Legislative Decision.
  - a. Scope of Approval. An RLRT system or facility use is permitted outright when its alignment location and profile have been included, subsequent to the adoption of this overlay, in a City Council resolution, ordinance, or development agreement authorized pursuant to Part 20.30C LUC.
  - b. Applicable Process. A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW. Any development agreement adopted by the City Council shall be consistent with Part 20.30C LUC.

**Section 13.** Subsections 20.25M.030.B.2.b and B.2.c of the Land Use Code are hereby amended to read as follows:

- b. Scope of Approval. When an RLRT system or facility use has not been permitted outright in a City Council resolution, ordinance, or development agreement, a Conditional Use Permit shall be required to approve the location and profile of the track alignment and major facility elements that are specifically identified in the definition of “regional light rail transit facility” contained in LUC 20.25M.020.D. The Conditional Use Permit is a mechanism for the City to ensure that the RLRT facility use meets all applicable siting standards. Design, context sensitivity and mitigation standards and design guidelines applicable to specific facility elements shall be met as a component of the Design and Mitigation Review process pursuant to subsection C of this section.
- c. Decision Criteria. The City may approve or approve with modifications an application for a Conditional Use Permit if:
  - i. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity of the RLRT facility and system; and
  - ii. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and
  - iii. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the RLRT facility and system; and
  - iv. The conditional use complies with the applicable requirements of the Land Use Code

**Section 14.** Subsections 20.25M.030.C.2 and C.3 of the Land Use Code are hereby amended to read as follows:

- 2. Scope of Design and Mitigation Approval. Design and Mitigation Review is a mechanism by which the City shall ensure that the design and proposed mitigation for temporary and permanent impacts of an RLRT system and facility is consistent with:
  - a. Any previously approved development agreement or Conditional Use Permit issued pursuant to subsection B.1 or B.2 of this section; and

- b. All applicable standards and guidelines contained in City Codes including the procedures related to involvement of a CAC as required by LUC 20.25M.035.
- 3. Decision Criteria. A proposal for an RLRT system or facility may be approved or approved with conditions; provided, that such proposal satisfies the following criteria:
  - a. The applicant has demonstrated compliance with the CAC Review requirements of LUC 20.25M.035; and
  - b. The proposal complies with the applicable requirements of this Light Rail Overlay District; and
  - c. The proposal addresses all applicable design guidelines and development standards of this Light Rail Overlay District in a manner which fulfills their purpose and intent; and
  - d. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
  - e. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and
  - f. The proposal complies with the applicable requirements of the Bellevue City Code, including without limitation those referenced in LUC 20.25M.010.B.8; and
  - g. The proposal is consistent with any development agreement or Conditional Use Permit approved pursuant to subsection B of this section; and
  - h. The proposal provides mitigation sufficient to eliminate or minimize long-term impacts to properties located near the RLRT facility or system, and sufficient to comply with all mitigation requirements of the Bellevue City Code and other applicable state or federal laws.
  - i. When the proposed RLRT facility will be located, in whole or in part, in a critical area regulated by Part 20.25H LUC, a separate Critical Areas Land Use Permit shall not be required, but such facility shall satisfy the following additional criteria:

- i. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and
- ii. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and
- iii. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan.

**Section 15.** Section 20.25N.010 of the Land Use Code is hereby amended to read as follows:

**20.25N.010 Applicability.**

This part, Camp and Conference Center (CCC) District, contains standards that apply to development and activity within the CCC District.

**Section 16.** Section 20.25N.020 of the Land Use Code is hereby amended to read as follows:

**20.25N.020 Review required.**

**A. Applicable Review.**

All development in the CCC land use district shall be reviewed by the Director for consistency with this Part 20.25N LUC and all other applicable development regulations.

**B. Master Development Plan.**

1. In addition to the requirements of Part 20.30V LUC, the Master Development Plan for development in the CCC land use district shall depict the following:
  - a. Existing conditions, including:
    - i. The proposed continued use, maintenance, and remodeling of existing conditions, including uses and structures and their current locations, which are permitted in a CCC District.

- ii. The proposed continuation of existing conditions, including uses and structures and their current locations, which are not permitted in a CCC District.
  - iii. The proposed discontinuation of existing conditions, including uses and structures and their current locations, and general timing, sequencing, or triggering of the same;
- b. The proposed general location or placement of proposed uses, structures, facilities, and site features;
- c. A list of proposed principal and subordinate uses and their general locations;
- d. Conformance with the dimensional requirements of LUC 20.25N.050, based on the total area contained in the Master Development Plan.

### **C. Design Review.**

Design Review approval is not required for freestanding structures proposed for religious activities, which will be reviewed through the Conditional Use Review process.

**Section 17.** Section 20.25N.030 of the Land Use Code is hereby repealed in its entirety.

**Section 18.** Section 20.25P.020 of the Land Use Code is hereby amended to read as follows:

#### **20.25P.020 Review required.**

##### **A. Applicable Review.**

All development in the EG-TOD Land Use District shall be reviewed by the Director for consistency with this Part 20.25P LUC and all other applicable development regulations.

##### **B. Master Development Plans in EG-TOD.**

1. Residential Requirement in EG-TOD. The Master Development Plan shall establish a residential phasing requirement for the project limit to ensure that the intended housing emphasis of the EG-TOD area is met. The residential phasing requirements shall provide that no office development in excess of 600,000 square feet may be approved in the EG-TOD until at least 100 residential dwelling units are under construction;

2. For the purposes of Part 20.25P LUC and Part 20.30V LUC, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:
  - a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;
  - b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
  - c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
  - d. Only a right-of-way meeting the requirements of LUC 20.25P.060.B.2.c may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

**Section 19.** Section 20.25Q.030 of the Land Use Code is hereby amended to read as follows:

**20.25Q.030 Review required.**

**A. Applicable Review.**

All development in the EM-TOD Land Use District shall be reviewed by the Director for consistency with this Part 20.25Q LUC and all other applicable development regulations.

**B. Master Development Plan.**

For the purposes of Part 20.25Q LUC and Part 20.30V LUC, the Project Limit may be drawn to encompass a vehicular, bicycle, or pedestrian circulation that bisects a Site, provided the Director finds that the following connectivity criteria can be met:

1. A system of corner crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting circulation within the Project Limit;
2. Pedestrian paths shall be provided to connect all Buildings and circulation crossings located within the proposed Project Limit; and

3. Visual connections shall be provided between all Buildings located within the Project Limit by minimizing topographic variation and through use of vegetation and outdoor spaces.

**Section 20.** Subsection 20.25R.010.D of the Land Use Code is hereby amended to read as follows:

**D. Applicable Review.**

All development in mixed-use land use districts subject to Part 20.25R LUC shall be reviewed by the Director for consistency with this Part 20.25R LUC and all other applicable development regulations.

**Section 21.** Section 20.30B.140 of the Land Use Code is hereby amended to read as follows:

**20.30B.140 Decision criteria.**

The City may approve or approve with modifications an application for a Conditional Use Permit if:

- A. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- B. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and
- C. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- D. The conditional use complies with the applicable requirements of this Code.

**Section 22.** Section 20.30B.160 of the Land Use Code is hereby amended to read as follows:

**20.30B.160 Merger with Binding Site Plan**

- A. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Conditional Use Permit constitute a Binding Site Plan in accordance with Part 20.30R LUC.

- B. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.

**Section 23.** Section 20.30D.150 of the Land Use Code is hereby amended to read as follows:

**20.30D.150 Decision criteria.**

The City may approve, or approve with modifications, a Planned Unit Development plan if:

- A. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:
1. Placement, type or reduced bulk of structures; or
  2. Interconnected usable open space; or
  3. Recreation facilities; or
  4. Other public facilities; or
  5. Conservation of natural features, vegetation and on-site soils; or
  6. Reduction in hard surfaces; or
  7. Conservation of critical areas and critical area buffers beyond that required under Part 20.25H LUC; or
  8. Aesthetic features and harmonious design; or
  9. Energy efficient site design or building features; or
  10. Use of low impact development techniques; and
- B. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities, including streets, fire protection, and utilities; and

- C. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this Code, LUC 20.20.520 and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and
- D. At least one major circulation point is functionally connected to a public right-of-way; and
- E. Open space, where provided to meet the requirements of LUC 20.30D.160.A.1, within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and
- F. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and
- G. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and
- H. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

**Section 24.** Section 20.30D.280 of the Land Use Code is hereby amended to read as follows:

**20.30D.280 Merger with Binding Site Plan**

- A. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Planned Unit Development constitute a Binding Site Plan in accordance with Part 20.30R LUC.
- B. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.

**Section 25.** Section 20.30E.140 of the Land Use Code is hereby amended to read as follows:

**20.30E.140 Decision criteria.**

The Director of the Development Services Department may approve or approve with modifications an application for an Administrative Conditional Use Permit if:

- A. The design is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity; and
- B. The administrative conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and
- C. The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- D. The administrative conditional use complies with the applicable requirements of this Code.

**Section 26.** Section 20.30E.160 of the Land Use Code is hereby amended to read as follows:

**20.30E.160 Merger with Binding Site Plan.**

- A. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Administrative Conditional Use Permit constitute a Binding Site Plan in accordance with Part 20.30R LUC.
- B. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.

**Section 27.** Section 20.30F.110 of the Land Use Code is hereby amended to read as follows:

**20.30F.110 Purpose.**

This Part 20.30F LUC establishes when Design Review is required and the procedure and criteria that the City will use in making a decision upon an application for Design Review.

**Section 28.** Section 20.30F.115 of the Land Use Code is hereby amended to read as follows:

**20.30F.115 Applicability.**

- A. General. If development is located in one of the following locations, then Design Review is required except as otherwise provided in subsection B of this section:

1. Downtown;
2. BelRed;
3. A Mixed-Use Land Use District subject to Part 20.25R LUC;
4. The Community Mixed-Use Design District subject to Part 20.25I LUC;
5. The F1 land use district;
6. The MI land use district;
7. The OLB-OS land use district;
8. The CCC land use district;
9. The EG-TOD land use district; and
10. The EM-TOD land use district.

B. Exceptions.

1. All development for which a City Council approval is required and an opportunity for public comment has been provided shall be exempt from the Design Review process, but must still comply with the applicable Design Review criteria and standards contained in applicable development regulations.
2. All development in the BelRed General Commercial (BR-GC) land use district; Provided, that an applicant may submit a design review application for approval by the Director pursuant to Part 20.30F LUC for a development proposal located in the BR-GC land use district that includes deviations permitted by LUC 20.25D.030.C.
3. Design review is not required for freestanding structures proposed for religious activities in the CCC land use district, as provided in LUC 20.25N.020.

**Section 29.** Section 20.30F.116 of the Land Use Code is hereby repealed in its entirety.

**Section 30.** Section 20.30F.120 of the Land Use Code is hereby amended to read as follows:

### **20.30F.120 Scope of approval.**

Design Review is a mechanism by which the City can ensure that site development and structures in specific zoning districts or in specific locations are of high design quality and conform to the requirements of the Land Use Code and the requirements of an applicable concomitant agreement.

**Section 31.** Section 20.30F.165 of the Land Use Code is hereby amended to read as follows:

### **20.30F.165 Merger with Binding Site Plan**

- A. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Design Review constitute a Binding Site Plan in accordance with Part 20.30R LUC.
- B. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.

**Section 32.** Section 20.30F.180 of the Land Use Code is hereby amended to read as follows:

### **20.30F.180 Recording Required.**

Following approval of a Design Review and any subsequent modifications thereto, the applicant shall record the plans and conditions that constitute the approval with the King County Recorder's Office. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through the FAR Amenity Incentive System, or floor area earned through the special dedication of right-of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file.

**Section 33.** Subsection 20.30F.190.C of the Land Use Code is hereby amended to read as follows:

### **C. Other Extensions of Design Review Approval.**

An approved design review permit may be extended pursuant to one or more of the following:

1. LUC 20.30V.190 (Extensions of Master Development Plans and associated Land Use Permit Approvals);

2. A Development Agreement, but only in circumstances where Part 20.30C LUC specifically authorizes the extension, by Development Agreement, of the time period that a Land Use Permit or approval remains in effect; or
3. Subsection D of this section.

**Section 34.** Subsection 20.30F.190.E of the Land Use Code is hereby repealed in its entirety:

**Section 35.** Chapter 20.30 of the Land Use Code is hereby amended to include a new Part 20.30H to read as shown on **Attachment A** to this Ordinance.

**Section 36.** Chapter 20.30 of the Land Use Code is hereby amended to include a new Part 20.30R to read as shown on **Attachment B** to this Ordinance.

**Section 37.** Section 20.30V.110 of the Land Use Code is hereby amended to read as follows:

**20.30V.110 Purpose.**

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

**Section 38.** Section 20.30V.115 of the Land Use Code is hereby amended to read as follows:

**20.30V.115 Applicability**

- A. General. If development meets both of the following criteria, then a Master Development Plan is required:
  1. Either the development is constructed in phases or contains multiple buildings located within a single project limit; and
  2. The development is located within one of the following locations:
    - a. Downtown;
    - b. BelRed;
    - c. A Mixed-Use Land Use District subject to Part 20.25R LUC;

- d. The Community Mixed-Use Design District subject to Part 20.25I LUC;
  - e. The MI Land Use District;
  - f. The EG-TOD Land Use District; and
  - g. The EM-TOD Land Use District.
- B. F1 and CCC Land Use Districts. If development is located within the F1 or CCC land use districts, then a Master Development Plan is required, regardless of whether the criteria specified in subsection A of this section is satisfied.
- C. LDR-1, LDR-2, LDR-3, MDR-1, and MDR-2 Land Use Districts. If development is both located within an LDR-1, LDR-2, LDR-3, MDR-1, or MDR-2 Land Use District and is seeking a binding site plan, then the Director shall require a Master Development Plan, regardless of whether the criteria specified in subsection A of this section is satisfied.
- 1. Exception. A Master Development Plan shall not be required under subsection C of this section if the development requires any one or more of the following land use decisions or approvals, which each allow for a Binding Site Plan to be approved as a component of the underlying land use decision or approval:
    - a. Conditional Use Permit;
    - b. Shoreline Conditional Use Permit;
    - c. Administrative Conditional Use Permit;
    - d. Planned Unit Development; or
    - e. Design Review.
- D. BelRed Land Use Districts. If development is located within BelRed but is not located within a node, then a Master Development Plan is only required if the development is constructed in phases, regardless of whether the criteria specified in subsection A of this section is satisfied.

**Section 39.** Section 20.30V.120 of the Land Use Code is hereby amended to read as follows:

**20.30V.120 Scope of approval.**

## **A. Scope.**

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 development regulations.

## **B. General Requirements.**

Master Development Plans shall document that the following site plan components and calculations comply with all applicable development regulations:

1. Building placement;
2. The location and size of proposed setbacks;
3. Calculations demonstrating allowable lot coverage;
4. Areas identified to accommodate landscape development;
5. Maximum allowable building heights shall be indicated based on the underlying Land Use District and any additional building height as may be allowed by applicable development regulations;
6. A Floor area ratio calculation for each proposed building shall be provided based on the underlying Land Use District and any additional building height as may be allowed by applicable development regulations;
  - i. If applicable, provide separate calculations for residential and nonresidential components of a building.
7. Indicate and delineate all site components required in order to qualify for an amenity incentive system bonus; and
8. Parking, loading, circulation, and internal walkway and pedestrian requirements.

## **C. Additional Requirements.**

Development located in the following land use districts are subject to additional Master Development Plan requirements:

1. 20.25A.030 – Downtown;

2. 20.25N.020 – Camp and Conference Center District;
3. 20.25P.020 – Eastgate Transit Oriented Development Land Use District;
4. 20.25Q.030 – East Main Transit Oriented Development Land Use District; and
5. 20.25D.030 – BelRed.

**Section 40.** Section 20.30V.130 of the Land Use Code is hereby amended to read as follows:

**20.30V.130 Phasing plan required.**

- A. A phasing plan is required and must be approved as part of the Master Development Plan.
- B. Each building proposed to be constructed shall have its own phase; Provided, that the Director may allow for multiple buildings in a single phase. When making a decision on allowing multiple buildings in a single phase, the Director shall consider the following:
  1. Whether the buildings are structurally connected or otherwise dependent on one another;
  2. Whether similar site improvements, landscaping, or amenities are necessary to support the construction of the buildings proposed to be included in the same phase;
  3. Whether the buildings are proposed to be constructed at the same time; and
  4. Whether allowing multiple buildings within a single phase will result in more orderly, or more efficient, development of the project limit.
- B. The phasing plan must:
  1. Include a narrative regarding the installation of site improvements, landscaping, and amenities necessary to support each phase of development;
  2. Provide for a proportionate installation of required amenities and improvements when each phase of development is constructed; and
  3. Include any other information that may be reasonably required by the Director.

**Section 41.** Section 20.30V.140 of the Land Use Code is hereby amended to read as follows:

**20.30V.140 Merger with Binding Site Plan.**

The applicant may request that the site plan approved with the Master Development Plan constitute a Binding Site Plan in accordance with Part 20.30R LUC.

**Section 42.** Section 20.30V.150 of the Land Use Code is hereby amended to read as follows:

**20.30V.150 Decision criteria and Effect of Approval.**

- A. Decision Criteria. The Director may approve or approve with modifications an application for a Master Development Plan if:
1. The Master Development Plan complies with the applicable requirements of the Bellevue City Code; and
  2. 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
  3. The Master Development Plan depicts features of and relationships and connectivity between required site features for the underlying Land Use District.
- B. Effect of Approval. Approval of the Master Development Plan shall be contingent upon compliance with the conditions specified in the approval, conformance with all applicable development standards, the payment of all fees, and the submittal of assurance devices as may be required. The approval shall expire as provided pursuant to LUC 20.40.500, except as otherwise provided in LUC 20.30V.190.

**Section 43.** Section 20.30V.180 of the Land Use Code is hereby amended to read as follows:

**20.30V.180 Recording required.**

Following approval of a Master Development Plan and any subsequent modifications thereto, the applicant shall record the plans and conditions that constitute the approval with the King County Recorder's Office. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through an FAR amenity incentive

system, or floor area earned through special dedication of right-of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file.

**Section 44.** Section 20.30V.190 of the Land Use Code is hereby amended to read as follows:

**20.30V.190 Extensions of Master Development Plans and Associated Land Use Permits.**

An applicant for a master development plan may request an extension to the expiration provisions of LUC 20.40.500, LUC 20.30P.150, LUC 20.25E.250, or LUC 20.30F.190, allowing for issued land use permits that are associated with that master development plan to remain in effect for a period of up to 10 years from the date of issuance of the master development plan. In no event shall the master development plan, or any associated and issued land use permit, remain in effect for more than 10 years from the date of issuance of the master development plan approval pursuant to LUC 20.30V.150 except where a complete building permit application has been submitted for each approved phase of the development.

**A. Timing of Request for an Extension.**

1. The request for an extension may be submitted as follows:
  - a. At any time between when a complete application for the master development plan has been submitted and issuance of a final land use decision on the master development plan; or
  - b. At any time between when a final land use decision on the master development plan has been issued and expiration of the master development plan, as may have been separately extended pursuant to this section.
2. If submitted between when a complete application for a master development plan has been submitted and issuance of a final land use decision on the master development plan, the decision on the request for extension shall be merged with the decision on the master development plan.
3. If submitted between when a final land use decision on the master development plan has been issued and expiration of the master development plan, the request for extension shall be processed as a Land Use Exemption to the existing master development plan pursuant to LUC 20.30V.160.B.

**B. Approval of an Extension.**

1. The Director may approve an extension to the expiration provisions of LUC 20.40.500, LUC 20.30P.150, LUC 20.25E.250, or LUC 20.30F.190; provided, that the project complies with an approved phasing plan pursuant to LUC 20.30V.130.
2. When making a decision on a request for an extension, the Director shall consider the following:
  - a. the project site;
  - b. the size, scope, and complexity of the project; and
  - c. construction and permitting activity in the vicinity of the project.

C. Effect of Approval of an Extension.

1. The approval of a request for an extension under this section does not establish vested rights for any land use permit or for any application for a land use permit.
2. The approval of a request for an extension under this section may only modify the expiration provisions of LUC 20.40.500, LUC 20.30P.150, LUC 20.25E.250, or LUC 20.30F.190, which govern land use permits and approvals. The approval of a request for an extension under this section does not affect expiration of any other permit applications or permit approvals, including, but not limited, to those issued under SEPA, the Traffic Standards Code, the Transportation Development Code, and building or other technical code review.

- D. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with terms and conditions of the issued master development plan, associated and issued land use permits, and the phasing plan throughout any extension granted under this section.

**Section 45.** Section 20.35.010 of the Land Use Code is hereby amended to read as follows:

**20.35.010 Purpose and scope.**

- A. The purpose of this chapter is to establish standard procedures for all land use and related decisions made by the City of Bellevue. The procedures are designed to promote timely and informed public participation, eliminate redundancy in the application, permit review, and appeal processes, minimize delay and expense, and result in development approvals that further City goals as set forth in the Comprehensive Plan.

- B. As required by Chapter 36.70B RCW , these procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with the procedures for review of land use decisions and provide for the consolidation of appeal processes for land use decisions.
- C. To the extent that the requirements of this chapter differ from the requirements of RCW 36.70B.060, RCW 36.70B.070, RCW 36.70B.080, RCW 36.70B.110, RCW 36.70B.120, or RCW 36.70B.130, the difference is based on a determination by the City Council that special circumstances exist that warrant a different review process or time period for approval.

**Section 46.** Subsection 20.35.015.D of the Land Use Code is hereby amended to read as follows:

- D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:
  - 1. Site-specific or project-specific rezone.

**Section 47.** Subsection 20.35.030.A.3 of the Land Use Code is hereby amended to read as follows:

- 3. The City Council or the Director of the Development Services Department may apply for a project-specific or site-specific rezone or for an areawide (Process IV) rezone.

**Section 48.** Section 20.35.080 of the Land Use Code is hereby amended to read as follows:

**20.35.080 Consolidated review of applications for Process I decisions, Process II decisions, Process III decisions, and other administrative decisions.**

- A. Purpose. The purpose of this section is to offer a consolidated process that may, at the applicant's option, be used when a proposed development or use of land will require multiple Process I decisions, Process II decisions, Process III decisions, or other administrative decisions.
- B. When a single project includes multiple Process II decisions or other types of land use applications and decisions made by the Director, then any combination of such applications may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 through 20.35.250.

- C. When a single project includes a combination of Process I, Process II, including the SEPA threshold determination associated with the Process I or III action, or Process III land use applications, review of the project may combine review of the Process I, Process II, and Process III components. A consolidated report setting forth the Process I or Process III recommendation of the Director and the Process II decisions will be issued. A final decision on each individual application consolidated under this section must still be made by the decision maker specified in this chapter for that type of decision.

**Section 49.** Subsection 20.35.120.B.3 of the Land Use Code is hereby amended to read as follows:

3. Mailed notice of the application including at least the information required in subsection B.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, or other community groups who have requested regular notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 50.** Section 20.35.127 of the Land Use Code is hereby amended to read as follows:

**20.35.127 Public meetings.**

A public meeting is required for all Process I applications. The Director may require the applicant to participate in the meeting to inform the public about the proposal. Public meetings shall be held as early in the review process as possible for Process I applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

**Section 51.** Subsection 20.35.135.A.4 of the Land Use Code is hereby amended to read as follows:

4. The Director shall mail notice to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, or other community groups who have requested regular notice of land use decisions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 52.** Section 20.35.210 of the Land Use Code is hereby amended to read as follows:

**20.35.210 Notice of application.**

- A. A notice of application shall be provided, as follows, within 14 days of issuance of a determination of completeness for Process II land use decisions:

| <b>Application Type</b>                                 | <b>Publish</b> | <b>Mail</b> | <b>Sign</b> |
|---------------------------------------------------------|----------------|-------------|-------------|
| Administrative Conditional Use                          | X              | X           | X           |
| Design Review                                           | X              | X           | X           |
| Interpretation of Land Use Code Under Part 20.30K LUC   | X              |             |             |
| Preliminary Short Plat                                  | X              | X           | X           |
| SEPA Review (When Not Consolidated With Another Permit) | X              |             |             |
| Master Development Plan                                 | X              | X           | X           |

1. For Process II decisions not included in Table 20.35.210.A, notice of application shall be provided by publication and mailing.
2. When required by Table 20.35.210.A, publishing shall include publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation in the City.
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.

4. If signs are required, two signs or placards shall be posted by the applicant on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the signs or placards.
5. Mailings shall also include mailing notice of the application including at least the information required in subsection A.2 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include a representative from each of the neighborhood groups, community clubs, or other community groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 53.** Section 20.35.227 of the Land Use Code is hereby amended to read as follows:

**20.35.227     Public meetings.**

The Director may require the applicant to participate in a public meeting to inform the public about a proposal; provided, that a public meeting shall be required for every Design and Mitigation Permit submitted pursuant to Part 20.25M LUC. When required, public meetings shall be held as early in the review process as possible for Process II applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

**Section 54.** Subsection 20.35.235.C of the Land Use Code is hereby amended to read as follows:

- C. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, and other community groups who have requested regular notice of land use decisions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 55.** Subsection 20.35.320.B.3 of the Land Use Code is hereby amended to read as follows:

3. Mailed notice of the application including at least the information required in subsection B.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, or other community groups who have requested regular notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 56.** Section 20.35.327 of the Land Use Code is hereby amended to read as follows:

**20.35.327 Public meetings.**

- A. A public meeting is required for all Process III applications.
- B. The Director may require the applicant to participate in the meeting to inform the public about the proposal.
- C. Public meetings shall be held as early in the review process as possible for Process III applications.
- D. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice should be combined with the notice of application whenever possible.

**Section 57.** Subsection 20.35.335.D of the Land Use Code is hereby amended to read as follows:

- D. The Director shall mail notice to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood associations, community clubs, or other community groups who have requested notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 58.** Section 20.35.400 of the Land Use Code is hereby amended to read as follows:

**20.35.400 Process IV: City Council legislative actions.**

LUC 20.35.400 through 20.35.440 contain the procedures the City shall use to make legislative land use decisions (Process IV actions). The process shall include a public

hearing, held by either the Planning Commission or City Council, and action by the City Council. Review under the State Environmental Policy Act (SEPA) and the Bellevue Environmental Procedures Code may be required. Any SEPA threshold determination associated with a Process IV action shall be merged with the Process IV action and processed according to the notice, decision, appeal, and other procedures set forth in LUC 20.35.400 through 20.35.440.

**Section 59.** Subsection 20.35.415.A.3 of the Land Use Code is hereby amended to read as follows:

3. The Director shall mail notice containing at least the information in subsection A.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood associations, community clubs, or other community groups who have requested notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 60.** Subsection 20.35.420.B.4 of the Land Use Code is hereby amended to read as follows:

4. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, and other community groups who have requested regular notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 61.** Subsection 20.35.510.B.3 of the Land Use Code is hereby amended to read as follows:

3. Mailed notice of the application including at least the information required in subsection B.1 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include a representative from each of the neighborhood groups, community clubs, or other community groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 62.** Section 20.35.525 of the Land Use Code is hereby amended to read as follows:

**20.35.525     Public meetings.**

The Director may require the applicant to participate in a public meeting to inform the public about a proposal. When required, public meetings shall be held as early in the review process as possible for Process V applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

**Section 63.** Subsection 20.35.535.C of the Land Use Code is hereby amended to read as follows:

- C. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, and other community groups who have requested regular notice of land use decisions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

**Section 64.** Section 20.40.401 of the Land Use Code is hereby repealed in its entirety.

**Section 65.** Section 20.40.500 of the Land Use Code is hereby amended to read as follows:

**20.40.500     Establishment of vested rights and expiration of land use permits.**

- A. Establishment of Vested Rights for Land Use Permit Applications and Approved Land Use Permits.

- 1. Permit Applications and Approvals in General.

- a. Applications for all land use permits except subdivisions, short subdivisions, conditional uses, design reviews, shoreline conditional use, and shoreline substantial development permits shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete building permit application, meeting the requirements of BCC 23.05.090.E and 23.05.090.F, is filed.
    - b. If a complete building permit application is not filed, as described in subsection A.1.a, then all applications for land use permits except subdivisions, short subdivisions, conditional uses, design reviews, shoreline conditional use, and shoreline substantial development permits shall be considered under the Land Use Code and other land use control ordinances

in effect up to the date of the City's final land use decision on the land use permit.

- c. Except for subdivisions and short subdivisions, if a land use permit is approved, then it shall be governed by the terms and conditions of approval of the land use permit until modification, revocation, or expiration of the land use permit.

## 2. Subdivisions and Short Subdivisions.

- a. An application for approval of a preliminary plat, final plat, preliminary short plat, or final short plat shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete application is submitted for the preliminary plat or preliminary short plant which satisfies the applicable submittal requirements specified pursuant to LUC 20.35.030.
- b. If a final plat or final short plat is approved, then the subdivision or short subdivision shall be governed by the following for a period of five years beginning on the date that the final plat or final short plat was recorded unless vacated, modified, or amended pursuant to Chapter 20.45A LUC or Chapter 20.45B LUC:
  - i. The terms and conditions of approval of the final plat or the final short plat; and
  - ii. The provisions of the Land Use Code and other land use control ordinances in effect at the time of the approval of the final plat or the final short plat.
- c. Subsection A.2.b of this section does not apply where the City Council finds that, following approval of a final plat or final short plat, a change in conditions creates a serious threat to the public health or safety in the subdivision or short subdivision.

## 3. Conditional Uses and Design Reviews. An application for approval of a conditional use or for a design review shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete application, which satisfies the applicable submittal requirements specified in LUC 20.35.030, is submitted for such approval.

## 4. Shoreline Conditional Use and Shoreline Substantial Development Permits. LUC 20.25E.250 governs vesting of shoreline conditional use and shoreline substantial development permit applications.

5. Master Development Plans and Associated Design Reviews Submitted Concurrently. When a design review application is submitted concurrently with a master development plan application, that master development plan application shall be considered under the Land Use Code and other land use control ordinances in effect when the associated design review application is submitted; provided, that both the associated design review application and the master development plan application are fully complete and satisfy the applicable submittal requirements of the Director specified pursuant to LUC 20.35.030. For the purposes of this subsection, “concurrently” means that the associated design review application was submitted during the applicable time period for review of the master development plan application under LUC 20.35.030.E.

B. Expiration of Issued Land Use Permits.

1. Once issued, land use permits shall expire as provided in subsection B.2 of this section; provided, that:
  - a. The time period established pursuant to subsection B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the permit holder to the extent the litigation is related to the subject land use permit;
  - b. Variances shall run with the land in perpetuity if recorded with the King County Recorder’s Office within 60 days following the City’s final action;
  - c. Critical Areas Land Use Permits shall expire as set forth in LUC 20.30P.150;
  - d. Shoreline substantial development permits, shoreline conditional use permits, and shoreline variances shall expire as set forth in LUC 20.25E.250.C;
  - e. Design review approvals shall expire as set forth in LUC 20.30F.190;
  - f. Approved final plats and approved final short plats shall remain in effect until vacated, modified, or amended pursuant to Chapter 20.45A LUC or Chapter 20.45B LUC;
  - g. Approved boundary line adjustments shall remain in effect until vacated, modified, or amended pursuant to LUC 20.45B.260; and
  - h. Approved binding site plans shall remain in effect until vacated, modified, or amended pursuant to Part 20.30R LUC.

2. Except as provided in subsection B.1 of this section, once issued, each land use permit shall expire two years from the date of the City's final land use decision, unless:
  - a. A complete building permit application is filed before the end of the two-year term. In such cases, the land use permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires, or is revoked or canceled pursuant to BCC 23.05.100, then the land use permit shall simultaneously expire.
  - b. For projects which do not require a building permit, the use allowed by the issued land use permit has been established prior to the expiration of the land use permit and is not terminated by abandonment or otherwise;
  - c. An issued land use permit is extended pursuant to subsection B.3 of this section; or
  - d. An issued land use permit is extended pursuant to:
    - i. LUC 20.30V.190 (Extensions of Master Development Plans and Associated Land Use Permits); or
    - ii. A development agreement authorized by the terms of this Land Use Code to extend a land use permit.
3. When a building permit is issued, a land use permit shall be automatically extended for the life of the building permit. If the Building Permit expires, or is revoked or canceled pursuant to BCC 23.05.100, then the land use permit shall also expire, or be revoked or canceled. If a Building Permit is issued and subsequently renewed, then the land use permit shall be automatically extended for the period of the renewal.

**Section 66.** Subsection 20.45B.050.A of the Land Use Code is hereby amended to read as follows:

- A. Every short subdivision shall comply with all applicable goals, regulations, and standards of the Bellevue City Code and Title 58 RCW.

**Section 67.** Subsection 20.45B.130.A of the Land Use Code is hereby amended to read as follows:

- A. Decision Criteria.

The Department Director may approve or approve with modifications if:

1. The preliminary short plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste; and
2. The public interest is served by the short subdivision; and
3. The preliminary short plat appropriately considers the physical characteristics of the proposed short subdivision site; and
4. The proposal complies with all applicable provisions of the Land Use Code, BCC Title 20, the Utility Codes, BCC Title 24, and the City of Bellevue Development Standards; and
5. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be considered together with an application for preliminary short plat so long as the resulting lots may each be developed without individually requiring a variance; and
6. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

**Section 68.** The definition of “Binding Site Plan” contained in Section 20.50.012 of the Land Use Code is hereby amended to read as follows:

**Binding Site Plan.** The division of land into lots or tracts classified for industrial or commercial use as provided by RCW 58.17.020, RCW 58.17.035, and 58.17.040. For the purposes of this definition, “commercial use” means that the property that is zoned to permit, or conditionally permit, attached or detached multifamily dwellings.

**Section 69. 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 70.** The City Clerk is hereby authorized and directed to replace any reference in this Ordinance, including **Attachments A and B**, to “[INSERT EFFECTIVE DATE OF ORDINANCE]” with the actual month, day, and year that this Ordinance takes effect as calculated pursuant to Section 79 of this Ordinance.

**Section 71.** Section 20.45B.260 of the Land Use Code is hereby amended to read as follows:

**20.45B.260 Boundary line adjustment.**

Pursuant to RCW 58.17.040, boundary line adjustments are exempt from requirements of this chapter except as provided for in this section.

- A. All lots modified by this boundary line adjustment procedure shall not be approved for recording if such adjustment would allow a nonconforming dimension as specified in LUC 20.20.010 to become more nonconforming unless the adjustment equalizes more than one adjacent nonconforming lot.
- B. No lot line adjustment may be approved when such action would violate an applicable requirement or condition of a previous land use action, lot split, subdivision, or short plat approval.
- C. All lots modified by the boundary line adjustment procedure shall have legal access meeting the standards of the Transportation Department, the Utilities Department, and any other applicable department.
- D. The processing and revision of boundary line adjustments shall be the same as for final short plats as provided in the applicable provisions of LUC 20.45B.210 through 20.45B.240.
- E. All boundary line adjustments shall be recorded surveys consistent with Chapter 58.09 RCW. All boundary lines being adjusted shall be surveyed, and newly established lot corners shall be staked.
- F. All lots modified by this boundary line adjustment procedure shall not be approved for recording if such adjustment would create a nonconformity with respect to the requirements of this Code.

**Section 72.** Chapter 20.45B of the Land Use Code is hereby amended to include a new Section 20.45B.270 to read as follows:

**20.45B.270 Lot splits.**

Pursuant to RCW 58.17.145, administrative lot splits are exempt from the requirements of this chapter except as provided for in this section:

**A. Applicability.**

1. An administrative lot split shall only create one additional lot.
2. The parent lot shall not be located in a land use district that does not allow residential uses.

**B. General Requirements.**

1. The size of the newly created lot and the size of the modified parent lot must both at least meet the minimum lot size requirements for the underlying land use district, if applicable;
2. Certificates of availability for sewer and water shall be provided prior to approval;
3. If the administrative lot split requires demolition or alteration of an existing dwelling unit that would displace a renter, then the applicant shall provide, and the Director shall review and approve, a displacement mitigation strategy or plan; and
4. Administrative lot splits are not subject to administrative appeal, as provided for in LUC 20.35.250, if they comply with the applicable development standards herein. Instead, administrative lot splits may be appealed in accordance with LUC 20.35.070.
5. The parent lot must not have been created through an administrative lot split authorized by this section.
6. The parent lot and the newly created lot cannot collectively contain a number of dwelling units that would exceed the number of dwelling units that would have been allowed on the parent lot prior to the administrative lot split.
7. Lot splits may be revised in the same manner as for final short plats under LUC 20.45B.240.
8. If a lot split results in a newly created lot of a size that would allow for further land division, subsequent lot splits are not allowed but the newly created lot may be divided under other applicable land division processes.

**C. Lot Split Survey.**

The lot split survey must be recorded with the King County Recorder's Office and shall both include, as notes, and comply with the following requirements, as applicable:

1. Further administrative lot splits are not permitted on either of the resulting lots;
2. The city is immune from any liability, loss, or other damage suffered by another that is related to the city's approval of the lot split, including if the lot split creates a lot that is later determined unbuildable, RCW 58.17.145;
3. The total number of dwelling units, including detached accessory dwelling units but excluding attached accessory dwelling units, across both the parent lot and the newly created lot shall not exceed the number of dwelling units allowed on the parent lot prior to the lot split;
4. The total number of dwelling units, including detached accessory dwelling units but excluding attached accessory dwelling units, for the newly created lot shall be limited to a maximum of one unit less than the total allowable number of dwelling units for the parent lot prior to the lot split;
5. If applicable, indicate whether future development will require frontage improvements;
6. If applicable, indicate whether dedication of right-of-way is required and note the location of the right-of-way to be dedicated; and
7. If applicable, note the location of all required access and utility rights granted or conveyed.

**Section 73.** Subsection 20.20.538.C.1 of the Land Use Code, including Table 20.20.538.C.1, is hereby amended to read as follows, with all other provisions of Subsection 20.20.538.C.1 and Table 20.20.538.C.1 that are omitted below, as indicated by an ellipsis, remaining unchanged:

1. Middle Housing Development Requirements. Middle housing developments are subject to the development requirements in Table 20.20.538.C.1.

**Table 20.20.538.C.1.  
Development Requirements for Middle Housing**

|                                               | <b>LL-<br/>1</b> | <b>LL-<br/>2</b> | <b>SR-<br/>1</b> | <b>SR-<br/>2</b> | <b>SR-<br/>3</b> | <b>SR-<br/>4</b> | <b>LDR<br/>-1</b> | <b>LDR<br/>-2</b> | <b>LDR<br/>-3</b> | <b>MD<br/>R-1</b> | <b>MD<br/>R-2</b> |
|-----------------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| <b>DIMENSIONS</b>                             | (1)              | (1)              | (1)              | (1)              | (1)              | (1)              | (1)               | (1)               | (1)               | (1)               | (1)               |
| Dwelling Units per Lot<br>(2)(3)(4)(5)(6)(11) | 4/6              | 4/6              | 4/6              | 4/6              | 4/6              | 4/6              | 4/6               | 4/6<br>(7)        | 4/6<br>(7)        | 4/6<br>(7)        | 4/6<br>(7)        |
| ...                                           |                  |                  |                  |                  |                  |                  |                   |                   |                   |                   |                   |

...

**(11)** Lots created through the lot splitting process are subject to the density limits in LUC 20.45B.270.

...

**Section 74.** Subsection 20.35.015.C of the Land Use Code is hereby amended to read as follows:

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 are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034) 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 under Part 20.30K LUC;
6. Preliminary short plat;
7. Variance;
8. Critical Area Land Use Permits;

9. Master Development Plans;
10. Design and Mitigation Permits required pursuant to Part 20.25M LUC, Light Rail Overlay District;
11. Review under State Environment Policy Act (SEPA) when not consolidated with another permit; and
12. Lot splits.

**Section 75.** Subsection 20.35.250.A of the Land Use Code is hereby amended to read as follows:

- A. Process II decisions, except for lot splits and SEPA threshold determinations on Process IV and Process V actions, may be appealed as follows:
  1. Who May Appeal. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.
  2. Form of Appeal. A person appealing a Process II decision must file a written statement setting forth:
    - a. Facts demonstrating that the person is adversely affected by the decision;
    - b. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
    - c. The specific relief requested; and
    - d. Any other information reasonably necessary to make a decision on the appeal.

The written statement must be filed together with an appeal notification form available from the Office of the City Clerk. The appellant must pay such appeal fee, if any, as established by ordinance or resolution at the time the appeal is filed.

3. Time and Place to Appeal. The written statement of appeal, the appeal notification form, and the appeal fee, if any, must be received by the City Clerk no later than 5:00 p.m. on the fourteenth day following the date of publication of the decision of the Director; except that if the Director's decision is consolidated with a threshold Determination of Nonsignificance under the State Environmental

Policy Act for which a comment period pursuant to WAC 197-11-340 must be provided, the appeal period for the consolidated decision shall be 21 days.

4. Exception. If a development agreement has been approved under Part 20.30C LUC, then the appeal procedures contained in this section do not apply to the Director's Process II Decision on a related master development plan or design review application. Instead, the Director's Process II Decision may be appealed to Superior Court as set forth in LUC 20.35.070 and 20.30C.100.

**Section 76.** Subsection 20.40.500.B.1 of the Land Use Code is hereby amended to include a new Subsection 20.40.500.B.1.i to read as follows, and the City Clerk is hereby authorized to codify this new subsection in Subsection 20.40.500.B.1 in a manner that maintains an alphabetical listing of subsections:

- i. Approved lot splits shall in remain in effect until vacated, modified, or amended pursuant to LUC 20.45B.270.

**Section 77.** The definition of "Lot, Parent" contained in Section 20.50.032 of the Land Use Code is hereby amended to read as follows.

**Lot, Parent.** A lot that is, or may be, subdivided into unit lots through the unit lot subdivision process or the unit lot short subdivision process. A parent lot also includes a lot that is, or may be, divided in two through the administrative lot split process.

**Section 78.** Section 20.50.032 of the Land Use Code is hereby amended to include new definitions of the terms "Lot Split" and "Lot Split Survey" to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.032 in a manner that maintains an alphabetical listing of defined terms.

**Lot Split.** The administrative process of dividing an existing lot into two lots for the purpose of sale, lease, or transfer of ownership subject to the applicability and regulations applicable to administrative lot splits.

**Lot Split Survey.** The final survey prepared for filing for record with the King County Recorder's Office and containing all elements and requirements for a lot split.

**Section 79. Effective Date.** Sections 1 through 70 of this Ordinance shall take effect and be in force five (5) days after legal publication. Sections 71 through 78 of this Ordinance shall take effect and be in force on July 27, 2027.

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

\_\_\_\_\_  
Robert Sepler, Assistant City Attorney

Attest:

\_\_\_\_\_  
Charmaine Arredondo, City Clerk

Published \_\_\_\_\_

**Attachment A**  
**Part 20.30H Departures**

**20.30H.110 Purpose.**

Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code may not always result in the best outcomes. The purpose of this Part 20.30H LUC is to provide an Administrative Departure process to modify provisions of certain chapters and parts of the Land Use Code when the strict application would result in a development that does not fully achieve the purpose and intent of the provision of the Land Use Code at issue.

**20.30H.115 Applicability.**

Applicability. The Director may, through the Design Review process, approve a proposal that departs from specific numeric standards applicable in the overlay districts indicated below.

- A. Part 20.25A LUC – Downtown. A departure from the specific numeric standards contained in the following sections of the Land Use Code applicable to Downtown may be approved:
  - 1. LUC 20.25A.090;
  - 2. LUC 20.25A.110; and
  - 3. LUC 20.25A.140 through 20.25A.180
- B. Part 20.25Q LUC – East Main Transit Oriented Development Land Use District. A departure from the specific numeric standards contained in the following sections of the Land Use Code applicable in the East Main Transit Oriented Development Land Use District may be approved:
  - 1. LUC 20.25Q.080;
  - 2. LUC 20.25Q.100; and
  - 3. LUC 20.25Q.130 through 20.25Q.160

C. Part 20.25R LUC – Mixed-Use Land Use Districts. A departure from the specific numeric standards contained in LUC 20.25R.020 through 20.25R.040 or other sections of the Land Use Code that provide for departures in the Mixed-Use Land Use Districts may be approved, with the exception of numeric standards for the following:

1. Affordable Housing;
2. Sidewalk width; and
3. Access Corridor Width.

#### **20.30H.120 Decision Criteria.**

Decision Criteria. The Director may approve, or approve with conditions, requests for Administrative Departures from applicable provisions of the Land Use Code if the applicant demonstrates that the following criteria are met:

- A. The resulting design will be more consistent with the purpose and intent of the Land Use Code standard that is not adequately accommodated by strict application of the Code; and
- B. Proposed modifications to numeric standards are the minimum reasonably necessary to achieve the intent of strict application of the Land Use Code;
- C. Any Administrative Departure criteria required by the specific terms of this Code have been met; and
- D. The modification is reasonably necessary to implement or ensure consistency with a departure allowed through an approved Development Agreement, if applicable.

#### **20.30H.130 Limitation on authority.**

Limitation on Authority. Administrative Departures may only be approved consistent with the limitations contained in the Land Use Code section that authorizes the departure, or through a Variance granted under the terms of Part 20.30G LUC.

**Attachment B**  
**Part 20.30R Binding Site Plans**

**20.30R.110 Purpose.**

This Part 20.30R LUC establishes when a Binding Site Plan is available and the procedure and criteria that the City will use in making a decision upon an application for which a Binding Site Plan is an authorized component.

**20.30R.115 Applicability.**

A. Binding Site Plans are only available for the following:

1. Development located in land use districts that are zoned to permit, or conditionally permit, industrial or commercial uses. For the purposes of this Part 20.30R LUC, “commercial use” means that the property is zoned to permit, or conditionally permit, attached or detached multifamily dwellings; and
2. Divisions of land into lots or tracts as provided for in RCW 58.17.040(7), as that provision read on [INSERT EFFECTIVE DATE OF ORDINANCE].

B. Binding Site Plans are not available for divisions of property for lease as provided for in RCW 58.17.040(5), as that provision read on [INSERT EFFECTIVE DATE OF ORDINANCE].

**20.30R.120 Review Process.**

A. If a Master Development Plan is required for the development, then a Binding Site Plan may be approved through the Master Development Plan.

B. If a Master Development Plan is not required for the development, but one or more of the following land use permits or approvals is required, then a Binding Site Plan may be approved through any one of the required land use permit or approvals as provided below:

1. Conditional Use Permit;
2. Planned Unit Development;
3. Administrative Conditional Use Permit; or
4. Design Review.

5. Shoreline Conditional Use Permit.

- C. Binding Site Plans must be applied for as a component of one of the land use permits or approvals described above. No standalone application for a Binding Site Plan shall be reviewed or submitted.

**20.30R.125 Submittal Requirements.**

- A. In addition to the submittal requirements for the underlying land use permit or approval through which a Binding Site Plan is included as a component, the applicant shall submit the following:
1. A survey depicting all lots, tracts, and parcels proposed to be created through the Binding Site Plan, including all lot lines, as well as any additional information required by the Director; and
  2. Any additional submittal requirements required by the Director pursuant to LUC 20.35.030 for the underlying land use permit or approval when a Binding Site Plan is included as a component.

**20.30R.130 Decision Criteria**

- A. The final decision on the underlying land use permit or approval by the applicable decisionmaker specified in Chapter 20.35 LUC for that underlying land use permit or approval shall constitute the final decision on the Binding Site Plan component.
- B. In addition to the decision criteria for the underlying land use permit or approval through which a Binding Site Plan is included as a component, the decision maker specified in Chapter 20.35 LUC for the underlying land use permit or approval must determine whether the Binding Site Plan component meets the following requirements:
1. Appropriate provisions for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, and sanitary waste are provided;
  2. All applicable provisions of the Land Use Code, Title 20 BCC, the Utility Codes, Title 24 BCC, and all applicable Development Standards are satisfied;
  3. The Binding Site Plan component of the underlying land use decision or approval provides for all necessary utilities, streets or access, drainage, and improvements to accommodate the potential use of the entire property.

### **20.30R.135 Effect of Binding Site Plan**

- A. The applicant shall record the Binding Site Plan with the King County Recorder's Office. No document shall be presented for recording without the signature of each owner of the subject property. Once approved and recorded, the Binding Site Plan shall remain in effect in perpetuity unless altered or vacated, regardless of whether the underlying land use permit or approval expires.
- B. If the underlying land use permit or approval is approved, then the applicant may develop the subject property in conformance with the lots, tracts, or parcels created through the approved and recorded Binding Site Plan. All provisions, conditions, and requirements of the Binding Site Plan shall be legally enforceable on the purchaser or any other person acquiring a lease or ownership interest of any lot, parcel, or tract created pursuant to the Binding Site Plan.
- C. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the Binding Site Plan that does not conform to the requirements of the Binding Site Plan, or proceeds without Binding Site Plan approval, shall be considered a violation of the Land Use Code and of Chapter 58.17 RCW and may be enforced, and penalties assessed, as provided in Chapter 58.17 RCW or Chapter 1.18 BCC.

### **20.30R.140 Alterations and Vacations of Binding Site Plans.**

- A. Alterations. Alterations to an approved or recorded Binding Site Plan may be made as follows:
  - 1. If the Binding Site Plan was approved as a component of a Master Development Plan, then alterations to the Binding Site Plan may be made in accordance with LUC 20.30V.160.
  - 2. If the Binding Site Plan was approved as a component of a Conditional Use Permit, then alterations to the Binding Site Plan may be made in accordance with LUC 20.30B.175.
  - 3. If the Binding Site Plan was approved as a component of a Planned Unit Development, then alterations to the Binding Site Plan may be made in accordance with LUC 20.30D.285.
  - 4. If the Binding Site Plan was approved as a component of an Administrative Conditional Use Permit, then alterations to the Binding Site Plan may be made in accordance with LUC 20.30E.175.

5. If the Binding Site Plan was approved as a component of a Shoreline Conditional Use Permit, then alterations to the Binding Site Plan may be made in accordance with LUC 20.25E.180.
- B. Vacations. Once approved and recorded, the Binding Site Plan may be vacated through a new application for a Master Development Plan.