

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6670

AN ORDINANCE amending the City of Bellevue Land Use Code responding to the state termination of the East Bellevue Community Council, which will terminate as a matter of law on July 9, 2022; amending chapters 20.10, 20.20, 20.25, 20.30, 20.35, 20.40, 20.45A, 20.45B, and 20.50 of the Land Use Code to remove references to the East Bellevue Community Council and effectuate certain land use code provisions; providing for severability; and establishing an effective date.

WHEREAS, the Revised Code of Washington (“RCW”) chapter 35.14 authorized the creation of community municipal corporations for territory comprised of all or a part of an unincorporated area annexed to a city when certain conditions were met; and

WHEREAS, the voters in the East Bellevue area approved annexation to the City of Bellevue, approved creation of a community municipal corporation, the East Bellevue Community Council (“EBCC”), and elected candidates for positions on the council on February 11, 1969 (Res. No. 33); and

WHEREAS, the territory of the EBCC is described as:

Beginning at the intersection of the east line of Plat of Phantom Lake View No. 3, Volume 58 of Plats, pages 69 & 70, Records of King County, and a line 30’ southerly of and parallel with the north line of the N.E. $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, T24N, R5E, W.M.; said point being the NE corner of Lot 3, Block 5 said Plat, said point also being on the south margin of S.E. 24th St., said point also being on the existing City Limits of the City of Bellevue as established by Ord. 921 of that city.

Thence westerly along said south margin of S.E. 24th St. (and its westerly extension) to the centerline of 156th Ave. S.E.; thence northerly along said centerline of 156th Ave S.E. and N.E. to the existing City Limits of the City of Bellevue (as established by Ord. 1023 and 1034 of said city) being the westerly extension of the south margin of N.E. 4th Street; thence generally westerly along said City Limits, as established by Ord. 1023 & 1034 to the City Limits as established by Ord. 1049 (at this point the east line of Section 33, T25N, R5E, W.M.); thence generally southerly along said City Limits of Ord. 1049 to the City Limits as established by Ord. 676 (at this point the north line of Section 4, T24N, R5E, W.M.); thence easterly and southerly along said City limits of Ord 676 to the City Limits established by Ord. 921 of said city;

thence generally southerly and easterly along said City Limits to the point of beginning; King County, Washington.; and

WHEREAS, On March 11, 2022, the Governor signed into law House Bill (HB) 1769, which is codified at Chapter 26, Laws of 2022. HB 1769 amends RCW 35.14.060 to sunset the existence of community municipal councils within four years or 30 days after the effective date of the bill, whichever is sooner; and

WHEREAS, under HB 1769, the EBCC shall terminate as a matter of law on July 9, 2022; and

WHEREAS, the Bellevue Land Use Code must be amended to remove references to the EBCC and to make effective certain Land Use Code provisions within the former EBCC jurisdictional area; and

WHEREAS, amendments to the City of Bellevue Critical Areas Ordinance, LUC Chapter 20.25H, are minor and do not substantively affect the application of critical areas regulations in Bellevue; and

WHEREAS, amending the Bellevue Land Use Code is required to timely address the termination of the EBCC to provide regulatory certainty and transparency; and

WHEREAS, the City Council finds it was necessary and appropriate to amend the Bellevue Land Use Code without prior review and recommendation from the Planning Commission, as authorized by LUC 20.30J.125.B and 20.35.410.A, to ensure the proposed Land Use code amendments coincide with the deadlines created by HB 1769; and

WHEREAS, the City Council held a study session on June 21, 2022 and after providing legally-required public notice, held a public hearing on July 18, 2022 on the proposed Land Use Code amendments; and

WHEREAS, the City Council finds that the proposed amendments meet the decision criteria of LUC 20.30J.135, are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interests of the citizens and property owners of the City of Bellevue; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, Chapter 22.02 BCC; now, therefore:

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

Section 1. Section 20.10.020 of the Bellevue Land Use Code is hereby amended to delete the exception for the R-7.5 Land Use District within the EBCC.

Section 2. Section 20.10.200 of the Bellevue Land Use Code is hereby amended to delete the asterisk and reference to the EBCC, and to read as follows:

20.10.200 Single-Family Residential Districts (R-2.5, R-3.5, R-4, R-5, R-7.5).

Single-Family Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4, 5 and 7.5 dwellings per acre), and permit compatible, related activities.

Section 3. Section 20.10.200 – Suburban Residential Districts (R-2.5, R-3.5, R-4, R-5) of the Bellevue Land Use Code is hereby repealed and deleted.

Section 4. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” as follows:

Delete the asterisk for the “R-7.5” Land Use District from all land use charts in this section.

Delete the asterisk for “City Park” Land Use from the Recreation – Residential Districts and Recreation – Nonresidential Districts charts.

Delete the asterisk for Note 7 from the Residential – Residential Districts and Residential – Nonresidential Districts charts.

Delete the asterisk for CB – Community Business Land Use District and for Note 36 from the Wholesale and Retail – Nonresidential Districts chart.

Delete the notation “*Not effective within the jurisdiction of the East Bellevue Community Council.” from land use charts Notes.

Section 5. Section 20.20.010 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” as follows:

Delete the asterisk for the “R-7.5” Land Use District from all Dimensional Requirements charts in this section.

Delete the asterisk for Note 9 from all Dimensional Requirements charts in this section.

Delete the notation “* Not effective within the jurisdiction of the East Bellevue Community Council. The maximum building height in LI Districts shall remain 30 feet.” from Note 9.

Delete the asterisk for Note 10 from all Dimensional Requirements charts in this section.

Delete the notation “* Not effective within the jurisdiction of the East Bellevue Community Council. The maximum building height in LI Districts shall remain 30 feet.” from Note 10.

Delete Note 19 from the Dimensional Requirements charts in this section.

Section 6. Section 20.20.455 of the Bellevue Land Use Code is hereby amended to be effective within the EBCC area.

Section 7. Section 20.20.590.L of the Bellevue Land Use Code is hereby amended to delete the asterisks and notation “* Limited to within one-quarter mile when the use is located within the jurisdiction of the East Bellevue Community Council.” as follows:

Delete the asterisks in subsections 20.20.590.L.1.a.ii and iii.

Delete the asterisks in subsections 20.20.590.L.1.b.i and ii.

Delete the notation “* Limited to within one-quarter mile when the use is located within the jurisdiction of the East Bellevue Community Council.” at the end of subsection 20.20.590.L.

Section 8. Section 20.20.720 of the Bellevue Land Use Code is hereby amended to be effective within the EBCC area.

Section 9. Section 20.20.890 of the Bellevue Land Use Code is hereby repealed.

Section 10. Section 20.25B.020 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” as follows:

Delete the asterisk for the “R-7.5” Land Use District from the Districts Receiving Transition chart.

Delete the notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the Districts Receiving Transition chart.

Section 11. Section 20.25H.040 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” as follows:

Delete the asterisk for the “R-7.5” Land Use District from the Allowed Modifications to General Dimensional chart in this section.

Delete the notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the Allowed Modifications to General Dimensional Requirements chart in this section.

Section 12. Section 20.25H.200 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” as follows:

Delete the asterisk for the “R-7.5” Land Use District from the “Minimum available development area” chart in this section.

Delete the notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the “Minimum available development area” chart in this section.

Section 13. Section 20.30B.170 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30B.170 Modification/revocation.

A. Modification.

The City may initiate a modification to an approved Conditional Use Permit. A modification will be processed through Process I, LUC 20.35.100 et seq. Through the modification procedure, the Hearing Body may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

B. Revocation.

The Hearing Body may revoke an approved permit through Process I, LUC 20.35.100 et seq. An approved permit may be revoked only upon finding that:

...

Section 14. Section 20.30N.155 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30N.155 Quarterly report.

The Director of the Development Services Department shall send a report listing all Home Occupation Permits by number and address and describing the status of each, at least quarterly, to each person who has requested public notices for the calendar year and who has paid the fee established by the Director of the Development Services Department.

Section 15. Section 20.35.015 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015 Framework for decisions.

A. ...

B. Process I decisions are quasi-judicial decisions made by the Hearing Examiner on project applications. The following types of applications require a Process I decision:

1. Conditional Use Permits (CUPs);
2. Preliminary subdivision approval (plat); and
3. Planned unit development (PUD) approval.

...

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; and
2. A rezone of any property to the OLB-OS Land Use District designation.

...

G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.

...

7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC;

...

Section 16. Section 20.35.045 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.045 Land use decisions – When final.

When a decision is made to approve, conditionally approve, or deny an application, the applicant shall be notified. Process V decisions and minor or ministerial administrative land use decisions that are not subject to administrative appeal shall be final at the time of the Director's decision that the application conforms to all applicable codes and requirements. Process I decisions are final upon expiration of any applicable City administrative appeal period, or, if appealed, on the date of the City Council's final decision on the application. Process II decisions are final upon expiration of any applicable City administrative appeal period, or, if appealed, on the day following issuance of a final City decision on the administrative appeal. Process III and IV decisions are final on the date of the City Council's final decision or action on the application or proposal.

Section 17. Section 20.35.120.B.3 of the Bellevue 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 citizens' 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 18. Section 20.35.135.A.4 of the Bellevue 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 citizens' 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 19. Section 20.35.210.A.5 of the Bellevue Land Use Code is hereby amended to read as follows:

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 citizens' 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 20. Section 20.35.227 of the Bellevue 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 citizens 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 21. Section 20.35.235.C of the Bellevue 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 citizens' 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 22. Section 20.35.320.B.3 of the Bellevue 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 citizens' 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 23. Section 20.35.327 of the Bellevue 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. The Director may require the applicant to participate in the meeting to inform citizens about the proposal. Public meetings shall be held as early in the review process as possible for Process III 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 24. Section 20.35.335.D of the Bellevue 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 citizens' 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 25. Section 20.35.355 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.355 City Council decision on the application.

A. ...

B. Elements to be Considered.

The City Council shall not accept new information, written or oral, on the application, but shall consider the following in deciding upon an application:

1. The complete record developed before the Hearing Examiner; and
2. The recommendation of the Hearing Examiner; and...
3. The City Council decision on any appeal of the recommendation of the Hearing Examiner.

...

G. Effect of Decision.

1. The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court as provided in LUC 20.35.070.

...

Section 26. Section 20.35.365 of the Bellevue Land Use Code is hereby repealed.

Section 27. Section 20.35.400 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.400 Process IV: City Council legislative actions.

LUC 20.35.400 through 20.35.450 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.

Section 28. Section 20.35.415.A.3 of the Bellevue 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 citizens' 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 29. Section 20.35.420.B.4 of the Bellevue 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 and a representative from each of the neighborhood groups, community clubs, and other citizens' 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 30. Section 20.35.435 of the Bellevue Land Use Code is hereby repealed.

Section 31. Section 20.35.450 of the Bellevue Land Use Code is hereby repealed.

Section 32. Section 20.35.510.B.3 of the Bellevue 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 citizens' 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 33. Section 20.35.525 of the Bellevue 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 citizens 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 34. Section 20.35.535.C of the Bellevue 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 and a representative from each of the neighborhood groups, community clubs, and other citizens' 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 35. Section 20.40.300 of the Bellevue Land Use Code is hereby repealed.

Section 36. Section 20.45A.060 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” as follows:

Delete the asterisk for the “R-7.5” Land Use District from the Dimensional Standards Modification chart in this section.

Delete the notation, “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the Dimensional Standards Modification chart in this section.

Section 37. Section 20.45A.210.A of the Bellevue Land Use Code is hereby amended to read as follows:

A. Report to Hearing Examiner

The Director of the Development Services Department shall submit a written report to the Hearing Examiner evaluating compliance with the preliminary plat and with any conditions imposed on the preliminary plat.

Section 38. Section 20.45A.230 of the Bellevue Land Use Code is hereby repealed.

Section 39. Section 20.45B.055 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” as follows:

Delete the asterisk for the “R-7.5” Land Use District from the Dimensional Standards Modification chart in this section.

Delete the notation, “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the Dimensional Standards Modification chart in this section.

Section 40. Section 20.50.014 of the Bellevue Land Use Code is hereby amended as follows:

Delete the following definition of Camper:

***Camper.** A roomlike addition over the bed of a pickup truck, outfitted as temporary living quarters.

*Effective only within the jurisdiction of the East Bellevue Community Council.

Delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the definition of **Camper Shell**.

Delete the following definition of Community Council:

Community Council. The governing body of a community municipal corporation organized pursuant to Chapter 35.14 RCW.

Section 41. Section 20.50.034 of the Bellevue Land Use Code is hereby amended to as follows:

Delete the following definition of Mobile Home:

***Mobile Home.** A structure built on a chassis designed as a facility for human habitation and capable of being moved on the public streets.

*Effective only within the jurisdiction of the East Bellevue Community Council.

Delete the following definition of Motor Home:

***Motor Home.** A motorized vehicle with fully self-contained living quarters.

*Effective only within the jurisdiction of the East Bellevue Community Council.

Section 42. Section 20.50.038 of the Bellevue Land Use Code is hereby amended as follows:

Delete the following definition of Offset:

****Offset.** A recess or protrusion in a building's facade.

**Effective only within the jurisdiction of the East Bellevue Community Council.

Delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the remaining definition of **Offset**.

Section 43. Section 20.50.044 of the Bellevue Land Use Code is hereby amended as follows:

Delete the following definition of Recreational Vehicle:

***Recreational Vehicle.** Camper, motor home, or trailer.

*Effective only within the jurisdiction of the East Bellevue Community Council.

Delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the remaining definition of **Recreational Vehicle**.

Section 44. Section 20.50.048 of the Bellevue Land Use Code is hereby amended to delete the following definition of Trailer House:

***Trailer House.** Temporary living quarters pulled by a towing vehicle.

*Effective only within the jurisdiction of the East Bellevue Community Council.

Section 45. Section 20.50.050 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the definition of Utility Trailer.

Section 46. Section 20.50.054 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the definition of Watercraft.

Section 47. Section 20.50.058 of the Bellevue Land Use Code is hereby amended to delete the asterisk and notation “* Not effective within the jurisdiction of the East Bellevue Community Council.” from the definition of Yard.

Section 48. 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 49. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2022 and signed in authentication of its passage this _____ day of _____, 2022.

(SEAL)

Lynne Robinson, Mayor

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

Catherine A. Drews, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____