

DRAFT LIGHT RAIL CONFORMANCE AMENDMENTS – FEBRUARY 25, 2013
(SECTION 8 UPDATED FOR CONSISTENCY WITH LG ALTERNATIVE DRAFT OVERLAY 022413)
CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue Land Use Code for consistency with the new Light Rail Overlay; amending Sections 20.10.440 (Transportation and Utilities Use Chart), 20.25A.020.D, 20.25D.080.D, 20.25H.055.B, 20.35.015, 20.35.020, 20.35.030.A, 20.40.500, and 20.50.036; and establishing an effective date.

WHEREAS, the City Council has by separate Ordinance created a new Part 20.25M in the Bellevue Land Use Code providing for regulation of Regional Light Rail systems and facilities;

WHEREAS, amendments to other sections of the Land Use Code are necessary to provide appropriate cross-referencing and avoid conflicts;

WHEREAS, the City Council held public hearings on October 22, 2012 and February 11, 2013 after providing the legally required notice, with regard to the Land Use Code amendments proposed herein;

WHEREAS, the City Council finds that necessity exists to allow amendment to the Land Use Code as provided in this Ordinance without prior review or recommendation from the Planning Commission in order to ensure consistency with Council objectives for regional light rail and to satisfy commitments included in the Memorandum of Understanding with the Central Puget Sound Regional Transit Authority; and

WHEREAS, the City Council finds that the proposed conformance and consistency amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report for the amendment dated February 11, 2013; 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, BCC 22.02; now, therefore,

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

Section 1. Section 20.10.440 – Transportation and Utilities Use Chart of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.10.440 Uses in land use districts

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20.10.440 – Transportation and Utilities Use Chart

| STD LAND USE CODE REF | LAND USE CLASSIFICATION | Transportation and Utilities – Residential Districts | | | | | | | | | | |
|-----------------------------------|--|--|-------|-------|-------|------|------|--------|------|------|------|------|
| | | R-1 | R-1.8 | R-2.5 | R-3.5 | R-4 | R-5 | R-7.5* | R-10 | R-15 | R-20 | R-30 |
| 4 | Transportation, Communications and Utilities | | | | | | | | | | | |
| 41 | Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops | C | C | C | C | C | C | C | C | C | C | C |
| 42 4291 | Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters | | | | | | | | | | | |
| 4214 422 | Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23) | | | | | | | | | | | |
| 43 | Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance | C 11 | C 11 | C 11 | C 11 | C 11 | C 11 | C 11 | C 11 | C 11 | C 11 | C 11 |
| | Accessory Parking (6) (24) | P 3 | P 3 | P 3 | P 3 | P 3 | P 3 | P 3 | P 3 | P 3 | P 3 | P 3 |
| 46 | Auto Parking: Commercial Lots and Garages (24) | | | | | | | | | | | |
| | Park and Ride (5) (24) | C | C | C | C | C | C | C | C | C | C | C |
| 475 | Radio and Television Broadcasting Studios | | | | | | | | | | | |
| 485 | Solid Waste Disposal (19) | | | | | | | | | | | |
| | Highway and Street Right-of-Way (24) | P | P | P | P | P | P | P | P | P | P | P |
| | Utility Facility | C | C | C | C | C | C | C | C | C | C | C |
| | Local Utility System | P | P | P | P | P | P | P | P | P | P | P |
| | Regional Utility System | C | C | C | C | C | C | C | C | C | C | C |
| | On-Site Hazardous Waste Treatment and Storage Facility (7) | | | | | | | | | | | |
| | Off-Site Hazardous Waste Treatment | | | | | | | | | | | |

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|--|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| | and Storage Facility (8) | | | | | | | | | | | |
| | Essential Public Facility (20) | C | C | C | C | C | C | C | C | C | C | C |
| | <u>Regional Light Rail Transit Systems and Facilities (25)</u> | <u>C/P</u> |
| | Wireless Communication Facility (WCF): (without WCF Support Structures) | 14, 16, 21 |
| | Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding) | 14, 16 |

STD
LAND
USE
CODE
REF

Transportation and Utilities – Residential Districts

| LAND USE CLASSIFICATION | R-1 | R-1.8 | R-2.5 | R-3.5 | R-4 | R-5 | R-7.5* | R-10 | R-15 | R-20 | R-30 |
|----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Satellite Dishes (18) | P | P | P | P | P | P | P | P | P | P | P |
| Electrical Utility Facility (22) | A/C 22 |

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Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Nonresidential Districts

| STD LAND USE CODE REF | LAND USE CLASSIFICATION | Professional Office | Office | Office/Limited Business | Light Industry | General Commercial | Neighborhood Business | Community Business | Factoria Land Use District 1 | Factoria Land Use District 2 | Factoria Land Use District 3 |
|-----------------------------------|--|------------------------|--------|----------------------------|-------------------|-----------------------|--------------------------|-----------------------|--|--|--|
| | | PO | O | OLB | LI | GC | NB | CB | F1 | F2 | F3 |
| 4 | Transportation, Communications and Utilities | | | | | | | | | | |
| 41 | Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops | C | C | C | C | C | C | C | C | C | C |
| 42 4291 | Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters | | | | P | P | | P | P | | |
| 4214 422 | Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23) | | | | P | C | | | | | |
| 43 | Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage | C 11 | C 12 | C 12 | C 12 | C 12 | C 11 | C 12 | C 12 | C 12 | C 12 |

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| | | | | | | | | | | | |
|-----|---|---|---|---|------|------|---|---|---|---|---|
| | and Maintenance | | | | | | | | | | |
| | Accessory Parking (6)(24) | P | P | P | P | P | P | P | P | P | P |
| 46 | Auto Parking: Commercial Lots and Garages (24) | | | C | C | C | | C | C | C | C |
| | Park and Ride (5) (24) | C | C | C | C | C | C | C | C | C | C |
| 475 | Radio and Television Broadcasting Studios | P | P | P | P 10 | P 10 | | P | P | P | P |
| 485 | Solid Waste Disposal (19) | | | | C | | | | | | |
| | Highway and Street Right-of-Way (24) | P | P | P | P | P | P | P | P | P | P |
| | Utility Facility | C | C | C | C | C | C | C | C | C | C |
| | Local Utility System | P | P | P | P | P | P | P | P | P | P |
| | Regional Utility System | C | C | C | C | C | C | C | C | C | C |
| | On-Site Hazardous Waste Treatment and Storage Facility (7) | | | A | A | A | A | A | A | A | A |
| | Off-Site Hazardous Waste Treatment and Storage Facility (8) | | | | C | | | | | | |
| | Essential Public Facility (20) | C | C | C | C | C | C | C | C | C | C |

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| | | | | | | | | | | | |
|--|---|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | <u>Regional Light Rail Transit Systems and Facilities (25)</u> | <u>C/P</u> |
| | Wireless Communication Facility (WCF): (without WCF Support Structures) | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 |
| | Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding) | 14, 16 | 14, 16 | 14, 16 | 14, 16 | 14, 16 | 14, 16 | 14, 16 | 14, 16 | 14, 16 | 14, 16 |

Transportation and Utilities – Nonresidential Districts

| STD LAND USE CODE REF | LAND USE CLASSIFICATION | Professional Office | Office | Office/Limited Business | Light Industry | General Commercial | Neighborhood Business | Community Business | Factoria Land Use District 1 | Factoria Land Use District 2 | Factoria Land Use District 3 | STD LAND USE CODE REF |
|-----------------------------------|----------------------------------|------------------------|--------|----------------------------|-------------------|-----------------------|--------------------------|-----------------------|--|--|--|-----------------------------------|
| | | PO | O | OLB | LI | GC | NB | CB | F1 | F2 | F3 | |
| | Satellite Dishes (18) | P | P | P | P | P | P | P | P | P | P | |
| | Electrical Utility Facility (22) | A/C 22 | A/C 22 | A/C 22 | A/C 22 | A/C 22 | A/C 22 | A/C 22 | A/C 22 | A/C 22 | A/C 22 | |

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Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Downtown Districts

| STD LAND USE CODE REF | LAND USE CLASSIFICATION | Downtown Office District 1 | Downtown Office District 2 | Downtown Mixed Use District | Downtown Residential District | Downtown Old Bellevue District | Downtown Office and Limited Business District |
|-----------------------------------|--|----------------------------------|----------------------------------|--------------------------------------|-------------------------------------|---|--|
| | | DNTN O-1 | DNTN O-2 | DNTN MU | DNTN R | DNTN OB | DNTN OLB |
| 4 | Transportation, Communications and Utilities | | | | | | |
| 41 | Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops | | | | | | |
| 42 4291 | Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters | A | A | A | | | A |
| 4214 422 | Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23) | S | S | S | | | S |
| 43 | Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance | A 11 | A 11 | A 12 | | | A 11 |
| | Accessory Parking (6) (24) | P 4 | P 4 | P 4 | P 4 | P 4 | P 4 |
| 46 | Auto Parking: Commercial Lots and Garages (24) | P 13 | P 13 | P 13 | A | P 13 | P 13 |
| | Park and Ride (5) (24) | | | A | | | A |
| 475 | Radio and Television Broadcasting Studios | P | P | P | | P | P |
| 485 | Solid Waste Disposal (19) | | | | | | |
| | Highway and Street Right-of-Way (24) | P | P | P | P | P | P |
| | Utility Facility | C | C | C | C | C | C |

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| | | | | | | | |
|--|---|------------|------------|------------|------------|------------|------------|
| | Local Utility System | P | P | P | P | P | P |
| | Regional Utility System | C | C | C | C | C | C |
| | On-Site Hazardous Waste Treatment and Storage Facility (7) | A | A | A | A | A | A |
| | Off-Site Hazardous Waste Treatment and Storage Facility (8) | | | | | | |
| | Essential Public Facility (20) | C | C | C | C | C | C |
| | <u>Regional Light Rail Transit Systems and Facilities (25)</u> | <u>C/P</u> | <u>C/P</u> | <u>C/P</u> | <u>C/P</u> | <u>C/P</u> | <u>C/P</u> |
| | Wireless Communication Facility (WCF): (without WCF Support Structures) | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 | 14, 16, 21 |
| | Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding) | 14, 16 | 14, 16 | 14, 16 | 14, 16 | 14, 16 | 14, 16 |

Transportation and Utilities – Downtown Districts

| STD LAND USE CODE REF | LAND USE CLASSIFICATION | Downtown Office District 1 | Downtown Office District 2 | Downtown Mixed Use District | Downtown Residential District | Downtown Old Bellevue District | Downtown Office and Limited Business District |
|-----------------------------------|----------------------------------|----------------------------------|----------------------------------|--------------------------------------|-------------------------------------|---|--|
| | | DNTN O-1 | DNTN O-2 | DNTN MU | DNTN R | DNTN OB | DNTN OLB |
| | Satellite Dishes (18) | P | P | P | P | P | P |
| | Electrical Utility Facility (22) | A/C 22 | A/C 22 | A/C 22 | A/C 22 | A/C 22 | A/C 22 |

Add Footnote (25) to “Essential Public Facility” land use classification

(25) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has

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approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Section 2. Section 20.25A.020.D of the Bellevue Land Use Code is hereby amended as follows:

Comment [cvh1]: Dimensional requirements for setbacks provided in the Light Rail Overlay at LUC 20.25M.040.B.2. Conformance amendments not necessary for the Public Hearing Draft version.

Section 20.25A.020

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D. Floor Area Ratio Computation – Right-of-Way Designation.

1. General. Land which is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of a RLRT System without compensation to the owner in conformance with paragraph D.2 of this section is included in land area for the purpose of computing maximum FAR notwithstanding LUC 20.50.020, floor area ratio (FAR).
2. Special Dedications.
 - a. A property owner may make a special dedication by conveying land identified for right-of-way or linear alignment of a RLRT System acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.
 - b. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects.
3. Recording Requirements. The Director of the Development Services Department must record the amount (square footage) of floor area earned by area dedicated in conformance with paragraph D.2 of this section and the increase in maximum building height acquired in conformance with subsection B.4.c of this section with the King County ~~Division of Recorder's Office or its successor agency and Elections and with the Bellevue City Clerk.~~

Section 3. Section 20.25D.070 – Transportation and Utilities Uses in Bel-Red Land Use Districts chart of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.25D.070

Transportation and Utilities Uses in Bel-Red Land Use Districts.¹

Transportation and Utilities – Bel-Red Districts

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| STD LAND USE CODE | LAND USE REF CLASSIFICATION | Bel-Red Medical Office/Node | Bel-Red Office Residential/Nodes | Bel-Red Residential Commercial Nodes | Bel-Red Residential | Bel-Red General Commercial | Bel-Red Commercial Residential | Bel-Red Office Residential Transition |
|----------------------------|---|-----------------------------------|-------------------------------------|---|------------------------|----------------------------------|--------------------------------------|--|
| | | BR-MO/ MO-1 | BR-OR/ OR-1 OR-2 | BR- RC-1 RC-2 RC-3 | BR-R | BR-GC | BR-CR | BR-ORT |
| 4 | Transportation, Communications and Utilities | | | | | | | |
| 41 | Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops | C/C | C/C | C | C | C | C | C |
| 42 4291 | Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters | | | | | C | | |
| 4214 422 | Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (15) | C/ | C/ | | | C | | |
| 43 | Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance | C 1 | C 1 | | | | | |
| | Accessory Parking (2,3,16) | P/P | P/P | P | P 4 | P | P | P |
| 46 | Auto Parking Commercial Lots and Garages (5, | /P | /P | P | | | | |

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|-----|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | 16) | | | | | | | |
| | Park and Ride (6, 16) | | C/C | C | | | | |
| 475 | Radio and Television Broadcasting Studios | | | | | | | |
| 485 | Solid Waste Disposal (7) | | | | | | | |
| | Highway and Street Right-of-Way (8, 16) | P | P/P | P | P | P | P | P |
| | Utility Facility | C | C/C | C | C | C | C | C |
| | Local Utility System | P | P/P | P | P | P | P | P |
| | Regional Utility System | C | C/C | C | C | C | C | C |
| | On- and Off-Site Hazardous Waste Treatment and Storage Facilities | | | | | | | |
| | Essential Public Facility (9) | C | C/C | C | C | C | C | C |
| | <u>Regional Light Rail Transit Systems and Facilities (17)</u> | <u>C/P</u> |
| | Wireless Communication Facility (WCF): (without WCF Support Structures) | 10, 11, and 12 |
| | Communication, Broadcast and | 10, 11 | 10, 11 | 10, 11 | 10, 11 | 10, 11 | 10, 11 | 10, 11 |

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|--|---------|---------|-----|-----|-----|-----|-----|-----|
| Relay Towers Including WCF Support Structures (Freestanding) | | | | | | | | |
| Satellite Dishes (13) | P | P/P | P | P | P | P | P | P |
| Electrical Utility Facility (14) | A C/A C | A C/A C | A C | A C | A C | A C | A C | A C |

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Add Footnote (17) to “Essential Public Facility” land use classification

(17) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Section 4. Section 20.25D.080.D of the Bellevue Land Use Code is hereby amended as follows:

D. Floor Area Ratio Earned from Special Dedications and Transfers.

1. General. Land that is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of a RLRT System, parks, or open space, without compensation to the owner, may be used for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio in LUC 20.50.020; provided, that the requirements of subsection D.2 or D.3 of this section are met. The Director shall calculate the amount of square footage earned for transfer. Any dedication for which a transfer is earned under this subsection D is not eligible to earn additional bonus under Chart 20.25D.090.C.2.
2. Right-of-Way and Linear Alignment of a RLRT System Special Dedications. The special dedication provisions of LUC 20.30V.170.B do not apply in the Bel-Red subarea.
 - a. Eligible Right-of-Way Identified in an Adopted Plan or Document. A property owner may make special dedication by conveying land identified for right-of-way or linear alignment of a RLRT System acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council, the Capital Investment Program Plan or the street development standards of LUC 20.25D.140 by an instrument approved by the City Attorney.
 - b. Eligible Right-of-Way Not Otherwise Identified. A property owner may make a special dedication by conveying land identified by the Director of Transportation as

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necessary for safety or operational improvement projects by an instrument approved by the City Attorney.

- c. Floor Area Earned. The floor area available to transfer shall be equal to that permitted through the base and maximum FAR limits that apply to the square footage of the area to be dedicated in conformance with this subsection D.2 and shall be included in the project limit for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area and may include FAR earned through the amenity incentive system if permitted by the land use district.

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Section 5. Section 20.25H.055.B of the Bellevue Land Use Code is hereby amended as follows:

20.25H.055.B Uses and Development Allowed within Critical Areas

The following chart lists uses and development that may be allowed in a critical area, critical area buffer, or critical area structure setback. The sections noted in the chart for each use or activity and critical area refer to the applicable performance standards that must be met.

| | | Type of Critical Area | | | | |
|-----------------------------------|--|--------------------------------|------------------------------|--|------------------------------------|--|
| | | Streams | Wetlands | Shorelines | Geologic Hazard Areas ⁷ | Areas of Special Flood Hazard |
| Allowed Use or Development | Repair and maintenance of parks and parks facilities, including trails ^{1, 2} | 20.25H.055.C.1 20.25H.080.A | 20.25H.055.C.1 20.25H.100 | 20.25H.055.C.1 20.25E.080.B 20.25E.080.P | 20.25H.055.C.1 20.25H.125 | 20.25H.055.C.1 20.25H.180.C 20.25H.180.D.2 |
| | Repair and maintenance of utility facilities, utility systems, stormwater facilities and essential | 20.25H.055.C.1 20.25H.080.A | 20.25H.055.C.1 20.25H.100 | 20.25H.055.C.1 20.25E.080.B 20.25E.080.U | 20.25H.055.C.1 20.25H.125 | 20.25H.055.C.1 20.25H.180.C |

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|--|--|--|--|--|--|--|
| public facilities ^{1,2} | | | | | | |
| Repair and maintenance of public rights-of-way, private roads, access easements, surface parking areas, and driveways ^{1,2} | 20.25H.055.C.1 20.25H.080.A | 20.25H.055.C.1 20.25H.100 | 20.25H.055.C.1 20.25E.080.B 20.25E.080.H 20.25E.080.R | 20.25H.055.C.1 20.25H.125 | 20.25H.055.C.1 20.25H.180.C | |
| Repair and maintenance of bridges and culverts ^{1,2} | 20.25H.055.C.1 20.25H.080.A | 20.25H.055.C.1 20.25H.100 | 20.25H.055.C.1 20.25E.080.B 20.25E.080.R | 20.25H.055.C.1 20.25H.125 | 20.25H.055.C.1 20.25H.180.C | |
| Construction staging ^{1,2,11} | 20.25H.055.C.1 20.25H.080.A | 20.25H.055.C.1 20.25H.100 | 20.25H.055.C.1 20.25E.080.B 20.25E.080.H | 20.25H.055.C.1 20.25H.125 | 20.25H.055.C.1 20.25H.180.C | |
| Existing agricultural activities ² | 20.25H.055.C.1 20.25H.055.C.3.a 20.25H.080.A | 20.25H.055.C.1 20.25H.055.C.3.a 20.25H.100 | 20.25H.055.C.1 20.25H.055.C.3.a 20.25E.080.B 20.25E.080.C | 20.25H.055.C.1 20.25H.055.C.3.a 20.25H.125 | 20.25H.055.C.1 20.25H.055.C.3.a 20.25H.180.C | |
| Emergency actions | 20.25H.055.C.3.b | 20.25H.055.C.3.b | 20.25H.055.C.3.b | 20.25H.055.C.3.b | 20.25H.055.C.3.b | |
| New or expanded utility facilities, utility systems, stormwater facilities ³ | 20.25H.055.C.2 20.25H.080.A 20.25H.080.B | 20.25H.055.C.2 20.25H.100 | 20.25H.055.C.2 20.25E.080.B 20.25E.080.U | 20.25H.055.C.2 20.25H.125 | 20.25H.055.C.2 20.25H.180.C | |
| New or expanded | 20.25H.055.C.2 20.25H.080.A | 20.25H.055.C.2 20.25H.100 | 20.25H.055.C.2 20.25E.080.B | 20.25H.055.C.2 20.25H.125 | 20.25H.055.C.2 20.25H.180.C | |

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|-----------------------------------|---|--|--|--|--|--|
| | essential public facilities (12) | 20.25H.080.B | | | | 20.25H.180.D.3 |
| Allowed Use or Development | Public flood protection measures ⁴ | 20.25H.055.C.2 20.25H.055.C.3.c 20.25H.080.A 20.25H.080.B | 20.25H.055.C.2 20.25H.055.C.3.c | 20.25H.055.C.2 20.25H.055.C.3.c | 20.25H.055.C.2 20.25H.055.C.3.c | 20.25H.055.C.2 20.25H.055.C.3.c 20.25H.180.C 20.25H.180.D.5 |
| | Instream structures ⁵ | 20.25H.055.C.2 20.25H.055.C.3.d 20.25H.080.A 20.25H.080.B | 20.25H.055.C.2 20.25H.055.C.3.d | 20.25H.055.C.2 20.25H.055.C.3.d | 20.25H.055.C.2 20.25H.055.C.3.d | 20.25H.055.C.2 20.25H.055.C.3.d 20.25H.180.C |
| | New or expanded public rights-of-way, private roads, access easements and driveways | 20.25H.055.C.2 20.25H.080.A 20.25H.080.B | 20.25H.055.C.2 20.25H.100 | 20.25H.055.C.2 20.25E.080.B 20.25E.080.R | 20.25H.055.C.2 20.25H.125 | 20.25H.055.C.2 20.25H.180.C 20.25H.180.D.4 |
| | New or expanded bridges and culverts | 20.25H.055.C.2 20.25H.055.C.3.e 20.25H.080.A | 20.25H.055.C.2 20.25H.055.C.3.e | 20.25H.055.C.2 20.25H.055.C.3.e 20.25E.080.B 20.25E.080.R | 20.25H.055.C.2 20.25H.055.C.3.e 20.25H.125 | 20.25H.055.C.2 20.25H.055.C.3.e 20.25H.180.C |
| | New or expanded private nonmotorized trails | 20.25H.055.C.2 20.25H.055.C.3.f 20.25H.080.A | 20.25H.055.C.2 20.25H.055.C.3.f 20.25H.100 | 20.25H.055.C.2 20.25H.055.C.3.f 20.25E.080.B 20.25E.080.G | 20.25H.055.C.2 20.25H.055.C.3.f 20.25H.125 | 20.25H.055.C.2 20.25H.055.C.3.f 20.25H.180.C |
| | New or expanded City and public parks | 20.25H.055.C.3.g 20.25H.080.A | 20.25H.055.C.3.g 20.25H.100 | 20.25H.055.C.3.g 20.25E.080.B 20.25E.080.P | 20.25H.055.C.3.g 20.25H.125 | 20.25H.055.C.3.g 20.25H.180.C 20.25H.180.D.2 |
| | Existing landscape maintenance ² | 20.25H.055.C.3.h 20.25H.080.A | 20.25H.055.C.3.h 20.25H.100 | 20.25H.055.C.3.h 20.25E.080.B 20.25E.080.G | 20.25H.055.C.3.h 20.25H.125 | 20.25H.055.C.3.h 20.25H.180.C |
| | Vegetation | 20.25H.055.C.3.i | 20.25H.055.C.3.i | 20.25H.055.C.3.i | 20.25H.055.C.3.i | 20.25H.055.C.3.i |

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| | | | | | |
|--|----------------------------------|--------------------------------|--|--------------------------------|---|
| management ⁸ | 20.25H.080.A | 20.25H.100 | 20.25E.080.B 20.25E.080.G | 20.25H.125 | 20.25H.180.C |
| Habitat improvement projects | 20.25H.055.C.3.j 20.25H.080.A | 20.25H.055.C.3.j 20.25H.100 | 20.25H.055.C.3.j 20.25E.080.B 20.25E.080.G | 20.25H.055.C.3.j 20.25H.125 | 20.25H.055.C.3.j 20.25H.180.C |
| Forest practices | 20.25H.055.C.3.k 20.25H.080.A | 20.25H.055.C.3.k 20.25H.100 | 20.25H.055.C.3.k 20.25E.080.B | 20.25H.055.C.3.k 20.25H.125 | 20.25H.055.C.3.k 20.25H.180.C |
| Aquaculture | 20.25H.055.C.3.l 20.25H.080.A | 20.25H.055.C.3.l 20.25H.100 | 20.25H.055.C.3.l 20.25E.080.B 20.25E.080.D | 20.25H.055.C.3.l | 20.25H.055.C.3.l 20.25H.180.C |
| Stabilization measures | 20.25H.055.C.3.m 20.25H.080.A | 20.25H.055.C.3.m 20.25H.100 | 20.25E.080.B 20.25E.080.E | 20.25H.055.C.3.m 20.25H.125 | 20.25H.055.C.3.m 20.25H.180.C |
| Expansion of existing single-family primary structures | 20.25H.055.C.3.n 20.25H.080.A | 20.25H.055.C.3.n 20.25H.100 | 20.25H.055.C.3.n 20.25E.080.B 20.25E.080.Q | 20.25H.055.C.3.n 20.25H.125 | 20.25H.055.C.3.n 20.25H.180.C ⁹ 20.25H.180.D.1 20.25H.180.D.7 |
| Reasonable use exception ⁹ | 20.25H.080.A | 20.25H.100 | 20.25E.080.B | 20.25H.125 | 20.25H.180.C 20.25H.180.D.7 |
| Recreational vehicle storage ¹⁰ | | | | | 20.25H.180.C 20.25H.180.D.6 |
| Additional shoreline-specific uses or development | | | | | |

Add Footnote (12) to “Essential Public Facility” land use classification

(12) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

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Section 6. Section 20.35.015 of the Bellevue Land Use Code is hereby amended as follows:

20.35.015 Framework for decisions.

- A. Land use decisions are classified into four processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.
- 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) and Shoreline Conditional Use Permits;
 - 2. Preliminary Subdivision Approval (Plat); and
 - 3. Planned Unit Development (PUD) Approval; provided, that applications for CUPs, shoreline CUPs, preliminary plats, and PUDs, within the jurisdiction of a Community Council pursuant to RCW 35.14.040, shall require a Process III decision.
- 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 and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign Code, BCC 22B.10.180.) 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;
 - 6. Preliminary Short Plat;
 - 7. Shoreline Substantial Development Permit;
 - 8. Variance and Shoreline Variance;
 - 9. Critical Area Land Use Permits;
 - 10. Master Development Plans;
 - 11. Design and Mitigation Permits required pursuant to the Light Rail Overlay Part 20.25M LUC; and
 - ~~12.~~ Review under State Environment Policy Act (SEPA) when not consolidated with another permit.
- 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;

Comment [cvh2]: This existing section is currently not applicable in the Community Council jurisdiction. Amendments to the land use code are subject to Community Council approval/disapproval jurisdiction and changes to this section will provide the Community Council with an opportunity to approve this section and make consistent with City-

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2. Conditional Use, Shoreline Conditional Use, Preliminary Plat, and Planned Unit Development projects subject to the jurisdiction of a Community Council pursuant to RCW 35.14.040; and
 3. A rezone of any property to the OLB-OS Land Use District designation.
- E. Process IV decisions are legislative nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The following are Process IV decisions:
1. Consideration of suggestions for amendments to the Comprehensive Plan;
 2. Amendments to the text of the Land Use Code or Comprehensive Plan;
 3. Amendments to the Comprehensive Plan Map;
 4. Amendments to the Zoning Map (rezones) on a Citywide or areawide basis.
- F. Process V decisions are administrative land use decisions made by the Director, for which no administrative appeal is available. The following are Process V decisions:
1. Temporary Encampment Permits.
- 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.
1. Boundary Line Adjustment;
 2. Final Plat (also requires Hearing Examiner approval prior to recording);
 3. Final Short Plat;
 4. Land Use Exemption;
 5. Temporary Use Permit;
 6. Vendor Cart Permit;
 7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.

Section 7. Section 20.35.020 of the Bellevue Land Use Code is hereby amended as follows:

20.35.020 – Pre-Application Conferences

A pre-application conference is required prior to submitting an application for Conditional Use or Shoreline Conditional Use Permits, preliminary subdivision approval, planned unit developments, Master Development Plans, Design and Mitigation Permits required pursuant to the Light Rail Overlay Part 20.25M LUC, and Design Review projects, unless waived by the Director.

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Section 8. Section 20.35.030.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.030.A Who May Apply.

Applications for the various types of land use decisions may be made by the following parties:

1. The property owner, ~~or~~ authorized agent of the owner, or regional transit authority authorized by 20.25M.010.C to apply for permits agency with condemnation authority may apply for any type of Process I, Process II, or Process III land use decision.
2. A resident of the dwelling may apply for a Home Occupation Permit.
3. The City Council, the Director of the Development Services Department or the Planning Director may apply for a project-specific or site-specific rezone or for an areawide (Process IV) rezone.
4. The Planning Commission may propose site-specific and non-site-specific amendments to the Comprehensive Plan Map or to the text of the Comprehensive Plan for consideration pursuant to the procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.B.2.
5. City Council, the Planning Commission, or the Director with the concurrence of either body, may initiate an amendment to the text of the Land Use Code.
6. A property owner or authorized agent of a property owner may apply to propose a site-specific amendment to the Comprehensive Plan pursuant to the annual procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.A.
7. Any person may apply to propose a non-site-specific amendment to the Comprehensive Plan pursuant to the annual procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.A.
8. Any person may request an interpretation of the Land Use Code. In addition, the Director may issue interpretations of the Land Use Code as needed.

Section 9. 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. For projects located within the boundaries of a Community Council, the public meeting may be held as part of that Community Council's regular meeting or otherwise coordinated with that Council's meeting schedule. 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.

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Section 10. Section 20.40.500 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500 Vesting and expiration of vested status of land use permits and approvals.

A. Vesting for Permits and Approvals.

1. Permits and Approvals Other than Subdivisions and Short Subdivisions. Applications for all land use permits and approvals except subdivisions and short subdivisions 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 23.10.032, is filed. If a complete Building Permit application is not filed, the land use permit or approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.
2. Subdivisions and Short Subdivisions. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, shall be considered under the Land Use Code and other land use control ordinances in effect when a fully completed application is submitted for such approval which satisfies the submittal requirements of the Director specified pursuant to LUC 20.35.030.

B. Expiration of Vested Status of Land Use Permit or Approval.

1. The vested status of a land use permit or approval shall expire as provided in subsection B.2 of this section; provided, that:
 - a. Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action; and
 - b. Critical Areas Land Use Permits shall expire as set forth in LUC 20.30P.150; and
 - c. Lots in a subdivision or short subdivision shall be vested against changes in the Land Use Code, except for changes that address a serious threat to the public health or safety as found by the City Council when such change is adopted, for a period of five years following the date of recording of the final plat or final short plat; and
 - d. 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 applicant for the permit or approval related to that permit or approval.
2. The vested status of a land use permit or approval shall expire two years from the date of the City's final decision, unless:
 - a. A complete Building Permit application is filed before the end of the two-year term. In such cases, the vested status of the land use permit or approval 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 canceled pursuant to BCC 23.05.160, the vested status of a

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land use permit or approval shall also expire or be canceled. If a Building Permit is issued and subsequently renewed, the vested status of the land use permit or approval shall be automatically extended for the period of the renewal;

- b. For projects which do not require a Building Permit, the use allowed by the permit or approval has been established prior to the expiration of the vested status of the land use permit or approval and is not terminated by abandonment or otherwise; ~~or~~
- c. The vested status of a land use permit or approval is extended pursuant to subsection B.3 of this section; ~~or~~
- d. The vested status of a land use permit or approval is extended pursuant to:
 - i. LUC 20.25A.125 (Vesting and expiration of vested status of land use permits and approvals - Downtown projects);
 - ii. LUC 20.30V.190 (Extended vesting period for Master Development Plans and associated Design Review approval); or
 - iii. A development agreement authorized by the terms of this Land Use Code to extend vested status.

- 3. When a Building Permit is issued, the vested status of a land use permit or approval shall be automatically extended for the life of the Building Permit. If the Building Permit expires, or is revoked or canceled pursuant to BCC 23.05.160 or otherwise, then the vested status of a land use permit or approval shall also expire, or be revoked or canceled.

Section 119. Certain definitions in Section 20.50.036 of the Bellevue Land Use Code are hereby amended as follows:

....

Nonconforming. A use, structure, site, or lot which conformed to the applicable codes in effect on the date of creation but which no longer complies because of changes in Code requirements, ~~or~~ annexation, or property acquisition for public rights-of-way or Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.

Nonconforming Site. A lot which does not conform to site development regulations, including but not limited to, the landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening, and curb cut regulations of the district in which it is located due to changes in Code requirements, condemnation, ~~or~~ annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.

Nonconforming Structure. A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density, and building configuration regulations of the district in which it is located due to changes in Code requirements, ~~or~~ annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit

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Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020. For structures not conforming to Building Code requirements, see ~~UBC Section 104~~ [BCC 23.05.080 \(Duties and Powers of the Building Official\)](#).

Comment [cvh3]: Cross reference update not specifically related to Light Rail.

....

Section 121. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 132. 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 _____, 2013, and signed in authentication of its passage this _____ day of _____, 2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____