

WPO271C-RES  
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EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION  
OF THE CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 356

A RESOLUTION adopting updated rules and procedures  
for the Community Council and repealing Resolutions  
241, 313 and 342.

WHEREAS, the Community Council desires to update and consolidate its  
rules and procedures; now, therefore,

THE EAST BELLEVUE COMMUNITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON,  
DOES RESOLVE AS FOLLOWS:

Section 1. The following rules and procedures are adopted as the  
Rules and Procedures of the Community Council:

SECTION 1. MEETINGS

A. Regular Meetings:

1. Time:

Section 1. The regular meeting of the East Bellevue  
Community Council will be held at 6:30 p.m. on the first  
Tuesday of each month. Whenever such Tuesday falls on  
either a legal holiday or the November general election  
day, such meeting will be held at 6:30 p.m. on the  
following day, Wednesday.

2. Place:

Regular meetings will be held at the Lake Hills Library,  
15228 Lake Hills Boulevard, unless notice of a different  
location for the meeting is given as provided in  
Section 1.B.2.

B. Special Meetings and Study Sessions:

1. How Called:

The Chair of the Council or, in his/her absence, the Vice  
Chair, may call either special meetings or study sessions  
as he/she deems necessary or when requested by a majority  
of all the members of the Council.

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2. Notice:

Written notice of the time, date, place and business to be transacted at either special meetings or study sessions shall be delivered personally or by mail to each councilmember, to each local newspaper of general circulation and to each local radio or television station which has on file with the Council a written request to be notified of such special meetings. Such notice shall be delivered at least twenty-four hours before the time of such meeting as specified in the notice.

C. Record:

A record shall be made of all proceedings at regular and special meetings. A Deputy to the City Clerk of the City of Bellevue appointed to act as the Clerk of the Community Council shall prepare minutes, reporting all pertinent information, business discussed, motions, decisions made, actions and votes taken.

D. Oral Communications:

1. The Council will receive public input at Item No. 3 of its agenda, "Communications: Written and Oral" and Item No. 12, "Continued Communications". Based upon a review of the agenda and the number of speakers in the audience, the Chair may limit each speaker to a discretionary, but consistent, length of time. Speakers representing the official position of a recognized organization may be allotted a longer amount of time. The Chair has the prerogative to limit public comment if it has gone beyond a reasonable length of time or is deemed not to be germane to the discussion at hand.
2. Persons speaking to the Council shall identify themselves for the record as to name, address, and organization, if appropriate.
3. If a time limit is deemed appropriate, the Deputy City Clerk shall be the timekeeper. Oral testimony shall not be taken on quasi-judicial matters outside of a public hearing except on matters of procedure; provided that comments in writing may be submitted to the Council on quasi-judicial matters prior to the public hearing. Such comments may be filed with the City Clerk's Office.

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## SECTION 2. AGENDA

The Clerk shall prepare a written agenda for each regular meeting. The agenda shall be distributed to all members of the Community Council at least forty-eight hours prior to the meeting. The agenda shall also be provided to any person requesting a copy, to the City Council, City Manager and any interested department head.

Any person desiring that a matter be placed on the agenda must submit a written request to the Clerk no later than 12:00 o'clock noon, twelve working days prior to the meeting. The Chair of the Council will determine which matters will be placed on the agenda.

## SECTION 3. MEMBERSHIP

The Community Council shall consist of five members elected every four years to consecutively numbered positions at the continuation election pursuant to RCW 35.14.060 from qualified electors residing within the service area. Terms of office shall be as provided by state law. Vacancies shall be filled by appointment for the remainder of an unexpired term by a majority vote of the remaining members.

## SECTION 4. QUORUM-VOTING

Three members of the Council shall constitute a quorum for the transaction of business. Each action of the Community Municipal Corporation shall be by resolution, written or oral, approved by a vote of a majority of all the members of the Community Council. Three or more votes constitute a majority.

## SECTION 5. OFFICERS

There shall be a Chair and a Vice Chair elected from the membership of the Community Council. The election shall take place each year at the February meeting of the Community Council, or as soon thereafter as an election may be held. A candidate must receive at least three votes to be elected. The term of the Chair and Vice Chair shall commence on their election and shall terminate on the election of a Chair or Vice Chair at the next following annual election. A Chair or Vice Chair may be re-elected. The Chair shall preside. In his/her absence, the Vice Chair shall preside. They shall retain their right to vote on all actions. If neither the Chair nor Vice Chair is present at a meeting and a quorum is present, a Chair pro tempore shall be selected by a majority of those present and shall then preside.

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## SECTION 6. CLERK

The Clerk shall be appointed by the Bellevue City Manager and shall prepare and maintain all records of Community Council business.

## SECTION 7. PUBLIC NOTICE - HEARINGS - DECISION CRITERIA

### A. Public Notice:

Notice of a public hearing before the Community Council on any matter over which it has disapproval jurisdiction, including notice of any courtesy hearing, shall be given in accordance with the provisions of the Bellevue City Code as follows:

1. Comprehensive Plan: Bellevue City Code (Land Use Code) 20.35.430.
2. Land Use Code Amendment: Bellevue City Code (Land Use Code) 20.35.430.
3. Reclassification: Bellevue City Code (Land Use Code) 20.35.130.
4. Conditional Use: Bellevue City Code (Land Use Code) 20.35.130.
5. Subdivisions: Bellevue City Code 22D.10.080.
6. Planned Unit Development: Bellevue City Code (Land Use Code) 20.35.130.

The time of notice shall be at least seven calendar days prior to the date of the courtesy or public hearing, rather than seventeen calendar days as provided for in the above regulations. Notice of such public hearing shall also be sent in writing by the Clerk to those persons speaking at or signing in at previous Community Council courtesy public hearings, public hearings or other informational meetings on the matter under review.

Notice of public hearings other than those governed by subsection A above shall be given by publishing notice in the official newspaper of the City, by posting in the places designated in Bellevue City Code 1.08.010 and by posting on or near the site under consideration, if there is such a site, at least seven days preceding the hearing.

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B. Public Hearings:

1. The Community Council shall conduct a public hearing on any ordinance or resolution which is before it for approval or disapproval under RCW 35.14.040 unless, at a regular meeting prior to the meeting at which such public hearing would be held, the Community Council determines that a public hearing is not necessary. If it is determined that a public hearing is not necessary, a public meeting shall be held on such ordinance or resolution. No oral comment may be given by the parties or the public at such meeting; however, written comment may be submitted to the Community Council.
2. For public hearing on the Comprehensive Plan, Land Use Code, and matters other than those listed below, the Chair may limit each speaker to a discretionary, but consistent, length of time. Speakers representing the official position of a recognized organization may be allotted a longer amount of time. The Chair has the prerogative to limit public comment if it has gone beyond a reasonable length of time or is deemed not to be germane to the discussion at hand.

No limitation shall be applied to a public hearing on a reclassification, conditional use, subdivision (plat) or planned unit development.

3. If a time limit is deemed appropriate, the Deputy City Clerk shall be the timekeeper. Oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure, provided comments in writing may be submitted to the Council on quasi-judicial matters prior to the public hearing. Such comments may be filed with the City Clerk's Office.

C. Decision Criteria:

In deciding whether to approve or disapprove an ordinance or resolution before it for consideration under the authority of RCW 35.14.040, the Community Council shall apply the decision criteria listed below:

1. Comprehensive Plan:

The Community Council may approve an amendment to the Comprehensive Plan if:

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- a. There exists obvious technical error in the pertinent Comprehensive Plan provision; or
- b. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and
- c. The amendment bears a substantial relation to the public health, safety or welfare; and
- d. The amendment addresses changing circumstances or the needs of the City as a whole; and
- e. The amendment is compatible with the provisions of the Comprehensive Plan or other goals or policies of the City; and
- f. If applicable to an identifiable property, the amendment is compatible with adjacent land use and surrounding neighborhoods; and
- g. The amendment will not result in development which will adversely impact community facilities including but not limited to utilities, transportation, parks or schools.

## 2. Land Use Code Amendment:

The Community Council may approve a proposal to amend the text of the Land Use Code if:

- a. The amendment is in accord with the Comprehensive Plan;
- b. The amendment bears a substantial relation to the public health, safety or welfare; and
- c. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

## 3. Reclassification:

The Community Council may approve an application for a reclassification of property if:

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- a. The reclassification bears a substantial relation to the public health, safety, or welfare; and
- b. The reclassification is warranted because of changed circumstances or because of a need for additional property in the proposed Land Use District classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
- c. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification; and
- d. The reclassification will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- e. The reclassification has merit and value for the community as a whole; and
- f. The reclassification is in accord with the Comprehensive Plan; and
- g. The reclassification complies with all other applicable criteria and standards of the Bellevue City Code.

4. Conditional Use:

The Community Council may approve an application for a Conditional Use Permit if:

- a. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and
- b. The conditional use will be served by adequate public facilities including streets, fire protection, water, storm water control and sanitary sewer; and

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- 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 has merit and value for the community as a whole; and
- e. The conditional use is in accord with the Comprehensive Plan; and
- f. The conditional use complies with the Land Use Code requirements of the underlying use district; and
- g. The conditional use complies with all other applicable criteria and standards of the Bellevue City Code.

## 5. Planned Unit Development:

The Community Council may approve a Preliminary Development Plan for a Planned Unit Development 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, or
  - 6) Aesthetic features and harmonious design, or
  - 7) Energy-efficient site design or building features; and
- b. The Planned Unit Development results in no greater burden on present and projected public utilities

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- and services than would result from traditional development and the Planned Unit Development will be served by adequate public facilities including streets, fire protection, water, storm water control and sanitary sewer; and
- c. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design; and
  - d. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by Land Use Code (Section 20.20.520) and enhances the visual compatibility of the development with the surrounding neighborhood; and
  - e. At least one major circulation point is functionally connected to a public right-of-way; and
  - f. Open space within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and
  - g. Undeveloped land surrounding the Planned Unit Development can be developed in coordination with the Development, and the Development is compatible with existing adjacent development; and
  - h. The Planned Unit Development is harmonious and appropriate in Design, character and appearance with the existing or intended character of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and
  - i. That part of a Planned Unit Development in a Transition area meets the Transition Area requirements (Land Use Code Part 20.25B) or the criteria of Land Use Code Paragraph 20.25B.040.B; and
  - j. Roads and streets, whether public or private, within and contiguous to the site comply with

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Department of Public Works and Utilities guidelines for construction of streets; and

- k. 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
- l. 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; and
- m. The Planned Unit Development is in accord with the Comprehensive Plan.

Additional Decision Criteria for OU Districts:

In addition to the criteria above, the Community Council may approve a Preliminary Development Plan for development in an OU Land Use District if:

- a. Buildings and other development are located on the site where the natural environment is least disturbed or so that the natural environment is enhanced; and
- b. Building design and site development enhances the site as a visual amenity to the community; and
- c. The use proposed is in full compliance with the OU-R or the OU-G designation of the Comprehensive Plan and with those policies governing the location of the office, retail or wholesale trade uses; and
- d. Offices, retail trade, industrial and wholesale trade uses meet the requirements for Transition Areas if any such use, including associated parking or access, is within 300' of the property line for a residential use; and
- e. The density as determined by the Hearing Examiner and City Council through the review process takes into account the nature of the site and surrounding development, and the Comprehensive Plan. The

average density of dwelling units in an OU District may not exceed five units per acre; and

- f. Proposed use specifically conforms to the provisions of Land Use Code paragraph 20.30D.150.A, G and M.

6. Preliminary Plat:

The Community Council may approve a preliminary plat if:

- a. The preliminary 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, parks, playgrounds, sites for school and schoolgrounds; and
- b. The public use and interest is served by the platting of the subdivision; and
- c. The preliminary plat appropriately considers the physical characteristics of the proposed subdivision site; and
- d. The proposal complies with all applicable provisions of the Land Use Code (Title 20), the Utility Codes (Title 24), the City of Bellevue Development Standards and RCW 58.17; and
- e. The proposal is in accord with the Comprehensive Plan (Title 21); and
- f. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; and
- g. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

SECTION 8. CONSIDERATION OF FINAL DEVELOPMENT PLANS FOR PLANNED UNIT DEVELOPMENTS

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A. Public Notice:

The Clerk shall mail notice of the Community Council consideration of the final development plan to those to whom notice of the public hearing on the preliminary development plan was mailed. This notice will solicit written comment on the final development plan. The notice shall be mailed at least seven calendar days prior to the date of the public meeting of the Community Council at which the final development plan will be considered.

B. Report to Community Council:

The Director of Community Development shall submit the written report which was submitted to the City Council, and shall denote any substantial changes in the preliminary approval which was submitted to the Community Council which are contained in the final plans. The report shall also evaluate compliance with any conditions imposed on the preliminary development plan and summarize public comment thereon.

C. The Community Council shall consider the report and, by written resolution, approve, disapprove or take no action on the final development plan. If there have been substantial changes to the preliminary plan, the Community Council may conduct a public hearing prior to making its decision, notice to be given as provided in Section 7.

SECTION 9. ORDER OF BUSINESS

A. The order of business at all regular meetings shall be as follows:

1. Call to Order
2. Roll Call, Flag Salute
3. Communications: Written and Oral
4. Reports of City Council, Boards and Commissions
5. Approval of Agenda
6. Department of Community Development Report
7. Public Hearings
8. Resolutions
9. Committee Reports
10. Unfinished Business
11. New Business

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12. Continued Communications
13. Executive Session
14. Approval of Minutes of Previous Meeting
15. Adjournment

- B. The order of business may be changed during the meeting by the Chair with the consent of a majority of the members present.

SECTION 10. COMMITTEES

The Chair shall establish those Standing and Special Committees deemed necessary to the conduct of Council business.

SECTION 11. RULES OF ORDER

- A. Robert's Rules of Order, Revised, shall govern the deliberations of the Council except as follows:
1. No member shall speak more than twice on the same subject without the permission of the presiding officer.
  2. No person who is not a member of the Council shall be allowed to address the Council while in session without the permission of the presiding officer.
  3. Motions shall be reduced to writing when required by either the presiding officer of the Council or any member. All resolutions shall be in writing.
  4. Motions to reconsider must be by a member who voted with the majority. Such motions must be made at the same or next regular meeting of the Council. A motion to reconsider, having been put and lost, shall not be renewed.
  5. Each member present shall vote on all questions put to the Council, except when a member disqualifies himself or herself for a personal conflict of interest or upon appearance of fairness grounds, or when for good cause shown, such abstention is agreed to by a majority of the members of the Council. Silence will be presumed as a vote with the majority. No member who has been disqualified may take part in the discussion of or vote on that matter.

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6. The names of those members voting aye and those voting nay on any questions shall be recorded in the minutes. Unanimous votes shall be so designated.
7. All questions of order shall be decided by the presiding officer, subject to the right of appeal to the Council by any member.
8. The rules of order may be suspended temporarily by a majority vote of the members present.
9. The Chair of each committee, or a member acting for him/her, shall make a report to the Council when so requested by the presiding officer or any member.
10. It shall be the duty of the presiding officer of the Council meeting to:
  - a. Call the meeting to order.
  - b. Keep the meeting to its order of business.
  - c. State each motion and require a second to that motion before permitting discussion.
  - d. Handle discussion in an orderly manner; and
    - 1) Give every member who so wishes an opportunity to speak.
    - 2) Permit audience participation at the appropriate time.
    - 3) Keep all speakers to the rules and to the questions.
    - 4) Give pro and con speakers opportunities to speak.
  - e. Put motions to a vote and announce the outcome.
  - f. Suggest but not make motions for adjournment.
  - g. Appoint committees.

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SECTION 12. RESOLUTIONS

- A. Resolutions requiring action and other matters to be considered by the Council must be introduced and sponsored by a member, except that either the Chair or the City Attorney may present resolutions and other matters to the Council, and any member may assume sponsorship thereof by moving that such resolutions or other matters be adopted.
- B. Any member may demand and have a full reading of a proposed resolution immediately before a vote is called for its final adoption. Otherwise, it shall not be necessary to read the resolution.
- C. Resolutions to be presented to the Community Council by a member thereof shall be composed by the member sponsoring the resolution and submitted to the Clerk no later than three working days prior to the meeting at which it is to be considered.

Section 13. APPEAL OF COMMUNITY COUNCIL ACTION TO SUPERIOR COURT

A. Who May Appeal:

Any decision of the Community Council made under the authority of RCW 35.14.040 to approve or disapprove a decision of the City Council may be appealed by:

- 1. The applicant, or
- 2. Any person who participated in the public hearing held by the Community Council on the matter.

B. Form of Appeal:

A person filing an appeal must make application to the Superior Court for a Writ of Certiorari, Writ of Prohibition, or Writ of Mandamus.

C. Time to Appeal:

The decision of the Community Council must be appealed to Superior Court no more than twenty calendar days following the date of the Council decision on the application or is thereafter barred.

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SECTION 14. SEVERABILITY

If any provision, section, or subsection of this resolution or its application to any person or circumstances is held invalid, the remainder of the provision, section or subsection of this resolution and its application to other persons or circumstances is not affected.

SECTION 15. AMENDMENT

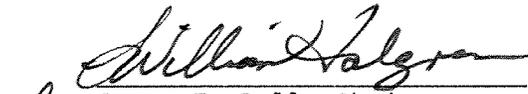
This resolution may be altered or amended by an affirmative vote of four members. Proposed changes shall be submitted to the Council at least one regular meeting prior to final adoption.

Section 2. Resolutions 241, 313 and 342 are repealed.

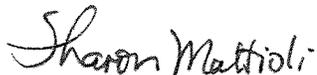
Section 3. This resolution shall take effect and be in force immediately after its passage and authentication.

This resolution was first introduced on the 7th day of June, 1994, and passed by affirmative vote of 4 members of the East Bellevue Community Council this 5<sup>th</sup> day of July, 1994, and signed in authentication of its passage this 19<sup>th</sup> day of July, 1994.

(SEAL)

  
for James E. Bell, Chair

Attest:



Sharon Mattioli, Deputy City Clerk