



## CITY OF BELLEVUE, IDAHO

Planning and Zoning Commission

Monday, April 1, 2024, 5:30 PM

115 Pine Street, Bellevue, Idaho 83313

### AGENDA

*This agenda is subject to revisions. All revisions will be underlined.*

#### JOIN ZOOM MEETING

<https://us02web.zoom.us/j/84708431806?pwd=dTFkM1I2TXpXdktDZW1RdnZvT1l0dz09>

Meeting ID: # 847 0843 1806

Passcode: # 396484

One tap mobile

+1-253-215-8782 US (Tacoma)

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#### Please Mute Your Call:

Friendly Reminder: Please turn off all cell phones except for emergency personnel.

#### CALL TO ORDER

#### ROLL CALL

##### 1. NOTICE OF AGENDA COMPLIANCE: – ACTION ITEM

*Finding That The regular meeting notice and agenda were posted in accordance with Idaho Code §74-204 within forty-eight (48) hours prior to the meeting at: the City of Bellevue City Hall, Post Office, on the City's website and e-mailed to the Idaho Mountain Express on **March 26, 2024**. (Suggested Motion: I move the notice for the April 1, 2024, regular Meeting was completed in accordance with Idaho Code, Section §74-204.)*

##### 2. CALL FOR CONFLICT: (As outlined in Idaho Code 74-404)

##### 3. PUBLIC COMMENT: for items of concern NOT on the Agenda.

##### 4. APPROVAL OF PLANNING & ZONING COMMISSION MEETING MINUTES: ACTION ITEM

- a. March 4, 2024, Regular Planning and Zoning Commission meeting

##### 5. CONSIDERATION OF DISCUSSION – BUSINESS CORE OVERLAY DISTRICT:

- a. Introduction of Jerry Grebenc, Senior Planner, CFM and Courtney Long, Planner
- b. Discussion of the History and How the Planning Commission Would like Great West to Proceed: Jerry Grebenc and/or Courtney Long, Great West Engineering | ACTION ITEM

##### 6. ADJOURNMENT: ACTION ITEM

/s/ Shelly Shoemaker  
Bellevue City Treasurer

I, designated City Clerk for the City of Bellevue, Idaho, hereby certify that the regular meeting notice and agenda were posted in accordance with **Idaho Code §74-204** within forty-eight (48) hours prior to the meeting at: the City of Bellevue City Hall, Post Office, and on the City of Bellevue Website: <https://www.bellevueidaho.us/> and sent to the Idaho Mountain Express on **March 26, 2024**

In compliance with the American with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Bellevue, 115 East Pine Street, Bellevue, Idaho 83313, or **phone number 208-788-2128 ext. 4, at least twenty-four (24) hours prior to the meeting.**



**Ciudad de Bellevue, Idaho**  
**Comisión de Planificación y Zonificación**  
**Lunes, 18 de marzo de 2024, 17:30 horas**  
**115 Pine Street, Bellevue, Idaho 83313**

**AGENDA**

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**ÚNASE A LA REUNIÓN DE ZOOM**

<https://us02web.zoom.us/j/84708431806?pwd=dTFkM1I2TXpXdktDZW1RdnZvT1l0dz09>

**ID de reunión:** # 847 0843 1806

**Código de acceso:** # 396484Móvil con un toque

+1-253-215-8782 EE. UU. (Tacoma)

+1-346-248-7799 EE. UU. (Houston)

**Silencie su llamada**

Recordatorio amistoso: apague todos los teléfonos celulares excepto los del personal de emergencia.

**LLAMA PARA ORDENAR**

**LLAMADA DE ROL**

**1. AVISO DE CUMPLIMIENTO DE LA AGENDA – ARTÍCULO DE ACCIÓN**

*Determinando que el aviso de la reunión regular y la agenda se publicaron de acuerdo con el Código de Idaho §74-204 dentro de las cuarenta y ocho (48) horas anteriores a la reunión en: el Ayuntamiento de la Ciudad de Bellevue, Oficina de Correos, en el sitio web de la Ciudad y en el correo electrónico. enviado por correo al Idaho Mountain Express el 26 de marzo de 2024. (Moción sugerida: propongo que el aviso para la reunión ordinaria del 1 de abril de 2024 se haya completado de acuerdo con el Código de Idaho, Sección §74-204).*

**2. LLAMADO A CONFLICTO (Como se describe en el Código de Idaho 74-404)**

**3. COMENTARIO PÚBLICO sobre temas de interés que NO están en la agenda.**

**4. APROBACIÓN DEL ACTA DE LA REUNIÓN DE LA COMISIÓN DE PLANIFICACIÓN ZONIFICACIÓN: ARTÍCULO DE ACCIÓN**

- a. 4 de marzo de 2024, reunión ordinaria de la Comisión de Planificación y Zonificación

**5. CONSIDERACIÓN DE DISCUSIÓN – DISTRITO DE SUPERPOSICIÓN DEL NÚCLEO EMPRESARIAL:**

- a. Presentación de Jerry Grebenc, planificador sénior, CFM y Courtney Long, planificadora
- b. Discusión de la historia y cómo la Comisión de Planificación quisiera que procediera Great West: Jerry Grebenc y/o Courtney Long, Great West Engineering | **ARTÍCULO DE ACCIÓN**

**7. ADORNO: ARTÍCULO DE ACCIÓN**

/s/Shelly Shoemaker  
Tesorero de la ciudad de Bellevue

Yo, Secretario Municipal designado para la Ciudad de Bellevue, Idaho, por la presente certifico que el aviso de la reunión regular y la agenda se publicaron de acuerdo con el Código de Idaho §74-204 dentro de las cuarenta y ocho (48) horas anteriores a la reunión en: la Ciudad de Ayuntamiento de Bellevue, oficina de correos y en el sitio web de la ciudad de Bellevue: <https://www.bellevueidaho.us/> y enviado al Idaho Mountain Express el 26 de marzo de 2024.

De conformidad con la Ley de Estadounidenses con Discapacidades, las personas que necesiten adaptaciones especiales durante esta reunión deben notificar a City Bellevue, 115 East Pine Street, Bellevue, Idaho 83313, o al número de teléfono 208-788-2128 ext. 4, al menos veinticuatro (24) horas antes de la reunión.



## City of Bellevue

City of Bellevue  
Planning & Zoning Commission Meeting Minutes  
April 1, 2024

**Agenda Item 4:** Approval of the Planning & Zoning Commission Meeting Minutes

**Action Item:** City Treasurer

**Document One:** Draft Minutes – March 4, 2024

*Suggested Motion:* Move to Approve the regular Planning & Zoning Commission meeting minutes of March 4, 2024 (as: *presented, amended, or as corrected*)



City of Bellevue Planning & Zoning Commission  
**Minutes of Meeting March 4, 2024**

The meeting was called to order at 5:35 p.m. Commissioners present were Alexis Lindberg, Eric Grootveld and Robert Weisen. Also present were Dave Patrie, Galena-Benchmark Engineering, as City Engineer and Shelly Shoemaker, City Treasurer.

Also present: Errin Bliss, Bliss Architecture, Matt Engel, Mike Turzian, Jeff Swanson, Derrick Georgiades, Jeremy Lange, Andy Sheehan.

**NOTICE AND HEARING COMPLIANCE:**

The regular meeting notice and agenda were posted in accordance with Idaho Code §74-204 within forty-eight (48) hours prior to the meeting at City Hall, Bellevue Post Office and on the City's website and emailed to the Idaho Mountain Express on February 29, 2024.

**Commissioner Grootveld moved the notice was posted in compliance with Idaho Code §67-204, Commissioner Weisen seconded, and the motion passed unanimously.**

**NEW BUSINESS:**

Public Hearing to consider a variance application submitted by Errin Bliss of Bliss Architecture on behalf of M&M Powersports, LLC., located at the northwest corner of Kirtley and Main Streets. The purpose of this request is to allow the omission of curbs, gutters and sidewalks in the right-of-way as required by the City of Bellevue Code §10-17-5: Design Review, Standards and Criteria: (D): Curbs, Gutters, Sidewalks, and Street Tree Requirements: Dave Patrie, Galena-Benchmark Engineering.

Dave Patrie discussed the background of the design application that was approved by P&Z, with curb, gutter and sidewalk located within the Idaho Transportation Department's (ITD) right-of-way area along the applicant's property in July 2023. Since then, ITD denied the application on the grounds that sidewalks cannot be in their right-of-way. A request for reconsideration was submitted to ITD and was unsuccessful. At present, it is unknown what plans ITD might have for the right-of-way. As a result of the ITD denial, the applicant has applied for the variance that is the matter of this public hearing.

**NOTICE AND DISCLOSURES, §10-18-3: PUBLIC HEARING NOTICE**

- A. The variance application was certified complete on January 16, 2024.
- B. Notice of the public hearing was placed in the Idaho Mountain Express on February 14, 2024 and February 28, 2024.
- C. Notice of this public hearing was mailed to all property owners within 300' from the exterior of the property boundaries on February 14, 2024.

In addition, notice of this hearing was posted on the door of Bellevue City Hall and the Bellevue Post Office on February 28, 2024 and made available on the City website on February 28, 2024.

**Commissioner Grootveld moved that the Public Hearing and Notice is in compliance with Bellevue City Code §10-18-3. Commissioner Weisen seconded, and the motion passed unanimously.**

Dave Patrie provided information to the Commission on the process of reviewing the Bellevue City Code sections that apply to the application, as detailed in the Planning and Zoning Commission Staff Report. Dave then asked if there were any questions from the P&Z Commissioners.

### **COMMENTS FROM APPLICANT**

Errin Bliss, of Bliss Architecture, on behalf of the applicant, stated that he reached out to Jesse Barrus, ITD Engineer for District 4, to inquire about the right-of-way access to the property, but received no response. Also, he pointed out that it is required by code that pedestrian access is required from right-of-way to a building, which he pointed out to Jesse Barrus. After talking to Cal Johnson, Legend Engineering, no one knows if ITD has completed the design of the Highway 75 corridor.

Cal Johnson, Legend Engineering, via ZOOM, pointed out that ITD is still working on the plan for Highway 75. ITD may be wanting projects to wait until ITD finalizes their plan. They did suggest that this project move forward.

Errin Bliss continued, stating the applicant is proposing a sidewalk from the corner of Kirtley and Highway 75, as highlighted in yellow on the exhibit, noting that the sidewalk path is located in the display lot and ends at the building. He noted that the area where the path is located is not actually a parking lot, but a display lot for cars. The material for the path would be the same as the parking lot and the path would be marked with painted lines and is ADA accessible.

### **PUBLIC COMMENTS**

Mike Turzian, Sun Valley Garden Center (SVGC) commented on the aesthetics and continuity with all previous projects on Main Street in Bellevue. Bellevue has sidewalks the total length of town and it is aesthetically pleasing and clean and people do use them. Bellevue needs to maintain consistency and continuity throughout town.

Matt Engel, 101 E Bullion, representing the association that includes SVGC, stated that changing the requirements for this sidewalk could set precedent that creates sidewalks that weave in and out of properties throughout town. He suggested taking 5' out of landscaping to create the sidewalk on the applicant's property.

Jeremy Lang, also from 101 E Bullion, pointed out the engineering report recommended a different pathway. The property may not always be a car dealership, and suggested thinking beyond the present situation as to how that might affect future owners. He also suggested taking a portion of the landscape plan for the sidewalk and that in this case, the sidewalk ends at the building. It does not cross the entire property to connect with future developments.

Andy Sheehan, of 381 Tendoy Street, commented that he agreed with the previous comments.

Diane Shay, Bellevue City Council (via Zoom) commented that she agrees with the other public comments and that continuity is important. Development will eventually happen on the five acres to the north at some point and she understands safety concerns regarding the speed limit. It is unfortunate that ITD has made the denial, and she would urge P&Z to look at continuity for Bellevue.

Commissioner Lindberg noted there were two letters with public comments received that stated the same concerns as presented in the meeting.

**PUBLIC COMMENTS WERE THEN CLOSED**

Errin Bliss thanked everyone for their comments and that there were some very good points, and they are trying to find a compromise that is safe and meets the needs of the situation.

The Commission then reviewed the Planning and Zoning Commission Staff Report submitted by Dave Patrie and discussed in detail each of the variance criteria and public comments.

**After much discussion, Commissioner Grootveld moved to APPROVE WITH CONDITIONS the variance application by M&M Powersports, LLC, located at the NW corner of Kirtley St and Highway 75, to the City of Bellevue Zoning Code §10-14-6 and §10-17-5 for the exclusion of curb, gutter and sidewalk as shown on Exhibit A OR B (?), finding the application complies with §10-18-4, Variance Standards and Criteria, subject to the following conditions:**

1. The variance shall expire one (1) year after issuance if a building permit has not been obtained for the purpose of exercising the variance. §10-18-7.
2. The variance runs with the land is not transferrable to any other property or any approval other than the design review approval granted on July 5, 2023.
3. Any material change to the pedestrian infrastructure shown on Exhibit B of this approval shall require a new or amended variance to be approved by the Bellevue Planning and Zoning Commission.
4. The applicant shall install a 5' sidewalk on applicant's property to be located between the parking display (shown on Exhibit \_\_\_\_ ) and the property line to run the full length of the property.

**Commissioner Weisen seconded the motion and the motion passed unanimously.**

**ADJOURN:**

Commissioner Grootveld moved to adjourn the meeting at 6:58 p.m. Commissioner Weisen seconded, and the motion passed unanimously.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Commissioner Lindberg

\_\_\_\_\_  
Shelly Shoemaker, City Treasurer



## City of Bellevue

City of Bellevue

April 1, 2024

Agenda Item 5

### **CONSIDERATION OF DISCUSSION – BUSINESS CORE OVERLAY DISTRICT:**

#### **a. Introduction of Jerry Grebenc, Senior Planner, CFM and Courtney Long, Planner**

The City signed a Professional Service Agreement with Great West Engineering on March 11, 2024, for On-Call Planning Services. Great West Engineering has two (2) municipal planners. Mr. Jerry Grebenc, Senior Planner, CFM (Certified Floodplain Manager), and Courtney Long, Planner. Mr. Grebenc and Ms. Long are the two professional planners the city will be working with for On-Call Planning Service.

#### **b. Discussion of the History and How the Planning Commission Would like Great West to Proceed: Jerry Grebenc and/or Courtney Long, Great West Engineering**

Mr. Grebenc and Ms. Long have been emailed multiple Items:

- The City Zoning Map and Land Use Map
- The amendments to the Comprehensive Plan from March 2020
- The current Comprehensive Plan
- The Draft “Business (Residential) Core Overlay District” – more than one copy
- Master Transportation Plan
- Parks and Recreation Plan
- Development Impact Fee Schedule

Mr. Grebenc and Ms. Long want to have a discussion with the Planning Commission regarding the history of the proposed ordinance and determine how the Planning Commission wants to proceed.

#### **THERE ARE TWO DRAFT ORDINANCES ATTACHED:**

One from the date of **02.28.2023**; and,

One from the date of **03.13.2023**. I do not know the difference between the two.

The draft from March 13, 2023, is the last one I can find, and during the March 20, 2024, planning commission meeting, in my notes, it indicates the Commission was going to work with the “most recent”.

**ACTION ITEM:**      **NONE** – Discussion. **UNLESS**, the commission would like to make a recommendation, in the form of a motion, to Great West Engineering on how they would like to proceed



City of Bellevue

City of Bellevue  
April 1, 2024  
Agenda Item 5

# **ATTACHMENT A**

## **FEBRUARY 28, 2023**

**DRAFT ‘BUSINESS (RESIDENTIAL) CORE OVERLAY  
DISTRICT**



# **FEBRUARY 28, 2023, DRAFT**

## **Title 10, Chapter 7A**

### **Business Core Residential Overlay District (BCO)**

#### **10-7A-1 Purpose:**

The purpose of the residential overlay district is to help satisfy the housing needs of Bellevue, respond to the demand for multi-family housing and to establish areas for higher residential densities with easy pedestrian access to commercial areas and public facilities. The creation of the overlay district will fill a need for multi-family housing while still keeping the underlying Business zone intact. This district would also allow for Accessory Dwelling Units (ADU) to existing business.

#### **10-7A-2 Establishment of a Business Core Residential Overlay District:**

The Business Core Residential Overlay District may be applied through the rezoning process to all properties currently zoned B – Business as shown in the City Zoning Map dated January 8, 2014. As shown on the map attached as Exhibit A and incorporated by reference herein. All lands, regardless of the underlying zoning, depicted on the overlay map may be included in the BCO. The overlay district will include bulk, open space, landscaping, snow storage or a snow storage plan and parking requirements for buildings located in the district which are developed as multi-family or mixed use developments.

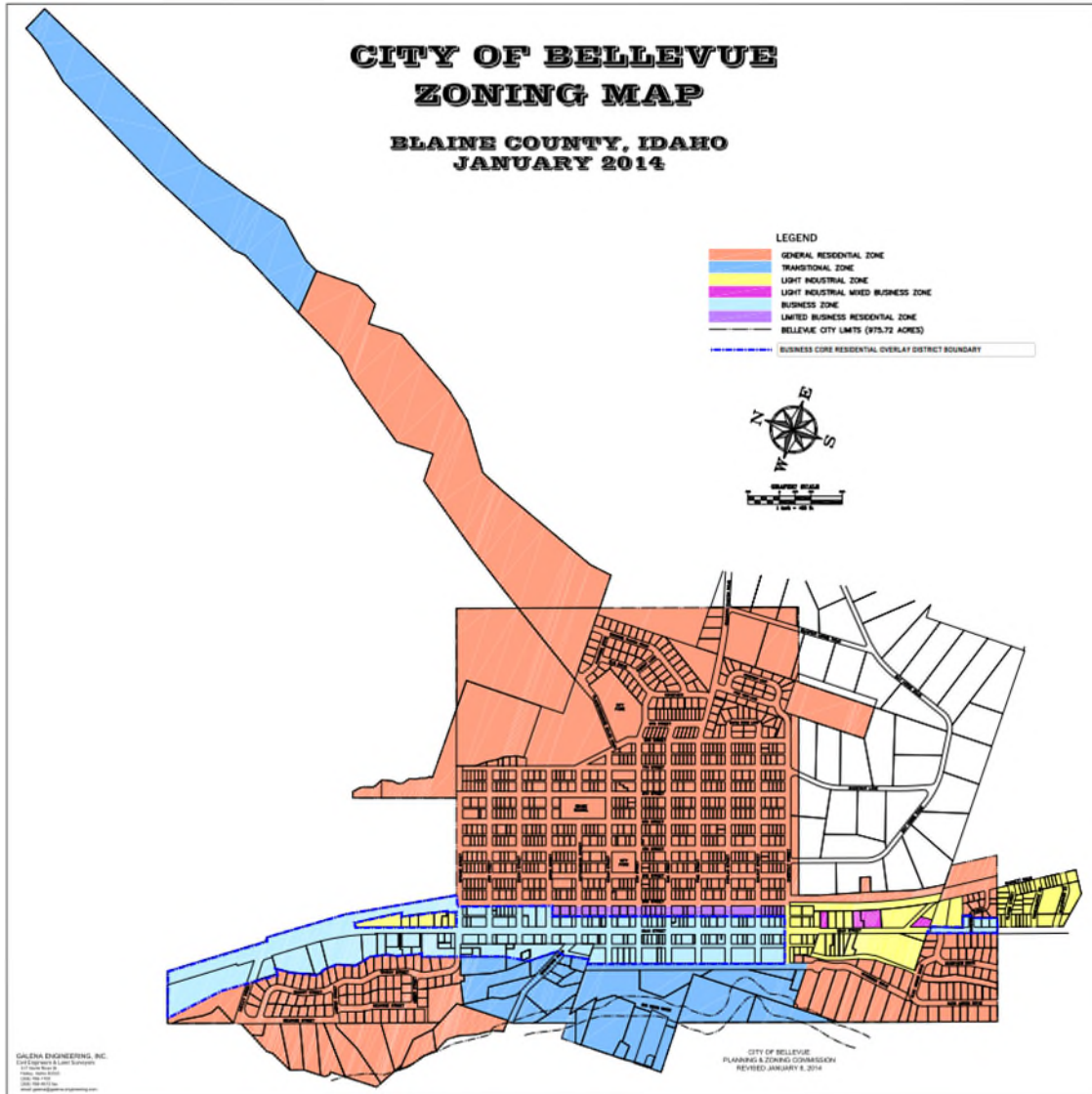


Exhibit A - Business Zoning District with Business Core Residential Overlay Boundary

### 10-7A.3 Definitions

A. “Active employment household” or “actively employed household” means a household with at least one adult who meets one of the following criteria; provided, however, where there are unrelated individuals living together in one household, at least 50 percent of all the adults comprising the household shall meet one of the following criteria:

1. A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within Bellevue City; or
2. An owner or owner’s representative of a business or entity with a primary place of business within Bellevue City; or

**3.** A full-time (aggregate of 30 hours of employment per week for nine months out of each calendar year) worker who is self-employed or works out of their home must provide their entire list of clients/workload so that it can be verified that a minimum of 75 percent of their work/clients are based within Bellevue City;

**4.** A person who is unable to work or does not have a work history required under subsections A.1 through 3 of this section due to a disability; or

**5.** A retiree with a work history required under subsections A.1 through 3 of this section for the five years prior to retirement.

**B.** “Developer” means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks approval of an application for an BCO development.

**C.** “Development agreement” means a development agreement and deed restriction, which is a contract between Bellevue City and a developer or subdivider, which is recorded as an encumbrance upon the property to ensure compliance hereunder. A development agreement shall run with the land and be binding upon the parties and their successors in title, as provided by its terms.

**D.** “Business Core Residential Overlay District” or “BCO District” means a zoning district applied to the property that benefits from a higher density than that allowed under the existing underlying zoning designation, which attendant increased density encourages the provision of new housing units used for primary residential occupancy as further described in this section.

**E.** “Business Core Residential Overlay development” or “BCO development” means a subdivision or site plan approved within an BCO District in which at least 50 percent of the lots or units developed on the property are restricted for primary residential housing occupied by actively employed households.

**F.** “Business Core Residential Overlay lot” or “BCO lot” is a lot restricted for primary residential housing occupied by actively employed households that otherwise meet the requirements of this section.

**G.** “BCO lots or units” or “BCO lots and units” shall refer to BCO lots and/or BCO units.

**H.** “Business Core Residential Overlay unit” or “BCO unit” is a dwelling unit restricted for primary residential housing occupied by actively employed households that otherwise meet the requirements of this section.

- I. "Household" means one adult living alone, two or more adults related to each other by blood, marriage, or another legally recognized relationship, or a maximum of five unrelated adults residing in the same residence.
- J. "Master plan" means a planning document which guides development of the property based on the City's planning goals, existing development, and physical characteristics of the particular BCO development. A master plan shall be recorded, run with the land, and be binding upon the parties and their successors in title, as provided by its terms.
- K. "Primary resident" means an adult that meets the "primary residential occupancy" requirement.
- L. "Primary residential housing" or "primary residential development" shall have the same meaning as "Business Core Residential development," which terms may be used interchangeably throughout this section.
- M. "Primary residential occupancy" means the owner of record occupying the dwelling unit for a minimum of nine months out of any 12-month period or a renter occupying the dwelling unit through a lease term no shorter than six months out of any 12-month period.
- N. "Property" means a specific parcel of real property upon which an BCO District is applied.
- O. "Subdivider" means any person creating a subdivision and offering lots for sale to the public.

#### **10-7A.4 Permitted Uses**

The following uses are permitted within an BCO development upon the City Council's approval of application of an BCO District to a specific parcel:

- A. Residential development may have a maximum density of \_\_\_\_\_ when a subdivider or developer ensures a minimum of **50 percent of lots or units** developed on the property are deed restricted for primary residential occupancy for actively employed households. BCO lots and units may be owner-occupied or renter-occupied as long as the residents meet the occupancy and active employment requirements of this subsection A. The maximum density (units/acre) limit shall be based on a calculation that includes all existing and all new units on the land area that is being included in the calculation. Residential development qualifying for greater density pursuant to the provisions of this section shall be permitted to obtain such density by constructing residential housing types not otherwise allowed in the underlying zoning district. For example, multifamily units may be constructed in the Business District.
- B. Use and bulk requirements shall be those of the underlying zoning district unless they have been specifically amended herein.

- A. Multi-family dwellings: Multi-family dwellings shall be allowed without a limitation to the number of units per acre, through the development agreement process as required in 10-7A.
- B. Accessory Dwelling Units (ADUs)
  - 1. Up to two ADUs may be allowed through the building permit and design review process in Section 10-17 and Title 9 of the Bellevue City Code of Ordinances.
  - 2. The minimum dwelling unit size shall be not less than five-hundred fifty (550) net square feet.
  - 3. 25% commercial or business use shall remain on the parcel.
  - 4. Leases shall not be less than 30 days.
- C. Accessory uses or structures incidental to the principally permitted use pursuant to Section 10-7-3. Any accessory dwelling unit permitted under Section 10-7-3 in an BCO development shall meet the occupancy and active employment requirements of subsection A of this section.

#### **10-7A.5 Development Standards**

**A. Eligibility.** In order to reduce costs associated with the development and construction of primary residential housing, the property development standards set forth in subsection B of this section are established for and shall apply to all BCO developments within the BCO Districts upon approval of a site plan or preliminary plat approval.

**B. Property Development Standards.** The following development standards shall apply to BCO developments within the BCO Districts:

**1. General Design Standards.** The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

**2. Minimum Design Standards.** Minimum design standards are included to ensure a high degree of quality in the development of BCO lots and units. The following design standards shall apply to a development that utilizes the density increases allowed by this section:

- a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.
- b. **Screening Requirements.**

**(1) Outdoor Storage Screening.** All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall be shown on a landscape and site plan indicating:

- i. Location of existing and proposed buildings, parking areas, street improvements;
- ii. Locations and general types of landscaped treatment areas -- i.e., lawn areas, low-water use areas, and inorganic areas;
- iii. Proposed plant or inorganic materials to be used in each treatment area;
- iv. Underground irrigation system to be used in each planted area;
- v. Walls and screening devices.

**(2) Parking Lot Screening.** Parking lot screening must be provided between an off-street parking area containing six or more parking spaces and either 1) a different zoning district or 2) a public street, and shall:

- i. Be provided within 10 feet of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretention systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the City Engineer);
- ii. Be not less than 80 percent opaque and be a minimum of three feet in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity;
- iii. Not interfere with driver or pedestrian visibility for vehicles entering or exiting the premises;
- iv. Utilize native and drought tolerant plants;
- v. Consist of at least two of the following:
  - (A)** A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity.
  - (B)** A berm with plantings as described above.

(C) Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen.

(D) Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product;

vi. Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

**c. Parking Island Design.** Off-street parking areas with at least 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. Landscaped parking lot islands shall:

- (1) Be located at the beginning and end of each parking row and shall contain a minimum of 180 square feet and a minimum width of nine feet;
- (2) Include at least one tree per island;
- (3) Incorporate shrubs, perennials, and ornamental grasses, where required;
- (4) Be prepared with topsoil to a depth of two feet and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings; and
- (5) Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

**d. Building Exterior Facade Standards.**

- (1) Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code, but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.
- (2) Buildings shall utilize at least two of the following design features to provide visual relief along the front of the residence:
  - i. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows.
  - ii. Dormers.

- iii. Gables.
- iv. Recessed entries, a minimum of three feet deep.
- v. Covered front porches.
- vi. Cupolas.
- vii. Architectural pillars or posts.
- viii. Quoins.
- ix. Corbeling on wall.
- x. Decorative lintel.
- xi. Incorporation of brick or stone on at least 25 percent of front surface area.

e. The commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.

g. The City Council may waive, or modify, any, or all, of these requirements when the Council finds it is infeasible to comply due to physical or other constraints on the lot.

**3. Minimum Building Site Area and Lot Width.** There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a BCO development. However, the building site area lot widths and lot coverage percentages shall be designated on a preliminary plat or site plan.

**4. Density.** Overall density of site development within an BCO District shall not exceed \_\_\_\_\_.

**5. Building Height.**

a. Maximum building heights shall not exceed the limits defined in the underlying zone district.

b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.

c. Structures built within an BCO development must comply with Dimensional, bulk and building coverage standards and requirements.

**6. Setbacks.** The minimum setbacks from the lot line of the development shall comply with the underlying zoning district standards.

**7. Parking.**



**a. Number of Spaces Required.**

(1) For every single-family or two-family dwelling, at least two off-street parking spaces shall be provided for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.

(2) For every attached multifamily dwelling, one off-street parking spaces shall be provided for each bedroom.

**b. Parking Design Requirements.** Off-street parking shall comply with the underlying zoning district standards.

**8. Minimum Standards of Physical Condition.** Each BCO unit is required to have and maintain minimum standards of physical condition. This includes the following:

- a. Clean unit
- b. Carpets steam-cleaned two or three days prior to closing
- c. All scratches, holes, burned marks repaired in hardwood floors, linoleum, tile, and counter tops, etc.
- d. No broken or foggy windows
- e. All screens in windows (if screens were originally provided)
- f. All doors will be in working order with no holes
- g. All locks on doors will work
- h. All mechanical systems shall be in working order
- i. Walls paint ready
- j. Normal wear and tear on carpet; if carpet has holes, stains, etc., the carpet and padding shall be replaced or escrow funds at current market value per square foot for a comparable product shall be held at the time of closing to be used by the new buyer
- k. No leaks from plumbing fixtures
- l. Any safety hazard remedied prior to closing
- m. Satisfaction of radon issue if found at time of inspection
- n. All light fixtures shall be in working order
- o. All appliances that existed in the original Unit remain and are in good working order and good condition.

**9. Streets.** All public streets within or abutting the proposed planned development shall be dedicated and improved to City specifications for the classification of street.

**10. Signs.** Signs shall be permitted only to the extent allowed under Section 10-22-1. Signs, and must be approved by the Community Development Department.

**11. Construction Timing.** The BCO units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the BCO units may be developed in proportion to the phasing of the unrestricted units. For example, for each unrestricted unit constructed at least four BCO units shall be constructed.

#### **10-7A.6 Assurance of Primary Residential Housing and Occupancy**

**A. General.** BCO lots and units shall be used for primary residential housing for actively employed households in perpetuity.

**B. Deed Restriction.** The following deed restriction shall be integrated into the development agreement, the master plan, each final plat or site plan, and each deed of conveyance:

The Property shall be used for Primary Residential Housing for Actively Employed Households as required by Bellevue City Land Use Code, Section 10-7A, Business Core Residential Overlay, in perpetuity. The Property is further subject to a Development Agreement and Master Plan recorded against the Property in the real property records of Blaine County, Idaho.

Bellevue City reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Deed Restriction by a record owner of any BCO Lot or Unit in Bellevue City.

**C. Enforcement.** In addition to other remedies preserved herein, Bellevue City reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this section by a record owner of any BCO lot or unit in Bellevue City.

#### **10-7A.7 BCO District Application**

**A. Preapplication Conference.** Prior to submission of an BCO District application, as defined in this section, the developer or subdivider shall meet with the Community Development Director or their designee(s), including other City staff deemed desirable or necessary by the Community Development Director, to discuss the procedures, standards, and regulations hereunder.

**B. Procedure.** An BCO District application shall be reviewed and approved in accordance with the procedures of Section 10-5 Reclassification of Zoning Districts (Rezones), and shall be considered to be a zoning map amendment.

**C. Application.** A developer or subdivider shall submit an BCO District application with the information contained in Section 10-5-2 together with a development agreement, master plan, and conceptual site plan as follows:

1. The development agreement shall include the following information:
  - a. Legal description of the property;
  - b. Narrative summarizing the proposed development of the property by gross acre, number of lots or units, common area and open space acreage, overall character and architectural style, and other related development features as proposed by the developer or requested by the City;
  - c. Percentage of BCO lots or units to be developed on the property; and
  - d. Deed restriction required by Section 10-7A.6B.
2. The master plan shall include the following information:
  - a. Legal description of the property;
  - b. Number and location of lots or units to be developed on the property;
  - c. Percentage of BCO lots or units to be developed on the property, including designation of the specific BCO lots or units in accordance with Section 10-7A.4; and
  - d. Identification of site planning features designed to ensure compatibility between proposed BCO development and surrounding neighborhoods and land use.
3. The conceptual site plan shall include the information required for a Certificate of Occupancy.

**D. Recordation.** The developer or subdivider shall record the development agreement and master plan in the real property records of Blaine County, Idaho, prior to recordation of a final plat approved hereunder or issuance of a building permit for any unit within a site plan approved hereunder. Once approved, the development agreement and master plan may not be amended or modified without reapplication to the City.

**E. Effect.** Review and consideration of an BCO District application is a discretionary legislative decision. Further, approval of an BCO District application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this section and the master plan.

**F. Lapse of Approval.** The BCO District approval shall automatically expire and be void unless the City approves, and developer records a site plan or final plat for the BCO development in accordance with Sections 10-7A.9 and 9.5 within 24 months of the date of BCO District approval.

**G. Conflict.** In the event of conflict between the provisions of Section 10-5 and Section 10-7A.8, this section shall control.

#### **10-7A.9 BCO Development Plat and Site Plan Approval**

**A. Application Procedure.** Review of an BCO development plat or site plan is an administrative decision, which shall be consistent with the City's prior legislative approval of an BCO District, the development agreement, and the master plan.

**B. BCO Development Preliminary Plat and Final Plat.** Each subdivider shall submit, and the City shall review a preliminary plat application and final plat application in accordance with Section 11-1 Subdivision regulations and this Section 10-7A.

1. In addition to the requirements of Sections 11-1, Submittal Requirements, each plat shall include:

- a. Designation of BCO lots in accordance with Section 10-7A.4;
- b. Deed restriction as required by Section 10-7A.6B.

**C. BCO Development Site Plan.** Each developer of a mixed use or multifamily residential BCO development shall submit, and the City shall review a site plan application in accordance with Section 10-3, Site Plan Review, and this Section 10-7A.

1. In addition to the requirements of Section 10-3.3, Submittal Requirements, each site plan shall include:

- a. Designation of BCO units in accordance with Section 10-7A.4;
- b. Deed restriction as required by Section 10-7A.6B.

D. In the event of conflict between the provisions of Section 10-17 and this Section 10-7A.9, this section shall control.

#### **10-7A.10 Expiration of Business Core Residential Ordinance**

The ordinance codified in this section shall automatically expire after 300 BCO lots or units have been approved or after five years, whichever occurs first. A record of the number and location of BCO lots and units approved shall be kept on file within the Community Development Department at all times.

#### **10-7A.11 Enforcement**

**A. Penalties for Violation.** As more particularly set forth in Section 10-3, Administration and Enforcement, any person, firm, entity, or corporation violating any provision or failing to comply with any provision of this section shall be guilty of a Class C misdemeanor. Without limiting the generality of the foregoing, it shall also be a Class C misdemeanor for any person, firm, entity, or corporation to sell or rent an BCO lot or unit to a household not qualified under this section. It shall further be a Class C misdemeanor for any person, firm, entity, or corporation to provide false or materially incomplete information to the City or its designee or to a seller or lessor of an BCO lot or unit to obtain occupancy of housing for which the person is not eligible.

**B. Legal Action.** In addition to the remedies set forth in Section 10-3, the City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this section, including:

1. Actions to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval;
2. Actions to recover from any violator of this section civil fines, restitution to prevent unjust enrichment, and/or enforcement costs, including attorney fees;
3. Actions to seek judicial enforcement of such fines, restitution and costs, including judgment liens and foreclosure; and
4. Any other appropriate action for unlawful detainer, injunctive relief or damages.



City of Bellevue

City of Bellevue  
April 1, 2024  
Agenda Item 5

## **ATTACHMENT B**

### **MARCH 13, 2023**

**DRAFT ‘BUSINESS (RESIDENTIAL) CORE OVERLAY  
DISTRICT**

# **MARCH 13, 2023, DRAFT**

## **Title 10, Chapter 7A**

### **Business Core Residential Overlay District (BCO)**

#### **March 13, 2023 City Council Work Session**

##### **10-7A-1 Purpose:**

The purpose of the residential overlay district is to help satisfy the housing needs of Bellevue, respond to the demand for multi-family housing and to establish areas for higher residential densities with easy pedestrian access to commercial areas and public facilities. The creation of the overlay district will fill a need for multi-family Community Housing while keeping the underlying Business zone and existing commercial uses intact. The Overlay also provides provisions to allow for Accessory Dwelling Units (ADU) to existing business.

##### **10-7A-2 Establishment of a Business Core Residential Overlay District:**

The Business Core Residential Overlay District may be applied through the rezoning process to all properties currently zoned B – Business as shown in the City Zoning Map dated January 8, 2014. As shown on the map attached as Exhibit A and incorporated by reference herein. The overlay district will include bulk, open space, landscaping, snow storage or a snow storage plan and parking requirements for buildings located in the district which are developed as multi-family or mixed use developments.

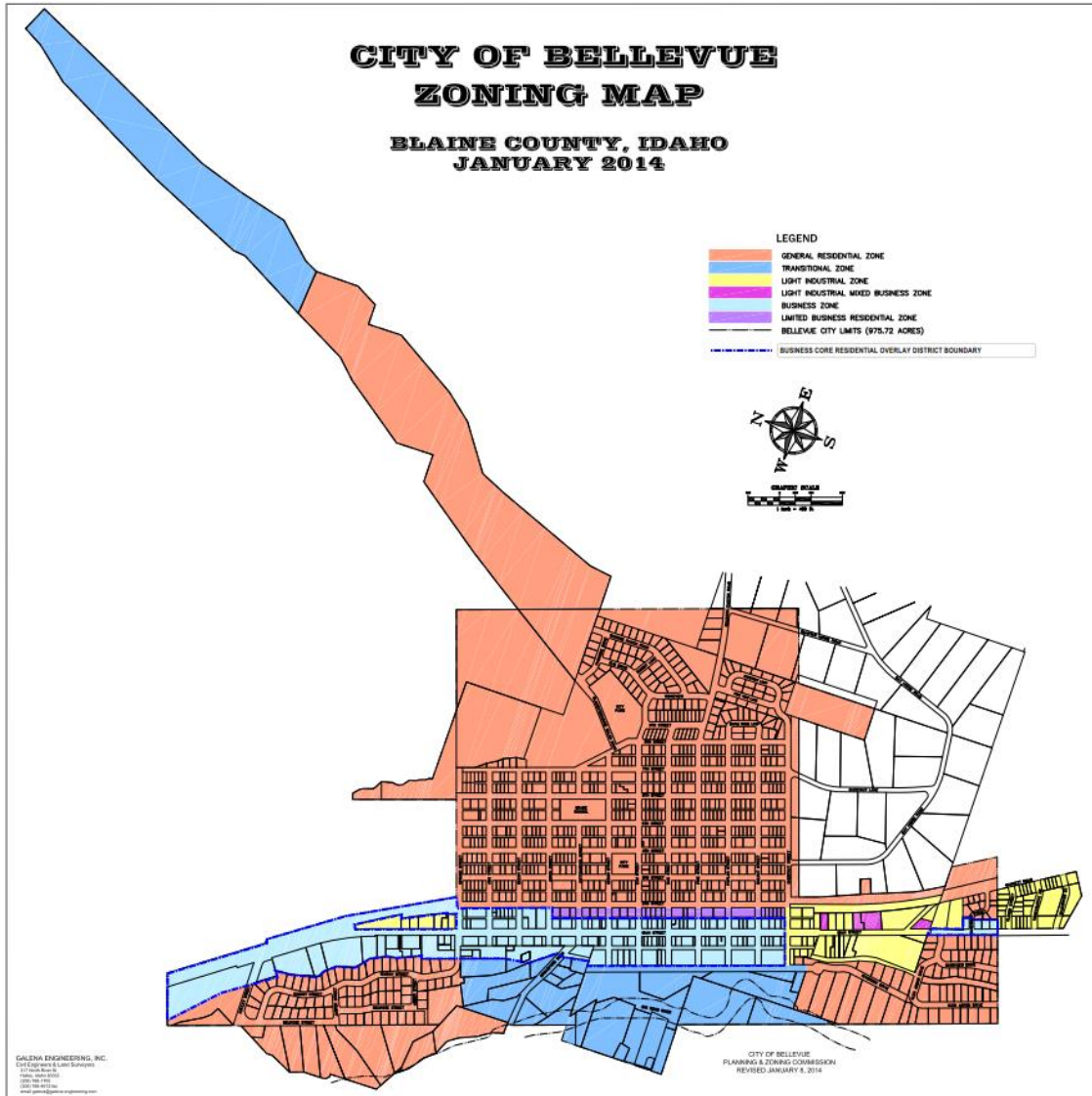


Exhibit A - Business Zoning District with Business Core Residential Overlay Boundary

**10-7A.3 Definitions**

- A. "Active employment household" or "actively employed household" means a household with at least one adult who meets one of the following criteria; provided, however, where there are unrelated individuals living together in one household, at least 50 percent of all the adults comprising the household shall meet one of the following criteria:
  - a. Full Time Employee.; or
  - b. An owner or owner's representative of a business or entity with a primary place of business within Blaine County; or
  - c. A full-time employee who is self-employed or works out of their home must provide their entire list of clients/workload so that it can be verified that a minimum of 75 percent of their work/clients are based within Blaine County;



- d. A person who is unable to work or does not have a work history required under subsections A.1 through 3 of this section due to a disability; or
  - e. A retiree with a work history required under subsections A.1 through 3 of this section for the five years prior to retirement.
- B. "Business Core Residential Overlay District" or "BCO District" means a zoning district applied to the property that benefits from a higher density than that allowed under the existing underlying zoning designation, which attendant increased density encourages the provision of new housing units used for primary residential occupancy as further described in this section.
  - C. "Business Core Residential Overlay development" or "BCO development" means a subdivision or site plan approved within an BCO District in which at least 50 percent of the units developed on the property are restricted for primary residential occupancy by actively employed households.
  - D. "Business Core Residential Overlay lot" or "BCO lot" is a lot restricted for primary residential occupancy by actively employed.
  - E. "Business Core Residential Overlay unit" or "BCO unit" is a dwelling unit restricted for primary residential occupancy by actively employed households. that otherwise meet the requirements of this section.
  - F. "Community Housing" is ownership and rental residential housing that is price restricted to remain affordable to persons working in Blaine County, retired from working in Blaine County, or other groups of eligible persons according to BCHA guidelines or other recognized affordable housing guidelines approved by BCHA.
  - G. "Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks approval of an application for an BCO development.
  - H. "Development agreement" means a development agreement and deed restriction, which is a contract between Bellevue City and a developer or subdivider, which is recorded as an encumbrance upon the property to ensure compliance hereunder. A development agreement shall run with the land and be binding upon the parties and their successors in title, as provided by its terms.
  - I. "Full Time Employee" - A person who is employed by one or more Blaine County Employers and physically working in Blaine County for a minimum of 1,500 hours worked per calendar year. Breaks in employment which do not disqualify Applicant include temporary physical or mental disability, acting as primary caretaker of ill relative, extended vacation not to exceed six months every six years, and full-time education or training.

- J. "Household" means one adult living alone, two or more adults related to each other by blood, marriage, or another legally recognized relationship, or a maximum of five unrelated adults residing in the same residence.
- K. "Master plan" means a planning document which guides development of the property based on the City's planning goals, existing development, and physical characteristics of the particular BCO development. A master plan shall be recorded, run with the land, and be binding upon the parties and their successors in title, as provided by its terms.
- L. "Primary resident" means an adult that meets the "primary residential occupancy" requirement.
- M. "Primary residential housing" or "primary residential development" shall have the same meaning as "Business Core Residential development," which terms may be used interchangeably throughout this section.
- N. "Primary residential occupancy" means the owner of record occupying the dwelling unit for a minimum of nine months out of any 12-month period or a renter occupying the dwelling unit through a lease term no shorter than nine months out of any 12-month period.
- O. "Property" means a specific parcel of real property upon which an BCO District is applied.
- P. "Subdivider" means any person creating a subdivision and offering lots for sale to the public.

#### **10-7A.4 Permitted Uses**

The following uses are permitted within an BCO development upon the City Council's approval of application of an BCO District to a specific parcel:

**A.** Residential development will not have a maximum density when a subdivider or developer ensures a minimum of 50 percent of units developed on the property are deed restricted for primary residential occupancy for actively employed households and or Blaine County Housing Authority Income Category L. BCO lots and units may be owner-occupied or renter-occupied as long as the residents meet the occupancy and active employment requirements of this subsection A. The maximum density (units/acre) limit shall be based on a calculation that includes all existing and all new units on the land area that is being included in the calculation. Residential development qualifying for greater density pursuant to the provisions of this section shall be permitted to obtain such density by constructing residential housing types not otherwise allowed in the underlying zoning district. For example, multifamily units may be constructed in the Business District.

**B.** Use and bulk requirements shall be those of the underlying zoning district unless they have been specifically amended herein.

- A. Multi-family dwellings: Multi-family dwellings shall be allowed without a limitation to the number of units per acre, through the development agreement process as required in 10-7A.

- B. Accessory Dwelling Units (ADUs)
  - 1. Up to two ADUs may be allowed through the building permit and design review process in Section 10-17 and Title 9 of the Bellevue City Code of Ordinances for any existing use in the Business District.
  - 2. The minimum dwelling unit size shall be not less than five-hundred fifty (550) net square feet.
  - 3. 25% of the habitable square footage of an existing commercial or business use shall remain on the parcel for non-residential use.
  - 4. Leases shall not be less than nine months.
- C. Accessory uses or structures incidental to the principally permitted use pursuant to Section 10-7-3.
  - 3. A second accessory dwelling unit permitted under Section 10-7-3 in an BCO development shall meet the occupancy and active employment requirements of subsection A of this section.

#### **10-7A.5 Development Standards**

**A. Eligibility.** In order to reduce costs associated with the development and construction of primary residential housing, the property development standards set forth in subsection B of this section are established for and shall apply to all BCO developments within the BCO Districts upon approval of a site plan or preliminary plat approval.

**B. Property Development Standards.** The following development standards shall apply to BCO developments within the BCO Districts:

**1. General Design Standards.** The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

**2. Minimum Design Standards.** Minimum design standards are included to ensure a high degree of quality in the development of BCO lots and units. The following design standards shall apply to a development that utilizes the density increases allowed by this section:

- a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.
- b. **Screening Requirements.**

**(1) Outdoor Storage Screening.** All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall be shown on a landscape and site plan indicating:

- i. Location of existing and proposed buildings, parking areas, street improvements;
- ii. Locations and general types of landscaped treatment areas -- i.e., lawn areas, low-water use areas, and inorganic areas;
- iii. Proposed plant or inorganic materials to be used in each treatment area;
- iv. Underground irrigation system to be used in each planted area;
- v. Walls and screening devices.

**(2) Parking Lot Screening.** Parking lot screening must be provided between an off-street parking area containing six or more parking spaces and either 1) a different zoning district or 2) a public street, and shall:

- i. Be provided within 10 feet of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretenion systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the City Engineer);
- ii. Be not less than 80 percent opaque and be a minimum of three feet in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity;
- iii. Not interfere with driver or pedestrian visibility for vehicles entering or exiting the premises;
- iv. Utilize native and drought tolerant plants;
- v. Consist of at least two of the following:
  - (A)** A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity.
  - (B)** A berm with plantings as described above.

(C) Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen.

(D) Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product;

vi. Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

**c. Parking Island Design.** Off-street parking areas with at least 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. Landscaped parking lot islands shall:

- (1) Be located at the beginning and end of each parking row and shall contain a minimum of 180 square feet and a minimum width of nine feet;
- (2) Include at least one tree per island;
- (3) Incorporate shrubs, perennials, and ornamental grasses, where required;
- (4) Be prepared with topsoil to a depth of two feet and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings; and
- (5) Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

**d. Building Exterior Facade Standards.**

- (1) Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.
- (2) Buildings shall utilize at least two of the following design features to provide visual relief along the front of the residence:
  - i. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows.
  - ii. Dormers.

- iii. Gables.
- iv. Recessed entries, a minimum of three feet deep.
- v. Covered front porches.
- vi. Cupolas.
- vii. Architectural pillars or posts.
- viii. Quoins.
- ix. Corbeling on wall.
- x. Decorative lintel.
- xi. Incorporation of brick or stone on at least 25 percent of front surface area.

e. The commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.

f. The City Council may waive, or modify, any, or all, of these requirements when the Council finds it is infeasible to comply due to physical or other constraints on the lot.

**3. Minimum Building Site Area and Lot Width.** There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a BCO development. However, the building site area lot widths and lot coverage percentages shall be designated on a preliminary plat or site plan.

**4. Density.** Overall density of site development within an BCO District shall not exceed twelve units per acre unless otherwise approved through the development agreement process as required in 10-7A.

**5. Building Height.**

a. Maximum building heights shall not exceed the limits defined in the underlying zone district.

b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.

c. Structures built within an BCO development must comply with Dimensional, bulk and building coverage standards and requirements.

**6. Setbacks.** The minimum setbacks from the lot line of the development shall comply with the underlying zoning district standards.

**7. Parking.**

**a. Number of Spaces Required.**

(1) For every single-family or two-family dwelling, at least two off-street parking spaces shall be provided for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.

(2) For every attached multifamily dwelling, one off-street parking spaces shall be provided for each bedroom.

**b. Parking Design Requirements.** Off-street parking shall comply with the underlying zoning district standards.

**8. Minimum Standards of Physical Condition.** Each BCO unit is required to have and maintain minimum standards of physical condition. This includes the following:

- a. Clean unit
- b. Carpets steam-cleaned two or three days prior to closing
- c. All scratches, holes, burned marks repaired in hardwood floors, linoleum, tile, and counter tops, etc.
- d. No broken or foggy windows
- e. All screens in windows (if screens were originally provided)
- f. All doors will be in working order with no holes
- g. All locks on doors will work
- h. All mechanical systems shall be in working order
- i. Walls paint ready
- j. Normal wear and tear on carpet; if carpet has holes, stains, etc., the carpet and padding shall be replaced or escrow funds at current market value per square foot for a comparable product shall be held at the time of closing to be used by the new buyer
- k. No leaks from plumbing fixtures
- l. Any safety hazard remedied prior to closing
- m. Satisfaction of radon issue if found at time of inspection
- n. All light fixtures shall be in working order

- o. All appliances that existed in the original Unit remain and are in good working order and good condition.

**9. Streets.** All public streets within or abutting the proposed planned development shall be dedicated and improved to City specifications for the classification of street.

**10. Signs.** Signs shall be permitted only to the extent allowed under Section 10-22-1. Signs, and must be approved by the Community Development Department.

**11. Construction Timing.** The BCO units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the BCO units may be developed in proportion to the phasing of the unrestricted units. For example, for each unrestricted unit constructed at least four BCO units shall be constructed.

#### **10-7A.6 Assurance of Primary Residential Housing and Occupancy**

**A. General.** BCO lots and units shall be used for primary residential housing for actively employed households for at least 65 years.

**B. Deed Restriction.** The following deed restriction shall be integrated into the development agreement, the master plan, each final plat or site plan, and each deed of conveyance:

The Property shall be used for Primary Residential Housing for Actively Employed Households as required by Bellevue City Land Use Code, Section 10-7A, Business Core Residential Overlay, for at least 65 years. The Property is further subject to a Development Agreement and Master Plan recorded against the Property in the real property records of Blaine County, Idaho.

Bellevue City reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Deed Restriction by a record owner of any BCO Lot or Unit in Bellevue City.

**C. Enforcement.** In addition to other remedies preserved herein, Bellevue City reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this section by a record owner of any BCO unit in Bellevue City. Enforcement may be delegated by the Bellevue City Council to an outside entity such as the Blaine County Housing Authority.

#### **10-7A.7 BCO District Application**



**A. Preapplication Conference.** Prior to submission of an BCO District application, as defined in this section, the developer or subdivider shall meet with the Community Development Director or their designee(s), including other City staff deemed desirable or necessary by the Community Development Director, to discuss the procedures, standards, and regulations hereunder.

**B. Procedure.** An BCO District application shall be reviewed in accordance with the procedures of Section 10-5 Reclassification of Zoning Districts (Rezoning), similar to a zoning map amendment.

**C. Application.** A developer or subdivider shall submit an BCO District application with the information contained in Section 10-5-2 together with a development agreement, master plan, and conceptual site plan as follows:

1. The development agreement shall include the following information:
  - a. Legal description of the property;
  - b. Narrative summarizing the proposed development of the property by gross acre, number of lots or units, common area and open space acreage, overall character and architectural style, and other related development features as proposed by the developer or requested by the City;
  - c. Percentage of BCO lots or units to be developed on the property; and
  - d. Deed restriction required by Section 10-7A.6B.
2. The master plan shall include the following information:
  - a. Legal description of the property;
  - b. Number and location of lots or units to be developed on the property;
  - c. Percentage of BCO lots or units to be developed on the property, including designation of the specific BCO lots or units in accordance with Section 10-7A.4; and
  - d. Identification of site planning features designed to ensure compatibility between proposed BCO development and surrounding neighborhoods and land use.
3. The conceptual site plan shall include the information required for a Certificate of Occupancy.

**D. Recordation.** The developer or subdivider shall record the development agreement and master plan in the real property records of Blaine County, Idaho, prior to recordation of a final plat approved hereunder or issuance of a building permit for any unit within a site plan approved hereunder. Once approved, the development agreement and master plan may not be amended or modified without reapplication to the City.

**E. Effect.** Review and consideration of an BCO District application is a discretionary legislative decision. Further, approval of an BCO District application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this section and the master plan.

**F. Lapse of Approval.** The BCO District approval shall automatically expire and be void unless the City approves, and developer records a site plan or final plat for the BCO development in accordance with Sections 10-7A.9 and 9.5 within 24 months of the date of BCO District approval.

**G. Conflict.** In the event of conflict between the provisions of Section 10-5 and Section 10-7A.8, this section shall control.

#### **10-7A.9 BCO Development Plat and Site Plan Approval**

**A. Application Procedure.** Review of an BCO development plat or site plan is an administrative decision, which shall be consistent with the City's prior legislative approval of an BCO District, the development agreement, and the master plan.

**B. BCO Development Preliminary Plat and Final Plat.** Each subdivider shall submit, and the City shall review a preliminary plat application and final plat application in accordance with Section 11-1 Subdivision regulations and this Section 10-7A.

1. In addition to the requirements of Sections 11-1, Submittal Requirements, each plat shall include:

- a. Designation of BCO lots in accordance with Section 10-7A.4;
- b. Deed restriction as required by Section 10-7A.6B.

**C. BCO Development Site Plan.** Each developer of a mixed use or multifamily residential BCO development shall submit, and the City shall review a site plan application in accordance with Section 10-3, Site Plan Review, and this Section 10-7A.

1. In addition to the requirements of Section 10-3.3, Submittal Requirements, each site plan shall include:

- a. Designation of BCO units in accordance with Section 10-7A.4;
- b. Deed restriction as required by Section 10-7A.6B.

D. In the event of conflict between the provisions of Section 10-17 and this Section 10-7A.9, this section shall control.

#### **10-7A.10 Expiration of Business Core Residential Ordinance**

The ordinance codified in this section shall automatically expire after 300 BCO lots or units have been approved or after five years, whichever occurs first. A record of the number and location of BCO lots and units approved shall be kept on file within the Community Development Department at all times.

#### **10-7A.11 Enforcement**

**A. Penalties for Violation.** As more particularly set forth in Section 10-3, Administration and Enforcement, any person, firm, entity, or corporation violating any provision or failing to comply with any provision of this section shall be guilty of a Class C misdemeanor. Without limiting the generality of the foregoing, it shall also be a Class C misdemeanor for any person, firm, entity, or corporation to sell or rent an BCO lot or unit to a household not qualified under this section. It shall further be a Class C misdemeanor for any person, firm, entity, or corporation to provide false or materially incomplete information to the City or its designee or to a seller or lessor of an BCO lot or unit to obtain occupancy of housing for which the person is not eligible.

**B. Legal Action.** In addition to the remedies set forth in Section 10-3, the City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this section, including:

1. Actions to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval;
2. Actions to recover from any violator of this section civil fines, restitution to prevent unjust enrichment, and/or enforcement costs, including attorney fees;
3. Actions to seek judicial enforcement of such fines, restitution, and costs, including judgment liens and foreclosure; and
4. Any other appropriate action for unlawful detainer, injunctive relief, or damages.