

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3165

AN ORDINANCE reclassifying 110 acres of property (Site 4) located west of 118th Avenue S.E. between approximately S.E. 13th Street and S.E. 32nd Street in Planning District 1 of the Richards Valley Subarea, with conditions.

WHEREAS, an application for reclassification of the property hereinafter described was duly filed with the appropriate City officials; and

WHEREAS, on October 29, 1981, a public hearing was held thereon before the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, on December 8, 1981, the Hearing Examiner recommended to the City Council approval with conditions of said reclassification of said property located west of 118th Avenue S.E. between approximately S.E. 13th Street and S.E. 32nd Street in the Richards Valley Subarea from OU and R-1 to OU; and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, requests for reconsideration of the Hearing Examiner's recommendation of December 8, 1981, were filed by Mark White, Stan Phillips and Haldane Duff; and

WHEREAS, on February 2, 1982, the Hearing Examiner, after reviewing the record, issued his response to the requests for reconsideration and entered his Order Upon Reconsideration which became a part of his previously entered recommendation of December 8, 1981; and

WHEREAS, on February 22, 1982, Mark White and Stan Phillips filed appeals to the City Council from the decision of the Hearing Examiner; and

WHEREAS, on April 19, 1982, a limited public hearing was held on the appeals by the City Council at which time the matter was remanded to the Hearing Examiner to consider wetland policies; and

WHEREAS, on September 7, 1982, a limited public hearing was held on the appeals by the City Council, at which all interested person had an opportunity to be heard; and

WHEREAS, on September 13, 1982, after due consideration of the findings, conclusions and decision of the Hearing Examiner, the record before the Hearing Examiner, including all evidence elicited during the Hearing Examiner's public hearing and of the argument presented at the limited public hearings before the City Council, the City Council voted to deny the appeals; and

WHEREAS, the City Council desires to enter findings of fact, conclusions and a decision in this matter and has determined that the public use and interest will be served by reclassifying said property; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore

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

Section 1. The City Council adopts the findings of fact and conclusions based thereon made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner" and "Order Upon Reconsideration of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of City of Bellevue for Reclassifications Implementing the Richards Valley Subarea Element of Bellevue's Comprehensive Plan, File No. HE-A 81-6."

Section 2. With regard to the appeals herein the City Council finds and concludes as follows:

1. The record does not disclose and the appellants have failed to demonstrate that there has been substantial error.
2. The record does not disclose and the appellants have failed to demonstrate that the proceedings were materially affected by irregularities in procedure.
3. The record does not disclose and the appellants have failed to demonstrate that the recommendation of the Hearing Examiner was unsupported by material and substantial evidence in view of the entire record as submitted.

4. The record does not disclose and the appellants have failed to demonstrate that the recommendation of the Hearing Examiner is in conflict with the City's Comprehensive Plan.
5. The record does not disclose and the appellants have failed to demonstrate that insufficient evidence was presented as to the impact of the proposed rezone on the surrounding area.

Section 3. The City Council hereby denies the appeals.

Section 4. The use classification of the following described property is changed from OU and R-1 to OU with conditions:

Those portions of the Southwest Quarter of the Northwest Quarter of Section 4, Township 24 North, Range 5 East, W.M., Lying Southerly of the South line of Lots 1 and 2 in Bellevue Short Plat 76-34 per Recording No. 7608160609, and lying Westerly of the center line of 118th Avenue S.E. (Factoria-Wilburton Road); Also, those portions of the Southwest Quarter of said section, lying Westerly of the center line of said 118th Avenue S.E.; Also, those portions of Government Lots 1 and 2 in the Northwest Quarter of Section 9, in said township and range, lying Easterly of the center line of Drainage District No. 12 and lying Westerly of the center line of said 118th Avenue S.E. and lying Northerly of the center line of S.E. 32nd Street (H. S. Hendrickson Road No. 1195); Also, that portion of the Southeast Quarter of the Northwest Quarter of said Section 9, lying Westerly of the center line of said 118th Avenue S.E. and lying Northerly of the center line of said S.E. 32nd Street, all in King County, Washington. Said portons contain an area in all of 110 acres, more or less.

This reclassification is subject to the following conditions:

1. Development of the site shall be limited to residential usage only.
2. No development of property designated as park land within Site 4 shall be approved for construction until the applicant first submits a detailed traffic analysis demonstrating that 118th Avenue S.E. can absorb traffic to be generated by the proposal.

Section 5. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 27th day of Sept, 1982, and signed in authentication of its passage this 27th day of Sept, 1982.

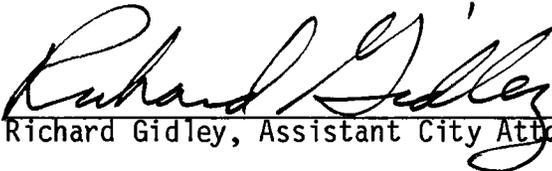
(SEAL)



Roy A. Ferguson, Mayor

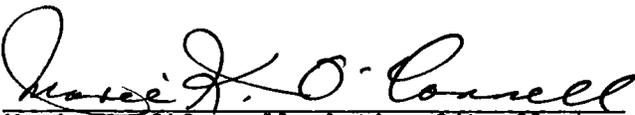
Approved as to form:

Linda M. Youngs, City Attorney



Richard Gidley, Assistant City Attorney

Attest:



Marie K. O'Connell, Acting City Clerk

Published October 2, 1982