

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3166

AN ORDINANCE reclassifying 8 acres of property (Site 5) located east of 118th Avenue S.E. between 32nd Avenue S.E. and the I-90 right of way in Planning District 1 of the Richards Valley Subarea, with condition.

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 condition of said reclassification of said property located east of 118th Avenue S.E. between 32nd Avenue S.E. and the I-90 right of way in the Richards Valley Subarea from R-1 to LI; and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, a request for reconsideration of the Hearing Examiner's recommendation of December 8, 1981, was filed by Evergreen Hill Partnership; and

WHEREAS, on February 2, 1982, the Hearing Examiner, after reviewing the record, issued his response to the request 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, Evergreen Hill Partnership filed an appeal 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 appeal 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 appeal by the City Council, at which all interested persons had an opportunity to be heard and, 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 appeal; 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 appeal herein the City Council finds and concludes as follows:

1. The record does not disclose and the appellant has failed to demonstrate that there has been substantial error.
2. The record does not disclose and the appellant has failed to demonstrate that the proceedings were materially affected by irregularities in procedure.
3. The record does not disclose and the appellant has 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 appellant has 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 appellant has 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 appeal.

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

A portion of the Southeast Quarter of the Northwest Quarter and a portion of the Northeast Quarter of the Southwest Quarter all in Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows, to wit: Said portions are bounded on the north by the center line of S.E. 32nd Street (Henry Bock Road #1079); bounded on the east by the center line of the right-of-way of Burlington Northern Inc.; bounded on the south by the LL line on S.R. 90, East Channel Bridge to Richards Road; and bounded on the west by the center line of Lake Washington Boulevard. Said portions contain an area in all of 8 acres, more or less, which includes an area of right-of-way of 4 acres, more or less.

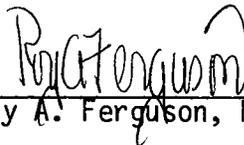
This reclassification is subject to the following condition:

1. Development of the site shall be limited to office, warehouse and storage uses; specifically, uses identified by Standard Land Use Code Reference Nos. 61, 63, 65, 66 and 637.

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 27<sup>th</sup> day of Sept, 1982, and signed in authentication of its passage this 27<sup>th</sup> day of Sept., 1982.

(SEAL)

  
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Roy A. Ferguson, Mayor

Approved as to form:

Linda M. Youngs, City Attorney

  
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Richard Gidley, Assistant City Attorney

Attest:

  
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Marie K. O'Connell, Acting City Clerk

Published October 2, 1982