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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3964

AN ORDINANCE approving the application of Bellevue School District No. 405 for renewal of the Master Conditional Use Permit for Bellewood Elementary School, located at 301 - 151st Place NE.

WHEREAS, Bellevue School District No. 405 has applied for renewal of the Master Conditional Use Permit for Bellewood Elementary School, which was approved by the City Council by Ordinance No. 3229 on February 22, 1983; and

WHEREAS, on July 14, 1988, a public hearing was held thereon by the Hearing Examiner with proper notice to all interested persons; and

WHEREAS, on August 12, 1988, the Hearing Examiner issued his findings and recommendation in the matter in which he recommended that the application should be approved with conditions; and

WHEREAS, Bellevue School District No. 405 filed an appeal to the City Council from the recommendation of the Hearing Examiner; and

WHEREAS, on October 10, 1988, the City Council conducted a limited public hearing on the appeal, and determined to uphold the recommendation of the Hearing Examiner and deny the appeal; and

WHEREAS, on October 17, 1988, the City Council reconsidered its previous decision and determined to grant the appeal and to adopt the recommendation of the Hearing Examiner with modifications and additions; and

WHEREAS, the City Council concurs in part with the findings of fact and conclusions of the the Hearing Examiner and further desires to enter additional findings and conclusions; 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 made and entered by the Hearing Examiner in support of his recommendation to Council in this matter, as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, in the Matter of the Application of Bellevue School District No. 405 for Renewal of a Master Conditional Use (Bellewood Elementary School), File No. HE/CUDN 88-2183", except that the Council does not adopt Conclusions Nos. 3 and 4

Section 2. The City Council enters the following additional findings of fact:

1. The original Conditional Use Permit approval included a requirement that the traffic generated under the conditional use could not exceed the traffic generated when the facility was used as a school. This condition was to assure that the conditional use complied with the requirement of Bellevue City Code (Land Use Code) 20.10.10.440, that charitable and social service uses in schools "... shall not be more intensive than if the school were being use as a school."

Applying this standard, the original conditional use was limited to 364 trips per average weekday. This number was based on actual counts of traffic taken at the school. Those counts were taken in June, 1980, at a time when enrollment was at low, bus service was heavily subsidized and used more extensively, and more children walked to school.

2. The Institute of Traffic Engineers Trip Generation Manual, 4th Ed., provides a formula for determining probable traffic from various uses, including elementary schools. The manual takes into account that elementary schools are usually located directly in neighborhoods, use bus service more, and that students are "dropped off" and "picked up" more because of their young age. It therefore provides for computation of traffic for such schools on different bases than schools for older students. According to the manual, Bellewood Elementary School, if operating as a school, would produce 571 average weekday trips.

Section 3. The City Council enters the following additional conclusion:

1. The most accurate and current method for determining traffic generation by Bellewood Elementary School is the ITE Trip Generation Manual, 4th Ed. Based on that manual, it is concluded that Bellewood Elementary School, if currently used as a school, would generate 571 average weekday trips.

Section 4. The City Council further concludes that the proposal is in compliance with the Conditional Use Permit decision criteria of Bellevue City Code (Land Use Code) 20.30B.140A through G.

Section 5. The City Council further concludes that the appellant has carried the burden of proof and produced evidence sufficient to support the conclusion that the appeal should be granted, and that the recommendation of the Hearing Examiner, insofar as it proposed to limit average weekday trips to 364 trips, is not supported by a preponderance of the evidence.

Section 6. The City Council adopts the conditions imposed by the Hearing Examiner as set forth in the findings and recommendation of the Hearing Examiner with the following modifications and additions:

1. All references in the conditions imposed by the Hearing Examiner to 364 average weekday trips shall be modified to provide for 571 average weekday trips.

2. The traffic counts provided for in Condition No. 3 of the Hearing Examiner shall be taken quarterly for a period of two years.

3. The Conditional Use Permit shall be limited to a term of two years from the effective day of this ordinance, provided the School District may apply for renewal of the permit.

4. Condition No. 4 of the Hearing Examiner is modified to read as follows:

The applicant shall request to the Neighborhood Traffic Control Program that 151st Place N.E. be placed on the list of areas to be evaluated for neighborhood traffic control. If necessary, the applicant would pay for the cost of regulatory devices necessitated by the proposed uses.

5. The City staff will study and bring forward a recommendation to the City Council, as part of any future permit renewal application, concerning possible future alternate public access to the site.

Section 7. The City Council hereby approves the renewal of the Master Conditional Use Application of Bellevue School District No. 405 for use of Bellewood Elementary School on property located at 301 - 151st Place NE, and more particularly described as:

Northeast quarter of the Southwest quarter of the Northwest quarter, Section 35, Township 35 North, Range 5 East, WM, in King County, Washington.

Provided said conditional use is conditioned on full compliance by the owner of the property described herein, its heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain concomitant agreement executive by Bellevue School District No. 405, which has been given Clerk's Receiving No. 13983, and which by this reference is fully incorporated herein.

Provided further that this approval of said conditional use renewal is conditioned on full compliance by the owner and its heirs, assigns, grantees and successors in interest, with the plans and attachments, conditions, commitments, reports and other documents relating to this conditional use renewal, given Clerk's Receiving No. 13984, which are hereby by this reference fully incorporated herein. Further, except where inconsistent with a specific condition of conditional use renewal under this ordinance, the owner and its heirs, assigns, grantees and successors in interest shall comply with the conditions imposed under Ordinance No. 3229.

Section 8. The conditional use granted herein shall be subject to all federal, state, and local laws, rules and regulations.

Section 9. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 14<sup>th</sup> day of November, 1988, and signed in authentication of its passage this 14<sup>th</sup> day of November, 1988.

(SEAL)

Nan Campbell  
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley  
Richard Gidley, Deputy City Attorney

Attest:

Marie K. O'Connell  
Marie K. O'Connell, City Clerk

Published November 19, 1988