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EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

Resolution No. 370A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 4831-C, providing for wetland modification and replacement, and adding a new subsection B.7 to section 20.25H.110 of the Bellevue City Code (Land Use Code).

WHEREAS, on the 11th day of December, 1995, the City Council of the City of Bellevue, Washington passed Ordinance 4831-C, providing for wetland modification and replacement, and adding a new subsection B.7 to section 20.25H.110 of the Bellevue City Code (Land Use Code).

WHEREAS, the subject matter of said Ordinance fall within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.140.

WHEREAS, following the public hearing held before the East Bellevue Community Council on January 2, 1996, the Community Council voted in open meeting to disapprove Ordinance No. 4831-C.

NOW THEREFORE, BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation:

Section 1: The East Bellevue Community Council hereby disapproves Ordinance No. 4831-C enacted by the Bellevue City Council on December 11, 1995 and pursuant to RCW 35.14.040, this Ordinance shall not become effective within the area of the East Bellevue Community Municipal Corporation.

Section 2: The East Bellevue Community Council disapproved Ordinance No. 4831-C based upon the following legislative findings:

1. Ordinance No. 4831-C eliminates the criteria that the landowner show "undue hardship" as a part of the wetland modification process in favor of a criteria only requiring a showing that wetland alteration is required to accommodate an essential element of a permitted use.

2. Ordinance No. 4831-C allows an exemption "to accommodate an essential element of a permitted use of the site" without defining the term "essential element" thus leaving the interpretation of the term to administrative discretion.

3. Ordinance No. 4831-C inappropriately decreases the percentage of land required

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to be protected as wetland on a lot before an exemption could be sought from 75% to 50%.

4. Ordinance No. 4831-C modifies the prior practice by allowing wetland modification decisions to be made by an administrative decision under Process II instead of the variance process previously employed (Process III), which new process does not include community council review.

5. Ordinance No. 4831-C eliminates the requirement that any "wetland mitigation area" be established for three growing seasons and be approved by city officials in favor of a diminished requirement that the "replacement wetlands" only be completed prior to the occupancy permit for the project that fills or alters the natural wetlands. Furthermore, the phrase "to the extent feasible" overly broadens the approval criteria for replacement wetlands in Section 20.25H.110 B.7.c.iii.

6. The addition of the phrase "such as an essential public facility" in Section 20.25H.110 B.7.a appears to be misleading and confusing.

7. Ordinance No. 4831-C allows more intense, and therefore unacceptable, development of develop able properties than does the underlying zoning, thereby allowing more intense development of land in sensitive areas.

8. The low success rate for replacement wetlands is unacceptable.

9. The overall changes to the wetland protection provisions represent a relaxation intended to encourage increased density development of existing wetlands within East Bellevue Community Council's jurisdiction. Testimony at the January 2, 1996 public hearing for Ordinance No. 4828, Resolution No. 372A, clearly stated that most citizens want to preserve and protect wetlands for future generations.

Section 3. The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in her office. The Clerk is further directed to distribute certified and conformed copies of the Resolution to the Bellevue City Council, the Office of Policy Planning, and the Department of Community Development.

PASSED by a majority vote of the East Bellevue Community Council on the 6th day of February, 1996, and signed in authentication of its passage this **7th day of February, 1996**.

(SEAL)

James E. Bell

James E. Bell, Chair

ATTEST:

Michelle Murphy

Michelle Murphy, CMC
Deputy City Clerk