

WP0477C-ORD
10/10/95

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4802

AN ORDINANCE approving a conditional use permit application of the City of Bellevue to open Robinsglen Nature Park, located generally at 16358 S.E. 16th Street, for public use, with conditions; File No. CUDN 95-1652.

WHEREAS, the City of Bellevue Parks and Community Services Department has applied to the City for a conditional use permit to open for public use a park generally located at 16358 S.E. 16th Street; and

WHEREAS, on July 20, 1995, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on August 10, 1995, the Hearing Examiner recommended approval, with conditions, of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on August 30, 1995, the Departments of Transportation, Utilities, and Parks and Community Services filed appeals of Condition No. 2 of the Hearing Examiner; and

WHEREAS, on October 2, 1995, a limited public hearing on the appeals was held before the City Council; and

WHEREAS, the City Council has determined to grant the appeals; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner except as hereinafter set forth; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the Bellevue Environmental Procedures Code; 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 the City Council in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of The City of Bellevue For a Conditional Use to Open 1.1 Acre Robinsglen Nature Park to Public Use, File No. CUDN 95-1652", as hereinafter supplemented and modified.

Section 2. The Council does not adopt Finding of Fact No. 11, Conclusion No. 5 and Conditions Nos. 2 and 4 of the Hearing Examiner.

Section 3. The City Council finds:

Public access to the property is by way of SE 16th Street. The access is a cul-de-sac at the street-end. The Hearing Examiner recommended a condition which would prohibit park visitors parking on SE 16th Street from the westernmost curb at the street end for a distance of five hundred feet east of that point. However, Washington State Department of Ecology funding assistance which was provided to the City for lake water cleanup was made conditional upon the requirement that the general public enjoy access equal to that of lake residents. Specifically, it was required that open parking be maintained on SE 16th Street in this area. In a September 3, 1986, letter to the Department of Ecology the City agreed to maintain open parking on SE 16th Street and agreed that it would reimburse the Department for grant funds if public access is reduced.

Further, this is a neighborhood park which it is expected will not be accessed by a significant number of persons using motor vehicles, and restricting parking for such a small section of roadway would likely cause visitors who do access by motor vehicle to park up the street where parking is allowed.

Section 4. The City Council concludes:

The parking restriction proposed by the Hearing Examiner would violate the City's grant agreement with the Department of Ecology and would oblige the City to reimburse the Department for grant funds it has received. Further, it is not necessary nor would it be effective in preventing visitors parking in the area.

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Section 5. The City Council hereby approves the conditional use application, with conditions, of the City of Bellevue Parks and Community Services Department to open Robinsglen Nature Park, generally located at 16358 S.E. 16th Street on property legally described as, for public use:

PARCEL A:

Beginning at the southeast corner of the southeast quarter of the northeast quarter in Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington;
thence north 165 feet, more or less, to the centerline of Southeast 16th Street;
thence west 36 feet;
thence southwesterly 180 feet, more or less, to a point 108 feet west of the point of beginning;
thence east 108 feet to the point of beginning;
EXCEPT the north 30 feet for road.

PARCEL B:

The east half of the northeast quarter of the northeast quarter of the southeast quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington.

provided this approval is subject to the following conditions:

A. No swimming from or to the Park shall be permitted. Notice of this shall be posted at the Boat Launch Park and the entrance to this Park.

B. All restrictions and prohibitions regarding use of this property and agreed to in the 1986 Management Plan shall be posted at the entry to the subject property.

C. The Park Board shall consider issues relating to park maintenance; parking; creation of buffer zones, and access to the park.

Section 6. This ordinance shall be recorded with the King County Department of Records and Elections.

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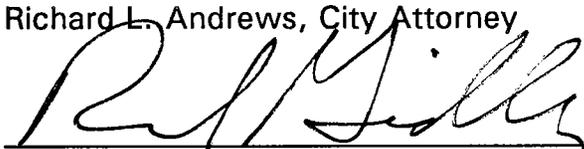
Section 7. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 16th day of October, 1995, and signed in authentication of its passage this 16th day of October, 1995.

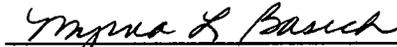
(SEAL)


Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Andrews, City Attorney

Attest:


Myrra L. Basich, City Clerk

Published October 20, 1995