ORIGINAL

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

Resolution No. 369-A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance 4816, amending Title 20, the City of Bellevue Land Use Code

WHEREAS, on the 4th day of December, 1995 the City Council of the city of Bellevue, Washington passed Ordinance No. 4816, amending Title 20, the City of Bellevue Land Use Code; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.140; and

WHEREAS, following the public hearing held before the East Bellevue Community Council on January 2, 1996, the Community Council voted to disapprove Ordinance No. 4816;

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

Section 1: The East Bellevue Community Council hereby disapproves Ordinance No. 4816 enacted by the Bellevue City Council on December 4, 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. 4816 based upon the following legislative findings:

a) Ordinance No. 4816 makes substantial changes to the city's land use codes and procedures. This ordinance deals with planning and zoning and is subject to the approval/disapproval authority of the East Bellevue Community Council by virtue of RCW ch. 35.14.

b) Ordinance 4816 is some 243 pages in length and covers a variety of separate topics. This ordinance is a compilation of several proposed ordinances dealing with different subjects. The Bellevue City Council combined these separate ordinances into a single ordinance which came before the community council as Ordinance 4816. This process has made it impossible for the community council to narrowly focus on areas of particular concern. The community council's approval/disapproval authority does not include a section-by-section veto authority. Thus the community council must disapprove the entire ordinance, even if it has no objection to almost all of the ordinance's provisions.

c) In the case of Ordinance 4816, the East Bellevue Community Council has no objection to almost all of the provisions of the ordinance. However certain sections of the ordinance, as described hereinafter, require disapproval because the ordinance as written would improperly remove the authority of the Community Council to act on certain land use matters.

d) Under Washington state law, community councils are granted the authority to approve/disapprove of conditional use permits, special exceptions, variances, planned unit developments and subdivision plats. In addition, the community councils have approval/disapproval authority over the adoption or amendment of the land use and subdivision ordinances.

e) Section 102 of Ordinance 4816, Sections 20.35.100 - 20.35.165 (Process I), do not make provision for community council review of certain decisions of the city regarding land use decisions which are within its statutory authority. RCW 35.14.040. These decisions include its authority to act on conditional use permits (CUPs), subdivision plats and planned unit developments.

f) The provisions of Section 102 of Ordinance 4816, Section 20.35.200 - 20.35.250, do not make

provision for the community councils to review variances, which are within the statutory jurisdiction of the community councils. RCW 35.14.040.

g) The actions of the City Council in attempting to limit community council jurisdiction as described above, limit public participation and participation of residents of the East Bellevue Community Council area in these land use decisions.

h) Retaining full community council jurisdiction will not be contrary to law. City and community council jurisdiction may be continued through minor modifications to the ordinance.

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 or conformed copies of this Resolution to the Bellevue City Council, the Department of Planning, Neighborhoods, and Economic Development, and the Department of Community Development.

PASSED by a majority of the East Bellevue Community Council on the 2nd day of January, 1996, and signed in authentication of its passage this 25th day of January, 1996.

James E. Bell

Jame E. Bell, Chair

ATTEST:

Michelle Murphy

Michelle Murphy, CMC
Deputy City Clerk