ORIGINAL

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

Resolution No. 372-A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 4828, reclassifying property located in the Crossroads Subarea for OU, O and PO to R-1.8, R-3.5, R-5, R-10, R-15 and O upon request of the City of Bellevue and known as the Crossroads subarea rezone project. REZ 95-6267 through 6285 and REZ 95-6670.

WHEREAS, the City of Bellevue initiated a rezone of 19 parcels of property (total site area of 48 acres), located in the Crossroads Subarea of the Comprehensive Plan; and

WHEREAS, on September 5, 1995, the East Bellevue Community Council held a courtesy public hearing on the application, and a letter from the Community Council was sent to City staff requesting that a number of issues be considered in connection with the Hearing Examiner's public hearing, including whether the proposed higher density within certain zoning designations on several rezone areas is consistent with the Comprehensive Plan; and

WHEREAS, on October 11, 1995, the City staff responded in a memo to the East Bellevue Community Council's letter, explaining their position that the highest density was the most appropriate, given the allowable densities on adjacent properties, the existing uses of the rezone areas and existing lot sizes, and in order to achieve a more gradual transition between zones on adjacent properties; and

WHEREAS, on October 11, 1995, the City Hearing Examiner held a public hearing on the application; and

WHEREAS, the Hearing Examiner determined that the application was consistent with the Comprehensive Plan land use designations for the property, and noted that of the nine general areas proposed for rezoning, staff recommended that four areas be rezoned to the

highest possible density allowed within the Comprehensive Plan land use designations; and

WHEREAS, the Hearing Examiner specifically found that the highest density was appropriate in these four rezone areas for the following reasons:

1. to provide for a more gradual transition to adjacent property in higher density zones (H.E. Decision, November 2, 1995, No. 8, p. 445);

2. because the difference between the higher and lower density possibilities is "modest" (Id., No. 17, p. 448); and

3. because there was nothing in the record before the Hearing Examiner to show that the higher densities on "highly restricted properties" will either put sensitive area policies at risk or result in incompatibility with neighboring development (Id., No. 17, p. 448); and

WHEREAS, by written decision of November 2, 1995, the Hearing Examiner conditionally recommended approval of the rezone application after making a finding that the criteria for approval in the City's Land Use Code Section 20.30A.140 did not need to be evaluated, with the exception of the issue whether the rezone was consistent with the City's Comprehensive Plan; and

WHEREAS, on December 11, 1995, the Bellevue City Council passed Ordinance No. 4828 approving the rezone, by adopting the Hearing Examiner's findings of fact and conclusions by reference, and without making any additional findings as to whether the rezone was consistent with the criteria in the City's Land Use Code Section 20.30A.140; and

WHEREAS, with the exception of rezone area 9, the subject matter of said Ordinance 4828 falls within the jurisdiction of the East Bellevue Community Council, pursuant to RCW 35.14.040; and

WHEREAS, following a public hearing held before the East Bellevue Community Council on January 2, 1996, the Community Council voted to disapprove Bellevue Ordinance No. 4828; Now, Therefore,

BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue;

Section 1. The East Bellevue Community Council makes and enters the following findings of fact:

A. The public hearing on the rezone application was convened on January 2, 1996. All required notice of the hearing had been given. The following evidence was introduced into the record:

1. Public hearing notice of the Community Council public hearing, dated December 13, 1995, p. 433;

2. City Council Agenda Memorandum, dated December 4, 1995, p. 434;

3. City Council Summary of application, undated, p. 435 through 437;

4. Summary Attachments A through C, p. 438-440;

5. Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue; p. 441-454;

6. Ordinance No. 4828, p. 455-461; and

7. Excerpt Summary Minutes of EBCC ____/95 meeting, p. 462-467.

B. The following witnesses testified:

1. Carol Saari, planner, Bellevue Department of Community Development;

2. Susan Roe Ramsey of 15245 N.E. 3rd Place;

3. Jeanette Sheehan, 28 - 150th Place N.E.;

4. Scott Leonard, 15505 S.E. 10th Street;

5. James W. Swanson, 1455 N.E. 4th Place;

6. Eileen Torgenson, 459 - 145th Place N.E.;

7. Dorothy Williams, 58 - 150th Place;

8. Maureen Scudieri, 115 150th Avenue N.E.;

9. Frank McLean, 14717 N.E. 4th Place;

10. Janet Swanson, 14553 N.E. 4th Place;

11. Bill Kosky, 14815 S.E. 9th Place; and

12. Michael Aippersbach, P.O. Box 95429, Seattle, 98145, agent for two of the owners of property in rezone area 4;

C. **Background**.

1. Applicant. The rezone has been initiated by the City of Bellevue. With the exception of one area (rezone area 9), the affected property is located within the jurisdiction of the East Bellevue Community Council. Rezone areas 1 through 8 are depicted in Attachments A and B, attached to this Resolution and are incorporated herein by this reference.

2. **Description of Rezone**. The City proposes to rezone the property into nine separate rezone areas, each to be rezoned to a single zoning district. All of the existing and proposed rezone designations are shown in Attachment C, attached to this Resolution and by this reference incorporated herein.

3. **Description of Property and Consistency with Comprehensive Plan Land Use Designations**.

a. Areas 1 through 5.

1) **Description**. The majority of the properties in the Rezone areas 1 through 5 are occupied by wetlands, floodplains, a riparian corridor and associated setbacks. Most of this property is undeveloped. Areas 1, 5 and part of 2 are currently owned by the City and used as wetlands for drainage. (H.E. Decision, p. 444, No. 4.)

2) **Proposed densities.** Area 1 is proposed to be rezoned as "Office;" area 2 to R-3.5; area 3 to R-5; area 4 to R-10; and area 5 to R-1.8.

3) **Alternative to proposed densities.** The proposed densities in areas 2 and 5 are the highest allowed under the Comprehensive Plan designations. The densities could be lowered and still be consistent with the Comprehensive Plan, as follows: Area 2 could be R-2.5, and area 5 could be R-1.

b. Area 3.

1) **Description.** Area 3 consists of two parcels. The northern parcel along NE 8th is the Bellevue East Apartments (32 units), built prior to the present Open Use zoning and a legal non-conforming use. The southern parcel is a 1.79 acre area developed with one residence. (H.E. Decision, p. 444, No. 5.)

2) **Proposed densities.** Area 3 is proposed to be rezoned to R-5.

3) **Alternative to proposed densities.** The proposed density for area 3 is the highest allowed under the Comprehensive Plan designation. The density could be lowered for area 3 to R-4 and still be consistent with the Comprehensive Plan.

c. Area 8.

1) **Description.** Area 8 has eight existing single family residences.

2) **Proposed densities.** Area 8 is proposed to be rezoned to R-5.

3) **Alternative to proposed densities.** The proposed density for area 8 is the highest

allowed under the Comprehensive Plan designation. The density could be lowered for area 8 to R-4 and still be consistent with the Comprehensive Plan.

d. Areas 6, 7 and 9. Areas 6, 7 and 9 have been developed and the proposed zoning designations and densities are consistent with the Comprehensive Plan. Area 9 is not within the jurisdiction of the Community Council.

4. **Consistency with the Comprehensive Plan.**

a. General Elements of Comprehensive Plan. The proposed rezone areas are located near the intersection of N.E. 8th Street and 148th Avenue N.E. (with the exception of rezone area 9). The Comprehensive Plan, Figure TR.4, "Long Range Transportation Facility Improvements," shows this intersection as the site of a future City intersection improvement project.

1) **Transportation.** According to Table TR.1, "Area Mobility Targets" in the Transportation Element of the Comprehensive Plan, the Crossroads area has a Roadway Average Level of Service of "D-." This means that the average volume to capacity ratio on Crossroad roads is 0.85-0.900. (Id., Table TR.2, Description of Average Intersection Level of Service.) With a "D-" level of service, there is "increased driver frustration and long cycle length." (Id.)

The Transportation Element in the Neighborhood Protection section of the Comprehensive Plan specifically addresses traffic impacts of concern to neighborhood quality of life:

> impacts from widening arterials in and near residential areas. This may cause undesirable

> changes in neighborhood appearance and character, as well as higher traffic volumes, speeds and noise in residential areas.

Id., Transportation, p. VII-16.

2. **Environment**. The following policies apply to the City's rezone of property containing wetlands:

> **Policy EN-1**. Consider the immediate and long-range environmental impacts of policy and regulatory decisions and evaluate those impacts in the context of the City's commitment to provide for public safety, infrastructure, economic development, and a compact Urban Center in a sustainable environment.
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> **Policy EN-10**. Retain existing open surface water systems in a natural state and rehabilitate degraded conditions.
>
> **Policy EN-14**. Preserve and maintain the 100-year floodplain in a natural state.
>
> **Policy EN-15**. Preserve and maintain wetlands in a natural state.
>
> **Policy EN-16**. Preserve aquatic and riparian habitats in a natural state and rehabilitate similar areas that have been degraded.

> **Policy EN-26.** Manage aquatic and riparian (streamside) habitats to preserve and enhance their natural functions of providing fish and wildlife habitat and protecting water quality.

Comprehensive Plan, Environment, IX p. 2-10.

b. Crossroads Subarea Plan. The General Land Use policies of the Crossroads Subarea Plan applicable to this rezone are:

> **Policy S-CR-2.** Protect existing single-family neighborhoods from encroachment by more intense uses.
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> **Discussion (Policies S-CR-1, 2): . . . The protection of the remaining parcels designated single family is vital for the stability of the residential community.**
>
> **Policy S-CR-3.** Encourage land use density that will not intensify vehicular congestion.
>
> **Policy S-CR-4.** Ensure that any development of remaining vacant land in Crossroads is compatible with surrounding uses.

Id., p. IV-2.

> **Policy S-CR-30.** Consider restrictions on land development and density as a viable means of controlling unacceptable levels of traffic congestion.

Id., p. IV-4.

4. **Reclassification Criteria.**

a. Bellevue Land Use Code. The criteria for approval of a reclassification of property are:

> A. The reclassification bears a substantial relation to the public health, safety or welfare; and
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> B. The reclassification is warranted because of changed circumstances or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
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> C. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification; and
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> D. The reclassification will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
>
> E. The reclassification has merit and value for the community as a whole; and
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> F. The reclassification is in accord with the Comprehensive Plan; and

G. The reclassification complies with all applicable criteria and standards of the Bellevue City Code.

Bellevue Land Use Code Section 20.30A.140.

5. **Growth Management Act**. The Growth Management Act requires that: "[a]ny amendment or revision to a comprehensive land use plan shall conform to [chapter 36.70A. RCW], and any change to development regulations shall be consistent with and implement the comprehensive plan." RCW 36.70A.130.

6. **Community Council Authority**. The East Bellevue Community Council's authority extends to approval or disapproval of Ordinance 4828. The Council may not approve a portion or disapprove a portion of the ordinance. Therefore, the Community Council must either disapprove or approve Ordinance 4828, in its entirety.

D. **Testimony**.

1. **Carol Saari** testified as the planner for the Bellevue Department of Community Development by providing the background for the rezone. Scott Leonard asked her whether the proposed rezone of parcel 4 would allow the development of an apartment building with 172 units. Ms. Saari responded that 172 units is the potential density, without taking into consideration the sensitive areas on the property.

Councilmember Bell asked Ms. Saari whether the hearing examiner's report mentioned the proposal to construct a road from 148th directly to Bellwood School, is planned to alleviate the traffic problem. Ms. Saari stated that the road was looked at in the rezone stage and thought it might come up again at the construction stage.

Councilmember Keeffe asked Ms. Saari why the higher density was recommended on some parcels. Ms. Saari stated that the City had no choice with regard to parcel No. 4, but with regard to the other parcels, the City

staff "felt it was like a transition zone" to adjacent parcels.

In answer to general questions about the application of the City's sensitive area regulations in these higher density rezone areas, Ms. Saari stated that the sensitive area regulations would still apply to restrict development.

2. **Susan Roe Ramsey**. Ms. Ramsey did not testify, but left a written note for the Council which stated: "I do not support the rezoning of the City Council Ordinance No. 4828. Please do not approve. I am not able to stay."

3. **Jeanette Sheehan**. Ms. Sheehan testified that she lives on the perimeter of the rezone area, and she is totally against the proposed increase in density. She also believes that the zoning opens up a situation which may affect the wetlands.

4. **Scott Leonard**. Mr. Leonard testified that the Journal American and other newspapers have identified 148th Avenue and BelRed Road as the busiest intersection in the State of Washington. He also wanted to discuss the manner in which City staff determined the need for the higher density in this rezone. Mr. Leonard stated that the City staff looked at nearby parcels with higher densities, and then determined that the parcels in this rezone should be consistent, in order to provide a transition zone. However, he pointed out that the same method could be employed in reverse, by looking at nearby parcels to the north with lower densities. This would allow proposed lower densities, in order to provide a transition zone for consistency with the northerly properties. Further, Mr. Leonard noted that the City's land use code requires that the City make a finding that the rezone bears a substantial relation to the public health, safety or welfare, and the proposed rezone actually creates a threat to the public health, safety and welfare. Another criteria for approval of a rezone requires that the subject property is suitable for development in general conformance with the zoning

standards in the proposed zoning classification, but according to Mr. Leonard, this property is not suitable, and will be detrimental to nearby property owners.

5. **James W. Swanson.** Mr. Swanson testified that the traffic on 148th is impossible. He stated that when the road was built, the neighborhood was cut off from being able to turn and go north on 148th or to turn into their neighborhood off of 148th because of traffic problems. With the proposed increased density, Mr. Swanson felt the problem would worsen because the only access to rezone area No. 4 would be off of 148th. Mr. Swanson felt that the impossible traffic is a very legitimate concern that the Council should take into account.

6. **Eileen Torgenson.** Ms. Torgenson lives nearby and is also very concerned about the terrible traffic on 148th. She stated that she has waited as long as 3 to 5 minutes trying to get on 148th, and that is only to go south far enough to make a U-turn in order to go north. Ms. Torgenson is not in favor of high density apartments and is against the rezone.

7. **Dorothy Williams.** Ms. Williams testified that the traffic in the area is getting almost as bad as in New York. She agrees with the Journal American when it claimed that the City is developing the area at 148th Street without a plan, because the City clearly cannot accommodate the traffic.

8. **Maureen Scudieri.** Ms. Scudieri testified that her main concern is wetland preservation. The area affected by the rezone is a sensitive area and has been designated as such, but Ms. Scudieri feels that the proposed zoning would allow loopholes for inconsistent development. She urged the Community Council not to allow the rezone to be approved, because it would only create a loophole for development of wetlands.

9. **Frank McLean.** Mr. McLean testified that the City's wetlands map does not accurately describe the area subject to the rezone. He described the birds, including blue heron, stated that there is water on the property at

least twenty feet deep, blueberries and a duck pond. He stated that the people making the rezone decision should visit the site, and not rely upon the wetlands map when determining how the property should be zoned. Because of the undevelopable nature of the wetlands, the rezoning which allows a density of R-10 is not compatible with the existing land uses, according to Mr. McLean.

10. **Janet Swanson**. Ms. Swanson asked Ms. Saari how City staff determined that R-10 was a more appropriate designation of the property than R-1. Ms. Saari responded that this decision was made at the time of Comprehensive Plan amendment. Ms. Swanson also wanted to know whether the City of Bellevue could sell the property it owned, which was subject to the rezone. Ms. Saari responded that she didn't know what the City was planning for the property, but acknowledged that it could be sold for development.

11. **Bill Kosky**. Mr. Kosky testified that he is against the high density zoning because of the traffic on 148th. He feels that this rezone only adds to the problem, and also takes away from the livability of his neighborhood.

12. **Michael Aippersbach**. Mr. Aippersbach testified as the agent of two property owners who did not attend the hearing, owners of rezone area No. 4. He is in favor of the rezone, and wants to point out that the traffic problems on 148th would discourage a developer from building a new single family development. He also wanted to point out that the rezone will not affect the wetland, because his clients will still have to comply with the wetland regulations when the property is developed.

13. **Michelle Scudieri**. Ms. Scudieri testified that she will be living in Bellevue in the next 25 years and doesn't want to live in a place that is just concrete with a few fake plants. She is concerned that the area started out as wetlands and then the City felt that it could absorb development, so it was rezoned, and after houses and roads were built, the City is now saying let's rezone it again, we can squeeze a little more in. Ms. Scudieri stated that instead of trying to push more

development in the area, the City should be trying to protect what is there, so everyone can enjoy it.

14. **Bill Kosky**. Mr. Kosky asked Mr. Aippersbach to explain his statement that the high volume of traffic on 148th made the area unattractive for development of single family homes. Mr. Aippersbach responded that there is a cost involved in mitigating the traffic impacts, by either building acoustical walls, centralizing the location of the units or putting in landscaping. He further explained that the increase in density is a price factor, and that's what makes increased density attractive over single family development. According to Mr. Aippersbach, the developer will do everything that they can when increasing the density to reduce any impact on the surrounding neighborhoods. Finally, he pointed out that multi-family development was consistent with the surrounding neighborhood.

15. **Jeanette Sheehan**. Ms. Sheehan testified that the wetland area is totally unsuitable for building anything that would be allowed under the proposed rezone. She described a situation involving the K-Mart and the covering of a creek with asphalt and asked the Community Council not to allow anything similar to happen to the creek.

E. Any finding which is deemed a conclusion is hereby adopted as such.

Section 2. The East Bellevue Community Council makes and enters the following conclusions:

A. There is no court decision rendered after the adoption of the Growth Management Act which holds that all of the criteria for approval of a reclassification or rezone are "subsumed" in the requirement for consistency in the City's development regulations and comprehensive plan. However, the courts have determined that "where the proposed rezone . . . implements policies of the comprehensive plan, changed circumstances are not required." Bjarnson v. Kitsap County, 78 Wn. App. 840, 846 (1995). Therefore, without clear authority to

abandon all other criteria for rezones, the Community Council should determine whether or not the proposed reclassification meets Bellevue Land Use Code Section 20.30A.140(A), (C), (D), (E), (F), (G) and (B) to the extent it is applicable. With regard to the application of those criteria to Ordinance No. 4828, the Community Council makes the following conclusions:

1. **Section 20.30A.140(B) -- Consistency with the Comprehensive Plan.** The Community Council finds that all general land use designations for the rezone area are consistent with the Comprehensive Plan land use designations. However, with regard to the density allowed under the specific land use designations for rezone areas 2, 3, 5 and 8, the City's proposal for the highest possible density is inconsistent with the City's Comprehensive Plan and the Crossroads Subarea Plan. Section 20.30A.140(B) requires a showing that there is a need for additional property at the higher rather than the lower density or that the higher density is appropriate for reasonable development of the four parcels. There is no evidence in the record.

The Community Council heard substantial evidence on the significant existing traffic problems in the area of 148th Avenue N.E. These traffic problems are confirmed in the City's Comprehensive Plan, which designates the level of service on roadways in the Crossroads area as "D-." (Level of service "F" is the worst.) The City's Plan shows planned roadway improvements at the intersection of 148th and N.E. 8th, even as it acknowledges that these roadway improvements may themselves create negative impacts in and near residential areas, such as higher traffic volumes, speeds and noise. However, the city's rezone of properties in this area increases the density without ever considering these issues.

This rezone is also inconsistent with the Crossroads Subarea Plan policies. Pursuant to Policies S-CR-2, S-CR-3 and S-CR-4, the City is specifically required to encourage land use density that will not intensify vehicular congestion and further ensure that development is compatible with surrounding uses. These policies do not support the undocumented "transition" method used by the City for determining that property, a large portion of which is wetlands, should be rezoned to the highest possible density. The City has completely ignored these policies and has instead

chosen a method for allocation of density which aggravates existing problems in the area.

Policy S-CR-30 is directly contradicted by the City's proposed rezone to the highest allowed densities under the specific land use designations. This policy provides that the City will consider restrictions on land development and density as a means of controlling unacceptable levels of traffic congestion. There is nothing in the record which demonstrates that the City even considered this policy or the existing traffic problems in this area when it determined to rezone the properties to the higher densities.

To the contrary, the evidence in the record only shows that the City considered the density possibilities to be "modest." There is nothing in the record to show whether this evaluation was performed on <u>all</u> of the rezone areas. Furthermore, there is nothing in the record to indicate whether this comparison was made of the density of one or all of the rezone areas <u>after</u> consideration and application of the existing sensitive areas ordinance to the property.

Although the fact that the City will be adopting new sensitive areas regulations was discussed by City staff, no information was presented to demonstrate the effect of the new regulations on the rezone property. Because the City is required by ESHB 1724 to adopt new sensitive area regulations (adoption of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency 1987 manual for wetlands delineation, RCW 90.58.380), the Community Council questions whether the City's speculation on the effect of the proposed density after application of the sensitive areas ordinance has any foundation in fact. It would appear that the State mandate to use the 1987 manual for wetlands delineation will, in all likelihood, result in a narrower parameter for delineating wetlands and thus a greater density on the property and accordingly greater impacts than represented by the City.

The environmental policies of the Comprehensive Plan do not support high densities on property occupied by wetlands, floodplains, a riparian corridor and associated setbacks. Specifically, EN-10, EN-14, EN-15, EN-16 and EN-26 all direct the City to preserve, limit development and enhance wetlands, floodplains and riparian corridors. While the Community Council

acknowledges that the City's sensitive areas ordinance will govern actual development, nothing in the record supports the imposition of higher densities in the zoning for such severely restricted property.

Furthermore, the City staff's analysis of the impact of this rezone appears to be based on a scenario where all of the existing development stays the same, and becomes legally nonconforming. This does not contemplate the possibility that once the property is rezoned with the increased density, existing development can be demolished, and new development will be built to the increased density. Adverse impacts such as noise, traffic and pollution could thereby be suffered by the neighborhood, to an extent exceeding the predictions of City Staff.

2. **Consistency with GMA.** Pursuant to RCW 36.70A.130, the City's amendments to its development regulations must "be consistent with and implement the comprehensive plan." As shown above, although the City has followed the Comprehensive Plan Map in its designations of the specific land use classifications, it has completely ignored applicable Comprehensive Plan and Subarea Plan policies in its determination of the densities for the subject properties.

3. **Other Rezone Criteria.** The Community Council makes the following findings and conclusions with regard to the remaining reclassification criteria:

Section 20.30A.140(A) -- The reclassification does not bear a substantial relation to the public health, safety or welfare. As discussed above, the increased density will result in increased traffic, which exacerbates the air pollution and noise problem. Furthermore, the heavy volumes of traffic create noise and safety problems, all of which affect the quality of life for the residents of the area.

Section 20.30A.140(B) -- (See Section 2(A) above.)

Section 20.30A.140(C) -- The subject property is not suitable for development in general conformance with zoning standards under the proposed zoning classification. Substantial evidence has been introduced in the record regarding the existence of wetlands on the property. City staff has recommended the

proposed higher density within the land use designations regardless of existence of the wetlands, claiming that the sensitive areas ordinance will govern actual development in the wetlands. Even so, the Community Council finds that high density zoning is incompatible with such highly restricted property. City staff was only able to speculate about the allowable density after application of the sensitive areas ordinance. The proposal to rezone property to the highest possible density within the land use classification is also inconsistent with the acknowledged traffic problems in the Crossroads area.

Section 20.30A.140(D) -- The reclassification is materially detrimental to uses or property in the immediate vicinity of the subject property. As discussed above, the City has acknowledged, in its Comprehensive Plan, that there are traffic problems in the Crossroads area. The City plans to make transportation facility improvements in the area, but these improvements themselves create negative impacts in residential neighborhoods, with noise and air pollution. Preserving the character of the residential neighborhood should be the goal of any land use reclassification, as affirmed by the policies in the City's Comprehensive Plan.

Section 20.30A.140(E) -- The reclassification has insufficient merit and value for the community as a whole, given that it will exacerbate existing problems relating to traffic congestion, air pollution, and noise.

Section 20.30A.140(F) -- (See Section 2(A)(1) above.)

Section 20.30A.140(G) -- The reclassification does not comply with all applicable criteria and standards of the Bellevue City Code. A high density reclassification of a wetland does not accurately reflect the permitted use of the property, even if the sensitive areas ordinance governs development. Such reclassifications create unrealistic expectations on the part of property owners.

Notably, this reclassification does not reflect the manner in which the City zones similar property which is protected from development. For example, greenbelts are predominantly zoned low density, such as R-1 or R-1.8. This reclassification involves

rezoning of a wetland to multi-family low and single family high densities, and is therefore inconsistent with the standards of the Code.

Section 3. The East Bellevue Community Council hereby disapproves Ordinance No. 4828 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 4. 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 Office of Policy Planning, and the Department of Community Development.

PASSED by a majority vote of the East Bellevue Community Council on the 31st day of January, 1996, and signed in authentication of its passage this 1st day of February, 1996.

(SEAL)

James E. Bell

JAMES E. BELL, Chair

ATTEST:

Michelle Murphy

Michelle Murphy
Deputy Clerk

02/01/96
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