

ORIGINAL

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

Resolution No. 316-A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 4270, relating to residential land use districts; adding an R-7.5 designation; and amending Sections 20.10.020, 20.10.180, 20.10.200, 20.10.220, 20.10.440, 20.20.010, 20.20.255.A, 20.20.520.F, 20.20.590.K.3.a, 20.20.595.A.1, 20.25B.020.A and 20.25C.040.C.2 of the Bellevue City Code (Land Use Code)

WHEREAS, on the 8th day of July, 1991 the City Council of the City of Bellevue, Washington passed Ordinance No. 4270, relating to residential land use districts, and adding an R-7.5 designation; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, when the Land Use Element of the Comprehensive Plan was amended in 1990, the East Bellevue Community Council consistently transmitted to staff, the Planning Commission and the City Council its opposition to adding an R-7.5 designation as proposed; and

WHEREAS, although acceptable restrictive language in the Land Use Element regarding the R-7.5 designation was suggested by the Community Councils, it was rejected by both the Planning Commission and the City Council; and

WHEREAS, in order to preserve the unity of the Comprehensive Plan for the entire City and support those changes in the Land Use Element which were seen as beneficial, the new Land Use Element was only reluctantly approved by the East Bellevue Community Council; and

WHEREAS, throughout discussions of the Land Use Code amendment implementing the R-7.5 designation, the Community Councils suggested restrictions which would have limited its applicability, thus rendering it acceptable; and

WHEREAS, the Community Council continues to have significant concerns as to the applicability of the R-7.5 zone within its jurisdiction; and

ORIGINAL

WHEREAS, at the joint public hearing held before both Community Councils on September 5, 1991, those speakers addressing the Councils unanimously opposed the application of this R-7.5 zone within the Community Councils' jurisdictions; and

WHEREAS, the four Community Councilmembers present voted unanimously to disapprove Bellevue Ordinance No. 4270;

NOW, THEREFORE, the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue resolves as follows:

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

1. The Community Councils have consistently opposed this designation as applied to their areas since it was first proposed and later adopted into the Land Use Element in April, 1990.
2. The East Bellevue Community Council area is an older developed area which already has high residential densities.
3. This new district will generate dramatic increases in demands for City services, as well as contribute to increased traffic and other burdens on the current infra-structure.
4. There was a Declaration of Non-Significance for this amendment and no analysis done on environmental impacts, despite the potential for a 50% increase in residential densities, or even greater increases if the affordable housing bonuses are taken into consideration, with likely significant impacts on air quality, noise, quality of life, and the existing natural environment.
5. Shortly after its inception, the East Bellevue Community Council agreed, at the City's request, to the redesignation and rezone of large tracts of its unbuilt sensitive area land (most of which carried the then King County R-7.2 [single family residential 7,200 sq. ft.]) to a large-lot, open space zone called Open Use-Residential (OU-R). Subsequently, the City only partially concluded its side of the agreement. OU designated areas were divided into OU-G (General) and OU-R (Residential) by changes to the City's Comprehensive Plan and approved by EBCC, but the City then reneged on the rezoning. Thus, the necessary Land Use Code changes were never accomplished by the City despite repeated requests by the East Bellevue Community Council. Ordinance No. 4270 now provides absolutely no protection to these OU properties from future rezones to R-7.5, despite the original promise that OU-R would allow only very low residential densities, usually one unit per acre.
6. The Planning Commission and City Council were uncompromising regarding this legislation and rejected all three Community Council proposed limitations on the application of this new district in their respective areas.

ORIGINAL

7. The ordinance does not have appropriate safeguards to mitigate the impacts on adjacent properties.
8. Those who testified at the public hearing expressed unanimous opposition to the R-7.5 designation.
9. Neither this legislation, nor the Comprehensive Plan upon which it is based, appear to have been coordinated with other jurisdictions pursuant to the Growth Management Act. Subsequent to repeated direct questions, City staff failed to demonstrate that any affirmative steps have been taken by the City to assure that this proposed zoning code amendment is consistent with either the comprehensive plans or zoning codes of either King County, Kirkland, Redmond, Issaquah, Renton, Medina, Clyde Hill, Hunts Pt. Beaux Arts, or any other cities.
10. No evidence was presented by the City staff that the disapproval of the R-7.5 zone in the East Bellevue Community Municipal Corporation jurisdiction would be inconsistent with the comprehensive plans or zoning codes of surrounding jurisdictions.
11. Subject to repeated direct questions, City staff presented no evidence that the disapproval of the R-7.5 zone in the East Bellevue Community Municipal Corporation jurisdiction would be in conflict with or in violation of any requirement of the Growth Management Act.
12. The East Bellevue Community Council previously approved the affordable housing ordinance of the City. This ordinance will promote affordable housing in the East Bellevue Community Council area and will also provide for increased lot densities in existing zoning in conjunction with new affordable housing developments. No evidence was presented by staff to indicate that the new R-7.5 zone will promote affordable housing within the East Bellevue Community Council area.
13. In its initial actions, the East Bellevue Community Council approved changes in the Land Use Element of the Comprehensive Plan only on the understanding that it would review carefully the terms of zoning code changes and might disapprove such Code revisions if they were incompatible with conditions in the East Bellevue Community Council's jurisdiction. At that time the Community Council was assured by the City that there would be no legal impediment to disapproval of changes in the zoning code implementing the Comprehensive Plan changes.
14. While the existence of the R-7.5 zone does not change the zoning of specific properties within the City, we find that there are few, if any, properties within the East Bellevue Community Council jurisdiction to which it could appropriately be applied. If such zoning is generally unsuitable within the East Bellevue Community Council jurisdiction, it is inappropriate to hold expensive, time-consuming rezoning proceedings for R-7.5 rezones.

ORIGINAL

15. The R-7.5 designation contained in Ordinance No. 4270 violates several goals and policies stated clearly in the Bellevue Comprehensive Plan--specifically, as detailed in the Land Use Element the two goal statements and Polices B-3, B-7, B-8, B-13, and B-17.

Section 2: The East Bellevue Community Council concludes that the R-7.5 land use district is neither appropriate for the East Bellevue Community Council jurisdiction nor in the best interests of its citizens, and hereby disapproves Ordinance No. 4270 enacted by the Bellevue City Council on July 8, 1991. Pursuant to RCW 35.14.040, this Ordinance shall not become effective within the area of the East Bellevue Community Municipal Corporation.

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 Bellevue Planning Department, the Department of Design and Development, and the Legal Department.


PASSED by a unanimous vote of the four East Bellevue Community Councilmembers present on the 5th day of September, 1991, and signed in authentication of its passage this 23rd day of September, 1991.

(SEAL)


S. William Halgren, Chair


James Bell, Councilmember


James Keeffe, Councilmember


Philip Stamper, Councilmember

ATTEST:



Sharon Mattioli, CMC
Deputy City Clerk