

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

Resolution No. 438A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 5309, relating to the Traffic Standards Code (TSC) and amending Sections 1, 2 (part) and 5 of Ordinance No. 4823 as amended, respectively, by Sections 2, 3 and 6 of Ordinance No. 5081, and Sections 14.10.010, 14.10.020 A., B. and C., and 14.10.050 of the Bellevue City Code; providing for application of the TSC to Process III Conditional Use, Shoreline Conditional Use, Preliminary Plat, Planned Unit Development and Protected Area Development Exception applications within the community council areas and making minor administrative amendments to insure consistency between the TSC and the Land Use Code.

WHEREAS, on the 30th day of July, 2001, the City Council of the City of Bellevue, Washington passed Ordinance No. 5309, relating to the Traffic Standards Code (TSC) and amending Sections 1, 2 (part) and 5 of Ordinance No. 4823 as amended, respectively, by Sections 2, 3 and 6 of Ordinance No. 5081, and Sections 14.10.010, 14.10.020 A., B. and C., and 14.10.050 of the Bellevue City Code; providing for application of the TSC to Process III Conditional Use, Shoreline Conditional Use, Preliminary Plat, Planned Unit Development and Protected Area Development Exception applications within the community council areas and making minor administrative amendments to insure consistency between the TSC and the Land Use Code; and

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

WHEREAS, following the public hearing held before the East Bellevue Community Council on September 5, 2001, the Community Council voted in open meeting to disapprove Ordinance No.5309.

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. 5309 enacted by the Bellevue City Council on July 30, 2001, 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. 5309 based upon the following findings:

1. Ordinance No. 5309 includes language extracted from Section M, N, and O of Ordinance No. 5081, previously disapproved by the East Bellevue Community Council.
2. Ordinance No. 5309 language is confusing and contradictory; and requires City Council adoption of a revised ordinance correcting "inadvertent" errors in Ordinance No. 5309.

3. Approval of Ordinance No. 5309 would be inconsistent with the previous disapproval of Ordinance 5081, which included the same language.
4. The City Attorney's letter of August 24, 2001 (copy attached) stated Ordinance No. 5309 contained "inadvertent errors" and acknowledged that "(He) did not recognize the effects of including the language from Ordinance No. 5081". He further stated that, "Under normal circumstances (he) would have propose that the City Council immediate adopt an ordinance correcting the error in Ordinance No. 5309".

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.

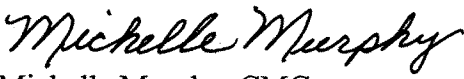
The Clerk is further directed to distribute certified and conformed copies of the Resolution to the Bellevue City Council, the Planning Department, and the Department of Community Development.

PASSED by a majority vote of the East Bellevue Community Council on the 5<sup>th</sup> day of September, 2001, and signed in authentication of its passage this 21<sup>st</sup> day of September, 2001.

(SEAL)

  
Vice Chair William Halgren

ATTEST:

  
Michelle Murphy, CMC  
Deputy City Clerk

Tel: 452-6829

Date: August 24, 2001

To: James Kenney, Chair, and Members,  
Sammamish Community Council  
James Bell, Chair, and Members,  
East Bellevue Community Council

From: Richard L. Andrews, City Attorney

Re: Ordinance No. 5309 – Traffic Standards Code Administrative Amendments Ordinance

At its August 21, 2001 meeting the Sammamish Community Council correctly identified an error in Ordinance No. 5309, which amends the Traffic Standards Code ("TSC"). The purpose of that ordinance was to make the TSC applicable to Process III land use applications within the community council boundaries. Similar changes were adopted in 1998 by Ordinance No. 5081. However, in 1999 the Superior Court declared that Ordinance No. 5081 was not effective within the community council boundaries.

My intent in revising the two ordinances the community councils had reviewed previously was to avoid multiple ordinances by merging them into a single ordinance that could be applied uniformly throughout the City. However, I did not recognize the effect of including the language from Ordinance No. 5081 in subsections M., N. and O. I apologize for the confusion that this caused.

Under normal circumstances I would propose that the City Council immediately adopt an ordinance correcting the error in Ordinance No. 5309. However, the August 20, 2001 decision of the Court of Appeals reversing the Superior Court's ruling and declaring the community councils' disapproval of Ordinance No. 5081 ineffective makes that unnecessary. Ordinance No. 5081, including the portions applying the TSC to Process III applications, is now effective within the two community council areas. Therefore, there is no need at this time to correct Ordinance No. 5309.

RLA:tms

cc: Mayor and City Council Members  
Steve Sarkozy, City Manager  
Ed Oberg, Deputy City Manager  
Myrna Basich, City Clerk  
Matt Terry, Director of Planning and Community Development  
Goran Sparrman, Transportation Director  
Lori Riordan, Assistant City Attorney  
Jerome Roache', Attorney for Sammamish Community Council  
Patrice Cole, Attorney for East Bellevue Community Council