

ORIGINAL

WP0268C-ORD  
11/12/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4593

AN ORDINANCE reclassifying approximately 5 acres of property located west of the power transmission lines near and northwest of the intersection of 135th Place S.E. (if extended) and S.E. 20th Street in the Richards Valley Subarea on application of J. Tremaine McGinty.

WHEREAS, J. Tremaine McGinty applied to the City to rezone approximately 5 acres of property located west of the power transmission lines near and northwest of the intersection of 135th Place S.E. (if extended) and S.E. 20th Street in the Richards Valley Subarea from R-1 to R-5 with conditions; and

WHEREAS, on July 15, 1993 a public hearing was held on the reclassification application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on September 21, 1993 the Hearing Examiner recommended approval, with conditions, of the rezone application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the reclassification of the hereinafter described property from R-1 to R-5 with conditions; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City 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 based thereon, made and entered by the Hearing Examiner in support of his recommendation to the City Council approving the reclassification request with regard to the hereinafter described property located west of the power transmission lines near and northwest of the intersection of 135th Place S.E. (if extended) and S.E. 20th Street in the Richards Valley as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Application of J. Tremaine McGinty, For Reclassification. File No. REZ 92-2390"; provided that the City Council adopts the following additional finding of fact:

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17. For the purposes of calculating the number of required affordable units, the current maximum density possible under the R-1 zoning is five units (5 acres x 1 unit per acre = 5 units).

Section 2. The following described property located west of the power transmission lines near and northwest of the intersection of 135th Place S.E. (if extended) and S.E. 20th Street in the Richards Valley Subarea is reclassified from R-1 to R-5 subject to the conditions that follow:

The East half of the Southeast quarter of the Northwest quarter of the Southwest quarter of Section 3, Township 24 North, Range 5 East, W.M., in King County, Washington.

This reclassification is subject to the following conditions:

1. The property includes steep slopes and riparian corridors. The City of Bellevue's Sensitive Area Overlay District (LUC Sec. 20.25H) regulations will affect and may limit potential development of this property.

2. In accord with Richards Valley Policies RV-11 and RV-13 that establish non-pedestrian connections through this area, the property owners shall establish, with Park Department approval, a north/south easement that is a portion of the major north/south multi-purpose trail connecting trailheads on 135th Pl., S.E. 20th and S.E. 10th Streets. This easement should generally follow the Puget Power Transmission Line Easement.

3. The applicant shall satisfy the requirements of LUC 20.20.128 for affordable housing to the extent they may become applicable. The requirements become applicable and the condition to provide the affordable units shall be implemented when, if ever, the total number of permitted units on the property equals or exceeds ten units. The affordable housing requirements stipulate that, in the event the property is developed with ten housing units or greater, at least ten percent (10%) of the units buildable under the original maximum density must be affordable units and at least twenty percent (20%) of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten percent (10%) requirement of the original maximum density, up to fifteen percent (15%) above the original maximum density. "Affordable units" shall be defined as set forth in LUC 20.50.010.

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For the purposes of calculating the number of required affordable units, the current maximum density possible under the R-1 zoning is five units (5 acres x 1 unit per acre = 5 units). The units shall remain "affordable units" for the lifetime of the R-5 zoning classification and shall be dispersed across the range of unit sizes and throughout the project.

In consideration of the increased density that the City will allow, the provision of the total affordable units is required to occur on-site. The provision of Section 1.e, Alternative Compliance Methods, shall not apply to this site.

Prior to the issuance of any building permit, the applicant shall sign any necessary agreements with the City to implement the provisions of LUC 20.20.128. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provision of the Land Use Code in effect at the time of issuance of the development permit(s).

4. To mitigate adverse impacts to wildlife due to fragmentation of habitat, corridors for wildlife movement should be provided within the protected areas on the west side of the site and also across the site to connect Richards Creek with the upland habitat and the potential corridor along the power line. Development plans shall be designed to avoid blocking wildlife movement in these corridors and should incorporate plantings to augment the food and cover for wildlife within these corridors, and, if necessary, restore vegetation after development.

5. To mitigate impacts of the proposal on views of trees which form the skyline surrounding Richards Valley, trees shall be retained on-site to maintain a skyline in excess of the probable roof lines of homes on the upper portion of the site so that trees remain the skyline feature.

6. To mitigate impacts from the additional demand for recreational trails produced by occupants of the proposal and to avoid foreclosing the opportunity for development of recreational trail corridors to serve other users, at the time of development, the applicant shall provide a trail corridor connecting from south to north near Richards Creek, and from south to north along the east property line.

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7. To mitigate potential conflicts of power line easements with access to the site, at or prior to the time of development, access approval to the site across the Puget Power easement and adjacent property shall be required.

This reclassification is further conditioned on full compliance by the owner of said property and its heirs, assigns, grantees or successors in interest, of the terms and conditions of that certain Concomitant Agreement executed by the owner of said property, which has been given Clerk's Receiving No. 19751, and which has been adopted by reference into this ordinance as if it were fully set forth herein.

Section 3. This Ordinance shall take effect and be in force five days after its passage and legal publication.

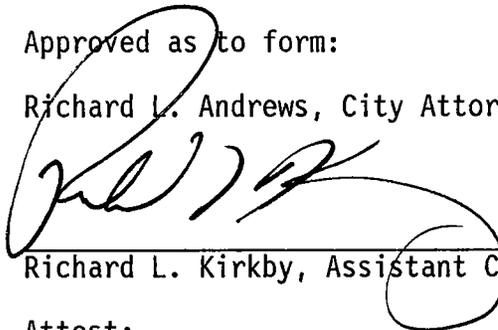
PASSED by the City Council this 22nd day of November, 1993, and signed in authentication of its passage this 22nd day of November, 1993.

(SEAL)

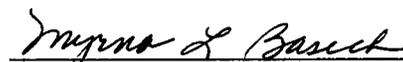
  
Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Kirkby, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published November 26, 1993