

## CITY COUNCIL AGENDA MEMORANDUM

### SUBJECT

Hold a public hearing, take testimony, and consider Ordinance No. 6060 annexing to the City of Bellevue approximately 70 acres known as the South Bellevue – Horizon View (A and C) Annexation, located south of I-90 in the Newcastle Subarea, by Direct Petition under RCW 35A.14.120.

### FISCAL IMPACT

Horizon View has a current assessed valuation of \$71,943,274. At approximately one-tenth of the size and valuation of the South Bellevue annexations of Eastgate and Tamara Hills, the annexation would not be expected to create a significant fiscal impact.

A staff-conducted sketch level analysis of annual operating revenues and expenditures for all of the South Bellevue Potential Annexation Area (Eastgate, Tamara Hills, Horizon View, and Hilltop) shows a gap between annexation area revenue and expenditures for the operating budget.

At its February 28, 2011, Study Session the City Council directed staff to implement the South Bellevue Annexation work program, with the intent of engaging and completing the annexation of the unincorporated PAA communities of Eastgate, Tamara Hills, Horizon View, and Hilltop to Bellevue.

### STAFF CONTACT

Chris Salomone, PCD Director, 452-6191  
Dan Stroh, Planning Division Director, 452-5255  
Nicholas Matz AICP, Senior Planner, 452-5371  
*Planning and Community Development Department*

### POLICY CONSIDERATION

Should the City annex the Horizon View area? See Attachment 2. The City will enter into an interlocal agreement (ILA) with King County for governance transfer as a result of the South Bellevue annexations. This agreement is a separate agenda item on May 21 and Council will be asked to direct the execution of this ILA.

The goal of the Comprehensive Plan's Annexation Element is to expeditiously annex all land within the Potential Annexation Area (PAA). This annexation would help realize applicable annexation policies

- Policy AN-1 directs the City to annex unincorporated areas within the PAA when residents or property owners request annexation, and specifically, the unincorporated areas east of the city to Lake Sammamish and the [Sphere of Influence] line with Issaquah.

Horizon View is part of the Horizon View/Hilltop PAA which is surrounded by Bellevue. Owners have requested annexation by petition. Because direct petition annexation is initially an action by property

owners, and such owners in Horizon View made their decision to petition separately and later than did owners in Eastgate and Tamara Hills, the annexation of Horizon View is a separate action from the other South Bellevue Annexation efforts.

Because the Horizon View PAA does not meet minimum contiguity requirements with existing city boundaries for simple majority (50%) petitioning, annexing owners were required to submit petitions exceeding the 60% supermajority threshold. See Attachment 3.

**BACKGROUND**

Pursuant to processing an annexation petition, the Revised Code of Washington (RCW) sections 35A.14.130 and .140 require the City Council to set a date and hold a public hearing inviting interested persons to appear and voice approval or disapproval of the annexation. After the hearing, if the Council determines to effect the annexation, it does so by ordinance. The annexation will be complete when the Ordinance is adopted and the Boundary Review Board (BRB) process is complete (see below).

The Horizon View communities (A and C) are south of Interstate 90:

PAA	Assessed Value	Population	Acres	Housing
Horizon View (A and C)	\$71,943,274	275	70	109

The annexation area is in the Potential Annexation Area (PAA) and is contiguous to the city through multiple past annexations.

By July 18, 2011, Horizon View owners submitted a Notice of Intent to Petition for Annexation representing 14 percent of the total assessed valuation of their proposed annexation. This exceeds the 10 percent representation of assessed valuation required to initiate a Notice of Intent.

On September 6, 2011, the City Council accepted the Notices of Intent to Petition for Annexation.

On March 12, 2012, owners of more than sixty-two percent of the assessed value of the area submitted Direct Petitions for Annexation. This representation exceeds the amount required to validate a Petition for Annexation under RCW 35A.14.120. The King County Assessor's Office certified the owner petition as sufficient on March 14, 2012.

Horizon View's existing Comprehensive Plan designation includes SF-M (Single Family-Medium). Pre-annexation zoning including R-3.5 has been established under Ordinance No. 3840 (Central Newcastle Pre-annexation Zoning).

During the course of Horizon View C annexation discussions regarding the appropriate City zoning for the community, several members requested R-2.5 zoning as more reflective of their lot sizes. Similar to the Hilltop community, Horizon View C believes the larger minimum lot size and dimensional requirements of an R-2.5 district—compared to an R-3.5—are more suitable for their community under Annexation Element Policy AN-12 to establish appropriate zoning district designations in proposed annexation areas. Either zoning district remains consistent with the Comprehensive Plan SF-M designation for Horizon View.

After annexation, at the request of Horizon View C property owners, PCD will present to the Council a proposal for an area-wide rezone of Horizon View C, from R-3.5 to R-2.5. The Council will consider this proposal under its authority to establish policies and regulations regarding future public and private development at LUC 20.35.400.

On March 22, 2012, staff submitted the Horizon View annexation to the Washington State Boundary Review Board for King County (BRB) review under RCW 36.93.090. The BRB's process requires review and a 45-day waiting period, after which the annexation would be deemed approved, which waiting period ended on May 8, 2012.

The public hearing will be held tonight to accept public testimony on the proposed annexation will complete all of the annexation process elements required before the annexation action is taken. After the hearing the Council may approve the annexation by ordinance, or deny the request. The annexation ordinance tonight will establish an effective date—the date on which these communities actually become part of Bellevue—of June 1, 2012. This is the date upon which service obligations ensue but also that the City begins to receive revenues from the newly-annexed areas.

### **EFFECTIVE DATE**

If adopted, this Ordinance becomes effective on May 29, 2012

### **OPTIONS**

1. Open the public hearing, accept testimony, close the public hearing, then take action on Ordinance No. 6060, annexing the South Bellevue – Horizon View Annexation.
2. Do not hold the public hearing, thereby not completing the required process steps that must occur prior to annexation.
3. Hold the public hearing, but do not take action on Ordinance No. 6060. Declining the annexation will leave the areas in unincorporated King County.

### **RECOMMENDATIONS**

Adopt Ordinance No. 6060, annexing to the City of Bellevue approximately 70 acres known as the South Bellevue – Horizon View (A and C) Annexation, located south of I-90 in the Newcastle Subarea, by Direct Petition under RCW 35A.14.120.

### **MOTION**

Move to 1) open the public hearing; then 2) adopt Ordinance No. 6060, annexing to the City of Bellevue approximately 70 acres known as the South Bellevue – Horizon View (A and C) Annexation, located south of I-90 in the Newcastle Subarea, by Direct Petition under RCW 35A.14.120.

### **ATTACHMENTS**

1. Proposed South Bellevue – Horizon View Annexation site map
2. Direct Petition for Annexation
3. South Bellevue – Horizon View Annexation ordinance





DECLARATION

I/We, the undersigned, being the owners of real property within the area legally described herein which lies outside the corporate limits of the City of Bellevue, Washington, but is contiguous thereto, having an assessed value of **not less than 50%** of the total value of the said described area according to the assessed valuation for general taxation purposes, do hereby petition, by the Direct Petition method described in **RCW 35A.14.120**, the City Council of Bellevue for annexation of said described area to the City of Bellevue, Washington.

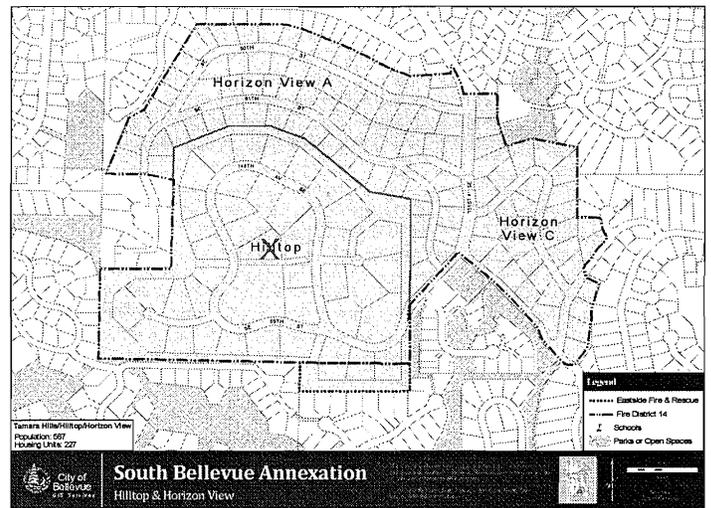
I/We, further provide, as required by the City Council at a regular meeting thereof, held **Sept. 6, 2011**, as follows:

- That the property within the territory to be annexed shall be assessed and taxed at the same rate and on the same basis as the property within the City of Bellevue to pay for the outstanding indebtedness of the City existing on the effective date of annexation; and
- That such territory to be annexed shall be subject to provisions of the Comprehensive Plan adopted under Resolution No. **5726**, Ordinance No. **5570** and any subsequent amendments and proceedings thereto, and
- That such territory to be annexed shall be zoned according to the R-3.5 zoning districts adopted under Ordinance No. **3840**, the central Newcastle Pre-Annexation zoning ordinance.

**Legal Description of HORIZON VIEW area proposed for annexation:**

Commencing at the Southwest corner of Lot A, Block 4 in the plat of Horizon View Addition Division A, recorded in Volume 48 of Plats, Pages 44-47, records of King County, being in the Northeast Quarter of Section 22, Township 24 North, Range 5 East, W.M., and being the TRUE POINT OF BEGINNING; Thence Northerly and Easterly along the West and North boundaries of said plat to the Northeast corner of Lot 1, Block 3, being on the Westerly margin of 151<sup>st</sup> Avenue S.E. (labeled 168<sup>th</sup> Avenue S.E. on the plat and also known as the George S. Farmer Road); Thence Southerly along said Westerly margin to a point being on the Westerly extension of the North line of Lot 1, Block 1, of the plat of Horizon View Addition Division "C", recorded in Volume 56 of Plats, Pages 20-21, records of King County; Thence Easterly along said Westerly extension and North line to the Northeast corner of said Lot 1; Thence Southerly along the East boundary of said Lot 1 and the East boundaries of Lots 2 and 3 in said Block 1, to the Northwest corner of Lot 7 in said Block 1; Thence Easterly along the North boundaries of Lots 7 and 8 in said Block 1 to the Northeast corner of said Lot 8; Thence Southerly along the East boundary of said Block 1 to a point on said line being the Southwest corner of Lot 40 of the plat of The Summit Division No. 1, recorded in Volume 131 of Plats, Pages 46-49, records of King County; Thence Easterly along the South Boundary of said Lot 40 to the West boundary of Tract E of said plat; Thence Southerly along the West boundary of said plat to the angle point on the West line of Lot 51, also being the North corner of Lot 12 of the plat of The Summit Division No. 3, recorded in Volume 140 of Plats, Pages 39-43, records of King County; Thence Southerly along the West boundary of said Lot 12 to the Southeastly prolongation of the Southwestly line of Lot 4, Block 3 of the plat of Horizon View Addition Division "C"; Thence Northwestly along said prolongation to the Southernmost corner of said Lot 4, being on the Northeastly margin of 152<sup>nd</sup> Place S.E.; Thence Southwestly perpendicular to said margin to the Southwest margin of 152<sup>nd</sup> Place S.E.; Thence Northwestly along said Southwest margin to the Southeast margin of 151<sup>st</sup> Avenue S.E. (George S. Farmer Road); Thence Southwestly along said margin to the intersection with the

**Map of the boundaries of the property sought to be annexed**



Easterly boundary of the plat of Hilltop Community, recorded in Volume 47 of Plats, Pages 28-29, records of King County, Thence Northerly along said Easterly boundary, also being the Westerly boundary of Lots 16A through 19, Block 1, of the plat of Horizon View Division A to the Northwest corner of said Lot 16A; Thence Westerly along the South boundary of said Block 1 to the Southwest corner of Lot 3, also being on the East line of Lot 2; Thence Southerly along the East boundary of Lots 2 and 1 of said Block 1 and the extension thereof to a point on said line being 33.98 feet Southerly from the Southeast corner of said Lot 1; Thence Northwestly to the Southwest corner of said Lot 1; Thence Westerly along the South line of said plat to the Southwest corner of Lot A thereof, being the TRUE POINT OF BEGINNING.

**AUTHORIZATION**

Names and signatures of all persons having an interest in real property in the subject area whose consent is required by virtue of such interest to authorize the filing of this petition are hereto attached.

This petition may consist of more than one component, including attached signature pages filed independently, and each signer consents to the filing of other parts to become a portion of the same petition.



WARNING: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is not otherwise qualified to sign or who makes herein any false statement, shall be guilty of a misdemeanor.

1. NAME (print) \_\_\_\_\_ SIGNATURE \_\_\_\_\_

ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_

or

PROPERTY DESCRIPTION \_\_\_\_\_

(Section and tax lot number or subdivision and lot number)

Email (optional) \_\_\_\_\_

2. NAME (print) \_\_\_\_\_ SIGNATURE \_\_\_\_\_

ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_

or

PROPERTY DESCRIPTION \_\_\_\_\_

(Section and tax lot number or subdivision and lot number)

Email (optional) \_\_\_\_\_

3. NAME (print) \_\_\_\_\_ SIGNATURE \_\_\_\_\_

ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_

or

PROPERTY DESCRIPTION \_\_\_\_\_

(Section and tax lot number or subdivision and lot number)

Email (optional) \_\_\_\_\_

4. NAME (print) \_\_\_\_\_ SIGNATURE \_\_\_\_\_

ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_

or

PROPERTY DESCRIPTION \_\_\_\_\_

(Section and tax lot number or subdivision and lot number)

Email (optional) \_\_\_\_\_

5. NAME (print) \_\_\_\_\_ SIGNATURE \_\_\_\_\_

ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_

or

PROPERTY DESCRIPTION \_\_\_\_\_

(Section and tax lot number or subdivision and lot number)

Email (optional) \_\_\_\_\_

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6060

AN ORDINANCE annexing to the City of Bellevue 70 acres known as the South Bellevue – Horizon View Annexation, located south of I-90 in the Newcastle Subarea PAA by Direct Petition under RCW 35A.14.120-.150.

WHEREAS, petitioners, the owners of property constituting not less than 10 percent in area, prior to initiation of their petition, notified the City Council of their intention to commence annexation proceedings for the area described below, and the City Council met with said initiating owners and determined that the City would accept the proposed annexation provided that existing City indebtedness shall be assumed by the area to be annexed; and

WHEREAS, thereafter sufficient petitions for annexation were filed with the City Council pursuant to RCW 35A.14.120, signed by the owners of not less than 60 percent of the area of the property for which annexation is petitioned, seeking annexation to the City of Bellevue of contiguous property known as the South Bellevue – Horizon View Annexation located south of I-90 in the Newcastle Subarea PAA; and

WHEREAS, a proposed zoning regulation was established for the area to be annexed pursuant to Ordinance No. 3840 adopted on October 26, 1987, classifying the area to be annexed R-3.5; and

WHEREAS the projected cost to provide municipal services to the annexation area exceeds the projected general revenue that the city would otherwise receive from the annexation area on an annual basis; and

WHEREAS, the City Council fixed May 21, 2012, at the hour of 8:00 p.m. as the date and time for a public hearing on said proposed annexation and caused notice of such hearing to be published and posted in accordance with the law, and the hearing having been held on that date and all interested parties appearing at said hearing and desiring to be heard in regard to the proposed annexation having been heard by the Council; and

WHEREAS, the City of Bellevue submitted the annexation to the King County Boundary Review Board as per RCW 36.93.100 and after required review and a 45-day waiting period the annexation was deemed approved by the Board; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Procedures Code;

WHEREAS, all statutory requirements have been complied with, including those set forth in RCW Chapter 35A.14 inclusive and chapter 36.93 inclusive; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following described property located south of I-90 in the Newcastle Subarea PAA is hereby annexed to the City of Bellevue, Washington:

**HORIZON VIEW ANNEXATION AREA**

Commencing at the Southwest corner of Lot A, Block 4 in the plat of Horizon View Addition Division A, recorded in Volume 48 of Plats, Pages 44-47, records of King County, being in the Northeast Quarter of Section 22, Township 24 North, Range 5 East, W.M., and being the TRUE POINT OF BEGINNING;

Thence Northerly and Easterly along the West and North boundaries of said plat to the Northeast corner of Lot 1, Block 3, being on the Westerly margin of 151<sup>st</sup> Avenue S.E. (labeled 168<sup>th</sup> Avenue S.E. on the plat and also known as the George S. Farmer Road);

Thence Southerly along said Westerly margin to a point being on the Westerly extension of the North line of Lot 1, Block 1, of the plat of Horizon View Addition Division "C", recorded in Volume 56 of Plats, Pages 20-21, records of King County;

Thence Easterly along said Westerly extension and North line to the Northeast corner of said Lot 1;

Thence Southerly along the East boundary of said Lot 1 and the East boundaries of Lots 2 and 3 in said Block 1, to the Northwest corner of Lot 7 in said Block 1;

Thence Easterly along the North boundaries of Lots 7 and 8 in said Block 1 to the Northeast corner of said Lot 8;

Thence Southerly along the East boundary of said Block 1 to a point on said line being the Southwest corner of Lot 40 of the plat of The Summit Division No. 1, recorded in Volume 131 of Plats, Pages 46-49, records of King County;

Thence Easterly along the South Boundary of said Lot 40 to the West boundary of Tract E of said plat;

Thence Southerly along the West boundary of said plat to the angle point on the West line of Lot 51, also being the North corner of Lot 12 of the plat of The Summit Division No. 3, recorded in Volume 140 of Plats, Pages 39-43, records of King County;

Thence Southerly along the West boundary of said Lot 12 to the Southeasterly prolongation of the Southwesterly line of Lot 4, Block 3 of the plat of Horizon View Addition Division "C";

Thence Northwesterly along said prolongation to the Southernmost corner of said Lot 4, being on the Northeasterly margin of 152<sup>nd</sup> Place S.E.;

Thence Southwesterly perpendicular to said margin to the Southwest margin of 152<sup>nd</sup> Place S.E.;

Thence Northwesterly along said Southwest margin to the Southeast margin of 151<sup>st</sup> Avenue S.E. (George S. Farmer Road);

Thence Southwesterly along said margin to the intersection with the Easterly boundary of the plat of Hilltop Community, recorded in Volume 47 of Plats, Pages 28-29, records of King County,

Thence Northerly along said Easterly boundary, also being the Westerly boundary of Lots 16A through 19, Block 1, of the plat of Horizon View Division A to the Northwest corner of said Lot 16A;

Thence Westerly along the South boundary of said Block 1 to the Southwest corner of Lot 3, also being on the East line of Lot 2;

Thence Southerly along the East boundary of Lots 2 and 1 of said Block 1 and the extension thereof to a point on said line being 33.98 feet Southerly from the Southeast corner of said Lot 1;

Thence Northwesterly to the Southwest corner of said Lot 1;

Thence Westerly along the South line of said plat to the Southwest corner of Lot A thereof, being the TRUE POINT OF BEGINNING.

Section 2. This ordinance shall take effect five days from the date of passage of this ordinance. The property described in Section 1 of this ordinance shall become part of the City of Bellevue upon the effective date of the annexation described in this ordinance pursuant to the requirements of RCW 35A.14.150.

Section 3. The property described in Section 1 of this ordinance is classified City of Bellevue R-3.5 pursuant to the proposed zoning regulation adopted by the City Council pursuant to Ordinance No. 3840.

Section 4. The Comprehensive Plan of the City of Bellevue shall be deemed to apply to the annexed property from the effective date of this ordinance.

Section 5. A certified copy of this ordinance shall be filed with the King County Council of King County, Washington, in which county said property is located.

1280-ORD  
05/16/12

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2012, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2012.

(SEAL)

\_\_\_\_\_  
Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
\_\_\_\_\_  
Mary Kate Berens, Deputy City Attorney

Attest: 

\_\_\_\_\_  
Myma L. Basich, City Clerk

Published \_\_\_\_\_