



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Dan Stroh, Planning Director Department of Planning and Community Development

LOCATION OF PROPOSAL: 5008, 5022, 5036, 5050, 5372 151st Ave SE; 15110, 15126, 15140, 15150, 15109, 15121 SE 53rd Pl; 5300, 5313, 5316, 5323, 5330, 5335, 5344, 5351, 5356, 5363, 5375, 5387, 5422, 5435, 5436 153rd Ave SE; 5304, 5408 153rd PL SE; 5412, 5422, 5448, 5506 152nd PL SE

DESCRIPTION OF PROPOSAL: Application for area-wide rezone from R-3.5 to R-2.5 per Part 20.35.400 Land Use Code (LUC) Process IV City Council Legislative Actions and Part 20.30A LUC Rezone.

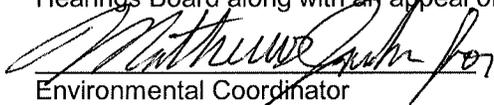
FILE NUMBER: 12-116644-LQ

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with Land Use Division. This information is available to the public on request.

- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on 9-6-12.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project), or if the DNS was procured by misrepresentation or lack of material disclosure.

This DNS is only appealable as part of the City's action on the rezone. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. See LUC 20.35.250C.


Environmental Coordinator

August 23, 2012
Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
U.S. Army Corps of Engineers
Attorney General
King County
Muckleshoot Indian Tribe



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: **Horizon View C Rezone**

Proposal Addresses: **5008, 5022, 5036, 5050, 5372 151st Ave SE; 15110, 15126, 15140, 15150, 15109, 15121 SE 53rd Pl; 5300, 5313, 5316, 5323, 5330, 5335, 5344, 5351, 5356, 5363, 5375, 5387, 5422, 5435, 5436 153rd Ave SE; 5304, 5408 153rd PL SE; 5412, 5422, 5448, 5506 152nd PL SE**

Proposal Description: Application for area-wide rezone from R-3.5 to R-2.5 per Part 20.35.400 Land Use Code (LUC) Process IV City Council Legislative Actions and Part 20.30A LUC Rezone.

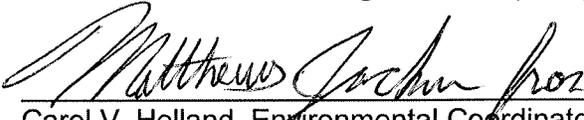
File Number: **12-116644-LQ**

Applicant: Dan Stroh, Planning Director
Planning and Community Development Department

Decisions Included: Rezone (Process IV)

Planner: Heidi M. Bedwell

State Environmental Policy Act
Threshold Determination: **Determination of Non-Significance (DNS)**



Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Recommendation: **Approval**
Michael A. Brennan, Director
Development Services Department

By: 

Carol V. Helland, Land Use Director
Development Services Department

Bulletin Publication Date:	August 23, 2012
SEPA Appeal Deadline:	September 6, 2012
Planning Commission Public Hearing Date:	September 12, 2012
Planning Commission Recommendation:	To be determined
City Council Date:	To be determined

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.

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ATTACHMENTS:

- Attachment 1: Environmental Checklist
- Attachment 2: Project Map
- Attachment 3: Legal Description

I. REQUEST

The applicant requests an area wide rezone of 32 parcels from the zoning district R-3.5 to R-2.5. The R-2.5 zoning district is a Single-Family Residential District. Single-Family Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4, 5 and 7.5 dwellings per acre), and permit compatible, related activities per LUC 20.10.200.

Review Process: The request to change the zoning requires a Process IV rezone (LUC 20.35.400), which is a legislative decision made by the City Council. Concurrently, SEPA review is conducted. The Planning Commission will hold a public hearing, take testimony on the proposal, and recommend an action to the City Council. The City Council makes a decision based on the record established by the Planning Commission. The SEPA DNS is only appealable as part of the City's action on the rezone. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action.

II. Site Description and Context



Background: Horizon View C is part of the recently annexed South Bellevue Annexation neighborhoods. See Attachment 2. During the course of pre-annexation

discussions regarding the appropriate City zoning for the community, several members requested R-2.5 zoning as more reflective of their existing lot sizes. Similar to the Hilltop community, Horizon View believed the larger minimum lot size and dimensional requirements of the R-2.5 district—compared to their existing R-3.5—more suitable for their community under Annexation Element Policy AN-12 to establish appropriate zoning district designations in proposed annexation areas.

Due to the timing of the annexation petition process for Horizon View the City was not able to establish what is called “pre-annexation” zoning before annexation. Therefore, at the request of Horizon View C property owners the Director of Planning and Community Development agreed to present in 2012 to the City Council a proposal for an area-wide rezone of Horizon View C, from R-3.5 to R-2.5.

Existing Site Conditions: The area is developed with detached single family residences located on lots that range in size from 19,432 to 47,188 square feet. Only one of the thirty lots in the Horizon View C plat is currently vacant. The area is characterized by moderately sloping topography and traditional northwest landscaping. Two public parks are within the vicinity of the subject area.

III. STATE ENVIRONMENTAL POLICY ACT

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes adequately mitigate expected environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements. The Environmental Checklist is available for review in the project file.

The SEPA DNS is only appealable as part of the City’s action on the rezone. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council’s action.

If the Rezone is approved, any future redevelopment proposed for the area would be subject to City codes and standards, project-specific SEPA review, and subsequent construction permit approvals.

IV. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The Utilities Department has reviewed the application and determined there are no utilities related concerns regarding the proposed rezone.

B. Transportation Department Review

Since this application is proposing a downzoning from R 3.5 to R 2.5, development intensity is being reduced and transportation impacts would be correspondingly reduced. The Transportation Department will assess any infrastructure or hauling requirements through any future building permit applications. Therefore, Transportation has no concerns with this application.

V. PUBLIC COMMENT AND RESPONSE

Application Date: June 19, 2012

Notice of Application & Public Notice Sign Installed: July 26, 2012

End of Minimum Comment Period: August 9, 2012

The minimum required public comment period is 14 days, but written public comments are accepted by the City until the staff report has been completed. No letters or emails were received in reference to this application however several phone calls inquiring about the effect of the rezone were received.

VI. DECISION CRITERIA

The City may approve, or approve with modifications, an application for a rezone of property if:

1. The proposal is consistent with the Comprehensive Plan.

Finding: The site is located within the Newcastle Subarea of the Comprehensive Plan.

Following is a summary of relevant Comprehensive Plan policies.

Land Use Element Policies:

A major objective of the Land Use Element is to maintain the vitality, quality, and character of Bellevue's single-family and multifamily neighborhoods. The neighborhoods vary widely in age, size and style of housing. These diverse attributes make them unique and desirable "great places to live". Most Bellevue neighborhoods are stable, well-

maintained and characterized by a healthy level of re-investment. Maintaining and enhancing these qualities is a primary concern. The city's land use strategies will be to ensure that new infill development fits into the neighborhoods. Some older neighborhoods are not seeing as much private re-investment. Here the city may encourage and work to promote investments in neighborhoods that add vitality and are compatible with the neighborhood context.

POLICY LU-9. Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

POLICY LU-19. Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's land use regulations.

The proposal is consistent with the Land Use Element Policies. The Rezone will continue to allow the development of compatible single family residences. The R-2.5 is reflective of the existing development pattern and will continue to maintain the stability of the existing development in the area.

Newcastle Subarea Policies:

Residential:

POLICY S-NC-11. Promote infill development at a density consistent with the existing character of established neighborhoods.

POLICY S-NC-10. Encourage a land use pattern throughout the Subarea which accommodates future growth, ensures efficient use of facilities and services, protects existing neighborhoods, encourages historic community uses to continue, and provides the opportunity for an adequate amount of retail and professional services to meet local needs.

Either zoning district remains consistent with the Bellevue Comprehensive Plan Single Family-Medium (SF-M) designation for Horizon View under the Growth Management Act, hence the need only for rezone. The rezone will protect the existing neighborhood by encouraging existing levels of development. Growth will be accommodated under the R-2.5 zoning district

2. The Rezone bears a substantial relation to the public health, safety and welfare.

Finding: The surrounding area has already been developed with transportation and infrastructure improvements to support residential uses. The proposal will not require new public facilities because there is capacity within the transportation network, the

utility system, and other public services such as fire and police to accommodate additional development.

3. The Rezone is warranted because the proposed zoning classification is appropriate for reasonable development of the subject property.

Finding: Thirty one of the thirty two lots within the Horizon View Addition Division C are developed with single family residences. The remaining lot is undeveloped. The median lot size within the plat is 26,178 square feet and the range of lot sizes is between 19,432 and 47,188 square feet. All lots in the plat exceed the minimum lot width and depth requirements for both the R-2.5 and R-3.5 zoning districts.

Zoning	R-2.5	R-3.5
Minimum Lot Area	13,500	10,000
Lot Width	80	70
Dwelling Units per acre	2.5	3.5

Development and redevelopment under the proposed zoning classification will accommodate reasonable development of lots within this area.

4. The Rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property.

Finding: The rezone will not be materially detrimental to the surrounding uses or properties. No redevelopment is proposed at this time and any future changes to the area rezoned must comply with all applicable City codes and standards. The rezone is consistent and compatible with the surrounding residential neighborhoods and achieves many of the City's goals and policies as described in this report.

5. The Rezone has merit and value for the community as a whole.

Finding: City-wide zoning density objectives would still be met after the rezone approval. The rezone responds to the community's concerns to establish a zoning which is more reflective of existing lot sizes. The R-2.5 is consistent with the Annexation Element Policy An-12 to establish appropriate zoning district designations in proposed annexation areas.

VII. RECOMMENDATION

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, SEPA and City Code & Standard compliance reviews, the Director does hereby **RECOMMEND APPROVAL** of the subject rezone to apply to the Horizon View C Plat as described in Attachment 3-legal description.

**CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)**

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Horizon View C area-wide rezone from R-3.5 to R-2.5 under the authority of LUC 20.35.400 consistent with the Comprehensive Plan.

PROPERTY OWNERS' NAME: N/A

PROPOSAL LOCATION (street address and nearest cross street or intersection as well as a legal description if available): Horizon View C, generally bounded by 151st Ave SE on the west, 152nd Pl SE on the south, 153rd Ave SE on the east, and the Eaglesmere neighborhood on the north, located in the Newcastle Subarea.

PROPONENT'S NAME: City of Bellevue, Department of Planning and Community Development

CONTACT PERSON'S NAME: Nicholas Matz AICP

CONTACT PERSON'S ADDRESS: Department of Planning and Community Development
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: 425-452-5371

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** Area wide rezone from R-3.5 to R-2.5 under the authority of LUC 20.35.400 consistent with the Comprehensive Plan.
2. **Site acreage:** approximately 22 acres
3. **Number of dwelling units/buildings to be demolished:** N/A
4. **Number of dwelling units/buildings to be constructed:** N/A
5. **Square footage of buildings to be demolished:** N/A
6. **Square footage of buildings to be constructed:** N/A
7. **Quantity of earth movement (in cubic yards):** N/A
8. **Proposed land use:** single family residential, public right-of-way

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9. **Design features, including building height, number of stories and proposed exterior materials:** N/A

10. **Other:** N/A

Proposed timing or schedule (including phasing, if applicable):

Legislative land use decisions such as this area wide rezone are Process IV actions under the LUC. The process includes a public hearing before the Council and action (ordinance) by the Council.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

N/A

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

N/A

List any government approvals or permits that will be needed for your proposal, if they are known. If permits have been applied for, list application date and file numbers, if known.

Ordinance action by the City Council.

B. Environmental Elements

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: Horizon View C area-wide rezone from R-3.5 to R-2.5 under the authority of LUC 20.35.400 consistent with the Comprehensive Plan.

Environmental Summary per WAC 197-11-235(3) (b):

State the proposal's objectives: To comply with the requirements of the GMA by establishing zoning that is consistent with the Comprehensive Plan.

Specify the purpose and need to which the proposal is responding: The purpose of this action is to establish appropriate city zoning districts which are more suitable for communities under Annexation Element Policy AN-12 to establish appropriate zoning district designations in annexed areas. Such legislative action enables Bellevue to assure its community responsibilities under the Comprehensive Plan and the Growth Management Act.

State the major conclusions, significant areas of controversy and uncertainty: We conclude that there are no single or cumulative impacts from such action because impacts are foreseen by the Comprehensive Plan and will not lead to actions inconsistent with other elements of the Plan or the GMA when related to functional plan or project implementation of such actions.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: There are no issues to be resolved with an area-wide rezone which remains consistent with the Comprehensive Plan under GMA. The environmental choices among alternative courses of action such as a different zoning would not be consistent with Annexation Policy AN-12 and would require Comprehensive Plan amendment action for consistency with the Comprehensive Plan.

Recognizing the environmental impacts that might occur, additional environmental analysis will be needed if proposals are made for development as regulated by the Land Use Code.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated:
None.

Environmental Review of the attached non-project environmental checklists indicates no probability of significant adverse environmental impacts occurring as a result of the action. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements. The Environmental Checklist is available for review in the project file.

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Adverse impacts which are less than significant are usually subject to City Code or Standards which are intended to mitigate those impacts. Where such impacts and related regulatory items correspond, no further documentation is necessary. For other adverse impacts which are less than significant, Bellevue City Code Section 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed action will not directly increase discharges to water, emissions to air, produce, store or release toxic or hazardous substances, or produce noise.

Proposed measures to avoid or reduce such increases are: N/A

2. How would the proposal be likely to affect plants, animals, fish or marine life?

There are no known direct impacts to plants, animals, fish or marine life that will result from the proposal.

Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A

3. How would the proposal be likely to deplete energy or natural resources?

The proposal will not deplete energy or natural resources.

Proposed measures to project or conserve energy and natural resources are: N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

There are no known direct impacts to sensitive areas, habitat, historic sites or other protected areas that will result from the proposal.

Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal enhances land use consistent with the Bellevue Comprehensive Plan and the King County Comprehensive Plan. The R-2.5 zoning district is consistent with the SF-M (Single Family-Medium) Comprehensive Plan designation under the GMA.

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

The proposal itself does not increase demands on transportation or public services and utilities.

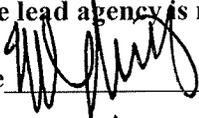
Proposed measures to reduce or respond to such demand(s) are: N/A

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

No conflicts are known or anticipated.

- D. **The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

Signature



Date Submitted

6-15-12

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HORIZON VIEW C REZONE AREA

Beginning at the Northeast corner of Lot 1 of the plat of Horizon View Addition Division C, recorded in Volume 56 of Plats, Pages 20-21, records of King County, being the basis of bearings for said description and said point, the True Point of Beginning;
Thence N90°00'00"W along the North line of said Lot 1 and Westerly extension thereof a distance of 222.83 feet to the intersection with the centerline of 151st Avenue SE (George S. Farmer Road) being a point on a curve to the South the center of which bears S74°54'50"W a distance of 750.00 feet;
Thence along said curve following the centerline of said 151st Avenue SE, an arc distance of 222.56 feet;
Thence on a tangent bearing S01°55'00"W, a distance of 288.84 feet to the beginning of a curve to the left with a radius of 1000.00 feet;
Thence along said curve an arc distance of 136.14 feet;
Thence on a tangent bearing S05°53'00"E, a distance of 109.70 feet to the beginning of a curve to the right with a radius of 450.00 feet;
Thence along said curve an arc distance of 146.22 feet;
Thence on a tangent bearing S12°44'01"W, a distance of 213.97 feet to the intersection with the centerline of 152nd Place SE noted on said plat;
Thence S49°08'17"E along said centerline a distance of 328.69 feet to the beginning of a curve to the right with a radius of 400.00 feet;
Thence along said curve an arc distance of 42.58 feet;
Thence on a tangent bearing S43°02'20"E, a distance of 179.05 feet;
Thence S40°28'51"E, a distance of 162.89 feet to the beginning of a curve to the right with a radius of 224.76 feet;
Thence along said curve an arc distance of 85.98 feet to the beginning of a curve to the left with a radius of 186.28 feet;
Thence along said curve an arc distance of 69.71 feet;
Thence on a tangent bearing S40°00'07"E, a distance of 147.30 feet to the beginning of a curve to the left with a radius of 246.36 feet;
Thence along said curve an arc distance of 78.86 feet;
Thence on a tangent bearing S58°20'31"E, a distance of 29.00 feet to a prolongation of the East line of Lot 4, Block 3 of said plat;
Thence N31°39'29"E, a distance of 30.00 feet to the southernmost corner of said Lot 4;

Thence S58°20'31"E along the prolongation of the Southwesterly line of said Lot 4 20.00 feet to the Northwesterly 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 N31°39'29"E along the Northwesterly boundary of said Lot 12 a distance of 163.16 feet to the North corner of said Lot 12, also being on the Westerly boundary of Lot 51 of the plat of The Summit Division No. 1, recorded in Volume 131 of Plats, Pages 46-49, records of King County;
Thence N01°54'42"W along the Westerly boundary of Lots 51 and 50 of said plat a distance of 135.06 feet;

Thence continuing along the Westerly boundary of Lots 50 and 49 of said plat N05°39'59"E a distance of 150.00 feet;

Thence continuing along the Westerly boundary of Lots 49 and 48 of said plat N16°30'16"E a distance of 180.30 feet to the Northwest corner of said Lot 48;

Thence N65°16'04"W along the Southerly boundary of Lot 41 of said plat a distance of 86.87 feet to a point of a curve concave to the Southeast, the center of which bears S52°50'22"E a distance of 170.00 feet;

Thence along said curve an arc distance of 11.83 feet to a point on the Southeasterly right-of-way of 153rd Avenue Southeast;

Thence N19°49'51"W across said right-of-way a distance of 66.05 feet to the Northwestern right-of-way of said street also being the Easterly corner of Lot 14 of Tract 1 of Horizon View Addition Division C, recorded in Volume 56 of Plats, Pages 20-21, records of King County;

Thence N12°09'46"W a distance of 231.75 feet along the Easterly boundary of Lots 14 and 13, Block 1 of said plat;

Thence continuing along the East boundary of Lots 12, 11, 10, and 9, Block 1 of said plat N00°00'00"E, a distance of 615.74 feet to the Northeast corner of Lot 8;

Thence N77°35'33"W along the North boundary of said Lot 8, a distance of 307.17 feet to the Northeast corner of Lot 7;

Thence S71°54'54"W along the North boundary of said Lot 7, a distance of 182.31 feet to the Northwest corner of said Lot 7 also being the Southeast corner of Lot 3 in said Block;

Thence N17°51'27"W along the West boundary of Lots 3 and 2 a distance of 206.00 feet to the Southeast corner of Lot 1 in said Block;

Thence N00°00'00"E along the East line of said Lot 1, a distance of 173.00 feet to the Northeast corner of Lot 1, the True Point of Beginning.