



MEMORANDUM

DATE: August 21, 2014

TO: Chair Laing and Members of the Planning Commission

FROM: Nicholas Matz AICP, Senior Planner, 452-5371
nmatz@bellevuewa.gov
Department of Planning & Community Development

SUBJECT: September 10, 2014, Public Hearing–Horizon View A Rezone
File 14-138195 LQ – Staff Recommendation Report

The Planning Commission will hold a public hearing on an area-wide rezone proposed for Horizon View A, from R-3.5 to R-2.5. Presented in this memo is the staff report and approval recommendation by Planning and Community Development staff.

The Planning Commission is asked to take action on a recommendation to the City Council regarding adoption of a proposed rezone ordinance after holding the public hearing, and in study session considering the record of public oral and written comment as well as the staff report.

Sample motion language (for reference):

I move to recommend to the City Council approval of the rezone for Horizon View A file number 14-138195 LQ, as proposed in the attached staff recommendation report.

Attachments

Staff Recommendation Report



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The Planning Commission will hold a public hearing on an area-wide rezone proposed for Horizon View A, from R-3.5 to R-2.5. Presented in this memo is the staff report and approval recommendation by Planning and Community Development staff.

The Planning Commission is asked to take action on a recommendation to the City Council regarding adoption of a proposed rezone ordinance after holding the public hearing and considering the record of public oral and written comment and the staff report in a study session.

REQUEST

Approve an area-wide rezone of seventy-five parcels from Single-Family R-3.5 to Single-Family R-2.5. Single-family residential districts provide for areas of low to moderate densities and permit compatible related activities under the Land Use Code.

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. The Planning Commission holds a public hearing, takes testimony on the proposal, and makes a recommendation to the City Council. The City Council makes a decision based on the record established by the Planning Commission.

Concurrent SEPA review is conducted. A SEPA Threshold Determination of Non-Significance has been issued for this proposal. The threshold determination is only appealable as part of the City's action on the rezone. To comply with the requirements of SEPA and the State of Washington Growth Management Act (GMA) for coordination of hearings, any appeal of the SEPA threshold determination will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action.

SITE DESCRIPTION AND CONTEXT

In response to a request from property owners, on June 16, 2014, the City Council initiated the legislative rezone of the recently annexed Horizon View A neighborhood from R-3.5 to R-2.5.

Horizon View A is located alongside the Hilltop and Horizon View C neighborhoods in south Bellevue. See Attachment 1.

Earlier this year members of the Horizon View A community contacted the city's Neighborhood Outreach staff to express concerns about proposed short plat redevelopment activities in their neighborhood. The community expressed concern that the existing R-3.5 zoning, with its 10,000 square foot minimum lot size, could enable an increase in short plat activity incompatible with their existing neighborhood character. Horizon View A is located in the recently annexed area alongside the Hilltop and Horizon View C neighborhoods in south Bellevue. The roughly half-acre (21,000 square feet) average lot size in Horizon View A, with views through and from the lots, represents this existing character.

During the annexation process, residents in both nearby Hilltop and Horizon View C sought rezones to R-2.5—with its 13,500 square feet minimum lot size—because they believed it would be more compatible with their relatively large lots and lack of sewers. Hilltop advocated for their rezone in advance of annexation using pre-annexation zoning, adopted in Ordinance 6018. Horizon C agreed to an assurance by the city to conduct a post-annexation area-wide rezone. The Planning Commission held a hearing and made an affirmative recommendation for Horizon View C, leading to a September 2012 Council adoption of the rezone through Ordinance 6095.

With an understanding of the rezones previously achieved by Horizon View C and Hilltop, members of Horizon View A petitioned the City Council to initiate a legislative rezone to address their similar situation. Such area-wide rezones are reviewed through the legislative process by the Planning Commission and City Council. In initiating the rezone process, Councilmembers noted an issue of fairness in assuring that all three recently annexed neighborhoods could make a reasonable examination of their zoning and its appropriateness. Councilmembers were clear that initiating the process would allow review of the merits of the proposal and that the Council's action did not presume approval or denial of the rezone.

STATE ENVIRONMENTAL POLICY ACT

The environmental review indicates no probability of significant adverse environmental impacts occurring because of the proposal. The environmental checklist adequately discloses expected environmental impacts associated with the proposal. 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 SEPA requirements. The environmental checklist is available for review.

Rezone approval means any future area redevelopment would continue to be subject to city codes and standards, project-specific SEPA review, and subsequent construction permit approvals.

SUMMARY OF TECHNICAL REVIEWS

Utilities Review

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

Transportation Review

Since this application is proposing a rezone 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 permit applications. Therefore, Transportation has no concerns with this application.

PUBLIC COMMENT AND RESPONSE

Application Date: August 7, 2014

Notice of Public Hearing and Public Notice Sign Installed: August 21, 2014

End of minimum comment period: September 4, 2014

Public comment received under this application will be provided in the September 10, 2014 Planning Commission agenda packet materials or included in Commission desk packets for the September 10, 2014 hearing.

Comments previous to this application were received at the City Council's June 16, 2014 Study Session during Oral Communications, and at the Planning Commission's July 30, 2014 Study Session during Public Comment.

The majority of comments are related to the compatibility with current lot and home sizes and potential threats to the existing territorial views caused by the construction of new homes. Also included in the comments was a concern that annexation did not examine the appropriate zoning for Horizon View A as it did in the Hilltop and Horizon View C areas. All three areas were part of the 2012 South Bellevue Annexation.

DECISION CRITERIA

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

- **The proposal is consistent with the Comprehensive Plan.**

Finding: Both R-3.5 and R-2.5 zoning are consistent with the existing Single Family-Medium (SF-M) Comprehensive Plan designation for this South Bellevue area under the Growth Management Act, hence the need only for a rezone.

Cities are urban areas, with expectations of infrastructure and urban—albeit single-family—densities. Horizon View A has urban infrastructure in place including public sewers. Generally, it is desirable to encourage infill development where infrastructure is in place and there is sufficient land.

While rezoning may decrease the potential for infill development, the rezone will protect the existing neighborhood by encouraging existing levels of development. Growth will be accommodated under the R-2.5 zoning district.

The proposal is consistent with Land Use Element and Newcastle Subarea Plan policies. The rezone will continue to allow 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.

A major objective of the Land Use Element is to maintain the vitality, quality, and character of Bellevue's neighborhoods. These vary widely in size, 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 investment.

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

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

- **The rezone bears a substantial relationship 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 the area is already served within the transportation network, the utility system, and other public services such as fire and police.

- **The rezone is warranted because the proposed zoning classification is appropriate for reasonable development of the subject property.**

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

Seventy four of the seventy five Horizon View A lots are built. Lot sizes are somewhat smaller on average (21,000 square feet) than the 41 lots in Hilltop (40,000 square feet) and the 28 lots in Horizon C (26,000 square feet). In addition, Horizon A's existing public sewer distinguish them from the individual septic systems that predominate in Hilltop and Horizon C. However, all three share similar view characteristics through and from lots in their areas high on the hill overlooking Bellevue and to the east and west.

The city zoning established after annexation is nearly equivalent to the pre-annexation King County zoning of R-4. Both zonings have similar size, setback, and height dimensions. See Attachment 2.

- **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. The rezone is consistent and compatible with the surrounding single-family zoned neighborhoods.

- **The rezone has merit and value for the community as a whole.**

Finding: The city's ability to meet its growth targets and general policies reflective of the city as an urban area would still be met. The rezone responds to the community's concerns to establish a zoning more reflective of existing lot sizes. The R-2.5 is consistent with Annexation Element Policy AN-12 to establish appropriate zoning district designations in annexed areas.

Some Horizon View A owners may see access to rezoning as an issue of equity. Despite the differences in circumstance between them and Horizon C and Hilltop, they feel that the other two neighborhoods had more of an opportunity to examine zoning as part of the annexation process. However, concern regarding zoning did not become a concern until the issue of a recent short plat.

Some property owners may view existing R-3.5 zoning as the best support for their current property value, and may wish to have the opportunity to short plat if they so desire and their lot meets the minimum requirements. Changing the zoning to R-2.5 will establish a higher minimum lot size which will make it unlikely that any of the 30 or so existing lots identified by the City as potentially eligible for short platting under current R-3.5 zoning would then be able to take advantage of short platting. Alternatively, some owners view a change to R-2.5 as a better outcome for maintaining neighborhood values tied to the existing large lot character of the area.

RECOMMENDATION

After conducting the various administrative reviews associated with the proposal including applicable Land Use Code consistency, SEPA and City Code and Standards compliance reviews, the PCD Director does hereby **recommend approval** of the Horizon View A area-wide rezone, applicable to the Horizon View A area legally described in Attachment 3.

ATTACHMENTS

1. Horizon View A area map
2. Chart comparing Bellevue R-3.5 zoning, R-2.5 zoning, King County R-4 zoning
3. Horizon View A rezone legal description
4. SEPA DNS

Dimensional chart comparison for Bellevue and KC zoning

Dimensional Standards	Bellevue R-2.5	Bellevue R-3.5	King County R-4
Dwelling units per acre	2.5	3.5	4 (base density)
Lot area (minimum square feet)	13,500	10,000	85% of base density x lot area
Lot width (minimum feet)	80	70	30
Lot depth (minimum feet)	80	80	n/a
Street frontage (minimum feet)	30	30	30
Front setback (minimum feet)	20	20	10 (min. 20 driveway length)
Interior setback (min/combo feet)	5/15	5/15	5
Rear setback (minimum feet)	25	25	n/a
Building height (maximum feet)	30	30	35
Lot coverage (maximum pct.)	35	35	55

HORIZON VIEW A AREA-WIDE REZONE

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 151st Avenue S.E. (labeled 168th 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 the Southerly corner of Lot 19, Block 1 of said plat;

Thence Northerly along 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 on a straight line 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.



City of Bellevue
Department of Community Development
State Environmental Policy Act Threshold Determination

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Proposal Name: City of Bellevue

Location of Proposal: Horizon View A generally bounded by 145th Pl. SE on the west, SE 51st St. on the south, 151st Ave SE on the east, and the Eaglesmere neighborhood on the north, located in the Newcastle Subarea.

Description of Proposal: Area wide rezone from R-3.5 to R-2.5 under the authority of LUC 20.35.400 consistent with the Comprehensive Plan.

File Number(s): 14-138195 LQ

Applicant: Department of Planning and Community Development

Decisions Included: SEPA Threshold Determination

Planner: Nicholas Matz AICP, 425 452-5371

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



Carol Helland,
Environmental Coordinator

Bulletin Publication Date: _____

Appeal Deadline: An appeal shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290.

For information on how to appeal a proposal, visit the Development Services at City Hall or call (425) 452-6800.

I. Proposal Description and Objectives

Proposal for an area-wide rezone of seventy-five parcels from Single-Family R-3.5 to Single-Family R-2.5. Single-family residential districts provide for areas of low to moderate densities and permit compatible related activities under the Land Use Code.

II. Environmental Record

The environmental review consisted of analysis based on the following documents included in the environmental record or incorporated by reference if so noted:

- Environmental checklist for the proposal dated August 4, 2014
- City of Bellevue Comprehensive Plan

III. Proposed Timing and Phasing

The area wide rezone was initiated as a legislative action by the Bellevue City Council on June 16, 2014 under its authority at LUC 20.35.400. The Bellevue Planning Commission has held study sessions on the proposal and will hold a public hearing on September 10, 2014. The City Council will take subsequent action on a rezone ordinance.

IV. Environmental Summary

Purpose and Need to Which the Proposal is Responding

With an understanding of the rezones previously achieved by Horizon View C and Hilltop, members of Horizon View A petitioned the City Council to initiate a legislative rezone to address their similar situation. Such area-wide rezones are reviewed through the legislative process by the Planning Commission and City Council. In initiating the rezone process, Councilmembers noted an issue of fairness in assuring that all three recently annexed neighborhoods could make a reasonable examination of their zoning and its appropriateness. Councilmembers were clear that initiating the process would allow review of the merits of the proposal and that the Council's action did not presume approval or denial of the rezone.

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.

Issues to be Resolved, Including Environmental Choices to be Made Between Alternative Courses of Action

There are no issues to be resolved with establishing appropriate zoning. Either R-2.5 or R-3.5 are consistent with the Comprehensive Plan.

Environmental Impacts of the Proposal

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.

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.

V. Conclusion and Determination

For the proposal, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant to WAC 197-11-355 and Bellevue City Code 22.02.034 is appropriate.

Other adverse impacts that are less than significant may be mitigated pursuant to Bellevue City Code 22.02.140, RCW 43.21C.060, and WAC 197-11-660.

VI. Mitigation Measures

There are no recommended SEPA-based mitigating measures for this proposal. The lead agency has determined that the requirements for environmental analysis, protection and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. This agency will not require any additional mitigation measures under SEPA.



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue

LOCATION OF PROPOSAL: Horizon View A generally bounded by 145th Pl. SE on the west, SE 51st St. on the south, 151st Ave SE on the east, and the Eaglesmere neighborhood on the north, located in the Newcastle Subarea.

DESCRIPTION OF PROPOSAL: Area wide rezone from R-3.5 to R-2.5 under the authority of LUC 20.35.400 consistent with the Comprehensive Plan.

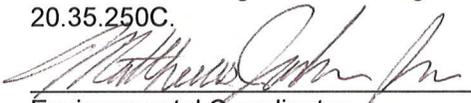
FILE NUMBER(S): 14-138195 LQ

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 checklists and information filed with the 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 _____.

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 amendment to the Land Use Code. 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

8-21-14
Date

OTHERS TO RECEIVE THIS DOCUMENT:

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