

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Hold a Public Hearing, take testimony, and consider Ordinance No. 6067 annexing to the City of Bellevue approximately 63 acres known as the South Bellevue – Hilltop Annexation, located south of I-90 in the Newcastle Subarea, by Direct Petition under RCW 35A.14.120.

FISCAL IMPACT

Hilltop has a current assessed valuation of \$32,273,000. 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. However, at approximately one-tenth of the size and even less of the valuation of the entire South Bellevue annexations, the Hilltop annexation is not expected to create a significant fiscal impact.

Annexation would result in the City implementing pre-annexation and interlocal agreements within the annexing area. Among other things, the agreements provide for accurate payments by the Hilltop water district for delivered water and all associated costs to operate an emergency intertie, include non-assumption of the Hilltop water district, and provide for the water district to maintain its facilities at no cost to the City.

STAFF CONTACTS

Chris Salomone, 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 Hilltop area? See Attachment 1.

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.

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.

Hilltop is part of the Horizon View/Hilltop PAA surrounded by Bellevue. Owners have requested annexation by petition. Because direct petition annexation is initially an action by property owners, and such owners in Hilltop made their decision to petition separately and later than did owners in Eastgate, Tamara Hills, and Horizon View, the annexation of Hilltop is a separate action from the other South Bellevue Annexation efforts.

Annexing owners were required to submit petitions exceeding the 60% supermajority threshold. See Attachment 2.

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 Hilltop community is south of Interstate 90:

PAA	Assessed Value	Population	Acres	Housing
Hilltop	\$32,273,000	101	63	40

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

By July 18, 2011, Hilltop owners submitted a Notice of Intent to Petition for Annexation representing 14% of the total assessed valuation of their proposed annexation. This exceeds the 10% 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 May 23, 2012, owners of more than 75% 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 May 25, 2012.

Hilltop's existing Comprehensive Plan designation includes SF-M (Single Family-Medium). Pre-annexation zoning including R-2.5 has been established under Ordinance No. 6018.

On May 21, 2012, the City Council directed the City Manager to enter into pre-annexation and interlocal agreements with the Hilltop Community, Inc. and King County Water District 117

respectively. The pre-annexation agreement addresses provisions of interest to the area, and includes a provision for vegetation management which will continue the community's commitment to management of significant vegetation while ensuring compliance with City of Bellevue code requirements.

For the agreements with the Water District, the agreement regarding the existing emergency intertie is needed with or without annexation. The non-assumption agreement responds to interests expressed by WD 117 and Hilltop residents, who wish to remain with their existing water source and water distribution structure following annexation.

On May 25, 2012, staff submitted the Hilltop 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. The waiting period ended on July 9, 2012.

The Public Hearing tonight to accept public testimony on the proposed annexation will complete all of the annexation process 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 July 31, 2012. This is the date upon which service obligations ensue as well as the date that the City can begin to receive revenues from the newly-annexed areas.

EFFECTIVE DATE

If adopted, this Ordinance becomes effective on July 24, 2012.

OPTIONS

1. Open the Public Hearing, accept testimony, close the Public Hearing, then take action on Ordinance No. 6067, annexing the South Bellevue – Hilltop 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. 6067. Declining the annexation will leave the area in unincorporated King County.

RECOMMENDATIONS

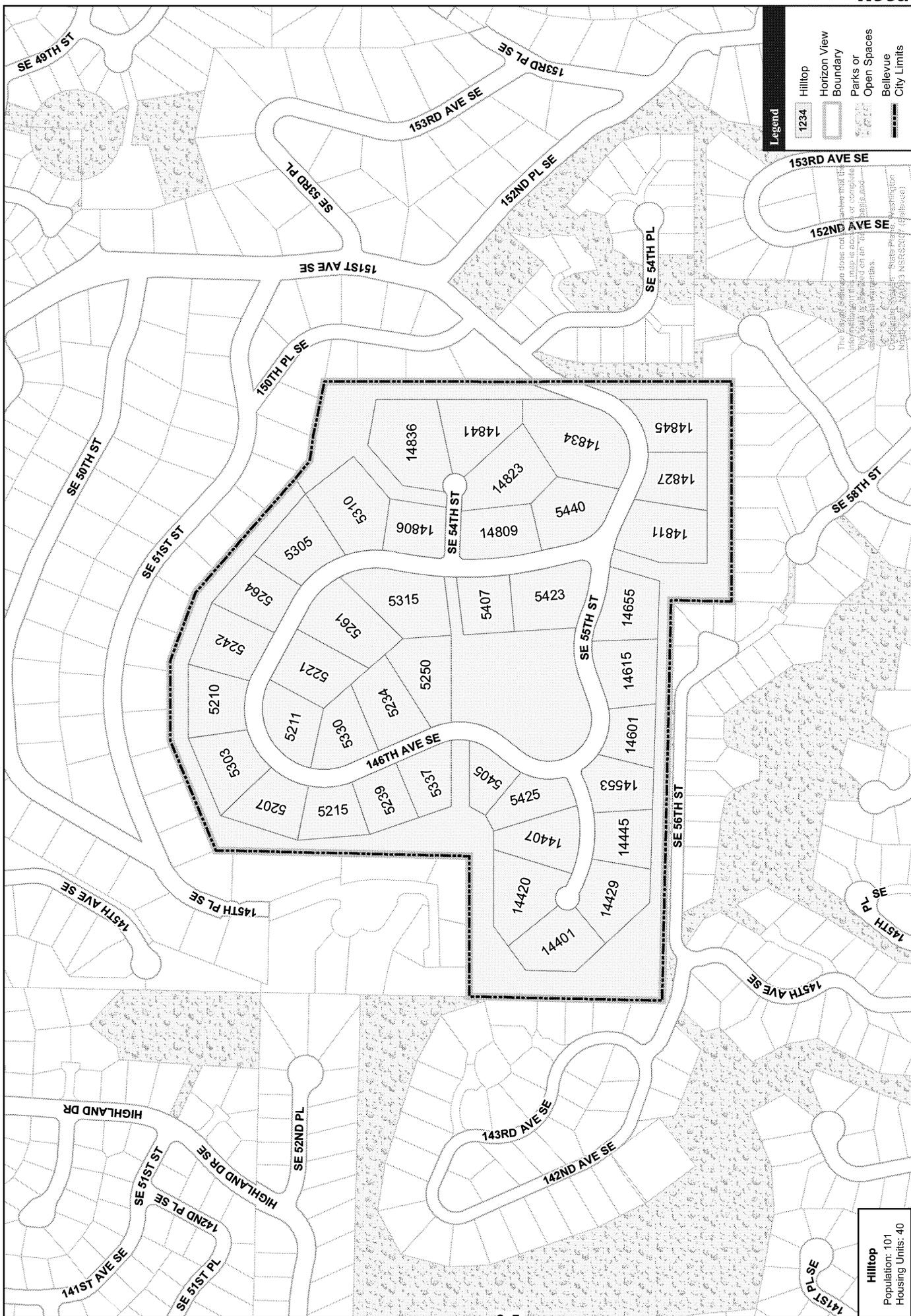
Hold the Public Hearing and adopt Ordinance No. 6067, annexing to the City of Bellevue approximately 63 acres known as the South Bellevue – Hilltop Annexation, located south of I-90 in the Newcastle Subarea, by Direct Petition under RCW 35A.14.120.

MOTION

Move to: 1) open and close the Public Hearing; then, 2) adopt Ordinance No. 6067, annexing to the City of Bellevue approximately 63 acres known as the South Bellevue – Hilltop Annexation, located south of I-90 in the Newcastle Subarea, by Direct Petition under RCW 35A.14.120.

ATTACHMENTS

1. Proposed South Bellevue – Hilltop Annexation site map
2. Direct Petition for Annexation
3. Public Hearing Notice
4. South Bellevue – Hilltop Annexation ordinance



Legend

- 1234 Hilltop
- Horizon View Boundary
- Parks or Open Spaces
- Bellevue City Limits

The City of Bellevue does not warrant that the information on this map is accurate or complete. This data is provided on an "as-is" basis and is subject to change without notice. City of Bellevue, State Planning Commission, National Map Accuracy Standards (Bellevue)



400 Feet
Sources: City of Bellevue

Hilltop
Population: 101
Housing Units: 40

South Bellevue Annexation

Hilltop



City of
Bellevue



DIRECT PETITION FOR ANNEXATION

SOUTH BELLEVUE – HILLTOP

Post Office Box 90012 ▪ Bellevue, Washington ▪ 98009-9012

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 60%** 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.

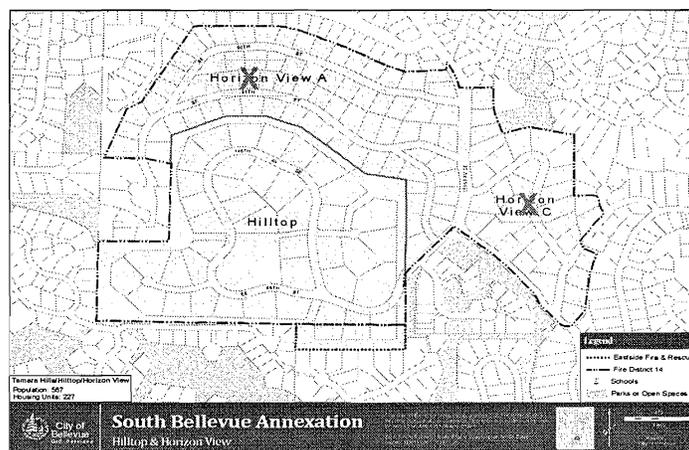
I/We, further provide, as required by the City Council at a regular meeting thereof, held **Sept. 6, 2011**, as follows:

- 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-2.5 zoning district adopted under Ordinance No. **6018**, the Hilltop Pre-Annexation zoning ordinance.

Legal Description of Hilltop area proposed for annexation:

Commencing at the Southeast corner of the Northeast Quarter of Section 22, Township 24 North, Range 5 East, W.M., being the TRUE POINT OF BEGINNING; Thence Westerly along the South line of said Northeast Quarter to the Southwest corner of the Southeast Quarter of said Northeast Quarter; Thence Northerly along the West line of said Southeast Quarter of the Northeast Quarter, also being the Westerly boundary of the plat of Hilltop Community, recorded in Volume 47 of Plats, Pages 28-29, records of King County, to the Southwest corner of the plat of Belvedere, recorded in Volume 152 of Plats, Pages 40-41, records of King County; Thence Easterly along the South line of said plat of Belvedere to the Southeasterly corner thereof; Thence Northerly along the East boundary of said plat and the extension thereof, which becomes common with the East boundaries of Lots 1 and 2, Block 1, plat of Horizon View Addition Division A, recorded in Volume 48 of Plats, Pages 44-47, records of King County, to the Southwest corner of Lot 3 of said plat of Horizon View; Thence Easterly along the North boundary of the plat of Hilltop Community, also being the South boundary of the plat of Horizon View Addition Division A, to the Northeasterly corner of the plat of Hilltop Community; Thence Southerly along the East boundary of said plat of Hilltop Community to the Southeast corner thereof; Thence Westerly along the South boundary of said plat also being the North boundary of Lots 60-70 of the plat of Forest Glen East Division 2, recorded in Volume 121 of Plats, Pages 22-25, records of King County, to the Northwest corner of said Lot 70, being a point on the East line of the Southeast Quarter of Section 22, Township 24 North, Range 5 East, W.M.; Thence Northerly along said East line to the Southeast corner of the Northeast Quarter of said Section 22, being the TRUE POINT OF BEGINNING.

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



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) _____

PLEASE PUBLISH ON JULY 2, 2012

BELLEVUE CITY COUNCIL
NOTICE OF PUBLIC HEARING
South Bellevue Annexation – Hilltop PAA
(RCW 35A.14.130)
File No.: 11-110362 AA

NOTICE IS HEREBY GIVEN that the Bellevue City Council will hold a public hearing on the annexation of Hilltop, approximately 63 acres located south of I-90 in the Newcastle Subarea, during its Regular Meeting on Monday, July 16, 2012, which begins at 8:00 PM in the City Council Chambers, Bellevue City Hall, 450 110th Avenue NE, Bellevue WA 98009.

The City Council may approve or disapprove the annexation request.

Written comments or questions about the public hearing must be addressed to the Bellevue City Council in care of Nicholas Matz, AICP, Planning and Community Development, at nmatz@bellevuewa.gov, or to P.O. Box 90012, Bellevue WA 98009-9012. Additional information may be obtained from this person at (425) 452-5371.

An affidavit for posting required by RCW 35A.14.130 has been filed with the City Clerk.

Posting/Publication Dates: Monday, July 2, 2012

Myrna L. Basich, City Clerk

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6067

AN ORDINANCE annexing to the City of Bellevue 63 acres known as the South Bellevue – Hilltop Annexation, located south of I-90 in the Newcastle Subarea PAA by Direct Petition under RCW 35A.14.120.

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 – Hilltop 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. 6018, classifying the area to be annexed R-2.5; and

WHEREAS, the City Council fixed July 16, 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 36.93.090 and after required review and a 45-day waiting period the annexation was deemed approved by the Board; and

WHEREAS, the City of Bellevue previously authorized execution of certain agreements with the Hilltop Community and with Water District 117 to deal with issues relating to the transition of jurisdiction from King County to the City of Bellevue, should annexation occur; 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.14.120 inclusive and chapter 36.93.090 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:

HILLTOP ANNEXATION AREA

Commencing at the Southeast corner of the Northeast Quarter of Section 22, Township 24 North, Range 5 East, W.M., being the TRUE POINT OF BEGINNING;

Thence Westerly along the South line of said Northeast Quarter to the Southwest corner of the Southeast Quarter of said Northeast Quarter;

Thence Northerly along the West line of said Southeast Quarter of the Northeast Quarter, also being the Westerly boundary of the plat of Hilltop Community, recorded in Volume 47 of Plats, Pages 28-29, records of King County, to the Southwest corner of the plat of Belvedere, recorded in Volume 152 of Plats, Pages 40-41, records of King County;

Thence Easterly along the South line of said plat of Belvedere to the Southeasterly corner thereof;

Thence Northerly along the East boundary of said plat and the extension thereof, which becomes common with the East boundaries of Lots 1 and 2, Block 1, plat of Horizon View Addition Division A, recorded in Volume 48 of Plats, Pages 44-47, records of King County, to the Southwest corner of Lot 3 of said plat of Horizon View; Thence Easterly along the North boundary of the plat of Hilltop Community, also being the South boundary of the plat of Horizon View Addition Division A, to the Northeasterly corner of the plat of Hilltop Community;

Thence Southerly along the East boundary of said plat of Hilltop Community to the Southeast corner thereof;

Thence Westerly along the South boundary of said plat also being the North boundary of Lots 60-70 of the plat of Forest Glen East Division 2, recorded in Volume 121 of Plats, Pages 22-25, records of King County, to the Northwest corner of said Lot 70, being a point on the East line of the Southeast Quarter of Section 22, Township 24 North, Range 5 East, W.M.;

Thence Northerly along said East line to the Southeast corner of the Northeast Quarter of said Section 22, being the TRUE POINT OF BEGINNING.

Section 2. The effective date of annexation is hereby established as July 31, 2012. 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-2.5 pursuant to the proposed zoning regulation adopted by the City Council pursuant to Ordinance No. 6018.

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.

Section 6. This ordinance shall take effect and be in force five days after the date of passage and legal publication.

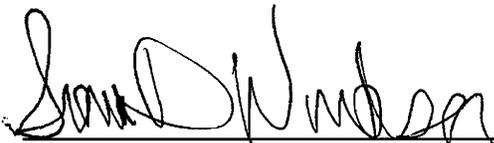
Passed by the City Council this _____ day of _____, 2012, and signed in authentication of its passage this _____ day of _____, 2012.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Siona D. Windsor, Senior Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____