

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6780

AN ORDINANCE both authorizing the City Manager to terminate Concomitant Zoning Agreement No. 4441 and repealing a related Ordinance No. 2486 that rezoned the subject property and incorporated Concomitant Zoning Agreement No. 4441 by reference; and establishing an effective date.

WHEREAS, Pulte Homes of Washington, Inc., (“Pulte Homes”) is the owner of certain real property located at 12951 NE Bel-Red Road in Bellevue, Washington, King County Parcel No. 2825059111 (the “Property”); and

WHEREAS, in November 1977, the City and Pulte Homes’ predecessor-in-interest, the Easter Development Company, Inc., entered into Concomitant Zoning Agreement No. 4441, King County Recording No. 7711160973 (the “Concomitant”); and

WHEREAS, in November 1977, the City adopted Ordinance No. 2486, which rezoned the Property and incorporated the Concomitant by reference; and

WHEREAS, the Concomitant imposed terms and conditions affecting the development of the Property in exchange for the City’s rezoning of that Property from Multi-Family (R-10) to Office (O) zoning; and

WHEREAS, these terms and conditions were based on the Bellevue Land Use Code (“LUC”) in effect at the time of the execution of the Concomitant; and

WHEREAS, these terms and conditions subjected future development of the Property to restrictions on vehicular access, configuration and location of structures, and site screening, as well as prohibited residential uses on the Property; and

WHEREAS, the Concomitant runs with the land and is binding on heirs, assigns, and successors of the property owner; and

WHEREAS, although the Concomitant provided that no modifications would be valid unless mutually agreed upon by all the parties and recorded with the King County Department of Records, the Concomitant expressly did not restrict the authority of the City to exercise its power to enact amendments to its land use regulations or to rezone the Property in future years; and

WHEREAS, after the execution of the Concomitant, the City adopted multiple Ordinances amending regulations in the LUC, which are applicable to the Property and the development that could occur on the Property; and

WHEREAS, the Ordinances adopted by the City resulted in the current LUC providing for different requirements than those imposed under the terms and conditions of the Concomitant; and

WHEREAS, termination of the Concomitant is necessary because although Pulte Homes' project may comply with current City Code, they could not also comply with the terms and conditions of the Concomitant; and

WHEREAS, the City complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BCC) when adopting the BelRed Subarea Plan (Ordinance No. 5858) and the current zoning for BelRed (Ordinance No. 5874), including preparation of the Draft Environmental Impact Statement dated January 25, 2007, the Final Environmental Impact Statement dated July 19, 2007, and an Addendum dated February 12, 2009; and

WHEREAS, this Ordinance does not substantively amend current zoning for the Property and is therefore categorically exempt from threshold determination and EIS requirements under SEPA pursuant to WAC 197-11-800(19)(b); and

WHEREAS, the City Council now desire to fully and finally terminate the Concomitant.

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

Section 1. The City Manager or their designee is hereby authorized to take all actions necessary to terminate Concomitant Zoning Agreement No. 4441 in its entirety.

Section 2. Ordinance No. 2486 is hereby repealed in its entirety.

Section 3. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this _____ day of _____, 2024 and signed in authentication of its passage this _____ day of _____, 2024.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Robert Sepler, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____