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2
3 **BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE**
4

5 In the Matter of the Application for
6

DSD File No.: 19-106704-LQ

7 **SAMBICA ACTIVITY CENTER**

8 **FINDINGS OF FACT,**
9 **CONCLUSIONS OF LAW, AND**
10 **RECOMMENDATION**

11 For a Rezone from Neighborhood Business
12 (NB), Multi-Family Residential (R-20), and
13 Single-Family Residential (R-5) to Camp
14 and Conference Center (CCC) at 4114 W.
15 Lake Sammamish Pkwy S.E.

16 **SUMMARY OF RECOMMENDATION**

17 The Hearing Examiner respectfully recommends that the Bellevue City Council **APPROVE**
18 the requested rezone, subject to the condition contained at the end of this decision.

19 **REZONE REQUEST**

20 The Applicant, Sambica Activity Center, (Applicant) requests a rezone from
21 Neighborhood Business (NB), Multi-Family Residential (R-20), and Single-Family
22 Residential (R-5) to Camp and Conference Center (CCC) for a 7.62-acre site located at 4114
23 W. Lake Sammamish Parkway S.E. (“property”). No development application accompanies
24 the rezone proposal before the Hearing Examiner.

The rezone is proposed to achieve consistency with a comprehensive plan amendment
enacted by the Bellevue City Council in 2009 which changed the planning designation of the
property to the Camp and Conference Center (CCC) designation (Ordinance No. 5859).

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2 **PROCEDURE**

3 A rezone application is a Process III decision governed by Land Use Code (LUC) 20.35.
4 300 *et seq.* The Hearing Examiner is responsible for holding a public hearing and making a
5 recommendation on the application to the City Council. The City Council makes the final
6 decision on behalf of the City.

7 A Notice of Application was published in the City of Bellevue’s Weekly Permit Bulletin
8 and the Seattle Times on March 28, 2019. Notice was also mailed to property owners within
9 500 feet of the property. The Development Services Department (Department) held a public
10 meeting at the subject property on April 8, 2019. Two neighboring residents from the public
11 attended the meeting and indicated they supported the rezone and redevelopment plans for the
12 property.

13 The Department published a recommendation of approval with conditions on June 6,
14 2019. To complete review under the State Environmental Policy Act (SEPA), the Department
15 adopted an environmental document completed during the prior comprehensive plan
16 amendment process, as permitted by BCC Chapter 22.02.

17 After appropriate public notice, the Hearing Examiner held a hearing on June 20, 2019
18 at 6:00 p.m. in the Bellevue City Council Chambers. The Applicant was represented by two
19 staff members of Sambica, Executive Director Matt Wimmer and Operations Director Ryan
20 Gilbert. The Department was represented by Peter Rosen, Planner, City of Bellevue. At the
21 hearing Mr. Rosen, Mr. Wimmer, and Mr. Gilbert testified. Although a call for public
22 testimony was made, no members of the public testified before the Hearing Examiner, nor were
23 any written public comments submitted.

24 As required by the code, the Hearing Examiner must issue her decision within 10
working days of the hearing.

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FINDINGS OF FACT

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2 1. The Sambica Activity Center is comprised of multiple, separate parcels which
3 collectively total 7.62 acres. The site is located within the Newcastle subarea of the
4 Comprehensive Plan.

5 2. The Sambica Activity Center is a youth summer camp and retreat center. The
6 existing site contains 33 buildings and other structures scattered within wooded and open areas.
7 The site is divided by West Sammamish Parkway SE, which runs east/west through the center
8 of the camp. A pedestrian bridge over West Lake Sammamish Parkway SE connects the
9 campus.

10 3. The facilities in the upper camp on the south side of West Lake Sammamish
11 Parkway SE include lodging, a dining hall, a mini-golf course, and a playfield. The lower
12 camp contains an office, an activities building, a basketball court, an indoor amphitheater,
13 housing, and access to the lake.

14 4. A separately owned property adjacent to Lake Sammamish provides beach
15 access to the Sambica Activity Center. The parcel is owned by the Strandvik Association and
16 Sambica owns voting shares in the Association. The beach access property is used jointly for
17 water-based recreation by all shareholders and guests, including those participating in Sambica
18 camp and conference center activities. The Strandvik Association did not join the application
19 for the Comprehensive Plan Amendment and the waterfront parcel is likewise not included in
20 the proposed rezone.

21 5. The various parcels comprising the Sambica Activity Center possess different
22 zoning classifications, including Neighborhood Business District (NB), Multi-Family
23 Residential (R-20), and Single-Family Residential (R-5).

24 6. Surrounding zoning and land uses include:

- North: R-5-Single-family residential development and the Strandvik Association beach access parcel (not included in rezone application)
- South: R-5-Sunset Elementary School

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- West: R-5-Sunrise Park (City park) and single-family residential development
- East: R-20-Multi-family Development

7. There is single-family residential zoning (R-5) and existing single-family residential development on parcels that are separate from the Sambica ownership but embedded between the parcels comprising the Sambica Activity Center and directly adjacent to Sambica.

8. The Comprehensive Plan land use designation for the entire Sambica Activity Center property is Camp and Conference Center (CCC), which was adopted by the City Council on February 17, 2009 (Ordinance No. 5859). The Comprehensive Plan amendment also included policy amendments to the Newcastle Subarea Plan to support a master site plan and a design review approval process for future redevelopment of Sambica.

9. The open record public hearing was convened on this rezone application on June 20, 2019 at 6:00 p.m. in the Bellevue City Council chambers. Represented at the hearing were the Applicant and the Department. The Department provided an overview of the rezone proposal. Mr. Rosen, representing the Department, testified that the boundaries of the proposed rezone are contiguous with the boundaries of the CCC comprehensive plan amendment. He also stated that one of the objectives of the comprehensive plan amendment and this rezone is to limit density and to ensure the ongoing non-commercial character of the property.

10. Mr. Rosen further testified that the Department adopted the non-project SEPA review document completed for the Comprehensive Plan amendment in 2008 to conduct environmental review on the proposed rezone. Upon questions from the Examiner, Mr. Rosen explained that the Utility Department reviewed the application and determined that although there is sufficient capacity within the existing water and sewer system to serve limited additional development, system improvements would be required if Sambica increased its floor area beyond 20 percent. Mr. Rosen also testified that Sambica had submitted an application for a Master Development Plan and design review approval concurrent with the

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1 rezone, and it is now waiting upon approval of the rezone. He stated that the intended buildout
2 of the Master Development Plan submitted would not reach the 20 percent threshold in
3 increase in floor area specified by the Utility Department.

4 11. The Applicant, through Mr. Wimmer and Mr. Gilbert, testified that Sambica’s
5 Master Development Plan envisions rebuilding and upgrading the main activities building
6 known as “the Tabernacle,” which would be renamed “the Activity Center” upon completion.
7 The Master Development Plan also contains one proposed new single-family residence on the
8 campus.

9 12. Any finding herein which may be deemed a conclusion is hereby adopted as
10 such.

11 **CONCLUSIONS OF LAW**

12 1. The Hearing Examiner has jurisdiction over this application. Under LUC
13 20.35.340.A, the following recommendation criteria apply:

14 The Examiner shall recommend approval or approval with conditions or
15 modification if the applicant has demonstrated that the proposal complies with
16 the applicable decision criteria of the Bellevue City Code. The applicant
17 carries the burden of proof and must demonstrate that a preponderance of the
18 evidence supports the conclusion that the application merits approval or
19 approval with modifications. In all other cases, the Hearing Examiner shall
20 recommend denial of the application.

21 2. Under LUC 20.35.340.C, the Hearing Examiner may include conditions to
22 ensure the proposal conforms to the relevant decision criteria.

23 3. LUC 20.35.340.D provides the relevant requirements for the Hearing
24 Examiner’s recommendation to the City Council:

D. Written Recommendation of the Hearing Examiner. The Hearing
Examiner shall within 10 working days following the close of the record
distribute a written report including a recommendation on the public
hearing. The report shall contain the following:

1. The recommendation of the Hearing Examiner; and

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- 2. Any conditions included as part of the recommendation; and
- 3. Findings of facts upon which the recommendation, including any conditions, was based and the conclusions derived from those facts; and
- 4. A statement explaining the process to appeal the recommendation of the Hearing Examiner; and
- 5. The date on which the matter has been scheduled for consideration by the City Council and information on how to find out whether the Examiner’s recommendation has been appealed.

4. A property may be rezoned if the proposal meets the criteria contained in LUC 20.30A.140:

- A. The rezone is consistent with the Comprehensive Plan; and
- B. The rezone bears a substantial relation to the public health, safety, or welfare; and
- C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed district land use classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
- D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The rezone has merit and value for the community as a whole.

5. The Staff Recommendation has done a very thorough job of documenting how the proposal meets the requirements for rezone approval and the Hearing Examiner incorporates by reference the discussion contained in Exhibit C-1 at 10-12 in its entirety as a part of this decision.

6. With respect to the last criteria, whether the rezone has merit and value for the community as a whole, the Staff Recommendation states and the Examiner agrees:

The Sambica Activity Center is a unique use in the community, providing a summer camp for 2,400 community youths and programming experiences for 4,000 guests throughout the school year. The current multiple zoning

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1 designations on the site conflict with existing uses and impede redevelopment
2 and improvements. The rezone to the Camp and Conference Center (CCC)
3 zoning designation would provide more predictability in future redevelopment
4 of the site while also maintaining compatibility with the surrounding
neighborhood. The proposed rezone has merit and value to the community by
supporting the existing and future viability of Sambica Activity Center.

5 7. Based on the evidence in the record, the Applicant has met its burden to show
6 that the rezone application should be approved.

7 8. Any conclusion herein which may be deemed a finding is hereby adopted as
8 such.

9 **ORDER**

10 The Hearing Examiner **RECOMMENDS APPROVAL** of the rezone to the Bellevue City
Council with the following condition:

11 Approval of this Rezone does not constitute approval of any Land Use
12 Entitlement review, or any other ancillary permits or approvals that may be
13 required for construction of any proposed development or improvements on the
rezone site.

14 **SO ORDERED**, this 27th day of June, 2019.

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16 Barbara Dykes Ehrlichman
17 Hearing Examiner

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1 **NOTICE OF RIGHT TO APPEAL**

2 (Pursuant to Resolution No. 9473)

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4 **RIGHT TO APPEAL-TIME LIMIT**

5 Persons and entities identified in Land Use Code (LUC) 20.35.350, may appeal the
6 recommendation of the Hearing Examiner to the Bellevue City Council by filing a written
7 statement of the Findings of Fact or Conclusions of Law which are being appealed, and paying
8 a fee, if any, as established by ordinance or resolution, no later than 14 calendar days following
9 the date that the recommendation was mailed. The written statement must be filed together
with an appeal notification form, available from the City Clerk. The written statement of
appeal, the appeal notification form, and the appeal fee, if any, must be received by the City
Clerk no later than **5:00 p.m. on Thursday, July 11, 2019.**

10 **TRANSCRIPT OF HEARING-PAYMENT OF COST**

11 An appeal of the Hearing Examiner’s recommendation requires the preparation of a
12 transcript of the hearing before the Hearing Examiner. Within thirty (30) days of the decision
13 which is appealed from, the appellant shall order from the City Clerk, on a form provided by
14 the Clerk, a full transcript of the hearing before the Hearing Examiner. At the time the order
15 for transcription is placed, the appellant shall post security in the amount of One Hundred
Dollars (\$100.00) for each hearing hour to be transcribed. If appellant fails to post security, the
appeal shall be considered abandoned.

16 Additional requirements and procedures concerning appeals filed with the Council are
found at Resolution 9473 and in the City of Bellevue Land Use Code.

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18 **CITY COUNCIL CONSIDERATION**

19 Unless appealed, this matter has tentatively been scheduled to go before the City Council
20 on **Tuesday, September 3, 2019 at 8:00 pm** for consideration, and **Monday, September 16,**
21 **2019 at 8:00 pm** for final action. After **Thursday, July 11, 2019**, interested persons may
22 contact the Hearing Examiner’s Office at (425) 452-6934 to find out whether an appeal has
23 been filed.

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AFFIDAVIT OF SERVICE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Karen Hohu, being first duly sworn upon oath, deposes and states:

In the Matter of the Sambica Activity Center Rezone Application, on the 27th day of June 2019, I served a copy of:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

BY ELECTRONIC SERVICE – EMAIL by electronically mailing a true and correct copy thereof through the City of Bellevue’s electronic mail system to the email address(es) set forth below:

prosen@bellevuewa.gov

BY U.S. MAIL by placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at the City of Bellevue in accordance with ordinary business practices:

| | |
|-------------------------------|------------------------------|
| Ryan Gilbert | Matt Wimmer |
| 4114 W Lake Sammamish Pkwy SE | 17815 SE 40 th PL |
| Bellevue, WA 98008 | Bellevue, WA 98008 |

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Bellevue, Washington on this 27th day of June 2019.

Karen Hohu

Karen Hohu
Hearing Examiner Program Coordinator

Subscribed and sworn this 27th day of June, 2019



Karin Roberts

Notary Public in and for the State of
Washington, residing at Sammamish, WA
My appointment expires: 02/01/2022

Application, Petition or Case:

Sambica Activity Center—Rezone Application

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