

MOTION NO. 4271

1
2 A MOTION denying the application for
3 reclassification from SR to RM 1800
4 petitioned by GEORGE C. PALLIS and
designated Building and Land Development File
No. 195-78-R.

5 WHEREAS, the Report and Recommendation of the Deputy Zoning
6 and Subdivision Examiner dated January 31, 1979, has recommended
7 that reclassification of a portion of the subject property from
8 SR to RM 1800 with the balance SE, upon the application of GEORGE
9 C. PALLIS, designated Building and Land Development File No.
10 195-78-R, be approved, and

11 WHEREAS, the Deputy Examiner's recommendation has been
12 appealed by the applicant, by property owners in the area, and by
13 the City of Kirkland, and

14 WHEREAS, the King County Council has reviewed the record and
15 written and oral appeal arguments in this matter, and

16 WHEREAS, the Council does hereby adopt and incorporate
17 herein as its own findings and conclusions the findings and
18 conclusions contained in the report of the Zoning and Subdivision
19 Examiner dated January 31, 1979, with the additions and
20 modification contained herein, and

21 WHEREAS, the Council finds the shoreline and wetlands area
22 lying between the Kirkland Golf Course and Juanita Business Area,
23 particularly that area west of 98th Avenue Northeast relocated is
24 a fragile and valuable natural area for plant and wildlife
25 related to Lake Washington, Forbes Creek and the Juanita Slough,
26 and

27 WHEREAS, the Council finds that a reclassification of a
28 portion of subject property from SR to RM 1800 as recommended by
29 the Deputy Zoning and Subdivision Examiner, would not be
30 consistent with the best interest of the community and King
31 County, and

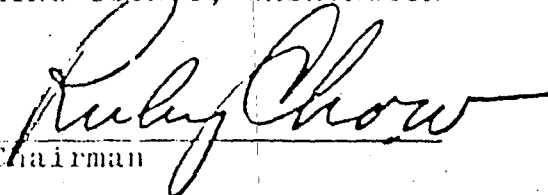
32 WHEREAS, the Council concludes that the Deputy Zoning and
33 Subdivision Examiner's decision recommending such

1 policies and objectives of King County.

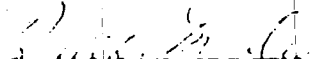
2 15. The applicant has not demonstrated that circumstances
3 affecting the subject property have undergone significant and
4 material change sufficient to warrant a change in zone
5 classification.

6 PASSED this 28~~th~~ day of May, 1979.

7
8 KING COUNTY COUNCIL,
9 KING COUNTY, WASHINGTON

10 
11 Chairman

12 ATTEST:

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14 Deputy Clerk of the Council

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1 reclassification was based on an error in judgment,

2 NOW THEREFORE, BE IT MOVED by the Council of King County:

3 The application for reclassification from SR to RM 1800
4 petitioned by GEORGE C. PALLIS, Building and Land Development
5 File No. 195-78-R is denied.

6 BE IT FURTHER MOVED, that the following additions and
7 modifications are made to the Findings and Conclusions set forth
8 in the Report and Recommendation to the King County Council dated
9 January 31, 1979, on the application for reclassification of
10 GEORGE C. PALLIS, designated Building and Land Development File
11 No. 195-78-R.

12 CONCLUSIONS:

13 On page 12 of the subject report delete conclusions 1
14 through 7 and replace as follows:

15 Compliance with the State Environmental Policy Act of 1971--
16 RCW 43.21C.

17 1. KCC 20.44.050 requires that the threshold determination
18 made by the Building and Land Development Division be given
19 substantial weight in subsequent Council review. It is clear
20 however, that the Zoning and Subdivision Examiner and the King
21 County Council are responsible for a review of the determination,
22 and the Council must satisfy itself that the requirements of the
23 State Environmental Policy Act have been complied with.

24 Moreover, the property in question is located in the Juanita
25 Slough wetland and adjacent to the Forbes Creek outlet to Lake
26 Washington, and particular scrutiny in the review of the
27 application for potential significant environmental impact is
28 warranted.

29 . 2. The City of Kirkland has raised questions of procedural
30 compliance regarding the manner in which the negative threshold
31 determination was made, and substantive questions regarding the
32 adequacy of explanations to 'yes' and 'maybe' answers to the
33 Environmental Checklist as completed by the applicant. Because

1 of the close proximity of the City's boundaries on three sides of
 2 the subject property, and in order to allow for consideration of
 3 the regional welfare and environmental impacts on the entire
 4 community potentially affected by the proposed reclassification
 5 (per the State Supreme Court decision in S.A.V.E. v. The City of
 6 Bothell, File No. 44505) the Council withdraws the declaration of
 7 nonsignificance adopted by the Manager of the Building and Land
 8 Development Division with regard to the subject property.

9 Application of the Shoreline Management Master Program.

10 3. KCC 25.04.050 prohibits the County from issuing any
 11 permit prior to approval pursuant to that title, and from taking
 12 any action contrary to the goals, policies, objectives, and
 13 regulations of the King County Shoreline Management Master
 14 Program with regard to zone reclassifications for property under
 15 the jurisdiction of the Shoreline Management Act.

16 4. The stated intent under KCC 25.24.010 for the
 17 Conservancy Environment is to "maintain the existing character"
 18 of the area. The designation "Conservancy Environment" is
 19 designed to "protect, conserve, and manage existing natural
 20 resources and valuable historic and cultural areas." Multifamily
 21 development is prohibited within the conservancy environment.
 22 The conservancy environment comprises the western and the greater
 23 portion of the subject property.

24 5. Information presented by the soils consultant retained
 25 by the applicant and by the City of Kirkland from the State
 26 Department of Ecology differ with regard to the eastern boundary
 27 of the conservancy environment on the subject property.
 28 Therefore, the amount of land between the eastern boundary of the
 29 conservancy environment and the eastern boundary of the property,
 30 which would lie within the urban environment, and which would be
 31 suitable for multifamily development is in question.

32 6. Given that the preponderance of the property lies within
 33 the Conservancy Environment and given the prohibition against

1 multifamily development within the Conservancy area, the approval
2 of a zone reclassification which would result in an increase in
3 density and a change in development type such as proposed by the
4 applicant, would be premature until such time as the boundary of
5 the Conservancy Environment is conclusively determined, and
6 would be contrary to the provisions of KCC 25.04.050 and KCC
7 25.24.010.

8 Appropriateness of the Requested Reclassification.

9 Northshore Communities Plan

10 7. Ordinance 3747 (KCC 20.24.165) establishes that until
11 area zoning based on the community plan is adopted, the community
12 plan governs the review of reclassification applications with
13 regard to density and use designations where conflicts exist
14 between the community plan and the King County Comprehensive
15 Plan.

16 8. In this case the community plan is itself inconsistent,
17 and it is not clear in the plan that high density multifamily
18 development is intended for the subject property. Two separate
19 elements of the plan refer to the subject property:

20 a. The plan map of the Juanita Community designates the
21 extreme eastern portion of the property as "AM-24 units per acre"
22 while the balance is indicated as "one home per acre".

23 b. Juanita Plan Proposal Policy 42 states: "The area east
24 of 97th Avenue Northeast (extended) and west of 100th Avenue
25 Northeast and south of Northeast 116th which is designated
26 Conservancy by the Shorelines Management Master Plan is regulated
27 by the provisions of the Conservancy Environment zone. Those
28 properties which are outside of the Conservancy Environment zone
29 may be developed as shown by the Juanita Plan. Those properties
30 classified SR and not within the Conservancy zone may be
31 developed at the RS 7,200 density."

32 There is therefore a difference regarding the portion of the
33 subject property outside the Conservancy Environment.

1 9. Furthermore, the Legal and Administrative framework
2 established for the Plan on page 3 states that:

3 "It is the intent of the Council that when specific
4 properties come before it, the hearing examiner or zoning
5 adjustor for subdivision, reclassification or application for
6 other permits, the policy portion of the King County
7 comprehensive plan and community plan shall provide the primary
8 guidelines."

9 This policy would infer that the policy statement
10 specifying RS 7,200 development density would take precedence
11 over the plan map. Approval of the applicant's request for
12 reclassification to RM 1800 would not be a consistent or
13 reasonable interpretation of the intent of the Northshore
14 Communities Plan with respect to the subject property.

15 10. The Northshore Communities Plan Revision Committee,
16 established to clarify problems and inconsistencies within the
17 plan maps and text, and to recommend area zoning for the plan
18 area, has addressed the issue of the Juanita Business Area
19 Shorelines, within which the subject property falls. This issue
20 area was one of the original issues proposed for review and
21 clarification by the Executive and Council.

22 The Committee has recommended two alternatives for the area
23 which encompasses the subject property which may result in plan
24 and/or zoning changes for the property. These alternatives will
25 be presented to the community for additional review and
26 consideration prior to recommendation to the Council for action.

27 A decision to approve the reclassification prior to Council
28 action with regard to the report of the Northshore Community Plan
29 Revision Committee addressing the issue, would not allow for a
30 comprehensive review providing for a consideration of the full
31 range of issues which relate to the use of the subject property,
32 and would not be in the best interests of the community.
33

King County Comprehensive Plan

11. Policy H-2 states:

"All zoning should be coordinated with the zoning of incorporated places within the County and bordering counties and cities."

The subject property is nearly surrounded by the City of Kirkland, with Kirkland City boundaries being adjacent to the property to the west, and lying approximately 200 feet to the east and approximately 1600 feet to the south. Zoning for that surrounding area is RS 35,000. As the unincorporated area is predominantly wetlands associated with Lake Washington and the Juanita Slough and Forbes Creek, the City has since 1976 recommended a similar density designation for the unincorporated area in which the subject lies. The purpose of the recommended designation is to "conserve the unique and fragile characteristics of the area."

To approve a reclassification to high density multifamily designation would be inconsistent with the City of Kirkland recommendation for the subject property, and inconsistent with the zone classifications of nearby and adjacent portions of the City and would be unreasonably incompatible and detrimental to affected properties and the general public.

12. Inconsistency with Adjacent County Use and Density.

Property within King County to the south and east of the subject property is zoned SR. Property to the northeast of the intersection of Northeast 112th Street and 98th Avenue Northeast is zoned RS 9,600. The RM 1800 zoning located immediately to the north lies predominantly within the Conservancy Environment, and would therefore also be subject to the density limitations established by the Shoreline Management Act. Therefore, the existing use and density designation of surrounding area is low density single family.

To allow a reclassification to high density multifamily

1 designation would not be in keeping with the objectives of the
2 Urban Centers Development Concept which assumes a transition
3 between uses. That objective is restated in the Northshore
4 Community Plan as Policy 17 for the Juanita Plan Proposal as
5 follows: "Density and development buffers should be provided
6 between apartment and single family residence development."

7 13. Other Comprehensive Plan Policies. The Comprehensive
8 Plan states that multifamily residential areas must be
9 interrelated with the circulation system and other land uses and
10 may only be allowed in locations meeting the criteria set out in
11 policies D12 through D14.

12 Two of these policies, D12 and D13, express the necessity
13 for location functionally convenient to a major or secondary
14 arterial highway and the complementary nature of multifamily uses
15 to shopping and services centers. These policies would normally
16 support a reclassification request to multifamily density due to
17 the proximity of the Juanita Beach Business area and the direct
18 access to 98th Avenue Northeast (a major north/south arterial).
19 The location, however, of the subject property as predominantly
20 within the Shoreline Conservancy Environment and as adjacent to
21 the mouth of Forbes Creek, recently rehabilitated for the purpose
22 of restoring native salmon runs, negates the application of the
23 policies. Moreover, the Northshore Communities Plan provides in
24 other areas for substantial amounts of underutilized or vacant
25 land zoned for multifamily development.

26 Additionally, potential problems regarding ingress and
27 egress from the subject property onto 98th Avenue Northeast have
28 been noted due to the traffic volumes and sight distance on 98th
29 Avenue Northeast and raise additional questions regarding the
30 application of Policy D12.

31 14. The requested reclassification would not carry out and
32 help to implement the goals and objectives of the Comprehensive
33 Plan, the Northshore Community Plan, the Zoning Code and other