

ORDINANCE NO. 18092

AN ORDINANCE reversing the recommendation of the zoning and subdivision examiner and granting the appeal of the applicant, to approve, subject to conditions, the reclassification petitioned by H. V. BENSON, ET AL designated Building and Land Development File No. 122-85-R.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The recommendation of the zoning and subdivision examiner having been based upon an error in judgment and conclusion, therefore this ordinance does hereby adopt and incorporate herein the attached findings and conclusions in Attachment A.

SECTION 2. The application of H. V. Benson, et al, to reclassify certain real property described in building and land development division file no. 122-85-R, is hereby approved, and the said property is hereby reclassified to SC-P, subject to the following conditions:

A. Pre-effective:

The applicant shall present to the hydraulics review section, building and land development division, sufficient information to demonstrate that the 100-year floodplain, as shown on exhibit no. 11 (revised plat map received July 17, 1987), is accurate. Minor adjustments to the floodplain line will be accepted.

This condition is applicable to that portion of the property currently zoned F-P (potential SE) and that portion of the property currently zoned SE, lying north and west of the F-P (potential SE) zone.

This condition must be satisfied within 18 months from the date of council action on this application, or the ordinance reclassifying that portion of the subject property shall be of no force or effect. If the division of surface water management does not act within 90 days of receipt of all necessary information from the applicant, this condition shall be deemed met.

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B. Post-effective:

The applicant shall retain a separate 200 foot wide open space tract on each side of Seidel and Bear Creeks, as measured from the ordinary high water mark of each creek.

The applicant shall retain a separate 100 foot wide open space tract on each side (from ordinary high water mark) of the unnamed tributary to Bear Creek on the westerly portion of the site; and from the edge of Big Bear Creek Wetland no. 62.

Note: The separate open space tracts shall also be subject to native growth protection easements (NGPE) to be binding on the applicant and/or assigns; and shall be in a form approved by the King County prosecuting attorney's office. Said NGPE shall not preclude the construction of pedestrian trails through these areas where the building and land development division finds such trails to be complementary to the open space use.

SECTION 3. Upon this ordinance becoming effective, the building and land development division shall amend the official zoning maps of King County to reflect this action.

INTRODUCED AND READ for the first time this 23rd day of June, 1986.

PASSED this 26th day of May, 1987.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Gary Grant
Chairman

ATTEST:

Dorothy M. Owens
Clerk of the Council

APPROVED this 5th day of June, 1987.

[Signature]
King County Executive

Attachment A to Ordinance 8092

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2 Based on the record before the King County Council and the
3 hearing held April 27, 1987 on the request for a rezone and
4 preliminary plat approval in Shadowbrook, Building and Land
5 Development File Nos. 122-85-R and 486-3 the King County Council
6 reverses and modifies the recommendation of the Zoning and
7 Subdivision Examiner in his March 25, 1987 report and recommenda-
8 tion and finds and concludes as follows:

9 Findings:

- 10 1. A reclassification of this property to SC-P would be
11 consistent with applicable policies of the King County
12 Comprehensive Plan, Bear Creek Middle Plan (BCMP) and the
13 requirements of King County Code section 20.24.190.
14 2. The SC-P zone is consistent with the policies of the
15 King County Comprehensive Plan - 1985 and the 1971 BCMP.
16 3. The area zoning, adopted by Ordinance No. 1019 concurrently
17 with the BCMP, assigns to the subject property zone classifi-
18 cations which require low density development.
19 4. The SC zone provides for the same low density contemplated
20 in the 1971 BCMP and in addition provides for the preservation
21 of open space and sensitive areas in a more effective manner
22 than in a 'G' or 'SE' zone. The SC zone is within the spirit
23 and intent of the middle plan for the subject property.
24 5. The close proximity of the plat of Bear Creek Country
25 Club Estates and the rezone of that property for G to SC-P
26 effects the subject property in a manner and design different-
27 ly than other property in the area. Further, although the
28 designation of the subject property will be changed from G,
29 SE and A to SC-P, and thus technically constitutes a 'reclas-
30 sification', the density will remain the same. Accordingly,
31 the usual reasons for requiring compliance with K.C.C.
32 21.24.190 are not applicable.
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Conclusions:

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1. To the extent that compliance is required with K.C.C. 20.24.190, the impacts from the changed conditions and circumstances in the area affect the subject property in a manner and degree different than they affect other properties in the vicinity.
2. The preponderance of the evidence is that the requested reclassification is in the public interest.