

11-25-87

Introduced by Bruce Laing

Proposed No. 87-695

**3335**

ORDINANCE NO. \_\_\_\_\_

1  
2 AN ORDINANCE concurring with the recommendation  
3 of the Zoning and Subdivision Examiner to  
4 approve subject to conditions (modified) the  
5 Preliminary Plat of FOREST AT SPRINGHAVEN,  
6 designated Building and Land Development File  
7 No. 987-21.

8  
9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 This ordinance does hereby adopt and incorporate herein the  
11 findings and conclusions contained in the report of the zoning  
12 and subdivision examiner dated November 6, 1987 which was filed  
13 with the clerk of the council on November 25, 1987 to approve  
14 subject to conditions (modified) the preliminary plat of Forest  
15 at Springhaven, designated by the building and land development  
16 division, file no. 987-21, and the council does hereby adopt as  
17 its action the recommendation(s) contained in said report.

18 INTRODUCED AND READ for the first time this 28th day  
19 of September, 1987.

20 PASSED this 30th day of November, 1987.

21 KING COUNTY COUNCIL  
22 KING COUNTY, WASHINGTON

Gary Grant  
Chair

November 6, 1987

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OFFICE OF THE ZONING AND SUBDIVISION EXAMINER  
KING COUNTY, WASHINGTON

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Building and Land Development File No. 987-21  
Proposed Ordinance No. 87-695

Proposed Plat of FOREST AT SPRINGHAVEN

45 acres lying between S.E. 252nd and S.E. 256th  
Streets (if extended), and between the Maple  
Valley-Black Diamond Road (SR 169) and 244th  
Avenue S.E. (if extended)

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve subject to conditions
Division's Final:	Approve subject to conditions (modified)
Examiner:	Approve subject to conditions (modified)

PRELIMINARY REPORT:

The Building and Land Development Division's Preliminary Report on Item No. 987-21 was received by the Examiner on October 8, 1987.

PUBLIC HEARING:

After reviewing the Building and Land Development

Location: Between S.E. 252nd and S.E. 256th Streets (if extended), and between the Maple Valley-Black Diamond Road (SR 169) and 244th Avenue S.E. (if extended)

Zoning: SR 7200

Community Plan: Tahoma/Raven Heights

Acreage: 45

Number of Lots: 40

Typical Lot Size: 43,560 square feet

Proposed Use: Detached single family dwellings

Sewage Disposal: Septic

Water Supply: Cedar River Water District

Fire District: No. 43

School District: Tahoma School District No. 409

2. Except as modified below, the facts set forth in the King County Building and Land Development Division's Preliminary Report to the Zoning and Subdivision Examiner for the October 22, 1987 public hearing are found to be correct and are incorporated herein by this reference. Copies of the said report will be attached to the copies of this report submitted to the County Council.
3. This application and the Building and Land Development Division recommendation present a significant issue, i.e., do the applicable area zoning and community plan require the property to be developed at a greater density (approximately 7,200 square foot average lot size), than the applicant proposes. The proposal is for development of 40 lots having a typical area of one acre.

The community plan and area zoning describe and classify the property as being within "urban-suburban" and local sewer service areas, suitable for development at 3-6 dwelling units per acre, SR-7,200. The comprehensive plan and community plan policies weigh heavily in support of more intensive development. However, the applicant argues that the cost of extending sanitary sewer lines to his property at the present time would make development

presently largely suburban in character but which are rapidly becoming urbanized. KCC 21.20.010. Provision is made for minimum required lot areas, depending upon the nature of the use and the facilities and services which are provided.

It is reasonably arguable that the foregoing provisions authorize or require the County to act on subdivision applications in a way that will cause property to be developed at the density established in the area zoning process (subject to environmental or other localized factors which specially affect the subject property). However, the zoning code has commonly been understood and administered to establish only minimum lot sizes, and has been so applied from the inception of zoning.

The general purposes of the zoning code, as stated in KCC 21.06.010, includes the following somewhat conflicting statements:

"...A further purpose of this title is to make it possible for King County to efficiently and economically design, install and operate physical public service facilities in terms of type, size and capacity, including streets, sewers, drains, schools and other public buildings, to adequately and permanently meet the ultimate requirements as determined by a defined intensity and type of land use;...

"A further purpose of this title is to establish required minimum lot areas, yards and open spaces as a means of providing a suitable environment for living, business and industry, and to maintain reasonable population densities and reasonable intensities of land use, all for the general purpose of conserving public health, safety, morals, convenience and general welfare."

6. In recognition of the present cost of extending public sanitary sewer lines to the subject property at this time.

construction of the public right-of-way would likely be disruptive to the reasonable use and enjoyment of that lot. It is normal practice for King County to require construction, as well as dedication, of roads within subdivisions. This practice is consistent with the purposes and provisions of the state subdivision act (RCW Chapter 58.17), King County Subdivision Ordinance (KCC Title 19) and the adopted King County Road Standards (Ordinance 8041). Required construction reasonably assures the provision of necessary public streets as land is developed.

8. The location of an access to the subject property from the Maple Valley-Black Diamond Road (State Highway 169) is subject to the jurisdiction of the Washington State Department of Transportation. King County Road Standards also require that there be 600 feet of sight distance at intersections with major arterials.
9. The specific improvements to be required to SR 169 will be determined by the Department of Transportation, and can be enforced in conjunction with the issuance of a Highway Access Permit. The impact of this proposed development on SR 169 is not such as necessitates King County to independently require improvements to the abutting state road as a condition of final plat approval.

CONCLUSIONS:

1. Based upon the common understanding and implementation of the density provisions of the King County Zoning Code, the applicant is required to meet minimum lot area requirements, but is not prohibited from establishing lots which are greater in area. Notwithstanding that the proposed subdivision is inconsistent with the policies of the King County Comprehensive Plan and the Tahoma/Raven Heights Community Plan, which recommends that this property be developed at a density great enough to support the construction of public sewer service for this area, such a requirement is not clearly imposed by the County's ordinances governing density, i.e., the King County Zoning

4. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan and Tahoma/Raven Heights Community Plan (except to the extent that such goals and objectives are inconsistent with the King County Zoning Code), Subdivision and Zoning Codes, and other official land use controls and policies of King County.
5. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
6. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements.
7. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonably necessary as a direct result of the development of this proposed plat.

RECOMMENDATION:

APPROVE the preliminary plat of the Forest at Springhaven, as revised and received July 7, 1987, subject to the following conditions for final plat approval:

1. Compliance with all platting regulations of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language as set forth in King County Council Motion No. 5952.

8. Drainage plans shall be submitted for review to BALD Subdivision Product Section to ensure compliance with King County Code. Approval of these plans is necessary prior to any construction.
9. The storm drainage plans must include retention/detention facilities required by King County Code 9.04. These facilities shall be placed in separate tracts with drainage easements for maintenance. Access to the facility shall be provided with a fifteen (15) foot County standard crushed rock access roadway delineated within an easement for ingress/egress between the facility and public roadway, unless otherwise approved by King County.
10. Prior to recording of the final plat, those portions of the retention/detention facility necessary to accommodate the control of flows discharging from the site shall be constructed and operational.
11. The balance of the storm water system and the roadway must be constructed prior to recording of the final plat unless the remainder of the construction costs are covered by an appropriate construction bond at the time of recording.
12. Prior to recording, site clearing shall be limited to those areas required for construction of roadways and utility installation. Additional clearing for model home lots may be allowed provided no sensitive areas are present on or adjacent to the lots.
13. Erosion and sediment control (ESC) facilities must be provided to ensure sediment-laden water does not leave the subject site or enter the natural drainage systems. These facilities must be installed prior to clearing and building construction and must be maintained until construction and landscaping are complete or until the potential for on-site erosion has passed.

ESC plans for this project shall identify areas to be cleared and graded (limits of clearing) and shall provide

- b. Outlets (stub-outs) from permanent storm systems shall be located by a five-foot high 2" x 4" board marked "drain".
  - c. A note shall be provided on the approved storm drainage plan and on the map page of the final recording document delineating those lots approved for infiltration systems containing the following statements regarding roof/footing drain connection:

All building downspouts and footing drains shall be connected to the approved permanent storm drain outlet unless otherwise approved by King County. All connections must be made prior to final building permit inspection.
  - d. Appropriate drainage easements may be required for flows directed through individual lots, and subject to drainage plan review.
16. A downstream analysis shall be submitted with the drainage plans for minimum distance of 1/4 mile from the point of release of each flow discharged from the site. This analysis must address any existing problems with flooding, capacity, overtopping, scouring, sloughing, erosion, or sedimentation of any drainage facility, whether natural or manmade. Probable impacts due to construction of the project must also be addressed with respect to these same concerns. Where this analysis reveals more restrictive conditions, more stringent drainage controls may be required than would otherwise be necessary for a project of this type. These controls may include more restrictive release rates and/or volume controls, off-site improvements, or some combination of both. Any off-site improvements will require the approval of all affected property owners and may require easements.
17. According to the 1973 King County Soil Survey, the site is underlain by soils of the Everet (EVC) series. These soils are generally very permeable and well-drained.



- b) Individual lot infiltration systems may be used, if acceptable soil logs (minimum 6-feet in depth) and percolation tests are submitted to the King County drainage review engineer. The percolation rate (min./inch) and size of drywell (square feet) for each individual lot shall be shown on the final drainage plan.

If individual lot infiltration systems are proposed, the following statement shall be shown on the final map page:

"Building Permit applications for lots numbered \_\_\_\_\_ will require a King County approved stormwater infiltration system to serve all downspouts, driveways, and other impervious surfaces. The specific design requirements of each lot are shown on the recorded drainage plan on file at the King County Department of Public Works Record Center."

18. Areas within the proposed subdivision having slopes of 40 percent or steeper shall be located by a registered land surveyor and shown on the final plan and map page and designated as a Native Growth Protection Easement (NGPE). Building setback lines (BSBL) shall be shown on the final plan and map page in accordance with the King County "Administrative Guidelines for Building Setbacks and Hazardous Slopes on Plats and Short Plats".
19. Sight distance at the intersection of the plat entrance road (Road "A") and SR 169 shall meet the requirements of the applicable King County Road Standards, and shall meet the requirements imposed by the Department of Transportation in connection with its issuance of a Highway Access Permit.
20. The following statements shall be shown on the final drainage plan and map page.

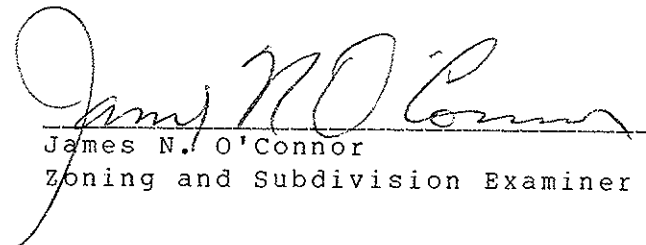
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Before and during the course of any grading, building construction, or other development activity on a lot subject to the NGPE the common boundary between the easement and the area of development activity must be fenced or otherwise marked to the satisfaction of King County.

21. There shall be no direct vehicular access to Maple Valley-Black Diamond (State Highway 169) from those lots which abut it.
22. A temporary cul-de-sac shall be provided at the south terminus of road "A" or at the terminus of the road extending to the southeast property corner.
23. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.
24. The applicant shall dedicate right-of-way for the Maple Valley-Black Diamond Road (SR 169) and shall construct improvements to that highway abutting this site, as required by the State of Washington Department of Transportation. Evidence of compliance with the requirements of the Department of Transportation shall be submitted to King County.
25. Determine the top of bank (40% slopes) by field survey. Provide a 50' building setback line from the top and toe of such banks. This may be reduced to 25' from top and 10' from toe with the submittal of a satisfactory soils report. Each lot affected by a setback restriction shall have a minimum of 15,000 square feet of usable building area. By restriction, there shall be no structure, fill or obstruction, including decks and patios, beyond the building setback line.
26. All lots adjoining an area or having area with a NGPE restriction shall be provided with a temporary construction fence (e.g., wire or plastic mesh type) between the lot or

30. Thirty feet of right-of-way shall be dedicated along the south boundary, east from road "A" to the southeast corner of the subject property. Said right-of-way shall be improved with a half street constructed to King County road standards for a rural local access street.
31. The area shown as Tract "A" in the northeast corner of the subject property need not be dedicated to King County.
32. A landscape berm or fence designed for longevity and noise attenuation shall be constructed along the west boundary of the subdivision. The design, providing for a barrier at least six feet above road grade, shall be submitted to Building and Land Development Division for review and approval. The fence or earth berm shall be maintained by the adjacent property owners.
33. The recorded plat shall include a covenant that property owners will not protest annexation to a sewer district nor establishment of an LID for the installation of sanitary sewers.

ORDERED this 6th day of November, 1987.

  
James N. O'Connor  
Zoning and Subdivision Examiner

TRANSMITTED this 6th day of November, 1987, by certified mail, to the following parties of record:

Wilderness Association  
Alex Cugini, Jr.  
Steve Hengeneld

Tom Barghausen  
George Thasher  
Robert Blazak

TRANSMITTED this 6th day of November, 1987, to the following:

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within thirty (30) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

Minutes of the public hearings on Building and Land Development Division File No. 987-21 - Forest at Springhaven.

James N. O'Connor was the hearing examiner in this matter. Participating in the hearing were Tom Bertek, Joe Miles, Julian Hiraki and Bernard Thompson, representing the Building and Land Development Division, Tom Barghausen and Robert Blazak.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Staff Report 10/22/87
Exhibit No. 2	Application 7/1/87
Exhibit No. 3	Environmental Checklist 7/7/87
Exhibit No. 4	Mitigated DNS 9/2/87
Exhibit No. 5	Affidavit of Posting 9/18/87
Exhibit No. 6	Preliminary Plat 7/7/87
Exhibit No. 7	Letter from Tom Barghausen 8/24/87