

ORDINANCE NO. **10191**

AN ORDINANCE relating to Comprehensive Planning; amending the Newcastle Community Plan and Area Zoning; and amending Ordinance 6422, as amended, and K.C.C. 20.12.350.

FINDINGS OF FACT:

For the purpose of effective areawide planning and regulation, the King County council makes the following legislative findings:

The Newcastle Community Plan, adopted on May 31, 1983 by Ordinance 6422 constitutes official county policy for the geographic area defined herein.

Developing land according to the 1985 Comprehensive Plan and mitigating the impacts of growth and development are issues of public concern.

King County has studied a portion of the Newcastle Community Plan area and determined the need to amend the plan pursuant to K.C.C 20.12.070 - .080.

The manufacturing zoning within the business area located at Southeast 72nd Street and Coal Creek Parkway is generally inconsistent with adopted policies.

A Determination of Non-Significance (Mitigated) was issued by the planning division on April 16, 1991.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 6422, as amended, and KCC 20.12.350 are hereby amended as follows:

A. The Newcastle Community Plan, attached to Ordinance 6422 as Appendix A, is adopted as an amplification and augmentation of the Comprehensive Plan for King County and as such constitutes official county policy for the geographic area defined therein.

B. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

C. Ordinance No. 4035, previously adopting the King County Sewerage General Plan, is hereby amended in

1 accordance with K.C.C. 20.12.350A.

2
3 D. Resolution No. 31816, previously adopting area
4 zoning for Newcastle on May 9, 1966, is hereby amended in
5 accordance with K.C.C. 20.12.350B.

6
7 E. Amendment to the Newcastle Community Plan, attached
8 to Ordinance 7845 as Attachment A, is adopted as an
9 amplification of the Comprehensive Plan for King County. An
10 amendment to the Newcastle Community Plan Area Zoning,
11 attached to Ordinance 7845 as Attachment B, is adopted as the
12 official zoning control for that portion of unincorporated
13 King County defined therein.

14 F. The Newcastle Plan Revision Study - Primark,
15 attached to Ordinance _____ as Appendix A, is adopted as an
16 amendment to the Newcastle Community Plan and to the Newcastle
17 area zoning as the official zoning control for that portion of
18 unincorporated King County defined therein.

19 INTRODUCED AND READ for the first time this 22nd day of
20 July, 19 91.

21 PASSED this 9th day of December 19 91.

22 KING COUNTY COUNCIL
23 KING COUNTY, WASHINGTON

24 Lois North
25 Chairman

26 ATTEST:

27
28 Gerald A. Peterson
29 Clerk of the Council

30 APPROVED this 17th day of December, 19 91.

31 Jim Hill
32 King County Executive

33 BR/NEWWORD

December 8, 1991

APPENDIX A

DEPARTMENT OF PARKS, PLANNING AND RESOURCES
PLANNING AND COMMUNITY DEVELOPMENT DIVISION
COMMUNITY PLAN REVISION REPORT

NEWCASTLE PLAN REVISION STUDY -- PRIMARK

GENERAL INFORMATION

Motion 90-8105, approved November 19, 1990 by the King County Council, directed the Department to complete a Community Plan revision study for the business area at Southeast 72nd Street and Coal Creek Parkway within the Newcastle Community Plan (NCP) area. The Council's motion notes the manufacturing zoning within the business area at this location may not be an appropriate land use, and that an update of the NCP will not be scheduled any earlier than 1992. Two specific development requests connected with this plan amendment propose a zoning reclassification to RM-1800, high density multiple dwelling.

Location: The study is limited to Tax Lots 31 and 83 in the area of Southeast 72nd Street and Coal Creek Parkway. The two parcels, totaling 10.3 acres, are bounded on the north by the Newcastle Brick Plant, on the south by Southeast 72nd Street, on the east by Newcastle-Coal Creek Road, and on the west by 132nd Place Southeast. This site (refers to both parcels) is in Section 27, Township 24, Range 5.

Existing Zoning and Land Use: The site is currently zoned M-P, Manufacturing Park. This zoning had been in place prior to adoption of the NCP in 1983. The site is currently vacant. A foundation of a former home exists on the south end of the site.

SEPA Determination: A determination of non-significance (mitigated) was issued on April 16, 1991. The list of mitigations is included in the P-suffix conditions.

SITE ANALYSIS

Surrounding Zoning and Land Uses: The site is bordered to the north by the Newcastle Brick Plant on property zoned M-P. To the east of the site, across Newcastle-Coal Creek Road, is property zoned RS-7200-P. A townhouse Planned Unit Development (PUD) and residential subdivision have been approved for a portion of the property, and another PUD and residential subdivision have been proposed. The southeast portion of the site is bordered by a .77-acre parcel zoned RM-1800-P. This parcel is included in the southernmost

applicant's site plan. Additional multifamily development is located south of Southeast 72nd St., on property zoned RM-1800-P. Property to the west of the site across 132nd Place Southeast, is zoned M-P and includes warehouse and industrial uses. (See attached map)

Sensitive Areas: The Sensitive Areas Folio indicates the site is in a Coal Mine Hazard Area. Portions of the property are shown on the Development Limitation Areas map in the NCP.

Local Service Area: The site is within the sewer Local Service Area (LSA). A certificate of sewer availability has been issued for the southern parcel.

Land Features: The steepest slopes on the site are approximately 50 percent and occur along Newcastle - Coal Creek Road. The site slopes to the west, with slopes averaging 15 percent to 27 percent. A stream which exits from a coal mine adit flows through the site, just north of the property line separating the two parcels. Coal Creek is about a mile north of the site. No wetlands are known to be on the site. The site is vegetated primarily with secondary growth native deciduous trees with a dense underbrush. An abandoned railroad right-of-way crosses the site in a north-south direction on the eastern portion of the site. The railroad track and ties have been removed.

APPLICABLE POLICIES

King County Comprehensive Plan

The King County Comprehensive Plan (KCCP) designates the area of the subject site as Urban. The KCCP does not designate the area as an Urban Activity Center. The approximately 50 acres currently zoned for commercial and multifamily residential use in this area is larger than the KCCP recommends for Community Centers and Neighborhood Centers.

The following KCCP policies relate to commercial/industrial and residential locations.

Commercial/Industrial Policies

CI-108 King County should encourage a wide range of commercial and industrial development in Urban Activity Centers and Rural Activity Centers, and should provide for small scale retail stores, offices and services in Community and Neighborhood

Centers. Commercial and industrial development should occur primarily in compact centers.

CI-227 Industrial development should be grouped with similar or compatible uses in Urban Activity Centers to limit land use conflicts, improve traffic flow and safety, and allow firms to share public facilities and services.

CI-301 Community centers should include primarily retail stores and offices designed to provide shopping and other services for nearby residents in Urban Areas. Industrial and heavy commercial uses should be excluded. Community centers should include the following mix of uses:

- a. Retail stores and services;
- b. Small scale professional offices; and
- c. Multifamily housing and mixed use developments.

CI-302 Community Centers should be 10 to 20 acres, and should be designed to provide shopping and services for a nearby population of 15,000 to 40,000 persons, as well as including mixed office, retail and residential developments and related parking.

Residential Policies

R-101 King County should encourage and promote a wide range of residential development types and densities in various parts of King County to meet the needs of a diverse population and provide affordable housing choices for all income levels.

R-102 Residential densities should be based on the land's natural capacity for development. Floodplains, valuable wetlands, steep slopes, severe landslide hazard areas and coal mine hazard areas should not be designated for residential development unless acceptable mitigating measures are used.

R-103 King County should encourage most new residential development to occur in Urban Areas, in locations where facilities and services can be provided at the lowest public cost. Urban Areas

should have a variety of housing types and prices, including mobile home parks, multifamily development, townhouses and single family development.

R-208 Residential densities should be based on street access as follows:

a. Residential development at three to eight units per acre should be convenient to a neighborhood collector street;

b. Residential development at eight to twelve units per acre should be convenient to a collector arterial;

c. Residential development at 12 to 18 units per acre should be convenient to a minor arterial; and

d. Residential development at 18 to 30 units or more per acre should be convenient to a principal arterial, unless it is within Urban Activity Centers, Community Centers, or Neighborhood Centers where the area-wide pattern of roads and transit service provides adequate access.

R-210 Non-residential uses in urban residential neighborhoods should be limited to those that:

a. Do not result in heavy traffic, noise, smoke or other adverse impacts;

b. Provide convenient local services for nearby residents; or

c. Require location in a residential area.

Newcastle Community Plan

The Newcastle Community Plan (NCP) encourages development in areas where there has been a commitment to urban/suburban development. The NCP recognizes the areas of Southeast 72nd Street and Coal Creek Parkway as a business area. The NCP was adopted prior to the KCCP.

Following are NCP policies related to commercial/industrial and residential development:

Commercial/Industrial Policies

N-23 Business areas, which include a mix of retail and residential uses, should be encouraged at SE

72nd and Coal Creek Parkway and at SE 128th St.
and 138th Avenue SE.

N-26 Conventional industrial development is encouraged within the activity centers located adjacent to the Newcastle planning area. Within the planning area, conventional industrial use should be encouraged to continue at the brick plant site on Coal Creek Parkway.

Residential Policies

N-13 Multifamily housing should be located in, or near, existing areas of intensive residential development or where this level of use is recommended by the plan. Adequate public services should be available in areas where multifamily housing is encouraged.

N-15 In multifamily areas, landscaping is required as a buffer between different intensities of land use, along street frontages and within parking lots.

N-4 A variety of residential lot sizes and housing types should be encouraged.

ENVIRONMENTAL ISSUES

Coal Mine Hazard

The Sensitive Areas Folio indicates portions of the site are in a Coal Mine Hazard area. The consulting engineering firm of Golder Associates Inc. evaluated the possible risk of coal mine subsidence for both parcels. The consultant reviewed King County Sensitive Areas maps and maps of coal mine workings from the Washington Department of Geology. The consultant also walked the site to look for evidence of subsidence. Maps indicate coal beds extend beneath the site, but there is no evidence that mining has taken place. The consultant observed an indication of slight subsidence along old railroad and road beds at the northeast corner of the northern parcel and recommended further geotechnical investigation, noting the site appears to be suitable for multifamily development. The consultant did not see any evidence of subsidence on the southern parcel and has concluded there is little threat of subsidence related to coal mining on that parcel.

When the applicants apply for building permits, BALD Sensitive Areas staff may require additional studies related

to the coal mine hazards under the Sensitive Areas Ordinance.

Radon

Radon is a colorless, odorless gas that comes from radium, which occurs naturally in soil and rock. As radon breaks down, it decays into several elements, two of which produce potentially damaging radiation as they decay. Elements of radon, if inhaled, can lodge in the lung and damage lung tissue as they decay. Prolonged exposure increases the risk of lung cancer.

The consulting firm of Golder Associates Inc. conducted a radon gas survey on the southern parcel. Radon concentrations ranged from 68.7 to 496.8 p/Cl (picoCuries per liter, the standard measurement). Radon levels above 500 p/Cl in the soil can reportedly contribute to indoor radon levels. The consultant, therefore, has recommended a radon venting system be installed beneath each building. Radon control construction measures include installing foundation vents, ventilating the area beneath the slab, and installing air to air heat exchangers. This is addressed as a SEPA mitigation.

Streams

A stream flows across the site just north of the property boundary separating the two parcels. The stream drains through the Richmond tunnel of old coal mine workings and outfalls on the site just west of Newcastle-Coal Creek Road. The drainage outlet was built in 1895 or 1896 to drain the No. 3 slope in the Old Newcastle mine. The stream flows at a year-round average rate of 100 gallons per minute. The stream is not shown on the Sensitive Areas Folio. The applicant has requested a sensitive areas review by BALD to determine the stream's classification. Stream setbacks under the Sensitive Areas Ordinance will be determined during building permit review. The applicant has proposed a stream enhancement and trail interpretation program in conjunction with the City of Bellevue's Coal Creek Conservation Committee programs.

Drainage

A Level I downstream drainage analysis, in accordance with the King County Surface Water Design Manual, was conducted by the consulting firm of Dodds Engineers, Inc. for each parcel. The report discussed the drainage patterns of the site and estimated the rate of runoff for development under both the manufacturing and multifamily land use. The firm concluded the manufacturing use would create somewhat higher runoff volumes than the multifamily use, due to greater impervious coverage. Erosion in downstream channels is

expected to increase slightly, but significant problems are not anticipated. Additional drainage analysis will be required at the time of building permit application. Conditions to address downstream erosion and other impacts will be determined at that time.

Noise

The site is adjacent to Newcastle-Coal Creek Road and is about one block east of Coal Creek Parkway. Traffic and brick plant operation noise would have an impact on residents of the site.

The consulting firm of Towne, Richards & Chaudiere, Inc. conducted a noise study for the southern parcel in March 1991. The firm measured sound levels from traffic on Coal Creek Parkway and Newcastle-Coal Creek Road during the peak traffic hour of 5 to 6 p.m. It also predicted sound levels for the year 2000 based on estimated traffic volumes. The firm also compared the measured and predicted sound levels with the King County Noise Ordinance and with noise levels generally considered to interfere with indoor speech and sleep. (Although sounds from off-site traffic on public roads are exempt from the County's noise standards, this analysis provides an indication of the County's noise goals.)

Sound levels for traffic for the year 2000 are estimated to exceed the County's daytime permissible sound level at two second-story locations and at night. Sound levels at all locations, at both first and second stories, are estimated to be high enough to interfere with speech indoors and to interfere with sleep. Although this study measured and predicted noise levels for the southern parcel, noise levels from the nearby roads is expected to be similar for the northern parcel due to its proximity to the roads. Mitigations recommended by the consultant include: 1) forced air ventilation for buildings most impacted by traffic noise, so that windows would not have to be opened for ventilation in summer, and 2) acoustically improved windows on buildings most impacted by noise. These mitigations have been recommended by the Noise Abatement Supervisor of the Seattle-King County Department of Public Health and are addressed as SEPA mitigations.

Significant noise levels from the brick plant operations were not measured by the consultants, nor were they noticed during several staff visits to the site. However, Mutual Materials Co. states that noise levels are higher from July to October, when clay is trucked to the plant. Approximately 10,000 truckloads of clay are deposited at the plant during those months. Bulldozers are used to push the clay under the

sheds. In addition, about 75 truck-trailer rigs enter the plant weekly for loading. Mutual Materials believes the noise levels meet the King County noise standards. The Noise Abatement Supervisor has reviewed this information and determined the noise from plant operations would not significantly affect the site, due to the site's distance from the plant. However, an additional noise study is recommended for the northern parcel and is included as a P-Suffix condition.

Transportation

Development of approximately 234 multifamily units will generate approximately 1,452 average daily vehicle trips, higher than the 400 trips estimated for manufacturing development. The number of project-generated vehicles traveling during the PM peak hour exceeds 10. Therefore, multifamily building applications would be reviewed under the Road Adequacy Standards (RAS). Applicants may be required to pay a pro-rata share for road improvements, build fewer units than proposed, develop the project in stages, or take other measures. In addition, impact fees may be assessed under the Mitigation Payment System (MPS) ordinance. Payment under RAS and MPS prior to building permit issuance would mitigate traffic impacts generated by the developments. These fees would be used for identified Capital Improvement Projects which include the widening of Coal Creek Parkway from SE 72nd Street south to the Renton city limits.

In addition, new development at this site would be required to dedicate right-of-way and construct frontage improvements in compliance with King County Road Standards.

The site is two blocks from the nearest Metro stop at SE 72nd Street and Coal Creek Parkway. Reduction in vehicle trips and use of transit is addressed in the SEPA mitigations. Additional traffic studies may be required at time of building permit application.

Schools

The site is within the Issaquah School District. The proposed 234 units could add about 64 students to the district. Two of the receiving schools, one elementary and one middle school, are over capacity. The School Mitigation Ordinance would apply to these developments at building permit application and is expected to mitigate these impacts. Student safety issues are addressed in the SEPA mitigations.

Solid Waste

The addition of 238 new multifamily units will have a significant impact on the addition of household garbage to the waste stream. This issue is addressed in the SEPA mitigations.

PUBLIC COMMENT

A public open house regarding the plan amendment was held on April 30, 1991 at BALD. Seven persons attended, and four of those attending submitted written comments. Two other persons also submitted comments.

Those commenting raised a number of issues, which are summarized below:

Parks and recreation facilities: The increase in the number of residents will worsen the population/recreation facilities ratio. Population has increased but recreation facilities such as ball fields and tennis courts have not, and community trails have disappeared with development.

Traffic: Traffic congestion will increase, causing additional hazards for motorists, bicyclists and pedestrians. A widened and more heavily traveled Coal Creek Parkway will divide the community and restrict trail access to Cougar Mountain for residents west of the Parkway.

Services: Development will cause increased demand on police and fire services, requiring an upgrade in these services.

Facilities: Development will impact the water district.

Density: Rezoning this site to allow multifamily development will make the housing density in the area too high.

Revenue: Rezoning the site from manufacturing to multifamily will cause a net loss of tax dollars. Proponents of a future city of Newcastle may prefer the site be developed as manufacturing, or saved for a city hall or open space.

Drainage: Development may increase the siltation in Coal Creek and impact Coal Creek Park.

Aesthetics: Removal of vegetation will create aesthetic/view impacts from the road and from townhouse development across Newcastle-Coal Creek Road.

Air quality: Particulate emissions from fireplaces will increase air pollution.

Safety: People, particularly children, who trespass onto the brick plant property would be endangered by heavy equipment and continuously operating kilns.

COORDINATION WITH CITY OF BELLEVUE

The site is within the City of Bellevue's sphere of influence. The SEPA Checklist was sent to the City for comment prior to issuance of the SEPA determination. The City responded with questions and comments. These covered fireplace emissions, stream setbacks, stormwater detention, noise attenuation, coal mine hazards, traffic impacts, mitigation costs and pedestrian and urban frontage improvements.

Fireplace emissions are controlled by the Puget Sound Air Pollution Control Authority during air pollution episodes. Stream setbacks, stormwater detention and traffic impacts and mitigation costs will be addressed during the commercial building permit process. Noise attenuation, coal mine hazards, pedestrian and urban frontage improvements are addressed as P-Suffix (including SEPA mitigations) conditions.

A copy of this report has been sent to the City. The City plans to provide additional comment during the permitting process.

ANALYSIS

The KCCP does not recognize the area of Southeast 72nd Street and Coal Creek Parkway as an Urban Activity Center. However, this commercial, manufacturing and multifamily area is recognized as a business area in the NCP, adopted prior to the KCCP. The Factoria area, which is approximately three miles to the north, is recognized as an Urban Activity Center. The KCCP calls for most commercial and industrial development to occur in Urban Activity Centers and smaller scale retail and offices to occur in Community and Neighborhood Centers. Although larger than a community or neighborhood center as envisioned in the KCCP, this area meets most of the criteria for recognition as a Community Center. It provides shopping and services for a nearby

population of 15,000 to 40,000 persons and includes residential development.

Industrial development such as manufacturing is encouraged in Urban Activity Centers. Industrial and heavy commercial uses are not recommended in Community Centers.

A change in zoning from M-P to RM-1800 would provide an additional number of affordable, rental housing units for King County residents. (The applicants have proposed approximately 234 units; the number will be determined upon review of the building permit applications by the Building and Land Development Division. The final number of units is expected to be lower due to steep slopes on the eastern portion of the property and right-of-way dedications.) The site is in the Local Service Area for sewers and is easily served by fire and police. Water is available. The proposed RM-1800 zoning meets the street access recommendation of KCCP Policy R-208 as Newcastle-Coal Creek Road and Southeast 72nd Street are classified as principal arterials.

The proposed zoning change would allow additional multifamily housing near existing areas of intensive residential development. Multifamily development already exists south of Southeast 72nd Street. Property zoned RM-1800-P lies just south of that development. A large multifamily development has been built south of Southeast 72nd Street and west of Coal Creek Parkway. The northwest corner of Southeast 72nd Street and Newcastle-Coal Creek Road is presently zoned RM-1800 and is included in one of the development proposals for the site. Townhouse and single family development have been approved on property just east of Newcastle-Coal Creek Road. Therefore, a residential community exists and will continue to grow in the immediate area of the site. The zoning change is consistent with NCP Policy N-13, which encourages growth in areas where there is a commitment to urban/suburban development. The zoning change also is consistent with NCP Policy N-4, which encourages a variety of residential lot sizes and housing types. Multifamily zoning would also provide a transition between the commercial zoning to the west and the single family zoning to the east.

A non-residential use allowed by the M-P zone on the site may generate heavy traffic and other adverse impacts on the residential community and likely would not provide convenient services for residents. Heavy traffic and the lack of convenient services conflict with KCCP Policy R-210.

The NCP encourages a mix of retail and residential uses in the area of Southeast 72nd and Coal Creek Parkway. The

proposed zoning change would increase the area zoned for residential use by 10.3 acres.

The NCP recognizes the existing brick plant on Coal Creek Parkway (just north of the site) and encourages its continued operations. Mutual Materials, which owns the plant, recently negotiated a 50-year lease to extract clay from a site on Cougar Mountain and plans to continue operating the plant as long as the clay is available. The NCP plan concept, however, recognizes that opportunities for industrial development are provided in adjacent employment centers, i.e., the cities of Bellevue, Issaquah and Renton, and recommends that new industrial development be encouraged in those employment centers.

Members of the public raised several issues, most of which are addressed by SEPA mitigations or P-suffix conditions, or which will be addressed during the building permit stage. The air quality concern is addressed by the Puget Sound Air Pollution Control Agency, which regulates use of fireplaces and wood stoves during air pollution alerts.

The population/recreation facilities ratio is an important issue. Population in the Coal Creek Parkway area has increased over the past decade, but the number of recreational facilities has not. In addition, the trail network is being interrupted and parts of it are being eliminated with development. However, there is no mechanism or parks standard to require park and recreation facilities mitigations for multifamily development. This issue was explored during the plan amendment analysis. The Parks Division has begun developing a parks and open space plan which will address this issue countywide.

RECOMMENDATION

A zoning change to RM-1800-P zoning with conditions on the site is recommended. This zone is a more appropriate use of the site than M-P. The site is not appropriate for single family residential use due to its proximity to manufacturing uses and the noise impacts from traffic. The RM-1800 zoning is consistent with other multifamily zoning in the area and is consistent with policies of the King County Comprehensive Plan and Newcastle Community Plan.

The following SEPA mitigations are attached to the zoning change as P-suffix conditions. Additional P-suffix conditions follow:

P-Suffix Conditions**SEPA Mitigations**

1. Develop a Transportation Management Program (TMP) with Metro. This program shall include items such as, 1) a free one month bus pass to each tenant; 2) distribution of site appropriate transit and ride sharing information to new tenants and annually to all tenants; 3) bus stops and/or shelter facilities; 4) secure bicycle parking; and 5) pedestrian access to transit stops. Provide written correspondence to the KC Environmental Division SEPA Section verifying contact with METRO for compliance at time of building permit application. (This mitigation reduces the impacts of development on roads, air pollution and water pollution).

2. Provide recycling space onsite comparable to the space required under the Uniform Building Code for trash collection. Provide for collection beginning with initial occupancy. Indicate in memo to SEPA Section the types of items to be collected, frequency of collection by the recycling contractor, maintenance of the recycling area, and the method of notifying residents about the availability of on-site recycling. The size and location of the space shall be noted on the permit site plan. (This mitigation reduces the impact of new residences on landfills).

3. Install a radon venting system beneath each building, as recommended by the consultant, or as approved by BALD (Golder Associates Report, 1/15/90) (This mitigation reduces potential impact of radon in the soils migrating into the building).

4. Contact the Issaquah School District to develop plans to accommodate student transportation needs, including school bus turnarounds, school bus stops and waiting areas for students. Provide written correspondence to the KC Environmental Division SEPA Section at time of building permit application verifying agreement with the Issaquah School District. (This mitigation reduces the impact of the development on potential safety hazards to children.)

5. Provide adequate on-site outside play area with playground equipment for children, in consultation with the KC Parks Division. (This mitigation reduces the impact of additional residents on existing park facilities).

6. Provide forced air ventilation for easternmost buildings and Building 1 (4/2/90 site plan) as recommended by the noise consultant. (Towne, Richards & Chaudiere Inc. report, 3/18/91) (This mitigation reduces the impact of noise).

7. Provide acoustically improved windows for eastern bedroom windows on the eastern buildings, as recommended by the noise consultant. (This mitigation reduces the impact of noise.)

8. Provide an emergency police/fire access to the site, as approved by KC BALD. (This mitigation allows for improved response to emergencies).

Executive Recommended Additional P-Suffix Conditions

9. Development shall be limited to multifamily dwelling units only, with supporting recreation center and other accessory structures, such as garages.

10. Dedicate 20 feet of right of way along the frontage of Newcastle-Coal Creek Road and SE 72nd Street, plus a 25 foot property radius at the northeast corner of SE 72nd Street and 132nd Place SE and the northwest corner of SE 72nd Street and Newcastle-Coal Creek Road for future road and intersection projects.

11. Urban frontage improvements along 132nd Place SE, SE 72nd Street and Newcastle-Coal Creek Road, including a Class II bike lane will be determined by King County Public Works Traffic and Planning Section.

12. The site plans shall include sheltered bicycle parking, to encourage alternative transportation.

13. The need for further study of the coal mine hazard at the site is to be determined by KC BALD prior to or at time of building permit application. Such study may determine that construction is not feasible on all or part of the site.

14. The gradient of the access road shall be no more than 15 percent, consistent with King County Fire Protection Engineer and Uniform Fire Code requirements.

15. A noise study shall be conducted during the period of July to September to determine noise levels on the northern parcel during peak operations of the brick plant. The noise study shall analyze noise levels from all sources, including traffic in the area and brick plant operations, including noise from clay deliveries and clay moving. The study shall determine whether mitigation measures such as barriers, acoustic window glazing, acoustic insulation, building orientation or other methods should be used to reduce noise levels.

Additional P-Suffix Conditions

16. To facilitate public access to Coal Creek Park, a pedestrian connection shall be provided beginning at the northernmost boundary of the subject properties and ending at Southeast 72nd Street.

17. To ensure greater compatibility with nearby residential areas, conditions 18-25, providing for the retention of some significant trees and for controlling some aspects of building bulk and scale, shall be met. These conditions are applied to address the specific characteristics of the subject properties.

18. Significant trees shall be retained as follows:

A. All significant trees within required perimeter landscaping areas that lie between the two subject parcels shall be retained except in those areas that are to be crossed by utility lines, driveways, or walks.

B. Ten percent of all other significant trees on the site shall be retained or substituted for as described in Condition 18C..

C. Four or more new or existing trees, each having a diameter of at least 2 inches measured four feet above grade if deciduous, or a minimum height of 8 feet if coniferous, may be substituted for each required significant tree.

D. Alder trees need not be considered as significant trees unless the project proponent is willing to accept legal responsibility for the stability of the individual tree.

19. A plan for the retention of significant trees shall be submitted concurrent with a grading or building permit, whichever is reviewed and approved first. The tree retention plan shall consist of:

A. A tree survey that identifies the location, trunk size at four feet above grade, and species of all significant trees on site. The tree survey:

1. Shall not include significant trees that are:

- a. Damaged or diseased; or
- b. Safety hazards due to potential root, trunk, or limb failure.

2. May be conducted using standard timber cruising methods to reflect general locations, numbers and grouping of significant trees.

3. Shall show the location and species of each significant tree of 18 inches or greater in diameter, regardless of survey method used.

B. A development plan identifying the significant trees that are proposed to be retained or substituted for as described in Condition 18C..

20. Each significant tree that is retained and is located outside the area defined in Condition 18A. above, and that meets one or more of the following criteria shall be credited as two trees in complying with the retention requirement of this chapter:

- A. Exceeds 60 feet in height or 18 inches in diameter;
- B. Located in groupings of at least four trees with canopies that touch or overlap;
- C. Provides energy savings through winter wind protection or summer shade due to its location relative to buildings;
- D. Belongs to an unusual species of native or non-native tree not usually found locally; or
- E. Are located within 25 feet of any required sensitive area buffers.

Each significant tree that is retained and is located outside the area defined in Condition 18A. and that meets one or more of the following criteria shall be credited as three trees in complying with the retention requirement of this chapter.

- A. Exceeds 80 feet in height or 24 inches in diameter, or
- B. Is located in groupings of at least eight trees with canopies that touch or overlap.

21. Protection of significant trees. To provide protection for significant trees:

- A. No clearing shall be allowed on a site prior to approval of tree retention and landscape plans.
- B. A limit of disturbance generally corresponding to the drip line of the significant tree shall be identified during the construction stage with a temporary 5-foot-high fence.
- C. No storage of construction materials, including fill dirt, shall be permitted within the dripline of the significant tree.
- D. No permanent impervious surfaces shall be permitted to occupy more than 1/3 of the area defined by the dripline of the significant tree.
- E. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the tree trunk plus five feet.
- F. The grade level shall not be lowered by more than 6 inches over more than 1/4 of the area defined by the dripline of the significant tree.
- G. Alternative protection methods may be used if determined by the manager to provide equal or greater tree protection.

21. For the purpose of conditioning development of the subject properties, the term "significant tree" shall be defined as: an existing healthy tree which, when measured four feet above grade, has a minimum diameter of twelve inches.

22. Roofline variation. Developments shall provide roofline variation according to the following standards:

A. The maximum roof length without variation shall be 60% of the building length or 50 feet, whichever is greater;

B. The minimum horizontal offset shall be four feet, or the minimum vertical offset shall be two feet;

C. The minimum variation length shall be seven feet if located in the middle 60% of the building length, and four feet if located on the end of the building;

D. Roofline variation shall be achieved using one or more of the following methods:

1. Vertical offset in ridge line: a minimum of two feet;

2. Horizontal offset in ridge line: a minimum of four feet;

3. Angular change in direction of ridgeline;

4. Gabled or shed dormer; or

5. Any other technique approved by the BALD manager as achieving the intent of this section.

23. Developments shall provide building facade modulation on facades facing the Newcastle-Coal Creek Road. The following standards shall apply:

A. The maximum wall length without modulation shall be 45 feet for three-story-high walls, 50 feet for two-story-high walls and 60 feet for one-story-high walls;

B. The minimum modulation depth shall be two feet;

C. The minimum modulation width shall be seven feet;

D. The minimum modulation height shall be seven feet;

E. Decks and stairs shall be considered to provide modulation where they meet the dimensional requirements of B, C, and D above;

F. Windows shall be considered to provide modulation in any wall where rough openings exceed 20% of the total wall area;

G. Any other technique approved by the BALD manager as achieving the intent of this section.

24. Second stories are set back from the street and from adjacent single story development in residential zones a minimum of 15 feet.