

ORDINANCE NO. **10202**

AN ORDINANCE authorizing the construction of 131st Avenue Northeast and Northeast 171st Street from Northeast 175th Street to 140th Avenue Northeast and waiving the requirements of Ordinance 9614, Sections 93 through 96 and phasing the compliance of certain requirements of the surface water design manual.

PREAMBLE:

The King County Council finds as follows:

1. The need for the construction of 131st Avenue N.E. and N.E. 171st Street from N.E. 175th to 140th Avenue N.E. (hereinafter called "Woodinville CBD Bypass" or "Bypass") was identified in the Northshore Revised Community Plan, June 1981. Factors contributing to the need include safety and traffic congestion on the surrounding streets.
2. Following issuance of an environmental impact statement (EIS) pursuant to the State Environmental Policy Act in September, 1985, the Council established a road alignment for the Bypass (Ordinance 7555, March 31, 1986). Due to an error in the alignment description, the road establishment was amended by the Council in March, 1988 (Ordinance 8447).
3. Initiation of right-of-way acquisition began in May, 1988. Design of the roadway began in May, 1988. Design was 95% complete by September, 1989. Condemnation of certain properties was authorized by the council in June, 1990 (Ordinance 9492).
4. Establishment of the right-of-way for the Bypass has been the basis for extensive development adjacent to the right-of-way.
5. In October, 1989, the council adopted the surface water management design manual to be effective January 1, 1990 (Ordinance 9163). This manual reflected changes in policies for surface water runoff control.
6. In August, 1990, the council adopted the Sensitive Areas Ordinance (SAO), effective November 27, 1990, establishing new policies for sensitive areas (Ordinance 9614).
7. The Roads Division has analyzed the SAO and the surface water management design manual and has found that these regulations cannot be fully addressed within the physical constraints of the existing right-of-way. Although the established right-of-way is sufficient to accommodate regulations in place prior to January, 1990, additional right-of-way would be needed to comply with the SAO requirement for a fifty-foot buffer on either side of the existing stream located within a portion of the established road right-of-way. There is very little habitate value associated with the existing stream which requires preservation. The existing stream primarily serves as a drainage ditch for surface water runoff from the heavily developed basin area, a large portion of which is paved parking lots. An additional 2.5 acres would also be needed to fully comply with the requirements of the surface water design manual.
8. Land acquisition and redesign of the roadway would delay construction of the Bypass by an additional two years. This

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1 would cause an undue delay in meeting the transportation
2 needs of the Woodinville area. In addition, a number of
existing developments would be required to be removed.

3 9. The surface water management division has found that the
4 enhancement and relocation of the stream can be accommodated
5 within the existing right-of-way and that the reduced buffer width
of twenty-five feet is sufficient to protect this resource.

6 10. The council finds that the length of time involved in com-
7 pleting the Bypass and the extent of development created by
8 the establishment of the Bypass right-of-way represents a
9 unique circumstance and shall not establish a precedence for
other projects. In addition, the council finds that waiving
the current stream buffer requirements in favor of the
requirements which were in place when this project began
will not impair the quality of the adjacent stream.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. The King County council authorizes and directs the depart-
12 ment of public works to proceed with the completion of the Woodinville CBD
13 Bypass project.

14 SECTION 2. This project includes the relocation of a stream located
15 within a portion of the established right-of-way. Pursuant to the require-
16 ments of the Sensitive Areas Ordinance, a fifty-foot buffer would be
17 required. Due to the physical constraints of the established right-of-way,
18 this buffer requirement cannot be met. Therefore, the requirements of the
19 Sensitive Areas Ordinance, Section 93 through 96, dealing with streams are
20 waived for the design and construction of the Woodinville CBD Bypass.

21 SECTION 3. Compliance with the surface water design manual will be
22 accomplished in a phased manner in regards to the design and construction of
23 the Woodinville CBD Bypass. The first phase of the project shall involve
24 the construction of the Bypass as designed which complies with surface water
25 runoff requirements in place when the project began. The second phase of
26 the project shall include the acquisition of additional right-of-way and the
27 design and construction of any retention, detention and water quality
28 improvements necessary to comply with the current surface water design
29 standards.

