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ORDINANCE NO. **12090**

AN ORDINANCE concurring with the recommendation of the Hearing Examiner to approve, subject to conditions (modified), the Urban Planned Development Permit application of PORT BLAKELY TREE FARMS, designated Department of Development and Environmental Services File No. L94UP002 and authorizing execution of a Development Agreement consistent therewith.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Except as modified by Section 4 below, this ordinance does hereby adopt and incorporate herein as its findings and conclusions the findings and conclusions contained in the report of the hearing examiner dated September 27, 1995, which was filed with the clerk of the council on October 12, 1995, to approve, subject to conditions (modified), the urban planned development permit application of Port Blakely Tree Farms, designated department of development and environmental services file no. L94UP002, and the council does hereby adopt as its action the recommendations contained in said report.

SECTION 2. Except as modified by Section 5 below, the terms and conditions contained in the urban planned development permit attached to the report of the hearing examiner dated September 27, 1995, are hereby adopted and incorporated by reference herein.

SECTION 3. The King County executive is hereby authorized to execute an agreement with the Port Blakely Tree Farms which permits construction of the Blakely Ridge project in accordance with the terms and conditions of the urban planned development permit adopted in Section 2, above, as modified by Section 5 below.

SECTION 4. The findings and conclusions adopted above in Section 1 are hereby modified to include the following new sentence as an addition at the end of finding no. 165:

"These same policy concerns regarding aggregate UPD impacts also support the process outlined in UPD Permit Section 3.9.1.B, which allows modification of Blakely

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Ridge Development conditions within the Northridge hearing process on the basis of updated or more comprehensive information describing the nature and extent of the cumulative effects of the two neighboring projects."

SECTION 5. The terms and conditions contained in the urban planned development permit attached to the report of the hearing examiner dated September 27, 1995 are hereby modified as follows:

A. Within UPD permit section 1.2 under the heading "Parks and Recreation" the word "Public" is deleted from the entry "Public Community Park".

B. The second sentence within the fourth paragraph of UPD Permit Section 2.3.3 is deleted and replaced with the following:

"No impervious surface acre fee will be imposed on the pervious golf course surfaces--fairway, rough, greens, tees, or sandtraps; or its cart paths, the recreational vehicle storage area, or park lands."

C. The third sentence within UPD Permit Section 2.3.3.b is deleted and replaced with the following:

"No impervious surface acre fee will be imposed on the pervious golf course surfaces--fairway, rough, greens, tees, or sandtraps; or its cart paths, the recreational vehicle storage area, or park lands."

D. The following new paragraph is added as a second paragraph to UPD Permit Section 2.3.5.f:

"To provide a quality control work incentive during UPD development, the applicant shall include a construction contract clause requiring 10% retainage of the contract amount to be incrementally released by construction schedules as sections of the contract are completed and accepted as satisfactory by King County. This provision shall apply only to applicable contracts for King County grading permits, subdivision site improvement plans, right-of-way permits, and commercial building permits."

1 E. The following new subparagraph is added to UPD Permit
2 Section 2.3.5:

3 "g. Except as otherwise provided herein, lots and
4 parcels within the Welcome Lake watershed shall be
5 subject to a covenant waiving the right to protest
6 formation of and inclusion in any lake management
7 district for Welcome Lake which also includes (1)
8 all lots and parcels within Lake of the Woods and
9 (2) all other lots and parcels within the Welcome
10 Lake watershed which are either already developed or
11 subject to development pursuant to validly issued
12 permits. The covenants shall provide that Blakely
13 Ridge lots and parcels subject to this condition may
14 only object to the lake management district on the
15 basis that its mechanism for determining special
16 assessments imposes upon Blakely Ridge properties
17 costs which are either unrelated to mitigating water
18 quality degradation within the lake or
19 disproportionate to Blakely Ridge's relative
20 contribution to such problems."

21 F. UPD Permit Section 2.8.1.d is deleted and replaced with
22 the following:

23 "d. A 20 foot-wide Type 2 landscaping shall be
24 provided on the west boundary of 232nd Avenue NE
25 abutting residential lots in the northern
26 panhandle. The landscaping may be provided
27 within the right-of-way but outside any roadside
28 ditch."

29 G. Within the first sentence of UPD permit section 3.9.1.A
30 delete the phrase "finally approved within 10 years of
31 final approval of Blakely Ridge" and insert in its
32 place the phrase "opened within three years of final
33 approval of Blakely Ridge and such UPD application
34 receives final approval."

35 H. Within the first sentence of UPD permit section 3.9.1.B
36 delete the phrase "any cumulative impact" and insert
37 therefore the phrase "any of the cumulative impacts",

1 and insert after the word "jointly" before the comma
2 the new phrase "which are listed at Section 3.9.3.B."

3 I. Within Section 3.9.3.B delete the colon following the
4 introductory sentence and replace it with a period, and
5 add the following as a new second sentence:

6 "The comprehensive review performed by DDES need not
7 include, however, a detailed discussion of
8 cumulative impacts other than those listed below if
9 general findings are made that such other impacts
10 are in compliance with the review standards
11 contained in the second sentence of Section 3.9.3.A
12 above."

13 J. At the end of the third sentence within UPD permit
14 Section 4.6 add the new phrase "in the manner provided
15 by Section 2.3.5.g."

16 K. The following new Section 8.4 is added to UPD permit
17 attachment no. 12 (Transportation Mitigation
18 Agreement):

19 "Monitoring of traffic increases and their sources
20 shall be conducted by the King County Department of
21 Transportation on at least an annual basis along the
22 216/218th Avenue NE corridor, NE 137th Street, and
23 227th Avenue NE during the duration of the UPD
24 permit."

25 INTRODUCED AND READ for the first time this 30th day of
26 June, 19 95.

27 PASSED by a vote of 8-2 this 19th day of December,
28 1995.

29 KING COUNTY COUNCIL
30 KING COUNTY, WASHINGTON

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34 Kent Pullen
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36 Chair

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39 ATTEST:
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41 Gerald A. Polunin
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43 Clerk of the Council
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