

1 AN ORDINANCE approving the application for  
2 reclassification of MICHAEL A. BOUSHEE, from  
3 SR (7200) (Potential RD 3600-P) to RM 1800-P  
4 designated Building and Land Development Divi-  
5 sion File No. 138-81-R.

6 PREAMBLE:

7 The King County Council by Motion 5536 determined  
8 that changed circumstances in the area support a  
9 change in the Northshore Community Plan.

10 The King County Council by Ordinance No. **6186**  
11 has adopted a change to the Northshore Community  
12 Plan, designating the subject property for High  
13 Density Multi-Family.

14 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

15 SECTION 1. This Ordinance adopts and incorporates Motion  
16 5536 and Ordinance **6186** as findings and conclusions in sup-  
17 port of the rezone application of MICHAEL A. BOUSHEE from  
18 SR (7200) (Potential RD 3600-P) to RM 1800, designated Building  
19 and Land Development Division File No. 138-81-R.

20 SECTION 2: The application of MICHAEL A. BOUSHEE to rezone  
21 the subject property from SR (7200) (Potential RD-3600-P) to  
22 RM 1800 is hereby approved as RM 1800-P subject to the following  
23 conditions which were adopted as part of the Northshore Community  
24 Plan:

25 1. Properties fronting on N.E. 124th St. must develop an  
26 internal circulation plan which will include a connecting street  
27 system for all properties located between the wetlands and  
28 N.E. 124th St. Access to N.E. 124th St. will be limited to two  
29 points: 113th Ave. N.E. and 110th Ave. N.E. Temporary access  
30 may be granted to other properties until these intersections are  
31 developed. The King County Department of Public Works must  
32 approve the circulation plan before building permits are granted.

33 2. Additional road right-of-way must be dedicated on  
N.E. 124th St. where necessary. New roadway is to include curb,  
gutter and sidewalks.

3. Before final approval of development plans, the boundaries  
of the wetland are to be identified. No development is allowed in  
the wetland area except for trails. The need for and amount of

1 additional building setbacks buffering Juanita Creek and the  
2 associated wetland area will be determined jointly by the Surface  
3 Water Management, Resource Planning, and Building divisions in  
4 consultation with State environmental agencies following the iden-  
5 tification of the wetland boundaries.

6 4. Juanita Creek and its tributaries should be left in or  
7 returned to as near a natural state as possible. It should be  
8 relocated only when such an action will provide an opportunity to  
9 protect and recreate a 'natural' environment and help assure the  
10 health and welfare of the stream.

11 5. Storm water surcharges in Juanita Creek and its tribu-  
12 taries should be dealt with through the use of holding ponds  
13 rather than piping or dredging to increase capacity. This is par-  
14 ticularly important in reference to the drainage course of tribu-  
15 tary water from the Kingsgate area and the stream lying between  
16 N.E. 124th St. and N.E. 132nd St., west of I-405.

17 6. To help protect this valuable public resource no building  
18 should be permitted within 20 feet of the banks of Juanita Creek  
19 or its principal tributaries, and no structures except minor foot  
20 bridges and road crossings, permitted within 100 feet. Road  
21 crossings should be permitted only when absolutely necessary to  
22 develop a tract of land and constructed in a manner so as not to  
23 inhibit spawning and migration of fish.

24 7. Development of lands abutting Juanita Creek and its major  
25 tributaries should provide for planting of shade trees along the  
26 stream banks when the summer water temperature of that segment of  
27 the stream is above acceptable standards for a health aquatic  
28 environment.

29 8. When necessary to protect water quality, filtration  
30 devices should be installed at significant storm water pipe dis-  
31 charges into the stream.

32 9. Development plans for the subect property are to be  
33 reviewed by the King County Surface Water Management and Resource

1 Planning Divisions for conformance with conditions 3 through 8  
2 above, and with the objectives of the Salmon Enhancement Program  
3 for Juanita Creek.

4 INTRODUCED AND READ for the first time this 31st day of  
5 August, 1981.

6 PASSED this 1st day of November, 1982.

7 KING COUNTY COUNCIL  
8 KING COUNTY, WASHINGTON

9  
10 Lois North  
Chairman

11 ATTEST:

12  
13 Jarvis M. Quinn  
14 Deputy Clerk of the Council

15 ~~APPROVED~~ <sup>VETOED</sup> this 10<sup>th</sup> day of November, 19 82.

16  
17 Randy Rucke  
18 King County Executive

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**King County Executive**  
Randy Revelle

November 10, 1982

The Honorable Lois North  
Chairman, King County Council  
C O U R T H O U S E

RE: King County Ordinances 6186 and 6189

Dear Madam Chairman:

Enclosed are Ordinances 6186 and 6189 which I have vetoed pursuant to the authority granted to the Executive by the King County Charter, Section 230.20

I have carefully reviewed the issues involved in these Ordinances and reluctantly conclude they do not meet the test of King County Code 20.12.050-080. The Code establishes the following criteria justifying a community plan revision.

"A. Development activity is substantially greater than anticipated in the plan, as indicated by:

1. County-wide or community plan area total residential unit construction as measured by building permits and by annual subdivision activity as measured by number of lots created or by acreage, is one hundred percent higher for twelve consecutive months than the average level for the previous three years, or
2. County-wide or community plan area total annual vacant land consumption is occurring at a rate of one hundred percent higher for twelve consecutive months than the average rate for the previous three years;

B. In the review of a request for a zone reclassification, planned unit development, subdivision or unclassified use permit, the Council finds that the request is inconsistent with an adopted community plan, but circumstances affecting the area in which the proposal is

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KING COUNTY COUNCIL

located may have undergone changes substantially and materially different from those anticipated or contemplated by the community plan, and that the impacts from the changed circumstances make consideration of a plan revision necessary. The application shall be denied without prejudice, or deferred at the request of the applicant until the Department of Planning and Community Development completes a study to determine the need for a plan revision and a plan revision, if any, is adopted by the Council.

- C. Issues of current concern to area residents or the County, including but not limited to: policy conflicts due to subsequent comprehensive plan amendments, regional service or facility needs, annexations or other circumstances not anticipated in the community plan to make it necessary to consider a revision to one or more community plans. (Emphasis added.)"

The County Council majority apparently concluded that two rezones allowing motels in the vicinity of the Boushee rezone request justified a revision to the Northshore Community Plan. The Department of Planning and Community Development's plan revision study, however, demonstrated that both of these rezones were anticipated by the Northshore Community Plan map and policies.

The rezone application that precipitated the two enclosed Ordinances was recommended for denial by both the Building and Land Development Division and the Zoning and Subdivision Examiner. The Examiner recommended that the applicant revise his proposal to make it consistent with the Revised Northshore Community Plan adopted in June, 1981.

The applicant's appeal of these recommendations resulted in a plan revision study by the Department of Planning and Community Development. By the enclosed June 17, 1982 letter, I transmitted the study to the County Council and recommended that a plan revision process not be carried out. My recommendation was based on the following study findings:

- o During the County Council review of the Revised Northshore Community Plan, the applicant submitted a request for a commercial designation on his property. The request was denied by the Council Panel reviewing the Plan. Before making a final recommendation, the Panel also considered a higher density multifamily designation. The Panel's final recommendation was low density multifamily.

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- o There has been little change in the area since the Council Panel completed their review and the Revised Northshore Plan was adopted by the full County Council.
- o The eastern 90 feet of the Boushee property can be developed at a density equivalent to RM-2400 zoning, pursuant to the transitional lot provisions of the Code. This could result in 15 additional units on the property.

I am vetoing these two Ordinances to protect the integrity of King County's community planning process. Pursuant to the Code cited above, the County should support adopted community plans unless there are overriding circumstances that require revision. In my judgment, this is not the case in this instance.

Since I am convinced that the Code criteria for revising a community plan have not been met in this instance, it is my Charter responsibility to veto Ordinances 6186 and 6189.

If you have any questions about this veto, please contact me personally or Holly Miller, Director, Department of Planning and Community Development, at 344-7503.

Sincerely,



RANDY REVELLE  
King County Executive

RR:HR:eg

cc: King County Councilmembers  
    ATTN: Mary M. Jones, Council Administrator  
Holly Miller, Director, Department of Planning and Community  
    Development  
    ATTN: Harold Robertson, Manager, Planning Division  
Jim O'Connor, Zoning Examiner  
Neils Anderson, President, Friends of Northshore  
Robert Tjossem, Attorney at Law, Livengood, Silverdale,  
    Carter and Tjossem  
Michael Boushee