

December 13, 1983

INTRODUCED BY AUBREY CRUICK

PROPOSED NO 84-14

ORDINANCE NO. **6739**

AN ORDINANCE relating to Planning amending the Revised Northshore Community Plan; amending Ordinance 6532, Section 1, Ordinance No. 6274, Section 1, Ordinance No. 5534, Section 1, Ordinance No. 3325, Section 2 and K.C.C. 20.12.210.

PREAMBLE:

For the purpose of effective area-wide planning and regulation, the King County Council makes the following legislative findings:

- (1) The Revised Northshore Community Plan, adopted June 22, 1981 by Ordinance 5534, augments and amplifies the King County Comprehensive Plan.
- (2) King County has studied a portion of the Revised Northshore Community Plan and determined the need to amend the plan pursuant to K.C.C. 20.12.050 - 20.12.080.
- (3) A Declaration of Non-significance was filed by the Planning Division on February 9, 1984.
- (4) This amendment of the Northshore Community Plan will provide for the coordination and regulation of public and private development and bears a substantial relationship to, and is necessary for the public health, safety and general welfare of King County and its' citizens.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 3325, Section 2, Ordinance 5534, Section 1 and K.C.C. 20.12.210 are hereby amended to read as follows:

- A. The Northshore Community Plan, attached to Ordinance 3325 as Appendix A, is adopted as an augmentation of the Comprehensive Plan for King County, and as such constitutes official county policy for the geographic area defined therein.
- B. The Northshore Community Plan Revision, attached to Ordinance 5534 as Appendix A, is adopted as an amplification to the Comprehensive Plan for King County. Where there are differences between these two documents the Northshore Community Plan Revision governs.
- C. The Northshore Community Plan Area Zoning, attached to Ordinance 5534 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.
- D. A Northshore Community Plan amendment, attached to Ordinance 6274

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1 as Appendix A, is adopted as an amplification of the Comprehensive Plan for  
2 King County.

3 E. A Northshore Community Plan amendment attached to Ordinance 6532  
4 as Appendix A, is adopted as an amplification of the Comprehensive Plan for  
5 King County.

6 F. A Northshore Community Plan amendment, attached to Ordinance  
7 as Appendix A, is adopted as an amplification of the Comprehensive Plan for  
8 King County.

9 G. An amendment to the Northshore Community Plan Area Zoning, attached  
10 to Ordinance **6739** as Appendix B, is adopted as the official zoning control  
11 for that portion of unincorporated King County defined therein.

12 H. A Northshore Community Plan amendment, attached to Ordinance **6739**  
13 as Appendix A, is adopted as an amplification of the Comprehensive Plan for  
14 King County.

15 I. An amendment to the Northshore Community Plan Area Zoning, attached  
16 to Ordinance **6739** as Appendix B, is adopted as the official zoning control  
17 for that portion of unincorporated King County defined therein.

18 INTRODUCED AND READ for the first time this 23rd day of January,  
19 1984.

20 PASSED this 2nd day of April, 1984.

21 KING COUNTY COUNCIL  
22 KING COUNTY, WASHINGTON

23 Randy Grant  
24 Chairman

25 ATTEST:

26 Gerald P. [Signature]  
27 Deputy Clerk of the Council

28 APPROVED this 11th day of April 19 84.

29 Randy Sewell  
30 King County Executive  
31  
32

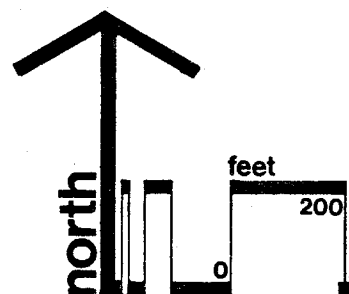
ORD NO 6739

# Goat Hill Study Area

## APPENDIX A REVISED PLAN

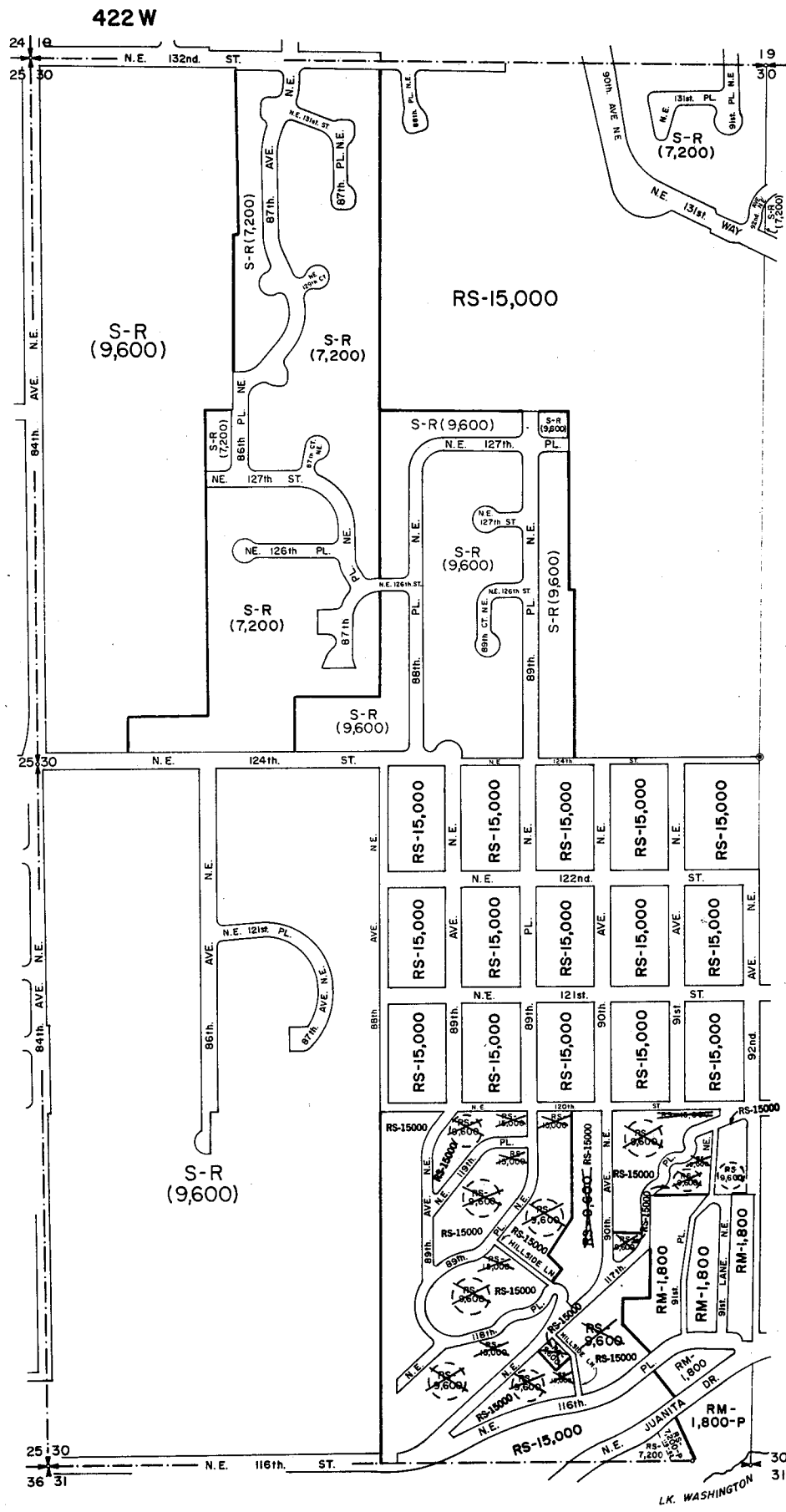


- Single Family, 2-3 units/acre
- Single Family, 3-4 units/acre
- Single Family, 4-6 units/acre
- Medium Density Multifamily
- High Density Multifamily
- Max Density Multifamily
- Parks and Recreation
- Public Utilities



APPENDIX B  
AREA ZONING

3/28/84  
6739

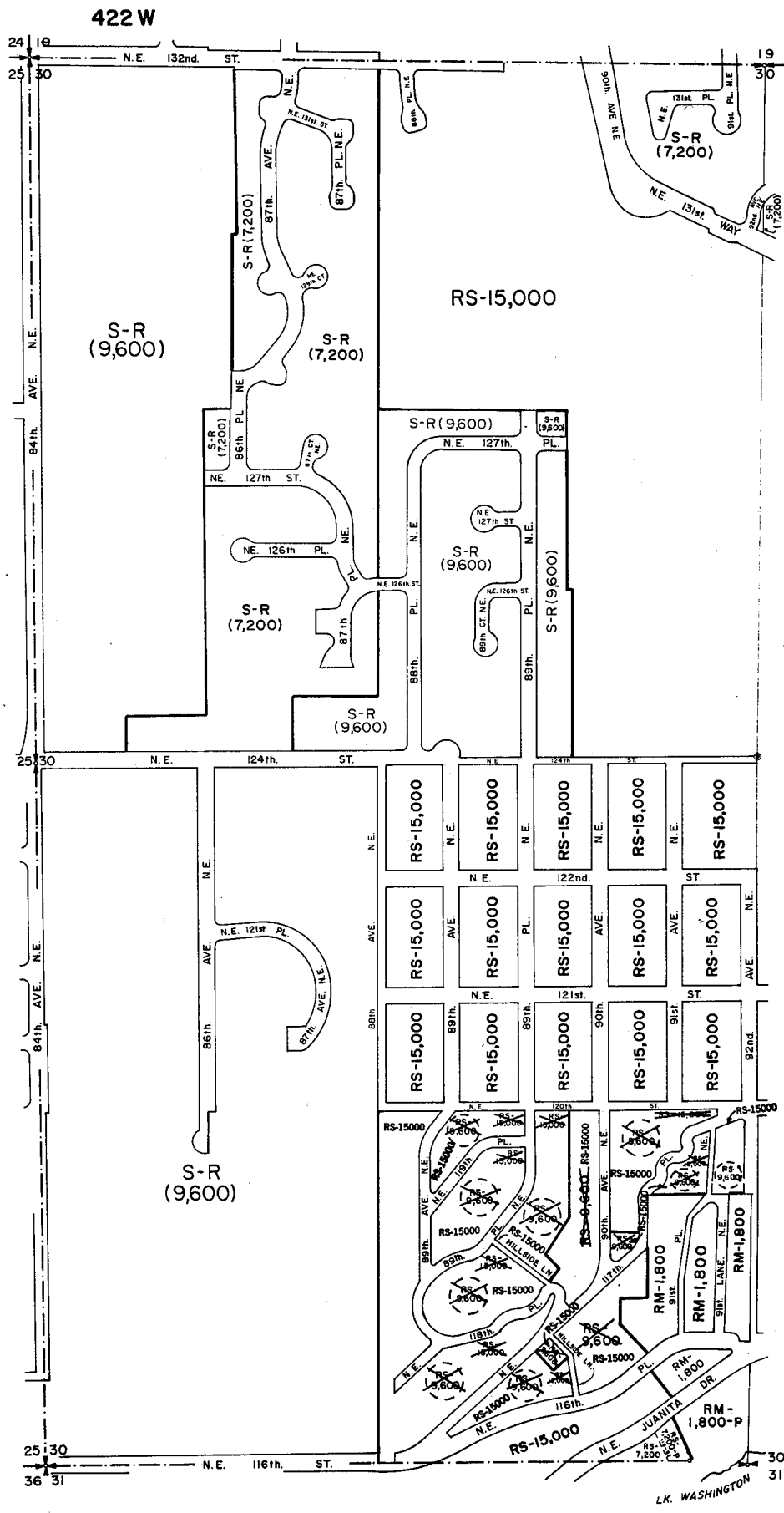


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3/28/84

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# APPENDIX B AREA ZONING



NORTHSHORE COMMUNITY PLAN AMENDMENT STUDY  
GOAT HILL

On March 7, 1983 the King County Council passed Motion 5702 directing the Department of Planning and Community Development to prepare a study to determine the need to amend the Revised Northshore Community Plan in the area known as Goat Hill. The Council made two findings consistent with KCC 20.12.070C which allows a plan amendment study for issues of current concern to area residents or the County:

1. Steep slopes may not support development at the permitted density, and
2. A lawsuit was filed in Superior Court in July, 1981 that petitioned the court to invalidate the zone change to RS-9600 for Goat Hill and reinstate RS-15000 zoning.

The following study discusses the issues involved in the 1981 redesignation of the area during the Northshore Plan revision, analyzes existing conditions as they relate to potential development densities, and makes a recommendation for Council action.

#### Area Description

Goat Hill is located in the Northshore planning area at the northwest corner of Juanita Bay and the western edge of the Juanita community (See Figure 1). Approximate boundaries are 92nd Ave N.E. on the east, Juanita Drive on the south, NE 124th Street on the west and the top of the hill which is the eastern edge of the Finn Hill Plateau at approximately 88th Ave. NE.

The primary study area is comprised of the plat of Juanita Beach Camps. This plat was filed in 1928 and originally consisted of 288 lots ranging in size from about 2500 square feet to 3500 square feet. Today, the existing ownership pattern shows that people have often purchased several adjoining lots to gain enough area to build under County regulations and to protect potential views.

A similar plat, the waterfront addition to Kirkland, was recorded directly to the north of Juanita Beach Camps in 1890. This plat also consisted of small lots ranging from 2500 to 3500 square feet.

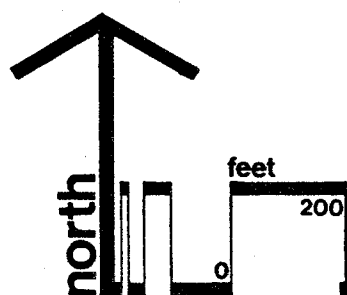
#### Background

The plat of Juanita Beach Camps was originally zoned RS-15000 in the 1965 Kenmore area zoning (Resolution 30981). The density associated with this zoning (2-3 units per acre) was recognized in the Northshore Communities Development Plan which was adopted in 1977 (Ordinance 3325). When the Revised Northshore Community Plan was adopted in 1981 (Ordinance 5534), the plan was changed to allow 3-4 units per acre and the zoning changed to RS-15000 (Potential RS-9600) and RS-9600.

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# Goat Hill Study Area

FIGURE 1



The changes that occurred during the plan revision were initiated by a property owner, John Beaty, who requested a plan change from 2-3 units per acre to 4-6 units. The Beaty request was amended to 3-4 units per acre which was eventually adopted by the Council.

The reason for requesting the change was that a sewer ULID had been formed that included the Beaty property (ULID 42, Northeast Lake Washington Sewer and Water District, See Figure 1). Because of the large assessment, he wanted to divide his property to ease his financial commitment.

Initially, Beaty applied for a variance. This application was denied by the Zoning Adjustor based on steep slopes and associated hazards, limited roadway access and the judgement that the application did not meet the required criteria for granting a variance as outlined in KCC 21.58.020 (Appendix A). The Adjustor's decision was appealed to the Zoning and Subdivision Examiner. The Examiner upheld the Adjustor's decision and denied the appeal (Appendix B).

Shortly after the denial of the appeal, Beaty applied to the Council panel reviewing the Northshore Community Plan Revision for a plan change from 2-3 units per acre to 4-6 units per acre and rezone from RS-15000 to RS-7200. In order to avoid the issue of "spot zoning," the request was made for the entire area contained in ULID 42 even though Beaty was the only property owner asking for a change (see Appendix C for the staff issue paper prepared at that time). The panel recommended a plan designation of Single Family, 3-4 units per acre with zoning of RS-9600 for the area within the ULID. This would allow Beaty to divide his property consistent with the section of the County Code relating to substandard lots (KCC 21.48.250). The remainder of the plat of Juanita Beach Camps was zoned RS-15000 (Potential RS-9600). The Northshore Community Plan provides that the potential zone could be actualized when sewers are installed. This recommendation was adopted by the entire Council in June, 1981.

During public meetings in the Northshore community and the public hearing on the Revised Plan, this issue was controversial. Area residents who testified against the change made the following assertions:

1. The area has extremely steep slopes with severe erosion hazards;
2. Access is limited to single lane roads with switchbacks;
3. The rezone action would accomodate only one property owner since no other owners had asked for a redesignation;
4. Beaty had already applied for a variance to divide his property and had been denied by the Zoning Adjustor and Subdivision Examiner; and
5. Beaty's application was based on a hardship created by the creation of ULID 42, not a hardship created by zoning.

Soon after the Council adopted the Revised Northshore Community Plan, a lawsuit was filed in Superior Court (Riech vs. King County) relating to the study area. This lawsuit asked that the Council's action regarding the plan designation and rezone of the Goat Hill area be over-



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turned and the RS-15000 zoning be reinstated. This suit is still pending.

On July 22, 1981, Beaty segregated his property into two lots and sold one.

Existing Conditions

The physical characteristics of the study area include steep slopes, soils with significant erosion hazards, limited access and significant views. Figure 2 is a slope analysis of the study area. As shown, much of the primary study area has steep slopes.

The following table shows the recommended residential lot sizes for different slopes. This table is used by the Subdivision Technical Committee when reviewing subdivision applications and is based on Comprehensive Plan policies.

TABLE 1  
SLOPE/DENSITY GUIDELINES

Slope of Building Area	Minimum Required Lot Area (Square Feet)
0-15%	7,200
16-20%	8,000-15,000
21-25%	15,000-20,000
26-30%	20,500-35,000
31-40%	35,500
41%-Over	No Development

Based on the slope analysis and application of the slope/density guidelines, the majority of the study area is not suitable for development at a density greater than 15,000 square foot lots. The Sensitive Areas Map Folio indicates that this area also has a severe erosion hazard. This is based on the soil type, slope, and vegetative cover. While erosion is a natural process that always occurs in areas like Goat Hill, it can become a greater hazard when land use modifications and urban development occur.

The study area is served by the Northeast Lake Washington Sewer and Water District. Sewer service was extended to Goat Hill by the formation of ULID 42 (see Figure 1). As explained earlier, the formation of this ULID is what prompted the initial request that led to the rezoning of Goat Hill.

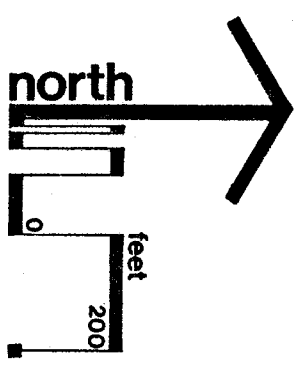
Access in the primary study area is by narrow, one lane roads that must switch back as they go uphill. All roads are either undeveloped or underdeveloped. No road improvements are currently scheduled.

# Goat Hill Study Area

FIGURE 2

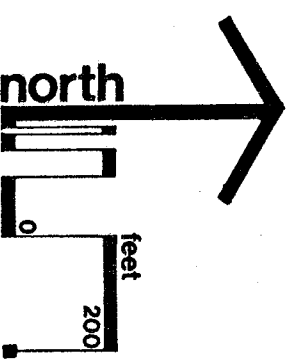
SLOPE ANALYSIS

- Over 40%
- 31-40%
- 21-30%



# Goat Hill Study Area EROSION HAZARDS

FIGURE 3



### Comprehensive Plan Policies

The following Comprehensive Plan policies apply to the Goat Hill area:

- D5 As slope increases, residential density should decrease in order to avoid, partially or completely, the problems of drainage, siltation, flood control, and accessibility, which frequently are attributable to over-development of slope areas.
- D8 A maximum density of one housing unit per gross acre may be employed:
  - a. in those areas of the County where a neighborhood character of estate-type uses and interests is already established or is proposed,
  - b. where slopes exceed 30%, in areas subject to slide hazards, or in valley areas not suited for large-scale agricultural use and not required for industrial purposes.
- D9 A maximum density of two housing units per gross acre may be employed in the following types of areas:
  - a. where a substantial majority of lots are already developed to a density not greater than two housing units per gross acre and permanent protection in order to maintain community identity is desirable,
  - b. in areas proposed for development at this density where permanent protection of lot size is desired,
  - c. in areas where slope ranges from 25% to 30%.

### Northshore Community Plan

The Revised Northshore Community Plan designates the Goat Hill area as Single Family, 2-3 units per acre and Single Family, 3-4 units per acre (see Figure 4).

Existing zoning is shown in Figure 5. Within the primary study area, the RS-9600 zone is applied only to those properties served by sewers. The potential zone applies to the remainder of Juanita Beach Camps plat, which can be rezoned to RS-9600 when sewers are constructed.

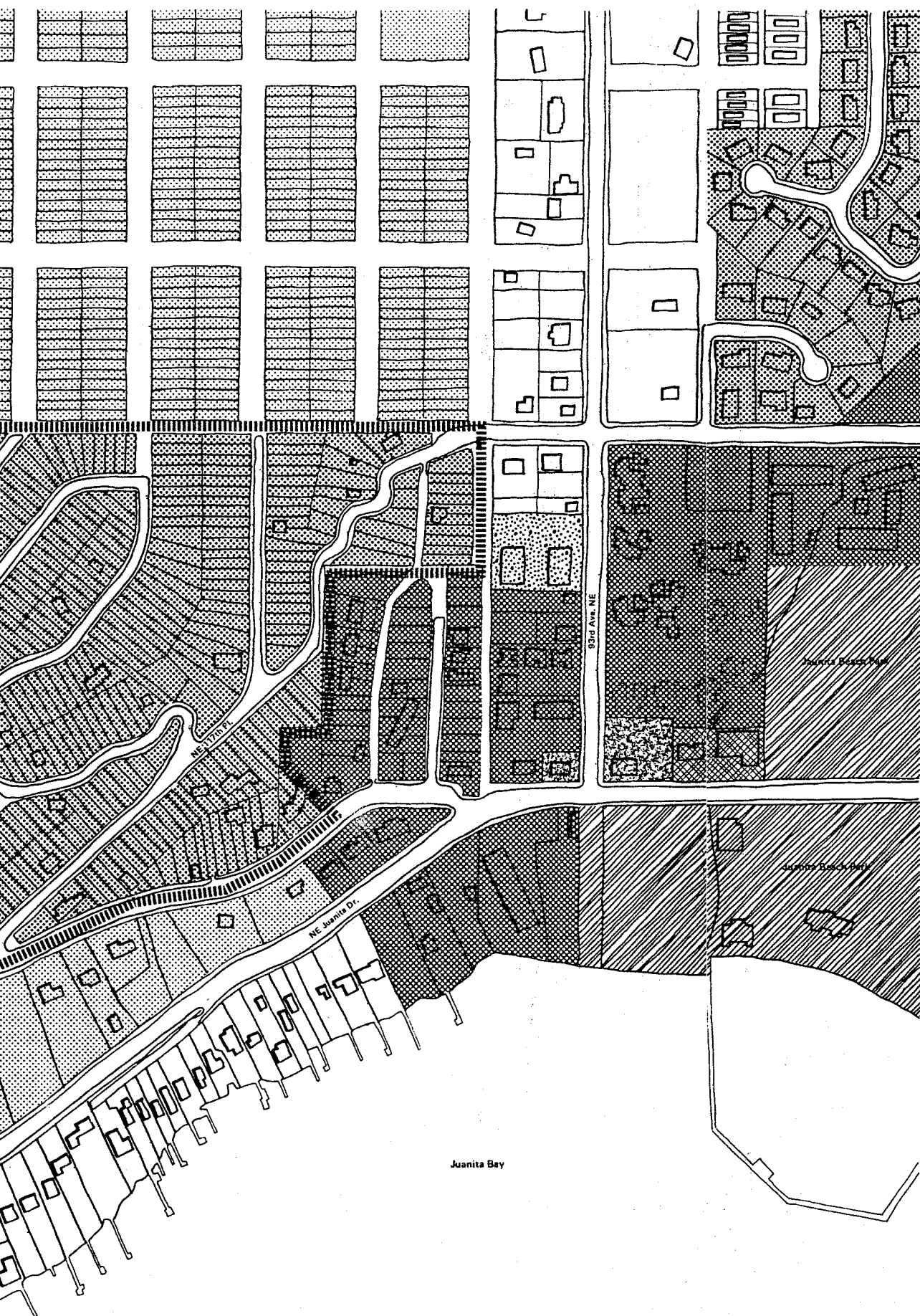
### Lot Analysis

During the Council panel's review of the area zoning issue that resulted in the plan change, a lot analysis was done for both ULID 42 and the entire plat of Juanita Beach Camps. This analysis, shown in the following two tables, was done to show the existing number of substandard lots (as of December, 1980) and the total number of building sites based on different zones.

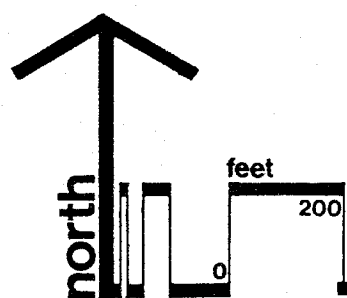
ORD NO 6739

# Goat Hill Study Area

FIGURE 4  
NORTHSHORE PLAN



- Single Family, 2-3 units/acre
- Single Family, 3-4 units/acre
- Single Family, 4-6 units/acre
- Medium Density Multifamily
- High Density Multifamily
- Max Density Multifamily
- Parks and Recreation
- Public Utilities

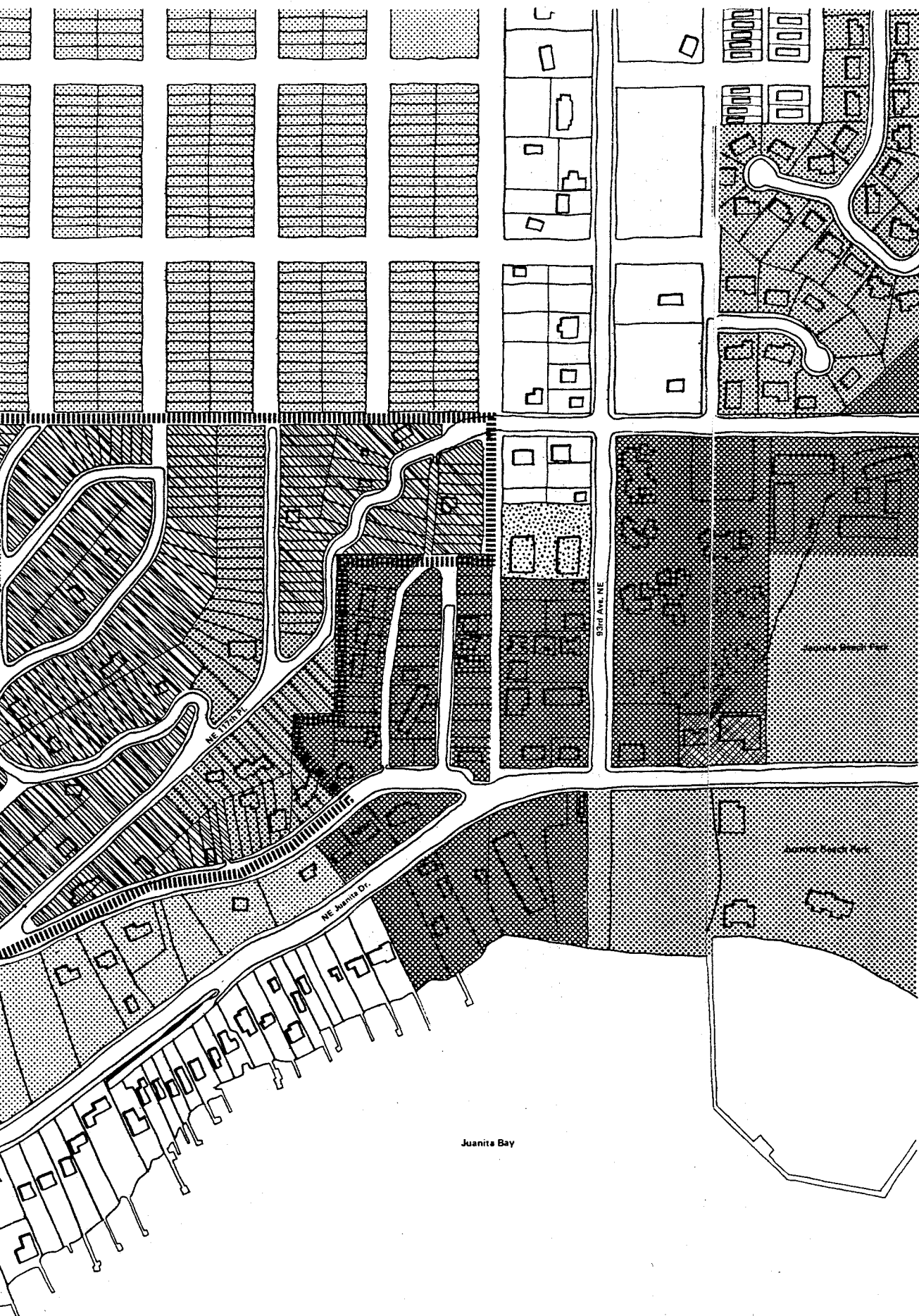




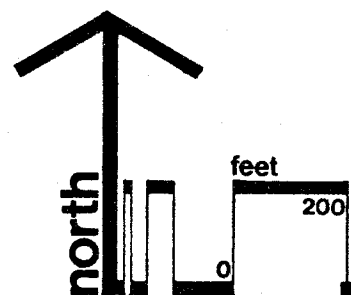
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# Goat Hill Study Area

FIGURE 5  
EXISTING ZONING



- RS 15000
- ▨ RS 15000 (POT RS 9600)
- RS 9600
- ▣ RS 7200
- ▤ RM 2400
- ▥ RM 1800
- ▧ RM 900



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The basis of this analysis was the section of the zoning code that deals with substandard lots (KCC 21.48.250). It requires that where several substandard lots, contiguous along their side lot lines, are under a single ownership, these lots "shall only be used, divided, transferred, sold or ownership changed in combinations" which meet minimum lot requirements. There are two important exceptions. First, a substandard lot or combination of substandard lots may be used for a single-family dwelling as long as the owner does not own adjoining property. The second exception is that where a combination of substandard lots totals more than one and one-half but less than twice the minimum lot requirement, two legal building sites may be created.

TABLE 2

LEGAL COMBINATIONS OF SUBSTANDARD LOTS

	<u>Juanita Beach Camps</u>	<u>U.L.I.D. #42</u>
15,000 s.f. or more	21	5
9,600 to 14,999 s.f.	12	3
7,200 to 9,600 s.f.	14	3
Less than 7,200 s.f.	48	10
Total	95	21

TABLE 3

POSSIBLE LEGAL BUILDING SITES BY ZONING CATEGORY

	<u>Juanita Beach Camps</u>	<u>U.L.I.D. #42</u>
RS-15,000	100 (75)	20 (16)
RS-9,600	123 (67)	29 (15)
RS-7,200	141 (54)	32 (10)

Note: Numbers in parentheses refer to the number of legal building sites less than the minimum area required by the zoning category.

Recommendation

The Planning Division recommends that the plan designation for the Juanita Beach Camps portion of Goat Hill be changed to Single Family, 2-3 units per acre and the zoning be changed to RS-15000. This is based on the following:

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1. County Comprehensive Plan policies support lower densities based on the presence of steep slopes. The majority of the study area contains slopes greater than 20%.
2. Access to the area is on single lane, unimproved roads that are far below County standards. In many cases, the steep slopes prohibit the development of better access. There are no road improvement projects currently scheduled in the area.
3. The number of existing lots is far above the density permitted in the Northshore Plan. This is due to the number of substandard lots and the ownership pattern. The recommended Plan designation of two to three units per acre recognizes the environmental constraints of the steep slopes and the lack of access and will decrease the overall number of potential building lots.



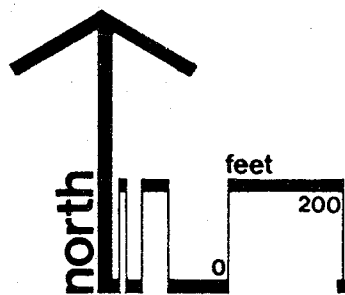
ORD NO 6739

# Goat Hill Study Area

FIGURE 6  
PROPOSED REVISION



- Single Family, 2-3 units/acre
- Single Family, 3-4 units/acre
- Single Family, 4-6 units/acre
- Medium Density Multifamily
- High Density Multifamily
- Max Density Multifamily
- Parks and Recreation
- Public Utilities



DIVISION OF BUILDING & LAND DEVELOPMENT  
 Department of Planning & Community Development  
 450 King County Administration Building  
 Seattle, Washington 98104  
 344-7900

6739

Z O N I N G     A D J U S T O R

## Report and Decision

SUBJECT: File No.: 80-2-V

Applicant: JOHN R. BEATY

Location: Lying on the west side of 90th Avenue N.E.,  
200' north of N.E. 117th Place

Request: A variance to allow segregation of six sub-  
standard lots under one ownership to be  
subdivided into two building sites; one lot  
containing 9,400 square feet, and the other  
containing 8,813 square feet, rather than  
the required 15,000 square feet.

DEPARTMENT REPORT: Application for variance was duly received and  
filed on October 10, 1979.

Public Notice of public hearing was mailed to  
property owners within a 500' radius of subject  
property by the Building and Land Development  
Division on December 11, 1979.

Field inspection was made by the Development  
Control staff on December 16, 1979 and on  
January 17, 1980.

A report was prepared by the staff and dated  
January 15, 1980, incorporating therein data  
and information taken from the application for  
variance, as well as that observed by site  
inspection.

I. PUBLIC HEARING:

The hearing on File No. 80-2-V was opened by the zoning adjustor at  
9:58 a.m., January 15, 1980, in Council Chambers, Suite 402 - King County  
Courthouse.

FILE NO. 80-2-V  
JANUARY 15, 1980 - PUBLIC HEARING  
REPORT and DECISION

Correspondence received and entered into the file:

- EXHIBIT 1 King County Department of Public Works, Division of Traffic & Planning, letter 12/26/79
- EXHIBIT 2 Robert W. Villareale, Letter & Position Paper in opposition 1/8/80

Exhibits entered by the staff:

- EXHIBIT C PLOT PLAN
- EXHIBIT D ASSESSOR'S MAPS
- EXHIBIT H STAFF REPORT

Speaking for the application:

John R. Beaty  
12801 N.E. 195th Way, Bothell, WA 98011

Speaking in opposition:

1. Robert W. Villareale  
11850 - 89th Place Northeast, Kirkland, WA 98033

Mr. Villareale submitted the following exhibit:

EXHIBIT 3 Petition of 18 residents in opposition.

2. John Bowdle  
13613 - 118th N.E., Kirkland, WA 98033
3. Ronald K. Putnam  
8938 N.E. 118th Place, Kirkland, WA 98033

The zoning adjustor, having considered the testimony given at the public hearing, and reviewing all exhibits presented, has rendered a decision under advisement.

The hearing on File No. 80-2-V was closed by the zoning adjustor at 11:13 a.m., January 15, 1980.

II. FINDINGS & CONCLUSIONS:

Having reviewed all exhibits entered into the record, considered all testimony presented at the public hearing and considering the zoning code requirements for a variance, the zoning adjustor makes and enters the following:

FINDINGS:

1. The request is for a variance to allow segregation of six sub-standard lots under one ownership to be subdivided into two building sites; one lot containing 9,400 square feet and the other containing 8,818 square feet, rather than the required 15,000 square feet.
2. The subject property fronts on 90th Avenue Northeast and is approximately 117' deep and 160' wide. The terrain in the vicinity can be described as severe, with access over a single lane width roadway, which must switch back to reach the property.
3. The surrounding properties are generally undeveloped in the immediate vicinity. There are technically two single family residences down the hill to the east, which appear to be former vacation cabins. Because of the terrain, the properties all have significant territorial or lake views, depending upon their orientation.
4. The applicant argues that he purchased the six lots in combination in excess of the minimum 15,000 square feet in order to have enough land to support an on-site sewage disposal system. Since his purchase, the sewer district passed a ULID to bring

sewers to his property. The applicant argues that the cost of the sewer assessment is so significant that he now cannot afford to maintain the property as one parcel. The applicant used neighboring sewer assessments to demonstrate that others enjoy benefits that he cannot, his point being that other assessments are lower because the parcels are smaller. An adjoining parcel is larger than his, but is large enough to be legally subdivided into 15,000 square foot lots. The applicant also pointed out a number of lots in the vicinity (Reference Exhibit D Assessor's Map) that are less than the minimum 15,000 square feet.

5. Several neighboring property owners objected to the variance, mainly citing the need to maintain large parcels on the rugged terrain. One argument was made that the hardship the applicant is claiming is caused by the sewer district, not the zoning code. They argue further that the applicant's ownership is only in excess of the required 15,000 square feet by 2,500 square feet (actually 3,218 square feet). One owner of a substandard parcel pointed out that substandard parcels are not necessarily built upon, arguing that he owned a substandard parcel below a larger holding and his intention has been to keep it as open space. Most opposition related their concerns to the affect of the proposal on the land, arguing that the area is sensitive due to its soil and topography, and that over-building can be dangerous.
6. Ordinance No. 4365, dealing with sensitive areas, and the Planning Division's study "Sensitive Areas Map Folio" dated February, 1978, were both cited to be considered as part of the record. The Map Folio identifies the subject property and immediate neighborhood as Class 2 Seismic Hazard, and adjoining properties as Class 3 Slide & Slippage Hazard.

7. The required showing for a variance, KCC 21.58.020, were cited to the record.


CONCLUSIONS:

1. Although the applicant is economically impacted by a large sewer assessment, the assessment is approximately 20% higher than had the lot contained 15,000 square feet.
2. The zoning requirement of 15,000 square feet is a minimum lot area requirement, and excess lot area in itself does not constitute grounds for a variance. Further, the zoning code provides for lots which are significantly larger than the minimum (KCC 21.48.250 (2)), and the subject property does not approach that condition. Note that the subject property with its 18,218 square feet is closer to 15,000 square feet than the 22,500 square feet cited by the above provision.
3. While there are other parcels in the immediate vicinity with lot areas less than 15,000 square feet, there was no evidence presented showing that they, in fact, enjoyed any privileges.
4. KCC 21.58.020 (b) also requires that the granting of the variance will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity. The limited roadway access to the hill, together with the sensitive nature of the land and its steep topography support the conclusion that the development of the lot at less than the minimum lot area required could be detrimental, if not dangerous.
5. The required showings in support of a variance cannot be made.

FILE NO. 80-2-V  
JANUARY 15, 1980 - PUBLIC HEARING  
REPORT and DECISION

ACTION: The Variance as requested is hereby denied.

ORDERED this 6th day of February, 1980.

  
\_\_\_\_\_  
IRVING BERTEIG  
ZONING ADJUSTOR

TRANSMITTED this 6th day of February, 1980, to the following parties of record:

John R. Beaty  
Robert W. Villareale  
John Bowdle  
Ronald K. Putnam  
Frank Walen  
A. Leonard Smith

Action of the zoning adjustor may be appealed in writing by any aggrieved party to the King County Zoning & Subdivision Examiner. Appeals together with appeal arguments as required by King County Ordinance #4461 must be filed within ten (10) days form the date of this transmittal, and submitted to the Building and Land Development Division addressed as follows:

Building & Land Development Division  
450 King County Administration Building  
Seattle, WA 98104

IB:jf

May 14, 1980

OFFICE OF THE ZONING & SUBDIVISION EXAMINER  
KING COUNTY, WASHINGTON

## DECISION OF THE ZONING AND SUBDIVISION EXAMINER

SUBJECT: FILE NO.: 80-2-V

Applicant: JOHN R. BEATY

Location: Lying on the west side of 90th Avenue N.E.,  
200 feet north of N.E. 117th Place.

Request: A variance to allow segregation of six  
sub-standard lots under one ownership to  
be subdivided into two building sites;  
one lot containing 9,400 square feet, and  
the other containing 8,813 square feet,  
rather than the required 15,000 square feet.

An assessment made against a parcel of real property to pay for improvements undertaken through a local improvement district, in this case a sewer ULID, is not a special circumstance which deprives the subject property of rights and privileges enjoyed by other properties in the vicinity and zone. Each property within a Sewer Local Improvement District is assessed in proportion to the benefit to that property. (RCW 56.20.010). The exclusive manner for contesting that assessment is provided by RCW 56.20.040-050 and 56.20.070-080.

The existence of a limited number of non-conforming uses in the area, or of substandard lots, as authorized by KCC Sections 21.52.010 and 21.48.240-250, does not deprive the subject property of rights and privileges enjoyed by other properties. The continuance of a non-conforming use established prior to the application of the current zoning protects only uses or property divisions which were authorized when established. There is no privilege conferred upon other properties to establish unauthorized uses. The subject property, if legally divided and separate ownerships established prior to present zoning, would have the same right to continue under separate ownership and to be developed separately. The appellants' argument would, if accepted, establish a basis for variance from the zoning code whenever a non-conforming use exists in the vicinity.

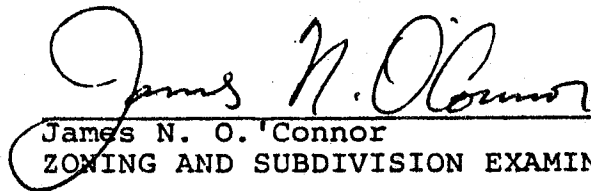
There may be situations when the prevalence of non-conforming uses and/or substandard lots result in surroundings which could be found to deprive a property of rights and privileges enjoyed by other properties in the vicinity. That situation does not exist in this case.



The Zoning Adjustor's findings are supported by the evidence, and the Examiner determines that, based upon those findings, the Adjustor's Conclusions and Action are appropriate.

The denial of the requested variance is affirmed.

ORDERED this 14th day of May, 1980.

  
James N. O. Connor  
ZONING AND SUBDIVISION EXAMINER

TRANSMITTED this 14th day of May, 1980 by certified mail, to the parties of record:

Jack Beaty	Larry Palin	Dave Baugh
Robert Hearst Jr.	Karen Hoff	Ronald Putnum
Gene Wiles	Oscar L. Roeder	Frank Walen
Robert W. Villareale	Gary Williams	

TRANSMITTED this 14th day of May, 1980 to the following:

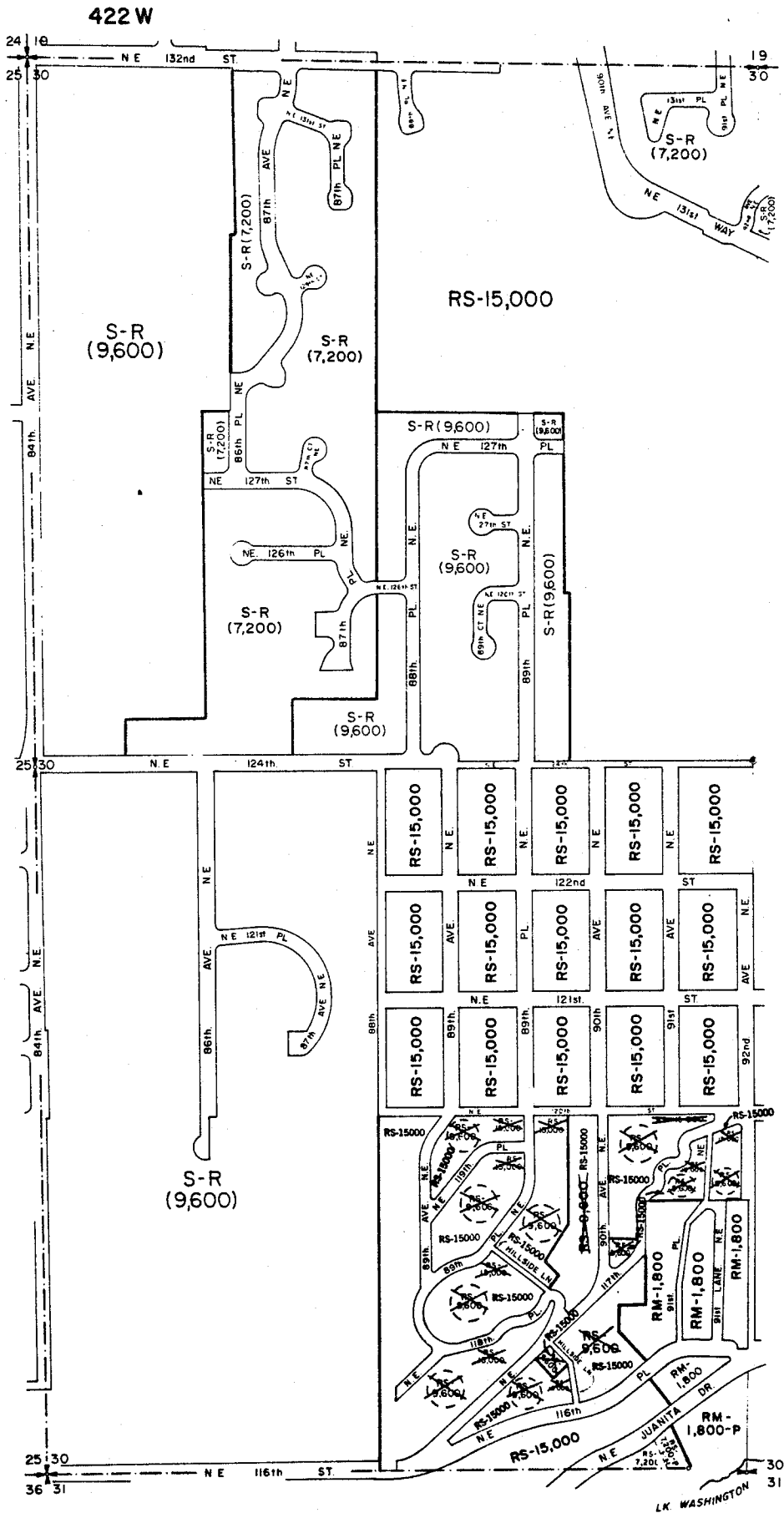
King County Division of Building and Land Development  
King County Department of Public Works & Transportation  
King County Division of Planning, Karen Rahm  
King County Department of Health  
Washington State Highway Department  
Irv Bertig, Zoning Adjustor, BALD

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decisions on behalf of the County regarding Conditional Use Permits and Variances. The Examiner's decisions shall be final and conclusive unless within 20 days from the date of the decision 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 decision.

JNO'S/hdm

PROPOSED AREA ZONING

6739



W30-26-5

LK WASHINGTON

739

Juanita  
Issue #4

Location: Sewer U.L.I.D. #42 (N.E. Lake Washington Sewer District), near N.E. 117th Place and 90th Avenue N.E.

Area Zoning, Page 143

Request: The applicants request a plan amendment from 2 homes per acre to 4 homes per acre on their and all other properties within this newly-formed U.L.I.D. The applicants hope to halve their lot to ease their tax assessments.

Applicant: John and Janet Beatty

Issues: All of the properties within this U.L.I.D. are presently RS-15,000 and all are designated 2-3 homes per acre in the existing Northshore Plan. These designations are based on the steep slopes and Class III Erosion Hazard found here as well the access to the site. This access is via steep, narrow, one-lane roadways, some unpaved.

This U.L.I.D. is partially within the Juanita Beach Camps plat, which was probably established around the turn of the century. A typical platted lot in this subdivision is 25 feet wide and 100 or more feet deep; all platted lots are less than the minimum lot requirement for the present RS-15,000 zoning. Of course, the zoning code requires that where several substandard lots contiguous along their side lot lines are under a single ownership, these lots "shall only be used, divided, transferred, sold or ownership changed in combinations" which meet minimum lot requirements. There are two important exceptions. First, a substandard lot of combination of substandard lots may be used for a single-family dwelling as long as the owner does not own adjoining property. The second exception is that where a combination of substandard lots totals more than one and one-half but less than twice the minimum lot requirement, two legal building sites may be created.

The two following tables show the extent of substandard yet buildable lots in this area.

Table 1: Legal Combinations of Substandard Lots

	<u>Juanita Beach Camps</u>	<u>U.L.I.D. #42</u>
15,000 s.f. or more	21	5
9,600 to 14,999 s.f.	12	3
7,200 to 9,599 s.f.	14	3
Less than 7,200 s.f.	48	10
Total	95	21

Table 2: Possible Legal Building Sites by Zoning Category

	<u>Juanita Beach Camps</u>	<u>U.L.I.D. #42</u>
RS-15,000	100 (75)	20 (16)
RS-9,600	123 (67)	29 (15)
RS-7,200	141 (54)	32 (10)

Note: Numbers in parantheses refer to the number of legal building sites less than the minimum area required by that zoning category.

As is apparent from this information, a substantial number of lots in both the plat and the U.L.I.D. would be substandard even under the requested RS-6200 (38% and 31% respectively).

This request arose when the proponents' property was included within U.L.I.D. #42. Because their lot was large (18,213 s.f.), the assessment was correspondingly large (\$17,166). This led to a variance request, which was denied, to create two lots. The proponents then requested a zoning change for the whole U.L.I.D. (to avoid "spot zoning"). Although their request is for RS-7200, a zoning of RS-9600 would allow the creation of two legal building sites under Sec. 21.48. 250(2) of the zoning code (the lot is more than one and one-half times the required (9,600 square foot minimum lot size).

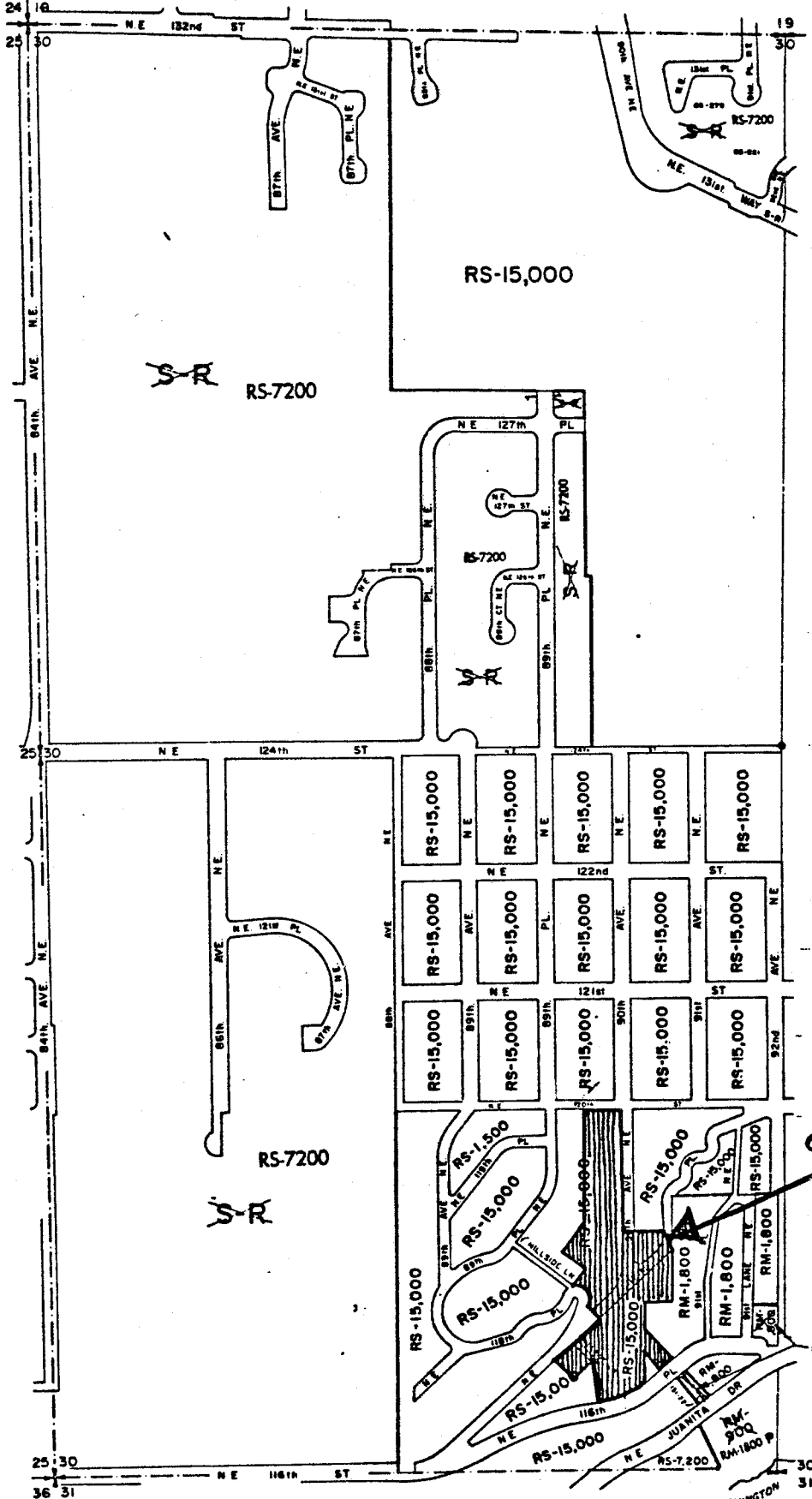
Besides noting the financial hardship placed on them by the sewer assessment, the proponents argue that, since the majority of lots in the U.L.I.D. are smaller than 15,000 square feet, RS-15,000 zoning does not do what it was intended to do, namely, keep this area low-density. The majority of the Juanita Beach Camps lots (75%) are substandard under the present RS-15,000. The Waterfront Addition to Kirkland, another old plat just to the north, also has a large number of substandard building sites, 34 or 44% of the 78 legal lots. Thus, if RS-15,000 zoning "does not do what was intended to do", different zoning should be applied throughout the plat (or plats).

**Planning Division Recommendation:** Deny the request for RS-7200 zoning for the following reasons:

- (a) County Comprehensive Plan Policy D-5 states "As slope increases, residential density should decrease..."
- (b) Roads in the subject area are either undeveloped or underdeveloped. A Road Improvement District could be formed to remedy this problem but these districts are difficult to get started.
- (c) Although the density in this area under RS-15,000 could exceed the planned 2-3 homes per acre, there is no designation (except high-density multi-family and above) which might not be exceeded under corresponding zoning. Substandard lots in the area are as

small as 2,000 square feet. Allowing increased density here would make a bad situation worse.

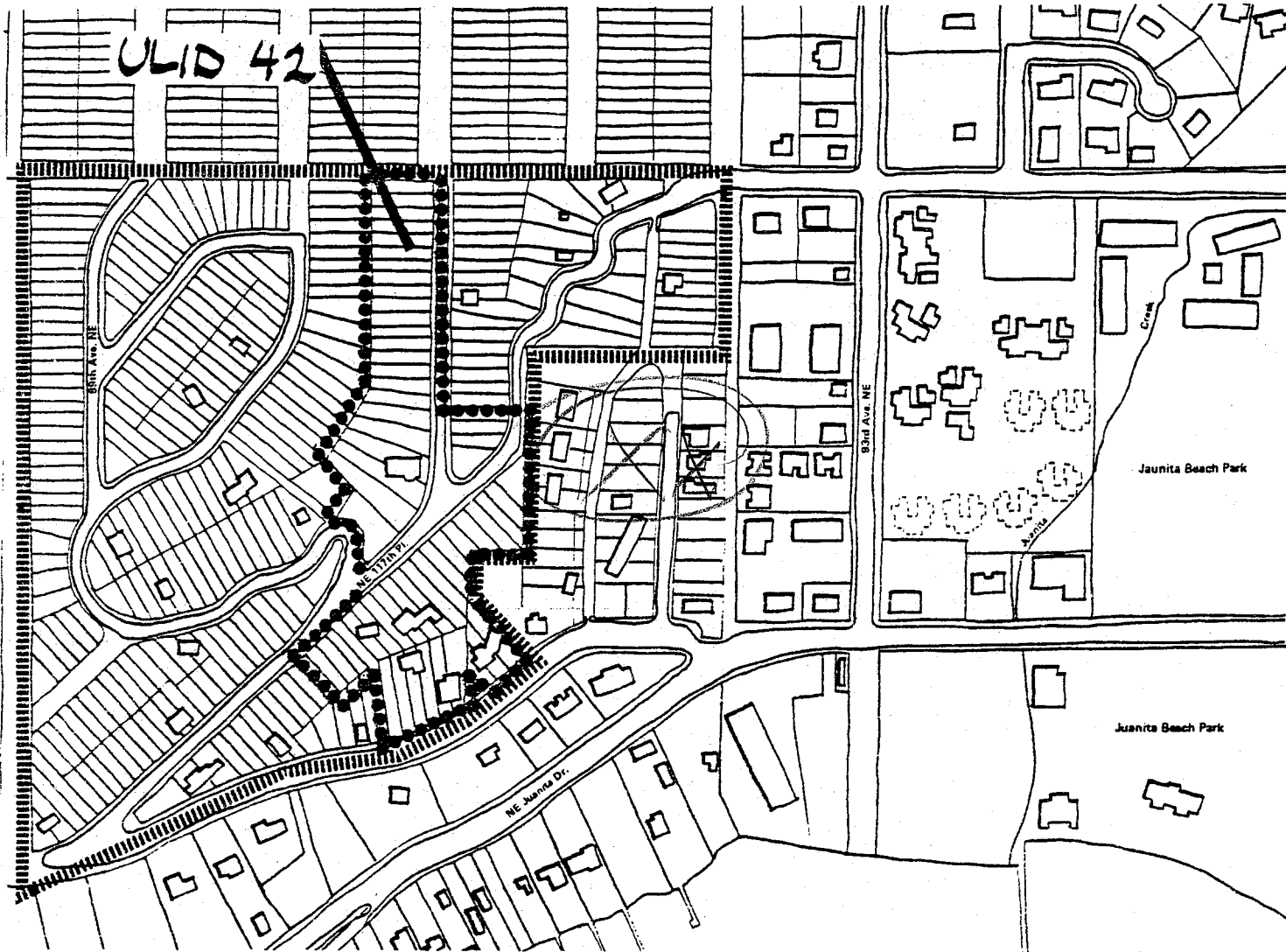
422 W



JOHN L.  
 & JANET  
 BEATTY  
 RS-7200

W30-26-5

The King County Council will conduct a public hearing on Monday, March 26, 1984 at 9:30 a.m. in Room 402 of the King County Courthouse, 3rd and James Streets, in Seattle to take testimony about changing the land use designation and zoning in the Goat Hill area. Please see the map below.

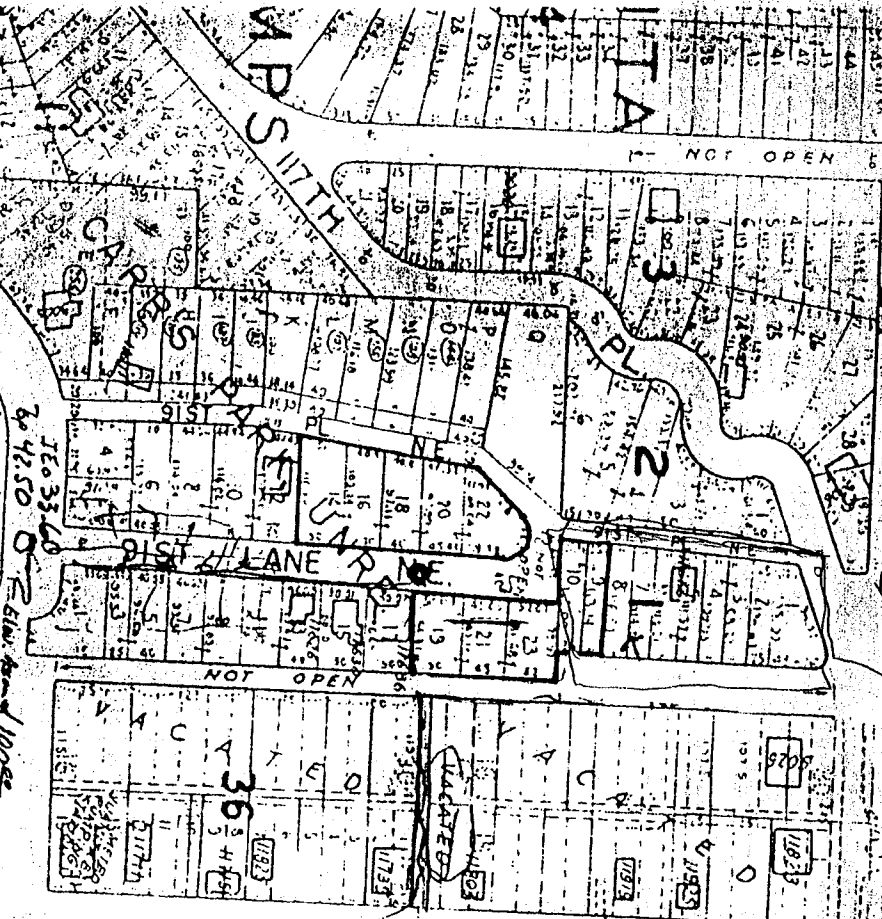


MAP EXPLANATION

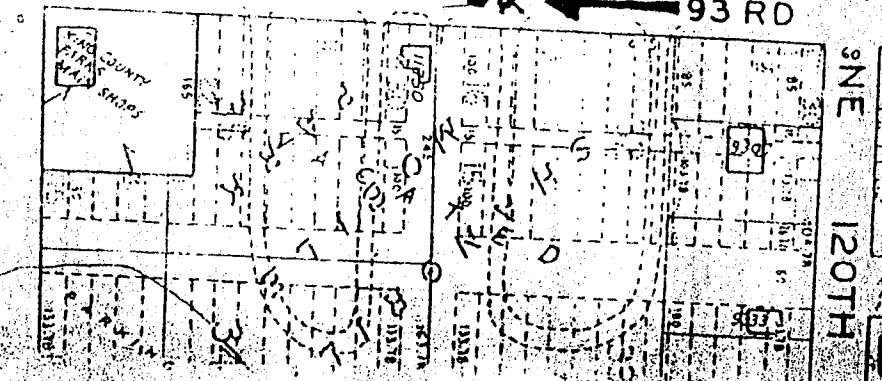
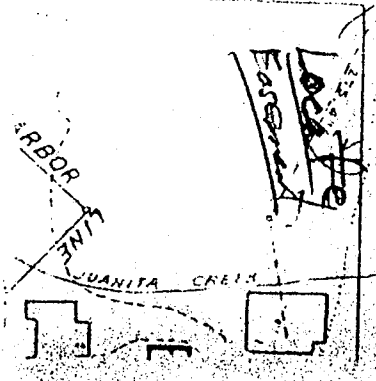
This is a map of the Goat Hill study area. The land use designation would be changed from 3 to 4 homes per acre to 2 to 3 homes per acre. The area outlined as ULID 42 would have the zoning changed from RS-9600 to RS-1500. The balance of the study area would retain the RS-1500 zone but a potential RS-9600 zone would be deleted. According to the provisions of the Revised Northshore Community Plan, the potential RS-9600 zone could not be realized until sewers were extended beyond the boundaries of ULID 42. To summarize, the Goat Hill study area would have a land use designation of 2 to 3 homes per acre, implemented by the RS-1500 zone.

If you have questions, please call Holly Kean at 344-7352 or Bob Blanchard at 344-7600.

JUANITA POINT DR  
NE SHORE DR  
JUANITA BAY CONDOMINIUMS  
28 UNITS  
JUANITA BEACH CAMPS



26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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