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ORDINANCE NO. _____

AN ORDINANCE concurring with the recommendation of the Zoning and Subdivision Examiner to remand to the Building and Land Development Division to allow the applicant to submit a plat in conformity to the existing zoning the Preliminary Plat of UNION HILL 137 designated Building and Land Development File No. 385-4.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

This ordinance does hereby adopt and incorporate herein the findings and conclusions contained in the report of the zoning and subdivision examiner dated October 2, 1985 which was filed with the clerk of the council on October 17, 1985, to remand to the Building and Land Development Division to allow the applicant to submit a plat in conformity to the existing zoning the preliminary plat of Union Hill 137 designated by the building and land development division, department of planning and community division, file no. 385-4, and the council does hereby adopt as its action the recommendation(s) contained in said report.

INTRODUCED AND READ for the first time this 18th day of March, 1985.

PASSED this 28th day of October, 1985.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

[Signature]

ATTEST:

[Signature]
Clerk of the Council

APPROVED this 7th day of November, 1985.

[Signature]
King County Executive

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REZONE AND SUBDIVISION AGENDA
ZONING AND SUBDIVISION EXAMINER
FOR THE KING COUNTY COUNCIL

MAY 2, 1985 - PUBLIC HEARING

ROOM 402 KING COUNTY COURTHOUSE, COUNCIL CHAMBERS

7390

9:00 a.m., or as soon thereafter as possible.

FILE NO. 1184-21 **ILLAHEE FOREST ESTATES - PLAT**
Owner: British Silbak Premier Mines, Ltd., 464 West 13th Avenue, Vancouver, B.C., Canada V5Y 1W5, Phone No. (604) 879-3511
Engineer/Surveyor: Concept Engineering/Micheal S. Webb, 545 Rainier Blvd. North, Suite 21, Issaquah, WA 98027, Phone No. 392-6868
STR: W½ 29-21-4
Location: East side of 1st Avenue South, in part, between South 358th Street and South 364th Street (if both were extended).
Zoning: S-R (15,000)
Acreage: 43.73
Number of Lots: 44
Typical Lot Size: 20,000 square feet
Proposed Use: Detached Single Family Residences
Sewage Disposal: Septic Tank
Water Supply: #124 and Federal Way
Fire District: #39
School District: #210

85-125

10:00 a.m., or as soon thereafter as possible.

FILE NO. 385-4 **UNION HILL 137-PLAT**
Owner: Union Hill Association, 16332 Pearson Road, Poulsbo, WA 98370, Phone No. 697-6341
Engineer/Surveyor: Subdivision Management, Inc., 16031 119th Place N.E., Bothell, WA 98011, Phone No. 488-1111
STR: W & E 9-25-6
Location: Between N.E. Union Hill Road and N.E. 65th Street (if extended), and in part, between 212th and 224th Avenues N.E. (if both were extended).
Zoning: G
Acreage: 137
Number of Lots: 93
Typical Lot Size: 17,000 and 35,000 square feet
Proposed Use: Detached Single Family Residences
Sewage Disposal: Septic Tank
Water Supply: Union Hill Water Association
Fire District: #34
School District: #414

A N D

FILE NO. 107-85-R **R. W. BURDICK - REZONE**
Owner: R. W. Burdick, 15332 Pearson Road, Poulsbo, WA 98370, Phone No. 697-6441
Agent: Subdivision Management, Inc., De-en Lang, 16031 119th Place N.E., Bothell, WA 98011, Phone No. 488-1111
STR: W 9-25-6
Location: South of Union Hill Road, west of 218th Avenue N.E. (if extended).
PROPOSAL IS: Rezoning of the property described, from G GENERAL TO SC SUBURBAN CLUSTER.
TO PERMIT: Use of property for 52 single family dwellings in a clustered lot subdivision.

Intro 3/18/85

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Introduced by: CYNTHIA SULLIVAN

85-125

PROPOSED ORDINANCE
NO. _____

AN ORDINANCE authorizing a Subdivision on certain property
at the request of Union Hill Association (UNION HILL 137)
Building & Land Development File No. 385-4.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION I.

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PLAT: UNION HILL 137
OWNER: UNION HILL ASSOCIATES
PROPOSAL: 137 acres into 93 lots
STR: W & E 9-25-6

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 PROPOSED SUBDIVISION



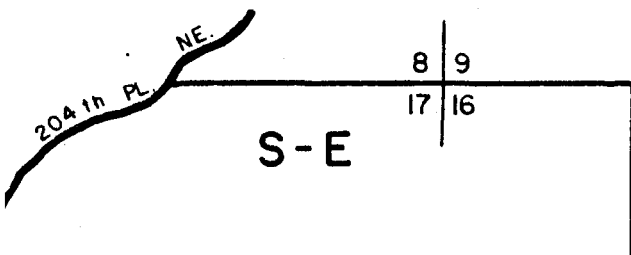
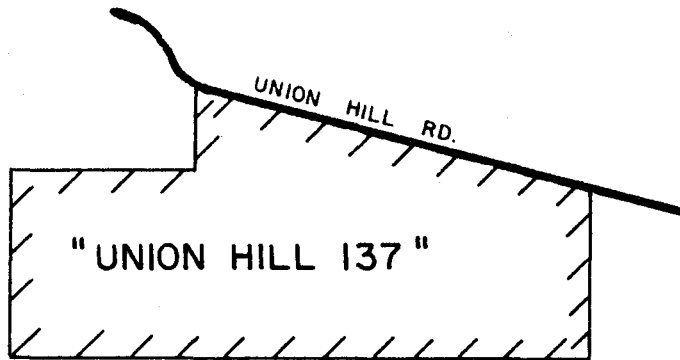
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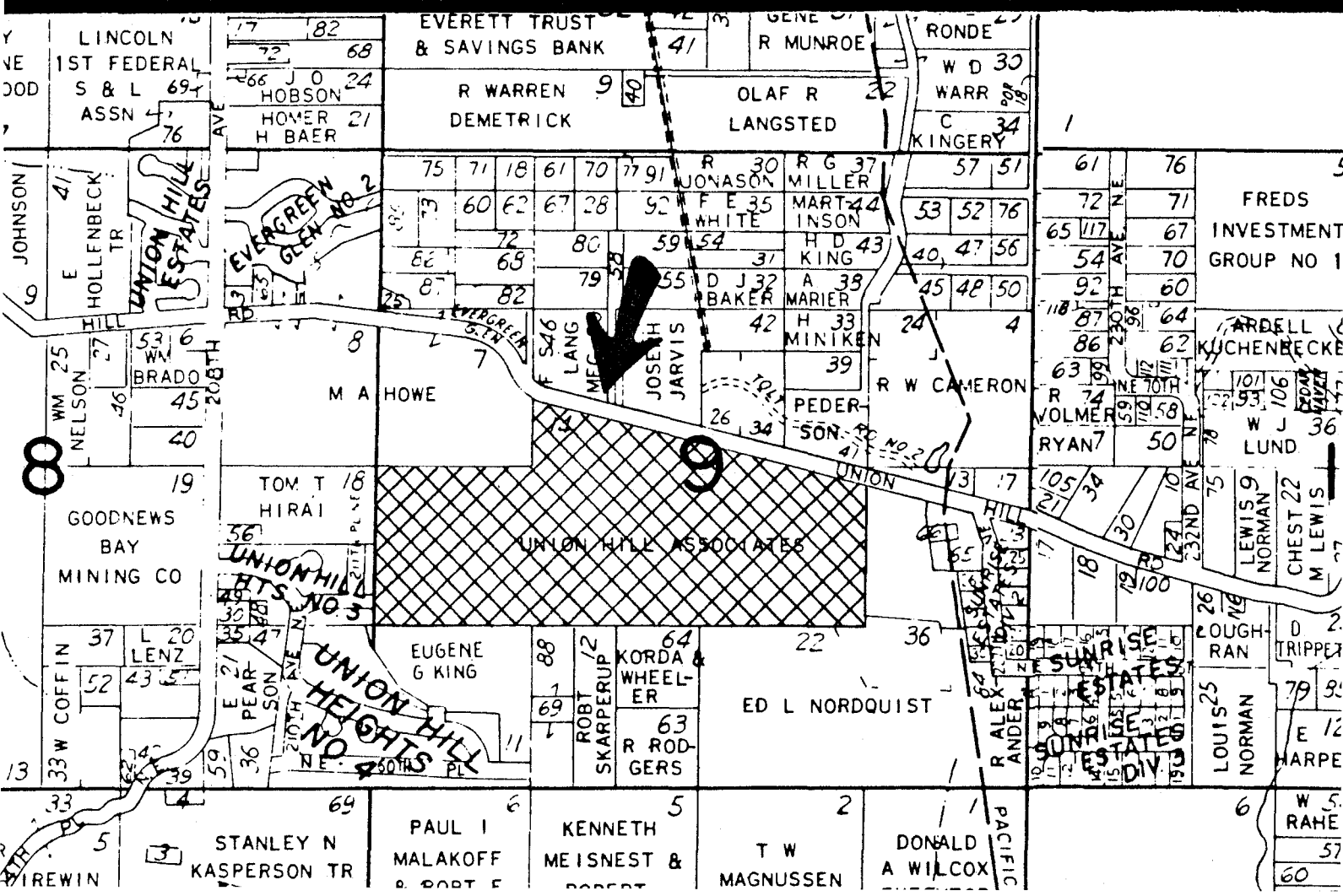
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King County Executive
Randy Revelle

Department of Planning and Community Development
Holly Miller, Director

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CLERK
KING COUNTY COUNCIL

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March 8, 1985

King County Council
402 King County Courthouse
Seattle, WA 98104

Attention: Dorothy Owens, Clerk of the Council.

RE: Introductory Ordinances for
File Nos. 107-85-R and 385-4

Dear Councilmembers:

Attached are Introductory Ordinances for the items listed on the Zoning and Subdivision Examiner's agenda scheduled for public hearing on May 2, 1985.

A copy of the agenda is attached for your information.

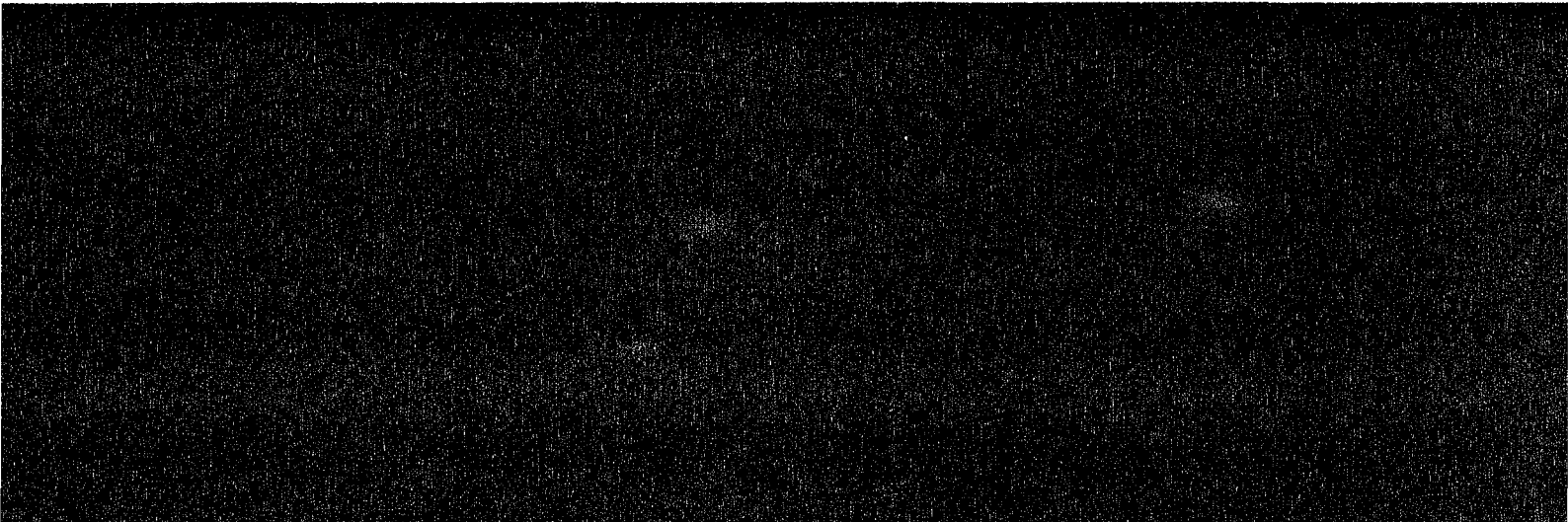
Sincerely,

Julian Hiraki
JULIAN HIRAKI
Supervisor
SUBDIVISION ADMINISTRATION

JH:rjh

Attachments

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King County Council

AUDREY GRUGER, District One
CYNTHIA SULLIVAN, District Two
BILL REAMS, District Three
LOIS NORTH, District Four
RUBY CHOW, District Five
BRUCE LAING, District Six
PAUL BARDEN, District Seven
BOB GREIVE, District Eight
GARY GRANT, District Nine



James N. O'Connor, Zoning & Subdivision Examiner
300 King County Administration Building
Seattle, Washington 98104
(206) 344-3460

7390

Mrs. Dorothy Owens
King County Council
Suite 402
King County Courthouse
Seattle, Washington 98104

RE: Building and Land Development File No. 385-4 & 107-85-R

Dear Mrs. Owens:

Attached you will find the report of the Zoning and Subdivision Examiner recommending that the Council deny the requested reclassification of UNION HILL ASSOCIATES and remand the preliminary plat of UNION HILL 137.

Also attached is an ordinance indicating the Council's concurrence with said report.

If the attached ordinance is passed by the Council, please transmit a copy to the Building and Land Development Division, Department of Planning and Community Development.

Very truly yours,

James N. O'Connor
ZONING AND SUBDIVISION EXAMINER

JNO'C:CAK

cc: Building and Land Development Division

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CLERK
KING COUNTY COUNCIL

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October 2, 1985

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OFFICE OF THE ZONING AND SUBDIVISION EXAMINER
KING COUNTY, WASHINGTON

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL FOR PLAT AND REZONE.

REPORT AND DECISION ON APPEALS OF THRESHOLD DETERMINATIONS.

SUBJECT: Building and Land Development File Nos. 107-85-R and 385-4
Proposed Ordinance Nos. 85-126 and 85-125

Proposed Plat of UNION HILL 137

UNION HILL ASSOCIATES
G (General) to SC (Suburban Cluster)

52 acres lying south of Union Hill Road, west of 218th Avenue N.E. (if extended)

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Deny Threshold Determination, Deny Rezone, Deny Plat
Division's Final:	Deny Threshold Determination, Continue Rezone, Continue Plat
Examiner:	Deny Threshold Determination, Deny Rezone, Remand Plat

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PRELIMINARY REPORT:

The Building and Land Development Preliminary Reports on Item Nos. 107-85-R and 385-4 were received by the Examiner on May 23, 1985 and June 13, 1985.

PUBLIC HEARING:

After reviewing the Building and Land Development Report, examining available information on file with the application and visiting the property and surrounding area, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item Nos. 107-85-R and 385-4 was opened by the Examiner at 1:30 p.m., June 6, 1985, in Room No. 402 of the King County Courthouse, 3rd Avenue and James Street, Seattle, Washington and adjourned at 3:00 p.m. Subsequent hearings were held on July 2, 1985 and August 15, 1985. The hearings were closed at 3:45 p.m., August 15, 1985. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the Zoning and Subdivision Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:REZONE - 107-85-R

1. General Information:
- | | |
|------------------|---|
| STR: | NW and SW 9-25-6 |
| Location: | South of Union Hill road, west of 218th Avenue N.E. (if extended) |
| Zoning: | G (General) |
| Acreage: | 52 |
| Water Supply: | Union Hill Water Association |
| Fire District: | No. 34 |
| School District: | Lake Washington No. 414 |

PLAT - 385-4

- General Information:
- | | |
|------------------|---|
| STR: | W and E 9-25-6 |
| Location: | Between Northeast Union Hill Road and N.E. 65th Street (if extended), and in part, between 212th and 224th Avenues N.E. (if both were extended) |
| Zoning: | G (General) |
| Acreage: | 137 |
| Number of Lots: | 93 |
| Proposed Use: | Detached single family residences |
| Sewage Disposal: | Septic Tank |
| Water Supply: | Union Hill Water Association |
| Fire District: | No. 34 |
| School District: | Lake Washington No. 414 |

2. This matter involves a request for preliminary plat approval and a partial rezone of 137 acres south of Union Hill Road in the Bear Creek planning area. As described more fully below, the Building and Land Development Division has made a threshold determination of environmental significance on each of the applications which have each been appealed by the applicant. The undersigned examiner combined the two land use applications, together with the threshold determination appeals, under the State Environmental Policy Act pursuant to KCC 20.24.140 following the initial hearing on June 6, 1985. The combined hearing on the rezone, preliminary plat and two appeals of a threshold determination was then heard on July 2, 1985 and August 15, 1985.
3. Pursuant to the State Environmental Policy Act (SEPA), RCW 43-21C, the responsible official of the Building and Land Development Division issued threshold determinations of non-significance for the rezone and the plat separately on March 12, 1985. The Division had determined that the proposal did not have a probable significant adverse impact on the environment and that therefore no environmental impact statement was required prior to proceeding with the review process.

Agencies, affected tribes and the public were offered the opportunity to comment on or appeal the determination for 15 days. Following receipt of 70 letters from the general public expressing a variety of concerns over the environmental affects of the project, the Division

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reversed its position and issued a determination of significance and scoping notice on April 9, 1985. It is this determination which is the subject of the threshold determination appeal in the instant matter.

4. The applicant is the owner of 137 acres zoned G, east of the City of Redmond. This applicant has attempted to sell the property on previous occasions, however, preliminary soil studies at those times indicated that soils found on the property would not sustain on-site sewage disposal. However, certain portions of the site contain soils of adequate capacity. In order to take advantage of these soils, the applicant has requested that 52 acres of the site be reclassified from G (General) to SC (Suburban Cluster) in order to permit the clustering of smaller lots on the best soils at the site. Unpercolable soils would be retained as part of the proposed permanent open space. The proposed plat would then be comprised of 2 divisions. In Division 2, the cluster subdivision, typical lot size would be 18,000 square feet with a 25 acre tract identified as permanent reserve. There would be 52 lots in Division 2 as presently proposed. Division 1 would be comprised of 41 lots as illustrated on the preliminary plat map (Exhibit 11). When developed, the applicant asserts that the resulting 93 lots would accommodate single family homes in a number not in excess of that permitted by G zoning which allows development at one unit per acre. This, of course, is premised on the assumption that the entire site could be developed at one unit per acre.
5. The initial Declaration of Significance in this matter was premised on three primary considerations. The first of these was a conflict with land use requirements. The Building and Land Development Division contended that the concept of low density clustering proposed was in conflict with Policy 14 of the Bear Creek Middle Plan (as set forth below) which provides that the County must announce its intent before revising the policy of urban reserve in the Bear Creek planning area taking into consideration such factors as the availability of urban facilities and services. Further, Ordinance 7178 (2) (C) adopting the 1985 Comprehensive Plan provides that where the Comprehensive Plan and previously adopted community plans have applicable policies or plan map designations in conflict, the Community Plan shall govern until revised to conform to the Comprehensive Plan. This, therefore, calls for development at one unit per acre. The Department has, however, reversed its position in this regard and no longer believes that this policy is a basis for a Declaration of Significance.

The second basis of the Department's threshold determination was based on neighboring residents' concern with water quality. As discussed at greater length below, homeowners in the neighborhood are concerned that effluent from on-site disposal systems on this property might pollute nearby wells and wetlands. Following its Declaration of Significance, the Building and Land Development Division consulted with the Municipality of Metropolitan Seattle, the Surface Water Management Division of the Department of Public Works, the King County Health Department and the State Department of Ecology in that regard. Following these consultations, it was determined that no probability for an adverse impact on nearby domestic water supplies existed. As noted at greater length below, this issue is still in dispute between the applicant and residents of the neighborhood.

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Finally, the Department has concluded that the level of service on nearby roadways is so poor that an increase in daily vehicle trips will create a significant adverse impact on affected roadways. As described at greater length below, most of the traffic from the proposed subdivision would travel in a generally easterly direction on N.E. Union Hill Road toward Avondale Way N.E. and the City of Redmond. Levels of service (LOS) on those roadways are currently at or below E* resulting in non-compliance with Ordinance 6677 which calls for the award of a contract creating level of service D on affected roads before final approval of a subdivision or approval of a reclassification. The Division has not amended its contention in this regard and states that this consideration is an adequate basis for a Declaration of Significance in regard to the the subject applications.

6. By using standard engineering methods, the Building and Land Development Division estimates that the proposed subdivision would generate 930 vehicle trips per day when fully developed. The majority of the trips generated by the development would travel westerly on Union Hill Road and south on Avondale Road to gain access to the major arterials in the area. The applicant's engineers have prepared a traffic study which estimates that 95% of the daily traffic generated by Union Hill 137 would flow eastward toward the intersection of Union Hill Road and SR 920. At that intersection 98% would flow south on SR 920 and 2% would flow northward along SR 920 to Avondale Road. In the immediate vicinity of the point where N.E. Union Hill Road intersects SR 920 are several other intersections. Union Hill Road goes on to intersect Avondale Way N.E. and north of Union Hill Road, SR 920 itself intersects Avondale Road N.E. To the south, SR 920 and Avondale Way N.E. intersect the Redmond-Fall City Road (SR 202). As a result, traffic from several directions is flowing into a limited area and badly overtaxing the existing facilities. The Division in its report indicates that the Redmond area traffic study, a joint study prepared by King County, the City of Redmond and the Washington State Department of Transportation in February, 1985, has analyzed levels of service in the area where Avondale Road, N.E. Union Hill Road, SR 920 and SR 202 come together along the eastern boundary of Redmond. The level of service on the Avondale Road section from SR 920 to Novelty Hill Road is at E and probably F. (The level of service calculation E was based on a 1982 traffic count which the responsible agencies now estimate has increased reducing the level of service to F) The Subdivision Technical Committee recognizes that the recent installation of a traffic light at the intersection of Avondale Road and Union Hill Road and the scheduled installation of improvements at the intersection of SR 920 and SR 202 by the State Department of Transportation will have a positive impact on the flow of traffic in the area. However, the critical roadway section impacted in the Subdivision Technical Committee's estimation is that

*LOS as defined in the King County Transportation Plan refers to the degree of congestion on a roadway or intersection and is based on the vehicle operating speed, travel time, traffic interruptions, delays, safety, and driving comfort. LOS is described by a letter scale from A to F. "A" represents the best service and "F" represents the worst service.

Historically, roadways have been designed to provide LOS C for their projected travel demand. LOS D has been considered undesirable. In recent years, because of increased pressure to improve the efficiency of the transportation system, the roadway design LOS has often been reduced to D and the undesirable level considered to

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portion of Avondale Road between its intersection with N.E. Union Hill road and SR 920 which is within the jurisdiction of the City of Redmond. King County itself has scheduled improvements on Avondale Road between its intersection with SR 920 and Novelty Hill Road. However, these improvements are insufficient to bring the level of service to LOS D as required in Ordinance 6677, in the opinion of the Transportation Planning Section.

It is also the Subdivision Technical Committee's fear that because of the traffic congestion near Redmond, traffic might flow southward along 208th Ave. N.E. from the proposed plat to gain access to Redmond-Fall City Road. This roadway is not adequate for the levels of traffic which would be generated from the proposed plat. The 208th Ave. N.E. - 204th Pl. N.E. corridor is a steep winding road with little or no shoulders and in view of its condition, the Technical Committee would require additional information regarding how to deal with this roadway if a plat were approved on this site.

- 7. In response to the Technical Committee's concerns with the inadequacy of nearby streets to handle the traffic from the proposed plat, the applicant has prepared a traffic study which generates better levels of service by utilizing a somewhat different method of measuring levels of service in the area. While the applicant concedes that the levels of service at the intersections in question are below the levels required by ordinance, the utilization of so called speed delay runs to measure the average overall travel speed of a section of roadway produces levels of service substantially better than that derived from the volume capacity ratio method used by King County. By making speed delay runs in both directions between SR 202 and N.E. 130th St. along Avondale Road, the applicant concluded that there is a level of service A for the entire section, though the applicant concedes that the section of Avondale Road between SR 202 and Union Hill Road is experiencing long delays. Speed delay analysis derives the level of service by taking the average speed between two points. In this instance the northernmost point was well beyond the concededly congested portion of Avondale Road.

The Transportation Planning Section representative on the Technical Committee states that Volume Capacity Ratio analysis is the method called for by County ordinance and that, in addition, in order to maintain a consistent method of analysis of traffic level problems, the same method must be used in various applications. Speed delay analysis not only does not address the critical portion of the roadway, in the Traffic Planning section's view, but when it performed its own speed delay analysis it found the level of service to be at E to F with an average speed of 9 miles per hour as contrasted with the applicant's study which produced an average speed of 25 miles per hour or greater (Exhibit 21, Table 2).

- 8. The applicant also points to the City of Redmond's recent announcement that it has received funds from the Urban Arterial Board for the design of road improvements in the vicinity, including the widening of Avondale Road from Union Hill to Novelty Hill Roads. The City must, however, match State funds prior to receiving the State grants for the construction of the proposed roadways. It is proposed to finance the City's share of the program through bonds which will be on some future ballot proposition, but the City has taken no action in that regard. The applicant argues that this circumstance is sufficient compliance to the requirements of Ordinance 6677 for making preliminary approval contingent upon the award of a contract for transportation improvements to bring the

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level of service to D or better. The Subdivision Technical Committee responds by saying that preliminary approval would be premature prior to assured funding. This project is far from a certainty, it is argued, with an EIS, support by the City Council, a vote of the people and a bond sale and bidding still to come. The applicant argues that it is adequate to comply with requirements of Ordinance 6677 before final approval. The Union Hill Association is willing to take the chance that it will complete its improvements on the site and be unable to proceed with the development and sale of individual homes if required improvements to nearby arterials have not occurred before recording.

9. As noted above, the Building and Land Development Division based its Declaration of Significance in the instant matter in part on the concerns of neighborhood residents who are alarmed about the possibility of septic tanks at the proposed density. It is feared that septic tanks would create pollution in nearby wells which are the source of domestic water supply for many of the residents in the area. Following its positive threshold determination, the Division consulted with the Municipality of Metropolitan Seattle, the King County Health Department, the Department of Ecology and the Surface Water Management Division of the Department of Public Works who have each considered the soils on the site and determined that they are adequate to support drainfields for on-site disposal systems.

The applicant has caused studies to be performed by consulting engineers who conducted a soil investigation in October, 1984. At least one soil log and percolation hole was made for each lot's proposed drainfield area. The results of these studies are set out in full in Exhibit 4 of the examiner's hearing. Succinctly stated, the soils investigation identified all of the lots as having adequate soil conditions to support individual on-site waste water disposal systems. There are three major soil types in the area. AgC and AgD, EvC and RdC. In the western portion of the proposed plat where the cluster lots are to be located, the majority of the lots are characterized by EvC, Everett gravelly sandy loam, and RdC, Ragnar Indianola Association, sloping. Moving eastward in the proposed plat, the soil changes to AgD and AgC. This soil is characterized by loose sandy loam from 0 to 20 inches to 40 inches. A semicompacted to compacted fine gravelly sandy loam ranges below the 20 inch to 40 inch range. Hardpan or very compacted sandy till was found around 40 inches to 50 inches. Mottling on some of these lots indicates a seasonal high water table of about 24 inches to 48 inches. Percolation rates for all 93 lots were less than the maximum set by the King County Health Department.

Neighboring residents state that 8% slopes have a potential for groundwater contamination inasmuch as the direction of underground water flows will tend to be that of the overlying topography. The proposed home sites slope downward toward the wells located in the south. In addition, there is a salmon stream on-site which would be impacted by effluent from on-site disposal systems. It is also argued that there have been substantial numbers of septic tank failures in the area and that the soils have been proven unsuitable for sustaining long term septic tank use.

The applicant's engineer responds to these assertions by stating that the aquifers in this vicinity are small and discontinuous. They are comprised of pockets at various

levels as indicated by numerous well logs none of which indicate that the wells tap the same aquifer. Such wells are fairly low producers and indicate that the aquifers are limited in size. Therefore, it does not appear that there is a great deal of interaction between underground waters in the area if, indeed, the soils were inadequate for waste water disposal.

Regarding the failure rate of septic tanks in the neighborhood, the applicant's engineer reports that his firm surveyed 62 of 164 households in the vicinity, 54 of which said they had never had a problem with septic tank failure. Eight said some problem existed but that it had already been repaired or could be fixed. This is indicative of a failure rate of about 13% in drainfields which are some 20 years old on the average. This is argued to indicate adequate soils for on-site disposal. The typical existing septic tank system was built under the less stringent regulations in existence at that time. Today, more stringent criteria are imposed upon on-site disposal systems. A 100% reserve area is required, more soil depth is required, and a 12,500 square foot lot is the minimum for an on-site disposal system. No lots less than 20,000 square feet are proposed in this plat. Therefore, the applicant argues that no significant problems with on-site disposal systems are foreseen. The indications in federal soil logs that the site has severe limitations for on-site disposal systems are generalized findings which cannot be utilized to indicate soil conditions on specific sites, the applicant states. For this purpose one needs to specifically analyze the soils in question, which the applicant has done.

10. The Building and Land Development Division reports that since the requested reclassification to SC on a portion of the site would not increase the overall density on the property it is consistent in that respect, at least, with the existing G zoning. The Bear Creek Middle Plan implemented the policies in the 1964 Plan and designated certain portions of the planning area as a residential reserve area. The G (General) zone was applied during the Pine Lake Area Zoning process to implement the residential reserve designation of the plan. As set forth below, Policy 14 of the Bear Creek Plan indicates that at such time as urban facilities are available, capable of supporting an urban pattern, the County will notify regional authorities that the plateau is no longer to be an urban reserve area. In 1980, the Department of Planning and Community Development refined and clarified land use Policy 14 for the eastern plateau by delineating the reserve area (as seen on Attachment 13 to the Report of the Building and Land Development Division for the examiner's hearing). This policy of the Planning and Community Development Department recognized that some portions of the eastern plateau contained some urban services such as public water and transportation and a pattern of existing development at a density of one unit per acre. This property is located within the area designated in the Department's policy as suitable for one acre densities. The 1985 Comprehensive Plan designates the property as transitional. That Plan provides in Policy PC-109 that in portions of the transitional area where community plans have been adopted, prior to the adoption of the 1985 Comprehensive Plan, the plan designations and area zoning used in the community plan should remain in effect until revised to more closely conform to the Comprehensive Plan. In this light, it is argued that the reclassification does not comply to either Policy 14 of the Bear Creek Community Plan or the Department of Planning and Community Development's 1980 administrative policy which clarified the specific

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application of the G zone in relation to one and five acre densities. The Bear Creek Community Plan is, however, silent in regard to the issue of clustering. The Suburban Cluster zone was not in existence when the Bear Creek Middle Plan was written, but the 1985 Comprehensive Plan contains text and policies regarding clustering. There is no conflict, therefore the Division argues, between the 1985 Comprehensive Plan and the Bear Creek Middle Plan insofar as clustering is concerned.

Policies R-212 and R-104 of the 1985 Comprehensive Plan as set forth below provide that lands in a transitional area should have a maximum average density of one dwelling unit per five acres unless previously adopted community plans specify an average density of one dwelling per 2.5 acres. When services permit, however, clustering should be permitted to retain future tracts for urban density development. Policy R-104 provides that King County should encourage residential densities and site design such as low density clusters in transitional areas which recognize existing limited services and protect future urban and rural development choices for the land. Ordinance 7178 (2) (C-2) provides that the previous community plan shall prevail in instances where that previously adopted plan and the Comprehensive Plan have designations which conflict; therefore it is argued that the proposal is in conflict with Policy 14 of the Bear Creek Middle Plan and that Ordinance 7178 (2) (C-2) is applicable and requires development at one acre densities. It is further argued that the applicant cannot meet the requirements of Ordinance 6677 because of the traffic problems described above.

11. Residents in opposition to the proposed reclassification argue that cluster development is inconsistent with the existing character of the neighborhood and should not be permitted. Development at these densities would foreclose future options and make the currently ongoing community planning process for the area an exercise in futility. The representative of the Concerned Citizens for Union and Novelty Hills confirms the existing low levels of service on the affected streets and states that even the addition of turn-lanes will not improve the situation inasmuch de facto turn-lanes now exist on the bike lane that is constructed near the Avondale intersection. Despite improvement plans, the intersections will only have greater storage capacity and traffic will still not flow smoothly. Intersection and road capacities are so low that plat approval or reclassification would be inadvisable, in the neighbors' view. The matter should be continued in the view of the Concerned Citizens for Union and Novelty Hills inasmuch as the proposed bond issue is still problematic and there is no reason to feel that the improvements will substantially mitigate the problem. It would be premature to attempt to measure the impact of the proposed project until the improvements are installed at some future date and then see if traffic problems have been sufficiently reduced to allow further development.
12. The subject property lies within the Evans Creek sub-basin of the Cedar River drainage basin which has been identified by METRO and the Surface Water Management Division as a critical drainage sub-basin. The Evans Creek wetland No. 13 is located on the southwest corner of lot 6 of Division 2 of the proposed plat, approximately 500 feet from the limits of the rezone site. METRO reports that the CSR rating of Evans Creek adjacent to this project is 1. Therefore, the special drainage conditions for the Bear-Evans Creek basin critical area designation require a 30 foot native growth easement, 200 foot grasslined swales for water either entering or

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leaving a detention facility, and all drainage facilities designed for a 25 year storm and 5 year release rate unless otherwise approved by the Surface Water Management Division. The 25-year floodplain must be identified and no structures, fills or obstructions permitted within it. In addition, a downstream drainage analysis must be performed and the Surface Water Management Division has recommended a qualified biologist perform an assessment enhancement plan to address the continued use of the wetland as a natural and perhaps augmented drainage feature which can continue to support native flora and fauna. Neighboring residents share the concern with the waterways in question stating that septic effluent as discussed above will adversely impact wetland and that runoff and surface water drainage must be controlled.

13. The Subdivision Technical Committee has proposed extensive conditions if preliminary approval is granted to a plat on this site. Particularly Condition 16 recommends a connection to N.E. 66th St. which has been stubbed to the western boundary of this property in the plat of Union Hill Heights. Residents of that plat have objected to any such extension stating that it would adversely impact their neighborhood by increasing traffic and creating a hazardous condition for pedestrians and children who are accustomed to playing on the streets. The Subdivision Technical Committee responds that the street was stubbed to the western boundary of Union Hill 137 with the intent that it would connect up to any future subdivision thereby helping to create an adequate system of internal circulation for the neighborhood.

14. RCW 43-21.C.090 reads as follows:

Decision of Governmental Agency to be Accorded Substantial Weight. In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement or the adequacy of a "detailed statement" the decision of the governmental agency shall be accorded substantial weight.

Comprehensive Plan Policy R-212 provides as follows:

Lands in Transitional Areas should have a maximum average density of one dwelling unit per five acres Where previously adopted community plans have specified an average density of one dwelling unit per 2.5 acres, this density may continue. When conditions for on-site sewage disposal, availability of public water, and other services permit, development should be clustered to retain larger tracts for future urban density development. Transitional Areas should be redesignated as Urban areas and higher density zoning applied when adequate urban facilities and services are or can be made available in time to meet the need, or as Rural Areas where appropriate.

Comprehensive Plan 1985, Policy R-104 provides as follows:

King County should encourage residential densities and site design (for example, low-density clusters) in Transitional Areas which recognize existing limited services and protect future urban and rural development choices for the land.

Ordinance No. 7178 (2) (C-2) provides as follows:

C. Unclassified use permits and zone reclassifications, which are pending or proposed on or after the effective date of this ordinance, shall conform to the comprehensive plan and applicable adopted community plans as follows:

* * *

2. For aspects of proposals where both the comprehensive plan and previously adopted community plan have applicable policies or plan map designations which conflict, the community plan shall govern until revised to conform to the comprehensive plan.

KCC 20.24.190 provides as follows:

Additional examiner findings - Reclassifications and shoreline redesignations. When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings which support the conclusion that at least one of the following circumstances applies:

A. The property is potentially zoned for the reclassification being requested and conditions have been met which indicate the reclassification is appropriate; or

B. An adopted community plan or are a zoning specifies that the property shall be subsequently considered through an individual reclassification application; or

C. Where a community plan has been adopted but subsequent area zoning has not been adopted, that the proposed reclassification or shoreline redesignation is consistent with the adopted community plan; or

D. The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate; and

3. The requested reclassification or redesignation is required in the public interest.

15. Other applicable policies and ordinances are set out in the reports of the Building and Land Development Division for the June 27, 1985 and are adopted here by reference.

16. Any conclusion of law in this combined decision and report and recommendation which should be deemed a finding of fact is hereby adopted as such.

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CONCLUSIONS:

1. As set forth above, State law provides that the Department's determination of significance in this matter is to be accorded substantial weight. In view of the undisputed traffic problems in the vicinity of the proposed development, it does not appear that the Department has erred in its threshold determination.¹ It is my conclusion that there is a probable significant adverse environmental impact from the additional traffic generated by the proposed plat and rezone. By requiring an Environmental Impact Statement for this aspect of the development, the Department has properly exercised its authority under the "scoping" provisions of the applicable State laws. On the basis of the evidence at hearing it does not appear that the Department erred in its determination that there is no probable significant adverse impact from the proposed on-site disposal systems in the subdivision of Union Hill 137. The applicant has adequately established that the soils on the site will sustain a workable system and the proposal has been reviewed at far greater length than an ordinary plat by responsible agencies. Those concerns expressed by neighboring residents are more in the nature of unsubstantiated fears and no substantive evidence has been presented that would indicate substantial potential harm to domestic water supplies. In any event, further evaluation of on-site disposal systems will be carried out by the Health Department before final approval. Insofar as the neighbor's assertion that the density of the proposed plat would create a probability of a significant adverse impact upon the environment, it is my conclusion that they are in error. While there is no doubt that the proposal will to some extent affect the environment, it is my conclusion that the single family homes proposed either under the existing zoning or the proposed densities would not create a probable significant adverse impact on the environment. Which is not to say that the applicants are necessarily entitled to proceed at the proposed densities as noted below. An Environmental Impact Statement should therefore be required before any permits are issued in this matter.
2. As noted above, the G (General) zone was used to implement the 1964 Comprehensive Plan which showed the eastern plateau as a residential reserve and the Bear Creek Middle Plan which designated the plateau an urban reserve area. The 1985 Comprehensive Plan shows the site as located in an area designated transitional. Pursuant to Policy PC-109 of that Plan, in those portions of the transitional area where community plans have been adopted prior to the adoption of the new Comprehensive Plan, the plan designations and area zoning used in the community plan should remain in effect until that community plan is revised to more closely conform to the Comprehensive Plan. The Bear Creek Community Plan has not yet been revised. Pursuant to Policy 14 of that plan, the eastern plateau is to remain an urban reserve area until the County announces its intent that it is no longer an urban

¹The proper method of analysis under County ordinances is the Volume Capacity Ratio study. As evidenced here speed delay runs are not only impermissible but can produce widely varying results depending on what road segment is utilized. Carried to its extreme one could go indefinitely in any direction on a roadway and raise the LOS by high average speeds.

reserve and an revised Middle Plan is being prepared to indicate more intensive uses. In this instance, the initiation of the community planning process has not explicitly or impliedly announced any intention for more intense uses for the plateau. The question is unresolved at this point in time. Therefore, it is my conclusion that the plan designation and zoning on the site must remain in effect pursuant to the 1985 Comprehensive Plan and Ordinance No. 7178 which implements that aspect of the plan and provides that "for aspects of proposals for both the Comprehensive Plan and previously adopted community plan have applicable policies or plan map designations which conflict, the Community Plan shall govern until revised to conform to the Comprehensive Plan". It appears that the requested reclassification cannot meet the requirements of the 1985 Comprehensive Plan or the Bear Creek Community Plan which would maintain the existing designation on the property. The proposed subdivision is of a significantly higher density than surrounding uses and is therefore out of character with the surrounding neighborhood. It does not save it to argue that overall density is the same. Without the rezone there would be significantly fewer units on the site. A proposal such as this would increase density by using unbuildable space as a reserve tract. This is not the intent of the Comprehensive Plan which encourages preservation of open space for future development. If sewers made the site developable at the same unknown future date, a new proposal could then be considered on its own merits.

3. As set out in the findings above, King County Code 20.24.190 sets very specific criteria for the consideration of rezone requests. It does not appear that the requested reclassification can meet the requirements of that section. The property is not potentially zoned, it has not been specified in the Community Plan that the property should be subsequently considered through an individual reclassification process, and the proposal is not consistent with the adopted Community Plan. Finally, it has not been shown that there has been any substantial or material change of circumstances occurring which has affected the subject property. In the absence of such changes, it cannot be shown that this property is affected in any manner and to any degree different from other properties in the vicinity. Finally, it has not been shown that the redesignation is in the public interest in view of the proposed increase in density which would exacerbate severe traffic problems in the vicinity and change the character of the neighborhood. The argument that the number of units on the overall site will not increase is fallacious. The entire site could not be developed so the absolute number of homes will increase and a cluster development is clearly substantially and materially different from the type of development in 1 acre lots contemplated in the Community Plan.
4. In the absence of a rezone, the proposed plat as submitted to the Building and Land Development Division is conceded by all parties to fail to meet the requirements for a plat in the G zone. Minimum lot size is too far below the one acre designation to be permitted. For this reason it is not necessary to further consider the proposed plat and it is my conclusion that the matter should be remanded to the Building and Land Development Division to require another submission by the applicant in conformity to the existing zoning. I am in agreement that Ordinance 6677 allows the preliminary plat to proceed subject to the awarding of contracts creating a level of service adequate to bring the streets in question up to LOS D or better. In this

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instance, it is debatable whether that level of service would exist following construction of the improvements planned by the State and municipalities. Therefore, before final approval the applicant would have to satisfy the Division that an adequate level of service existed.

- 5. In regard to the primary remaining issue, whether N.E. 66th St. should be connected to the plat of Union Hill 137, it is my conclusion that the Technical Committee's recommendation in that regard is reasonable and should be implemented.
- 6. Under the regulations of the Surface Water Management Division for the Evans Creek critical drainage basin, it is my conclusion that wetlands and streams will be adequately provided for.
- 7. If the County Council on an appeal should grant preliminary approval to the proposed plat of Union Hill 137, the conditions set forth in the Building and Land Development Division's report and recommendation should be adopted with the following amendments.
- 8. Any finding of fact in this report and recommendation which should be deemed as a conclusion of law is hereby adopted as such.

DECISION:

The appeal on a threshold determination is denied.

RECOMMENDATION ON THE REQUESTED RECLASSIFICATION:


Deny.

RECOMMENDATION ON THE PROPOSED PLAT OF UNION HILL 137:

Remand to the Building and Land Development Division to allow the applicant to submit a plat in conformity to the existing zoning. If the preliminary plat and rezone are approved by the King County Council, the plat should be subject to the conditions set out at pages 9 through 11 of the Preliminary Report of the Building and Land Development Division dated June 13, 1985 with the following additions:

- 18. If the 30 foot access easement abutting the plat's east property line is not vacated, the applicant shall relocate 223rd to the east property line. This street may be constructed to half-street standards.
- 26. Before final approval, the applicant shall demonstrate that the levels of service on affected roadways meet the requirements of Ordinance 6677 or any successor Ordinance.
- 27. Utility easements may be required to be provided to the south property line. Location to be determined by the Technical Committee and the appropriate purveyors.

ORDERED this 2nd day of October, 1985.


 Robert E. Beaty
 Deputy Zoning and Subdivision
 Examiner

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TRANSMITTED this 2nd day of October, 1985, by certified mail, to the following parties of record:

B. Douglas Webb	John McDaniel
Ann Daigle	David & Lynida Cathcart
Inger Johnson	Cheryl Heller
Patrick Thorp	Dale Anderson
L. G. Design, Inc.	Peter Lance
D. E. Mangis	R. W. Burdick
Concerned Citizens for Union & Novelty Hills	Donald Strong
Wm. Popp & Assoc.	Judith D. Mason
Gerald & Joyce Hamilton	K. Scott Kidwell
Robert Sherwood	Anders & Ingrid Ahlman
Ron & Jeanne Dorr	Lene Anderson
Bob Phinney	Michael Garcia
Mary Meinecke	Herbert Farber
Sharon Kremeier	Mrs. George Schuemann
Linda M. Ducey	John & Barbara Hall
Larry D. Riley	David & Norma Douthit
Karl & Janice Johanson	J. Sue Balsiger
Dan & Aloyne Dovin	Rosemary & Adrian McMaines
Owen & Peggy White	Richard G. Miller
Jana & James Miniken	Suzanne L. Olsen
M/M H. K. Tharp	M/M Russell Woodard
Kathi Benine	Dave & Jamie Wick
Sally Jean Gregg	Ronald & Vandy Tibbitts
Patricia L. Tenhulzeen	Erick J. Heller
Robert J. Lorenz	Donald Lusk
Clint & Judy Peeples	
Val Leech	

TRANSMITTED this 2nd day of October, 1985, to the following:

King County Building and Land Development Division-Lisa Lee,	
Jerry Marbett, Rick Bautista, Julian Hiraki, David Feltman	
King County Department of Public Works & Transportation-Tom Bertek	
King County Department of Health	
Washington State Highway Department	
King County Transportation Planning-David Marks	
James & Patricia Eake	Roger & Janet Heilman
Robert & Catherine Cordner	Yole & Joseph Evans
Jack & Mary Ann Byeman	Jill Marie O'Brien
Laurie & Robert Sheehan	Thomas Piasekcki
Leonard & Linda Hoselton	W.P. & Barbara Neufeld
Willard & Carolyn Zill	Scott & Sally Brand
Allen & Judy Oakland	Paul & Helga Penard
Roger M. Long	Tom & Kay Thomas
Melvin & Alice Howe	

NOTICE OF RIGHT TO APPEAL

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$50.00 (check payable to King County Office of Finance) on or before October 16, 1985. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before October 23, 1985. If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting.

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Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within thirty (30) days from the date of the action 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 action taken.

MINUTES of the public hearings of UNION HILL 137 and R.W. BURDICK

Robert Beaty was the hearing examiner for this matter. Participating in the public hearing were Lisa Lee, Jerry Marbett, Rick Bautista, Mark Mitchell, Julian Hiraki and David Feltman, representing the Building and Land Development Division; Tom Bertek, representing the Dept. of Public Works; David Marks, representing Division of Transportation Planning; Dale Anderson, representing METRO; Douglas Webb, John McDaniel, Ann Daigle, David Cathcart, Inger Johnson, Cheryl Heller, D. R. Strong, Patrick Tharp.

The following exhibits were offered and entered into the record:

- | | |
|-----------------|---|
| Exhibit No. 1. | Map - "Existing land use in the vicinity of Union Hill 137" |
| Exhibit No. 2. | Traffic study 6-3-85 |
| Exhibit No. 3. | Map - Lynch line illustrated |
| Exhibit No. 4. | Soils study - D.R. Stong - January 1985 |
| Exhibit No. 5. | Newspaper clippings |
| Exhibit No. 6. | Plat staff report 6-27-85 |
| Exhibit No. 7. | Application 1-16-85 |
| Exhibit No. 8. | Environmental checklist 1-16-85 |
| Exhibit No. 9. | Declaration of non-significance 4-9-85 |
| Exhibit No. 10. | Affidavit of posting rec. 4-3-85 |
| Exhibit No. 11. | Preliminary plat 1-16-85 |
| Exhibit No. 12. | Supplemental traffic study 6-17-85 |
| Exhibit No. 13. | 7-2-85 Response from Planning Division |
| Exhibit No. 14. | Rezone staff report 6-27-85 |
| Exhibit No. 15. | Affidavit of publication 4-3-85 |
| Exhibit No. 16. | Assessor's map NW 9-25-6 and SW 9-25-6 |
| Exhibit No. 17. | Bear Creek Middle Plan |
| Exhibit No. 18. | Threshold determination appeal report 6-27-85 |
| Exhibit No. 19. | Petition |
| Exhibit No. 20. | Transportation Planning video tape |
| Exhibit No. 21. | WSDOT plans for SR 202/SR920 revised 4-19-85 |
| Exhibit No. 22. | Drawing - area roads and intersections |
| Exhibit No. 23. | Letter from City of Redmond 8-13-85 |
| Exhibit No. 24. | Journal American news article 7-25-85 |
| Exhibit No. 25. | Topping V. Board of Commissioners 29Wn App 781, 630 p.2d 1385 |
| Exhibit No. 26. | Surface Water Management Bulletin 1-1-85 |
| Exhibit No. 27. | Corps of Engineers map - Redmond quadrangle |
| Exhibit No. 28. | Soils map |
| Exhibit No. 29. | Subdivision report - Union Hill 137 |
| Exhibit No. 30. | Bear Creek Community Plan questionnaire results |
| Exhibit No. 31. | D. R. Strong report |
| Exhibit No. 32. | Patterson Ridge Examiner's appeal summary |
| Exhibit No. 33. | Examiner's report - Canyon Creek |

Technical Committee recommendation changed to read:

... January 16, 1985, be continued on call until receipt from the City of Redmond that the funding is assured for the reconstruction of that portion of Avondale Rd. from Union Hill to SR 202 to a level of service D or better.

Change condition 18 to read:

If the 30 foot access easement abutting the plat's east property line is not vacated, the applicant shall relocate 223rd ...

Delete condition 22.

Add condition 26:

Utility easements may be required to be provided to the south property line. Location to be determined by the Technical Committee and the appropriate purveyors.

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