

ORDINANCE NO. 7447

AN ORDINANCE granting the appeal of the applicant of the Zoning and Subdivision Examiner's recommendation and approving, subject to conditions, the Preliminary Plat of Lake of the Woods, designated Building and Land Development File No. 983-3.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

This ordinance does hereby adopt and incorporate herein the attached findings and conclusions, and the council does hereby approve the proposed plat of LAKE OF THE WOODS, designated Building and Land Development Division File No. 983-3, in the configuration shown in Exhibit 17 (180 lots), subject to the following conditions for final plat approval:

APPROVE the development of 180 single-family residential lots, consistent with the proposed plat of Lake of the Woods, as revised by Exhibit No. 17, subject to the following conditions for final plat approval:

1. Compliance with all platting regulations of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The dimensions of the 180 lots presently authorized for development shall be consistent with Exhibit No. 17 (with minor lot line revisions permitted as may be authorized by the Building and Land Development Division), and shall have a minimum lot size of 35,000 square feet. All lots and private rights-of-way for the short plats recorded on the subject property shall be vacated.
4. There shall be no development activity upon the site which could contribute to erosion of the earth dam face, add drainage to the lake held by the earth dam, or otherwise increase the risk of a breach of that dam, until the dam is reconstructed in accordance with the requirements of the Corps of Engineers, Department of Ecology, Department of Fisheries, any other federal or state agencies with jurisdiction, and the King County Department of Public Works.

- 1 5. Storm drainage plans shall be approved by the
2 Department of Public Works, Surface Water Management
3 Division. Said drainage plans shall comply with the
4 provisions of Chapter 20.50 of the King County Code
5 and shall be consistent with the requirements and
6 recommendations of the Division's memorandum dated May
7 2, 1985 (Exhibit No. 16) and the May 3, 1985 addendum.
- 8 6. The development shall conform to Ordinances Nos. 4938,
9 5824 and 5940, relating to surface water run-off
10 policies.
- 11 7. The applicant must obtain approval of the King County
12 Fire Marshal for the adequacy of fire hydrants, water
13 mains, and fire flow consistent with the standards of
14 Chapter 17.08 of the King County Code.
- 15 8. All roads shall be public. Trail easements from
16 street ends to the 17 acre lake may be owned by the
17 Homeowners Association and restricted in use to
18 persons residing on those streets or otherwise, as
19 determined by the Homeowners' Association. All
20 construction and grading of roads shall be done in
21 accordance with the standards established and adopted
22 by Ordinance No. 4463.
- 23 9. Prior to final plat approval, there must be assurance
24 that Avondale Road N.E., from its intersection with
25 N.E. 132nd Street to SR 202, functions at a Level of
26 Service of "D" or better. If necessary, the award of
27 a contract which will provide this level of service is
28 acceptable assurance. The applicant may, at its
29 option, choose to comply with alternative requirements
30 of any ordinance which supercedes present Ordinance
31 No. 6677, as amended.
- 32 10. The maximum grade of roads within the plat shall be
33 15%.
11. Provide a 60 foot wide right-of-way for a street stub,
to be constructed to King County standards when
adjacent lots are developed, to the east property
line, south of the Tolt Pipeline and north of the
wetland. Details of the exact location and required
improvements shall be worked out with the Subdivision
Technical Committee.
12. A 60 foot right-of-way shall be provided in the
vicinity of Lot 63, Division II. 221st Place N.E.,
when constructed, shall be extended along that
right-of-way and shall be aligned and improved to
enable that street to function as a local access
street. 226th Avenue N.E. shall be realigned westerly
to connect with 219th Avenue N.E. in the short plat to
the north of the subject property. Details of the
foregoing requirements shall be worked out with the
King County Department of Public Works. Construction
may be deferred until adjacent lots are developed.
13. A road and storm sewer easement shall be obtained from
the City of Seattle, in favor of King County for the
crossing of the Tolt River Pipeline. Details shall be
worked out with the Department of Public Works.

- 1 14. A road and drainage easement shall be provided to King
2 County over the 20 foot wide strip of property in the
western portion of the site.
- 3 15. The details of the location and development of the
4 equestrian trail and athletic fields, including the
5 extent of public agency participation in the cost of
6 development, shall be worked out with the King County
7 Department of Parks and the Building and Land
Development Division. Any issues which cannot be
8 mutually agreed upon by the parties shall be referred
9 to the Zoning and Subdivision Examiner for final
10 decision, pursuant to King County Code 20.24.080.
- 11 16. The right-of-way along the north property line,
12 adjacent to Lot 34 of Division II, shall be improved
13 to King County road standards. Sufficient right-of-way
14 shall be provided to enable alignment with the road
section to the east.
- 15 17. The applicant shall enter into an agreement to provide
16 a fair share of the cost of intersection improvements
17 to N.E. 132nd Street and Avondale Road, and striping
18 of Seidel Road. Details of the agreement and its
19 performance shall be worked out with the King County
Department of Public Works, consistent with RCW
82.02.020.
- 20 18. All access tracts shared by two lots shall be improved
21 with a 20 foot wide paved surface and controlled
22 drainage. Such tracts shall be owned in undivided
interest by the lots using them.
- 23 19. The applicant shall request the King County Traffic
24 Division to provide signs regarding horse crossings on
both sides of the Tolt River Pipeline at road
25 intersections.
- 26 20. If an island is placed in any cul-de-sac, and is
27 landscaped, maintenance of the planter shall be the
28 responsibility of the adjacent lots. This requirement
shall be shown on the face of the final plat.
- 29 21. All facets of the development upon the subject
30 property shall comply with the January 1, 1985 special
31 information bulletin for drainage in the Bear/Evans
32 Creek Drainage Basin.
- 33 22. There shall be provided complete wetland studies and
wetland edge delineations for each of the five
wetlands on the site, including the wetland within
Tract E. Native growth protection easements of 50 and
100 feet, respectively, shall be required in
accordance with the wetland ordinance, for wetlands 24
and 26; and 25 and 27, and shall be mapped around the
final field verified wetland edges. These native
growth protection easements shall be owned in fee by
the Lake of the Woods Homeowners Association. The
easements shall be shown on the face of the final
plat, and shall provide that there shall be no
vegetation cut or removed unless diseased or dying, or
to provide for minor nature trails limited to
pedestrian use. The wetland on Tract E may be
required by the Building and Land Development Division
to be preserved or protected, if such requirement is

1 reasonably required as a result of the wetland study.
2 Such preservation or protection may require a
3 relocation of the equestrian center. If preservation
4 is not required, the applicant shall address the
5 elimination of the wetland area, both from a sensitive
6 area standpoint as well as Surface Water Management
7 problem.

- 8 23. An information brochure explaining the location and
9 sensitivity of the wetlands shall be required to be
10 provided by the homeowners association to the initial
11 residents upon each lot.
- 12 24. If required by the State Department of Fisheries,
13 state hydrologic approvals shall be obtained.
- 14 25. A native growth protection easement shall be provided
15 on all slopes 40% or greater, this easement shall be
16 shown on the face of the plat. No trees or vegetation
17 may be cut or removed from these easement areas unless
18 diseased or dying.
- 19 26. A building setback line shall be indicated on the
20 final plat at a location which is 50 feet back from
21 any native growth protection easement which is
22 established to protect steep slopes. This setback may
23 be reduced to 25 feet upon review and certification of
24 adequate soils bearing strength by a qualified soils
25 engineer or earth scientist.

26 Buildings shall be setback not less than 100 feet from
27 the edge of the 17 acre lake.

28 All building setback lines shall be dimensioned from
29 the front property lines of the affected lots. By
30 restriction, there shall be no structure, fill or
31 obstruction, including decks or patios, beyond any
32 building setback line.

- 33 27. Development shall comply with regulations of the
Seattle-King County Department of Public Health
concerning the setback of drainfields from the Tolt
River Pipeline. Drainfield setbacks shall be shown on
the face of the final plat.
28. A 100 foot setback of drainfields, septic tanks, and
buildings (if applicable) shall be observed per Health
Department regulations from all wells adjacent to the
subject property, and such setbacks shall be shown on
the face of the final plat. Details are to be worked
out with the King County Department of Public Health
and the Department of Public Works.
29. A homeowners association or other workable
organization shall be established for the continued
ownership and maintenance of open space, the earth
dam, and native growth protection easement areas
surrounding the wetlands, and may also own and
maintain the athletic playfields and equestrian
trail. The Building and Land Development Division
shall review and approve the articles of incorporation
of the homeowners association to assure that adequate
provision is made for the perpetual maintenance of the
dam and native growth protection easements..

FINDINGS:

1. General Information:

STR: E and W 21-26-6
 Location: With some exceptions, between N.E. 133rd St. and N.E. 145th St. (if extended) and between 214th and 228th Aves. N.E. (if both roads were extended)
 Zoning: G (General)
 Acreage: 443.11
 Number of Lots: 251 (Plan A, using community drainfields); or 180 without community drainfields
 Typical Lot Size: Ranging from 1-5 acres
 Proposed Use: Detached single-family residences
 Sewage Disposal: Septic tank
 Water Supply: No. 104
 Fire District: No. 46 and No. 36
 School District: No. 414

2. This is a request for a subdivision of 443 acres into either 180 or 251 lots for single family dwellings. (180 lots can be served by individual septic tanks and drainfields; 251 lots would require approval by the Department of Public Health of community drainfields). The property is located on the eastern plateau of the Bear Creek Community planning area, approximately 3 miles southeast of Cottage Lake and 6 miles northeast of Redmond. Adjacent to the west of the subject property is the approved plat of Bear Creek Country Club and Fairway Estates, developed with a golf course and 290 single family residential lots on a total land area of approximately 377 acres. The Bear Creek Country Club and Fairway Estates property is zoned S-C (Suburban Cluster); the individual lots are approximately 12,000 square feet.
3. The present application was initially submitted to King County on June 6, 1983. The Building and Land Development Division issued a threshold determination of environmental significance, requiring that an environmental impact statement be prepared prior to consideration of the application. This threshold determination was appealed by the applicant, resulting in a report and recommendation to the King County Council on December 9, 1983, denying the appeal and directing that an environmental impact statement be prepared, to address the issues which had been identified by the Building and Land Development Division.
4. The principle issue presented by this application is the consistency of the proposed development with applicable King County policies governing density. Other contested issues concern public use of the lake and recreational facilities; whether local access roads should be private or public; restriction on development within a recently formed wetland; ownership of buffer areas adjacent to wetlands and stream corridors; and compliance with King County ordinances concerning arterial road capacities. In addition, although not contested, the need to reconstruct the earth dam which retains the 17 acre lake, is an issue of major significance.
5. A portion of this property was the subject of previous consideration by King County upon the application of a prior owner for preliminary approval of a plat known as Leisure Lakes (Building and Land Development Division File No. 1076-4). The examiner's recommendation for

preliminary approval of that plat was reversed by King County Council Motion No. 3362, adopted November 21, 1977, which stated (insofar as relevant):

" . . .Whereas, the subject preliminary plat is located in northeast King County in an area covered by the Bear Creek Middle Plan, adopted by Ordinance No. 1018 in 1971; and

"Whereas, middle plans and community plans are adopted as an augmentation and compilation to the King County Comprehensive Plan and intended to provide short range policies to guide the nature and timing of developments in areas which are undeveloped or in the process of developing and where there is not yet a commitment to urban services; and

"Whereas, 'G' general zoning is intended to regulate the use of land to prevent the premature establishment of urban land uses before proper and sufficient roads, utilities and governmental services are provided; and

"Whereas, the proposed Leisure Lakes plat is located in a portion of the Bear Creek Middle Planning Area which is undeveloped and where there are no urban services presently available and is zoned 'G' general; and

". . .

"Now therefore, be it moved by the Council of King County:

"1. The Council finds that Conclusion No. 2 (see footnote) of the September 29 report of the Hearing Examiner on the preliminary plat of Leisure Lakes is in error as applied to 'G' general zoned property and hereby remands the subject plat to the Hearing Examiner for further consideration.

"2. In reconsidering said plat, the Hearing Examiner is requested to give weight to the policies guiding the nature and timing of development which are set forth in the Comprehensive Plan and the Bear Creek Middle Plan as well as the zoning for the subject property." . . .

Footnote: Conclusion 2, examiner's report made on September 29, 1977:

"Land development policies of King County are established legislatively through the adoption of the Comprehensive Plan and addenda to the Comprehensive Plan, including 'middle plans' and 'community plans'. These policies are then legislatively applied to land within the county through the area zoning process. The proposed subdivision conforms to zoning for the area as established by the area zoning. The determination as to whether certain land uses should or should not exist in various areas of the county is made during the area zoning process and should not be reviewed or modified by executive agencies or administrative officers in the process of considering individual subdivision applications."

6. Following the adoption of Motion No. 3362, the examiner issued a supplemental report and recommendation to the King County Council, in which he recommended that the Council deny the preliminary plat for the reason that it would constitute a premature establishment of urban land uses before proper and sufficient roads, utilities and governmental services are provided to the area. An appeal of that recommendation by the applicant was never acted upon by the Council.
7. On June 17, 1985, the King County Council enacted Ordinance No. 7242, which adopted the findings, conclusions and recommendation of the Zoning Examiner that the proposed plat of Patterson Ridge, BALD File No. 1082-2, be granted preliminary approval subject to conditions for final plat approval. Ordinance 7242 was adopted after consideration by the Council of an appeal, in which it was argued that the proposed plat of Patterson Ridge was inconsistent with policies of the King County Comprehensive Plan and the Bear Creek Middle Plan which established the eastern plateau of the Bear Creek community planning area as an "urban reserve", with minimum lot sizes to be 5 acres.

Patterson Ridge is a subdivision of 345 acres in a "G" zone into 107 lots, ranging from 1.3 to approximately 4 acres. The site is north of the Redmond-Fall City Road, near Ames Lake. It is within the eastern plateau of the Bear Creek planning area and was designated residential reserve in the 1964 King County Comprehensive Plan, and urban reserve in the 1971 Bear Creek Middle Plan. The pertinent conclusion recommended by the examiner and adopted by the King County Council in acting upon that application was:

"The primary argument which militates against preliminary approval of the subject subdivision is the Division's policy regarding development of the East Plateau of the Bear Creek planning area. The Division has steadfastly held to the position for several years that development on lots of less than 5 acres should not be permitted. Indeed, this examiner has found in their favor on occasion and subsequently been informed by the Prosecuting Attorney that such a position is untenable. But for the undersigned, it has been the policy of the examiners in King County that this position cannot be supported. At this point I am in agreement with the applicant's attorney that the Code provisions must override the Comprehensive Plan and that the applicant is entitled to develop the subject property at the proposed densities. The majority of the lots will be over 2 acres, or twice the size of the minimum lot size in the G zone. The Health Department has granted preliminary approval to the proposed on-site sewage disposal systems, and adequate water is now available to the property. The subject property is not beyond the foreseeable urban area in my opinion, and Policy D-6 appears to be met in that urban facilities are becoming available."

8. The "G" general zone classification requires a minimum residential lot size of 35,000 square feet. The purpose of the zone is stated in King County Code Section 21.24.010:

"The purpose and objective of this classification is to regulate the use of land in areas which have not yet been subject to intensive urban development, thus

preventing the premature establishment of urban land uses in these areas without proper and sufficient roads, utilities and government services. A further purpose of this classification is to prevent the establishment of uses which later may be incompatible in areas best suited for other uses. The standards and requirements set forth in this chapter are considered to be the minimum necessary to accomplish this purpose."

9. The "middle plan" and area zoning for the Bear Creek Planning Area were adopted by King County Ordinance No. 1018, enacted October 28, 1971. The adopting ordinance declares that it constitutes official county policy for the Bear Creek planning area. Policies relating to the eastern plateau are set forth as follows:

"The eastern plateau generally possesses the natural suitability for urban development. Its landscape consists of intense natural cover, bogs, marshes, slopes and other amenities, which in harmony with conscientious design and development, would provide an unique urban environment of varied proportions. However, the plateau presently does not have urban facilities and services available to it necessary to support such an environment. The area also has been mentioned as a possible site for a regional airport, which, if selected, would affect its potential as a desirable living environment.

"Policy 14. At such time when facilities are available which are capable of supporting an urban pattern on the eastern plateau, King County will inform regional authorities that the eastern plateau is no longer an urban reserve area and that a revised middle plan is being or will be prepared to indicate more intensive uses for the plateau, taking into consideration and including, but not limited to, such factors as necessary urban facilities and services, ecological factors, with recognition of relationships to surrounding land uses, cities, school facilities, parks, open spaces, etc.

"Policy 15. Private interests and public officials should jointly formulate a master plan for a planned city form of development on the eastern plateau in order to coordinately plan and program private and public improvements prior to their development."

10. King County initiated a new Bear Creek community plan study in April, 1984, and has so informed private land owners and public officials, consistent with Policies 14 and 15. When completed, the new community plan will supercede those policies. However, in the absence of the adoption by the King County Council of an official policy authorizing deferral of action on subdivision applications pending adoption of a new Bear Creek Community Plan, King County can not postpone action on this application.
11. The Bear Creek Middle Plan was oriented to circumstances which were then anticipated to continue for a period of six to ten years.

12. More than ten years have passed since the 1971 enactment of the middle plan for Bear Creek, and the Bear Creek planning area has experienced substantial growth.
13. The King County Comprehensive Plan - 1985 includes the subject property within the "transitional" area, where development densities and services are planned to remain low, either until urban facilities and services needed for urban densities can be assured, and additional land is needed to accommodate growth, or until a long-term rural designation is applied by a community plan or plan revision. Page 10 states:

"The purpose of the transitional area designation and its implementing measures is to reserve large parcels of land for future urban development, through interim low densities and clustering while preserving appropriate areas for a rural lifestyle within the transitional area. The designation will help phase growth with the provision of public facilities and services, by limiting growth in these areas until urban facilities can be provided."

Policy PC-107 (Page 11):

"Portions of transitional areas which are predominantly undeveloped but are expected to be urban in the future should be limited to interim very low density residential development and other existing uses until adequate facilities and services can be made available to support urban residential, commercial and industrial uses. These interim land uses should be supported by low levels of public services that are planned and designed to provide for future urban development."

Policy PC-109 (Page 11):

"In those portions of the transitional area where community plans have been adopted prior to the adoption of this comprehensive plan, the plan designations and area zoning used in those community plans should remain in effect until revised to more closely conform to this comprehensive plan."

14. The applicant's proposal is consistent with the requirements of the G (General) zone classification.
15. The earth dam on the west side of the 17 acre lake is in a condition of disrepair that creates a serious hazard to the public health and safety. The top of that dam is the principle roadway connecting the northerly and southerly portions of the site. Use of the road for construction equipment or any substantially increased traffic, prior to making the necessary repairs to the dam, would increase the risk of dam failure, as would any other activity that would tend to increase erosion of the dam face or add to the quantity of water held back by the dam. Plans have been approved for the reconstruction of the dam with a new spillway and ladder. It would be reasonable to require that the dam be reconstructed, so as to eliminate the hazard to the public health and safety, prior to any other substantial on-site construction activity that could increase the threat of erosion or a breach of the dam.

16. The dam, when reconstructed, will need continuing maintenance to assure that a future failure does not occur. The roadway over the dam, when improved to county standards and dedicated to King County, will be maintained by the Department of Public Works. However, the Lake of the Woods Homeowners Association, proposed to be established by the applicant, is the most appropriate entity to assure maintenance of the dam. As a condition of final plat approval, articles of incorporation for the homeowner's association can be required to contain adequate provision for continuing maintenance of the dam.
17. Four significant wetlands are located on, or partly upon, the subject property. The environmental impact statement generally describes the wetlands, including a previously undesignated beaver pond within the area proposed as an equestrian center. The applicant proposes that wetlands nos. 24 and 26, the larger wetland areas, be placed in separate tracts owned by the homeowner's association, and that wetland no. 27 (the 17 acre lake) and wetland 25, a small pond located near the east property line, be open waters with residential lot lines extending to the water's edge. The applicant and the Building and Land Development Division are in agreement that wetlands nos. 24 and 26 should be protected by 100 foot wide native growth protection easements, that wetlands nos. 25 and 27 should be protected by 50 foot native growth protection easements, and that there should be a 100 foot building setback line from the edge of the water of the 17 acre lake.
18. The wetland area created by the beaver dam in the central portion of the subject property constitutes a wetland as defined by King County ordinance no. 4305. A study of the hydrological and wildlife value of that wetland is necessary prior to King County being able to determine what, if any, restrictions should be placed upon development so as to protect that wetland area.
19. If native growth protection easements for the protection of wetlands and streams are overlaid on individual lot ownerships, as proposed by the applicant, there is no effective method to enforce the terms of those easements, and breaches of the restrictions are likely. If the native growth protection easements are on commonly owned property, title to which is in the Lake of the Woods homeowner's association, there is substantially less likelihood of clearing, construction, landscaping or other prohibited activities occurring within the easement areas.
20. The subject property is within the Bear Creek-Evans Basin critical drainage area, as designated by the Division of Surface Water Management. Development will be subject to special drainage conditions published by the Division on January 1, 1985.

Drainage from this site is tributary to both Collin Creek and Struve Creek. Both of these streams are significant anadromous fish-bearing waters. After reconstruction of the earth dam, with the fish ladder required by the State, the 17 acres lake will become a fishable lake, and its tributaries will become spawning areas if adequately protected and barrier free.

Specific recommendations for this plat have been made by the King County Surface Water Management Division in a memorandum dated May 2, 1985. No objections to the Surface Water Management Division requirements and recommendations have been raised by the applicant (except insofar as they relate to the wetland in Tract E), and there is no reason to consider any of the requirements or recommendations to be unreasonable or inappropriate for the development of this property.

21. The 17 acre lake upon the subject property was created by construction of the earth dam at its western edge, at the outlet to Collin Creek. The lake now constitutes a major recreational resource, use of which the applicant proposes to restrict to residents of the subject property and additional persons authorized by the homeowner's association. A community beach park is proposed at the east end of the lake, also to be restricted in use to residents within this plat and other persons authorized by the homeowner's association. Because of the relatively small size of the lake and of the community beach park, there does not appear to be any overriding interest of the public which would justify a requirement to provide public access to the lake or that park.
22. Although numerous recreational facilities are available in the vicinity surrounding the Bear Creek Planning Area, no public playfields or tennis courts are developed within approximately five miles of this site. It is uncontroverted that a need exists for the establishment of public playfields in this area, and the applicant has proposed dedicating land and making a voluntary contribution for their development. The size of this plat is such that it is reasonable to require that some provision be made for organized sports playfields. The Building and Land Development Division, Department of Parks and the applicant could jointly develop and agree upon a proposal to adequately meet the public need, as directly impacted by the proposed development of the subject property, and the Department of Parks should consider its capability to participate in making the necessary improvements which would benefit residents upon the subject property as well as in the vicinity. If the parties are unable to mutually agree upon the extent of the applicant's voluntary contribution to meet the need for organized sports playfields, the unresolved issues could be presented to the Examiner for decision.
23. The subject property lies between the Tolt Pipeline Trail and the former Redmond watershed property. It provides a unique opportunity to enhance the availability of equestrian trails in the area. The applicant, in consultation with the King County Department of Parks and the Building and Land Development Division, could identify an equestrian trail corridor through this property, from the Tolt Pipeline Trail to Seidel Road, without adversely affecting the proposed development. Such a trail corridor would contribute to the public health, safety and welfare, whether dedicated to King County or owned by the Lake of the Wood Homeowners Association, so long as public use of the trail is provided.
24. The applicant proposes that the streets providing local access within the plat, other than through streets, be private roads. The Building and Land Development Division recommends that all roads shall be public. KCC 19.24.010 states that, "private streets shall not normally be permitted ..." The principle exception to this general

rule is if the Department of Planning and Community Development determines that the most logical development requires that the lots be served by private streets or easements, and that the land cannot be adequately served by streets dedicated to the public. In this instance, the Department of Planning and Community Development has not determined that the most logical development would utilize private streets. Although the applicant would prefer the exclusivity, particularly surrounding the lake, which might be afforded by private streets (private streets were permitted in the adjacent plat of Bear Creek Fairway Estates), there is no showing that the Department of Planning and Community Development's position is arbitrary or unreasonable. To the contrary, it is apparent that the property can be adequately served by streets dedicated to the public.

25. The Subdivision Technical Committee recommends that connecting streets to adjacent properties be provided, in addition to those shown on the revised plat (Exhibit No. 17), at the north boundary in the vicinity of Lot 63 and at the east boundary between the Tolt Pipeline and Tract P. Those additional connections are necessary to prevent development of "super-blocks", greater than 1500 feet in length, when future development occurs. The Division's recommendation is consistent with the requirement of KCC 19.12.040 that the maximum length of blocks shall generally be 1,320 feet, and policy A-3 of the 1964 Comprehensive Plan (incorporated by reference in the King County Road Standards, as adopted by Ordinance No. 4463). These additional street connections will facilitate inter-neighborhood circulation when the area becomes more fully developed.
26. The proposed development will significantly increase traffic on N.E. 133rd Street (Seidel Road) and at the intersection of N.E. 132nd Street with Avondale Road N.E. Striping of Seidel Road and intersection improvements at N.E. 132nd Street and Avondale Road will, therefore, be necessary to provide for the public safety as a direct result of this proposed development. A contribution by this applicant to the cost of those improvements, as determined by the King County Department of Public Works, could be agreed to by this applicant and King County, in order for this applicant to meet its fair, proportionate share of the costs, pursuant to RCW 82.02.020.
27. Ordinance No. 6677, as amended, requires that it be demonstrated, prior to final plat approval, that arterial road sections and intersections which are affected by the proposed development, shall function at level of service D or better. It appears reasonably likely that this requirement, or such alternative requirement as may be established by subsequent ordinance, can be met.
28. The subject property is impressed with an easement for access to connect the southerly border of the property to the north (owned by Bondo Investment Company) with Seidel Road. It appears that the proposed road system will meet the requirements of that easement. However, if it does not do so, a revision to the plat will be necessary prior to final recording. The nature and location of the easement is a matter to be resolved by the property owners involved.
29. Puget Sound Power and Light Company is acquiring a site for a power substation immediately north of the northwest corner of the subject property. Current plans are to

develop the substation site, as well as construct an electrical transmission line on a right-of-way adjacent to the north of the subject property. There are no conflicts between the proposed development of the Lake of the Woods and the utilization of the power substation and transmission right-of-way in the manner intended.

30. The applicant's transfer of 1.75 acres of the subject property to King County Fire District No. 36 is a substantial contribution, which meets the applicant's fair share of the need for additional fire protection in this area generated by this proposed development.
31. The subject property has received preliminary approval from the King County Department of Public Health for development of 180 lots, to be served by individual septic tanks and drainfields.

Water service is potentially available to this property from Water District No. 104.

The property lies within a Class 5 fire protection service area, and is served by Fire District No. 36. Upon construction of a fire station on the site contributed by the applicant, or alternative site in proximity to this property, fire protection will be adequate to meet the needs of this plat.

The property is located within Lake Washington School District No. 414, which has sufficient capacity to accommodate elementary and junior high school students from the proposed development. The Redmond Senior High School is presently over capacity. However, as the number of students from the site would be phased over time, impact to the District in any one year would be minimized.

Police protection is available from the North Precinct of the King County Department of Public Safety. Although response times are quite long, this is a problem which the residents upon the subject property would share in common with other residents throughout northeast King County.

32. Notwithstanding the recommendation of the King County Building and Land Development Division that the proposed subdivision be denied, the Division has cooperated with the applicant and the Examiner to furnish recommended conditions for final plat approval, should the Council grant preliminary approval. These recommended conditions were the subject of substantial discussion at the hearing conducted on May 14, 1985, and constitute the basis for many of the conditions recommended by the Examiner.

CONCLUSIONS:

1. Giving consideration to all applicable policies and ordinances of King County, and the particular location and circumstances of this property, it is reasonable to authorize the development of 180 lots for single-family residences, consistent with the minimum requirements of the "G" zone classification, subject to the conditions recommended below.
2. It is essential for the public health, safety and general welfare that reconstruction of the earth dam on the west side of the 17 acre lake be accomplished prior to any activity on the site that would tend to increase erosion of the dam face, add to the quantity of water held back by the dam, or otherwise increase the risk of a breach of the

dam. It is also necessary that there be established an effective means to assure long term maintenance of this dam. The Lake of the Woods Homeowners Association would be an appropriate entity to provide maintenance, if charged with this responsibility and provided with a means to assess the subject property for that purpose. The Articles of Incorporation of the Homeowners Association could establish the responsibility and authority to assess the subject property for the costs of maintenance of the dam.

- 3. The four significant wetlands upon the subject property should be protected, by the best means available, from degradation. The fifth wetland, located within Tract E, should be assessed through a study of its hydrological and wildlife value prior to a final determination as to what, if any, restrictions should be placed upon development which might adversely impact or eliminate that wetland.
- 4. The native growth protection easements which are intended to protect the wetlands, creeks and streams on the site should be placed in common ownership, in order to best assure their long term integrity.
- 5. The requirements and recommendations of the King County Surface Water Management Division, as contained in the memorandum dated May 2, 1985 and addendum dated May 3, 1985, are reasonable and necessary for the public health, safety and welfare, and should be made conditions of the development of the subject property.
- 6. It is reasonable for the applicant to use and maintain the 17 acre lake and community beach park exclusively for the residents upon the subject property, and for such additional persons as may be authorized by the Lake of the Woods Homeowners Association.
- 7. There is a general public need for playfields in this area, and for an equestrian trail connection between the Tolt Pipeline Trail and Seidel Road. The dedication and improvement of athletic fields and equestrian trail for public use is a reasonable requirement to be made for the public health, safety and welfare, provided there is reasonable participation by public agencies in meeting the cost of improvements.
- 8. The proposed development does not meet any of the criteria for the approval of private streets, and the Building and Land Development Division's recommendation that all streets be public is consistent with the requirements of the King County Code.
- 9. In addition to the streets shown upon the proposed preliminary plat, additional stub streets are required to the north and east boundaries, at the locations recommended by the Building and Land Development Division, in order to provide adequate inter-neighborhood circulation for this area when it becomes more fully developed. These additional stub streets are required consistent with applicable King County ordinances.
- 10. Traffic generated as a result of this proposed development will have substantial impact upon Seidel Road and the intersection of N.E. 132nd Street with Avondale Road N.E. As a condition of final plat approval, the applicant should be required to enter into a voluntary agreement with King County, consistent with RCW 82.02.020, to pay a proportionate share of the cost of the improvements determined to be necessary by the King County Department of Public Works.

11. The requirements of King County Ordinance No. 6677, as amended, governing arterial road capacity, must be met prior to final plat approval. Preliminary approval of a proposed plat does not guarantee that the arterial road capacity requirements can be met; in the event the requirements are not met, final plat approval will not be granted.
12. In light of the applicant's dedication of 1.75 acres for the construction of a fire station, no further cost should be assessed against this applicant for fire service facilities as a condition of approval of the proposed plat.
13. There are adequate public facilities and services, if the conditions of final plat approval are met, to meet the reasonable needs of 180 additional single-family residences upon the subject property.