

7-2-87

Introduced by Bruce Laing

Proposed No. 87-315

ORDINANCE NO. 3333

AN ORDINANCE concurring with the recommendation of the Zoning and Subdivision Examiner to approve subject to conditions (modified) the Preliminary Plat of DASH POINT GLEN, designated Building and Land Development File No. 287-24.

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 June 12, 1987 which was filed with the clerk of the council on July 2, 1987 to approve subject to conditions (modified) the preliminary plat of Dash Point Glen, designated by the building and land development division, file no. 287-24, and the council does hereby adopt as its action the recommendation(s) contained in said report.

INTRODUCED AND READ for the first time this 27th day of April, 1987.

PASSED this 30th day of November, 1987.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Gary Grant  
Chair

June 12, 1987

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OFFICE OF THE ZONING AND SUBDIVISION EXAMINER  
KING COUNTY, WASHINGTON

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Building and Land Development File No. 287-24  
Proposed Ordinance No. 87-315  
  
Proposed Plat of DASH POINT GLEN  
  
5 acres lying between Hoyt Road S.W. and 47th  
Avenue S.W. (if extended south, and between S.W.  
327th and 238th Streets (if both were extended)

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve subject to conditions
Division's Final:	Approve subject to conditions (modified)
Examiner:	Approved subject to conditions (modified)

PRELIMINARY REPORT:

The Building and Land Development Division's Preliminary Report on Item No. 287-24 was received by the Examiner on May 21, 1987.

PUBLIC HEARING:

After reviewing the Building and Land Development Division's Report, examining available information on file

Zoning: SR (9600)  
Acreage: 5  
Number of Lots: 19  
Typical Lot Size: 6,000 square feet with an open  
space tract  
Proposed Use: Detached single-family dwellings  
Sewage Disposal: Federal Way Water and Sewer  
District  
Water Supply: City of Tacoma  
Fire District: #39  
School District: #210

2. The applicant seeks preliminary approval of a subdivision of 5 acres into 19 single-family residential lots. The typical proposed lot size is 6,000 square feet. An open space tract of approximately 48,650 square feet is proposed. The plat also includes a residual lot, proposed lot no. 19, comprising approximately 17,860 square feet. Principal access is proposed to be obtained from an extension of 47th Avenue S.W. The existing residence on proposed lot 19 will be retained and will continue to obtain access from Hoyt Road.
3. The Subdivision Technical Committee recommends against the 19 lot configuration, citing Comprehensive Plan Policy R-305 which states that environmentally sensitive areas that are unbuildable should not be included in the average density calculations. The committee further cites KCC 21.08.080, which limits the use of large lots for lot averaging to "no more than 135% of the minimum required lot area", and which requires that at least 50% of the common open space used for lot averaging must be "usable for active recreation"--i.e., slopes of less than 5%, dry and usable.

The applicant seeks to renew a previously approved preliminary plat identical to the presently proposed plat. Preliminary approval for the earlier proposed plat, also called Dash Point Glen expired before improvements or bonding were provided. Because lot averaging with the open space was permitted in the earlier plat, the applicant feels entitled to retain that same lot configuration and density in the present proposal.

6. The Technical Committee indicates that access to tract A from the subdivision is "not critical", since recreational use of tract A is highly unlikely.
7. The applicant contends that the "wetlands study" recommended in the staff report is redundant, noting that the wetland boundaries have already been identified to the satisfaction of the Building and Land Development Division. Division staff concurs.
8. North of the subject property, 47th Avenue S.W., is developed to full width street standards. South of the subject property the same is true. The applicant seeks to develop only "half-street" improvements along the west property boundary fronting 47th Avenue S.W. The applicant argues that the remainder half-street should be developed by the property owner on the opposite side of the street, the Federal Way School District.

The topography within the street right-of-way and adjacent lands is relatively level.

9. Neighboring property owners expressed concern regarding drainage impacts on lots abutting the subject plat proposal which are located within the plat of Twin Lakes View. These property owners expressed concern regarding seeps or springs within the general vicinity of the boundary between Twin Lakes View and Dash Point Glen and ask that drainage problems not be worsened by the proposed development. The applicant asks not to be burdened with resolving any drainage problem which may have been created by the builders of Twin Lakes View. The applicant further asks that the length requirement for the "biofilter swale" be reduced from 200 feet or eliminated.
10. Except as noted above, the facts, analysis and recommendation presented in the Division of Building and Land Development Preliminary Report dated June 4, 1987 are incorporated here by reference. A copy of the Division of Building and Land Development report will be attached to the copies of the examiner's report which are submitted to the King County Council.

Policy R-305.B., which recognizes unbuildable environmentally sensitive areas when they are designated as a part of an official open space system, does not apply in this case. Perhaps the Joe's Creek wetland system will someday be considered and adopted as such an open space system. Such designation has not occurred as of this date, however.

2.A. Conclusion 1, above, requires redesign of the proposed plat to provide 9,600 square foot lots, consistent with the zoning code. It is conceivable that additional lots may be created within certain portions of tract A when the proposed plat is redesigned. There are two such areas. One lies immediately north of proposed lot no. 19. The other lies in the southeast corner of the subject property, abutting Hoyt Road and the access panhandle to proposed lot no. 19. Each of these possibilities should be investigated to determine whether buildable lots, consistent with zoning code lot dimension requirements and building site area requirements can be achieved.

2.B. It should be noted that the two areas of potential building lot additions to the redesigned subdivision do not qualify for lot averaging because they do not satisfy the requirement for level (gradient of 5% or less) dry and usable rule. If further review indicate that some portion of these areas does, in fact, meet this rule, then those portions of tract A could indeed be used for lot averaging as an alternative to the option described in conclusion 2A, above.

3. It is in the public interest to permit utility crossing of NGPE areas when alternatives do not exist. In this case, the existing stub sewer severely limits alternatives, thereby justifying the proposed sewer crossing. It should be noted that the proposed sewer easement, 10 feet wide, crosses tract A in proposed lot no. 19, not the actual 25 year floodplain. In any event, if for some reason wetland crossing is necessary, wetland revegetation and restoration is reasonable and appropriate.

4. A full width street, consistent with those street segments existing north and south of the subject property, and consistent with King County road standards, is essential.

5. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
6. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
7. The conditions recommended in the Division of Building and Land Development's Preliminary Report as amended below are in the public interest and are reasonable requirements.

RECOMMENDATIONS:

Grant preliminary approval to the proposed plat of Dash Point Glen, subject to substantial revision, consistent with the recommended conditions of final plat approval set forth below:

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 as set forth in King County Council Motion No. 5952.
3. The dimensions of all lots shall meet the minimum requirements of the RS 9600 zone classification, or shall be as shown on the face of the approved preliminary plat, whichever is greater. (Minor lot-line revisions are permitted).
4. All construction and upgrading of public and private roads shall be done in accordance to the standards established and adopted by Ordinance No. 4463 and 5725.
5. If an area-wide fire protection assessment is authorized

- 9. The storm drainage plans must include retention/detention facilities required by King County Code 20.50. These facilities shall be placed in separate tracts with drainage easements for maintenance. Access to the facility shall be provided with a fifteen (15) foot County standard crushed rock access roadway delineated within an easement for ingress/egress between the facility and public roadway, unless otherwise approved by King County.
- 10. Prior to recording of the final plat, those portions of the retention/detention facility necessary to accommodate the control of flows discharging from the site shall be constructed and operational.
- 11. The balance of the storm water system and the roadway must be constructed prior to recording of the final plat unless the remainder of the construction costs are covered by an appropriate construction bond at the time of recording.
- 12. Prior to recording, site clearing shall be limited to those areas required for construction of roadways and utility installation. Additional clearing for model home lots may be allowed provided no sensitive areas are present on or adjacent to the lots.
- 13. Erosion and sediment control (ESC) facilities must be provided to ensure sediment-laden water does not leave the subject site or enter the natural drainage systems. These facilities must be installed prior to clearing and building construction and must be maintained until construction and landscaping are complete or until the potential for on-site erosion has passed.

ESC plans for this project shall identify areas to be cleared and graded (limits of clearing) and shall provide a schedule of construction (construction sequence).

- 14. Oil/water separation facilities shall be provided at each point of release so contaminants from the site do not enter natural drainage features. In addition to the King County standard oil/water separators, the applicant will be required to provide biofiltration (i.e., broad, flat-bottomed, fully grass-lined swales) or equivalent

- c. A note shall be provided on the approved storm drainage plan and on the map page of the final recording document delineating those lots approved for infiltration systems containing the following statements regarding roof/footing drain connection:
- All Building downspouts and footing drains shall be connected to the approved permanent storm drain outlet unless otherwise approved by King County. All connections must be made prior to final inspection.
- d. Appropriate drainage easements may be required for flows directed through individual lots, and subject to drainage plan review.
16. A downstream analysis shall be submitted with the drainage plans for minimum distance of 1/4 mile from the point of release of each flow discharged from the site. This analysis must address any existing problems with flooding, capacity, overtopping, scouring, sloughing, erosion, or sedimentation of any drainage facility, whether natural or manmade. Probable impacts due to construction of the project must also be addressed with respect to these same concerns. Where this analysis reveals more restrictive conditions, more stringent drainage controls may be required than would otherwise be necessary for a project of this type. These controls may include more restrictive release rates and/or volume controls, off-site improvements, or some combination of both. Any off-site improvements will require the approval of all affected property owners and may require easements.
17. A wetland and creek are located in the eastern part of the subdivision. To protect the wetland and stream corridor, the following conditions shall be satisfied.
- a. The boundary of the wetland edge, NGPE buffer, and building setback line (BSBL) shall be delineated on the final plat and map page 1. These boundaries will be subject to review and approval by the King County Wetland Specialist.



20. The existing house on lot 19 is currently served by a gravel access road from Hoyt Road S.W. Field investigations by King County staff have identified drainage problems where the access crosses Joe's Creek. The road conditions are poor and has experienced previous flooding problems. To accommodate all future homeowners on lot 19, the gravel road and culvert shall be improved to provide site access and to improve drainage problems.
21. The following statement shall be shown on the final drainage plan and final plat:

#### BUILDING SETBACKS AND NATIVE GROWTH PROTECTION EASEMENTS

Structures, fill and obstructions (including but not limited to decks, patios, outbuildings, or overhangs beyond 18 inches) are prohibited within the building setback line (BSBL) and restricted floodplains (if applicable), and within the native growth protection easement(s) as shown. A sewer line may be located within the NGPE area when necessary, subject to Building and Land Development Division review and approval regarding location and NGPE area restoration, including vegetation restoration.

Dedication of a native growth protection easement (NGPE) conveys to the public a beneficial interest in the land within the easement. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and wetfare, including control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE imposes upon all present and future owners and occupiers of the land subject to the easement the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the easement. The vegetation within the easement may not be cut, pruned, covered by fill, removed or damaged without express permission from King County, which permission must be obtained in writing from the King County Building and Land Development Division or its successor agency.

25. 47th Avenue S.W. shall be improved to King County full-width standards with sidewalks, curb, and gutters on the east half and curb and gutters on the west half of the roadway.
26. Hoyt Road shall be improved with an 8-foot paved shoulder where it abuts this site.
27. 12' of additional right-of-way for Hoyt Road shall be dedicated along the east 12' of property allowing for 42' of right-of-way from centerline.
28. All lots adjoining an area or having area with a NGPE restriction may be required to be provided with a temporary construction fence (e.g., wire or plastic mesh type) between the lot or portions of the lot and the area restricted with the NGPE. Said fence shall be in place prior to any grading or clearing on the subdivision and remain in place until a dwelling is constructed on the lot and ownership transferred to the first owner occupant.
29. Provide a native growth protection easement (NGPE) below the top of bank. Covenants on the face of the plat shall prohibit the clearing or removal of trees or brush.
30. The plat shall be redesigned taking the following into consideration:
  - a. Place the wetland and that portion of the tract lying east of Joe's Creek in a tract with a native growth protection easement (NGPE). Provide a 50' wide buffer tract for the wetland with a NGPE. The buffer tract may be used for lot makeup area.
  - b. The provisions of flexible yard and lot dimension (21.48.270) shall not be permitted.
  - c. That portion of tract A lying north of lot 19 may be considered as a building site. Two portions of tract A may be considered as potential building sites, subject to additional investigation by the applicant and approval by the Subdivision Technical Committee. The first area is that portion of tract A lying north

TRANSMITTED this 12th day of June, 1987, to the following:

Bernard Thompson, Building and Land Development Division  
Peter Dye, Building and Land Development Division  
Julian Hiraki, Building and Land Development Division  
Irv Goddard, Building and Land Development Division  
Pat Freitag

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 June 26, 1987. 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 July 3, 1987. 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.

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 twenty (20) 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