

11-18-87

Introduced by Bruce Laing
Proposed No. 87-615

ORDINANCE NO. 8334

AN ORDINANCE concurring with the recommendation of the Zoning and Subdivision Examiner, amending King County Zoning Resolution No. 25789, as amended, by reclassifying certain property upon the application of DONALD F. DALLY, designated Building and Land Development File No. 114-87-R.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. This ordinance adopts and incorporates the findings and conclusions of the November 4, 1987 report of the zoning and subdivision examiner, filed with the clerk of the council on November 18, 1987 on the application of Donald F. Dally to reclassify certain property described in building and land development file no. 114-87-R.

SECTION 2. The recommendation of the zoning and subdivision examiner to reclassify the subject property from BC to BR-C-P subject to conditions is hereby adopted by the council of King County. Those conditions which must be satisfied before this ordinance becomes effective must be satisfied on or before December 31, 1988, or all authority granted by this ordinance shall expire and this ordinance shall be of no further force or effect. The council may extend this date by motion pursuant to KCC 20.24.230. Upon this ordinance becoming effective, the building and land development division shall amend the official zoning maps of King County to reflect this action.

INTRODUCED AND READ for the first time this 24th day

November 4, 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. 114-87-R
Proposed Ordinance No. 87-615

DONALD F. DALLY
BC to BR-C

.73 acres lying on the south side of N.E. 205th
Street, 340 feet west of 19th Avenue N.E.

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Deny
Division's Final:	Deny
Examiner:	Approve BR-C-P, subject to conditions
Final date to meet pre-effective condition:	December 31, 1988

PRELIMINARY REPORT:

The Building and Land Development Division's Preliminary Report on Item No. 114-87-R was received by the Examiner on September 25, 1987.

PUBLIC HEARING:

After reviewing the Building and Land Development

FINDINGS:

1. General Information:

STR: NW 4-26-4
Location: On the south side of N.E. 205th
Street, 340 feet west of 19th
Avenue N.E.
Size: .73 acres

2. Except as modified below, the facts set forth in the King County Building and Land Development Division's Preliminary Report to the Zoning and Subdivision Examiner for the October 8, 1987 public hearing are found to be correct and are incorporated herein by this reference. Copies of the said report will be attached to the copies of this report submitted to the County Council.
3. The adoption of the Shoreline Community Plan and Area Zoning by King County Ordinance 5080, enacted in 1980, re-adopted the previously existing B-C zoning on the subject property. At that time, multiple residential dwellings were permitted in the B-C zone, subject to the issuance of a conditional use permit. Subsequent to enactment of Ordinance 5080, the King County Building and Land Development Division revised its administrative interpretation of the B-C zone, so as to preclude construction of multiple residential dwelling units.
4. The enactment of the Shoreline Community Plan and Area Zoning contemplated the creation of mixed use zone classifications in King County. In furtherance thereof, Ordinances 5136, 5137 and 5138 were subsequently enacted in 1980. Ordinances 5137 and 5138 established the BR-C and BR-N zone classifications, providing for mixed business-residential use at the community and neighborhood scales. Ordinance 5136, Section 3, equated the B-C and BR-C zones in the Shoreline Community Planning Area, authorizing reclassification from one to the other without the necessity for a Community Plan Revision.

Ordinance 5136 was subsequently repealed when the King

Adjacent to the west, but separated by a topographical break, is property developed for community business uses. There is no reasonable access between the adjacent community business property to the west and the subject property.

8. The Building and Land Development Division, although believing itself to be compelled to recommend denial of this application, acknowledges that there is no reason that the property should not be developed with multiple residential dwelling units. Such development would be compatible with the adjacent properties.
9. The land use currently permitted by the existing B-C zoning of the subject property could have adverse impacts upon the adjacent properties which are developed with multiple residential dwelling units. The presently permitted uses would not be as appropriate for this parcel as would be its development with multiple residential dwelling units.
10. Development of the subject property for multiple residence use would be in general conformance with the King County Comprehensive Plan.

CONCLUSIONS:

1. It was the intent of the King County Council, in enacting Ordinances 5080, 5136, 5137 and 5138 in 1980, to permit the development of the subject property with community business and/or multiple residential uses.
2. The modification by the Building and Land Development Division of its interpretation of uses permitted in the B-C zone classification, so as to preclude the development of the subject property with multiple residential dwelling units (subject to the issuance of a conditional use permit), and the repeal of King County Ordinance 5136, affects the subject property in a substantial and material way not anticipated or contemplated in the community plan or area zoning. The impacts from these changed circumstances affect this property in a manner and to a

RECOMMENDATION:

APPROVE reclassification of the subject property to BR-C-P subject to the following conditions:

Pre-effective

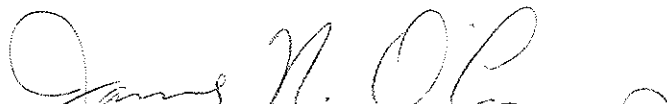
1. Dedication of 12 feet of right-of-way along the north boundary of the subject property, to provide for 42 feet of right-of-way south of the center for N.E. 205th Street.

The foregoing condition shall be satisfied on or before December 31, 1988 or the ordinance reclassifying this property shall be of no further force or effect.

Post-effective

2. All structures shall be setback not less than 50 feet from any slope which exceeds 40% and is 10 feet or greater in elevation difference between the toe and top of the slope. This setback may be modified upon review by the Building and Land Development Division of a study provided by a qualified earth scientist or geotechnical engineer.
3. As part of the site plan review, special consideration shall be given to the landscaping between the proposed development upon the subject property and the commercial development to the west, so that adequate buffering is provided, consistent with the King County landscape ordinance. This may require landscaping upon the subject property to mitigate the lack of landscaping upon the adjacent property which has been previously developed.

ORDERED this 4th day of November, 1987.



and argument in support of the appeal must be filed with the Clerk of the King County Council on or before November 25, 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) 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 OCTOBER 8, 1987 PUBLIC HEARING ON BALD FILE NO.
114-87-R - DALLY DEVELOPMENT CORPORATION

The following exhibits were offered and entered into the record:

Exhibit No. 1	Staff report (3 attachments)
Exhibit No. 2	Application 8/5/87
Exhibit No. 3	Environmental checklist
Exhibit No. 4	Declaration of non-significance 8/25/87
Exhibit No. 5	Sewer Availability Certificate
Exhibit No. 6	Water Availability Certificate
Exhibit No. 7	500' radius list 8/21/87
Exhibit No. 8	Legal notice to King Council Council 8/18/87
Exhibit No. 9	Posting Notice 8/18/87