

November 10, 1997

Introduced By: Jane Hague

Proposed No.: 97-206

ORDINANCE NO. **12907**

AN ORDINANCE granting the appeal of Hillshire Terrace Homeowners' Association and approving, subject to conditions, the preliminary plat of BEGONIA PLACE, designated Land Use Services Division File No. L96P0013.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. This ordinance does hereby grant the appeal by Hillshire Terrace Homeowners' Association of the August 15, 1997, Revised Report and Decision by the King County Hearing Examiner on the application for preliminary plat approval of Begonia Place, designated Land Use Services Division File No. L96P0013, and gives preliminary approval to the said plat, subject to conditions (modified).

SECTION 2. Based upon the record of the public hearings conducted by the King County Hearing Examiner, and having considered the written and oral arguments submitted in support of and in opposition to the appeal, the Metropolitan King County Council does hereby find and conclude:

FINDINGS

1. General Information:

Owner/Developer: Albert Wong  
1943 66th Avenue South  
Kent, WA 98032  
(206) 872-2822

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Engineer: Jim Malone  
David Evans & Associates  
3209 Rockefeller Avenue  
Everett, WA 98201

STR: 9-22-05

Location: At the intersection of Southeast 216th Street and 129th Avenue Southeast

Zoning: R-6 P  
Acreage: 4.19 acres  
Number of Lots: 22  
Density: 5.25 units per acre  
Typical Lot Size: Ranges from approximately 5,000 to 6,000 square feet  
Proposed Use: Single-family detached dwellings  
Sewage Disposal: Soos Creek Water & Sewer District  
Water Supply: Soos Creek Water & Sewer District  
Fire District: Kent #37  
School District: Kent School District #415  
Complete  
Application Date: June 28, 1996

2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the April 29, 1997 public hearing are found to be correct and are incorporated herein by this reference. The said Report is Exhibit No.2 in the record of the public hearing.

3. The major issue concerning this subdivision is whether 129th Avenue Southeast should be constructed through this plat from Southeast 216th Street on the north to Southeast 217th Place on the south. The King County Department of Transportation and Department of Development and Environmental Services, Land Use Services Division, recommend construction of 129th Avenue Southeast as a through street. Residents of the area to the north (Hillshire Terrace) agree. Residents to the south (Wimbledon Ridge) oppose the connection.

4. Local circulation policies of the Soos Creek Community Plan support the connection:  
  
"Local circulation becomes difficult for motorized and non-motorized traffic when adjacent subdivisions do not connect. This situation creates circuitous routes for local residents, makes it harder for transit service to access neighborhoods, makes it harder for pedestrians to get access to transit or other destinations, and may affect emergency response services." Soos Creek Community Plan Update, 1991, pages 66-67, Ordinance No. 10197.

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2 Plan Policy T-9 calls for a circulation system, "(W)hich produces efficient  
3 maximum access and safety to community and area-wide activity areas and  
4 facilities." Policy T-11 encourages new developments to, "(L)ink their internal  
5 road system with adjacent developments, to create a complete and usable  
6 neighborhood circulation system. Circulation patterns to be considered include  
7 vehicular, pedestrian, and bicycling."  
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- 9 5. The Hillshire Terrace Homeowners' Association, representing residents  
10 immediately north of the subject property, strongly supports constructing a through  
11 street within the plat of Begonia Place. They anticipate that its construction would  
12 reduce current traffic through Hillshire Terrace by providing an alternative route  
13 from Southeast 216th Street to 132nd Avenue Southeast.  
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15 If 129th Avenue Southeast is built through the new plat, connecting Southeast  
16 216th Street to Southeast 217th Place, motorists could travel from the present  
17 terminus of Southeast 216th Street, via streets to the south (Southeast 217th Place;  
18 130th Avenue Southeast; Southeast 218th Place), to 132nd Avenue Southeast.  
19 Opening 129th Avenue Southeast through Begonia Place would also benefit  
20 residents north of the subject property by providing a more direct route to Soos  
21 Creek Elementary School, without requiring travel on 132nd Avenue Southeast, a  
22 two lane arterial.  
23

- 24 6. The King County Traffic Engineer projects 750 average weekday vehicle trips  
25 would use the new connecting road through Begonia Place and Wimbledon Ridge.  
26 This volume of traffic is approximately equivalent to the current traffic volume on  
27 the more heavily used streets within Hillshire Terrace. The county traffic engineer  
28 who testified at the hearing, and the applicant's traffic engineer whose report is part  
29 of the record (Exhibit No. 11), concluded that Southeast 217th Place and 130th  
30 Avenue Southeast have sufficient capacity to safely accommodate the projected  
31 increase in vehicular traffic.  
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- 33 7. Southeast 216th Street is presently developed west of Begonia Place as a  
34 neighborhood collector from 116th Avenue Southeast to the northwest corner of the  
35 subject property. Although Southeast 217th Place, south of the subject property,  
36 which will be connected to Southeast 216th Street by 129th Avenue Southeast, was  
37 previously designated a sub-access street, its roadway was constructed  
38 approximately 28 feet in width. This is consistent with the minimum pavement  
39 width required by the King County Road Standards for a subcollector street in the  
40 urban area. Subcollectors provide circulation within neighborhoods, typically  
41 connecting to neighborhood collectors. (King County Road Standards, Section  
42 2.03)  
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- 44 8. The right-of-way of Southeast 217th Place through Wimbledon Ridge is 40 feet. It  
45 is constructed with low speed curves, a 28-foot wide paved road surface, and a

1 sidewalk on one side. The configuration of the roadway and presence of parked  
 2 vehicles will operate to control speeds through the Wimbledon Ridge  
 3 neighborhood.

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 5 9. The Land Use Services Division recommendation for construction of 129th Avenue  
 6 Southeast, as a connection from Southeast 216th Street to Southeast 217th Place  
 7 through the plat of Begonia Place, proposes that it be improved to the urban sub-  
 8 collector standard. This is the highest local access street road classification. (King  
 9 County Road Standards, Section 2.03). It would be equivalent to the sub-collector  
 10 streets in Hillshire Terrace, intended to provide circulation within neighborhoods,  
 11 typically connecting to neighborhood collectors. The recommendation would  
 12 require a 48-foot-wide right-of-way with minimum pavement width of 28 feet,  
 13 designed for 30 mph speed.

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 15 10. Substantial evidence was entered into the record concerning existing unsafe  
 16 walking conditions for children who walk to and from Soos Creek Elementary  
 17 School on Southeast 218th Place. This issue has been reviewed numerous times by  
 18 King County in various forums. Funds for improvements to Southeast 218th Place  
 19 have been identified as available through King County's School Walkway  
 20 Improvement Program.

21  
 22 The proposed development of Begonia Place will make a variety of payments to  
 23 mitigate its impacts, including school and road impact payments. The development  
 24 will provide facilities for safe walking conditions within and along the frontage of  
 25 the plat. Payment for additional off-site improvements to enhance the safety of all  
 26 children walking to and from Soos Creek Elementary School is not an appropriate  
 27 requirement to be imposed upon this Applicant.

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 30 CONCLUSIONS:

- 31  
 32 1. If approved subject to the conditions recommended below, the proposed  
 33 subdivision will comply with the goals and objectives of the King County  
 34 Comprehensive Plan, Soos Creek Community Plan, Subdivision and Zoning Codes,  
 35 and other official land use controls and policies of King County.  
 36  
 37 2. If approved subject to the conditions recommended below, this proposed  
 38 subdivision will make appropriate provision for the public health, safety and  
 39 general welfare and for open spaces, for drainage ways, streets, other public ways,  
 40 transit stops, potable water supply, sanitary wastes, parks and recreation,  
 41 playgrounds, schools and school grounds, and safe walking conditions for students  
 42 who only walk to school; and it will serve the public use and interest.  
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- 1 3. The conditions for final plat approval recommended below are in the public interest  
2 and are reasonable requirements to mitigate the impacts of this development upon  
3 the environment.
- 4
- 5 4. The dedications of land or easements within and adjacent to the proposed plat, as  
6 recommended by the conditions for final plat approval or as shown on the proposed  
7 preliminary plat submitted by the Applicant, are reasonable and necessary as a  
8 direct result of the development of this proposed plat.
- 9
- 10 5. The decision by the Hearing Examiner that 129th Avenue Southeast should not be  
11 extended through the proposed plat to connect Southeast 216th Street with  
12 Southeast 217th Place was based upon an error in judgment. The appeal of Hillshire  
13 Terrace Homeowners' Association should be granted, and the proposed plat of  
14 Begonia Place should be granted preliminary approval with a roadway system  
15 substantially as shown on the plat map dated June 28, 1996 (Exhibit No. 7),  
16 providing a connecting roadway between Southeast 216th Street and Southeast  
17 217th Place.

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19 DECISION:

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21 The appeal by Hillshire Terrace Homeowners' Association is GRANTED, and the  
22 proposed plat of BEGONIA PLACE, as received June 28, 1996, is GRANTED preliminary  
23 approval, subject to the following conditions of final plat approval:

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- 25 1. Compliance with all platting provisions of Title 19 of the King County Code.
- 26
- 27 2. All persons having an ownership interest in the subject property shall sign on the  
28 face of the final plat a dedication which includes the language set forth in King  
29 County Council Motion No. 5952.
- 30
- 31 3. The plat shall meet the base density and minimum density of the R-6P zone  
32 classification. All lots shall meet the minimum dimensional requirements of the R-  
33 6P zone classification or shall be as shown on the face of the approved preliminary  
34 plat, whichever is larger. Minor revisions to the plat which do not result in  
35 substantial changes may be approved at the discretion of the Department of  
36 Development and Environmental Services.
- 37
- 38 4. The Applicant must obtain final approval from the King County Health  
39 Department.
- 40
- 41 5. All construction and upgrading of public and private roads shall be done in  
42 accordance with the King County Road Standards established and adopted by  
43 Ordinance No. 11187, as amended, subject to variances granted by the King County  
44 Road Engineer.
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6. The Applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
  7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
    - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.
    - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
    - c. The following notes shall be shown on the final recorded plat:

"All building downspouts, footing drains and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
  8. The following road improvements are required, to be constructed according to the 1993 King County Road Standards:
    - a. Southeast 216th Street (frontage-south side only) shall be improved to the urban neighborhood collector standard from the west property line to the east margin of 129th Avenue Southeast.
    - b. 129th Avenue Southeast within the plat shall be constructed as an urban sub-collector street.
    - c. Southeast 216th Place shall be constructed as an urban minor access street.

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d. Modifications to the above road conditions may be made in conformance with the variance provisions of the 1993 King County Road Standards, Section 1.08.

9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: 1) pay the MPS fee at final plat recording, or 2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application, and a note shall be placed on the face of the plat stating: "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid". If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
11. Lots within this subdivision are subject to King County Ordinance 10162 and Ordinance 12148, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. There shall be no direct vehicular access to or from Southeast 216th Street from those lots which abut it.
13. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.
14. A fee-in-lieu of recreation space shall be paid by the Applicant to King County. The amount of the fee shall be determined by the King County Parks Division, consistent with the provisions of KCC 21A.14.185.
15. A homeowners' association or other workable organization may be required to be established by DDES to provide for ownership and continued maintenance of any common areas.

Street trees shall be provided as follows:

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- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along Southeast 216th Street. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
- b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Public Works determines that trees should not be located in the street right-of-way.
- c. If Public Works determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be owned and maintained by the abutting lot owners unless the county has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
- e. The species of trees shall be approved by DDES and Public Works if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval. Public Works shall also review the street tree plan if the street trees will be located within the right-of-way.
- g. The Applicant shall contact Metro Service Planning at 684-1622 to determine if Southeast 216th Street is on a bus route. If Southeast 216th Street is a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County Code.



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16. The following conditions shall apply to implement the P-suffix conditions that apply to this property:

a. **Clearing and Grading.** The Applicant has the option to clear the individual building envelopes during construction of the roads and utilities or upon approval of the individual building permit. If the building envelopes are to be cleared during road and utility construction, the individual building envelopes shall be shown on the engineering plans and limited to the following maximum area (1991 Soos Creek Community Plan, page 148):

1)	<u>Lot Size (in sq. ft.)</u>	<u>Building Envelope</u>
	5,000-9,000	45% of the lot size
	9,001-15,000	33% of the lot size
	Greater than 15,000	5,000 square feet

2) The clearing limits for each building envelope shall be clearly marked or flagged on each lot and inspected prior to any clearing.

b. **Seasonal Clearing.** Clearing and grading shall not be permitted between November 1 and March 31, unless otherwise approved by DDES (1991 Soos Creek Community Plan, pages 149-150).

17. The Applicant shall perform a level three downstream analysis per Core Requirement 2 of the King County Surface Water Design Manual to determine off-site capacity. The culverts under 132nd Avenue Southeast and under Southeast 216th Street may be undersized. Any capacity problems shown by the analysis can be addressed by holding the detention release rate to the storm event that inception

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1 of the problem occurs. (See page 1.2.2-5 KCSWDM). As an alternative to the  
2 above over-detention, the capacity problems can be eliminated by downstream  
3 improvements. This condition shall be addressed on the engineering plans at  
4 engineering plan submittal.  
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6 INTRODUCED AND READ for the first time this 31<sup>ST</sup> day of

7 March, 1997

8 PASSED by a vote of 9 to 1 this 8<sup>th</sup> day of December

9 1997.

10 KING COUNTY COUNCIL  
11 KING COUNTY, WASHINGTON

12 James Hogue  
13 Chair

14 ATTEST:

15 [Signature]  
16 Clerk of the Council

17 APPROVED this 18 day of December, 1997

18 [Signature]  
19 King County Executive