

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

WYNN KAMPE

FILE NO. P-85-001

DCLU APPLICATION NO. 8500235

for preliminary plat approval
pursuant to Chapter 23.22,
Seattle Municipal Code

C.F. NO. 293777

Recommendation: The application should be conditionally
GRANTED.

Introduction

Applicant proposes to subdivide a 7.6 acre parcel located immediately north of the south City limits into 30 single family lots.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code as amended unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application be conditionally granted.

This matter was heard before the Hearing Examiner on July 1, 1985, and July 8, 1985. The record remained open to July 10, 1985, for DCLU response to an altered access design proposal.

After due consideration of the evidence presented, including the information provided by the Director's report and all evidence elicited during the public hearing, and subsequent to the personal inspection of the subject area by the Examiner, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

1. Applicant, Kampe Construction Co., Inc., proposes to divide a 7.6 acre property into 30 single family residential lots.

2. The subject site is legally described as:

Portions of lots 10-14, Block 10 and lots
92-94, 120-122, Block 12, of C.D. Hillman's
Meadow Gardens Addition #2 located at 5309
South Wallace Street.

3. The property is located immediately north of the south Seattle City limit, east of the I-5 Freeway and east of Martin Luther King, Jr. Way South. The site is zoned Single Family (SF) 9600 and is completely covered with trees, brush and other vegetation. South and west adjacent to the site is unincorporated King County property that is zoned RS 7200. North and east adjacent properties are within the Seattle City limits and are zoned Single Family 9600 and, further northeast, SF 5000 and SF 7200.

4. The subject site generally slopes down east to west. Its overview hillside drops suddenly at its abutment with Martin Luther King, Jr. Way South. Because of the steep topography, portions of the site are designated environmentally sensitive. There is, however, a substantial variation in topography between lots.

5. Bisecting the parcel somewhat is 56th Place South, also known as South Wallace Street. This street is black topped and serves as the southern boundary for proposed lots 1-11.

6. Fifty-sixth Place South connects northwest with another "Wallace Street" segment. This latter right-of-way is also known as South 118th Street. Proceeding east, 118th Street intersects with the most southerly portion of north-south oriented 53rd Avenue South. Proposed lot 10 abuts the southern portion of South 118th at this intersection.

7. At lot 10's northeast corner and continuing through more southerly lots 9, 8, and 7 is an easement to the City of Seattle within which high power lines are located. The power lines continue along 56th Place South.

8. The Department of Construction and Land Use (DCLU) recommended that the proposed subdivision be granted on several conditions. Condition 4 of the Conditions of Approval Prior to Final Plat Approval by Engineering Department read as follows:

4. The existing high power line crossing the lots 8, 9 and 10, block 2, east of 56th Pl. S. shall be undergrounded, or lots 8, 9 and 10 shall be reconfigured to eliminate the encroachment of the power lines.

9. According to applicant, since he, the developer, wants to offer economical housing in the \$70,000 price range, it is desirable to "resist" attempts to add (unnecessary) costs to the project. One such item that applicant opposes is undergrounding, which he considers to be costly and time-consuming. Applicant specified his intent to locate the dwellings themselves other than underneath the power lines such that the lines would instead be located over the rear or front yards.

10. Applicant and DCLU also disagree on the issue of access to the lots proposed for the northeast portion of the site, i.e., lots 14, 15 and 16. Proposed lot 14 has 133 ft. of frontage along north abutting South 118th Street. Proposed lot 15 was initially proposed to be south adjacent to lot 14 and "landlocked." South adjacent to lot 15 was proposed lot 16. As initially submitted, lots 16, 15 and 14 would be accessed via a roughly 226 ft. long, 20 ft. wide easement connecting to South 118th Street.

11. Regarding this easement the DCLU recommendation imposed three conditions. Prior to Final Plat Approval by Engineering Department, DCLU recommended that a "turnaround...be provided at the end of the easement serving lots 14, 15 and 16 to meet the Engineering Department standards for turnaround." As a condition of approval "After Recording But Prior to Issuance of Building Permits" DCLU required that the turnaround and easement roadway be "graded, compacted, and covered with six inches of crushed rock for a minimum of 16 ft. width." "After Recording But Prior to Framing/Cover Inspection", DCLU continued,

The easement roadway...shall be improved to a minimum width of sixteen feet with asphalt or concrete pavement so as to be capable of supporting 30,000 pounds of fire vehicles and/or equipment.

As a final note on the access roadway DCLU proposed that there be a joint use maintenance agreement to be worded so as to constitute covenants running with the land.

12. In the second hearing, applicant proposed to reconfigure the lots so that lots 15 and 16 would have separate "pipe-stem" accessways to South 118th Street. An easterly 10 ft. of lot 14 would lead directly to and become a part of lot 15. One of the reasons given by applicant for the alternative was that the topography of the initially proposed easement aisle does not lend itself to the type or degree of improvement required by DCLU. DCLU responded in the second hearing that parallel easements such as proposed by applicant were not desirable; nor the number of curb cuts that may be necessary to accommodate the roadways.

13. DCLU's written response, received subsequently, maintained opposition to the parallel easement plan and recommended that applicant submit (1) a revised plat map and

- (2) engineering drawings showing the revised proposed driveways and Wallace St. improvements for DCLU and Engineering Department approval and comments prior to City Council approval of the subdivision.

14. The Fire Department objected to the subdivision proposal unless fire hydrants at no more than 600 ft. intervals were provided. The Water Department noted that improvements to water service, such as by construction of 1,100 ft. of 8 in. watermain to serve the site, would be required. Applicant is amenable to the DCLU recommended conditions requiring compliance with Fire, Water and Engineering Department standards.

15. Another item of disharmony relates to the DCLU recommended condition that Prior to Final Plat Approval by Engineering Department:

The applicant...submit plans showing the required street improvements including curbs, sidewalks, stormdrains, sewers, street surfacing, and widening. The Engineering Department and the applicant are encouraged to include street lighting, street trees, underground utilities and curved streets and sidewalks as part of the street improvements.

Applicant objects to the cost and specifically views curving of the street as a safety hazard since autos will not anticipate the change from the generally straight roadways nearby.

16. In response to another contested issue, DCLU modified its recommended condition which required that a soils report accompany any building permit application. DCLU and applicant agree that the first Condition of Approval After Recording but Prior to Issuance of Building Permits, sentence two, should be modified to read that:

A soils report meeting the requirements of the Department of Construction and Land Use shall be provided along with any application for building permits for construction in any environmentally sensitive area of the site.

According to applicant, building on lots 12, 13, 14, 15 and 16, all of which offer steep terrain will require engineering assistance; and that for others building will occur close to 56th Place, away from the environmentally sensitive slope areas. Applicant also noted a preexisting soils report for the subject site.

17. The following departments or agencies had no objections to or comments on the proposed subdivision: Public Health, City Light, Community Development, Parks and Recreation, and the Municipality of Metropolitan Seattle (METRO). The Board of Public Works recommended that the "street names shown on the proposed plat be approved." Fire, Water, Engineering Department comments have been referenced above.

18. With regard to the action proposed in this application, a declaration of non-significance (DNS) has been prepared by the responsible official pursuant to the State Environmental Policy Act of 1971 (SEPA) as amended, and Chapter 25.05, Seattle Municipal Code, and is part of the record.

Conclusions

1. The Hearing Examiner has jurisdiction of this proceeding pursuant to Chapter 23.22, Seattle Municipal Code. Section

23.22.36 requires that the Hearing Examiner enter findings, conclusions and a recommendation on the preliminary plat to the Council after considering the criteria of Seattle Municipal Code Sections 23.23.50, .54, and .56. Considering the evidence of record and the required legislation, the Hearing Examiner recommendation is that the preliminary plat be approved as conditioned below.

2. Seattle Municipal Code Section 23.22.50, "Topographical and Surface Harzards, indicates that land with

...topographical or subsurface conditions hazardous to the health, safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided

unless constructed improvements will eliminate the hazard or the land use will be restricted such that persons or property are not exposed. This criteria is met by the proposal so long as approval is conditioned on guidance of a Washington State licensed civil engineer with geotechnical experience in the development of the plat; and so long as a soils report for any building application for construction in any environmentally sensitive area is required. This should provide a reasoned and protective response to the site's steep topography.

3. Further, the public use and interest will be served by the introduction of 30 single family homes to the City's housing stock. Seattle Municipal Code Section 22.23.54. Also as part of the proposal, improvements will include those to the water supply, storm drain, fire protection, sewer and street systems. The single family zoning will be contiguous to other single family zoning south, in the County, and north, within the Seattle City limits.

4. More specific to the public use and interests requirements of Section 22.23.54, the Hearing Examiner recommends that the overhead power lines crossing proposed lots 8, 9 and 10 be undergrounded or the lots reconfigured. While the undergrounding may add to the cost of the project, the public interest would be better served by reducing and not increasing the number of residential lots that are exposed to overhead wiring and the safety limitations they may impose on outdoor recreational or other activity e.g., kite flying.

5. Concerning access to proposed lots 14, 15 and 16, applicant has modified his plans to show lots 15 and 16 as panhandle lots having parallel accessways connecting north to South 118th Street. The Hearing Examiner was not afforded the benefit of Engineering Department review of this option although DCLU was given the opportunity to and did express some reservations about it. Thus, while it appears that parallel accessways such as proposed by applicant could tend to detract from the single family residential ambiance, the Hearing Examiner is not prepared, in the absence of Engineering review and recommendation, to suggest that the specific access proposal be approved or denied. The Hearing Examiner instead recommends that the Seattle Engineering Department review applicant's revised plat map and that the Council adopt as a condition Seattle Engineering Department-DCLU recommendations on the location, characteristics and condition of the appropriate access. The Seattle Engineering Department report to Council should specifically address the question of whether the topography of the initially proposed easement is such that a 16 width could not be feasibly obtained. Because the easement issue is not resolved, the Hearing Examiner would hold DCLU recommendations on the access in abeyance.

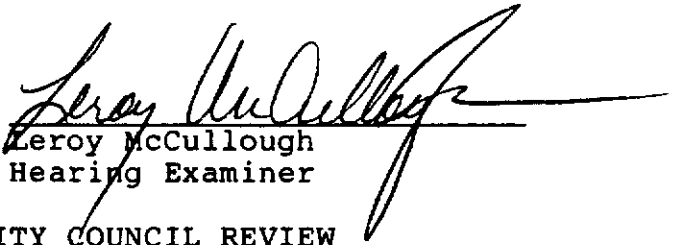
6. The Hearing Examiner does not recommend that curvature of 56th Place be added as a specific condition, but does recommend inclusion of street lighting as a condition to improve public safety. Except as stated above, the Hearing Examiner recommends approval of the subdivision with the DCLU recommended conditions, p.6. DCLU Analysis and Recommendation, which are incorporated herein by reference.

7. No evidence was presented that the subject site was in a flood zone. Seattle Municipal Code Section 23.22.56.

Recommendation

The application should be conditionally granted.

Entered this 18th day of July, 1985.


Leroy McCullough
Hearing Examiner

NOTICE CONCERNING CITY COUNCIL REVIEW

Seattle Municipal Code Section 23.22.40, Council Review, provides as follows:

Pursuant to RCW 58.17, upon receipt of the Hearing Examiner's recommendation, the Council shall at its next public meeting set the date for the public meeting at which it may adopt or reject the recommendations. If, after considering the matter at a public meeting, the Council determines that a change is necessary in the Hearing Examiner's recommendation, it shall conduct a public hearing and adopt its own recommendations and approve or disapprove the preliminary plat. The public hearing may be held before a committee constituting a majority of the Council, which shall report its recommendations on the matter to the Council for final action by resolution. The decision of the Council shall be in writing and shall include findings of fact and conclusions to support its decision. It shall clearly state any conditions of approval imposed, including dedications and the construction of protective improvements. If the preliminary plat is approved, the decision shall include a written finding of fact that the proposed subdivision is in conformity with the applicable provisions of this Title 23.