

September 9, 2020

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
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www.kingcounty.gov/independent/hearing-examiner

REVISED REPORT AND DECISION

SUBJECT: Department of Local Services file no. **PLAT190002**
Proposed ordinance no.: **2020-0233**

MASON HEIGHTS
Preliminary Plat Application

Location: 37426, 37504, and 37522 28th Avenue S, Federal Way, WA 98003;
37407 32nd Avenue S, Auburn, WA 98001

Applicant: Mason Heights, LLC, c/o Jeff Fransen
represented by **Jamie Schroeder**
CPH Consultants
11321-B NE 120th Street
Kirkland, WA 98034
Telephone: (425) 285-2392
Email: jamie@cphconsultants.com

King County: Department of Local Services
represented by **Tracy Cui**
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 263-8720
Email: Tracy.Cui@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Approve with Conditions
Department's Final Recommendation:	Approve with Conditions
Examiner's Decision:	Approve with Conditions

EXAMINER PROCEEDINGS:

Hearing Opened: 8/25/2020
Hearing Record Closed: 8/27/2020

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

FINDINGS:

1. General Information:

Application Completeness Date: September 3, 2019

Applicant: Mason Heights, LLC

Engineer: CPH Consultants, Jamie Schroeder, PE

STR: NE 33-21-4

Location: 37426, 37504, and 37522 28th Avenue S.
Federal Way, WA 98003; 37407 32nd Avenue S, Auburn,
WA 98001

Zoning: R-6

Comprehensive Plan: UM (Urban Residential Medium, 4-12 du/acre)

Acreage: 18.56 acres (808,474 square feet)

Number of Lots: 62

Density: 3.34 du/acre

Average Lot Size: 5,370 square feet

Proposed Use: Single Family Residences

Sewage Disposal: Lakehaven Water & Sewer District

Water Supply: Lakehaven Water & Sewer District

Fire District: South King Fire & Rescue

School District: Federal Way #20

2. Hearing. An open record public hearing was held August 25, 2020. Due to the COVID-19 response, the hearing was conducted remotely, with the Examiner; King County Department of Local Services, Permitting Division ("Permitting"); Applicant; and, members of the public calling in. Access information was provided to the public to allow citizens to join via either a video link or telephone call-in. There were no reported technical difficulties during the call or afterwards. However, in case any citizens who wished to comment had difficulty calling in, the record was kept open through August 27. No additional written comment from the public was received.¹

¹ Written public comment was received before the hearing. See Exhibits D8-12.

3. At the hearing, Permitting, through Ms. Cui, summarized the proposal. The Applicant, through Mr. Fransen, Mr. Schroeder, and Mr. Jones, provided further detail. Mr. Eichelsdoerfer from the County addressed traffic safety questions. No member of the public indicated a wish to testify.
4. SEPA. State Environmental Policy Act, Ch. 43.21C RCW review was completed through a Determination of Non-Significance, which was not appealed.²
5. Review Process, Generally. Besides internal County review, notice to state and local agencies and several tribes was provided.³ This was coupled with Subdivision Technical Committee review and on-site examination.⁴ No concerns on compliance with KCC notice or procedural review requirements were raised. Code requirements on notice were complied with.
6. Agency, Tribe, and Citizen Written Comment. During SEPA review, public comments from neighboring property owners were received, which were shared with the Applicant and STC (Subdivision Technical Committee). Comments addressed road design, vehicle speed, site access, school bus route, traffic operation, privacy, noise impact, and stormwater facilities. The Applicant provided responses.⁵ As long as an Inadvertent Discovery Plan was prepared, the Puyallup Tribe's Historic Preservation Department had no concerns.⁶

At the hearing, the Examiner followed up on the written comment on traffic speeds. The Applicant, through Mr. Jones, referenced the written response provided. Mr. Eichelsdoerfer indicated that speed bumps are not preferred due to maintenance and emergency access, and data finding people may speed between them. Given current conditions, he viewed it as premature to install traffic calming devices. But, he provided contact information for the County's traffic safety program (run through Mr. Brown) should speed issues arise.

7. Density. Base density allowed is 111 (18.56 x 6).⁷ At 62, the project complies. It also complies with the minimum density requirement of 53. This calculation is based on net buildable area.⁸ Net acreage (10.31 acres) is multiplied by the code's minimum density factor⁹ (10.31 x 6 x 85% = 53).¹⁰
8. Schools. Rainier View Elementary, Sequoia Middle School, and Todd Beamer High School, all within Federal Way School District #210, will serve the project. To address school impacts, impact fees are being paid.¹¹ 2020 School Impact Fees are \$5,035 per detached single-family dwelling unit. Half the impact fees due for the plat will be assessed and collected immediately before recording, using the fee schedule in effect when the plat receives final approval. The

² Exhibit D6 (DNS); Exhibit D2 (Staff Report), p. 3.

³ Exhibit D2 (Staff Report), pp. 3-4.

⁴ Exhibit D2 (Staff Report), p. 3.

⁵ Exhibits D8-11.

⁶ Exhibit D12.

⁷ KCC 21A.12.030.

⁸ KCC 21A.12.030, .060.

⁹ KCC 21A.12.030.

¹⁰ Exhibit D18; Exhibit D2, p. 6.

¹¹ KCC 27.44.010.

balance will be allocated evenly to the plat dwelling units and collected before building permit issuance.¹²

With the proposed sidewalk improvements on 28th Ave. S.'s east side¹³ and sidewalks within the plat, the Applicant documented adequate school access and walking conditions. Bus stops for the Middle and High Schools proximate to the project will be safely accessible, and the Elementary School is within walking distance.¹⁴ School concerns are addressed consistent with Ch.21A.28 KCC.

9. Topography. The site slopes downward from both east and west towards a central wetland. Slopes west of the wetland are less than 15%; slopes to the east are 10-25%. There is also a 15-foot high, 45% graded slope in the site's southeastern portion. This limited area was graded as part of the adjacent development and will be re-graded for this project. A Geotechnical Engineering Report was prepared with recommendations, which will be complied with.¹⁵
10. Drainage. The project must comply with the 2016 King County Surface Water Design Manual. A Level 1 downstream analysis was prepared. No downstream nuisances such as erosion, sedimentation, or flooding were found. The project is not anticipated to create new downstream issues. The project includes two combined flow control/water quality underground stormwater vaults in Tract A and Tract E. Each stormwater vault releases mitigated flows to a level spreader which then discharges to the on-site wetlands. Conservation Flow Control and Basic Water Quality treatments will be provided for both facilities.¹⁶
11. Critical Areas. Two Category II wetlands and a Type N stream are on site. Wetland A bisects the site from north to south, and contains the stream which flows south. Wetland B is at the site's south edge and is separated from Wetland A by an old access road. Standard buffers are 100 feet for the wetlands, and 65 for the stream. As the stream and its buffer are within the on-site wetlands, its buffer is not separately shown on plans. The buffer reductions and corresponding mitigations meet code requirements.¹⁷ No threatened, endangered, or otherwise protected wildlife habitat is on site.
12. Traffic. Lots 1-23 will access 28th Ave. S., via Road A. Lots 24-62 will access Road B, which will connect to 30th Place S., which provides access to the existing Christy's Crossing Subdivision. An emergency-only access will be provided to Lots 24-62. In addition, private access tracts are used to access several lots. Improvements were detailed in testimony, on the plat sheets (Exhibit D3), in the Staff Report (Exhibit D2), and also through a supplemental memo requested by the Examiner (Exhibit A1).
 - A. 28th Ave. S. will be widened along project frontage to provide 18-foot pavement width from right-of-way centerline. Curb and gutter, and a five-foot wide sidewalk will be built along the east side. An additional 12-feet of right-of-way will be dedicated.

¹² Exhibit D2 (Staff Report), p. 7; Condition 13.

¹³ See Exhibit D2 (Staff Report), p. 8; Condition 9.

¹⁴ Exhibit D2 (Staff Report), pp. 7-8; Exhibit D21.

¹⁵ Exhibit D2 (Staff Report), p. 4; Exhibit D13; Condition 13.

¹⁶ Exhibit D2 (Staff Report), p. 7; Exhibit D19 (Technical Information Report).

¹⁷ Exhibits D14 and 15.

- B. Road A. 24-foot wide pavement with curb and gutter and five-foot sidewalks on each side, and 40-foot dedicated right-of-way. The north portion, near the S. 374th Place intersection, is a half street improvement and future development to the north will complete the ultimate road section. This portion will provide 20-foot pavement width with curb and gutter and five-foot sidewalks long the road's south side.
- C. Road B. 28-foot wide with curb and gutter and five-foot sidewalks on both sides. Road B extends 30th Place S. from the property line to the northern boundary. Parking is proposed on one side of the street. 48-feet of right-of-way will be dedicated. A temporary turnaround will be provided at the road's north end until future development extends the road.
- D. Emergency Access. An emergency access connection is proposed from Road B's north end heading east and connecting to S. 374th Street (misabeled as 7th St. on the preliminary plans in Exhibit D3). The access will include 21 feet of pavement with curb and gutter and a five-foot sidewalk on the south side. An emergency access gate will be provided at the project terminus at the northeast corner. 30-feet of public right-of-way will be dedicated.
- E. Tracts B, G, and H. These private access tracts serve up to six lots each. They include 18-foot pavement widths within 20-foot tracts and no sidewalks.
- F. Tracts C and F. These private joint use driveways serve two lots each. They include 18-foot pavement widths within 20-foot tracts and no sidewalk.¹⁸

A traffic impact analysis was prepared.¹⁹ About 585 daily trips, 46 AM peak hour trips, and 61 PM peak hour trips will be generated. This includes trips by residents, and service trips (mail delivery, garbage pick-up, school bus trips). The surrounding street system has adequate capacity, meeting Ch. 14.70 and 14.80 KCC concurrency requirements.

- 13. Sewage, Water/Fire. Sewage and water supply systems, including fire flow, are available to serve the project.²⁰
- 14. Parks and Open Space. The nearest public park is Five Mile Lake Park, .8 miles to the northeast. In the R-6 zone, a project with over four units, and at an eight unit per acre or less density, the project must provide 390 square feet of recreation space per unit, or 24,180 square feet.²¹ The Applicant is providing 25,300 through two on-site recreation areas situated over the stormwater vault in Tracts A and E. The space will be improved with recreation facilities, per KCC 21A.14.180. A conceptual recreation plan is at Sheet L1-5 in Exhibit 15.
- 15. Urban Infrastructure. Required urban infrastructure will be provided. The improvements described at the hearing and in application materials mitigate project impacts, meet code requirements, and provide for adequate ingress and egress.

¹⁸ Exhibit A1.

¹⁹ Exhibit D20.

²⁰ Exhibit D2 (Staff Report), p. 8; Exhibit D23 (Certificate of Sewer Availability); Exhibit D 24 (Certificate of Water Availability). King County Fire Flow Standards can be met; before final plat recording the water service facilities will be reviewed and approved to confirm same. South King Fire & Rescue District can serve the project, Exhibit D22.

²¹ KCC 21A.14.180(A).

16. Staff Report. Except as this Decision modifies it, the Staff Report²² is factually supported and is incorporated. The Staff Report includes recommended conditions, which should be included to support Decision findings and ensure KCC requirements are met.

CONCLUSIONS:

1. As conditioned, the subdivision makes appropriate provisions for the topical items enumerated within RCW 58.17.110, and meets the County's platting criteria, including KCC 20.22.180.
2. The R-6 zone permits the project's use, density, and scale, and land use regulations are complied with. Impacts to schools and recreation are addressed, and the project is supported with adequate landscaping, infrastructure, public water/sewer, street improvements (including sidewalks and parking), and other mitigation, to ensure the project meets KCC requirements.
3. The conditions for final plat approval are reasonable requirements and in the public interest. With these conditions, and the urban services and infrastructure supporting the project, the plat will serve the public health, safety and welfare, and the public use and interest. The plat should be approved with conditions.

DECISION:

The preliminary plat is approved subject to these conditions:

1. The plat configuration shall be developed in substantial conformance with the development plan set dated May 4, 2020 (Exhibit 3).
2. Compliance with all platting provisions of Title 19A of the King County Code.
3. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
4. The plat shall comply with the density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of DLS—Permitting in accordance with KCC 19A.12.030.
5. All construction and upgrading of public and private roads shall be done in accordance with the 2016 King County Road Design and Construction Standards (KCRDCS) established and adopted by Ordinance 18420, as amended.
6. Approximately 150 feet of shoulder widening and where appropriate, construction of extruded concrete curb on the east side of 28th Avenue S north of S 374th Place to match other existing sections of 28th Avenue S to the north shall be required. This improvement, in combination with existing facilities will provide safe conditions for students walking between the site and Rainier View Elementary School (Exhibit 21).

²² Exhibit D2.

7. The applicant must obtain the approval of the King County Deputy Fire Marshal for the adequacy of the fire hydrant, water main, and fire flow standards of KCC Chapter 17.08.
 - A. Any future residences are required to be equipped with fire sprinklers per NFPA 13D. KCC Title 17 requires that a fire hydrant supplying at least 1,000 gpm be located within 350 feet vehicular travel distance of the building envelope of each lot.
 - B. To qualify for removal of the fire sprinkler requirement the driving surface of the fire apparatus access has to be a minimum of 20-foot wide, 28-feet in width if parking is permitted on one side of the roadway, and at least 36-feet in width if parking is permitted on both sides.

The sprinkler requirement may be removed at the time of building permit submittal and review by the Deputy Fire Marshal for fire access. Fire access shall meet the following requirements:

- A. 20-foot wide unobstructed permanent all-weather driving surface with 25-ton (52,000 lbs.) loading capacity.
 - B. All portions of the exterior walls of residential structures (at grade) must be within 150 feet (as a person would walk via an approved route around the building) from an approved fire apparatus access road/fire lane.
 - C. Maximum grade of 15% at all locations.
 - D. Vertical clearance of 13 feet 6 inches.
 - E. Minimum of 20-foot inside turning radius and 40-foot outside turning radius at all bends and turns. A fire apparatus access road/fire lane or driveway over 150 feet long is required to have an approved hammer head turn-around configuration. In some cases, a circular 80-foot diameter turn-around may be acceptable.
8. Final plat approval shall require full compliance with the drainage provisions set forth in KCC Chapter 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC Chapter 9.04 and the 2016 KCSWDM must also be satisfied during engineering and final review.
 - A. Drainage plans and analysis shall comply with the KCSWDM and applicable updates adopted by DLS—Permitting approval of the drainage and roadway plans is required prior to any construction.
 - B. Current standard plan notes and ESC notes, as established by DLS—Permitting Engineering Review, shall be shown on the engineering plans.
 - C. The following note shall be shown on the final recorded plat: t

"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 # (DLS—Permitting-issued plan record number to be inserted in space provided) on file with DLS - Permitting and/or the King County Road Services Division. This plan shall be submitted with the application of 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."

- D. The storm drainage conveyance system along the public roadways shall be designed pursuant to requirements of the KCSWDM.
- E. The site is within the mapped Conservation Flow Control and Basic Water Quality Areas. A full drainage review is required demonstrating compliance with all nine (9) core requirements and all five (5) special requirements of the 2016 KCSWDM. Level 2 Flow Control is required for the on-site basin.
- F. The detention facilities shall meet the design requirements in Section 5.1 of the KCSWDM. Access roads are required to the access panel, the control structure, and at least one access point per cell, and shall be designed per Section 5.1.3. The water quality facilities shall be designed in accordance with Chapter 6 of the KCSWDM.
- G. To implement the required Best Management Practices (BMPs) for treatment of storm water, the final engineering plans and TIR shall clearly demonstrate compliance with all applicable design standards. The requirements for BMPs are outlined in Section 1.2.9 of the 2016 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMPs for site development.

The required BMPs shall also be shown on the individual residential building permit applications upon submittal of the permits. The individual building permit applications shall also include the required covenants, easements, notes and other details to implement the BMP design.

- H. Retaining walls that are over 4 feet in height measured from the bottom of the footing to the top of the wall shall be designed by a licensed structural engineer.
9. The proposed subdivision shall comply with the 2016 KCRDCS, including the following requirements:

- A. The proposed frontage improvements of 28th Avenue S shall be constructed, at a minimum, to the urban collector arterial road standards, including adequate right-of-way dedication for the improvements.
 - B. Road A shall be constructed, at a minimum, to the urban subaccess road standards for the south and east sections of the road and, at a minimum, to the urban half road standards for the north section of the road.
 - C. Road B shall be constructed, at a minimum, to the urban subcollector road standards. The emergency vehicle only access that will connect to Road B along the northern boundary of the proposed subdivision shall be constructed, at a minimum, to the urban half road standards.
 - D. Private access tracts (PAT) and Joint Use Driveway (JUD) tracts, if any, shall be improved to the PAT and/or JUD standard per Section 2.09 and 3.01 of the KCRDCS. Notes regarding ownership and maintenance of the private access tracts and/or joint use driveways shall be shown on the final plat.
 - E. Prior to final plat recording, KCRDCS roadway improvements shall be provided to serve the 62 new lots.
 - F. No direct access driveways will be allowed to 28th Avenue S. Notes to this effect shall be shown on the engineering plans and final plat.
 - G. Comply with road variance VARR19-0003.
 - H. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.13 of the KCRDCS.
10. Critical Areas: The proposed subdivision shall comply with the Critical Areas Code as outlined in KCC Chapter 21A.24 at the time of application. Impacts to critical areas shall be avoided where possible, and compensatory mitigation is required for approved adverse impacts. Preliminary plat review has identified the following specific requirements that apply to this project. All other applicable requirements from KCC Chapter 21A.24 shall also be addressed by the applicant.
- A. Wetland Category and Buffers (KCC 21A.24.325): There are two Category II wetlands (Wetlands A and B) located in the center of the proposed development. King County Code applied at the time of assessment requires a standard buffer of 100 feet for Category II wetlands within the Urban Growth Area with habitat scores less than 20, measured from the wetland edge.
 - B. Aquatic Area Types and Buffers (KCC 21A.24.358): A Type N aquatic area (stream) flows south through the centers of Wetlands A and B. The aquatic area and its buffer are entirely contained within the wetlands and their buffers. King County Code requires a standard buffer of 65 feet for Type N aquatic areas within the Urban Growth Area, measured from the ordinary high water mark.
 - C. Critical Area Tract (KCC 21A.24.180). The wetlands, aquatic area, and their

associated buffers shall be placed in a critical area tract to be shown on the engineering plans and final plat. The critical area tract shall be held in an undivided interest by each owner of a building lot within the development, either with this ownership interest passing with the ownership of the lot or held by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance and protection of the tract.

- D. A minimum building setback line of 15 feet shall be required from all edges of the buffer (KCC 21A.24.200).
- E. Buffer reduction of a standard wetland buffer is allowed for wetland buffers within the Urban Growth Area pursuant to KCC 21A.24.325(A)(3), provided the applicable mitigation measures under this section of code are met. A final critical area mitigation plan shall be submitted during the engineering review of this plat that includes details on how each of the mitigation measures is met.
- F. A final arborist report shall be submitted by the applicant during the engineering review that verifies and quantifies the number of trees to be removed from critical areas and the required mitigation, if any.
- G. Permanent survey marking, wildlife passable fencing, and critical area signs shall be installed at the edge of the critical area tracts prior to final plat approval (KCC 21A.24.160).
- H. Prior to any clearing and grading on the site, the tract/critical area and buffer, and the area of development activity must be marked or otherwise flagged to the satisfaction of King County. The required marking or flagging shall remain in place until all development proposal activities near the critical areas are completed. Additional erosion and sedimentation control measures may also be required pursuant to the KCSWDM and Clearing and Grading regulations.
- I. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR CRITICAL AREA TRACT AND
CRITICAL AREAS AND BUFFERS

Dedication of a critical area tract/wetland and buffer conveys to the public a beneficial interest in the land within the tract/wetland and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract/wetland and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/critical area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/critical area and buffer. The vegetation within the tract/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County

Department of Local Services—Permitting Division or its successor agency, unless otherwise provided by law.

The common boundary between the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the critical area tract/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities near the critical areas are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

11. The engineering plan approval shall include a special inspection requirement for the geotechnical engineer to observe site grading, cut slope excavation subgrade preparation, fill compaction and fill slope grading, rockery construction and any necessary groundwater seepage control for compliance with the recommendations contained in the geotechnical engineering report by Associated Earth Sciences, Inc, dated June 4, 2019 (Exhibit 13).
12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
13. Lots within this subdivision are subject to KCC Chapter 21A.43, which imposes 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 the recording, using the fee schedules in effect when the plat receives 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.
14. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children’s play equipment, picnic table[s], benches, etc.).
 - A. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DLS—Permitting concurrent with the submittal of the engineering plan.
 - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
15. A homeowners’ association or other workable organization satisfactory to DLS—Permitting shall be established and shall provide for the ownership and continued maintenance of the recreation, open space and/or critical area tract(s).

16. Street trees shall be provided as follows pursuant to KCRDCS 5.03 and KCC 21A.16.050:
- A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. 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 Section 5.03 and Drawings 5-009 through 5-013 of the KCRDCS, unless the King County Department of Local Services, Roads Division determines that trees should not be located in the street right-of-way.
 - C. If King County 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 *or* the homeowner's association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - E. The species of trees shall be approved by DLS—Permitting if located within the right-of-way, and shall comply with KCRDCS 5.03L, M, and N. They shall not include species the County determines has the potential to disrupt utilities or impact roadway improvements. All tree planting in the right-of-way shall include the installation of an approved root barrier adjacent to walks and curbs for each tree, unless otherwise approved by the County Road Engineer.
 - F. The applicant shall submit a street tree plan and bond quantity worksheet for review and approval by DLS—Permitting prior to engineering plan approval (if required), or if engineering plans are not required, at the time of the required pre-construction meeting.
 - G. The street trees must be installed and inspected, or a performance bond posted, prior to recording 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 and held for one year. After one year, the maintenance bond may be released after DLS—Permitting has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - H. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
17. Prior to site development approval, the applicant shall submit an Inadvertent Discovery Plan (Exhibit 12).

DATED September 9, 2020.



Susan Drummond
King County Hearing Examiner *pro tem*

NOTICE OF RIGHT TO APPEAL

A person appeals this Examiner decision by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's decision.

Prior to the close of business (4:30 p.m.) on *October 5, 2020*, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *October 5, 2020*, the Examiner's decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *October 5, 2020*, the Examiner will notify all parties and interested persons and provide information about "next steps."

**MINUTES OF THE AUGUST 25, 2020, HEARING ON PRELIMINARY PLAT
APPLICATION MASON HEIGHTS, DEPARTMENT OF LOCAL SERVICES FILE
NO. PLAT190002, PROPOSED ORDINANCE NO. 2020-0233**

Susan Drummond was the Hearing Examiner in this matter. Participating in the hearing were Tracy Cui, Robert Eichelsdoerfer, Jeff Fransen, Kevin Jones, and Jamie Schroeder.

The following exhibits were offered and entered into the hearing record by the Department:

Exhibit no. D1	Department of Local Services file no. PLAT190002
Exhibit no. D2	Preliminary department report, transmitted to the Examiner on August 12, 2020
Exhibit no. D3	Preliminary plan set, dated May 4, 2020
Exhibit no. D4	Letter of complete application, dated September 3, 2019
Exhibit no. D5	Notice of Application, dated September 17, 2019
Exhibit no. D6	SEPA determination of non-significance, dated July 24, 2020
Exhibit no. D7	Updated SEPA checklist, received May 15, 2020
Exhibit no. D8	Public comments
Exhibit no. D9	Response to public comments, dated February 25, 2020
Exhibit no. D10	Email from Paul Ramm, dated March 5, 2020
Exhibit no. D11	Response letter to Paul Ramm, dated April 4, 2020
Exhibit no. D12	Email from Puyallup Tribe, dated September 24, 2019
Exhibit no. D13	Geotechnical Report, dated June 4, 2019
Exhibit no. D14	Critical Areas Study, dated May 8, 2020
Exhibit no. D15	Mitigation Plan, dated March 12, 2020
Exhibit no. D16	Arborist Report, dated February 13, 2020
Exhibit no. D17	Tree Retention Memo, dated May 4, 2020
Exhibit no. D18	Density Calculation Worksheet, received August 6, 2019
Exhibit no. D19	Preliminary Technical Information Report, dated May 4, 2020
Exhibit no. D20	Updated Traffic Impact Analysis, dated May 1, 2020
Exhibit no. D21	Safe Walk Route Plan, dated April 30, 2020
Exhibit no. D22	Fire District Receipt, dated August 5, 2019
Exhibit no. D23	Certificate of Sewer Availability, dated May 14, 2019
Exhibit no. D24	Certificate of Water Availability, dated May 14, 2019

The following exhibits were offered and entered into the hearing record by the Applicant:

Exhibit no. A1.	Roadway Access Narrative, submitted August 26, 2020
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September 9, 2020

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT190002**
Proposed ordinance no.: **2020-0233**

MASON HEIGHTS
Preliminary Plat Application

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REVISED REPORT AND DECISION** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED September 9, 2020.



Jessica Oscoy
Office Manager

Abigando, Evelyn
Hardcopy

Armstrong, Gary

Basch, Charlotte
Hardcopy

Bayes, Douglas

Bayes, Wendy

Bodine, Mark
Hardcopy

Bottheim, Steve
Department of Local Services

Chung, Norm
Hardcopy

Cui, Tracy
Department of Local Services

Eichelsdoerfer, Robert
Department of Local Services

Erb, Ted
Department of Local Services

Fransen, Jeff
Mason Heights, LLC
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French, Lynn

Jones, Kevin
Transpo Group
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Knoll, Pam and John
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Kroe, Colleen
Department of Local Services

Lee, Petula

Mancuso, Joe and Tina
Hardcopy

Mason, David
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Pedroza, Melani
Metropolitan King County Council

Ramm, Kerry and Paul
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Schroeder, Jamie
CPH Consultants
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Sung, Huey-yi
Department of Local Services

Wong, Alvina