



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 28, 2003

Ordinance 14615

Proposed No. 2002-0578.2

Sponsors Sullivan

1 AN ORDINANCE concurring with the decision of the
2 hearing examiner to approve, subject to conditions, the
3 preliminary plat of R-4 Subdivision, department of
4 development and environmental services file no.
5 L02P0002.

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8 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

9 **SECTION 1.** This ordinance does hereby adopt and incorporate herein as its
10 findings and conclusions the findings and conclusions contained in the report and
11 decision of the hearing examiner dated January 22, 2003, to approve, subject to
12 conditions, the preliminary plat of R-4 Subdivision, department of development and

Ordinance 14615

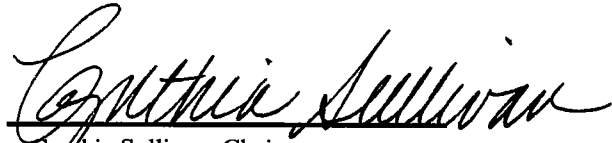
13 environmental services file no L02P0002, and the council does hereby adopt as its action
14 the decision contained in said report.

15

Ordinance 14615 was introduced on 12/9/2002 and passed by the Metropolitan King
County Council on 4/21/2003, by the following vote:

Yes: 11 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.
Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague
and Mr. Irons
No: 0
Excused: 1 - Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated January 22, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654**

REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L02P0002**

**R-4 SUBDIVISION
Preliminary Plat Application**

Location: North Side of the Intersection of Wax Road and Southeast 240th Street

Applicant: Tom Reichert
represented by **Shupe Holmberg**
Baima & Holmberg Inc.
100 Front Street South
Issaquah, WA 98027
Telephone: (425) 392-0250
Facsimile: (425) 391-3055

King County: Department of Development and Environmental Services,
Land Use Services Division
represented by **Trishah Bull**
900 Oakesdale Avenue SW
Renton, WA 98055-1219
Telephone: (206) 296-6758
Facsimile: (206) 296-6644

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	January 21, 2003
Hearing Closed:	January 21, 2003

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 office of the King County Hearing Examiner.

SUMMARY:

The preliminary plat application is approved, subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. General Information:

Owner/Developer: Tom Reichert
19955 SE 236th Street
Maple Valley, WA 98038
(253) 854-7681

Engineer: Baima & Holmberg, Inc.
100 Front Street South
Issaquah, WA 98027
(425) 392-0250

STR: 17-22-06

Location: The site is located on the north side of the intersection of SE Wax Road and SE 240th Street.

Zoning: RA-5
Acreage: 10.64
Number of Lots: 2
Density: 0.2 units per acre
Lot Size: Ranges from approximately 3.75 to 6.88 acres
Proposed Use: Single-family detached dwellings
Sewage Disposal: Private, On-site septic systems
Water Supply: Covington Water District
Fire District: King County District #43
School District: Tahoma #409
Complete Application Date: April 22, 2002

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the January 21, 2003 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Tom Reichert has filed a preliminary plat application to subdivide 10.64 acres into two lots for single-family residential development. Because the property was short platted within the last five years, a formal subdivision application is required. The Applicant has received a road variance reducing the required intersection spacing for the private access tract from 500 feet to 300 feet.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for R-4, as revised and received on July 11, 2002, is APPROVED, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions 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 set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the RA-5 zone classification. All lots shall meet the minimum dimensional requirements of the RA-5 zone classification or shall be 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 the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.

If all lots are 35,000 square feet in size or more, or if the subdivision is outside an Urban Growth Area and is developed at a density no greater than one residential building lot per five (5) acres, or a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size and offsetting permanent open space and is developed at a density no greater than one residential building lot per five (5) acres, the subdivision is exempt per KCC 17.08.030.

7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 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 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and TESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.
 - c. The following note 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 Transportation. 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 the plans on file."
 - d. Core Requirement No. 3 Runoff Control: Due to an insignificant increase in peak flow rates after development, the project is exempt from providing formal flow control facilities. However, as specified in section 5.1.1 of the 1998 KCSWDM, roof drain and driveway storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable and will be determined at the building permit stage.

Infiltration of storm water for both lot areas and roadway improvements is recommended if determined to be feasible. A geotechnical report shall be provided to evaluate soil conditions, seasonal depth to groundwater, and other design requirements as outlined in the 1998 KCSWDM Manual.
 - e. Core Requirement No. 8 Water Quality: No formal water quality facilities are required.
8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
- a. During preliminary review the applicant submitted a road variance application (File No. L02V0066), regarding intersection spacing and gated entry. The variance received conditional approval on October 10, 2002. The gated entry improvements for the private access tract did not require a variance as long as certain criteria are met. These criteria include that gate supports and other mounting hardware satisfy Section 2.09(b) of the 1993 KCRS for "breakaway" structures, that at least 50 feet of stacking distance be provide from the edge of the frontage road, and that accessibility to public and emergency vehicles be provided.
 - b. The current joint use driveway shall be widened to private access tract standards for the purpose of connecting the new lot's driveway. This requires adding 6 feet of tract width for a total of 26 feet as depicted as Tract B. Widening of the impervious surface shall provide a minimum of 22 feet of width.
 - c. Street illumination shall be provided at the intersection of an arterial in accordance with KCRS 5.03.

- d. SE 240th Street is designated a minor arterial street which may require designs for bus zones and turnouts. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.
 - e. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 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 that reads, "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 Code 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 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.
 12. There shall be no direct vehicular access to or from SE 240th Street from Lot 2. Lot 2 must gain access via Tract 'B.' A note to this effect shall appear on the engineering plans and final plat. The ownership and maintenance of Tract B shall be shown on the face of the plat.
 13. Off-site access to the subdivision shall be over a full-width, dedicated and improved road which has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision.
 14. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
 15. Street trees shall be provided as follows (per KCRS 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 Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation 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 homeowners 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 DDES 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.
- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if SE 240th Street is on a bus route. If SE 240th 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 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 22nd day of January, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 22nd day of January, 2003, to the parties and interested persons of record:

Roger Dorstad
Evergreen East Realty
PO Box 375
Redmond WA 98073

Shupe Holmberg
Bairma & Holmberg
100 Front Street South
Issaquah WA 98027

Eleanor Moon
KC Executive Horse Council
12230 NE 61st
Kirkland WA 98033

Claudia J. Petty
P.O. Box 6204
Kent WA 98064

Tom Reichert
19955 SE 236th St.
Maple Valley WA 98038

Mark Bergam
LUSD/ERS
Prel. Review Engineer
MS OAK-DE-0100

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Trishah Bull
DDES/CPLN
Current Planning Section
MS OAK-DE-0100

Kim Claussen
DDES/LUSD
Current Planning
MS OAK-DE-0100

Nick Gillen
Wetland Review
DDES/SDSS
MS OAK-DE-0100

Kristen Langley
Land Use Traffic/DDES/CPLN
MS OAK-DE-0100

Carol Rogers
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Larry West
LUSD/SDSS
Wetland Review
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before February 5, 2003***. If a notice of appeal is filed, the original and six (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 February 12, 2003***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, 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.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JANUARY 21, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L02P0002

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull and Mark Bergam, representing the Department; and Shupe Holmberg, representing the Applicant.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES File
- Exhibit No. 2 DDES Preliminary Report dated January 21, 2003
- Exhibit No. 3 Application received February 8, 2002
- Exhibit No. 4 Environmental Checklist received February 8, 2002
- Exhibit No. 5 Declaration of Non-Significance dated November 22, 2002

- Exhibit No. 6 Affidavit of Posting indicating May 3, 2002 as date of posting and May 6, 2002 as the date the affidavit was received by DDES
- Exhibit No. 7 Plat Map Dated July 11, 2002 (Revised)
- Exhibit No. 8 Land Use Map 647 W and 653 W
- Exhibit No. 9 Assessors Maps SW-17-22-06 and NW 20-22-06
- Exhibit No. 10 Level 1 Downstream Drainage Report (Revised) Prepared by Baima & Holmberg Inc., Received by DDES on April 9, 2002
- Exhibit No. 11 Letter to Shupe Holmberg from Paulette Norman dated October 10, 2002 Regarding Approved Variance Allowing for Reduction of Intersection Spacing

SLS:gao
L02P0002 RPT