



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 12, 2007**

**Ordinance 15716**

**Proposed No.** 2006-0456.3

**Sponsors** Phillips, Gossett and Hague

1 AN ORDINANCE granting, in part, and denying, in part,  
2 the appeal of Bruce White and Teresa Chilelli-White, and  
3 concurring with the revised recommendation of the hearing  
4 examiner, dated April 9, 2007, to approve, subject to  
5 conditions, the preliminary plat of Uhlig Subdivision,  
6 department of development and environmental services file  
7 no. L05P0016.

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10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
12 findings and conclusions the findings and conclusions contained in the revised report and  
13 recommendation of the hearing examiner dated April 9, 2007, to approve, subject to  
14 conditions, the preliminary plat of Uhlig Subdivision, department of development and

15 environmental services file no L05P0016, and the council does hereby adopt as its  
16 decision the recommendation contained in said report.

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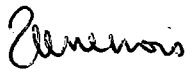
Ordinance 15716 was introduced on 1/16/2007 and passed as amended by the  
Metropolitan King County Council on 4/9/2007, by the following vote:

Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr.  
Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine  
No: 0  
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

**Attachments**      A. Hearing Examiner Report dated April 9, 2007

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654  
Email: [hearex@metrokc.gov](mailto:hearex@metrokc.gov)

**REPORT AND RECOMMENDATION**

**SUBJECT:** Department of Development and Environmental Services File No. **L05P0016**  
Proposed Ordinance No. **2006-0456**

**UHLIG SUBDIVISION**  
Preliminary Plat Application

**Location:** 11735 – 82nd Avenue Northeast, Kirkland

**Applicant:** Burnstead Construction  
Attn: Tiffany Brown  
11980 Northeast 24th Street  
Bellevue, Washington 98005

**King County:** Department of Development and Environmental Services (DDES)  
*represented by* **Fereshteh Dehkordi**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055  
Telephone: (206) 296-7173  
Facsimile: (206) 296-7051

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (modified)
Examiner's Decision:	Approve, subject to conditions (modified)
Examiner's Revised Recommendation:	Approve, subject to conditions (modified)

**EXAMINER PROCEEDINGS:**

Hearing Opened: December 7, 2006

Hearing continued for administrative purposes: The record of the public hearing was held open for submission of a survey of the adjacent (Chilelli-White) property to the west, to be entered as exhibit no.

22. The survey was received by the King County Hearing Examiner's Office on December 14, 2006, and the hearing was thereupon closed.

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.

**ISSUES AND TOPICS ADDRESSED:**

- Surface water drainage
- Recreation area
- Road alignment
- Utility easement
- Geotechnical recommendations

**SUMMARY:**

The proposed subdivision of 15 lots in the urban area is approved subject to conditions.

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

**FINDINGS:**

**1. General Information:**

Owner/Developer:	Burnstead Construction Attn: Tiffany Brown 11980 NE 24 <sup>th</sup> Street Bellevue, WA 98005 (425) 454-1900
Engineer:	The Blue Line Group Attn: Geoff Tamble 25 Central Way, Suite 400 Kirkland, WA 98033
STR:	25-26-04
Location:	11735 82 <sup>nd</sup> Avenue NE, Kirkland
Zoning:	R-6
Acreage:	3.1 acres
Number of Lots:	15
Proposed Density:	5 du/acre
Lot Size:	5,000 to 7,955 square feet
Proposed Use:	Residential Single family
Sewage Disposal:	Northshore Utility District
Water Supply:	Northshore Utility District
Fire District:	Fire District 41
School District:	Lake Washington School District
Complete Application Date:	August 29, 2005

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 December 7, 2006, public hearing are found to be correct and are incorporated herein by this reference. The said report is exhibit no. 2 in the hearing record.
3. Surface water from the proposed development will be detained in an underground vault, within a tract that will also be utilized for recreation area. The surface water drainage plan will require water detention sufficient to meet the conservation flow control standard. Discharge will be into an existing drainage course at the southwest corner of the property. The existing ditch on the south boundary will be tightlined, and a French drain will be placed underneath the tightline. Sheetflow that currently moves from the subject property to the property to the west will be diminished by drainage improvements proposed to be installed as part of this development. There is no demonstration of need for an interceptor drain at the west property line, although this determination will not be finally made until engineering plans are submitted and reviewed by King County.
4. The recreation area proposed in a joint surface water detention and recreation tract meets the requirements for recreation area contained in KCC 21A.14.180. Alternatively, the developer could utilize the pedestrian easement required along the south boundary as recreation area, in which event trail improvements would be required.
5. The current plat design, as recommended for approval by DDES, will dedicate a public subcollector road within a 42 foot wide right-of-way, approximately 178 feet north of the south property line. This new east-west road, from 82nd Avenue Northeast to the west property line, will terminate in a temporary cul-de-sac with an unimproved right-of-way stub for potential future extension of the road to the west.

The property owner to the west would prefer that the new east-west road be located further to the south, and has proposed an alternative alignment that would require utilization of a substantial portion of the applicant's property along the applicant's west property line. Another alternative considered, relocation of the plat access road to align with Northeast 117th Street, is not feasible due to topographic and right-of-way constraints.

The road presently proposed to the west property line is capable of being extended to provide possible future public access to the adjacent property to the west, if and when that property is developed. The adjacent property owner's concern with proximity of the existing structures on their property cannot be alleviated should the road be extended. Structures will need to be demolished should the road be extended, but the Uhlig Subdivision itself does not have an adverse impact on the adjacent property

6. A utility easement for the benefit of the adjacent property to the west extends across the subject property. This easement is currently utilized to provide water service to the adjacent property to the west. It is the responsibility of the Applicant to assure continued water service to the adjacent property owner, without cost to the adjacent property owner for relocation or reconnection of the water meter and pipe.
7. A geotechnical report concerning the proposed development of the subject property was provided

by Cornerstone Geotechnical, Inc. The purpose of the report was to evaluate subsurface conditions and provide recommendations for site development. The geotechnical evaluation determined that the site is suitable for the planned development, provided that several recommendations for the development are followed.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, subdivision and zoning codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare, and for open spaces, drainage ways, streets, other public ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and school grounds and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable and proportionate requirements necessary to mitigate the impacts of the development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required for final plat approval or as shown on the proposed preliminary plat submitted by the Applicant on August 17, 2006, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.
5. The pedestrian trail along the south boundary of the subject property could be used, at the applicant's option, to meet requirements of KCC 21A.14.180-200 for recreation space, subject to approval by the DDES director.
6. The location of proposed Road A provides a safe and reasonable access to the lots within the proposed subdivision, and provides improved access to the adjacent property to the west. The development of the subject property has no adverse impact upon access to the property to the west. The Applicant has no legal obligation pursuant to King County code or state law to adjust the road alignment to optimize access to the neighboring property. The relocation of Road A requested by the adjacent property owner may reduce the area of developable property within the Uhlig subdivision.
7. The development of the Uhlig subdivision must accommodate existing easements on the subject property in a manner that is consistent with the rights granted by those easements. All existing easements are required to be shown on the final plat.
8. Development of the property should be undertaken in accordance with the recommendations of the geotechnical report issued by Cornerstone Geotechnical, Inc., on December 23, 2005, and received by King County on February 10, 2006.

#### RECOMMENDATION:

The proposed subdivision of Uhlig Subdivision as revised and received August 17, 2006, is recommended to be granted preliminary approval, 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 R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, 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. 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).
5. The King County Fire Protection approval has been granted with the following conditions. A final Fire Engineer approval will be required prior to the final engineering approval:
  - a. All future residences constructed on lots 1 through 6 and 11 through 15 are required to be sprinklered NFPA 13D unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface. To qualify for removal of the sprinkler requirement driving surfaces between curbs must be a minimum of 28 feet in width when parking is allowed on one side of the roadway, and at least 36 feet in width when parking is permitted on both sides. The preliminary drawings reviewed for this subdivision indicate that the driving surface of Road A will be 28 feet between curbs. To get the sprinkler requirement removed it will be necessary to restrict parking from the cul-de-sac and one side of Road A, and from both sides of Tract A. Tract A and road A (if it is a private road) will have to be marked/signed as fire lanes as outlined in Title 17 of the King County Code.
  - b. A separate permit is required for the installation of water mains and/or fire hydrants. Please submit three (3) copies of drawings and specifications to DDES Building Services Division Permit Service Center for a permit application. Review and approval by Fire Engineering Section is required prior to installation. Plans shall include, but are not limited to; pipe sizes, pipe type, valves/fittings, thrust blocks and/or rodding and material listings. Fire hydrants shall be installed per K.C.C. Title 17 Water mains shall be installed and tested per AWWA standards and/or NFPA#24 (STANDARDS FOR PRIVATE FIRE HYDRANTS AND WATERMANS); as applicable. Ref. 1001.4 UFC

**NOTE: UNLESS SPECIFICALLY NOTED, ANY WATERMAIN OR FIRE HYDRANT DETAILS ON BUILDING PLANS/DRAWINGS HAVE NOT BEEN REVIEWED OR APPROVED.**

- c. Final plat approval requires an inspection and approval of the fire hydrant and water main installation by a King County Fire Inspector, prior to recording. **Call [888]546-7728 to schedule an inspection; after a permit to install has been obtained from DDES; Fire Protection Engineering.**
6. Final plat approval shall require full compliance with 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. The following conditions represent portions of the Code. Requirements shall apply to all plats.
- a. Drainage plans and analysis shall comply with the 2005 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.
- The facility design and provisions for overflow requirements listed in the 2005 KCSWDM shall be met and the concerns of the appellant shall be addressed during the engineering plan review. The KCSWDM manual offers a variety of options for this, which will be considered during the detailed Engineering Review phase. For this DDES has no objection's to the applicant's offer to include the appellants in discussion of design options at the final engineering review phase. We recommend that this coordination be made between the appellant and the applicant. Specifically, the Applicant shall meet the requirements in Section 1.2.3 Core Requirement #3: Flow Control.
- b. Current standard plan notes and ESC 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 King County Department of Transportation. 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."
- d. The engineering plans shall include significant trees and comply with KCC 16.82.156 for clearing of the site.
- e. Applicant shall install construction fencing.



7. The following conditions specifically address drainage issues for this particular plat:
  - a. The drainage detention facility shall be designed to meet at a minimum the Conservation Flow Control and Basic Water Quality menu in the 2005 King County Surface Water Design Manual (KCSWDM).
  - b. A ground water interceptor drain shall be installed along the south property line in general conformance with the Preliminary Utility Plan received Aug. 17, 2006; unless otherwise approved by DDES. The design shall include the recommendations in the Geotechnical report by Cornerstone Geotechnical, Inc dated 12/23/2005.
  - c. To implement the required Best Management Practices (BMPs) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the 2005 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.
  - d. The applicant shall comply with the requirements of KCC 16.82.156 regarding the significant trees on the site. A significant tree inventory and retention/replacement plan shall be prepared and submitted with the engineering plans. The significant tree retention/replacement plan shall be approved by DDES prior to any clearing and grading activities on the site.
  
8. The following road improvements are required for this subdivision, and are to be constructed according to the 1993 King County Road Standards.
  - a. Road A, the internal access road shall be improved at a minimum to the urban subcollector street standard with a temporary cul-de sac at the west end. In the event of the road extension to the west for the future subdivisions, the temporary cul-de-sac shall be removed and the area restored by the developer extending the road. A note to this effect shall be recorded on the site plan.
  - b. FRONTAGE: The frontage of the site along 82<sup>nd</sup> Ave NE shall be improved at a minimum to the urban subcollector street standard.(west side) The design shall require compliance with Section 4.01(f) of the KCRS; asphalt overlay when widening. This improvement shall be designed in general conformance with the Preliminary Utility Plan received Aug 17, 2006; unless otherwise approved by DDES.
  - c. OFFSITE: 82<sup>nd</sup> Avenue NE shall be improved on the east side from the north site boundary to NE 119<sup>th</sup> Street; at a minimum to the urban 1/2 – street standard with a 2% cross-fall from the future centerline (proposed west edge of pavement) to the flowline of the gutter on the east side of the roadway. This improvement will require compliance with Section 4.01(f) of the KCRS, or reconstruction of the existing road to meet the ½-street standard. This improvement shall be designed in general conformance with the Preliminary Utility Plan received Aug 17, 2006; unless otherwise approved by DDES.

- d. The private access tract shall be improved per Section 2.09 of the KCRS. This tract shall be owned and maintained by the lot owners served. Notes to this effect shall be shown on the engineering plans and on the final plat map.
  - e. Tract B shall be designated as a separate tract for utilities, for driveway access to one single family residence on the adjacent property to the west (appellants' property), and for public pedestrian use at such time as a public pedestrian easement or public right of way connects with the west end of Tract B. No improvements to Tract B are required for final plat approval.
  - f. 24 feet of additional right-of-way for 82<sup>nd</sup> Avenue NE shall be dedicated along the east property line.
  - g. A Road Variance, KC File L06V0014, was approved for this development. All conditions of approval for this variance shall be met prior to engineering plan approval.
  - h. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
  - i. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
9. 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.
10. 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.
11. A combined detention/ recreation space tract (Tract A) is proposed. The recreation portion of the tract shall be 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.). The Applicant, shall have the option, if it chooses, to utilize the pedestrian easement along the south property line as recreation space, in lieu of or in addition to the recreational use of proposed Tract A.
- a. A detailed recreation space plan (i.e., landscape specs per KCC 21A.16, equipment

specs, finished grade, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents. The recreation plan shall be consistent with the approved engineering plans.

- b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
12. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation tract.
13. Street trees shall be provided as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all streets. 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. This 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 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.

14. The Applicant shall comply with the requirements of KCC of KC 16.82.156 regarding the

significant trees on the site. A significant tree inventory and retention/replacement plan shall be prepared and submitted with the engineering plans. The significant tree retention/replacement plan shall be approved by DDES prior to any clearing and grading activities on the site.

15. The recommendations of the geotechnical engineering report issued by Cornerstone Geotechnical, Inc., on December 23, 2005, received by King County on February 10, 2006, shall be addressed in the engineering plans and may require notes on the final plat.

RECOMMENDED this 9th day of April, 2007.

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James N. O'Connor  
King County Hearing Examiner *pro tem*