

January 12, 2001

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

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT**

SUBJECT: Department of Development and Environmental Services File No. **L00P0001**

**EVETTS PARK**

Preliminary Plat Application

Location: Lying on the east side of 324<sup>th</sup> Avenue Southeast, approximately between 324<sup>th</sup> Avenue SE and 326<sup>th</sup> Place SE, and lying between 140 feet and 515 feet north of Southeast 44<sup>th</sup> Street

Applicant: **Clarence Wright**, TMC Properties, L.L.C.  
c/o Cavassa & Associates, Inc.  
P. O. Box 298  
Monroe, WA 98272  
Telephone: (360) 794-7266

King County: Department of Development and Environmental Services  
Land Use Services Division, *represented by*  
**Lanny Heno**ch, Current Planning Section  
900 Oakesdale Avenue SW  
Renton, Washington 98055-1219  
Telephone: (206) 296-7168  
Facsimile: (206) 296-6613

SUMMARY OF DECISION:

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

PRELIMINARY MATTERS:

Application or petition submitted:	January 28, 2000
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January 28, 2000

EXAMINER PROCEEDINGS:

Hearing Opened: January 9, 2001  
Hearing Closed: January 9, 2001

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/TOPICS ADDRESSED:

- School walkways
- Construction traffic

SUMMARY:

The preliminary plat application is granted

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

FINDINGS:

1. **General Information:**

Developer:	Clarence Wright 5612 Lake Washington Blvd. Suite 100 Kirkland, WA 98033 Telephone: (425) 822-5577
Engineer:	Cavassa & Associates, Inc. P.O. Box 298 Monroe, WA 98272 Telephone: (360) 794-7266
Location:	Lying on the east side of 324 <sup>th</sup> Avenue SE approximately between 324 <sup>th</sup> Avenue SE and 326 <sup>th</sup> Place SE, and lying between 140 feet and 515 feet north of SE 44 <sup>th</sup> Street.
STR:	SW ¼ of the NW ¼ of S15-T24-R7
Zoning:	R-4
Acreage:	4.21 acres
Number of Lots:	10

Density:	2.38 dwelling units per acre
Lot Size:	Ranges from 15,018 to 18,041 squ.ft.
Proposed Use:	Detached single-family residences
Sewage Disposal:	On-site septic systems
Water Supply:	Fall City Water District
Fire District:	No. 27
School District:	Snoqualmie Valley No. 410
Complete Application (Vesting) Date:	January 28, 2000

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 9, 2001 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. Cavassa and Associates, Inc. on behalf of TMC Properties LLC has submitted a preliminary plat application to subdivide 4.21 acres into 10 lots for single-family residential development. The property lies within the "rural town" Comprehensive Plan designation for Fall City.
4. The area in which the plat is located is characterized by rural development, and students from the plat who will walk to Chief Kanim Middle School located northeast of the subdivision will be required to travel on roads that have neither sidewalks nor gravel shoulders. DDES staff has studied the proposed walking route and determined that, due to very low levels of traffic, no compelling issues of safety are presented.
5. In order to minimize neighborhood impacts during site development, the staff conditions require the Applicant to submit a construction traffic control plan in accordance with the requirements of Section 9.05 of the King County Road Standards.

#### 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 Evetts Park, as revised and received on May 2, 2000, 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 requirements of the R-4 zone classification. All lots shall also meet the minimum dimensional requirements of the R-4 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. 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.
6. The applicant must obtain the approval of the King County Fire Protection Engineer, to demonstrate compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with 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 King County Surface Water Design Manual (KCSWDM) 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. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following 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 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."

- c. Storm water facilities shall be designed using the KCRTS level 2-flow control standard. Water quality facilities shall also be provided using the basic water quality menu. All runoff control facilities shall be located in a separate tract or right-of-way and dedicated to King County.
  - d. The applicant's downstream analysis identified capacity restrictions in the downstream flow path. As shown by conceptual designs on the preliminary plat map, the applicant shall construct a new ditch along the east side of 324<sup>th</sup> Ave. SE and replace downstream culverts as necessary to achieve adequate flow capacity.
  - e. As specified in Chapter 5 of the King County Drainage Manual, infiltration or dispersion of roof drain water is recommended if the soil conditions are favorable. The preliminary soil tests performed for septic systems indicate that on-site soils contain porous sand; however, several areas were noted with high ground water table and/or fill material. During engineering plan review, the applicant shall prepare a final soils report to demonstrate compliance with the design requirements for infiltration, and also determine applicable requirements for locating both infiltration systems and septic drainfields within the lot areas.
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 concerning vehicular sight distance along 324<sup>th</sup> Ave. SE (File No. L00V0051). This variance application was approved by the King County Road Engineer on August 11, 2000. The variance decision allows for a reduction in entering sight distance to 482 feet; however, the applicant is required to re-construct 324<sup>th</sup> Ave. SE to meet the standards for stopping sight distance. The final engineering plans shall comply with Road Variance L00V0051.
  - b. Three-Hundred-Twenty-Fourth Avenue Southeast shall be improved along the frontage of the property as a rural neighborhood collector street. As shown on the preliminary plat map, the pavement widening shall extend southerly to the intersection at SE 44<sup>th</sup> St. The portion of 324<sup>th</sup> Ave. SE extending southerly beyond the frontage of the site shall be widened to achieve a minimum road surface width of 22 feet.
  - c. The on-site cul-de-sac street (Evett's Place) shall be improved as a rural minor access road.
  - d. Tract C shall be improved as a private access tract serving Lots 8, 9 and 10. These lots shall have undivided ownership of the Tract and be responsible for its maintenance. A note to this effect shall appear on the final plat and engineering plans.
  - e. In accordance with KCRS 9.05, the applicant shall submit a traffic control plan for development construction. The plan shall address methods to minimize construction and traffic impacts along site access routes. A haul route plan shall be included to address hours of operation, routing of vehicles, signage, flagging, and daily maintenance.

- f. Three-Hundred-Twenty-Fourth Avenue Southeast is a neighborhood collector street, and per the Road Standards, may require designs for bus zones and turnouts. As specified in KCRS 2.16, the designer shall contact the local school district to determine specific requirements.
  - g. The road designs depicted on the preliminary plat include several design details which are inconsistent with the King County Road Standards. During review of the applicant's engineering plans, DDES will evaluate the final design requirements for compliance with the Road Standards.
  - h. Modifications to the above road conditions may be considered by King County, pursuant to the variance procedures in KCRS 1.08.
9. The driveway located along the north property line, as depicted on the preliminary plat map, shall be re-located into proposed Tract B. Prior to or concurrent with the recording of the subject plat, any access easement rights across Tract B which might otherwise accrue to the future lot owners of the subject plat shall be vacated.
10. Tract B shall either be deeded to the lot owners of the parcels immediately north of the subject property, or owned by the homeowners association for the subject plat.
11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.
12. 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.
13. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 13673 which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 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.
14. There shall be no direct vehicular access to or from 324<sup>th</sup> Ave. SE from those lots which abut this street. A note to this effect shall appear on the final plat and engineering plans.
15. A planter island, if proposed within the cul-de-sac bulb for Evetts Place, shall be maintained by the abutting lot owners or the homeowners association. If the island is proposed, a note indicating who is responsible for maintenance of the island shall be stated on the face of the final

16. Suitable on-site recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court, children's play equipment, picnic table, benches, etc.).
  - a. An overall conceptual recreation space plan shall be submitted for review and approval by LUSD, with the submittal of the engineering plans. The conceptual recreation plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the conceptual plan.
  - b. A detailed recreation space plan (i.e., landscape specifications, equipment specifications, etc.) consistent with the overall conceptual plan noted in Item "a" above, shall be submitted for review and approval by LUSD and King County Parks, prior to or concurrently with the submittal of the final plat documents.
  - c. A performance bond for recreation space improvements to assure their installation and the survival of required plantings for a three year period shall be posted prior to recording of the plat.
17. 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 area.
18. Street trees shall be included in the design of all public road improvements within and adjacent to the site, and shall comply with Section 5.03 of the KCRS.
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage. 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 DDES determines that trees should not be located in the street right-of-way.
  - c. If DDES 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 \$538 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 12<sup>th</sup> day of January, 2001.

\_\_\_\_\_  
Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 12<sup>th</sup> day of January, 2001, to the following parties and interested persons:

Paul Cavassa  
Christopher J. Center  
Roger Dorstad  
Elizabeth Evenson  
Glen Gordon  
Scott Hamilton  
David Irons  
Linda Matlock  
Eleanor Moon  
New Home Trends  
Gene Quenneville  
Seyed Safavian  
Seattle-King County Health Dept  
Zak & Janna M. Treisman

Greg Borba  
Steve Bottheim  
Laura Casey  
Kim Claussen  
Peter Dye  
Nick Gillen  
Lanny Henoeh  
Kristen Langley  
Steven C. Townsend  
Larry West  
Carol Rogers  
Aileen McManus  
Clarence Wright

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 \$125.00 (check payable to King County Office of Finance) *on or before January 26, 2001*. 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 2, 2001*. 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 403, King County Courthouse, 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 9, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L00P0001 – EVETT'S PARK:**

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Lanny Henoch and Pete Dye. Participating in the hearing and representing the Applicant was Paul Cavassa. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES/LUSD File No. L00P0001
- Exhibit No. 2 DDES/LUSD staff report prepared for the January 9, 2001 public hearing
- Exhibit No. 3 SEPA Environmental Checklist, signed by the Applicant's representative on January 25, 2000
- Exhibit No. 4 SEPA Determination of Non-significance, issued on November 21, 2000
- Exhibit No. 5 Affidavit of Posting, received March 7, 2000, indicating the subject property was posted with a sign giving notice of the filing of the proposed plat application.
- Exhibit No. 6 Revised plat map, received May 2, 2000
- Exhibit No. 7 Land use map—east half of Section 16, Township 24, Range 7 and the west half of Section 15, Township 24, Range 7.
- Exhibit No. 8 Ten photos and map describing pedestrian walkways between the subject property and Chief Kanim Middle School.
- Exhibit No. 9 King County Assessor Map—NW ¼ Section 15, Township 24, Range 7.
- Exhibit No. 10 Wetland reconnaissance prepared by Bexar Environmental Consulting, Ltd., dated November 15, 1999
- Exhibit No. 11 Raptor Survey prepared by Cooke Scientific Services, Inc., dated May 1, 2000
- Exhibit No. 12 Road Variance Application L00V0051 concerning sight distance, and August 11, 2000 letter from the King County Road Engineer granting approval to the variance application with certain required road improvements.
- Exhibit No. 13 Amended Level 1 Downstream Drainage Analysis, dated April 21, 2000
- Exhibit No. 14 January 4, 2001 memorandum from Connie Blumen, King County Park System
- Exhibit No. 15 March 8, 2000 and March 10, 2000 e-mails from Tracy Englehorn and responses from Lanny Henoch, Planner II, King County Land Use Services Division.