

September 21, 2001

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

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**REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION**

SUBJECT: Department of Development and Environmental Services File No. **L00P0002**  
Proposed Ordinance No. **2001-0414**

**WEST GLEN**  
Preliminary Plat Application

Location: 11430 Southeast 192<sup>nd</sup> Street

Applicant: Leonard Stanley, *represented by*  
**William Shupe Holmberg**  
Baima & Holmberg Inc.  
100 Front Street S.  
Issaquah, WA 98027  
Telephone: (425) 392-0250

King County: Department of Development and Environmental Services  
Land Use Services Division, *represented by*  
**Kim Claussen**, Current Planning Section  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7167  
Facsimile: (206) 296-7055

**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
Complete application:	February 28, 2000

**EXAMINER PROCEEDINGS:**

Hearing Opened:	September 13, 2001
Hearing Closed:	September 13, 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:

- Drainage

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:

1. **General Information:**

Owner/Developer:	Leonard Stanley PO Box 51 Fall City, WA 98024 (206) 919-1924
Engineer:	Baima & Holmberg 100 Front Street South Issaquah, WA 98027 (425) 392-0250
STR:	32-23-05
Location:	The site lies on the northwest corner of the intersection of SE 192 <sup>nd</sup> Street and 116 <sup>th</sup> Ave. SE.
Zoning:	R-8
Acreage:	1.5 acres
Number of Lots:	10
Density:	Approximately 6.67 units per acre
Lot Size:	Ranges from approximately 3,585 to 4,651 square feet
Proposed Use:	Single-family detached dwellings
Sewage Disposal:	Soos Creek Water and Sewer District
Water Supply:	Soos Creek Water and Sewer District
Fire District:	King County District #40
School District:	Renton
Complete Application Date:	February 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 September 13, 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. Leonard Stanley has filed a preliminary plat application to subdivide 1.5 acres into 10 lots for single-family residential development. The property is located near Renton at the northwest corner of the intersection of Southeast 192<sup>nd</sup> Street and 116<sup>th</sup> Avenue Southeast. Due to problems within the downstream drainage system, including the chronic flooding of Panther Lake, the Applicant has volunteered to design the plat's drainage facilities to comply with the restrictive KCRTS level 3 flow release rate.

#### 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 West Glen, as revised and received on February 7, 2001, is APPROVED, subject to the following conditions of final 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-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 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. 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 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.

6. 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. 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 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. Due to concerns for downstream flooding along SE 196<sup>th</sup> Street, storm water facilities shall be designed using the KCRS level 3-control standard. Water quality facilities shall also be provided using the basic water quality treatment menu. As shown on the applicant's conceptual drainage plan, a detention/water quality vault is proposed within Tract A. Since the site has two natural drainage basins, the vault shall be designed with two outlets to allow discharge at the pre-developed discharge locations. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and water quality facilities. All runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for recreation space in accordance with KCC 21A.14.180.
  - e. As indicated in the applicant's level one drainage analysis, approximately 0.2 acres of upland area is located north of the site. The final drainage analysis shall evaluate the requirements for off-site bypass as outlined in the drainage manual on page 1-36.
7. 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. L00V0057), to request approval for the available sight distance at the existing half-street intersection on 115<sup>th</sup> Place SE. The variance received approval on September 19, 2000.

- b. 115<sup>th</sup> Place SE and Road A shall be improved as a full width urban minor access street located within public road right-of-way. Proposed reductions for a right-of-way width of less than 40 feet along Road A shall meet the requirements for utility and drainage easements as specified in footnote 12, KCRS 2.03. The design of 115<sup>th</sup> Place shall include the reconstruction of driveways serving the existing lots. A design plan for the driveways shall be included with the final engineering plans.
  - c. 116<sup>th</sup> Ave. SE shall be improved along the frontage of the property as an urban minor arterial street. The curb line shall be located at 34 feet from centerline of roadway and an additional 12–feet of right-of-way shall be provided along the frontage.
  - d. SE 192<sup>nd</sup> Street shall be improved along the frontage as an urban principal arterial street. The curb line shall be located at 28-feet from centerline of the roadway unless otherwise determined by King County. An additional 20 feet of right-of-way shall be provided along the frontage.
  - e. The road plans for 116<sup>th</sup> Ave. SE and SE 192<sup>nd</sup> shall include designs for bike lanes, traffic channelization, and signalization. King County Roads Division shall review the design requirements prior to engineering plan approval.
  - f. Tract B shall be improved as a private joint use driveway serving lots 5 and 6. The serving lots shall have undivided ownership of the tract and be responsible for maintenance. As specified in KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side. As an alternative, the applicant may eliminate the need for a joint use driveway by redesigning lots 5 and 6 to provide direct access onto Road A.
  - g. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
  - h. Street illumination shall be provided at intersections with arterials in accordance with KCRS 5.03.
  - i. SE 192<sup>nd</sup> Street and 116<sup>th</sup> Ave. SE are designated arterial streets 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.
  - j. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
8. King County Code 16.82.150D requires seasonal limitations for construction within the Soos Creek basin. During the period October 1 through March 31, clearing and grading is not allowed unless certain provisions are complied with, as outlined in the code. The applicants engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.

9. Site development shall comply with the requirements for significant trees as outlined in KCC 21A.38.230. A detailed tree retention plan shall be submitted for review with the project engineering plans. The applicant's preliminary tree survey indicates that significant trees will be preserved on lots 2 and 10; however, it is noted that several of these trees are located in the building envelope for future home construction. During final review, King County will evaluate the tree retention plan for compliance with code and determine which trees shall be saved or replaced. As determined necessary by DDES, the final plat shall contain notes indicating that future development permits within the project must comply with significant tree standards.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. 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.
12. 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.
13. There shall be no direct vehicular access to or from SE 192<sup>nd</sup> St. and 116<sup>th</sup> Ave. SE from those lots which abut them. A note to this effect shall appear on the engineering plans and final plat.
14. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
15. 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., landscape specs, equipment specs, location, area calculations, dimensions, 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. Fencing will be required for Tract A/recreation tract, adjacent to the arterial(s).
  - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
16. 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, open space and/or sensitive area tract(s).

17. 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 192<sup>nd</sup> and/or 116<sup>th</sup> Ave. SE is on a bus route. If either road is on 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.
18. The existing structures (house and outbuildings) shall be removed prior to final recording of the plat.

ORDERED this 21st day of September.

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Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 21st day of September, to the parties and interested persons of record:

Roger Dorstad  
16650 NE 79th St.  
Redmond WA 98053

Joe Drnich  
11306 SE 192nd St.  
Renton WA 98055

Shupe Holmberg  
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Larry West  
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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 \$125.00 (check payable to King County Office of Finance) ***on or before October 4, 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 October 11, 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 1025, King County Court-house, 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 SEPTEMBER 13, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L00P0002

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Greg Borba and Pete Dye. Participating in the hearing and representing the Appellant was Shupe Holmberg. Leonard Stanley also participated in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L00P0002
- Exhibit No. 2 Department of Development and Environmental Services Preliminary report, dated September 13, 2001
- Exhibit No. 3 Application dated January 31, 2000
- Exhibit No. 4 Environmental Checklist dated January 31, 2000
- Exhibit No. 5 Declaration of Non-significance dated August 11, 2001
- Exhibit No. 6 Affidavit of Posting indicating March 1, 2000 as date of posting and March 6, 2000 as the date the affidavit was received by the Department of Development and Environmental Services, *Notice of Application*
- Exhibit No. 7 Plat Map dated February 7, 2001 (revision).
- Exhibit No. 8 Land Use Map 604 E/W & 609 E/W
- Exhibit No. 9 Assessors Map NW 4-22-5; NE 5-22-5; SW 32-23-5; SW 33-23-5
- Exhibit No. 10 Conceptual drainage plan by Baima & Holmberg recvd February 7, 2001
- Exhibit No. 11 Level 1 drainage study by Baima & Holmberg dated January 28, 2000
- Exhibit No. 12 Conceptual Rec Plan by Baima & Holmberg recvd February 7, 2001
- Exhibit No. 13 School Walkways by Baima & Holmberg recvd November 6, 2000
- Exhibit No. 14 City of Renton letter dated August 27, 2001 (*also attachment 1 of staff report*)