

February 15, 2002

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

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L00S0002 and L00S0003**

GLEASON'S LITTLE FIELDS
Short Plat Appeals

Location: 190xx Southeast 342nd Street

Applicant: **David Gleason**
P.O. Box 1321
Maple Valley, WA 98038
Telephone: (206) 650-4015
Facsimile: (425) 413-2322

Appellants: **Mrs. Anita Josepher** **James Brodie**
P.O. Box 1082 19309 SE 344th St.
Auburn, WA 98071 Auburn, WA 98092
Telephone: (253) 939-8260 Telephone: (253) 833-2355

King County: Department of Development and Environmental Services
Current Planning, *represented by*
Tom Slade
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation: Deny
Department's Final Recommendation: Deny
Examiner's Decision: Granted in part; denied in part

Complete application:

January 24, 2001

EXAMINER PROCEEDINGS:

Hearing Opened:

January 10, 2002

Hearing Closed:

January 10, 2002

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:

- King County Road Standards
- Pedestrian safety
- Sight distance

SUMMARY:

Denies two appeals of the short subdivision administrator regarding two abutting short subdivisions and the adequacy of access to them.

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

FINDINGS:

1. **Proposal.** David Gleason (“Applicant”) proposes two companion short subdivisions on approximately 40 acres. Each short subdivision comprises approximately 20 acres divided into four lots each. Thus, the overall development density will be approximately one dwelling unit per five acres. The property is zoned RA-5 SO (rural area; minimum five acre lots; special overlay controls addressing regulated/protected environmentally sensitive features). The proposed development will accommodate detached single-family dwellings served by individual wells and on-site sewage disposal systems.
2. **Department recommendation.** On September 7, 2001, the Department of Development and Environmental Services (“DDES” or “Department”) granted preliminary approval, subject to the nine conditions of final approval for plat recording entered as exhibit no. 1 in this hearing record. Those conditions require compliance with KCC Title 19A (subdivisions), KCC Title 9 (surface water management), King County Surface Water Design Manual, KCC Title 14 (roads and bridges), King County Roads Standards (KCRS, 1993), KCC 16.82 (grading and clearing), KCC Title 17 (uniform fire code), KCC Title 21A (zoning) including sensitive areas regulation and protection), and KCC 14.75 (road mitigation payment system).
3. **Applicant response.** The Applicant accepts the decision of the short subdivision administrator as described in finding no. 2, preceding, and as set forth in the Department’s conditions of approval (exhibit. no. 1).

4. **Appeals filed.** Anita Josepher and James Brodie (“Appellants”) timely filed appeals from the short subdivision administrator’s decision to approve the proposed short subdivisions. They apparently represent several neighbors in the immediate vicinity, most particularly those who live along Southeast 342nd Street (a private street extending eastward from 196th Avenue Southeast). The appeals, filed separately but presented jointly, address the following issues:
- A. Whether the Applicant should be required to make repairs and/or upgrades to Southeast 342nd Street.
 - B. Whether Southeast 342nd Street meets the roads section, width, vertical sight distance and roadway condition standards required by the King County Road Standards (KCRS) for a private road serving 20 lots.¹

5. **Roadway Section.** During the course of short subdivision review the Applicant obtained from the King County Road engineer, a variance from King County Road Standards. Exhibit no. 6. The letter granting the variance allows the Applicant to add eight lots obtaining access from Southeast 342nd Street, thereby exceeding the 16 lot limit on a private road.² The County road engineer’s variance decision finds that “the present roadway is paved similar to a rural sub-access street and is in suitable condition to serve the proposed traffic.” However, the County road engineer’s action requires that, “the on-site road shall be constructed as rural sub-access street to a suitably located temporary [turn-a-round] cul de sac.”

The width of the street varies from 18 feet 6 inches to 19 feet wide. Review engineers found it “like or resembling” a rural sub-access street. Appellants describe it as a “small private black-top road paid for by the residents.” They ask that the road be improved to King County Roads Standards. The minimum pavement width for a sub-access street is 20 feet. KCRS Section 2.03.H. Southeast 342nd Street has lost portions of its shoulder due to lawn and landscaping installed by the abutting 12 property owners. Other portions of the gravel shoulder remain.

The DDES fire engineering approval requires three conditions, one of which is relevant to this issue. It requires that Southeast 342nd Street “shall have a minimum driving width of 20 feet, with an all weather surface capable of supporting 25 tons.” Exhibit no. 21. This requirement was included in the short subdivision conditions of approval. Exhibit no. 1. No variance from that requirement has been granted by any administrative agency.

Having reviewed the issues and facts that bear upon this case, the Department recommends adding the following condition:

Southeast 342nd Street shall be improved with a four foot wide gravel shoulder on one side, from the east property entrance extending to 196th Avenue Southeast.

6. **Sight distance.** Southeast 342nd Street rises and falls, having two crests between 196th Avenue Southeast and the subject property. The vertical profile is described in exhibit no. 16.

¹ Three other issues—concerning drainage, surficial geologic stability, minor wetland alterations and environmental policy act review—were settled among the parties prior to hearing.

² KCRS Section 2.03.

Photographs which illustrate the visual impact of this hill-and-dale profile are shown in Appellants exhibit nos. 13 and 14. Pedestrians (including children) and equestrians use the quiet street. For the Appellants, then, vertical sight distance is an important safety concern. Having reviewed these concerns, the Department recommends an additional condition:

The crest curve alignment of Southeast 342nd Street shall be improved to meet a minimum two foot stopping sight distant target per 2001 AASHTO³ standards.

The Appellants express concern regarding the use of AASHTO standards rather than KCRS standards. KCRS standards require a six inch stopping sight distance target. The difference in standards could be characterized this way: The KCRS standards want to be sure you can see someone lying down, whereas the AASHTO standards only require that dogs and small children be visible.

7. **Road maintenance.** The Appellants and neighboring property owners express concern that the construction traffic associated with the development of Gleason's Little Fields will result in degradation of Southeast 342nd Street. They ask that the contractor be required to clean up the mess and repair any damage. Further, the Appellants note, the development may take many years, depending on market factors or other considerations affecting the sale of lots to consumers. Therefore, they ask for a long term maintenance requirement to be imposed upon the Applicant. The Department responds to say that it is a private road and that such a maintenance agreement must be negotiated between the Applicant, who intends to be one of the eight lot owners, indicates that he wants to be a good neighbor and that he, too, has a personal interest in the condition of the street.

CONCLUSIONS:

1. The roadway section will be adequate provided that the fire engineering review standard requiring a 20 foot wide roadway surfaces capable of carrying 25 ton vehicles is combined with the Department's revised requirement to provide a four foot wide gravel shoulder on one side of Southeast 342nd Street. Whether the existing road meets the fire engineering review standard stated in exhibit nos. 1 and 21, will be left to the fire engineering review unit to decide.
2. The sight distance improvements required of the Applicant, and willingly accepted by the Applicant, will significantly improve sight distance on Southeast 342nd Street. As to whether to apply the KCRS six inch target or the AASHTO two foot target, we will not substitute our judgement for the technical engineering judgement of DDES and the Road Services Division.
3. Regarding road maintenance, the Department is correct. Road maintenance must and will depend upon whatever agreement is devised among the property owners benefiting from the private road.

³ American Association of State Highway and Transportation Officials.

DECISION:

To the extent that the amendment to the final short plat conditions stated below satisfies the issues on appeal, the appeal is GRANTED. To the extent that this additional condition leaves the Appellants still wanting, the appeals are DENIED.

ORDER:

In addition to the conditions of short subdivision approval indicated in exhibit no. 1, the following condition of final short plat approval also shall apply:

Southeast 342nd Street shall be improved with a four foot wide gravel shoulder on one side, extending from the east property entrance to 196th Avenue Southeast. The west vertical curve alignment of Southeast 342nd Street shall be improved to meet a minimum two foot stopping sight distance target in accordance with 2001 AASHTO standards. See also fire engineering review condition no. 6B on page 5 of exhibit no. 1.

ORDERED this 15th day of February.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 15th day of February, to the parties and interested persons of record:

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NOTICE OF RIGHT TO APPEAL

The action of the hearing examiner on this matter shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the issuance of this decision.

MINUTES OF THE JANUARY 10, 2002 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L00S0002 & L00S0003

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Tom Slade, Craig Comfort, P.E. and Curt Foster. Participating in the hearing and representing the Applicant were David Gleason and Marc Kirkpatrick. Participating in the hearing and representing the Appellants were Anita Josepher and James Brodie. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES conditions of approval and companion short subdivision applications L00S0002 and L00S0003. (date of approval September 7, 2001)
- Exhibit No. 2 Short subdivision applications
- Exhibit No. 3 Preliminary short plat maps L00S0002 and L00S0003, preliminary site plan and drainage map
- Exhibit No. 4 Assessor's map
- Exhibit No. 5 DDES report to the Hearing Examiner, dated January 10, 2002
- Exhibit No. 6 Road variance approval letter to David Gleason from Ronald Paananen, dated May 28, 1999
- Exhibit No. 7 Short plat subdivision application File L00S0002
- Exhibit No. 8 Short plat subdivision application File L00S0003
- Exhibit No. 9 Map SE 342nd Street improvements
- Exhibit No. 10 Comments regarding Gleason request for variance, prepared by Anita Josepher
- Exhibit No. 11 Comments regarding County approval letter for Gleason variance

- Exhibit No. 12 Photograph of road, SE 342nd Street
- Exhibit No. 13 Photographs (a-k) taken by Ms. Josepher, SE 342nd Street, looking west, uphill
- Exhibit No. 14 Photographs (a-f) taken by Ms. Josepher, SE 342nd Street, looking east, downhill
- Exhibit No. 15 Index profile map for exhibit no. 16
- Exhibit No. 16 Profile map
- Exhibit No. 17 Statement regarding safety issues, prepared by Anita Josepher
- Exhibit No. 18 SE 342nd St. residents concerns, prepared by Anita Josepher
- Exhibit No. 19 Rebuttal letter from Anita Josepher, dated January 3, 2002
- Exhibit No. 20 Statement from Lakeridge Paving Company to Bob Sagen, dated August 26, 1996
- Exhibit No. 21 Fire system review (not dated)

RST:slb
Shortplts/L00S0002 & 03 RPT