

March 12, 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. **L01ALT05**

**LAKE OF THE WOODS DIVISION 7**  
Plat Alteration Application

Location: 144xx 227<sup>th</sup> Avenue Northeast, Woodinville

Applicant: **Woodinville Fire & Life Safety District**  
**King County Fire District No. 36**  
19900 144<sup>th</sup> Avenue Northeast  
Woodinville, WA 98072  
Telephone: (425) 483-2131 (ext. 3111)

King County: Department of Development and Environmental Services  
Current Planning, *represented by*  
**Kim Claussen**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7167  
Facsimile: (206) 296-7051

**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:	Grant approval
Department's Final Recommendation:	Grant approval
Examiner's Decision:	Approval granted

Complete application:	November 13, 2001
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**EXAMINER PROCEEDINGS:**

Hearing Opened:	March 11, 2002
Hearing Closed:	March 11, 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.

KEY TOPICS:

- Plat alteration
- Property use
- Permitted use

SUMMARY:

Grants request for plat alteration to remove a recorded plat notation which restricts the use of a tract to “fire station” only.

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

FINDINGS:

1. **Proposal.** Woodinville Fire and Life Safety, also known as King County Fire District no. 36 (“District”) owns Tract B of Lake of the Woods Division no. 7, a subdivision located in the unincorporated King County in the vicinity of Woodinville. The tract bears a recorded plat notation which restricts the use of the tract to “future fire station.” KCFD no. 36 requests that this property use limitation be removed in order to allow the property to be developed with a detached single-family residence.

2. **General information:**

Owner:	Woodinville Fire & Life Safety District (KCFD 36) 19900 144 <sup>th</sup> Avenue Northeast Woodinville, WA 98072
STR:	21-26-06
Location:	The site lies at 14XX 227 <sup>th</sup> Avenue Northeast, Woodinville, within Lake of the Woods Div. 7 (aka Tract B)
Zoning:	RA-2.5
Acreage:	Approx. 1.75 acres
Proposed Use:	Single-family detached dwelling
Sewage Disposal:	on-site septic
Water Supply:	Woodinville Water District
Fire District:	King County Fire District no. 36 Woodinville Fire & Life Safety District
School District:	Lake Washington School District no. 414

Complete Application Date: November 13, 2001

2. **State Environmental Policy Act compliance.** On January 25, 2002, the Department of Development and Environmental Services (“DDES” or “Department”) issued a notice of adoption, incorporating the SEPA environmental checklist and mitigated determination of non-significance issued by the Department for Lake of the Woods, Division nos. 2 through 6. Division no. 7 was created as a result of modifications of Division nos. 2 through 6 following preliminary plat approval. No person, agency, tribe, or other entity appealed the notice of adoption. The administrative environmental review record is incorporated in this hearing record.
3. **Relevant history and rationale for proposal.** The district received tract B of Lake of the Woods Division no. 7 as development mitigation at least 12 years ago—in order to provide a fire station site for the District, thereby assuring adequate response times (that were not available at the time of Lake of the Woods approval). Since then, however, Northeast 133<sup>rd</sup> Street was extended to connect with 232<sup>nd</sup> Avenue Northeast, thus providing the Lake of the Woods neighborhood with a 2.9 mile/5 minute response time from the District’s station no. 33. Now having the ability to respond to the Lake of the Woods vicinity within the response time standards for rural designated areas, the District has—in its own words—“no reason to build a fire station at this location.” The revenue from sale of the property will benefit KCFD no. 36 taxpayers district-wide.
4. **Public participation.** No person, agency or other legal entity has expressed concern or opposition regarding the proposed removal of the property use restriction. Russell V. Cole, Association Manager, Lake of the Woods Association, provided a letter dated January 2, 2001 indicating that Lake of the Woods Homeowners Association has no objections to the District’s plans, with the understanding that the property will be sold for the purpose of developing a single-family residence and that it will be subject to the covenants, conditions, restrictions and easements (CCRs) of Lake of the Woods. Exhibit no. 2 attachment no. 3. The district has received numerous inquiries from perspective buyers. Exhibit no. 1, attachment no. 2.
5. **Department recommendation.** The Department recommends granting approval to the plat alteration, subject to nine conditions of final plat alteration approval, stated on pages 4 and 5 of the Department’s preliminary report dated March 11, 2002. Those final plat alteration approval conditions concern compliance with the subdivision code; recording requirements; approval from appropriate public agencies regarding water service, health (septic disposal) and fire; utilities placement; MPS fee payment; school enrollment impact fee payments; and, drainage. Exhibit no. 2.
6. **Departmental report adopted.** The Department’s March 11, 2002 preliminary report (Exhibit no. 2) is accurate and uncontested. It is adopted and incorporated here by this reference. A copy of the Department’s preliminary report will accompany every copy of this report that is submitted to the Metropolitan King County Council.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the requested plat alteration 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 plat alteration will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, 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 alteration approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.

DECISION:

The short plat alteration of Lake of the Woods Division no. 7 is GRANTED PRELIMINARY APPROVAL; subject to the following conditions or final approval and recording.

1. Compliance with all platting provisions of Title 19A 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 applicant must obtain approval from the appropriate Water purveyor prior to recording.
4. The applicant must obtain final approval from the King County Health Department
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code, unless exempt pursuant to KCC 17.08.030.

ORDERED this 12th day of March, 2002.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 12th day of March, 2002, to the parties and interested persons of record:

Fire District 36  
19900 144th Ave NE  
Woodinville WA 98072

Roger Dorstad  
Evergreen East Realty  
PO Box 375  
Redmond WA 98073

Steve Jamieson  
12357 76th Ct NE  
Kirkland WA 98034

K C Exec Horse Council  
Eleanor Moon  
12230 NE 61st  
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Carol Rogers  
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MS OAK-DE-0100

Steve Townsend  
DDES/LUIS  
Land Use Inspections  
MS OAK-DE-0100

Bruce Whittaker  
LUSD/ERS  
Prel. Review Engineer  
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 March 26, 2002*. 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 April 2, 2002*. 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 MARCH 11, 2002 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L00ALT05

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Kim Claussen. Participating in the hearing and representing the Applicant was Steve Smith. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L01ALT05
- Exhibit No. 2 Department of Development and Environmental Services Preliminary report, dated March 11, 2002
- Exhibit No. 3 Application dated November 13, 2001
- Exhibit No. 4 Environmental checklist dated November 13, 2001
- Exhibit No. 5 Notice of Adoption dated January 25, 2002 (SEPA)
- Exhibit No. 6 Affidavit of Posting indicating December 4, 2001 as date of posting and December 5, 2001 as the date the affidavit was received by the Department of Development and Environmental Services. Notice of Application.
- Exhibit No. 7 Proposed alteration received November 13, 2001
- Exhibit No. 8 Land use maps, 914F, 915W, 920E, 921W

- Exhibit No. 9 Letter from Steve Smith, Woodinville Fire Life Safety to DDES dated December 28, 2000
- Exhibit No. 10 Letter from Russell V. Cole, Cole Property Management, Inc., to Chief Smith dated January 2, 2001
- Exhibit No. 11 Lake of the Woods Division 2-6 Examiner's Report dated May 4, 1998
- Exhibit No. 12 Lake of the Woods Division 7 final plat
- Exhibit No. 13 DDES preliminary report dated April 21, 1998

RST:gao

Plat alterations/L01ALT05 RPT