

June 24, 2005

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

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Seattle, Washington 98104  
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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **L04P0010**  
Proposed Ordinance No. **2005-0237**

**VINTAGE PLACE SUBDIVISION**  
Preliminary Plat Application

Location: 12226 Southeast 316th Street, approximately 250 feet west of the  
Southeast 316th Street/124th Avenue Southeast intersection

Applicant: Vintage Place LLC  
*represented by* **Shupe Holmberg**  
Baima & Holmberg  
100 Front Street South  
Issaquah, Washington 98027  
Telephone: (425) 392-0250

King County: Department of Development and Environmental Services,  
*represented by* **Trishah Bull**  
900 Oakesdale Avenue Southwest  
Renton, WA 98055  
Telephone: (206) 296-6758  
Facsimile: (206) 296-7051

**SUMMARY OF DECISION/RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve with conditions
Department's Final Recommendation:	Approve with conditions
Examiner's Decision:	Approve with conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened:	June 16, 2005
Hearing Continued Administratively:	June 16, 2005
Hearing Closed:	June 17, 2005

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.

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

**FINDINGS:**

**1. General Information:**

Owner/Developer: Randall Goodwin  
Vintage Place LLC  
25511 137<sup>th</sup> Avenue SE  
Kent, WA 98042

Engineer: Baima & Holmberg Inc.  
100 Front Street South  
Issaquah, WA 98027

STR: SW 9-21-5

Location: The site is located at 12226 SE 316<sup>th</sup> Street, approximately 250 feet west of the 124<sup>th</sup> Avenue SE/SE 316<sup>th</sup> Street intersection.

Zoning: R-12-SO  
Acreage: 3.88 acres  
Number of Lots: 25  
Density: 6.44 units per acre  
Lot Size: Ranges from approximately 3,200 to 8,245 square feet  
Proposed Use: Single-family detached dwellings  
Sewage Disposal: City of Auburn  
Water Supply: City of Auburn  
Fire District: King County District No. 44  
School District: Auburn School District No. 408

Application Completeness Date: August 24, 2004

2. Except as modified herein, the facts set forth in the DDES reports to the Examiner and the DDES and King County Department of Transportation testimony are found to be correct and are incorporated herein by reference.
3. Applicant Vintage Place LLC proposes subdivision of a rectangular 3.88-acre property into 25 lots, a future development tract which will be short-subdivided into two lots, and drainage and recreation tracts. The site topography is near flat in grade, with a gentle slope generally to the southwest. It possesses triple frontage: on the east is the current half street-improved 123rd Avenue Southeast along the northern majority of the east boundary line. Bordering the south boundary is the Southeast 316th Street through route, and on the north is the barricaded right-of-way of Southeast 314th Street, which is opened from 124th Avenue Southeast (a block to the east) to the fronting 123rd Avenue Southeast half street (which was developed for access into the adjacent residential subdivision to the east).
4. Access to the proposed lots will be provided by construction of the remaining westerly half of 123rd Avenue Southeast, a half-street improvement of the proposed north-south "Road A" along the west boundary (commensurate in length with the length of 123rd Avenue Southeast), and an

east-west segment of Southeast 315th Place which will connect Road A with 123rd Avenue Southeast in the southern portion of the subdivision. Southeast 314th Street will also be improved along the property's north boundary with a half-street improvement, and the barricading moved westerly to the northwest corner of the site. (Eventually, full through improvement of Southeast 314th Street will run westerly from 124th Avenue Southeast and will curve northerly west of the site. The north-south run is 121st Place Southeast.)

5. The lot sizes will range from 3,200 to 8,245 square feet (the largest lot to contain an existing single-family residence). A recreation/play area is to be set aside in a separate tract, and is the subject of a conceptual recreation development plan. The development drainage facilities will consist of conveyance to detention in Tract A in the southwest portion of the site, release from which will be subject to Level 2 flow control. No significant downstream drainage problems are identified in the preliminary plat drainage analysis.

#### CONCLUSIONS:

1. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R-12-SO zone.
2. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated within RCW 58.17.110, and will serve the public health, safety and welfare, and the public use and interest.
3. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.
4. The dedications of land or easements within and adjacent to the proposed plat, as shown on the revised preliminary plat submitted on June 2, 2005, or as required for final plat approval, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.

#### DECISION:

The preliminary plat of the *Vintage Place* subdivision, as revised and received June 2, 2005, is approved subject to the following conditions of final plat approval:

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 plat shall comply with the density requirements of the R-12-SO zone classification. All lots shall meet the minimum dimensional requirements of the R-12-SO 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 shall obtain documentation by the King County Fire Protection Engineer certifying compliance with the fire flow 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 and applicable updates adopted by King County. 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."
7. The drainage detention facility shall be designed to meet at a minimum the Level 2 Flow Control and Basic Water Quality menu in the 1998 King County Surface Water Design Manual (KCSWDM).
8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
  - a. 123<sup>rd</sup> Ave SE shall be widened at a minimum to a full width urban subaccess road. The crown of the road shall be designed in the center of the roadway per the KCRS. The design shall require compliance with Section 4.01(f) of the KCRS, asphalt overlay when widening. SE 315<sup>th</sup> Pl shall also be improved at a minimum to the urban subaccess road standard.
  - b. Road A shall be improved at a minimum to the urban half-street standard.
  - c. FRONTAGE: The frontage of the site along SE 314<sup>th</sup> St shall be improved at a minimum to the urban neighborhood collector standard. The design shall require compliance with Section 4.01(f) of the KCRS; asphalt overlay when widening. The existing barricade

- near the 123<sup>rd</sup> Ave SE /SE 314<sup>th</sup> St intersection shall be removed and the pavement restored.
- d. FRONTAGE: The frontage of the site along SE 316<sup>th</sup> St (north side) shall be improved at a minimum to the urban neighborhood collector standard.
  - e. Tracts C and D shall be a minimum 26 feet wide and improved as a private access tract 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.
  - f. No direct vehicular access shall be allowed to SE 314<sup>th</sup> St. A note to this effect shall be placed on the engineering plans and the final Plat.
  - g. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
  10. 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.
  11. 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.
  12. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
  13. 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. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan. This plan must not conflict with the Significant Tree Inventory & Mitigation Plan.

- b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
14. 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).
15. 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 314<sup>th</sup> Street and/or SE 316<sup>th</sup> Street are on a bus route. If SE 314 Street and/or Se 316<sup>th</sup> Street is 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.
  - i. 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.
16. To implement SO-220, Significant Trees, which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention and

engineering plans shall be consistent with the requirements of SO-220. No clearing of the site is permitted until the tree retention plan is approved by DDES. Flagging and temporary fencing of trees to be retained shall be provided, consistent with SO-220. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited with the fenced areas around preserved trees, except as may be permitted under the provisions of SO-220.

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with KCC 21A.38.230.B.6. The tree retention plan shall be included as part of the final engineering plans for the subject plat.

ORDERED this 24th day of June, 2005.

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Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 24th day of June, 2005, to the following parties and interested persons of record:

Marie Baker  
31334 - 122nd Ct. SE  
Auburn WA 98092

City of Auburn Planning Dept.  
25 W. Main St.  
Auburn WA 98001

Linda Fromhold  
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Randy Goodwin  
Vintage Place LLC  
25403 - 104th Ave. SE, #7  
Kent WA 98031

Kelly M. Hayes  
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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 \$250.00 (check payable to King County Office of Finance) *on or before July 8, 2005*. 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 July 15, 2005*. 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 Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, 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 JUNE 16, 2005, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04P0010.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull, Bruce Whittaker and Kris Langley, representing the Department; and Shupe Holmberg representing the Appellant.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services file no. L04P0010.
- Exhibit No. 2 Department of Development and Environmental Services preliminary report, dated June 16, 2005
- Exhibit No. 3 Application received July 2, 2004
- Exhibit No. 4 Environmental Checklist received July 2, 2004
- Exhibit No. 5 Determination of Non-Significance issued May 23, 2005
- Exhibit No. 6 Affidavit of Posting, indicating posting date of October 18, 2004; received by DDES on October 22, 2004
- Exhibit No. 7 Preliminary Plat Map received June 2, 2005 (revised)
- Exhibit No. 8 Assessors maps (2): SW 9-21-5 and SE 9-21-5
- Exhibit No. 9 Level 1 Downstream Analysis by Baima & Holmberg, Inc., received February 4, 2005 (revised)
- Exhibit No. 10 Traffic Impact Analysis by Christopher Brown & Associates received August 24, 2004
- Exhibit No. 11 Supplemental Traffic Impact Analysis by Christopher Brown & Associates received February 4, 2005
- Exhibit No. 12 Conceptual Recreation Space Plan by Baima & Holmberg, Inc., received February 4, 2005
- Exhibit No. 13 Kroll map 721W