

March 19, 2010

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email hearingexaminer@kingcounty.gov

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L06P0024**
Proposed Ordinance No. **2010-0055**

24424 SUBDIVISION
Preliminary Plat Application

Location: North side of Issaquah-Fall City Road, east of 244th Place SE

Applicant: Kuei-Fang Yushan
Represented by **Shupe Holmberg**
Encompass Engineering/Baima & Holmberg
165 NE Juniper Street, Suite 201
Issaquah, Washington 98027

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

SUMMARY OF RECOMMENDATIONS/DECISION:

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

EXAMINER PROCEEDINGS:

Hearing Opened:	March 9, 2010
Hearing Continued:	March 9, 2010

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: Kuei-Fang Yushan
4957 Lakemont Blvd SE, Suite C #369
Bellevue, Washington 98006
(425) 644-6860

Engineer: Encompass/Baima & Holmberg
165 Juniper St Suite 201
Issaquah WA 98027
425-392-0250

STR: 14-24-06

Location: The site is located on the north side of Issaquah-Fall City Road, east of 244th Place SE, unincorporated Issaquah area

Zoning: R-6

Acreage: 2.65 acres

Number of Lots: 15

Density: Approximately 5.66 units per acre

Lot Size: Approximately 3,100-4,500 square feet in size

Proposed Use: Single family detached dwellings

Sewage Disposal: Sammamish Plateau Water and Sewer District

Water Supply: Sammamish Plateau Water and Sewer District

Fire District: King County Fire District No. 10

School District: Issaquah School District No. 411

Application Completeness Date: August 16, 2007

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 (KCDOT) testimony are found to be correct and are incorporated herein by reference.
3. The subject 2.65-acre property lies in the unincorporated area northeast of Issaquah and southeast of Sammamish, on the north side of Issaquah-Fall City Road between 244th Place SE and 247th Place SE, opposite the Pine Lake Middle School campus. Zoned R-6, it is roughly triangular (missing its easterly corner) with the long dimension (what would be the hypotenuse of the triangle) forming the property's public road frontage, on Issaquah-Fall City Road for a length of approximately 473 feet. Issaquah-Fall City Road is an urban principal arterial roadway. The surrounding land use reflects the fairly recent suburbanization of the area, with fairly standard suburban density single-family residential subdivisions of relatively recent construction, remnant semi-rural density residences such as the two presently located onsite, and the relatively new Pine Lake Middle School campus across Issaquah-Fall City Road.
4. The site terrain consists of a gentle grade generally to the northwest, to a wetland depression in the northwest corner which extends offsite to the west and north. Site vegetation consists of grassy areas with scattered trees, and cultivated landscaping around the existing residences and outbuildings. Other than the wetland, no critical areas are present onsite or in close proximity.

5. Applicant Kuei-Fang Yushan proposes subdivision of the property into 15 lots for detached single-family residential development and separate tracts for critical area preservation and buffering (Tract A), drainage facilities (Tract B) and recreation space (Tract C). All of the non-residential tracts are in the northwest corner of the site. (The recreation space is sufficiently centrally located to conform to county code standards.) Access to the proposed lots and separate tracts would be provided by the extension of a short curving cul-de-sac road extending northwesterly from Issaquah-Fall City Road and then quickly curving northeasterly to terminate in a cul-de-sac bulb in the northeastern portion of the site. A short private access tract (Tract E) would extend further easterly from the cul-de-sac bulb to serve Lots 7-9 in the far eastern portion. Lots 1-7 and 15 would also have abutting frontage on the north side of Issaquah-Fall City Road, but direct vehicular access to the road will not be permitted; rather, they shall be restricted to interior road access.
6. From a drainage standpoint, the property is located within a catchment of the Laughing Jacobs Creek sub-basin of the Lake Sammamish watershed. The site is divided into four local sub-basins, each of which drains to a closed depression. In order to ameliorate the potential for adverse offsite impacts (raised by a neighboring property owner who has experienced crawl space flooding in his residence), some minor surface water diversions onsite and a diversion of the existing offsite tributary basin northeast along Issaquah-Fall City Road have been approved by DDES's administrative Drainage Adjustment L08V0074, the conditions of which apply to the proposed subdivision. Drainage treatment will consist of routing most road drainage to catch basins with conveyance to a pre-settling pool and then a sand filter and infiltration pond in the aforementioned Tract B, from which the collected drainage would infiltrate into the ground. Some Issaquah-Fall City Road drainage will be infiltrated in a rain garden/infiltration swale along the property's frontage. Some roof drainage from Lots 1-7 will be routed to a roof infiltration trench paralleling the rain garden/infiltration swale), and roof infiltration trenches will also be located on the north side of Lots 8-11 and on the west side of Lots 12-15. The development is subject to the Conservation flow control and Sensitive Lake water quality standards of the 2005 King County Surface Water Design Manual (KCSWDM); the preponderance of the evidence in the record demonstrates that such standards can be met. No downstream drainage problems are evident that require additional mitigation under the KCSWDM than has been achieved through the Drainage Adjustment and the conceptual drainage plan.
7. Resident schoolchildren in the subdivision development will be bused to their respective schools in the Issaquah School District. (Even though the Pine Lake Middle School campus is directly across the street, the evidence in the record shows that the school district intends to bus the middle school students to their school.) Safe walking conditions from the residential lots to a school bus stop will be provided by the internal road improvements and frontage improvements on Issaquah-Fall City Road. Rather than installing a bus pad waiting area on the property frontage for resident schoolchildren, the applicant desires the option of being permitted to have the school bus stop for the subject development located east of the property frontage, at an existing newly-constructed bus waiting pad at 245th Lane SE. Safe walking conditions exist offsite along Issaquah-Fall City Road to that bus stop waiting pad. The preponderance of the evidence in the record shows that safe walking conditions for resident schoolchildren are sufficiently in place on the potential offsite route to the offsite bus waiting pad, and would be sufficient with the property's internal road and frontage improvements.
8. Sufficient traffic impact mitigation is provided by the standard mitigation review under Title 14 KCC and imposition of Mitigation Payment System (MPS) fees, as reflected in the department report and recommended conditions.

9. Urban water supply and sanitary sewer service is certified as available to the development by the Sammamish Plateau Water and Sewer District.

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-6 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 August 13, 2009, 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 24424 subdivision, as revised and received August 13, 2009, is approved subject to the following conditions of 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 that 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-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be 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 Environment Services.

Any/all plat boundary discrepancy shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

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 hydrant location and fire flow standards of Chapter 17.08 KCC.

6. The drainage facilities shall meet the requirements of the 2005 King County Surface Water Design Manual (KCSWDM). The drainage design shall meet at a minimum the Conservation Flow Control and Sensitive Lake Water Quality requirements in the KCSWDM. Note that stormwater infiltration is proposed for the site.
7. Drainage adjustment L08V0074 is approved for this project. All conditions of approval of the adjustment shall be met prior to engineering plan approval.
8. To implement the required Best Management Practices (BMP's) for treatment of stormwater, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the 2005 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMP's for site development.
9. The following road improvements are required to be constructed according to the 1993 King County Road Standards (KCRS):

- a. **FRONTAGE:** The frontage of the subdivision along Issaquah-Fall City Road shall be improved to the urban principal arterial standard on the northerly side, including concrete curb, gutter and minimum five-foot wide sidewalk. Left turn channelization, and a roadway illumination system -- both meeting the requirements of the 1993 KCRS -- are also required in accordance with the conditions of approval for Road Variance L08V0087. All conditions of approval for this Road Variance shall be met prior to engineering plan approval.

These improvements shall include a widened sidewalk on the frontage on Issaquah-Fall City Road as needed to provide a concrete 'pad' for school age pedestrians. This widened pad shall be a minimum area of 50 square feet in addition to the standard-width public sidewalk, and be placed at a location that allows the maximum available visibility of school buses that are stopped to load students.

The precise location of the pad shall be determined during engineering plan review, which shall evaluate existing pedestrian conditions and school bus stop locations. If offsite improvements constructed by others (such as the existing pad at 245th Lane SE) are determined satisfactory, and such alternative location is approved in writing by the Issaquah School District as the subject development's assigned bus stop, the widened sidewalk shall not be required on the property frontage.

- b. Additional R/W along the northerly frontage of Issaquah-fall City Road shall be dedicated, to provide a total of 50 feet of R/W from centerline of the existing R/W.
- c. The internal access road shall be improved to the urban minor access street standard, with a cul-de-sac at the easterly end.
- d. The Tract E private access tract shall be improved per Section 2.09 of the KCRS. This Tract shall be owned and maintained by the Lot owners served.
- e. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.

10. There shall be no direct vehicular access to or from Issaquah-Fall City Road from those lots which abut it. A restrictive note to this effect shall appear on the engineering plans and the final 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 Chapter 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 the 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 King County Code Chapter 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 50 percent of the impact fees due for the plat shall be assessed and collected immediately prior to the 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. 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., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
15. 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 tract.
16. 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 (206) 684-1622 to determine if Issaquah-Fall City Road is on a bus route. If so, 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.
17. The planter islands (if any) within the cul-de-sac shall be maintained by the abutting lot owners or homeowners association. This obligation shall be stated on the final plat.
18. To implement KCC 21A.38.230 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of KCC 21A.38.230. No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with KCC 21A.38.230.B.4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to KCC 21A.38.230.B.4.d.(2).

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 K.C.C. 21A.38.230.B.6. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

ORDERED March 19, 2010.



Peter T. Donahue
King County Hearing Examiner

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 April 2, 2010*. If a notice of appeal is filed, the original and 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 9, 2010*. 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 Third 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 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 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 9, 2010, PUBLIC HEARING ON PLAT APPLICATION 24424,
DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L06P0024.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Kimberly Claussen and Bruce Whittaker, representing the Department and Shupe Holmberg representing the Applicant.

The following Exhibits were offered and entered into the record:

- | | |
|------------------|--|
| Exhibit No. 1 | Department of Development and Environmental Services (DDES) file no. L06P0024 |
| Exhibit No. 2 | DDES Preliminary Report, dated March 9, 2010 |
| Exhibit No. 3 | Application for Land Use Permits received December 18, 2006 |
| Exhibit No. 4 | State Environmental Policy Act (SEPA) checklist received December 18, 2006 |
| Exhibit No. 5 | SEPA Determination of Non-Significance issued January 21, 2010 |
| Exhibit No. 6 | Affidavit of Posting indicating a posting date of September 26, 2007; received by DDES on September 27, 2007 |
| Exhibit No. 7 | Revised preliminary plat map received August 13, 2009 |
| Exhibit No. 8a-c | King County Assessor maps SW 14-24-06, SE 15-24-06 and NW 23-24-06 |
| Exhibit No. 9 | Revised conceptual drainage plan, received August 13, 2009 |
| Exhibit No. 10 | Revised Preliminary Technical Information Report, received September 11, 2008 |

- Exhibit No. 11 Surface Water Manual Adjustment no. L08V0074, dated December 9, 2009
- Exhibit No. 12 Road Variance no. L08V0087, dated July 21, 2009
- Exhibit No. 13 Geotechnical Engineering Report, received July 29, 2008
- Exhibit No. 14 Wetland report prepared by AlderNW, dated May 15, 2006
- Exhibit No. 15 Revised conceptual recreation space plan, received August 13, 2009
- Exhibit No. 16 School walkway map, received July 29, 2008
- Exhibit No. 17 Revised language for condition 9a
- Exhibit No. 18 Photograph of newly poured concrete pad on Issaquah-Fall City Road by subject property

PTD:vsm
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