

March 7, 2012

**OFFICE OF THE HEARING EXAMINER**  
**KING COUNTY, WASHINGTON**  
King County Courthouse, Room 1200  
516 Third Avenue  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-0198  
Email [hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)

**REPORT AND DECISION**

**SUBJECT:** Development and Environmental Services File No. **L11P0002**  
Proposed Ordinance No. **2012-0034**

**SUGARLOAF MOUNTAIN RANCH ESTATES**  
Preliminary Plat Application

**Location:** South of SE Kent-Kangley Road between 309th Avenue SE and 320th Avenue SE, in the Kangley area east of Maple Valley

**Applicant:** 9700 Partners LLC  
*represented by* **Thomas A. Barghausen**  
Barghausen Consulting Engineers, Inc.  
18215 72nd Avenue S.  
Kent, WA 98032  
Telephone: (425) 251-6222  
Email: [tbarghausen@barghausen.com](mailto:tbarghausen@barghausen.com)

**King County:** Department of Development and Environmental Services (DDES)  
*represented by* **Kimberly Claussen**  
900 Oakesdale Avenue SW  
Renton, WA 98057  
Telephone: (206) 296-7167  
Email: [kimberly.claussen@kingcounty.gov](mailto:kimberly.claussen@kingcounty.gov)

**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:	February 7, 2012
Hearing Closed:	February 7, 2012

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 Hearing Examiner's Office.

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

**FINDINGS:**

**1. General Information:**

Owner/Developer: 9700 Partners LLC  
18215 72<sup>nd</sup> Avenue South  
Kent, WA 98032  
425-251-6222

Engineer: Barghausen Consulting Engineers  
18215 72<sup>nd</sup> Avenue South  
Kent WA 98032  
425-251-6222

STR: 33-22-07

Location: The site is located south of SE Kent Kangley Road between 309th Avenue SE and 320th Avenue SE, in the Kangley area east of Maple Valley.

Zoning: RA-5  
Acreage: 290.43 acres  
Number of Lots: 52 lots  
Density: Maximum one dwelling unit per five acres  
Lot Size: Approximately 5.0 acres and greater  
Proposed Use: Single family detached dwellings  
Sewage Disposal: Onsite septic systems  
Water Supply: Covington Water District  
Fire District: King County Fire District No. 47  
School District: Tahoma No. 409  
Application Completeness Date: October 17, 2011

2. Except as modified herein, the facts set forth in the DDES reports to the Examiner and testimony are found to be correct and are incorporated herein by reference.
3. The subject property lies in the Kangley area well east of Maple Valley, northeast of Lake Retreat and south of SE Kent Kangley Road, somewhat south of the road itself. The 290.43 acre-property is irregular in shape and occupies the bulk of Section 33, T22N, R7E, W.M.; the excepted portions of the section are the east quarter approximately, again an irregular shape, and the northern tenth, approximately, as well as a Bonneville Power Administration (BPA) easement, ranging from 525 to 565 feet wide, running through the site west southwesterly from near the northeast corner approximately, and then angling with a dogleg turn to run south southwesterly to end on the southern boundary near the southwest corner. Also excepted from the discrete subdivision site are perimeter trail corridors along the west-half of the southern boundary and the entirety of the western boundary abutting the discrete subdivision site, along with an excepted notch area on the west side (in the vicinity of Lots 28 and 29) excluding a critical area and buffer.

4. The discrete subdivision site is part of the *Sugarloaf Mountain Estates* cluster subdivision which was initially approved under file L08P0001 and revised under file L09RE023, and has since been amended by Boundary Line Adjustment (BLA) file L10L0054; the resultant lots of the BLA proposed for redivision are Lots 10-18 and 23-27.
5. The site terrain is relatively flat to gently sloping, generally in a northwesterly direction with slopes generally less than 15 percent grade. Abutting the eastern portion of the site are the side slopes of Sugarloaf Mountain with much steeper slopes rising offsite. No critical areas lie within the discrete boundaries of the proposed subdivision. (The proposed subdivision area has a minimum 50-foot separation from the Sugarloaf Mountain toe of slope.) The property has been logged and partly cleared in the relatively recent past, leaving some moderately wooded areas with successive growth, mixed native species (coniferous and deciduous) trees and second-story and groundcover vegetation typical of the region. No threatened or endangered wildlife species or habitat are identified as present on or in close proximity to the site. The property is currently not structurally developed except for electrical transmission lines and supporting tower structures within the BPA easement. The surrounding area consists of single-family residences on large rural-scale lots and undeveloped parcels. Sugarloaf Mountain Park adjoins the east boundary of the greater site.
6. Applicant 9700 Partners LLC proposes essentially a redivision of part of the *Sugarloaf Mountain Estates* subdivision with a new subdivision of the subject discrete portion of the larger property into 52 lots, all of which would be five acres or greater in size, conforming to the minimum lot area for standard subdivision development in the applied RA-5 zoning. Vehicular access to the lots would be provided by an offsite loop road circling the interior (but not included within the discrete subdivision boundaries) and connecting to SE Kent-Kangley Road at an entry at the half-section line; there would also be a connection to the southern property boundary approximately one-third of the distance east along the southern boundary from the southwest corner. Branching off of the loop road approximately midway along the westerly length of the loop would be a short cul-de-sac to the northwest providing direct access to Lots 18 and 25 and connecting to an internal private access tract (Tract A) serving Lots 19-24 (as well as Lot 25 as an access alternative to the cul-de-sac frontage). Tract A would be owned and maintained by the affected lot owners and constructed to county road standards. The subdivision-excepted loop road and cul-de-sac are proposed to be constructed under county-approved grading permit L11CG030.
7. The proposed redivision has no adverse effect nor cause any deficiency from a regulatory standpoint to the prior cluster subdivision approval with respect to development aspects and amenities.
8. Water service is proposed to be provided by the Covington Water District, which has certified domestic water service availability. Flows sufficient to meet fire suppression standards will not be provided and are not required by county code for a development of the lot sizes proposed. (See Note in Condition 6.) As a result of the lack of standard fire flow (and hydrants), the development of each lot may be subject to individual structural sprinklering requirements imposed by the county Fire Marshal through the building permit process. (See November 15, 2011 Fire Marshal review in Exhibit 1.)
9. Sanitation is to be provided via onsite systems. Seattle-King County Public Health has recommended preliminary approval of the proposed method of sewage disposal; separate documented certification is not a requirement.

10. The property is located in the Rock Creek subarea in the upper reaches of the Cedar River Basin. The development's surface drainage impacts are subject to the requirements of the 2009 version of the King County Surface Water Design Manual (KCSWDM). The proposed drainage treatment is via stormwater infiltration facilities for the individual lots and private access Tract A. The road drainage system is to be constructed under grading permit L11CG030.
11. Nearby public recreation opportunities are provided by the adjacent Sugarloaf Mountain Park. No onsite active recreation facilities or areas are required for a subdivision of this nature by county code.
12. Safe school pedestrian walking conditions from individual lots to pertinent school bus stops (to be located along the loop road) will be provided by the loop road construction to county standards as applied.
13. The development's traffic impact will be mitigated in conformity with the standards of Title 14 KCC. Mitigation Payment System (MPS) fees are imposed in the conditions of approval herein. The proposal lies within an area meeting transportation concurrency standards. No development-impacted intersections will exceed intersection standards as a result of the development's traffic generation.

#### 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 RA-5 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. Any dedications of land or easements within and adjacent to the proposed plat, as shown on the revised preliminary plat submitted on February 2, 2012, 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 *Sugarloaf Mountain Ranch Estates* subdivision, as revised and received February 2, 2012, 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 requirements of the RA-5 zone classification. All lots shall meet the minimum dimensional requirements of the RA-5 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 Environment Services. Any/all plat boundary discrepancies 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. Final approval from Seattle-King County Public Health shall have been obtained prior to recording.
5. All construction and upgrading of public and private roads shall be done in accordance with the 2007 King County Road Design and Construction Standards established and adopted by Ordinance 15753.
6. As may be required (see below), 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.

NOTE: If all subdivision lots are 35,000 square feet in size or more, or if a subdivision is outside an Urban Growth Area and is developed at a density no greater than one residential building lot per five (5) acres, or if a subdivision is a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size and offsetting permanent open space is developed with an overall density no greater than one residential building lot per five (5) acres, such subdivision is exempted from hydrant requirements and fire flow standards by KCC 17.08.030. If fire hydrants are provided, however, the installation of hydrants and water mains is subject to permit requirements of King County Fire Engineering. (Also see November 15, 2011 Fire Marshal review in Exhibit 1 regarding fire access, structural location and possible sprinklering requirements.)

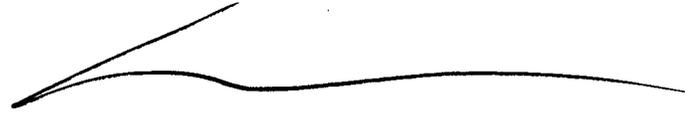
7. The drainage facilities shall meet the requirements of the 2009 King County Surface Water Design Manual (KCSWDM). Note that stormwater infiltration facilities are proposed for this site.
8. Final plat approval shall require full compliance with the drainage provisions set forth in Chapter 9.04 KCC. 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 Chapter 9.04 and the 2009 KCSWDM shall also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 2009 KCSWDM 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."

9. Individual lot infiltration drainage facilities are proposed for the lots in this project. The construction and permitting of the individual lot facilities shall be accomplished concurrent with individual lot building permits, unless otherwise approved by DDES. Notes to this effect shall be provided on the final recorded plat and the engineering plans.
10. 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 BMP's are outlined in Chapter 5 of the 2009 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.
11. The following road improvements are required to be constructed according to the 2007 King County Road Design and Construction Standards (KCRDCS):
  - a. Tract A shall be improved to the Private Access Tract Standard in Section 2.09 of the KCRDCS.
  - b. The proposed loop road and connection to SE Kent-Kangley Road providing the subdivision road access shall be constructed according to previously approved Grading Permit L11CG030 and the KCRDCS prior to recording. If such roads are not constructed under the above grading permit, a new plat hearing is required.
  - c. School bus waiting areas shall be constructed along the loop/connecting roads at locations approved by DDES in consultation with the Tahoma School District.
  - d. Modifications to the road design may be considered according to the variance provisions in Section 1.08 of the KCRDCS.
12. All utilities within proposed rights-of-way shall be included within a franchise approved by the King County Council prior to final plat recording.
13. 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 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.
14. 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 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.

ORDERED March 7, 2012.



\_\_\_\_\_  
Peter T. Donahue  
King County Hearing Examiner

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Hearing Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250 (check payable to King County Office of Finance) on or before **March 21, 2012**. If a notice of appeal is filed, the original two 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 **March 28, 2012**. 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 Clerk of the Council's Office, Room 1200, 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. If the Office of the Clerk is not officially open on the specified closing date, 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 FEBRUARY 7, 2012, PUBLIC HEARING ON DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L11P0002.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen and Bruce Whittaker representing DDES and Thomas A. Barghausen representing the Applicant.

The following Exhibits were offered and entered into the record:

- |               |   |
|---------------|---|
| Exhibit no. 1 | Department of Development and Environmental Services file no. L11P0002  |
| Exhibit no. 2 | Department of Development and Environmental Services preliminary report dated February 7, 2012  |
| Exhibit no. 3 | Application submitted October 17, 2011, complete November 10, 2011  |
| Exhibit no. 4 | Environmental checklist received October 17, 2011   |
| Exhibit no. 5 | Declaration of Non-significance (DNS) dated October 24, 2011  |
| Exhibit no. 6 | Affidavit of posting indicating November 23, 2011 as date of posting and November 23, 2011 as the date the affidavit was received by the Department of Development and Environmental Services |
| Exhibit no. 7 | Revised plat map received February 2, 2012  |
| Exhibit no. 8 | Assessors maps, SE 33-22-07; NW 33-22-07; NE 33-22-07; SW 33-22-07  |

- Exhibit no. 9 Boundary line adjustment L10L0054 (recorded)
- Exhibit no. 10 Drainage study/master drainage plan by Barghausen, received October 17, 2011
- Exhibit no. 11 Water availability certificate (Covington) dated October 14, 2011
- Exhibit no. 12 Waiver of submittal requirements (Health), approved October 6, 2011
- Exhibit no. 13 Transpo traffic report dated October 3, 2011
- Exhibit no. 14 SWDM adjustment L11V0004 dated July 19, 2011
- Exhibit no. 15 Sugarloaf examiner decision L08P0001
- Exhibit no. 16 Sugarloaf examiner decision (revision to L08P0001) L09RE023
- Exhibit no. 17 KCRS variance L08V0018 dated December 8, 2008

PTD/gao