

August 28, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Development and Environmental Services File No. **L95P0008**
Proposed Ordinance No. **96-637**

Proposed Plat of
JOY LUCK

Location: Generally located the intersection of Southeast 8th Street and
196th Place Southeast, located on the south side of Southeast 8th
Street (temporarily 19600 Southeast 8th Street)

Applicant/Developer: Shun Yuan Ltd., Inc.
17634 NE 34th Court
Redmond, WA 98052

Agent: De-En Lang
Subdivision Management
16031 119th Place NE
Bothell, WA 98011

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary: Approve, subject to conditions
Division's Final: Approve, subject to conditions (modified)
Examiner: Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted: April 17, 1995
Notice of complete application: April 17, 1995
Department Preliminary Report issued: August 12, 1996

EXAMINER PROCEEDINGS:

Hearing Opened: August 26, 1996
Hearing Closed: August 26, 1996

Participants at the proceedings 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 ADDRESSED:

- Surface water drainage

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

FINDINGS:

1. General Information:
Owner/Developer Shun Yuan Ltd., Inc.
17634 NE 34th Court
Redmond, WA 98052
(206) 869-1360
Agent: De-En Lang

Subdivision Management
 16031 119th Place NE
 Bothell, WA 98011
 (206) 488-1111

STR: 5-24-6
 Location: Generally located the intersection of Southeast 8th Street and 196th Place Southeast, located on the south side of Southeast 8th Street (temporarily 19600 Southeast 8th Street)
 Zoning: R6-P
 Acreage: 4.89
 Number of Lots: 11
 Density: 2.25 dwelling units per acre
 Typical Lot Size: Approximately 7,100 to 8,300 square feet
 Proposed Use: Single-family detached
 Sewage Disposal: Sammamish Plateau Water and Sewer District
 Water Supply: Sammamish Plateau Water and Sewer District
 Fire District: #10
 School District: Issaquah
 Complete Application Date: January 2, 1996 (Revised)

2. Except as modified herein the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the August 26, 1996, public hearing are found to be correct and are incorporated herein by reference. Copies of the Land Use Services Division's report will be attached hereto for submittal to the Metropolitan King County Council. The LUSD staff recommends approval of the application, subject to conditions.
3. On December 20, 1995, the Applicant Shun Yuan Ltd., Inc., submitted a revised preliminary plat application to subdivide 4.89 acres into 11 lots for single family residential development. The property is a rectangular parcel that lies east of East Lake Sammamish Parkway Southeast and south of Southeast 8th Street, with the southwestern half of the property contained in a large wetland system connected to Pine Lake Creek.
4. The principal technical issues affecting development of the Joy Luck plat are the consequence of existing restrictions within the downstream conveyance system that transports surface water runoff to Lake Sammamish. These issues were studied within the public hearing for the adjacent subdivision application for Acer Square and have resulted in a detention standard which requires release of the 100-year/24-hour storm at the 10-year/24-hour pre-development rate. This standard reflects the fact that at flows greater than the 10-year storm Pine Lake Creek overflows into the downstream system for Acer Square and Joy Luck. In addition, certain downstream conveyance improvements required of Acer Square will be imposed on Joy Luck if development of Acer Square is not completed.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval recommended herein, including dedications and easements, will provide improvements which promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

RECOMMENDATION:

APPROVE the preliminary plat of Joy Luck as revised and received on December 20, 1995, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 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 meet the base density (and minimum density) requirement of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. 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. The applicant shall obtain final approval from the King County Health Department.
5. 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.
6. The applicant shall obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code. If all lots are 35,000 square feet in size or larger, or if the 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 as a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size but offsetting permanent open space which results in development at a density no greater than one residential building lot per five (5) acres), the subdivision is exempt per KCC 17.08.030.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats:
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. 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 Department of Public Works. 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."
8. The following conditions specifically address drainage issues for this particular plat:
 - a. The level 3 downstream analysis submitted August 31, 1995 identified downstream capacity problems which are aggravated by storms exceeding the 10-year event. Therefore, unless otherwise approved by DDES, the release rate for the detention system shall be the maximum SWM Manual (1.2.3) rate as follows:

The facility shall be designed using the SCS-SUBH, 24-hour Storm Method described in the 1990 SWM Design Manual, such that post-development 2-year, 10-year, and 100-year storm flows do not exceed predevelopment storm flows equaling the 2-year, 10-year, and 10-year flows, respectively. A 30-percent volumetric safety factor should be added to facilities meeting these criteria.
 - b. The Hearing Examiner Condition 8b for the adjoining plat of Acer Square (Ord 11947) required three downstream improvements:

- 1) Lower the grate elevation at CB No. 6 to reduce localized ponding;
- 2) Clear debris and trim groundcover between intakes 9-A and 5-A; and
- 3) Install a debris barrier at intake 1-A.

Since this Joy Luck subdivision drainage outlets to the same drainage course as Acer Square, if Acer Square is not constructed, the above same requirements shall apply to Joy Luck. EXCEPTION: Improvement 1 shall not apply because an affected property owner will not provide permission to lower the grate.

- c. Clearing and grading shall not be permitted in the East Sammamish planning area between October 1 and March 31, unless otherwise approved by DDES. (P-suffix condition P20, East Sammamish Community Plan)
9. An existing King County-maintained detention pond exists in the northeast corner of the site (King County D90809). The pond and related pipes and manhole shall be removed and abandoned. Details of this abandonment shall be shown on the engineering plans at engineering plan submittal.
 10. The 100-year floodplain of the on-site wetland shall be shown on the plans at engineering plan submittal and the final plat per Special Requirement #9 of the 1990 King County Surface Water Design Manual.
 11. The following condition reflects the required road improvements for this subdivision to be constructed per the 1993 King County Road Standards:
 - a. 196th Place SE shall be improved full-width to the urban subaccess street standard.
 - b. A temporary turnaround at the south terminus of 196th Place SE shall be provided per Section 2.08 KCRS.
 - c. Frontage Improvements: SE 8th Street shall be improved to urban neighborhood collector standards where it abuts the site. Since the road is offset within the R/W and currently does not meet County standards, the required improvements shall include full-width pavement with an 11-foot lane and curb on the north side, and a 16-foot lane with curb and sidewalk on the south side (18 feet wide within 150 feet of E. Lake Sammamish Pkwy. SE). Appropriate tapers will be required on each end to transition back into the existing roadway. The existing roadway crown must be relocated to construct this improvement.
 - d. Tracts B and C shall be improved as private access tracts, minimum 26 feet wide, and improved to the urban minor access road standards in Section 2.03 of the 1993 KCRS.
 - e. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in Section 2.03 of the 1993 KCRS.
 12. All utilities within proposed rights-of-way must 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 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. There shall be no direct vehicular access to or from SE 8th Street from those lots which abut it, with the exception of Tract B.
 15. Lots 1-3 shall have undivided ownership of Tract B and be responsible for its maintenance. Lots

7-9 shall have undivided ownership of Tract C and be responsible for its maintenance. Tracts B and C shall be 26 feet wide and improved with a 22-foot-wide paved surface and controlled drainage.

16. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA
TRACTS AND SENSITIVE AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

17. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Prior to engineering plan approval, the applicant shall provide notice on title as outlined in KCC 21A.24.170. Permanent survey marking and signs as specified in KCC 21A.24.160 shall also be addressed prior to commencing construction activities on the site.
18. a. The Class 2 wetland (tract) shall have a minimum average buffer width of 50 feet of undisturbed native vegetation.
- b. A minimum building setback line of 15 feet shall be required from the edge of a sensitive area buffer.
- c. The wetlands and their buffers shall be placed in a separate sensitive area tract. This tract shall also be designated as a wildlife corridor. A note to this effect shall be placed on the face of the final plat.
19. Suitable recreation space shall be provided, consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190. A recreation space plan shall be reviewed and approved by DDES and the King County Parks Division prior to engineering plan approval.
20. 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 and/or open space area(s).
21. Street trees shall be provided as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along SE 8th Street. 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 Public Works determines that trees should not be located in the street right-of-way.

- c. If Public Works 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, the Homeowners' Association or other workable organization, unless the county has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
- e. The species of trees shall be approved by DDES and Public Works 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. Public Works shall also review the street tree plan if the street trees will be located within the right-of-way.
- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if SE 8th Street is on a bus route. If SE 8th 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.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

22. The existing easements (ingress/egress, etc.) along 196th Place SE shall be relinquished prior to final recording.

RECOMMENDED this 28th day of August, 1996.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 28th day of August, 1996, to the following parties and interested persons:

Walter Brewe

De-En Lang, Subdivision Management

Robert Meriwether, Subdivision Management

Shun Yuan, Ltd., Inc.

John L. Scott Land Department

King Conservation District

Steven C. Townsend, DDES/LUSD

Lisa Pringle, DDES/LUSD

Kim Claussen, DDES/LUSD

Bruce Whittaker, DDES/LUSD

Mason Bowles, DDES/LUSD

Tom Koney, King County Council

Michaelene Manion, DDES/LUSD

Aileen McManus, DDES/LUSD

Paulette Norman, KC DOT

Paul Wozniak, DDES/LUSD

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation 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 September 11, 1996. 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 September 18, 1996. 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 403, King County Courthouse, 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 Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner 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 date on which the Council passes an ordinance acting on this matter.

STAFFORD L. SMITH was the Hearing Examiner in this matter. Participating at the hearing were Kim Claussen and Bruce Whittaker, representing the County; and De-En Lang.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Department of Development and Environmental Services File No. L95P0008
Exhibit No. 2	Department of Development and Environmental Services Preliminary report dated August 26, 1996
Exhibit No. 3	Application dated January 2, 1996 (revised)
Exhibit No. 4	Environmental Checklist dated April 17, 1995
Exhibit No. 5	Declaration of non-significance dated June 25, 1996
Exhibit No. 6	Affidavit of Posting indicating July 22, 1996, as date of posting and July 24, 1996, as the date the affidavit was received by DDES
Exhibit No. 7	Plat map dated December 20, 1995
Exhibit No. 8	Land use map 544W; 547E; 574W
Exhibit No. 9	Assessors maps NW 5-24-6; NE 6-24-6; SW 32-25-6; Section 31-25-6
Exhibit No. 10	Level 3 Conceptual Drainage Plan - received August 31, 1995
Exhibit No. 11	Revised/updated wetland study by Shapiro & Assoc. dated June 13, 1995
Exhibit No. 12	Addition condition 8.c
Exhibit No. 13	Agreement to relinquish easement(s) - received August 19, 1996
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