

February 25, 1998

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

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL.**

**SUBJECT:** Department of Development and Environmental Services **File No. L97P0015**

**COUNTRY GREEN**  
Preliminary Plat Application

**Location:** Generally located between Southeast 310<sup>th</sup> Street and Southeast 312<sup>th</sup> Street (Lea Hill Road), and between 118<sup>th</sup> Avenue Southeast (if extended) and 121<sup>st</sup> Place Southeast. Also known as 11917 Southeast 310<sup>th</sup> Street.

**Owner/**

**Developer:** **Jerry Prouty**  
c/o Barghausen Consulting Engineers, Inc.  
18215 – 72<sup>nd</sup> Avenue South  
Kent, WA 98032

**SUMMARY OF RECOMMENDATIONS:**

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

**PRELIMINARY MATTERS:**

Application submitted:	April 9, 1997
Notice of complete application:	May 5, 1997

**EXAMINER PROCEEDINGS:**

Hearing Opened:	February 17, 1998
Hearing Closed:	February 17, 1998

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.

**ISSUES ADDRESSED:**

- Plats – minimum density

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

**FINDINGS:**

1. General Information:

Owner/Developer:	<b>Jerry Prouty</b> c/o Barghausen Consulting Engineers, Inc. 18215 – 72 <sup>nd</sup> Avenue South Kent, WA 98032
Engineer:	Barghausen Consulting Engineers, Inc. Attn: Jeff Potter 18215 – 72 <sup>nd</sup> Avenue South Kent, WA 98032
Location:	Generally located between Southeast 310 <sup>th</sup> Street and Southeast 312 <sup>th</sup> Street (Lea Hill Road), and between 118 <sup>th</sup> Avenue Southeast (if extended) and 121 <sup>st</sup> Place Southeast. Also known as 11917 Southeast 310 <sup>th</sup> Street.
STR:	9-21-5
Zoning:	R-6
Acreage:	6.84 acres
Number of Lots:	22
Density:	3.32 units per acre
Typical Lot Size:	Ranges from approximately 4,622 to 9,399 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
Complete Application Date:	May 5, 1997

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 February 17, 1998, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff

recommends approval of the application, subject to conditions.

3. A preliminary plat application was filed by Jerry Prouty on May 5, 1997, to subdivide 6.84 acres into 22 lots for single family residential development. The property is zoned R-6 and lies within the rapidly developing Lea Hill area east of the City of Auburn. Although the proposal as currently configured does not comply with the minimum density requirements, proposed Lot No. 22 is of sufficient size to support future subdivision in compliance with zone minimum density standards.

#### **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.

#### **DECISION:**

The preliminary plat of Country Green as revised and received on September 17, 1997, is **approved**, subject to the following conditions of final 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 minimum density of the R-6 zone classification, per KCC 21A.12.060 B.1. 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, 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. The applicant must 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 (1993 KCRS).
6. The applicant shall obtain the approval of the King County Fire Protection Engineer certifying

the adequacy of the plat to meet the fire hydrant, water main, and fire flow standards of KCC Chapter 17.08.

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 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 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:

Due to downstream channel erosion, the stormwater release rate for this site shall be computed using the stream protection standard. The release rate shall be computed using the SCS-SBUH 24-hour Storm Method, described in the 1990 King County Surface Water Design Manual (or other method as approved by DDES-LUSD). The release rate shall be such that the post-developed 2-year, 10-year, and 100-year storm flows do not exceed the pre-developed storm flows equaling 1/2 of the 2-year, 2-year, and the 10-year flows respectively. A 30% volumetric safety factor shall be added to the facility.

The downstream watercourse also flows through an existing 8 inch diameter driveway culvert approximately 70 feet west of the southwest corner of this development. The storm water release rate shall be further adjusted to prevent any aggravation of this capacity problem per Core Requirement 2 of the King County Surface Water Design Manual or the driveway culvert shall be upgraded to provide adequate capacity. Permission from the property owner(s) is required for any work outside of the King County right-of-way.
9. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards:
  - a. Road A, the internal access road, shall be improved to the urban subaccess standard.

- b. FRONTAGE: SE 310th Street (south side only) shall be improved to the urban neighborhood collector standard.
  - c. FRONTAGE: Lea Hill Road (SE 312th Street) shall be improved to the urban minor arterial standard with provision for a bike lane.
  - d. OFFSITE: An offsite paved walkway along the south side of SE 310th Street shall be provided within the existing right of way from the east property line to the Village Square Condominium project (DDES File No. B97C0181, L96AC003).
  - e. Tract B shall be designed as a private access tract according to Section 2.09 KCRS.
  - f. Modifications to the above road conditions may be made in conformance with the variance provisions of the 1993 King County Road Standards.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
  11. 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.
  12. Except for Lot 22, there shall be no direct vehicular access to or from SE 312th Street (Lea Hill Road) or SE 310th Street from abutting lots.
  13. Lots 7, 8, and 9 shall have undivided ownership of Tract B and be responsible for its maintenance. A note to this effect shall be placed on the face of the final plat.
  14. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.
  15. Preliminary plat review has identified the following specific sensitive area requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant:
    - a. The Class II wetland shall have a buffer width of 50 feet, measured from the wetland edge. Buffer averaging may be employed, so long as the total amount of the buffer area on site is not reduced and better resource protection is achieved.
    - b. The wetland and its buffer shall be placed in a Sensitive Area Tract (SAT).
    - c. A minimum building setback line of 15 feet shall be required from the edge of the SAT.

- d. A final enhancement/mitigation plan must be submitted for review and approval by DDES along with the engineering plans for this proposal. The plan must include proposed final grades, hydrology, construction and monitoring notes and a detailed planting plan, showing species, size and location.
  - e. Mitigation required pursuant to this project must be completed prior to final approval. If this is not possible, due to seasonal requirements or other circumstances beyond the applicant's control, the applicant may post a performance bond that guarantees that all required mitigation measures will be completed within one-year of plat construction.
  - f. Once the mitigation work is completed to DDES' satisfaction, the performance bond may be replaced by a maintenance bond in a form and amount sufficient to guarantee satisfactory workmanship, materials, and performance of the approved plan for a period of five years.
  - g. Upon satisfactory completion of the final monitoring inspection, DDES staff shall release the maintenance bond. If the project has not met the established performance standards at the end of the monitoring period, the applicant shall be responsible for the preparation and implementation of a contingency plan to remedy the situation.
  - h. The wetland and sensitive area tract shall be delineated and signed in accordance with KCC 21A.24.160. The sign details shall be shown on the engineering plans.
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 may be reduced to 10 feet with the submittal of a satisfactory soils report.

17. The proposed subdivision shall comply with the Sensitive Areas Ordinance 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.
18. 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. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include the location, area calculations (minimum 5,000 square feet or greater), dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan. A fee in lieu of recreation space shall be provided for the remaining area (approximately 3,580 square feet) not provided on-site and/or the applicant has the option to utilize the fee in lieu of to provide upgrades to the recreation space, subject to the review and approval of DDES and King County Parks.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a, shall be submitted for review and approval by DDES and King County Parks and Recreation prior to or concurrent with the submittal of the final plat documents.
  - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
19. 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 sensitive area tract(s).
20. Street trees shall be provided as follows:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage (outside of the sensitive area tract) along Lea Hill Road (SE 312th Street) and SE 310th Street, with the exception of lot 22. 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. This 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 SE 312th St. (Lea Hill Rd.) 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.

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.

21. The following conditions shall apply to implement the P-suffix conditions to this property:

- a. Clearing and Grading. The applicant has the option to clear the individual building envelopes during construction of the roads and utilities or upon approval of the individual building permit. If the building envelopes are to be cleared during road and utility construction, the individual building envelopes shall be shown on the engineering plans and limited to the following maximum area (1991 Soos Creek Community Plan, page 148):

1) <u>Lot size (in sq. ft.)</u>	<u>Building Envelope</u>
Less than 5,000	55% of the lot size
5,000 - 9,000	45% of the lot size
9,001 – 15,000	35% of the lot size
Greater than 15,000	5,000 square feet

- 2) The clearing limits for each building envelope shall be clearly marked or flagged on each lot and inspected prior to any clearing.
- b. Significant Tree Retention. The Applicant shall demonstrate compliance with the P-suffix conditions regarding significant tree retention prior to engineering plan approval (1991 Soos Creek Community Plan, pages 152-155).

ORDERED this 25<sup>th</sup> day of February, 1998.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 25<sup>th</sup> day of February, 1998, to the parties and interested persons listed on Attachment "A".

#### 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 11, 1998**. 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 March 18, 1998**. 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 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 17, 1998, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L97P0015 – PROPOSED PLAT OF COUNTRY GREEN:

Stafford L. Smith was the Hearing Examiner in this matter. Jeff Potter/Barghausen Engineers, Kim Claussen/DDES-LUSD, and Bruce Whittaker/DDES-LUSD participated in the hearing.

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

- Exhibit No. 1 Department of Development and Environmental Services file no. L97P0015
- Exhibit No. 2 DDES staff report for Country Green/L97P0015, dated February 17, 1998
- Exhibit No. 3 Application, dated April 9, 1997
- Exhibit No. 4 Environmental checklist dated April 9, 1997
- Exhibit No. 5 Declaration of non-significance, dated December 23, 1997
- Exhibit No. 6 Affidavit of posting, indicating January 16, 1998 as date of posting and January 22, 1998 as the date the affidavit was received by DDES
- Exhibit No. 7 Plat map dated September 17, 1997 (revised)
- Exhibit No. 8 Land use map (Kroll) 721W
- Exhibit No. 9 Assessors maps NW/SW 9-21-5
- Exhibit No. 10 Letter, from City of Auburn, dated December 29, 1997
- Exhibit No. 11 Wetland study, by Terra Associates, dated July 17, 1998
- Exhibit No. 12 Level 1 drainage analysis by Barghausen Consulting Engineers, dated March 1997
- Exhibit No. 13 Culvert capacity calculations by Barghausen Consulting Engineers, dated January 5, 1998
- Exhibit No. 14 Conceptual drainage plan by Barghausen Consulting Engineers, dated September 17, 1997
- Exhibit No. 15 Letter, from Auburn School District, dated February 5, 1998
- Exhibit No. 16 Revised recommendations: No. 13 and No. 18
- Exhibit No. 17 King County Certificate of Sewer Availability, signed by City of Auburn, dated June 12, 1997
- Exhibit No. 18 Letter, dated February 10, 1998, from Michael Roesch to WE Ruth Real Estate
- Exhibit No. 19 P-suffix conditions, condition no. 21

SLS:daz

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