

December 7, 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. **L98P0026**

TILLOTSON RIDGE
Preliminary Plat Application

Location: Generally between Redmond-Fall City Road and 290th Avenue NE, and
Main Street and NE 4th Street (if extended)

Applicant: CTC Ventures, LLC
2460 Evergreen Point Road
Medina, WA 98039

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 or petition submitted:	July 24, 1998
Complete application:	August 21, 1998

EXAMINER PROCEEDINGS:

Hearing Opened:	December 1, 1998, 9:30 a.m.
Hearing Closed:	December 1, 1998, 10:15 a.m.

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/TOPICS ADDRESSED:

- ♦ Access (vehicular)
- ♦ Road design

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

FINDINGS:

1. **General Information.**

Owner/Developer:	CTC Ventures, LLC 2460 Evergreen Point Road Medina, WA 98039
Engineer:	Ostergaard Robinson & Associates, Inc. 3630 Colby Avenue Everett, WA 98201
Location:	Generally between Redmond-Fall City Road and 290th Avenue NE, and Main Street and NE 4th Street (if extended)
STR:	31-25N-7E
Zoning:	RA-5
Acreage:	27.19
Number of Lots:	5
Density:	0.19 units/acre
Typical Lot Size:	Approximately 3 acres
Proposed Use:	Detached single-family residences
Sewage Disposal:	Onsite (septic tanks)
Water Supply:	Ames Lake Water Association
Fire District:	King County #27
School District:	Snoqualmie Valley
Complete Application Date:	August 21, 1998

2. **Proposal.** CTC Ventures, LLC, proposes to subdivide a 27.19-acre parcel, classified RA-5 (Rural; Minimum Lot Size, 5 Acres) into five single-family residential building lots. CTC Ventures (hereinafter, the "Applicant") proposes a permanent sensitive areas tract, permanent open space, of approximately 10 acres. This tract will encompass those steep slopes on the subject property that are regulated by KCC 21.24. The proposed building lots are approximately three acres each. The proposed preliminary plat drawing is entered in the hearing record as Attachment 1 of the Preliminary Report to the Hearing Examiner, dated December 1, 1998, prepared by the Department of Development and Environmental Services (hereinafter, "DDES" or "the Department"), entered as Exhibit No. 2. The full-scale drawing prepared consistent with County preliminary plat application requirements is entered as Exhibit No. 7.
3. **SEPA.** An Environmental Impact Statement is not required. On October 9, 1998, the Department issued a Determination of Nonsignificance for the proposed development. That is, the Department issued its determination that, based on a review of the relevant environmental documents, the proposed development would not cause a probable significant adverse impact

upon the environment. No person, agency or tribe appealed that determination.

4. **Department Recommendation.** The Department recommends granting preliminary approval to the proposed plat of Tillotson Ridge, subject to the 15 conditions of final plat approval that are stated on pages 5 through 9 of the Department's Preliminary Report to the Examiner (Exhibit No. 2); *except* that the Department agrees, in response to a request for clarification from the Applicant, that Recommended Condition No. 7.d(4), stated on page 7 of the Department's Preliminary Report, may be amended to indicate that the Applicant need not provide for additional surface water and stormwater detention/release for any upstream development which provides the same standard as will be applied to Tillotson Ridge.

In addition, the Department advises that, contrary to Section J.3 on page 4 of its Preliminary Report, the Applicant has obtained a Certificate of Water Availability from the *Ames Lake Water and Sewer District*, **not** the Sammamish Plateau Water and Sewer District. This same information is provided in Section B of that same Report.

5. **Applicant.** The Applicant accepts the Department's final recommendation as indicated in Finding No. 4, preceding.
6. **Access.** The plat of Blakely Woods (previously known as Glenview) is located between the subject property and 290th Avenue NE. When the developers of Blakely Woods sought final plat approval, it needed a drainage tract across the subject Tillotson Ridge property in order to satisfy King County drainage requirements. In exchange for that tract, the developers of Blakely Woods granted a 60-foot-wide utility and access easement to the owners of Tillotson Ridge. The Applicant now proposes to develop that easement as the access to the five lots to be created by this project.

Sherlock Homes purchased some of the Blakely Woods lots -- those that are located south of the private utility/access easement just described, identified in this hearing record as (proposed) NE 2nd Place (private). Representatives of Sherlock Homes express concern that development of (proposed) NE 2nd Place will adversely affect the upscale residential quality of the homesites upon which they are building. They suggest an alternative route such as "Tract X", an access easement once developed by a short subdivision located south of Blakely Woods. These representatives indicate willingness to grant access to Tillotson Ridge via Tract X; however, the record is unclear whether they have full authority to convey such access rights. (There are other short subdivision lot owners which may have an ownership interest in Tract X. This hearing record does not so indicate one way or another.)

The Sherlock Homes representatives suggest that proposed NE 2nd Place may be "too close" to the southerly abutting storm drainage facilities, located in Tract G of Blakely Woods. The Department responds that a judgment cannot be made without seeing the detailed road design (to be completed following preliminary plat approval), then comparing that design to the design of the Blakely Woods storm drainage facilities. Further, the Department indicates that it would be amenable to providing Sherlock Homes an opportunity to review the road design when it is submitted by the Applicant. The Applicant indicates willingness to notify Sherlock Homes when it submits its engineering drawings to the Department.

7. **Department Report Adopted.** Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated December 1, 1998, are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.

CONCLUSIONS:

1. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Land Use Services Division, it is concluded that approval of this subdivision as recommended below would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of this action.
2. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
3. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
4. The conditions recommended in the Land Use Services Division's Preliminary Report as amended below are in the public interest and are reasonable requirements.

DECISION:

The proposed plat of TILLOTSON RIDGE is GRANTED PRELIMINARY APPROVAL; 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 that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density 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. Minor revisions to the plat that 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. The following road improvements are required with this subdivision to be constructed according to

1993 King County Road Standards:

- a. Per KCRS 1.03, that portion of the 60-foot wide ingress/egress and utility easement known as NE 2nd Place, shall be improved to full-width rural minor access standards from 290th Avenue NE to the east property line of the subject site. The homeowners of the proposed lots shall share in the rights and maintenance responsibilities of the private easement.
 - b. Tract A shall be designed as a private ingress/egress and utility tract for the purpose of serving all the proposed lots of the Tillotson Ridge subdivision. The tract shall be an undivided ownership to the lots it serves, and the lot owners shall be responsible for its maintenance. Tract A shall be developed as a permanent rural-type cul-de-sac bulb per KCRS 2.08 with a minimum diameter of 100 feet, and shall connect with the adjacent 60-foot wide private easement to the east.
 - c. All proposed lots shall use individual private driveways off Tract A. All lots shall have a minimum frontage of no less than 20 feet along Tract A.
 - d. Proposed rock facing shall meet the requirements of KCRS 5.01.
 - e. There shall be no direct vehicular access to or from Redmond-Fall City Road NE from any proposed lots of the Tillotson Ridge subdivision. Access shall be from NE 2nd Place. A note to this effect shall be placed on the final plat.
 - f. No frontage improvements are required along Redmond-Fall City Road.
 - g. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
 - h. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
 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 (SWDM). Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The conditions outlined below are site-specific drainage conditions.
 - 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."

- d. The project site is located within both the East Lake Sammamish Basin and Community Plan and the West Snoqualmie Critical Drainage Area. As such, compliance with the more restrictive standard is required, as outlined below:

- (1) Surface and storm water runoff detention shall be computed using a SCS-based hydrograph method (or other method as subsequently approved by King County). The performance of proposed detention facilities (as illustrated in Appendix 9.2 of the KCRS) shall be such that discharge from the developed area shall be no more than:
 - i. Fifty percent of the forested two-year/24-hour release rate for design storms up to and including the two-year/24-hour design storm event;
 - ii. The forested two-year/24-hour release rate for design storm events greater than the two-year/24-hour design storm event and up to and including the 10-year/24-hour design storm event; and
 - iii. The forested ten-year/24 hour release rate for design storm events greater than the 10-year/24 hour design storm event and up to and including the 100-year/24-hour design storm event.

These rate controls may be modified if discharge is conveyed via a continuous welded storm pipe to a suitably stabilized release point, with adequate energy dissipation below the area of severe erosion potential.

- (2) For purposes of the computations required in the above policy, pre-development conditions will be assumed to be totally forested, and developed conditions will assume 100% removal of forest canopy within the area of development (unless expressly prohibited by recorded easement or other restriction), as well as existing, proposed, and anticipated impervious surfaces. Detention facilities must be located to accommodate surface and storm water runoff from all areas of planned or potential clearing and/or construction.

- (3) Point discharge from detention systems will be only into drainage channels that previously conveyed surface and storm water runoff in the pre-development state. No point discharge shall be permitted onto or upstream of steep slopes where erodable, granular deposits lie anywhere downstream of that point discharge. Dispersed discharge onto undisturbed low-gradient uplands may be evaluated as a potential alternative. An undisturbed buffer between the dispersed discharge and the steep side slopes must be adequate to ensure infiltration of surface water and stormwater runoff into the ground. Determining and documenting that adequacy to the satisfaction of DDES is the responsibility of the applicant's professional civil engineer.
 - (4) Surface water and stormwater entering any component of the onsite drainage facility system from developed upstream areas must be detained and released under the same criteria as runoff generated onsite. Upon verification that upstream Lakeview Woods is subject to the same surface and stormwater management standards as Tillotson Ridge, then drainage from that development will be allowed to bypass the subject Tillotson Ridge property without additional storm retention/detention or higher release rate requirements.
 - e. Adequate drainage easements shall be required to convey storm drainage from all proposed home sites and NE 2nd Place to the drainage facility (Tract B).
 - f. Tract B, the drainage facility, shall be dedicated to King County. Adequate access shall be required from NE 2nd Place to Tract B for King County's maintenance of the facility. A King County maintenance access easement shall be required from 290th Avenue NE to Tract B.
 - g. The proposed outfall from the drainage facility (Tract B) into the sensitive area tract (Tract C) will connect to an existing conveyance system (18" drisco pipe) installed by the adjacent subdivision of Glen View. The proposed outfall shall require the review and approval of the Site Development Services Section at the time of engineering plan review.
 - h. A 100-year floodplain analysis and delineation shall be required for the onsite wetland.
8. Preliminary plat review has identified the following specific sensitive area requirements that apply to this project. All other applicable requirements of KCC 21A.24 shall also be addressed by the applicant.
 - a. The identified wetland, stream, steep slopes and required buffers shall be placed into a Sensitive Area Tract (SAT), shown as Tract C on the preliminary site plan.
 - b. The wetlands and stream shall have a buffer width of 50 feet, measured from the wetland edge. Buffer averaging is acceptable so long as the provisions of KCC 21A.24.320B are satisfied.
 - c. A minimum building setback line of 15 feet shall be required from the edge of the SAT.

- d. The SAT shall be delineated and signed in accordance with KCC 21A.24.160. The sign details shall be shown on the engineering plans.
 - e. Post-development hydrology of the wetland must be the same as the pre-development hydrology. During engineering plan review, the applicant shall submit a hydrological analysis indicating how this requirement will be met. As necessary, DDES may require alterations to the plat design and drainage facilities.
 - f. During engineering plan review, the applicant may be required to submit a supplemental geotechnical evaluation to address slope stability, foundation bearing capacity, and drainage, and to comply with the development conditions specified in KCC 21A.24.220 and 21A.24.280 as necessary.
9. 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.
10. 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.

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

KCC 16.82.150C and D (Area Clearing Limits, Seasonal Clearing Restrictions): Clearing shall be limited to a maximum of 60 percent of the plat area. The uses and restrictions on the uncleared portions of individual lots shall be those specified in KCC 16.82.150B. Clearing and grading is prohibited from October 1 through March 31. Certain exceptions to the seasonal clearing and grading restrictions may be granted upon review and approval by DDES, and certain activities as specified in KCC 16.82.150.C.6. may also be exempt from the seasonal clearing restriction.
14. Lots within the Tillotson Ridge subdivision are subject to King County Ordinance 10162 and Ordinance 12532, which imposed 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 received 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.
15. A homeowner's association or other workable organization shall be established to the satisfaction of DDES to provide ownership and maintenance of the SAT and Tract A (cul-de-sac bulb), and maintenance of NE 2nd Place.

ORDERED this 7th day of December, 1998.

R. S. Titus, Deputy
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 \$125.00 (check payable to King County Office of Finance) on or before December 21, 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 December 28, 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 DECEMBER 1, 1998 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L98P0026 - TILLOTSON RIDGE:

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Keri Akers, Pete Dye, De-En Lang, Phil Carter, Thane Hansen, and Deborah Hansen.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L98P0026
- Exhibit No. 2 DDES Preliminary Report to the Examiner for the December 1, 1998 public hearing
- Exhibit No. 3 Application dated July 24, 1998
- Exhibit No. 4 Environmental Checklist dated July 24, 1998
- Exhibit No. 5 Declaration of Non-Significance dated October 9, 1998
- Exhibit No. 6 Affidavit of Posting indicating October 9, 1998 as date of posting and October 29, 1998 as date affidavit was received by DDES
- Exhibit No. 7 Plat map dated July 24, 1998
- Exhibit No. 8 Land Use Map -- GIS printout
- Exhibit No. 9 Assessor's Maps Section 31-25-07
- Exhibit No. 10 Level One Drainage Analysis, July 24, 1998
- Exhibit No. 11 Wildlife Habitat Study, July 24, 1998
- Exhibit No. 12 Preliminary Geotechnical Report, July 24, 1998
- Exhibit No. 13 Wetland Delineation Report, July 24, 1998
- Exhibit No. 14 Conceptual Drainage Plan, July 24, 1998
- Exhibit No. 15 P-suffix conditions: KCC 16.82.150C and D; SR-15-2

TRANSMITTED this 7th day of December, 1998, to the following parties and interested persons:

Kazoko & Bill Acar
Brian Ailinger
Debra Anderson
Jack & Jennifer Bauer
Joseph Beer
Robert Brady
Les Brisbois
Joanna Buehler
Anita Burkholder
Jon & Donna Carlson
Kyle & Evelyn Coffey
Richard A. Cook
CTC Venures, LLC
Craig Dickison
Roger Dorstad
Kathy Edens
Becky Edwards
Evelyn Ferrier
Lee & Mary Geil
John & Debra Gibbons
Rick Gibbons
Judith Hamilton
Scott Hamilton
Tom & Jeanne Harman
Nancy Herrig
Alan Huibregtse
James & Therese Hutchins
Robert Iness
Cris Irons
David & Janet Irons
Janet Wall & Ruth Morgan
James Jordan

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Paula Lillevand
Arlene & Todd Lovell
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Jon & Kristen Mathison
Linda Matlock
Theresa McBrien & Michael
Freedman
Mike & Jane McCalmont
Greg McCormick
Dave & Leslie Miniken
Eleanor Moon
Brian Moore
Ben Muzzey
Robert Nason
Andy Olney
Ostergaard Robinson & Associates
Dan & Audrey Oxley
Pacific Motion Group
Dorothy & Ed Parker
Tom Perricone
Raymond & Joan Petit
Doug & Andrea Phillips
Charlene & Larry Plympton
Nick & Suzy Repanich
Mara Rigel
Helen & Jesse Rondestvedt

Dwight & Mary Roof
Robert & Margaret Rowe
Nancy Ryan
Alfred & Vivian Sauerbrey
Deb Schaefer
Seattle-King County Health Dept
Penny Short
Patty & Greg Smith
Kelli & Phil Spencer
Mary & Tom Spencer
Ilene Stahl
Brian & Sharon Steinbis
Wayne Stewart
Susan & Kevin Sullivan
Eric Tingstad
D.L. Vittetoe
Victoria Ward-Kerr
Clinton Webb
Cory & Mary Lou Wolfe
Keri Akers
Greg Borba
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