



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 9, 2002**

**Ordinance 14402**

**Proposed No.** 2002-0121.2

**Sponsors** Sullivan

1 AN ORDINANCE concurring with the decision of the  
2 hearing examiner to approve, subject to conditions, the  
3 preliminary plat of River Ridge at Daybreak, department of  
4 development and environmental services file no.  
5 L97P0038.

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7

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
10 findings and conclusions the findings and conclusions contained in the report and  
11 decision of the hearing examiner dated April 17, 2002, to approve subject to conditions,  
12 the preliminary plat of River Ridge at Daybreak, department of development and

**Ordinance 14402**

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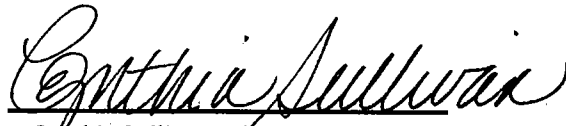
13 environmental services file no. L97P0038, and the council does hereby adopt as its action  
14 the decision contained in said report.

15

Ordinance 14402 was introduced on 3/18/2002 and passed by the Metropolitan King County Council on 7/8/2002, by the following vote:

Yes: 10 - Ms. Sullivan, Ms. Edmonds, Ms. Lambert, Mr. Phillips, Mr. McKenna, Mr. Constantine, Mr. Pullen, Mr. Gossett, Ms. Hague and Mr. Irons  
No: 0  
Excused: 3 - Mr. von Reichbauer, Mr. Pelz and Ms. Patterson

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

**Attachments**      A. Hearing Examiner Report dated April 17, 2002

April 17, 2002

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

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION**

**SUBJECT:** Department of Development and Environmental Services File No. **L97P0038**  
Proposed Ordinance No. 2002-0121

**RIVER RIDGE AT DAYBREAK**  
Preliminary Plat

**Location:** Generally north of SE 243<sup>rd</sup> Street (if extended) and generally between Cedar River Pipeline and SE 241<sup>st</sup> Street.

**Applicant:** **Cedar Valley Associates**  
10618 SE Kent-Kangley Road  
Kent, Washington 98031  
Telephone: (253) 350-0552

**King County:** Department of Development and Environmental Services,  
Land Use Services Division, *represented by*  
**Kim Claussen**  
900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219  
Telephone: (206) 296-7167  
Facsimile: (206) 296-6728

**SUMMARY OF DECISION/RECOMMENDATION:**

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

**EXAMINER PROCEEDINGS:**

Hearing Opened:	April 2, 2002
Hearing Closed:	April 6, 2002

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:

- Comprehensive plan amendments
- Cul-de-sac length; emergency access
- Development condition TR-P14
- Neighborhood compatibility
- Stub road development

## SUMMARY:

The preliminary plat is approved, subject to conditions.

**FINDINGS OF FACT:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS:

1. **General Information:**

Owner/Developer: Cedar Valley Associates  
10618 SE Kent-Kangley Rd  
Kent, WA 98031  
(253) 350-0552

Engineer: Concept Engineering  
455 Rainier Blvd. North, Suite 200  
Issaquah, WA 98027  
(425) 392-8055

STR: 15-22-06

Location: Generally northwest of SE 243<sup>rd</sup> Street (if extended) and generally between Cedar River Pipeline and SE 241<sup>st</sup> St.

Zoning: R-4 P & RA-5  
Acreage: 28.06 acres  
Number of Lots: 29 lots  
Density: Approximately one unit per acre  
Lot Size: Ranges from approximately 8,650-14,280 square feet with one lot approx. 5 acres in size

Proposed Use: Single-family detached dwellings  
Sewage Disposal: Soos Creek Water and Sewer District, individual septic for lot 29  
Water Supply: Cedar River Water District  
Fire District: Maple Valley #42  
School District: Tahoma #409  
Complete Application Date: May 14, 2001

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 April 2, 2002, public hearing are found to be correct and are incorporated here in by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Cedar Valley Associates has filed a preliminary plat application to subdivide 28.06 acres into 29 lots for detached single-family residential development. The property lies northeast of the City

of Maple Valley and west of a 90 degree bend within the Cedar River. Upland portions of the property are zoned R-4P, and the lower portions near the river are zoned R-A5.

4. This property has had a long and somewhat contentious regulatory history. The property consists of three flat benches that descend to the Cedar River. The upper bench has road access and is considered capable of supporting urban development, while the lower two benches can only be accessed across wooded steep slopes that are denominated landslide and erosional hazards. In 1994, this parcel along with the two Watkins parcels adjacent to the north were made the subject of a specially-adopted development condition that allowed urban development to occur on the uplands in exchange for the creation of open space and environmental protections on the lower portions adjacent to the river. Unfortunately, Mr. Watkins and Mr. Spoerer, the principle owner of Cedar Valley Associates, were never able to agree on a development plan with the county executive that met the essential needs of all three parties. As a consequence, the Watkins parcels were eventually purchased by the County as future parks property while the Spoerer parcel has gone forward independently with its subdivision proposal. In reaching this point, however, the participants have undergone years of unsuccessful negotiations, a contested SEPA appeal and an unsuccessful rezone request.
5. With the purchase by the County of the Watkins parcels, reaching accord with Mr. Spoerer on a development agreement for the Cedar Valley Associates parcel became an easier task. At the public hearing on the plat application a number of area residents criticized this development agreement, arguing that because the County had purchased the Watkins property it had conferred urban zoning on the Spoerer parcel without getting any public benefits in exchange. But as staff has pointed out, this is something of an exaggeration. The development agreement requires Cedar Valley Associates to provide an open space dedication, a 100-foot buffer along the boundary of the old Watkins parcels, an access easement to the Watkins parcels, enhanced water quality treatment, and open space monitoring, all of which go beyond code requirements. Nonetheless, it cannot be denied that the public benefits that were finally derived from the operation of development condition TR-P14 have proved to be far less than those initially contemplated.
6. For regulatory purposes, however, the River Ridge at Daybreak application is in compliance with the development agreement negotiated with the county executive, and the amount of public benefit received is not a plat review issue. Nonetheless, there are issues to be resolved resulting from the juxtaposition of Rural and Urban Growth parcels on this site, including an adjustment of the Urban Growth boundary required by more accurate survey data as to the location of the upper ridge. Proposed lots 24 through 28 cannot be developed at urban densities until this Comprehensive Plan amendment is approved, nor can they qualify for sewer service until that time. In addition, the proposed staff conditions for River Ridge at Daybreak do not in all respects sufficiently reflect the requirements of the development agreement, and amendments to such conditions have been made to provide a better fit.
7. A further oddity resulting from the bifurcated zoning on the property and its unusual topographical configuration concerns proposed lot 29. This lot lies within the RA5 zone at the northeast corner of the property, some 125 feet down-gradient from the uplands shelf. It is accessed by an existing gravel road that traverses the steep slope area at a width of approximately 10 feet and at a gradient that often exceeds 20%. While this existing roadway does not meet the King County Roads Standards and would not be permitted under current regulations, as an existing single lot access it may continue to be used as an exempt facility. It also provides the route for the access easement to the old Watkins parcels, as well as access to the drainage pipe outfall and infiltration pad. Due to the steepness and length of this driveway, any residence located on lot 29 will probably require a sprinkler system to meet fire code requirements.

8. The River Ridge at Daybreak property is currently reached from the southeast via Southeast 243<sup>rd</sup> Street, which serves the Daybreak plat. This road reverses back across the Cedar River pipeline easement along Southeast 244<sup>th</sup> Street and connects to SR 169. The Applicant originally proposed that Southeast 243<sup>rd</sup> Street be the sole access to the property and applied to the County for a road variance for a cul-de-sac in excess of 3,000 feet in length to facilitate this outcome. The road variance request was opposed by the City of Maple Valley and by the residents along Southeast 243<sup>rd</sup> Street. A stub road exists south of the plat along 233<sup>rd</sup> Way Southeast within the Valley Green neighborhood, and the City has supported requiring development of that roadway connection as a secondary access both to provide better road circulation in the neighborhood and quicker response times to emergency vehicles. Moreover, the second access would eliminate the risk of emergency vehicles not being able to reach the River Ridge neighborhood if Southeast 243<sup>rd</sup> Street became blocked. On December 14, 2001 the County road engineer issued a conditional road variance that required the secondary access from Village Green if permission from the City of Maple Valley and from the City of Seattle for the pipeline right-of-way crossing could be obtained. The road variance decision left open, however, the possibility of a change of position if these authorizations were not forthcoming.
9. In view of the emergency access risks attendant to a cul-de-sac in excess of 3,000 feet in length, the second connection should be made a mandatory requirement of the plat. The City of Maple Valley supports the connection and its permission can be assumed. In like manner, there is no reason to expect that the City of Seattle will not permit a pipeline crossing if its interests in protecting its easement are met. This may include a requirement for some sort of protective barrier separating the plat and the roadway from the pipeline easement.
10. In terms of the two neighborhoods affected, Daybreak to the southeast and Valley Green to the south, the requirement for a secondary access connection will please the former and distress the latter. The access through Valley Green will attract northbound traffic to the Southeast 240<sup>th</sup> Street route and its intersection with SR 169. This will result in a proportionate reduction of traffic along Southeast 243<sup>rd</sup> Street, probably a reasonable outcome because the Valley Green street system has pedestrian sidewalks while Daybreak does not. In terms of overall distribution, perhaps slightly more than 50% of plat traffic will use the Valley Green access route, but the total quantity of traffic produced by 29 lots is sufficiently small that neither neighborhood should suffer an unreasonable increase in vehicular activity.
11. Both neighborhoods have their own other specific issues with plat development. The Daybreak neighborhood is developed with larger lots and rural roadway amenities and is therefore upset with the prospect of an incompatible urban density development nearby. The problem becomes most acute with respect to River Ridge lots 26, 27 and 28, which will extend into the Daybreak neighborhood opposite existing residences on Southeast 243<sup>rd</sup> Street. The plat conditions accommodate this interface by allowing the street amenities fronting lots 26, 27 and 28 to match the existing rural development within the Daybreak neighborhood.
12. The primary concern for the Valley Green neighborhood arises from the fact that the existing stub road for 233<sup>rd</sup> Way Southeast has been converted into a neighborhood park and contains children's play equipment. If the road stub is to be connected through to serve River Ridge, the Valley Green neighborhood would like the Applicant to pay for the removal of the play equipment and its relocation at another site.

The neighborhood park is an unauthorized use of a public right-of-way, so there is no legal basis for requiring the Applicant to pay for the relocation of the equipment. Fortunately, the City of Maple Valley has indicated an interest in facilitating this transition, and a condition has been added for notification of both the City and the Valley Green Homeowner's Association of the Applicant's intent to construct the 233<sup>rd</sup> Way Southeast roadway connection. This will provide

the interested parties with a reasonable opportunity to remove the equipment from the right-of-way and find another acceptable location for these facilities.

#### CONCLUSIONS:

1. In approving preliminary plat applications, RCW 58.17.110 requires that appropriate provisions be made for the public health, safety and general welfare, including necessary streets and roads. In order to comply with this requirement and provide adequate emergency access to the plat neighborhood, approval of a single cul-de-sac access roadway exceeding 3,000 feet in length cannot be justified. The existing stub road in Valley Green at 233<sup>rd</sup> Way Southeast was created for the express purpose of supplying needed access and circulation to the River Ridge at Daybreak property, and compliance with state platting standards requires that secondary access at this location be provided.
2. If approved subject to the conditions imposed 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.
3. The conditions of approval imposed herein, including dedications and easements, will provide improvements that 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 application for River Ridge at Daybreak, as revised and received on April 30, 2001, is APPROVED, subject to the following conditions of final plat 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 which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-4 & RA-5 (lot 29) zone classification and the development agreement entered into by Cedar Valley Associates, LLC and the King County Executive dated February 11, 2000. All lots shall meet the minimum dimensional requirements of the R-4 and RA-5 zone classifications 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. The proposed Comprehensive Plan amendments designating lots 24 through 28 as Urban must be approved prior to engineering plan approval or the lots shall be reconfigured to comply with the RA-5 zone. This may result in the loss of lots.
4.
  - a. The applicant must obtain final approval from the King County Health Department for Lot 29 prior to engineering plan approval. In the event Health Department approval cannot be obtained, this area shall be incorporated into the sensitive area tract or placed in a permanent open space tract.
  - b. The Applicant shall provide verification of the sewer comprehensive plan amendments and annexation and/or boundary review board approval and an updated sewer availability

certificate prior to engineering plan approval.

- c. A 30 foot wide access easement in favor of King County shall be provided along the driveway to proposed lot 29 and from its northern terminus to the southern boundary of the former Watkins parcels.
  - d. A five-year monitoring plan meeting the requirements of sections 6 and 7 of the February 11, 2000 development agreement shall be submitted to DDES and approved prior to final engineering approval.
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 must 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 more, 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 a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size and offsetting permanent open space and is developed at a density no greater than one residential building lot per five (5) acres, the subdivision is exempt per KCC 17.08.030.

7. The drainage facilities in this project shall be designed according to the 1998 King County Surface Water Design Manual (KCSWDM). This project is exempt from the flow control requirements per exemption 6 of Core Requirement 3 (Direct discharge to the Cedar River).

The project is required to provide water quality treatment per the KCSWDM. This project shall also meet the requirements of the Resource Stream Protection Menu in Core Requirement 8 and condition 3 of the development agreement dated February, 2000.

8. An H.D.P.E. drain line shall be provided from the proposed water quality facility, down the existing gravel access, to the vicinity of the east property line. Appropriate easements both on and offsite shall be provided for this drain line. An offsite drainage easement is also required to discharge the drainline across the adjoining easterly parcel.
9. A shoreline exemption or shoreline permit is required for work within shoreline jurisdiction. The applicant shall obtain the necessary permit(s) prior to engineering plan approval.
10. The following road improvements are required to be constructed according to the 1993 King County Road Standards(KCRS):
  - a. A new east-west road connection shall be provided from SE 239<sup>th</sup> St. in Valley Green Division II to the internal access road (SE 243<sup>rd</sup> St. extended). This road connection shall use the existing R/W stub (233<sup>rd</sup> Way SE extended) and be designed to the urban subcollector standard. For the portion of this road in Maple Valley, engineering plans shall be approved by the City of Maple Valley. Engineering plans for the portion of the road on the City of Seattle Pipeline R/W shall be approved by the City of Seattle. Sixty days prior notice shall be given to the City of Maple Valley Community Development Director and to the Valley Green Homeowner's Association of the Applicant's intent to commence construction within the right-of-way stub for 233<sup>rd</sup> Way Southeast. The extension of 233<sup>rd</sup> Way Southeast shall be approved, constructed and opened prior to final plat approval.



- b. SE 243<sup>rd</sup> Street (extended) shall be designed to the urban subcollector standard from the existing cul-d-sac to the new east-west road connection above.
  - c. SE 243<sup>rd</sup> Street (extended) shall be designed to the urban minor access street standard from the new east-west road connection to its terminus.
  - d. Except for the requirement for a new east-west road connection employing the existing the right-of-way stub at 233<sup>rd</sup> Way Southeast as described above in subsection a, modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
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. 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 recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
14. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
15. The proposed subdivision shall comply with the Sensitive Areas Code 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.
16. Preliminary plat review has identified the following specific sensitive areas requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

#### **Wetlands**

- a. The Class 2 wetlands shall have a 50-foot buffer of undisturbed vegetation as measured from the wetland edge.
- b. Sensitive Area Tract(s) shall be used to delineate and protect sensitive areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.

- c. A 15-foot BSBL shall be established from the edge of buffer and/or the Sensitive Areas Tract(s) and shown on all affected lots.
- d. Prior to commencing construction activities on the site, the applicant shall mark Sensitive Areas Tract(s) in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the sensitive areas are completed.
- e. Wetland hydrology analysis may be needed during final engineering review to ensure wetland hydrology will be maintained post development.
- f. Prior to final recording and or during final engineering review, the plan set shall be routed to the sensitive areas group for review and approval.

#### **Alterations to Streams or Wetlands**

- g. If alterations of streams and/or wetlands are approved in conformance with KCC 21A.24, then a detailed plan to mitigate for impacts from that alteration will be required to be reviewed and approved along with the plat engineering plans. A performance bond or other financial guarantee will be required at the time of plan approval, to guarantee that the mitigation measures are installed according to the plan. Once the mitigation work is completed to a DDES Senior Ecologist's satisfaction, the performance bond may be replaced by a maintenance bond for the remainder of the five-year monitoring period to guarantee the success of the mitigation. The applicant shall be responsible for the installation, maintenance and monitoring of any approved mitigation. The mitigation plan must be installed prior to final inspection of the plat.

#### **Geotechnical**

- h. Determine the top, toe, and sides of 40% slopes by field survey. Provide a 10-foot buffer and 25-foot building setback (BSBL) for lots 8-14 and 19-28. Buffers and building setbacks for lots 15-18, lot 7 and tract B shall be 10-feet (buffer) and 15-foot BSBL.
  - i. The applicant shall delineate all on-site erosion hazard areas on the final engineering plans (erosion hazard areas are defined in KCC 21A.06.415). The delineation of such areas shall be approved by a DDES geologist. The requirements found in KCC 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities.
17. 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.

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. A detailed recreation space plan (i.e., landscape specs, equipment specs, area calculations, dimensions, etc.), shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plans.
  - b. 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, open space and/or sensitive area tract(s).
20. Except adjacent to lots 26, 27 and 28, street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.

- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if road(s) are 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 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 applicant shall demonstrate compliance with the terms of the development agreement prior to engineering plan approval and final recording.
- 22.
  - a. Residential construction on lot 29 shall be sprinklered, unless such requirement is waived by the King County Fire Protection Engineer.
  - b. A special study shall be submitted with the building permit for lot 29. This study shall evaluate potential channel migration and include an analysis of the 100-year flood plain.

A note describing the above requirements shall be shown upon the engineering plans and the final plat.

ORDERED this 17th day of April, 2002.

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Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 16th day of April, 2002, to the parties and interested persons of record:

Terry & Kerin Bell  
Carl Cangie  
Cedar Valley Associates  
Mark & Alice Combs  
Michael Cranstoun  
Claus Dassel  
Rich DeLappe  
Kerry and Rhonda DenHerder  
Roger Dorstad  
Mike Dunne  
William C. Gamble, Jr.  
Joel Haggard  
Peter Hayes  
John Hendrickson  
David Hill  
Sally Hopkins & Michael Threlfall  
John L. Scott Land Department  
Bruce Johnson  
Jeff King  
Walter Lain  
Katherine Kramer Laird  
Lambert Family  
Todd Lee  
Greg McCormick  
Jamie McKenzie  
Michael Meyer  
Eleanor Moon  
Muckleshoot Indian Tribe  
Garet P. Munger  
Roger A. Pearce  
Ron Perkerewicz  
Steven D. Peterson  
Seattle-King County Health Dept  
Larry & Margie Shelton  
Russell D. Shelton  
Charles Spoerer, III  
M/M Edgar Turner  
H. Joel Watkins, Jr.  
Richard Watkins  
Anne Bikle  
Greg Borba  
Kim Claussen  
Rich Hudson  
Kristen Langley  
Carol Rogers  
Bruce Whittaker

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 May 1, 2002*. 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 May 8, 2002*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, 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 APRIL 2, 2002 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L97P0038.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing, representing the Department were Kim Claussen, Bruce Whittaker, Kris Langley; representing Department of Natural Resources, Anne Bikle; Bruce Johnson, representing the Applicant; Applicant Charles Spoerer; and Kerry DenHerder, Walter Lain, Steve Taylor, Lee Todd, Todd Webb, Michael Cranstoun, Dan Hostetder, Robert McDermott-Hale, Tamera Peterson, and Allen Hall.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES file no.L97P0038
- Exhibit No. 2 DDES staff report, dated April 2, 2002
- Exhibit No. 3 Application, dated May 14, 2001 (complete), original dated September 17, 1997 (incomplete)
- Exhibit No. 4 Environmental checklist, dated April 30, 2001
- Exhibit No. 5 Declaration of Non-significance dated March 8, 2002
- Exhibit No. 6 Affidavit of posting, indicating May 31, 2001, as the date of posting, and June 1, 2001, as the date the affidavit was received by DDES
- Exhibit No. 7 Plat map, dated October 1, 2001
- Exhibit No. 8 Land use Map 671E & W; 673 E & W
- Exhibit No. 9 Boundary line adjustment file no. L00L0047, dated August 2000
- Exhibit No. 10 Conceptual drainage plan, received October 1, 2001
- Exhibit No. 11 Level 1 drainage analysis by Concept Engineering, dated April 29, 2001
- Exhibit No. 12 Wetland study by Terra Associates, dated April 16, 2001
- Exhibit No. 13 Traffic study, Transportation Planning and Engineering, dated April 27, 2001
- Exhibit No. 14 School walkway information by TP & E, dated September 27, 2001
- Exhibit No. 15 Geotechnical report by Terra Associates, dated April 23, 2001
- Exhibit No. 16 Letter of intent from Charles Spoerer re. off-site easement(s), dated September 25, 2001
- Exhibit No. 17 Conceptual recreation plan by Herman Ehrlich, received April 30, 2001
- Exhibit No. 18 P-suffix TR-P-14
- Exhibit No. 19 Development agreement between King County and Cedar Valley Associates, February, 2000
- Exhibit No. 20 Letter from City of Maple Valley, dated November 15, 2001
- Exhibit No. 21 Letter from City of Seattle, dated June 5, 2001

- Exhibit No. 22 Health disapproval (lot 29), dated June 1, 2001
- Exhibit No. 23 Soos Creek Sewer Availability certificate, dated April 9, 1997
- Exhibit No. 24 Proposed King County Comprehensive Plan amendment LUZ3
- Exhibit No. 25 Road variance decision, file no. L01V0019, dated December 14, 2001
- Exhibit No. 26 Revised recommended conditions 7 and 16h
- Exhibit No. 27 Rezone file no. L97P0002 and Examiner's decision
- Exhibit No. 28 Wildlife habitat evaluation by Terra Associates, dated April 27, 2001
- Exhibit No. 29 Letter to Steve Johnson from David Pargas, Fire Marshal, City of Maple Valley, dated December 31, 2001
- Exhibit No. 30 Amendment to recommended condition no. 10a
- Exhibit No. 31 Three 1999 draft Watkins/Spoerer agreements
- Exhibit No. 32 Amendment to Condition 4
- Exhibit No. 33 Memo to Stafford Smith from Kim Claussen and Bruce Whittaker dated April 3, 2002 with copies of the current FEMA flood plain map and draft flood boundary map

SLS:gao

Plats/L97P0038 RPT