



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 10, 2004

Ordinance 14903

Proposed No. 2004-0013.1

Sponsors Phillips

1 AN ORDINANCE authorizing a subdivision on certain
2 property located west of 160th Ave SE, south of SE 138th
3 St (if extended) at 13815 160th Ave SE, Howard
4 Stansbury, US Land Development Assoc agent for Mark &
5 Barbara Nichols, department of development and
6 environmental services file no. L03P0015.

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9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. This ordinance does hereby adopt and incorporate the findings and
11 conclusions contained in the March 2, 2004, report and decision by the hearing examiner
12 and adopts as the decision of the council the decision by the hearing examiner to approve
13 the transfer of eight density credits and to grant the application for preliminary approval,
14 subject to the conditions recommended by the examiner, of the proposed twenty-three-lot
15 plat of Nichols Place, received May 19, 2003, in department of development and
16 environmental services file no. L03P0015.

17 SECTION 2. The appeal of the March 2, 2004, decision of the hearing examiner
18 by Citizens for a Responsible Evendell ("C.A.R.E.") is denied.

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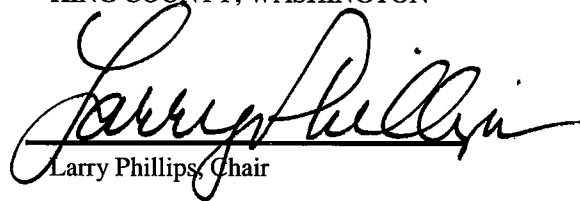
Ordinance 14903 was introduced on 1/12/2004 and passed by the Metropolitan King
County Council on 5/10/2004, by the following vote:

Yes: 10 - Mr. Phillips, Ms. Edmonds, Ms. Lambert, Mr. Pelz, Mr. McKenna,
Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague and Mr. Constantine

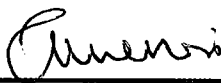
No: 0

Excused: 3 - Mr. von Reichbauer, Mr. Irons and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments None

March 2, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654**

RECEIVED
2004 MAR -5 AM 9:54
CLERK
KING COUNTY COUNCIL

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L03P0015**
Proposed Ordinance No. **2004-0013**

NICHOLS PLACE

Proposed Preliminary Plat and Proposal for Transfer of Density Credits

Location: West of 160th Avenue Southeast, south of Southeast 138th Street
(if extended) at 13815 – 160th Avenue Southeast

Applicant: **U.S. Land Development Associates**, *represented by*
Michael J. Romano
Centurion Development Services
22617 – 8th Drive Southeast
Bothell, Washington 98021
Telephone: (425) 486-2563

Intervenor: **C.A.R.E.**, *represented by*
Gwendolyn High
13405 – 158th Avenue Southeast
Renton, Washington 98059

King County: Department of Development and Environmental Services, *represented by*
Karen Scharer
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7114
Facsimile: (206) 296-6613

SUMMARY OF DECISION/RECOMMENDATION:

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

ISSUES/TOPICS ADDRESSED:

- Transfer of density credits
- Surface water drainage
- Road improvements
- Safe walking conditions
- Tree preservation

SUMMARY:

Application for a transfer of a maximum of eight density credits, and approval of a preliminary plat to subdivide approximately 3.82 acres into 23 lots in the urban area, are granted preliminary approval.

EXAMINER PROCEEDINGS:

Hearing Opened:	February 24, 2004
Hearing Closed:	February 24, 2004

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.

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

FINDINGS:

1. General Information:

Proponent:	U.S. Land Development Association P.O. Box 22200 Seattle, WA 98122
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Representative:	Michael Romano Centurion Development Services 22617 8 th Dr. SE, Bothell, WA 98021 Phone: 425-486-2563 Facsimile: (425) 486-3273 Email: Michael.romano@verizon.net
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Location:	The site is located west of 160 th Ave. SE, south of SE 138 th Street (if extended) at 13815 160 th Ave. SE
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Section/Township/Range:	SE 14-23-05 Parcels # 142305 9058
Acreage Plat:	3.82 acres
Current Zoning:	R-4
Number of Lots:	23 proposed using 8 TDR's

Density:	6 dwellings per acre
Lot Size:	4,320 square feet
Proposed Use:	single family
Sewage Disposal:	City of Renton
Water Supply:	Water District #90
Fire District:	King County Fire District # 25
School District:	Issaquah
Community Plan:	Newcastle
Drainage Subbasin:	Lower Cedar River
King County Permits:	Subdivision
Complete Application Date:	June 19, 2003
Threshold Determination:	Mitigated Determination of Nonsignificance (MDNS)
Date of Issuance:	December 23, 2003
KC Permit Contact:	Karen Scharer, Project Manager II, Current Planning Section, LUSD Phone no. (206) 296-7114 or email at karen.scharer@metrokc.gov

2. Except as modified herein, the facts set forth in the King County DDES preliminary report to the Hearing Examiner for the February 24, 2004, public hearing are found to be correct and are incorporated herein by this reference. Said report is exhibit no. 2 in the hearing record.

The drainage detention area planned to serve the subject property will be sized to accommodate surface water drainage from the proposed development of Nichols Place only. The proposed plat of Evendell, adjacent to the north, will have a separate surface water detention facility.

3. On February 4, 2004 the King County Hearing Examiner issued his report and decision granting preliminary approval for the revised plat of Evendell, based upon transfer of 20 density credits that would allow for development of 70 lots on 12.43 acres. This would provide a density of 5.6 dwelling units per acre on the Evendell property, which is adjacent to the north of the subject property. The maximum density permitted in the R4 zone classification is 6 dwelling units per acre, utilizing density incentives or transferred development rights. The Examiner's decision approving the Evendell plat revision, file no. L01P0016, is incorporated by reference in the hearing record of this proceeding.
4. To the east, south and west of the subject property are larger lots and parcels, ranging from approximately 12,600 square feet to 2.25 acres in size.
5. King County's "Transfer of Development Rights (TDR)" program is governed by Chapter 21A.37 of the King County Code. The TDR program establishes a property right which is separable from the fee-simple title to certain lands within King County, and provides a method for the transfer and utilization of that new right, which is colloquially known as a development right or "density credit." A density credit has a substantial market value.

The underlying purpose of the TDR program is to allow for the movement of residential density from rural areas to urban areas of King County. The code is intended to provide, "...an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other County goals and policies, and are adjusted to the specific conditions of each receiving site." KCC 21A.37.010.2.

Receiving sites are required to meet the provisions of KCC 21A.37.030. Those requirements are that the receiving site:

1. be within an unincorporated urban area, zoned R-4 or higher, or be within a potential annexation area;
2. be within a city where new growth is or will be encouraged, and where facilities and services exist or public investments in facilities and services will be made; or
3. be within RA-2.5 and RA-5 zoned parcels, subject to stringent criteria.

The subject property is within the first category of eligible receiving sites listed in KCC 21A.37.030. Sites within the unincorporated urban growth area are not required to have any specific level of available facilities and services. Development approvals that utilize density credits must meet only those service criteria that apply generally to development of the number of dwelling units proposed on the site.

King County Code chapter 21A.12 governs densities and development standards in residential zones. The R-4 zone in the urban residential area allows for a maximum density of six dwelling units per acre, which may be achieved only through the application of residential density incentives or transfers of development rights. KCC 21A.12.030.A. and B.1. When density credits are used, development shall comply with dimensional standards of the zone having a base density most comparable to the total approved density. KCC 21A.37.030.B.

6. The foregoing provisions of the King County Zoning Code are generally consistent with policies of the King County Comprehensive Plan governing residential land use. In particular, the Zoning Code provisions are generally consistent with:

Policy U-113, that new residential development in the Urban Growth Area should occur where facilities and services can be provided at the lowest public cost and in a timely fashion;

Policy U-114, that the County seek to achieve an average zoning density of at least seven to eight homes per acre in the Urban Growth Area through a mix of densities, allowing for lower density zones to recognize existing subdivisions with little or no opportunity for infill or redevelopment;

Policy U-122, that supports increases in urban density through a rezone or a proposal to utilize density transfer, when the proposal will help resolve traffic, utility, parks or open space deficiencies in the immediate neighborhood. This proposal will extend sewer service further into the urban area, and will provide recreation facilities and open space available to future residents on the subject property.

7. The subject property is in the City of Renton's potential annexation area. The City is considering modifications to its comprehensive plan that would limit density on property in this area to a maximum of 4 dwelling units per acre. However, those plan changes were not in effect at the time a complete application for this subdivision was submitted, and the property is not presently within the City of Renton's jurisdiction.
8. DDES, this Applicant and the developers of other properties in the vicinity have agreed upon right-of-way dedications and road improvements to mitigate the impact of traffic which this

proposal will generate adjacent to and in the immediate vicinity of the proposed development. The dedications and improvements to be provided by this proposal will include the west side of 160th Avenue Southeast.

Improvements that will be made to Southeast 136th Street, from 156th Avenue Southeast to 160th Avenue Southeast, will result in a new east-west route that will divert traffic from the high accident intersection of Southeast 128th Street and 160th Avenue Southeast. Those Southeast 136th Street improvements may be made by other developers prior to the development of Nichols Place, or may be made jointly by this plat in cooperation with other developers.

9. The Issaquah School District plans to operate a school bus stop for elementary school children at the intersection of Southeast 136th Street and 160th Avenue Southeast. The internal road improvements and frontage improvements on 160th Avenue Southeast will provide a safe route for children to use between the lots of this subdivision and that bus stop. Additionally, the Applicant will provide school walkway improvements pursuant to the requirements of condition no. 22 below, to provide safe walking conditions to the high school and middle school serving the area.
10. Surface water from the adjacent property to the north (Evendell) sheetflows onto the subject property, which is divided into an easterly and westerly basin. The west basin is approximately 1.48 acres in area. Surface water from this basin currently sheetflows over the west and south boundaries, creating nuisance conditions on adjacent properties.

A surface water drainage adjustment has been approved to divert surface water flow from the west basin to the east basin, where surface water detention will be sized to provide level 2 flow control. It is proposed to allow some undetained runoff from the southwest portion of the subject property to continue to sheetflow over the west and south property boundaries to maintain, but not increase, existing flows.

The development of the plat of Evendell, together with Nichols Place, will control and divert surface water runoff away from Southeast 139th Place and 156th Avenue Southeast, where severe conveyance problems exist. Improvements that already have been made to the conveyance system on 160th Avenue Southeast, and additional improvements required as conditions of this and other developments in the area, are expected to provide adequately for the conveyance of surface flow as far as lot 6 of Cedar Park 5-acre tracts.

Lot 6 of Cedar Park 5-acre tracts has undersized culverts, identified as locations 50 and 51 in the level 3 offsite drainage analysis prepared for the plat of Evendell. Surface water backs up within a depressed area on that property where it causes nuisance flooding. However, the owner of that property has advised the Applicant that he will not grant permission to improve the existing conveyance channel through lot 6, and King County has advised the Applicant that it would not approve relocating that channel. The requirement of the surface water drainage adjustment that level 2 flow control be provided is sufficient mitigation, according to the King County Surface Water Drainage Manual, for the nuisance flooding impact that this development will have on lot 6 of Cedar Park 5-acre tracts.

11. It is anticipated that a sewage lift station will be located within the plat of Nichols Place. This facility is likely to be located in the southeast corner of the plat, within the area now identified as

“detention/recreation.” A separate tract may be required for the lift station. No part of the lift station tract will count toward the requirement for provision of onsite recreation area.

12. The size of the lots proposed by the Applicant generally does not allow for the retention of existing trees within the plat. Removal of trees from property being developed commonly subjects trees on adjacent properties to stress and increases the windthrow hazard. Trees that remain in an area which is substantially cleared present an increased risk to persons and property on and off the site of the remaining trees. However, there is no King County regulation applicable to the subject property that restricts clearing or tree removal to protect trees on adjacent properties from increased stress or risk of windthrow. The environmental review of this proposal did not identify impacts of clearing or tree removal as a significant adverse environmental impact of the proposal.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, subdivision and zoning codes, and other official land use controls and policies of King County.
2. 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 open spaces, drainage ways, streets, other public ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and school grounds and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval required below are in the public interest and are reasonable requirements to mitigate the impacts of the development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required for final plat approval or as shown on the proposed preliminary plat submitted by the Applicant on May 19, 2003, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.
5. The Applicant has negotiated for the purchase of development rights that would allow for an increase in the number of lots to be developed on the subject property to a total of 23. The development of 23 lots on the subject property will be within the maximum density of 6 dwelling units per acre permitted in the R4 zone classification in the urban area. The proposed development of the subject property, utilizing up to 8 density rights, is consistent with all applicable development standards and other provisions of the king county code. Provisions of the City of Renton Comprehensive Plan concerning density of development on this property are not applicable to this proposal.
6. The road improvements proposed and agreed to by the Applicant, including those shown on the May 19, 2003 preliminary plat and set forth in the conditions below, will reasonably mitigate the impacts of traffic generated by the proposed development.

7. Safe walking conditions for children who walk to school from the subject property will be provided by using one of the alternatives for improvements incorporated into this proposal and set forth in condition no. 20 below.
8. The conditions of approval of the surface water drainage adjustment L03V0036, and the conditions recommended by DDES and agreed to by the Applicant, incorporated into the conditions below, adequately mitigate the impacts of surface water drainage from this proposed development in accordance with adopted King County standards.
9. There is no applicable provision of the King County Code to restrict the removal of trees in the course of the development of the subject property, or to protect trees on neighboring properties from increased stress and risk of windthrow.

DECISION:

The proposed preliminary plat of Nichols Place, as received May 19, 2003, utilizing up to 8 density credits (transferable density rights) is approved, 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.
 - a. The plat shall comply with the maximum density (and minimum density) requirements of the R-4 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, 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.
 - b. The Applicant shall provide Transfer of Density Credit documentation to DDES prior to final approval to allow transfer of a maximum of eight density credits.
4. The Applicant must obtain final approval from the King County Health Department for abandonment of existing septic systems on-site.
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 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 the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other

applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the 1998 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 King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - d. The stormwater detention design shall comply with the Level 2 Flow Control requirements per the 1998 King County Surface Water Design Manual (KCSWDM).
 - e. The storm water control facility shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.
 - f. If a sewage lift station is located within the subject property, it shall be placed within a separate tract or easement area, that shall not be counted when computing the provision of onsite recreation area.
 - g. When engineering plans are submitted for review, the owners of the adjacent property to the southwest (15652 Southeast 139th Place) shall be notified that the plans have been filed with DDES and that they are available for public review.
8. The drainage detention facility shall be designed to meet, at a minimum, the Level 2 Flow Control and Basic Water Quality menu in the 1998 King County Surface Water Design Manual (KCSWDM).
 9. (Condition no. 9 is deleted.)
 10. A surface water adjustment (L03V0036) is approved for this subdivision. All conditions of approval for this adjustment shall be met prior to approval of the engineering plans.
 11. The following road improvements are required to be constructed according to the 1993 King County Road Standards (KCRS):

- a. SE 139th St. shall be improved at a minimum to the urban subaccess street standard.
 - b. FRONTAGE: The frontage of the site along 160th Ave SE (west side only) shall be improved to the urban neighborhood collector standard.
 - c. Tracts A, B and C shall be improved as joint use driveways per Section 3.01 of the KCRS. These driveways shall be owned and maintained by the lot owners served. Notes to this effect shall be shown on the engineering plans and on the final plat map.
 - d. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
12. There shall be no direct vehicular access to or from 160th Ave. SE from those lots which abut this street. A note to this effect shall appear on the engineering plans and final plat.
 13. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 14. 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.
 15. Suitable recreation space shall be provided within one tract that may be separate or may be combined with the drainage tract in accordance with KCC 21A.14.180. Improvements shall be consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190, including provision of sport court[s], children's play equipment, picnic table[s], benches, etc.
 - a. A detailed recreation space plan (i.e., landscape specs, equipment specs, 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. This plan shall comply with Ordinance # 14045.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
 16. 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).
 17. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS 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 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 current County fees.

SEPA

18. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The Applicant shall demonstrate compliance with these items prior to final approval.

Individually, or joint with other area developers, the Applicant shall design and construct improvements to Southeast 128th Street at 160th Ave. SE to mitigate project impacts at the High Accident Location.

Or, the Applicant shall reduce the project impacts at the High Accident Location by completing the remainder of the improvements to Southeast 136th Street (i.e. additional

paving, concrete curbs, gutters and sidewalks), between 158th Avenue SE and 160th Avenue SE, and, revise the channelization at the intersection of 156th Avenue SE/SE 136th Street to provide a southbound left turn lane.

School Mitigation Fees

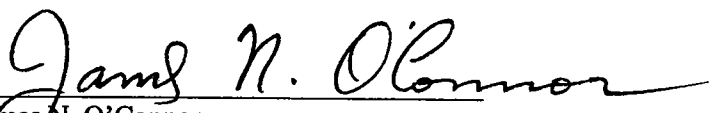
- 19. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately 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.

School Walkways

- 20. The Applicant, individually or in conjunction with other developers, shall construct an off-site walkway to Liberty High school from the site. The walkway shall be constructed within the right-of-way from 160th Ave SE, east along SE 135th Street to 166th Ave SE, and south to Liberty High School at SE 136th Street, or via alternative right-of-way and easements that become available and are approved by DDES. One acceptable alternative would be to use future right-of-way of Southeast 136th Street and 162nd Avenue Southeast to connect with the sidewalk improvement of "five lot subdivision," and through the plat of "five lot subdivision"/L00P0023 to the southwest gate of Liberty High School. The walkway shall be designed and constructed in accordance with the 1993 King County Road Standards and shown on the engineering plans for DDES review and approval.

Any surfacing alternative from the King County Road Standards (KCRS 3.09) may be submitted for approval through a road variance application.

ORDERED this 2nd day of March, 2004.



 James N. O'Connor
 King County Hearing Examiner *pro tem*

TRANSMITTED this 2nd day of March, 2004, to the parties and interested persons of record:

Marshall Brenden
18225 SE 128th
Renton WA 98059

Ronda Bryant
15406 SE 136th Street
Renton WA 98059

Carolyn Ann Buckett
16524 SE 145th St.
Renton WA 98059

Robert Darrow
Haozous Engineering
13428 - 45th Court
Mukilteo WA 98275

Shirley Day
14412 - 167th Pl. SE
Renton WA 98059-6828

Edward June & Kristy Hill
13527 156th Ave. SE
Renton WA 98059

Kathy Graves
13020 - 160th Ave. SE
Renton WA 98059

Victor & Gwendolyn High
13405 - 158th Ave. SE
Renton WA 98059

Don & Diane Kezele
15657 SE 137th Pl.
Renton WA 98059

Rebecca Lind
City of Renton
1055 S Grady Way
Renton WA 98055

James Mahoney
14011 - 160th Ave. SE
Renton WA 98059

Kathy Nelson
Transportation Dept.
805 - 2nd Ave. S.
Issaquah WA 98027

Mark & Barbara Nichols
13815 - 160th Ave. SE
Renton WA 98059

Gary Norris
Gary Struthers & Associates
3150 Richards Road #200
Bellevue WA 98005

Richard & Anita Oliphant
16519 SE 145th St.
Renton WA 98059

Roger Paulsen
15657 SE 139th Place
Renton WA 98059

Mike Romano
Centurion Development Services
22617 8th Drive SE
Bothell WA 98021

Vicki & Dale Roppe
14005 - 160th Ave. SE
Renton WA 98059

Seattle KC Health Dept.
E. Dist. Environ. Health
14350 SE Eastgate Way
Bellevue WA 98007

Claude & Eloise Stachowiak
15652 SE 139th Pl.
Renton WA 98059-7422

Howard Stansbury
Centurion Development
22617 - 8th Dr. SE
Bothell WA 98021

Penny Thorbeck
15650 SE 138th Pl.
Renton WA 98059

Kevin M. Wyman
16540 SE 149th St.
Renton WA 98059

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Laura Casey
DDES/LUSD
Wetland Review
MS OAK-DE-0100

Kristen Langley
DDES/LUSD
Land Use Traffic
MS OAK-DE-0100

Carol Rogers
DDES/LUSD
MS OAK-DE-0100

Karen Scharer
DDES/LUSD
Current Planning
MS OAK-DE-0100

Steve Townsend
DDES/LUSD
Land Use Inspections
MS OAK-DE-0100

Larry West
DDES/LUSD
Geo Review
MS OAK-DE-0100

Bruce Whittaker
DDES/LUSD
Prel. Review Engineer
MS OAK-DE-0100

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 \$250.00 (check payable to King County Office of Finance) *on or before March 16, 2004*. 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 23, 2004*. 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 Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. 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 24, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L03P0015.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Karen Scharer, Bruce Whittaker and Kristen Langley, representing the Department; Michael Romano and Duana Koluskova representing the Applicant; and Gwendolyn High, Kristy Hill, Claude Stachowiak, Gary Noris, Diane Kezele, Ronda Bryant, and Robert Darrow.

The following exhibits were offered and entered into the record:

- | | |
|----------------|--|
| Exhibit No. 1 | DDES file no. L03P0015 |
| Exhibit No. 2 | DDES preliminary report for L03P0015, with the following attachments: |
| 2.1 | Lot plat design |
| 2.2 | Density calculations (R-4 with 8 TDRs), dated 5/29/03 |
| 2.3 | Memo from Issaquah School District, dated 5/23/03 |
| 2.4 | Certificate of water availability, dated 6/18/03 |
| 2.5 | City of Renton letters, dated 6/15/01, 1/15/03 and 1/14/04 |
| 2.6 | City of Renton sewer certificate, dated 5/18/01 |
| 2.7 | Certificate of Transportation Concurrency, dated 5/22/02 |
| Exhibit No. 3 | Corrections/revisions to the 2/24/04 Preliminary Staff Report |
| Exhibit No. 4 | Application for land use permit (no. L03TY404)—Nichols Place zone reclassification, received 5/19/2003 |
| Exhibit No. 5 | Environmental checklist, received 5/19/2003 |
| Exhibit No. 6 | SEPA mitigated determination of non-significance, issued 12/23/2003 |
| Exhibit No. 7 | Affidavit of posting indicating a posting date of 6/30/2003, received 7/02/2003 |
| Exhibit No. 8 | Site plan (23 lot preliminary plat map), received 5/19/2003 |
| Exhibit No. 9 | Assessors map (1) SE 14-23-05, revised 12/03/2000 |
| Exhibit No. 10 | Density Credit Transfer Agreement for 5 TDRs, dated 2/20/2004 |
| Exhibit No. 11 | Density Credit Transfer Agreement for 3 TDRs, dated 2/20/2004 |
| Exhibit No. 12 | Traffic Impact Analysis by Garry Struthers Assoc., received 5/19/2003 |
| Exhibit No. 13 | Revised Traffic Impact Analysis, received 11/12/2003 |
| Exhibit No. 14 | Walkway study prepared by dmp, inc., dated 8/18/2003 |
| Exhibit No. 15 | Walking Route Analysis, annotated by DDES, prepared 2/23/2004 |
| Exhibit No. 16 | Email from Issaquah School District re: school walkways as related to plat conditions of L00P0023, dated 3/10/2003 |

- Exhibit No. 17 TIR by Haozous Engineering, PS, dated 5/18/2003
- Exhibit No. 18 King County SWDM adjustment, no. L03V0036, dated 9/04/2003
- Exhibit No. 19 Wetland and Drainage Corridor Site Reconnaissance Assessment by Habitat Technologies, dated 10/11/2002
- Exhibit No. 20 Tributary area map, annotations by DDES, prepared 2/2004
- Exhibit No. 21 Haozous Engineering update/response to screening letter, dated 10/27/2003
- Exhibit No. 22 Hearing Examiner Report and Decision for Evendell (file no. L03RE038), dated 2/04/2004
- Exhibit No. 23 Email from Shirley Day, dated 2/03/2004
- Exhibit No. 24 Letter from Gwendolyn High for CARE, dated 1/26/2004
- Exhibit No. 25 Email from James Mahoney, dated 7/09/2003
- Exhibit No. 26 Email from Claude & Eloise Stachowiak, dated 11/16/2003
- Exhibit No. 27 Letter from Bill & Dona Mokin, dated 2/07/2004
- Exhibit No. 28 Letter from Anita & Richard Oliphant, dated 1/29/2004
- Exhibit No. 29 Statement from Diane Kezele, dated 2/09/2004
- Exhibit No. 30 Statement from Anita & Rich Oliphant, dated 2/24/2004
- Exhibit No. 31 CARE response, dated 2/24/2004
- Exhibit No. 32 CARE updated household list
- Exhibit No. 33 *Not used*
- Exhibit No. 34 Sign-in sheet for 2/24/2004 hearing
- Exhibit No. 35 Revisions to traffic study from Gary Norris of Garry Struthers Assoc., dated 2/24/2004
- Exhibit No. 36 Statement from Claude R. & Eloise M. Stachowiak, dated 2/23/2004

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