



King County

KING COUNTY

Signature Report

June 18, 2007

Ordinance 15853

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2007-0027.2

Sponsors Gossett

1 AN ORDINANCE concurring with the decision of the
 2 hearing examiner to approve, subject to conditions, the
 3 preliminary plat of 100 Acre Wood, department of
 4 development and environmental services file no.
 5 L04P0036.

6

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
 9 findings and conclusions the findings and conclusions contained in the report and
 10 decision of the hearing examiner dated February 23, 2007, to approve, subject to
 11 conditions, the preliminary plat of 100 Acre Wood, department of development and

Ordinance 15853

12 environmental services file no L04P0036, and the council does hereby adopt as its action
13 the decision contained in said report.

14

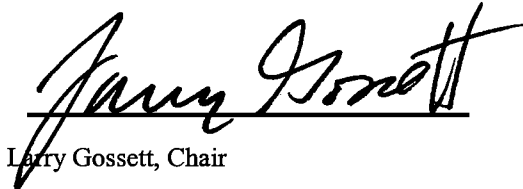
Ordinance 15853 was introduced on 1/16/2007 and passed by the Metropolitan King
County Council on 6/18/2007, by the following vote:

Yes: 9 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr.
Dunn, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine

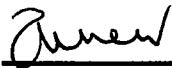
No: 0

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated February 23, 2007

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L04P0036**
Proposed Ordinance No. **2007-0027**

100 ACRE WOOD
Preliminary Plat Application

Location: Directly east of the plat of Covington Meadows and north of Southeast Auburn-Black Diamond Road

Applicant: Schneider Homes, Inc.
represented by **Hans Korve**
DMP Incorporated
726 Auburn Way North
Auburn, WA 98002
Telephone: (253) 333-2200
Facsimile: (253) 333-2206

King County: Department of Development and Environmental Services (DDES)
represented by **Chad Tibbits**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7194
Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS/DECISION:

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

EXAMINER PROCEEDINGS:

Hearing Opened:	February 7, 2007
Hearing Closed:	February 7, 2007

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 AND TOPICS ADDRESSED:

- Traffic circulation
- Speed control
- Plat boundaries
- Notice of application

SUMMARY:

The proposed subdivision of 20 lots on a 100-acre parcel in the rural area is approved.

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

FINDINGS:

1. General Information:

Applicant: Schneider Homes, Inc.
 Attn. Ken Peckham
 6510 Southcenter Blvd.
 Tukwila, WA 98188
 206-248-2471

Engineer: DMP Engineering
 726 Auburn Way N.
 Auburn, WA 98002
 253-333-2200

STR: 17-21-06

Location: The site is accessed by SE 332nd Place from the west and SE 333rd Place from the east. The property is located directly east of the Plat of Covington Creek Meadows, and north of SE Auburn-Black Diamond Road.

Zoning: RA-5
Acreage: 100.95 acres
Number of Lots: 20
Density: Approximately 0.20 units per acre
Lot Size: Approximately 3.75 to 6.08 acres
Proposed Use: Single Family Detached Dwellings

Sewage Disposal: Individual On-Site Sewage Systems
 Water Supply: Covington Water District
 Fire District: King County Fire District No. 44
 School District: Kent School District No. 415

Complete Application Date: December 30, 2004
 Associated Applications: Drainage Adjustment file no. L06V0051

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the February 7, 2007, public hearing are found to be correct and are incorporated herein by this reference. The LUSD staff recommends approval of the application, subject to conditions.
3. The subject property consists of four existing parcels. A Certificate of Transportation Concurrency for 16 single-family dwelling units has been issued by the Department of Transportation, Road Services Division. This permits a total development of 20 lots.
4. The proposed development will construct a rural subcollector street that connects Southeast 332nd Place on the west with Southeast 333rd Place on the east. Southeast 332nd Place presently extends from Auburn-Black Diamond Road to a temporary cul-de-sac at the proposed plat's west boundary. Southeast 333rd Place/206th Avenue Southeast/207th Avenue Southeast presently extend from Auburn-Black Diamond Road to a temporary cul-de-sac at the proposed plat's east boundary.

This new connection will substantially improve traffic circulation in the area by providing a loop for local traffic and emergency vehicles, with connections to Auburn-Black Diamond Road west and south of the proposed plat of 100 Acre Wood. The improved traffic circulation will enable local residents, delivery vehicles, school buses and emergency vehicles to have access to destinations within this residential area without utilizing the Auburn-Black Diamond Road arterial for local trips, as well as provide alternative routes to the arterial.

The configuration of the existing and proposed subcollector streets, and the absence of current or projected capacity constraints on the Auburn-Black Diamond Road, make it highly unlikely that any traffic would utilize the subcollector streets as an alternative to the Auburn-Black Diamond Road unless a detour was necessary for an emergency or temporary condition.

5. The new road connection will, however, cause increased traffic through the development of Covington Creek Meadows (between Auburn-Black Diamond Road and the west boundary of the proposed plat). This increased traffic will result from development of the plat and from use of the new west connection to Auburn-Black Diamond Road for travel to and from existing and future development east of 100 Acre Wood. The existing roadway through Covington Creek Meadows meets and exceeds County Road Standards for a rural subcollector. The intersection of Southeast 332nd Place and Auburn-Black Diamond Road will be improved to provide a left turn lane for southbound vehicles turning from the arterial onto Southeast 332nd Place. This improvement is required by a condition of the mitigated determination of environmental nonsignificance.

6. The additional traffic through the existing 16-lot development of Covington Creek Meadows will also change the nature of that development from a small cul-de-sac with very limited traffic to a more typical residential area that accommodates local through traffic. This change is a substantial concern to the residents of the area, some of whom have requested that the temporary cul-de-sac at the 100 Acre Wood property line not be connected to the proposed development.
7. The proposed development of 100 Acre Wood would not meet King County Road Standards for the total number of lots permitted on a single-entrance road (cul-de-sac) if access to this development was provided solely from the east, and the temporary cul-de-sac at the west boundary was not opened to connect to the subdivision. The King County Comprehensive Plan encourages road connections and discourages cul-de-sac development unless there is a clear reason for it. The existence of the temporary cul-de-sacs at both the east and west property lines of the 100 Acre Wood property show the County's long term intention to establish this connection, which was demonstrated when the plats to the west (Covington Creek Meadows) and to the east (Thadra Estates) were developed.
8. Alternatively, several residents have asked that traffic calming devices be considered to assure that reasonable speeds are maintained by persons traveling to and from Auburn-Black Diamond Road from the area within and east of 100 Acre Wood. The King County Department of Transportation has the authority to consider and install speed reducing devices, such as traffic humps and circles, where necessary to protect the public safety.
9. A property owner to the south (Judy Frei) stated her concern that the area to be developed may be inconsistent with the true property line at the south boundary. King County Code section 19A.16.050 governs the contents of final plats, including information that must be provided by a registered land surveyor. The developer has a responsibility to demonstrate to the satisfaction of DDES that there is no plat boundary discrepancy. This demonstration is required to be completed prior to final plat recording (see Condition no. 3). If the developer's demonstration to DDES does not satisfy the adjacent property owner, the dispute must be resolved by the affected owners themselves.
10. An application for preliminary approval of a proposed subdivision is a "Type III" decision as classified by King County Code section 20.20.020. Type III decisions are made by the Hearing Examiner, and may be appealed to the County Council based on the record established by the Examiner. Notice of application must be provided to the public in the manner required by King County Code section 20.20.060. Among the notices required is the mailing of notice by first class mail to the owners of record of all property within 500 feet of the development site. This area is expanded as necessary to provide notices to at least 20 different property owners. Mailed notice of the proposal is considered supplementary to posted notice, and is "deemed satisfactory despite the failure of one or more property owners to receive mailed notice". See KCC 20.20.060.G.

The evidence in the record indicates that all required notice of this application was provided. There is no evidence that any person entitled to receive mailed notice of this application or the hearing on this preliminary plat did not, in fact, receive such notice.

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 recommended below are in the public interest and are reasonable and proportionate requirements necessary 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 March 7, 2006, 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 proposed traffic circulation and road construction plan for the subdivision of 100 Acre Wood is consistent with the King County Road Standards, Comprehensive Plan, and the plats of Covington Creek Meadows and Thadra Estates, both of which made provision for the extension of Southeast 332nd Place and Southeast 333rd Place, respectively. Traffic calming and speed control devices may be considered by the King County Department of Transportation for installation on subcollector streets whenever they may become necessary for the public safety. The Department should evaluate the need for such improvements within the plat of Covington Creek Meadows following the development of 100 Acre Wood.
6. The adjacent property owner(s) to the south should be provided a reasonable opportunity to review and comment upon the land survey and other materials provided by the Applicant to demonstrate ownership of the development property.
7. Notice of application for preliminary plat approval for the proposed plat of 100 Acre Wood was provided in the manner required by King County Code. Although residents of properties more than 500 feet from the proposed development will be affected by traffic to and from the development and beyond, such effects commonly occur. The existence of such effects does not change the obligations of the Applicant or the Department of Development and Environmental Services with respect to the mailing of notices to persons owning property beyond the area specified by code.

DECISION:

The proposed preliminary plat of 100 Acre Wood, as revised and received on March 7, 2006, 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 that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density requirements 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, 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 Environment Services.

Any/all plat boundary discrepancy(ies) shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title. The property owner(s) to the south owning property at 20432 Auburn-Black Diamond Road (currently Judy and Larry Frei) shall be afforded a reasonable opportunity to review and comment on the survey and other title documents provided by the Applicant to demonstrate ownership of the development property.

4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The plat shall meet the Fire Engineering Conditions dated 1/25/07 (exhibit no. 17), subject to modification with the approval of the Fire Protection Engineering Section.
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 changing the 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 K.C.C. 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. The drainage facilities shall meet the requirements of the 1998 King County Surface Water Design Manual (KCSWDM). The northwest portion of the site is subject to the Level One flow control and Regionally Significant Stream Reach Treatment Area water quality requirements of the 1998 KCSWDM. The southeast portion of the site is subject

to the Level Two flow control and Basic water quality requirements of the 1998 KCSWDM. Note that stormwater infiltration type facilities are proposed for this site.

- c. A drainage adjustment (L06V0051) is approved for this site. All conditions of approval for this adjustment shall be met prior to approval of the engineering plans.
- d. Individual Lot infiltration drainage facilities are proposed for most of the lots in this project. A typical lot stormwater design shall be shown on the engineering plans. The construction and permitting of the individual lot facilities shall be accomplished with the building permits; unless otherwise approved by DDES. Notes to this effect shall be provided on the final recorded plat and the engineering plans.
- e. The 100-year floodplain for any onsite streams or wetlands shall be shown on the engineering plans and the final plat per Special Requirement 2 of the KCSWDM.
- f. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
- g. 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."

- 8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. SE 332nd St/ SE 333rd Pl shall be improved at a minimum to the rural subcollector street standard. The existing temporary cul-de-sacs at both ends of this improvement shall be removed, with appropriate transitions to the existing pavements. The pavement transitions shall be crowned appropriately, with necessary drainage conveyance improvements. Details of these improvements shall be shown on the engineering plans.
 - b. The internal cul-d-sac roads shall be improved at a minimum to the rural minor access street standard.
 - c. A road stub is required from 204th Pl SE to the east plat boundary, in the vicinity of the south boundary of proposed Lot 9. This road stub shall be improved to the rural minor access street standard.

- d. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 10. 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 the 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.
 11. 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 the 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.
 12. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in K.C.C. 21A.24. Permanent survey markings and signs as specified in K.C.C. 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.
 13. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from K.C.C. 21A.24 shall also be addressed by the applicant:

Wetlands

- a. Class 2 wetland(s) shall have a minimum buffer of 50 feet, measured from the wetland edge.
- b. Class 3 wetland(s) shall have a minimum buffer of 25 feet, measured from the wetland edge.
- c. The wetland(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT).
- d. A minimum building setback line of 15 feet shall be required from the edge of the tract.
- e. All sensitive areas and their buffers shall be placed in Sensitive Area Tracts for long term protection.

- f. Signage shall be installed along the Sensitive Area Tract boundaries for long term protection and to clearly mark the extent of the Tract.
- g. Sensitive Area Tract boundaries shall be clearly marked with bright orange construction and silt fencing prior to construction or site clearing activities. The boundaries shall remain marked until construction is complete.
- h. Wetland hydrology may not be altered either during or after development. A hydrology analysis may be required during the engineering review to show how wetland hydrology will be maintained after the site is developed.
- i. The engineering plans shall be routed to Critical Areas Staff for review of compliance with the above conditions.
- j. 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.

- k. 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 sensitive area tracts.

14. Street trees shall be provided as follows (per KCRS 5.03 and K.C.C. 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 (206) 684-1622 to determine if SE 332nd Street and SE 333rd Place are on a bus route. If SE 332nd Street and SE 333rd Place are on a bus route, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
15. 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.
16. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The applicants shall demonstrate compliance with these items prior to final approval:

- a. In order to mitigate the significant adverse impact (14.80.030B and PUT10-3-3(PR) §6.2.2.2) that the proposed development will have at the intersection of realigned Kent-Black Diamond Road /Southeast 332nd Street, the Applicant shall widen Kent-Black Diamond Road as necessary to provide a left turn lane (for 'south' bound Kent-Black Diamond Road to eastbound SE 332nd Street traffic) meeting applicable King County Standards together with necessary transitions to the existing roadway section to the east and west of the intersection. This shall include reconstruction of the existing roadway shoulders in, at least, their current width (KCRS 1.03B, KCRS 3.07B), together with all necessary channelization and illumination in accordance with the 1993 King County Road Standards.

Plans for these improvements shall be submitted to the King County DOT Traffic Engineering Section for review and approval.

- 17. To implement K.C.C. 21A.38.230 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan and engineering plans shall be consistent with the requirements of K.C.C. 21A.38.230, as well as the conceptual tree retention plan dated March 7, 2006. No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with K.C.C. 21A.38.230.B.4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to K.C.C. 21A.38.230.B.4.d.(2).
- 18. A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with K.C.C. 21A.38.230.B.6. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

ORDERED this 23rd day of February, 2007.

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

TRANSMITTED this 23rd day of February, 2007, to the parties and interested persons of record:

Vern Bliss
19306 SE 332nd Pl.
Auburn WA 98092

Eric Croppi
19419 SE 332nd Pl.
Auburn WA 98092

DMP Engineering
Attn: Paul Morrow
726 Auburn Way. N.
Auburn WA 98002

Larry & Judy Frei
20432 SE Auburn/Bl. Diamond
Auburn WA 98092

James & Dawn Helmerson
33313 - 206th Ave. SE
Auburn WA 98092

Les Kendig
20624 SE 331st St.
Auburn WA 98092

Muckleshoot Indian Tribe
Fisheries Dept.
39015 - 172nd Ave. SE
Auburn WA 98092-9763

Kenneth Slater
20407 SE 333rd Pl.
Auburn WA 98092

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

Shirley Goll
DDES/LUSD
MS OAK-DE-0100

Larry West
DDES/LUSD
MS OAK-DE-0100

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Kenneth Peckham
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Donald West
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Lisa Dinsmore
DDES/LUSD
MS OAK-DE-0100

Kristen Langley
DDES/LUSD
MS OAK-DE-0100

Bruce Whittaker
DDES/LUSD
MS OAK-DE-0100

Ann & Gary Heffner
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Auburn WA 98092

Allen & Kathleen Jorgenson
33632 - 207th Pl. SE
Auburn WA 98092

Craig Moe
20423 - 333rd Pl. SE
Auburn WA 98092

George Pratt
19420 SE 332nd Pl
Auburn WA 98092-2236

Calvin Wyman
33240 - 205th Ave. SE
Auburn WA 98092

Nick Gillen
DDES/LUSD
MS OAK-DE-0100

Chad Tibbits
DDES - LUSD
MS OAK-DE-0100

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 \$250.00 (check payable to King County Office of Finance) **on or before March 9, 2007**. 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 16, 2007**. 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 7, 2007, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04P0036.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Chad Tibbits, Bruce Whittaker and Kristen Langley, representing the Department; Hans Korve, representing the Applicant; and Don Hamilton, Kathleen Jorgenson, Vern Bliss, Les Kendig, Judy Frei, Kenneth Slater, George Pratt and Kenneth Peckham.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services file no. L04P0036 dated February 7, 2007
- Exhibit No. 2 Department of Development and Environmental Services Preliminary Report, dated February 7, 2007
- Exhibit No. 3 Application for Land Use Permits received December 30, 2004
- Exhibit No. 4 SEPA checklist received March 7, 2006
- Exhibit No. 5 SEPA Mitigated Determination of Non-Significance issued December 29, 2006
- Exhibit No. 6 Affidavit of Posting indicating a posting date of July 29, 2005; received by DDES on August 5, 2005
- Exhibit No. 7 Preliminary plat map (revised) received March 7, 2006
- Exhibit No. 8 Revised Level 1 Downstream Analysis prepared by Daley-Morrow-Poblete, Inc., received May 9, 2006
- Exhibit No. 9 King County Storm Water Drainage Manual (KCSWDM) Adjustment - L06V0051
- Exhibit No. 10 Wildlife Habitat Report prepared by B-twelve Wetland Consulting, Inc., received March 7, 2006
- Exhibit No. 11 Preliminary Geotechnical Investigation report prepared by Golder Associates, Inc., received March 7, 2006
- Exhibit No. 12 Wetland and Stream Analysis Report prepared by B-twelve Wetland Consulting, Inc., received December 30, 2004
- Exhibit No. 13 Traffic Impact Analysis prepared by Christopher Brown & Associates, received March 7, 2006
- Exhibit No. 14 Road Inventory prepared by Daley-Morrow-Poblete, Inc., received March 7, 2006
- Exhibit No. 15 Significant Tree Exhibit prepared by DMP, Inc., received March 7, 2006
- Exhibit No. 16 Topographical/Aerial Map dated February 5, 2007
- Exhibit No. 17 Revised fire engineering conditions, dated January 25, 2007
- Exhibit No. 18 Revised preliminary plat map prepared by Daley-Morrow-Poblete, Inc., last revised January 31, 2007

Exhibit No. 19 Copy of King County Road Services “Frequently-asked Questions” web page re:
getting speed humps and bumps in a neighborhood

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