



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 1, 2003

Ordinance 14694

Proposed No. 2003-0032.2

Sponsors Sullivan

1 AN ORDINANCE denying the appeal by U.S. Land
2 Development/Centurion and concurring with the
3 recommendation of the hearing examiner to deny the
4 request for reclassification of certain property located on
5 the south side of SE 136th Street, between 156th Avenue SE
6 and 160th Avenue SE, as particularly described in DDES
7 file no. L01TY401.

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10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. This ordinance does hereby adopt and incorporate the findings and
12 conclusions contained in the March 28, 2003 report and recommendation to the King
13 County council by the hearing examiner and adopts as the decision of the council the
14 recommendation by the hearing examiner to deny the application for reclassification of
15 certain property located on the south side of SE 136th Street, between 156th Avenue SE
16 and 160th Avenue SE, as requested by US Land Development Association/Centurion in
17 DDES file no. L01TY401.


18 SECTION 2. The April 18, 2003 appeal by U.S. Land Development
19 Association/Centurion is denied.

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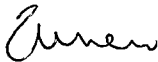
Ordinance 14694 was introduced on 2/3/2003 and passed by the Metropolitan King
County Council on 6/30/2003, by the following vote:

Yes: 9 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Mr. Phillips, Mr.
Pelz, Mr. Constantine; Mr. Gossett, Mr. Irons and Ms. Patterson
No: 3 - Ms. Lambert, Mr. McKenna and Mr. Hammond
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments Hearing Examiner Report dated March 28, 2003

March 28, 2003

**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 RECOMMENDATION TO THE KING COUNTY COUNCIL
ON APPLICATION FOR REZONE AND ALTERNATIVE APPLICATIONS FOR
PRELIMINARY PLAT APPROVAL**

SUBJECT: Department of Development and Environmental Services File Nos. **L01P0016 & L01TY401**
Proposed Ordinance Nos. **2003-0031 & 2003-0032**

EVENDELL REZONE AND SUBDIVISION
Rezone and Alternative Preliminary Plat Applications

Location: South of SE 136th between 156th Ave. SE and 160th Ave. SE

Applicant: US Land Development Association/Centurion, *represented by*
Mike Romano
Centurion Development Services
22617 – 8th Drive Southeast
Bothell, WA 98021
Telephone: (425) 486-2563

Intervenors: Citizens' Alliance for a Responsible Evendell, *represented by*
Gwendolyn High
13405 – 158th Avenue Southeast
Renton, WA 98059

and

Marsha Rollinger
15646 Southeast 138th Place
Renton, WA 98059

King County: Department of Development and Environmental Services
Land use Services Division, *represented by*
Karen Scharer
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219
Telephone: (206) 296-7114
Facsimile: (206) 296-7055

SUMMARY OF RECOMMENDATIONS:

APPLICATION FOR RECLASSIFICATION (REZONE)

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

PRELIMINARY PLAT APPLICATION (70 LOT ALTERNATIVE)

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

PRELIMINARY PLAT APPLICATION (46 LOT ALTERNATIVE)

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

EXAMINER PROCEEDINGS:

Hearing Opened:	March 6, 2003
Hearing Closed:	March 10, 2003

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 Policies U-114, U-120, U-122
- Zone Reclassification Criteria
- Changed Conditions or Circumstances
- Neighborhood Compatibility
- Tree Protection
- Traffic Circulation and Impact Mitigation

SUMMARY:

Deny the application for a reclassification. Deny the application for the 70 lot subdivision as inconsistent with the current zoning. Approve the application for a 46 lot subdivision on 11.39 acres, subject to conditions.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS:

Having reviewed the record in this matter, the Examiner now makes and enters the following:

REQUEST FOR RECLASSIFICATION

FINDINGS:

1. GENERAL INFORMATION:

Owner:	U.S. Land Development Association P.O. Box 22200 Seattle, WA 98122
Representative:	Michael Romano Centurion Development Services 22617 8 th Dr. SE, Bothell, WA 98021 Phone: 425-486-2563 Facsimile: (425) 486-3273 e-mail: michael.j.romano@gte.net
Location:	Lying south of SE 136 th St. between 156 th Ave. SE and 160 th Ave. SE.
Acreage (Reclassification):	13 acres
Acreage (70 lot Plat):	12.43 acres
Acreage (46 lot Plat):	11.39 acres
Zoning:	R-4
Proposed Zone:	R-6
Proposed Use:	Single-family residential
Proposed Density(70 lot plat):	5.6 dwelling units per acre (7.4 per net acre)
Density (46 lot alternative):	4 dwelling units per acre (5.2 per net acre)
Lot Size (70 lot Plat):	3,900 to 6,600 square feet
Lot Size (46 Lot Alternative):	5,400 to 14,000 square feet
Sewage Disposal:	City of Renton
Water Supply:	King County Water District #90
Fire District:	King County Fire District #25
School District:	Issaquah
Complete Application Date:	September 20, 2001
Threshold Determination:	Mitigated Determination of Nonsignificance (MDNS)
Date of Issuance:	December 23, 2002
King County Permits:	Rezone & Subdivision
Permit Contact:	Karen Scharer, Project Mgr II, Current Planning, LUSD Phone no. 296-7114, e-mail at karen.scharer@metrokc.gov
Community Plan:	Newcastle
Drainage Subbasin:	Lower Cedar River
Section/Township/Range:	SE 14-23-05
Assessor Parcel nos.:	142305 9022 & 9009

2. The Subdivision Technical Committee (STC) of King County conducted an on-site examination of the subject property. The STC discussed the proposed development with the applicant to clarify technical details of the application, and to determine the compatibility of this project with applicable King County plans, codes, and other official documents regulating this development.

As a result of discussions, the applicant presented the STC with a conceptual build out plan of the immediate neighborhood, revised plans for frontage road improvements, and submitted a revised traffic study. The conceptual build out plan provided by the Applicant to DDES does not reflect the intentions or desires of the current owners of the properties shown.

Copies of drainage claims which have been submitted to King County for problems in the area were provided to the applicant, and an updated Level 3 drainage report was submitted December 9, 2002.

3. Under KCC 20.20.070, the request for rezone is not vested under regulations in effect at the time of complete rezone application. Vesting to zoning can only occur after the zone classification becomes effective. The 76 lot plat application is based on the requested rezone to R-6; therefore the 76 lot plat application is not vested. The applicant's 46 lot alternative plat application is vested under the existing R-4 zone.
4. Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible official of the Land Use Services Division (LUSD) issued a mitigated determination of environmental non-significance (MDNS) for the proposed development on December 23, 2002. This determination was based on the review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal would not cause probable significant adverse impacts on the environment if implemented with the required mitigation for the proposal. The MDNS applies to the proposed reclassification, 70 lot plat proposal, and alternative 46 lot plat proposal.

Agencies, affected Native American tribes and the public were offered the opportunity to comment on or appeal the determination for 21 days. The MDNS was not appealed by any party, including the applicant, and is incorporated as part of the applicant's proposal.

The MDNS states:

The following mitigation measures shall be attached as conditions of permit issuance. These mitigation measures are consistent with policies, plans, rules, or regulations designated by KCC 20.44.080 as a basis for the exercise of substantive authority and in effect when this threshold determination is issued. Key sources of substantive authority for each mitigation measure are in parentheses; however, other sources of substantive authority may exist but are not expressly listed.

A. East Drainage Basin:

The 160th Ave SE downstream conveyance system shall be upgraded to provide for the 100-year storm capacity. Downstream driveway culverts/ditches and a cross-culvert under 160th Ave. SE shall be improved as follows: Culverts P-117 and P-116 on the west side of 160th Ave. SE, cross-culvert P-115, and culverts P-114 and P-113 on the east side of 160th Ave. SE shall be improved as needed. The culvert designations are according to the Level 3 Downstream Drainage Analysis by Haozous Engineering dated August 26, 2002. To address a related localized flooding condition, bank and channel stabilization are also required in the unopened right-of-way for 162nd Ave. SE, in the vicinity of the easterly line of Lot 12, Rich Lea Crest (address 16046 SE 142nd Street). It is estimated that stabilizing and re-grading approximately 50 to 100 feet of channel, east of 16046 SE 142nd Street, will be adequate to resolve flooding that has occurred in the past location. The culverts and channel described are located from the south site boundary to a distance of approximately 1,700 feet downstream.

Level 2 Flow Control design is required for the proposed stormwater detention facility. A factor of safety of 5 to 15 percent, determined by the design engineer, shall be required for detention storage volumes.

B. West Drainage Basin:

The stormwater detention facilities shall be designed to the Level 3 Flow Control Standard as described in the 1998 King County Surface Water Design Manual (KCSWDM). As an option, Level 2 Flow Control with downstream improvements can be proposed according to Core Requirement 2 of the KCSWDM. The minimum Flow Control Standard shall be Level 2. A factor of safety of 5 to 15 percent, determined by the design engineer, shall be required for detention storage volumes.

[Comprehensive Plan Policies U-109, E-126, F-254 & F-255; RCW 58.17.110]

5. A. Topography: The site is relatively level with a 20-foot difference in elevation from the north central area to the southwest and to the southeast corners of the site.
- B. Soils: Surface soils on this site per King County Soil Survey, 1973 include:

AgC - Alderwood gravely, sandy loam; 6-15 % slopes. Runoff is slow and the erosion hazard is slight. This soil type has a moderate limitation for low building foundations due to a seasonally high water table, and severe limitations for septic tank filter fields due to very slow permeability in the substratum.

- C. Sensitive Areas: There is a Class II Wetland located on the northeast portion of the site. The 17,162-sq. ft. wetland is classified as palustrine, forested, seasonally flooded/saturated and as palustrine, emergent, seasonally flooded.

Road improvements to SE 136th Street would require filling of 200-sq. ft of . wetland, for which 400-sq. ft. of wetland enhancement is proposed as mitigation. Road improvements will also impact 6,989-sq. ft. of wetland buffer. Additional buffer area in the NE corner of the site could provide mitigation at a ratio equal to or greater than 2 to 1.

Improvements to the downstream drainage system will have to be reviewed to ensure that no wetlands are being drained or flooded as a result, no streams placed in pipes, and no streams damaged by increased flows. Enlarging culverts in sensitive areas, if any, requires clearing and grading permit(s).

- D. Hydrography: A preliminary June 15, 2001, technical information report was prepared by Haozous Engineering, P.S. on June 15, 2001. Subsequently a Level 3 Downstream Analysis was submitted August 26, 2002, and a Level Three Addendum was submitted December 5, 2002.

The site is within the Orting Hills subbasin of the Cedar River watershed. Flooding has occurred in the past along downstream conveyance structures from the site on 160th Ave. SE, on 156th Ave. SE, and on nearby properties. These drainage issues are documented in the Level Three Downstream Analyses and Addendum and are addressed by mitigating conditions established in the MDNS.

- E. Vegetation: The westerly 2.5 acres is mostly covered by pasture with some trees. More than half of the easterly 11 acres is wooded with a conifer upland forest, primarily Douglas fir. The far south of the parcel is developed with pasture; the north central area has been partially cleared as yard area associated with the home

fronting 156th Avenue SE. The south central area includes deciduous trees and native shrubs.

- F. **Wildlife:** A wildlife study of the site was undertaken in conjunction with the wetland evaluation and delineation in 2001. A large variety of small birds and animals were observed on site. Black tail deer and ruffed grouse, both “Priority Species” of Washington State, were observed. A single “State Candidate” species, the pileated woodpecker, was observed to utilize the forested wetland area along with adjacent upland forested area onsite.

None of the species identified in the applicant's report are required to be protected in the urban designated area of the County. However with preservation of the wetland and a 50-foot buffer, some habitat will be retained on the site.

Additional investigation was made by DDES environmental scientists and the Applicant's consulting biologist in March, 2003, to review the site in response to assertions that a red tail hawk nest exists on the site. The preponderance of the evidence is that there are no red tail hawk or other raptor nests on the subject property.

6. The subject property is within an area east of Renton known as Brierwood, in the southern portion of the Newcastle Community Plan area. The Four Creeks Unincorporated Area Council serves the area under the King County Citizen Participation Initiative.

The area within which the property is located is designated “urban residential, 4-12 dwelling units per acre”, by the King County Comprehensive Plan.

The zoning for the subject property and the surrounding area, generally extending from SE 128th on the north to SE 144th and beyond on the south, and from Renton on the west to 168th Avenue SE and beyond to the east, is zoned R-4. The principle exception is the plat of Highland Estates, 60 lots on 8.67 acres lying between 152nd Avenue SE and 154th Avenue SE, on the south side of SE 136th Street.

Highland Estates was reclassified from R-4 to R-8 in 2001. Its northwest corner is adjacent to 218 lots under development within the plat of Maplewood in the City of Renton. The southern portion of the plat of Maplewood, which is the portion nearest to Highland Estates, was zoned R-8 by Renton. In 2001, it was being developed with an average lot size of 4,500 square feet in the area closest to the Highland Estates property. Directly west of the Highland Estates site is an undeveloped King County park. Parcels lying to the north were sparsely developed in 2001, and were expected to convert to urban densities. The Examiner in that case also found a potential for higher urban density redevelopment of parcels lying east and southeast of Highland Estates.

The neighborhood lying to the south of Highland Estates contained newer residential properties, which were found unlikely to redevelop in the near future. Most of those properties are approximately ¼ acre in size. Impact on the properties to the south was mitigated by not opening 152nd Avenue SE, so as to insulate the lower density neighborhood to the southwest from the impacts of higher density associated with Maplewood and Highland Estates.

Maplewood brought sewer into the neighborhood, which could be extended to serve Highland Estates, and road and traffic requirements for the two plats were found to be interconnected.

7. The developer of the subject property proposes to build a sewer pump station, dedicate right-of-way, construct roads, and make drainage improvements in conjunction with the 70 lot proposed plat, all of which will facilitate urban development in the area. Comprehensive Plan policy U-122 supports increases in urban residential density through a rezone or through density transfers when the proposal will help resolve traffic, sewer, water, parks or open space deficiencies in the immediate neighborhood. DDES relies primarily on Policy U-122 as justification for recommending reclassification of the property to R-6.

Most of the same improvements also would be built to support the 46 lot alternative plat proposed under the existing R-4 zone classification. The impacts from development of 46 lots require similar sewer and surface water drainage improvements, which address major concerns in the area. Recreation and open space deficiencies are met in the same manner by both proposed plats, with only proportionate differences, based on the fewer number of lots in the 46 lot alternative.

Neighborhood traffic circulation is the one urban infrastructure concern which is addressed differently by the two plat proposals. The King County Department of Transportation and DDES have identified a need for an east-west street connection from 156th Avenue SE to 160th Avenue SE, between SE 128th Street and SE 144th Street. SE 136th Street is the most viable option for that connection because of its existing 30 foot wide public right-of-way from 156th Avenue SE to 160th Avenue SE. The Applicant would agree to provide additional right-of-way, varying from 18 feet to 25 feet, and improvements that would open SE 136th Street from 156th Avenue SE to 160th Avenue SE, if the 70 lot plat is approved.

If the zone reclassification and 70 lot plat are denied, the developer objects to any requirement for dedication of right-of-way or construction of improvements to provide plat access and neighborhood traffic circulation by way of SE 136th Street. DDES nonetheless recommends dedication of 18 feet of right-of-way for SE 136th Street along the frontage of the 46 lot plat, and the Examiner also recommends improvements to the right-of-way to mitigate the impacts of that plat (see finding no. 2 at page 10).

8. KCC 21A.44.060 provides that a zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in KCC 20.24.180 and 190, and is consistent with the comprehensive plan and applicable community and functional plans.
9. KCC 20.24.180 addresses the requirement for hearing examiner findings and conclusions generally, including a requirement for a conclusion that the examiner's recommendation "will not be unreasonably incompatible with or detrimental to affected properties and the general public." KCC 20.24.180.
10. KCC 20.24.190 addresses applications for reclassifications specifically. It requires that an Examiner recommendation for reclassification of property include findings that support at least one of the circumstances described in that section. The portion of the section applicable to this proceeding is subpart "D", which provides:

"The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private

development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the subarea plan or area zoning;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate; For the purposes of this subsection, "changed conditions or circumstances" does not include actions taken by the current or former property owners to facilitate a more intense development of the property including but not limited to changing tax limitations, adjusting property lines, extending services, or changing property ownership;
 3. For proposals to increase rural residential density, that the proposal meets the criteria in Comprehensive Plan policies R-205 through R-209;
 4. For proposals to increase urban residential density, that the proposal meets the criteria in Comprehensive Plan policies U-118 through U-123; and
 5. The requested reclassification or redesignation is in the public interest. (Ord. 14047 § 12, 2001; Ord. 4461 § 10, 1979).
11. R-4 is the zoning applied to this area by the King County Council. The 1994 Comprehensive Plan and 1995 Area Zoning changed the zoning in this vicinity from SR-15,000 to R-4. That zoning was reaffirmed in 2001 with the adoption of the 2000 King County Comprehensive Plan amendments. "Official zoning . . . is contained in the SITUS file and is depicted on the official zoning maps, as maintained by the Department of Development and Environmental Services." Ordinance 14044, Section 3, February 12, 2001. The current R-4 zone classification is consistent with the Urban Land Use policies of the King County Comprehensive Plan.
12. Existing development in the area surrounding Evendell is generally on lots ranging from 15,000 square feet to 1 ¼ acres, with a few smaller and a few larger. Redevelopment and infill will occur over time in much of the area, creating smaller lots, but a substantial portion of the area will remain as currently developed for the indefinite future. The general character of existing development is individually built homes, with yards, gardens, trees and some pasture area and outbuildings, generating an overall impression of a suburban or somewhat rural area.
- The density of development permitted by the R-4 zone classification is greater than that which presently exists in the area. The existing R-4 zone classification provides a base density of 4 dwelling units per acre and allows a maximum of 6 dwelling units per acre. Maximum impervious surface allowed for a development within the R-4 zone is 55%.
- The R-6 zone classification requested by the Applicant provides a base density of 6 dwelling units per acre, a maximum density of 9 dwelling units per acre, and maximum impervious surface of 75% of the site.
13. Since the last previous area zoning, the approval and commencement of construction of the proposed plats of Maplewood and Highland Estates have brought sewer closer to the subject property. An additional road connection has been opened to the west and north, by way of

SE 136th Street, which now connects to SE 128th Street at 148th Avenue SE. The subject property, however, has three pre-existing direct connections to SE 128th Street, by way of 156th Avenue SE, 158th Avenue SE and 160th Avenue SE, which have remained unchanged.

The greater proximity of sewer service allows for development of the subject property at the R-4 permitted density, as well as at the higher density requested by the Applicant. The King County Comprehensive Plan requires that property in the R-4 zone classification be developed with sewers, indicating that the Council's adoption and retention of the R-4 zone classification anticipated the availability of sewers in the area. There is no evidence that the closer proximity of sewers was not anticipated at the time of the last area zoning, or that it affects the subject property in a manner and to a degree different than other properties in the vicinity.

CONCLUSIONS:

1. The Applicant has not demonstrated with substantial evidence that authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change since the last previous area zoning which were not anticipated or contemplated by that area zoning.
2. The applicant has not demonstrated with substantial evidence that impacts from any conditions or circumstances that have changed since the last previous area zoning affect the subject property in a manner and to a degree different than other properties in the vicinity.

Any reclassification of the subject property should be considered legislatively in conjunction with consideration of the appropriate zoning for the area within which the subject property is located.

3. The proposal partially meets the purpose of Comprehensive Plan Policy U122 that supports increases in density to help resolve traffic circulation deficiencies in the immediate neighborhood. However, reclassification of the subject property to R-6 would be inconsistent with policy U-120, which provides that, "King County shall not approve proposed zoning changes to increase density within the urban area unless:

- a. The development will be compatible with the character and scale of the surrounding neighborhood; . . . "

4. Reclassification of the Highland Estates property is distinguished from this application by the facts of that case, particularly its location adjacent to the development of 4,500 square foot lots in the City of Renton, the interconnection and overlapping of the road improvements necessary for the development of Maplewood and Highland Estates, and the greater separation of Highland Estates from fully developed properties on larger lots.

Reclassification of the property under consideration in this case would result in 13 acres of R-6 zoned property entirely surrounded by R-4 zoned property.

5. The application for a reclassification of the subject property should be denied.

RECOMMENDATION:

DENY the application for reclassification.

APPLICATION FOR PRELIMINARY PLAT APPROVAL (70 LOT PROPOSAL)**FINDINGS:**

1. To the extent applicable, the findings set forth above with respect to the application for reclassification are incorporated herein as if fully set forth.
2. The Applicant proposes to develop 70 lots on 12.43 acres, with a density of 5.63 dwelling units per acre. The base density of the R-4 zone permits development of not more than 4 dwelling units per acre, or a total of 50 units, unless augmented by density bonuses or development credits transferred from other sites. No such augmentations are incorporated in the proposal.

CONCLUSIONS:

1. The proposed plat exceeds the density allowed for the site by the King County Zoning Code.
2. The application for preliminary plat approval should be DENIED.

RECOMMENDATION:

Deny the application for preliminary approval of the proposed plat of 70 lots, received March 26, 2002.

APPLICATION FOR PRELIMINARY PLAT APPROVAL (46 LOT ALTERNATIVE)**FINDINGS:**

1. To the extent applicable, the findings set forth above with respect to the application for reclassification are incorporated herein as if fully set forth.
2. The proposed development of 46 lots on 11.39 acres is bounded by SE 136th Street on the north (from 158th Avenue SE to 160th Avenue SE), and 160th Avenue SE on the east.

SE 136th Street is an unimproved, 30 foot wide, county right-of-way between 156th Avenue SE and 160th Avenue SE, with a paved area abutting the proposed plat at the intersection with 158th Avenue SE.

160th Avenue SE is a two lane neighborhood collector that runs from SE 125th Street to SE 144th Street. The roadway width is approximately 24 feet, with a paved shoulder on the east side of the roadway. It is unstriped. The posted speed limit is 25 mph. The existing construction of 160th Avenue SE is a rural design.

158th Avenue SE is also a two-lane neighborhood collector, similar to 160th Avenue SE, but with little or no dirt shoulders on either side of the roadway. The posted speed limit on 158th Avenue SE is also 25 mph.

Traffic to and from the proposed development is proposed by the Applicant to have access only to 160th Avenue SE. The intersection of 160th Avenue SE and SE 128th Street, a

principle arterial, would be the principle route for traffic to and from this plat to the north and west. Level of service at SE 128th Street and 160th Avenue SE was projected to be “E” for north bound left turns during peak hours for the 70 lot plat, which would have had an alternative route through a signalized intersection (156th Avenue SE and SE 128th Street) to the north and west. The level of service for that traffic movement for this proposal during the AM peak hour does not appear to have been analyzed.

Traffic circulation to and from the subject property, and neighborhood traffic circulation, would be improved by the provision of alternative routes (158th Avenue SE currently and 156th Avenue SE in the future), so that residents of the site could avoid using 160th Avenue SE for congested traffic movements.

Dedication and improvement of right-of-way along SE 136th Street adjacent to this plat will provide for the enhanced safety and welfare of the residents of this plat and the public. Dedication and improvements consistent with King County Road Standards for an urban subcollector would be proportionate to the impacts of this plat. The Applicant should have the opportunity, if he chooses, to modify the traffic circulation within the plat to provide a direct access to SE 136th Street, as well as 160th Avenue SE.

As properties in the area are developed or redeveloped to urban densities, improvement of street frontage to urban standards is a reasonable and proportionate requirement to provide traffic circulation for the increasing population of the area. The King County Road Standards, Section 1.03, provides that any land development which will impact the service level, safety, or operational efficiency of serving roads . . . shall improve those roads in accordance with these standards.

3. The subject subdivision will be served by the Issaquah School District, which has adopted capacity figures which indicate their ability to accommodate additional students. Students living in the proposed plat would be bussed to and from all schools.

The Issaquah School District has adopted a fee of \$3,924 for each new single-family residential unit, as a school impact fee. Forty six dwelling units would be added by the proposal to the Issaquah School District.

4. Adequacy of Arterial Roads: This proposal has been reviewed under the criteria in King County Code 14.70, Transportation Concurrency Management; 14.80, Intersection Standards; and King County Code 14.75; Mitigation Payment System.
 - a. King County Code 14.70 - Transportation Concurrency Management: The Transportation Certificate of Concurrency indicates that transportation improvements or strategies will be in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six (6) years, according to RCW 36.70A.070(6).
 - b. King County Code 14.80 - Intersection Standards: If an alternative route to SE 128th Street, other than 160th Avenue SE, is provided, the existing arterial system will accommodate the increased traffic volume generated by this proposal. If 160th Avenue SE were to be the only route to SE 128th Street, there is not sufficient information in the record to determine whether or not the intersection of 160th Avenue SE and SE 128th Street would meet county standards during the AM peak hour with this proposed development.

c. King County Code 14.75 - Mitigation Payment System:

King County Code 14.75, Mitigation Payment System (MPS), requires the payment of a traffic impact mitigation fee (MPS fee) and an administration fee for each single family residential lot or unit created. MPS fees are determined by the zone in which the site is located. This site is in Zone 452 per the MPS/Quarter section list. MPS fees may be paid at the time of final plat recording, or deferred until building permits are issued. The amount of the fee will be determined by the applicable fee ordinance at the time the fee is collected.

5. The nearest public park is located on the southwest corner of 152nd Avenue SE and SE 136th Street. The Applicant has proposed on-site recreation in combination with the on-site detention facility at the southeast corner of the property, and a separate recreation tract adjacent to the north of the combination detention/recreation tract. The details of improvements will be designed and submitted for approval prior to recording the final plat. The area contained in proposed tracts E and F appear sufficient to meet the minimum requirements of KCC 21A.14.180.
6. Fire Protection: The Certificate of Water Availability from Water District 90 indicates that water is presently available to the site in sufficient quantity to satisfy King County Fire Flow Standards. Prior to final recording of the plat, the water service facilities must be reviewed and approved per King County Fire Flow Standards.
7. Sewage Disposal: A Certificate of Sewer Availability, dated May 18, 2001 indicates the city's capability to serve the proposed development (see Attachment 6). A sewage pump station will be constructed on the southeast corner of the plat as the property currently can not be served by gravity flow. By providing a pump station, approximately 37 acres in the immediate area will have sewer available. The existing sewer line will be extended east along SE 136th Street to the subject property to provide connection to Renton's sewer system.
8. Water Supply: The applicant proposes to serve the subject subdivision with water from Water District 90. A Certificate of Water Availability, dated May 30, 2001, indicates this district's capability to serve the proposed development (see Attachment 7).
9. Neighbors on adjacent lots to the west of the proposed plat expressed concerns that trees on their lots would be affected by development activity on the site of the proposal. A 50-foot wide buffer area was requested by the neighbors; an easement protecting the drip line of affected trees near the property line was recommended by the Department. No authority was cited to the Examiner which supports the imposition of a burden on the Applicant's property to protect trees on adjoining properties.

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, for drainage ways, streets, other public ways, transit stops, potable water

supply, sanitary wastes, parks and recreations, 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 requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, 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. This proposal is subject to the mitigated determination of environmental non-significance issued December 23, 2002. The conditions of that MDNS must be implemented as conditions of this preliminary plat approval.

The impacts of the culvert and channel improvements required in the east drainage basin, for a distance approximately 1,700 downstream from the plat, together with the change in flow volume resulting from development of the subject property, should be analyzed by the Applicant and reviewed by DDES to determine the impacts, if any, downstream from the improvements.

RECOMMENDATION:

Approve the proposed of Evendell, 46 lot alternative, received March 26, 2002 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. The plat shall comply with the base density (and minimum density) requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. The plat layout may be revised to provide vehicular access to SE 136th Street as well as 160th Avenue SE. Other minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. 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), except to the extent that variances from those standards are approved by the County Road Engineer.
5. 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.

6. 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.
7. Drainage adjustment L02V0024 is approved for this project. All conditions of approval for this adjustment shall be met upon submittal of the engineering plans.
8. The following road improvements are required to be constructed according to the 1993 King County Road Standards(KCRS):
 - a. SE 137th St. shall be improved to the urban subcollector standard.
 - b. The internal loop road(158th Pl SE, SE 138th ST, and 159th Pl SE) shall be improved to the urban subaccess street standard.
 - c. The short cul-d-sac road off SE 137th ST shall be improved to the urban minor access street standard, unless this street is extended to SE 136th Street, in which event it shall be improved to the urban subcollector standard.
 - d. FRONTAGE: Eighteen feet of right-of-way shall be dedicated along the plat frontage on SE 136th Street (from 158th Avenue SE to 160th Avenue SE). The frontage along SE 136th Street (south side only) and 160th Ave SE (west side only) shall be improved to the urban neighborhood collector standard.

The SE 136th Street frontage from 158th Avenue SE to 160th Avenue SE shall be improved to the urban ½ street standard, except that no sidewalk shall be required to be constructed on the north side.

- e. Tracts A, B, and D shall be improved to the joint use driveway standard per Section 3.01 of the KCRS.
 - f. Tract C shall be improved to the private access tract standard per Section 2.09 of the KCRS.
 - g. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
9. 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. The Applicant may redesign the plat to allow direct access to SE 136th Street for those lots which abut SE 136th Street and do not abut the internal street system. (Joint use driveway tracts and pipe stems shall not be considered as abutting the internal street system)
 10. (See condition 8 above)
 11. Off-site access to the subdivision shall be over a full-width, dedicated and improved road that has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision.
 12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 13. 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.
 14. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Preliminary plat review has identified the following specific requirements that apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.
 - a. This site contains a Class 2 wetland. The wetland will be protected from alteration during and after construction, with a 50-foot wide buffer around the wetland boundary. An additional 15-foot building setback is required beyond the edge of the buffer.
 - b. A maximum of 200 square feet of wetland will be filled for construction of SE 136th Street. Mitigation shall consist of at least 400 square feet of wetland enhancement to

degraded portions of the existing wetland. Road improvements for 160th Avenue SE and SE 136th Street will eliminate an area of wetland buffer. Mitigation shall consist of providing at least an equivalent area of buffer added to the northeast portion of the site.

- c. Downstream drainage improvements to existing culverts and stormwater conveyances required through the SEPA MDNS shall cause no adverse alteration to existing wetlands or streams in the vicinity of the drainage improvements.
- d. Critical Areas staff shall review engineering plans for the plat for conformance with these requirements.

15. 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.

16. Suitable recreation space shall be provided consistent with the requirements KCC 21A.14.180 and KCC 21A.14.190 for providing 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.

17. 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).
18. 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.

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.

SEPA

20. 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. East Drainage Basin:

The 160th Ave. SE downstream conveyance system shall be upgraded to provide for the 100-year storm capacity. Downstream driveway culverts/ditches and a cross-culvert under 160th Ave. SE shall be improved as follows: Culverts P-117 and P-116 on the west side of 160th Ave. SE, cross-culvert P-115, and culverts P-114 and P-113 on the east side of 160th Ave. SE shall be improved as needed. The culvert designations are according to the Level 3 Downstream Drainage Analysis by Haozous Engineering dated August 26, 2002. To address a related localized flooding condition, bank and channel stabilization are also required in the unopened right-of-way for 162nd Ave. SE, in the vicinity of the easterly line of Lot 12, Rich Lea Crest (address 16046 SE 142nd Street). It is estimated that stabilizing and re-grading approximately 50 to 100 feet of channel, east of 16046 SE 142nd Street, will be adequate to resolve flooding that has occurred in the past location. The culverts and channel described are located from the south site boundary to a distance of approximately 1,700 feet downstream.

Level 2 Flow Control design is required for the proposed stormwater detention facility. A factor of safety of 5 to 15 percent, determined by the design engineer, shall be required for detention storage volumes.

b. West Drainage Basin (if applicable):

The stormwater detention facilities shall be designed to the Level 3 Flow Control Standard as described in the 1998 King County Surface Water Design Manual (KCSWDM). As an option, Level 2 Flow Control with downstream improvements can be proposed according to Core Requirement 2 of the KCSWDM. The minimum Flow Control Standard shall be Level 2. A factor of safety of 5 to 15 percent, determined by the design engineer, shall be required for detention storage volumes.

Additional Drainage Consideration:

21. The applicant shall provide additional analysis, to be reviewed and approved by DDES, to assure that downstream improvements, in conjunction with additional runoff volume from the site as developed, will not exacerbate drainage and flooding problems between the termination of the required downstream culvert and ditch improvements and SE 144th Street.

ORDERED this 28th day of March, 2003

James N. O'Connor
Hearing Examiner Pro Tem

TRANSMITTED this 28th day of March, 2003, to the parties and interested persons of record:

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Bruce Whittaker
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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 April 11, 2003**. 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 April 18, 2003**. 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.

MINUTES OF THE MARCH 6 AND 10, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L01P0016 AND L01TY401

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Karen Scharer, Kristin Langley, Bruce Whittaker and Laura Casey, representing the Department; Mike Romano, representing the Applicant; Marsha Rollinger and Gwendolyn High, representing the Intervenor; and Mark Heckert, Gary Norris, Scott Baker, Michael Rae Cooke, David Rockabrand, Dave Petry, Michelle Hagerman, Sally Nipert, Diane Kazele, Alex Weitz, Fred Jaques, Jim McDougal, John Nanney, Bill Mokin, Anita Oliphant, Vanessa Burris, June Hill, Rhonda Bryant, and Kristy Hill.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES combined file L01TY401 & L01P0016, application filed and dated July 6, 2001
- Exhibit No. 2A DDES application for land use permit(s) L01TY401 & L01P0016, application dated July 6, 2001
 - 2B Zone reclassification application and justification questionnaire with revision received September 6, 2001
- Exhibit No. 3A DDES preliminary report prepared 02/20/03 with attachments as follow:
 - 1. Map of rezone from R-4 to R-6
 - 2. Reduced copy of R-6 – 70 lot preliminary plat
 - 3. Reduced copy of R-4 – alternative 46 lot plat
 - 4. Density calculations for R-6 plat
 - 5. City of Renton January 20, 2003, letter
 - 6. City of Renton June 15, 2001 letter
 - 7. Certificate of water availability dated May 30, 2001
 - 8. School information dated July 12, 2001
 - 9. SWM adjustment approval for L02V0024 dated October 17, 2002
- 3B DDES addendum report with corrections and additional information regarding schools serving the property, prepared 02/27/03
- Exhibit No. 4 Revised environmental checklist received October 14, 2002
- Exhibit No. 5 Mitigated determination of non-significance dated December 23, 2002
- Exhibit No. 6 Affidavit of posting indicating posting dates of October 3 and 4, 2001.
- Exhibit No. 7A Site plan (70 lot preliminary plat map) received March 26, 2002
 - 7B Alternative site plan (46 lot preliminary plat map) received March 26, 2002
- Exhibit No. 8 Assessors maps (4) for SE 14-23-05 revised 02/23/95, NE 14-23-05 revised 04/05/93, NW 14-23-05 revised 10/92, and SW 14-23-05 revised 07/07/97
- Exhibit No. 9 Traffic impact analysis by Garry Struthers Associates, Inc. dated June 28, 2001.
- Exhibit No. 10 Traffic memo dated January 29, 2002, from Garry Struthers Assoc., Inc.
- Exhibit No. 11 Preliminary technical information report dated June, 2001, by Haozous Eng., P.S.
- Exhibit No. 12 Level 3 downstream drainage analysis by Haozous Eng., P.S., dated August 26, 2002
- Exhibit No. 13 Addendum (6 pages plus cover) to the level-three study dated December 5, 2002

- Exhibit No. 14 Wetland evaluation and delineation report, wildlife habitat evaluation and compensatory wetland mitigation plan by Habitat Technologies, dated May 15, 2001
- Exhibit No. 15 Addendum to wetland/stream/wildlife report dated October 28, 2002
- Exhibit No. 16 City of Renton three-page certificate of sewer availability dated 6/15/01
- Exhibit No. 17 Jaques, Fred & Helga email dated November 1, 2001
- Exhibit No. 18 Carlson, Marilyn letter dated November 7, 2001
- Exhibit No. 19 Revised alternative R-4 plat density calculations received 3/26/02
- Exhibit No. 20 Petition from Gwendolyn High (8 pg. + cover), received September 23, 2002
- Exhibit No. 21 City of Renton letter received January 22, 2003, with attachments (4 pgs.)
- Exhibit No. 22 Letter from G. High & M. Rollinger for Citizens Alliance for a Responsible Evendell (CARE) dated April 5, 2002 with attachments (60 pgs. + cover)
- Exhibit No. 23 G. High and M. Rollinger, CARE petition to intervene filed on 2/18/03
- Exhibit No. 24 DDES planning map (created 7/1/2003) prepared 2/20/2003 showing new development planned in the immediate vicinity
- Exhibit No. 25 Letter from Greg Zimmerman, City of Renton, dated March 05, 2003 (2/12/03 memo attached)
- Exhibit No. 26 Certificate of Transportation Concurrency received July 6, 2001
- Exhibit No. 27 Topographic map provided by City of Renton (aerial photography taken Winter, 1996) subject property in conjunction with Highland Estates
- Exhibit No. 28 Article from King County Journal, "Give Us Some Space, Firefighters Say..." 02/27/2003
- Exhibit No. 29 Transportation service areas 2000 map – KCDDDES, February, 2001
- Exhibit No. 30 Community action strategies sub-area priority ranking map – KCDOT, February, 2001
- Exhibit No. 31 Assessors map of East Renton/Briarwood area with coloring
- Exhibit No. 32 *Proposed but not entered into the record – area map showing nesting sites*
- Exhibit No. 33 Online permit details – DDES website printouts (18 pg)
- Exhibit No. 34 Notice of application for the Bales Annexation and pre-zone application, dated January 15, 2003 – City of Renton
- Exhibit No. 35 Letter from Scott D. Baker, Consulting Arborist dated 2/8/03
- Exhibit No. 36 Tree retention/protection buffer site plan alternatives
- Exhibit No. 37 C.A.R.E. households list (2 pg)
- Exhibit No. 38 Letter from Four Creeks Unincorporated Area Council dated March 5, 2003
- Exhibit No. 39 Tree loss and possible ground water contamination depiction
- Exhibit No. 40 Sign-in and time donation sheet (3 pg) dated March 6, 2003
- Exhibit No. 41 Transportation concurrency diagrams for 2001, 2002 & 2003
- Exhibit No. 42 a Letter (2 pg) from Don & Janice Milbrath dated March 3, 2003
- b Letter (2 pg) from Kristy J. Hill dated March 6, 2003
- c Letter (2 pg) from Edward and June Hill dated March 6, 2003
- d Letter (1 pg) from Charles W. Scoby, Viola M. Scoby, and Geneva D. Scholes dated March 1, 2003
- e Letter (1 pg) from Laurie A. Hindes dated February 26, 2003
- f Letter (2 pg) from Mark Costello dated March 4, 2003
- g Letter (1 pg) from Eloise and Claude Stchowiak dated March 6, 2003
- h Letter (3 pg) from Bruce and Joyce Osgoodby dated Feb. 21, 2003, and March, 6, 2003
- j Letter (1 pg) from Richard Savage (undated)
- Exhibit No. 43 Letter (1 pg) from Dan & Lynn Peterson, also signed by Fred & Helga Jaques (undated)
- Exhibit No. 44 a Letter (1 pg) from John Nanney dated March 6, 2003
- b Letter (1 pg) from Linda Williams dated March 5, 2003
- c Letter (1 pg) from Rodney S. Stewart dated March 5, 2003

- d Letter (1 pg) from Edward A. Schultz dated March 4, 2003
- e Letter (1 pg) from Joseph Matsudaira dated March 5, 2003
- f. Letter (1 pg) from Brenda Matsudaira dated March 5, 2003
- Exhibit No. 45 a Letter (1 pg) from Richard & Anita Oliphant dated March 5, 2003
- b Letter (2 pg) from Mark Costello dated March 4, 2003
- c Letter (2 pg) from Jeff & Karen Sidebotham (undated)
- d Letter (1 pg) signed by Nancy & Edward Hilton dated March 6, 2003
- e Memo (4 pg) from Michael Rae Cooke dated March 4, 2003, with attached resident survey sheet, error notes, and April 3, 2002, memo and attachments (8 pg) to King County Surface Water and Land Management

The following items were entered at the March 10, 2003, continued hearing:

- Exhibit No. 46 Photos (9) provided by Anita Oliphant with commentary (undated)
- Exhibit No. 47 Letter (3 pg) from Bruce and Joyce Osgoody dated February 21, 2003
- Exhibit No. 48 Letter (1 pg) from Marilyn Carlson dated March 9, 2003
- Exhibit No. 49 Letter (2 pg) from Kristy Hill dated March 6, 2003
- Exhibit No. 50 Letter (1 pg) from Marsha Rollinger (undated)
- Exhibit No. 51 Letter (1 pg) from Joseph Bostjancic dated March 5, 2003
- Exhibit No. 52 Memo (1 pg) from Nick Gillen dated March 7, 2003
- Exhibit No. 53 Copy of table #3 from the 2002 Issaquah school plan showing "Projected Capacity to House Students"
- Exhibit No. 54 Memo (1 pg) from Mark Heckert, Habitat Technologies, dated March 10, 2003
- Exhibit No. 55 Gwendolyn High's testimony of March 6, 2003 with cover letter dated March 10, 2003 noting correction
- Exhibit No. 56 Letters from:
 - a Donald & Diane Kezelle (2 pg) - undated
 - b Vanessa Burris (1 pg)
 - c Carolyn Ann Buckett (1 pg)
 - d Ronda Bryant (3 pg) dated March 10, 2003
 - e Michael Rae Cooke (7 pg) dated 3/8/02
 - f Marsha Rollinger (1 pg) undated
 - g Sally Nipert (1 pg) dated March 6, 2003
 - h Shirley Day (1 pg) dated March 6, 2003
 - i Bill and Donna Mokin (2 pg) dated March 6, 2003
- Exhibit No. 57 Photos of hawk (2)
- Exhibit No. 58 DDES revised recommendation/additional conditions dated 3/10/03