



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance 19000

Proposed No. 2019-0251.3

Sponsors Dembowski

1 AN ORDINANCE concurring with the recommendation of
2 the hearing examiner to approve, subject to conditions, the
3 preliminary plat of Gill-Cole, located at 140th Avenue SE
4 and SE 192nd Street, Renton, department of local services,
5 permitting division file no. PLAT180005.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Except as set forth in sections 2 through 4 of this ordinance, the
8 council hereby adopts as its action, and incorporates herein as its own findings,
9 conclusions and decision, the hearing examiner's July 31, 2019, report and decision,
10 contained in Attachment A to this ordinance, approving, subject to conditions, the
11 preliminary plat of Gill-Cole, located at 140th Avenue SE and SE 192nd Street, Renton,
12 department of local services, permitting division file no. PLAT180005.

13 SECTION 2. During the hearing examiner's July 16, 2019, public hearing,
14 neighbors testified extensively about and provided numerous exhibits documenting the
15 concentration of children in the vicinity of SE 193rd Street and 138th Avenue SE and
16 safety concerns with adding the new traffic from the proposed plat. As part of that
17 hearing, the applicant expressed a willingness to put in speed humps or other traffic
18 calming measures along that road stretch, but cautioned that the final decision on whether
19 or what traffic calming measures are appropriate is made by the road services division.

20 SECTION 3. The hearing examiner included a condition related to secondary
21 access, but did not include a condition addressing traffic calming measures. The council
22 concludes that not including a condition related to traffic calming measures was
23 erroneous. The council further concludes that, if found to be appropriate by the county
24 road engineer and consistent with emergency responder's access needs, requiring the
25 applicant to install traffic calming measures such as speed humps in the vicinity of SE
26 193rd Street and 138th Avenue SE would have an essential nexus with, and be roughly
27 proportional to, the direct impacts of adding plat traffic.

28 SECTION 4. The hearing examiner's July 31, 2019, report and decision is
29 modified to include the following condition:

30 16. The Applicant shall use its best efforts to seek approval from the road
31 engineer to install speed humps or other traffic calming measures in the
32 vicinity of SE 193rd Street and 138th Avenue SE. The final decision on
33 what, if any, traffic calming measures are consistent with emergency

34 responder's access needs and are appropriate for the Applicant to install
35 rests with the county road engineer.

36

Ordinance 19000 was introduced on 6/19/2019 and passed by the Metropolitan King County Council on 10/23/2019, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove and Ms. Kohl-Welles

Excused: 1 - Ms. Balducci



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 4 day of NOVEMBER, 2019.

Dow Constantine, County Executive

Attachments: A. Hearing Examiner Report dated July 31, 2019

RECEIVED
2019 NOV -5 PM 4:48
CLERK
KING COUNTY COUNCIL

July 31, 2019

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Department of Local Services file no. **PLAT180005**
Proposed ordinance no.: **2019-0251**

GILL-COLE

Preliminary Plat Application

Location: 140th Ave SE and SE 192nd Street, Renton

Applicant: Harbour Homes
represented by **Maher Joudi and Jamie Waltier**
400 N 34th Street
Suite 300
Seattle, WA 98103
Telephone: (206) 315-8130
Email: jwaltier@harbourhomes.com

King County: Department of Local Services
represented by **Kevin LeClair**
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 477-2717
Email: kevin.leclair@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:

Department's Final Recommendation:

Examiner's Decision:

Approve Subject to Conditions

Approve Subject to Conditions

Approve Subject to Conditions

EXAMINER PROCEEDINGS:

Hearing Opened: July 16, 2019
 Hearing Closed: July 17, 2019

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording is available in the Hearing Examiner’s Office.

FINDINGS:

1. General Information:

Date of application:	March 13, 2018
Application completeness Date:	April 10, 2018
Applicant:	Harbour Homes, LLC Jamie Waltier 400 N 34th Street, Suite 300 Seattle, WA 98103
Engineer:	D.R. Strong Consulting Engineers Maher A. Joudi, P.E. 620 7th Avenue Kirkland, WA 98033
STR:	NW 1/4 Section 3, Township 22 N, Range 5 E, W.M.
Location:	13827 SE 192nd Street, on the southwest corner of SE 192th Street and 140th Avenue SE, Tax Parcel Nos. 795508-0470; 032205-9027, 9299, and 9113
Postal City:	Renton
Zoning:	R-6
Acreage:	7.28
Number of Lots:	34
Density:	4.67 dwelling units per acre
Average Lot Size:	3,200-6,923 square feet
Proposed Use:	Detached single-family dwellings
Sewage Disposal:	Soos Creek Water and Sewer District
Water Supply:	Soos Creek Water and Sewer District
Fire District:	King County Fire Protection District No. 37
School District:	Kent No. 415

2. At the hearing, the Department of Local Services, Permitting Division ("Permitting"), through Mr. LeClair, summarized the proposal. The Applicant, through Mr. Joudi, provided further detail. Several neighbors testified on proposal impacts.
3. Neighbor testimony raised several issues, but there was a focus on density and traffic (traffic concerns included safety, SE 193rd Street access and width, area walking conditions, and congestion). To alleviate traffic impacts, neighbors requested secondary access be provided through the plat's south end, onto 140th Avenue SE. On density, while there was a recognition that the plat follows density requirements, and that the plat is surrounded by single family development on lots with R-6 zoning, the surrounding lots are larger than within the proposed plat.
4. The Applicant addressed neighbor comments, stating that secondary access had been considered, but the requested additional access was not consistent with County road standards. Instead, the end of Road A is "bulbed," which will allow for secondary access when land to the south is further redeveloped. Mr. LeClair stated that he had consulted with County traffic engineers, and their determination was that secondary access was not warranted. He added that a larger plat (100 lots) would trigger a secondary access requirement, but as this plat (34 lots) is smaller, it does not trigger the requirement. The Applicant also addressed SE 193rd Street, which connects the plat to 138th Avenue SE. This connector was only built to span 20 feet curb to curb, creating a no park situation on both street sides, even if the street does not have signs on same. The plat's SE 193rd Street extension will span 28 feet, allowing for on street parking. Also, all homes will have two car garages and a driveway with space for two cars, effectively creating four spaces per lot. With the larger street widths, the plat provides adequate space internally for access and parking, and is a significant improvement over the "stub street" which is not part of the Applicant's property.
5. The neighbors requested that the Applicant be required to secure a variance from County intersection distance requirements which the Applicant had indicated preclude installation of the secondary access directly from the site to 140th Avenue SE. According to Permitting, County traffic engineers determined this was not warranted.
6. Providing secondary access is a reasonable request, given that a more interconnected street grid tends to improve traffic flow, decrease congestion, and address safety concerns. However, the evidence provided on the potential conflict with County road standards, the results of Applicant and County engineering review, and the 100 lot "trigger" for requiring same, undercut the evidentiary basis for making secondary access a plat condition. Nevertheless, the Applicant will be required to provide documentation to Permitting on its further consideration of the issue, given the considerable public input on the need for an additional access point. Permitting should coordinate with the Applicant and other parties on the planning needed to eventually provide secondary access and on traffic calming measures appropriate for the immediate area.
7. Both the Applicant and Permitting addressed how density calculations are made. Densities are prescribed by code, with the Applicant having to comply with both

minimum and maximum requirements. Minimum requirements are based on net acreage; maximum on gross. At 34 residences, the project is in the mid-range for the R-6 zone, which requires at least 26 units and a maximum of 44.

8. Puget Sound Regional Fire Authority commented on fire concerns, submitting detailed comment (Exhibit 21). However, both the Authority and the Applicant confirmed that with the proposed conditions and a settlement agreement nearing completion, these concerns had been adequately addressed.
9. As there were several questions from neighbors, the record was kept open for an additional day to allow for further comment. Additional comments were received from neighbors, including on the secondary access issue. These additional comments were admitted as Exhibit 22.
10. Various state and local agencies reviewed the project, including Kent School District #415 and various County departments.¹ The project includes mitigation to address comments received.
11. State Environmental Policy Act, Ch. 43.21C RCW review was completed through a Determination of Non-Significance, which was not appealed.²
12. There is a Category III and a Category IV wetland on site. They are protected through buffering (75 and 50 feet, respectively, with the KCC allowing some deviation through buffer averaging and mitigation). No threatened, endangered or otherwise protected wildlife are mapped by County GIS or WDFW as being onsite, and there is no designated critical habitat for the northern spotted owl or marbled murrelet. Details on the wetland and wildlife habitat were provided through the Staff Report and technical analysis prepared by qualified professionals.³
13. A Level 1 downstream drainage analysis was also prepared, and the project will provide Level 2 Flow Control, with the drainage facilities described in the Staff Report and through technical analysis submitted by qualified professionals.⁴ The plat has been designed to meet King County Surface Water Design Manual standards and compliance will be confirmed during site plan review.⁵ KCC requirements for both stormwater management and critical areas protection have been met.
14. Required urban services and facilities will be provided. These improvements mitigate project impacts, meet code requirements, and ensure adequate ingress and egress.

¹ Exhibit 2 (Staff Report), pg. 3.

² Exhibit 2 (Staff Report), pg. 2.

³ Exhibit 2 (Staff Report), pgs. 3-4 and Exhibit 17.

⁴ Exhibit 2 (Staff Report), pgs. 7-8, and Exhibits 9 and 18.

⁵ Testimony, Mr. LeClair.

15. The Applicant demonstrated that fire safety, sewage and water supply requirements can be met.⁶ To address school district concerns, impact fees are being paid, with school access and service documented.⁷ And, with 27,219 square feet of recreation space, the project is providing more than double the 390 square feet per unit required, which is 13,260 square feet.⁸
16. Except as modified by this Decision, the Staff Report⁹ is incorporated by reference. The Staff Report includes recommended conditions, which should be included to support Decision findings and ensure KCC requirements are met, without substantive revision. Because of the considerable public testimony on secondary access, a condition requiring the Applicant to document its further consideration of the issue should be added.

CONCLUSIONS:

1. A preliminary plat cannot be approved unless:
 - A. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 - B. The public use and interest will be served by platting the subdivision and dedication.¹⁰
2. These criteria have been met. The proposed subdivision, as conditioned below, and as reflected in the revised site plan, would conform to land use controls. The use, density, and scale of the project are permitted in the R-6 zone, and the project is supported with adequate landscaping, infrastructure, street improvements (including sidewalks and parking), and other mitigation, to ensure the project meets KCC requirements. Providing secondary access is a reasonable request to improve vehicle flow and traffic conditions but poses an issue regarding County engineering requirements. The Applicant addressed the concern by designing the plat to allow for a future extension which would meet requirements. However, given the public input on this issue, and support for secondary access, an additional condition further addresses the issue.
3. If approved subject to the below conditions, the subdivision adequately addresses the issues identified in RCW 58.17.110 and KCC 20.22.180, and will serve the public health, safety and welfare, and the public use and interest.

⁶ Exhibits 14 and 15 (certificates of water and sewer availability; fire flow was found to be sufficient); Exhibit 2 (Staff Report), pgs. 9-10.

⁷ Exhibit 2 (Staff Report), pgs. 8-9; *see also* Exhibits 11-12.

⁸ *See* Exhibit 2 (Staff Report), pg. 9.

⁹ Exhibit 2.

¹⁰ KCC 20.22.180.

4. The below conditions for final plat approval are reasonable and serve the public interest.

DECISION:

The preliminary plat Gill-Cole, is approved subject to these conditions of 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 density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at DLS - Permitting's discretion in accordance with KCC 19A.12.030.
4. All construction and upgrading of public and private roads shall be done in accordance with the 2016 KCRDCS established and adopted by Ordinance 18420, as amended.
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 K.C.C. 9.04 and the 2016 King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.
 - A. Drainage plans and analysis shall comply with the KCSWDM and applicable updates adopted by King County. DLS - Permitting approval of the drainage and roadway plans is required prior to any construction.
 - B. Current standard plan notes and ESC notes, as established by DLS - PERMITTING 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 # (DLS – Permitting-issued plan

record number to be inserted in space provided) on file with DLS - Permitting and/or the King County Road Services Division. 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 storm drainage conveyance system along the public roadways shall be designed per requirements of the KCSWDM.
- E. The drainage facilities shall meet the requirements of the KCSWDM. The site is subject to the Conservation Flow Control and Basic Water Quality requirements in the KCSWDM. A level 2 flow control is required for both on-site basins to address downstream drainage problems.
- F. The detention facilities shall meet the design requirements in Section 5.1 of KCSWDM. Access roads are required to the access panel, the control; structure, and at least one access point per cell, and shall be designed per section 5.1.1.
- G. To implement the required Best Management Practices (BMPs) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Section 1.2.9 of the 2016 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMPs for site development.

The required BMPs shall also be shown on the individual residential building permit applications upon submittal of the permits. The individual building permit applications shall also include the required covenants, easements, notes and other details to implement the BMP design.

- 7. The proposed subdivision shall comply with the 2016 KCRDCS, including the following requirements:
 - A. The proposed extension of SE 193rd Street shall be improved at a minimum to the urban subaccess street standards with curb, gutter, and sidewalks on both sides.
 - B. Road A shall be constructed at a minimum to the urban subaccess street standards with curb, gutter and sidewalks on both sides.

- C. Road B shall be constructed at a minimum to the urban minor access street standards with curb, gutter and sidewalks on both sides.
 - D. The private access tract (PAT) shall be designed and constructed per Section 2.09 of the KCRDCS.
 - E. The joint use driveway (JUD) shall be designed and constructed per Section 3.01 of the KCRDCS.
 - F. Prior to final plat recording, KCRDCS roadway improvements shall be provided to serve the 34 new lots.
 - G. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.12 of the KCRDCS.
8. Critical Areas: The proposed subdivision shall comply with the Critical Areas Code as outlined in KCC 21A.24. Impacts to critical areas shall be avoided where possible, and compensatory mitigation is required for approved adverse impacts. 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. Wetland Category and Buffers (KCC 21A.24.325 and 21A.24.358): There is a Category III (Wetland A) and a Category IV wetland (Wetland B) located on the subject parcels. King County Code requires a standard buffer of 75 feet for Category III wetlands and 50 feet for Category IV wetlands, measured from the wetland edge.
 - B. Critical Areas Tract (KCC 21A.24.180). The wetlands and buffers for the wetlands shall be placed in two separate Critical Areas Tracts to be shown on the engineering plans and final plat. The Critical Areas Tracts shall be held in an undivided interest by each owner of a building lot within the development, with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance and protection of the tracts.
 - C. A minimum building setback line of 15 feet shall be required from all edges of the buffer (KCC 21A.24.200).
 - D. Construction of new public road ROW structure is an allowed alteration in wetlands, and their buffers subject to KCC 21A.24.045.D.26, when there is not another feasible location with less adverse impact; the corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as threatened or endangered by state or federal government unless there is no feasible alternative; the corridor width is reduced to maximum extent practical; instream work occurs during approved periods; the corridor will not change/diminish overall aquatic area peak flows, duration, or volume of flood storage capacity; and the corridor is not established within a severe channel hazard migration area.

- E. Reduction of standard wetland buffers by up to 25 feet are allowed for wetlands located in the Urban Growth Area per KCC 21A.24.325.A.3, provided the applicable mitigation measures are met. The mitigation measures are listed in KCC 21A.24.325.A.3.b. A final critical areas mitigation plan shall be submitted during the engineering review of this plat that includes details on how each of the mitigation measures is met, including the submittal of a lighting study that provides prescriptive measures for reducing light and glare into the critical areas.
- F. A final arborist report shall be submitted by the applicant during the engineering review that quantifies the number of trees to be removed from critical areas and the required mitigation.
- G. Compensatory mitigation shall be required for permanent impacts to the wetland buffers, including a combination buffer reduction, buffer addition, on-site buffer enhancement, and off-site in-lieu fee mitigation. This information shall be provided in a final mitigation plan for the plat, provided during engineering review.
- H. The applicant shall provide a Statement of Sale for credits purchased for off-site, in-lieu fee mitigation, for unavoidable wetland buffer impacts after the final mitigation plan has been approved.
- I. Permanent survey marking, wildlife passable fencing, and critical areas signs shall be installed at the edge of the critical areas tracts prior to final plat approval (KCC 21A.24.160).
- J. Prior to any clearing and grading on the site, the tracts/critical area and buffer, and the area of development activity must be marked or otherwise flagged to the satisfaction of King County. The required marking or flagging shall remain in place until all development proposal activities near the critical area are completed. Additional erosion and sedimentation control measures may also be required per the King County Surface Water Design Manual and Clearing and Grading regulations.
- K. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL
AREAS AND BUFFERS

Dedication of a critical area tracts/critical area and buffer conveys to the public a beneficial interest in the land within the tracts/critical 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 critical area tracts/critical area and buffer imposes upon all present and future owners and occupiers of

the land subject to the tracts/critical area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tracts/critical area and buffer. The vegetation within the tracts/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Local Services – Permitting Division or its successor agency, unless otherwise provided by law.

The common boundary between the tracts/critical 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 critical area tracts/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities near the critical area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

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. 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.
11. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - A. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DLS - PERMITTING concurrent with the submittal of the engineering plan.
 - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
12. A homeowners' association or other workable organization shall be established to the satisfaction of DLS - PERMITTING which provides for the ownership and continued maintenance of the recreation, open space and/or critical area tract(s).
13. Street trees shall be provided as follows (per KCRDCS 5.03 and KCC 21A.16.050):

- A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - B. Trees shall be located within the street right-of-way and planted in accordance with Section 5.03 and Drawings 5-009 through 5-013 of the KCRDCS, unless the King County Department of Local Services, Roads Division 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 DLS - PERMITTING if located within the right-of-way, and shall comply with KCRDCS 5.03L, M, and N. They shall not include species the County determines has the potential to disrupt utilities or impact roadway improvements. All tree planting in the right-of-way shall include the installation of an approved root barrier adjacent to walks and curbs for each tree, unless otherwise approved by the County Road Engineer.
 - F. The applicant shall submit a street tree plan and bond quantity worksheet for review and approval by DLS - PERMITTING prior to engineering plan approval (if required), or if engineering plans are not required, at the time of the required pre-construction meeting (see Condition 4 above).
 - 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 and held for one year. After one year, the maintenance bond may be released after DLS - PERMITTING has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - H. 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.
14. **SPRINKLER REQUIREMENT:** Any future residences are required to be equipped with fire sprinklers per NFPA 13D unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface.

To qualify for removal of the sprinkler requirement the driving surface of the new roadway has to be a minimum of 28 feet in width if parking is allowed on one side of the roadway, and at least 36 feet in width if parking is permitted on both sides.

15. The Applicant shall provide a summary of the factors involved in considering whether to provide secondary access to Permitting, in consideration of neighbor testimony on same.

DATED July 31, 2019.



Susan Drummond
King County Hearing Examiner *pro tem*

NOTICE OF RIGHT TO APPEAL

A person appeals this Examiner decision by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's decision.

Prior to the close of business (4:30 p.m.) on *August 26, 2019*, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *August 26, 2019*, the Examiner's decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *August 26, 2019*, the Examiner will notify all parties and interested persons and provide information about "next steps."

**MINUTES OF THE JULY 16, 2019, HEARING ON PRELIMINARY PLAT
APPLICATION GILL-COLE, DEPARTMENT OF LOCAL SERVICES FILE NO.
PLAT180005, PROPOSED ORDINANCE NO. 2019-0251**

Susan Drummond was the Hearing Examiner. Hearing participants were: Kevin LeClair, Maher Joudi, Kurt Johnson, Larry Raybold, Anthony Diederichs, Marci/Paul Klinkenberg, Marilyn Canterbury, Carol/James Schinke, David Smith, and Abu/Rubana Zaman.

These exhibits were offered and entered into the hearing record:

Exhibit no. 1	Department of Local Services file no. PLAT180005
Exhibit no. 2	Preliminary department report, transmitted to the Examiner on June 28, 2019
Exhibit no. 3	Land use permit application, received March 13, 2018
Exhibit no. 4	State Environmental Policy Act (SEPA) checklist, received March 13, 2018
Exhibit no. 5	SEPA Threshold determination of non-significance, issued June 13, 2019
Exhibit no. 6	Affidavit of posting notice of plat application, posted on May 1, 2018
Exhibit no. 7	Notice of application, mailed on May 2, 2018
Exhibit no. 8	Preliminary plat map, dated May 9, 2019
Exhibit no. 9	Technical Information Report, dated March 13, 2018
Exhibit no. 10	Subdivision Density and Dimension Calculations Worksheet received, March 13, 2018
Exhibit no. 11	Kent School District #415 school transportation information, dated July 10, 2018
Exhibit no. 12	School Walkways Analysis, received March 13, 2018
Exhibit no. 13	Chicago Title Insurance Guarantees, received March 13, 2018
Exhibit no. 14	Certificate of Water Availability, by Soos Creek Water and Sewer District, received February 7, 2018
Exhibit no. 15	Certificate of Sewer Availability, by Soos Creek Water and Sewer District, received February 7, 2018
Exhibit no. 16	Fire District Receipt, received March 13, 2018
Exhibit no. 17	Revised Wetland and Fish and Wildlife Habitat Assessment and Conceptual Wetland Buffer Mitigation Plan, by Soundview Consultants, received January 31, 2019
Exhibit no. 18	Geotechnical Report, by Earth Solutions NW LLC, received March 13, 2018
Exhibit no. 19	Traffic Impact Analysis, by TraffEx, received March 13, 2018
Exhibit no. 20	E-mailed Public Comments, forwarded from Kevin LeClair
Exhibit no. 21	Comment, Puget Sound Regional Fire Authority
Exhibit no. 22	E-mailed Public Comments submitted following the hearing

July 31, 2019

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT180005**
Proposed ordinance no.: **2019-0251**

GILL-COLE
Preliminary Plat Application

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** to those listed on the attached page:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED July 31, 2019.



Jessica Oscoy
Legislative Secretary

Archuleta, Wally

Department of Local Services

Burrus, Chris

Harbour Homes
Hardcopy

Canterbury, Marylin

Hardcopy

Carlson, Joanne

Department of Local Services

Didderichs, Anthony

Hardcopy

Eichelsdoerfer, Robert

Department of Local Services

Giralmo, Paul

Goll, Shirley

Department of Local Services

Johnson, Kurt

Joudi, Maher

DR Strong Consulting Engineers Inc
Hardcopy

Klinekenberg, Marcy/Paul

Hardcopy

Kroe, Colleen

Department of Local Services

LeClair, Kevin

Department of Local Services

Love, Randy-Vistina

Lynch, Barbara

Nguyen, Michael

Peak, Frank & Sue

Pedroza, Melani

Metropolitan King County Council

Pieczonka, Ed and Chris

Raybold, Larry

Hardcopy

Rutledge, Teresa

Schinkes, James and Carol

Smith, David

Hardcopy

Unger, Susan

Vogler, Christi

Department of Local Services

Waltier, Jamie

Harbour Homes
Hardcopy

Zaman, Abu and Rubana