

February 5, 2021

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Department of Local Services file no. **ALTP200001**
Proposed ordinance no.: **2021-0005**

REDMOND RIDGE 8
Plat Alteration Application

Location: [REDACTED] Redmond

Applicant: **Benjamin Chessar**

[REDACTED]
Portland, OR 97224

Telephone: [REDACTED]

Email: [REDACTED]

King County: Department of Local Services
represented by **Christine Vogler**
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Snoqualmie, WA 98065
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OVERVIEW:

Today's proposal seeks to eliminate a park and carpool tract, merge it into an adjacent parcel, and eliminate a related easement. The impact of this plat alteration would be facilitating slightly more commercial development. Because the residential owners' association fully supports the plat alteration, alteration would not create additional development or traffic beyond levels already analyzed and permitted under previous application approvals, and because the proposal meets the pertinent legal standards, we approve the plat alteration.

FINDINGS & CONCLUSIONS:

Background

1. Tract PP-801 is part of Redmond Ridge’s business park, initially permitted via urban planned development, fully contained community, and master plat approvals. Park and carpool tract PP-801 was created to mitigate expected traffic impacts and reduce commute trips. Per plat condition #12, PP-801 was to “remain in private ownership until such time as it is required to be dedicated and conveyed to the Redmond Ridge Residential Association or its successors and assigns for use as a public park and pool lot.” Ex. D8 at 002.
2. Since then, things have evolved:
 - the area has been almost entirely built-out, except for a few business park tracts adjacent to PP-801;
 - PP-801 is currently surrounded by commercial office- and light industrial-zoned parcels;
 - a decade of traffic monitoring demonstrated that trip generation was 30% lower than originally forecasted, removing the initial impetus for creating the park and pool tract;
 - although set aside as a commuter parking and carpool spot, there is no transit route assigned to that area and hearing testimony showed commuter use was “minimal”; and
 - the residential owners’ association wrote that it “does not wish to accept the conveyance, expense, or maintenance of said tract [and] fully support[s the] plat alteration application to King County to remove Tract PP-801 and associated condition #12.” Ex. D9.
3. Through this plat alteration proposal, the Applicant seeks to eliminate tract PP-801 and merge it into the adjacent tract (the undeveloped BP-4) and also to remove the easement that crosses the bottom of BP-4 (and thus abuts the top of PP-801). *See* Ex. D8 at 005 (original) & Ex. D7 at 003 (alteration). Together, these would facilitate development of a larger warehouse than constructable without the additional footprint gained from PP-801. With PP-801 remaining as a park and pool, the plan was for a 49,675 ft.² warehouse. Ex. D13. With PP-801 merged into BP-4, the plan (with a proposal currently under review via a commercial site development permit application) is for a 57,207 ft.² warehouse. *Id.*
4. The Department of Local Services—Permitting Division (Permitting) issued a State Environmental Policy Act (SEPA) threshold determination of non-significance. Ex. D-4.

It was not appealed. We conducted the public hearing on January 29, and then held the record open for additional submittals. Because the initial staff report only stated that the proposal would comply with state and local platting codes, without noting any specific codes or how the proposal met those codes, we requested an addendum from Permitting. We also requested additional traffic analysis from the Applicant to derive an accurate “with- and without-plat alteration” comparison.

5. The Applicant’s supplemental traffic analysis satisfied our request. Ex. D12. Permitting’s supplement listed the most relevant codes, Ex. D13, but not how the plat alteration meets those provisions. However, the record is complete enough for us to perform that analysis; we thus we closed the record on February 1. Except as modified, we find the facts in Permitting’s reports and testimony correct, and we incorporate them by reference.

Analysis

6. KCC 19A.16.070 covers alterations of final plats. It is mostly procedural and offers no substantive standards relevant here. Instead, it refers the reader to KCC 20.22.180 (the preliminary plat standard) and RCW 58.17.215 and .218 to do the substantive lifting.¹
7. As to KCC 20.22.180.A:
 - A. The alteration has no impact on most of the items already reviewed and approved under the urban planned development, fully contained community, and master plat approvals, while other items are being reviewed under the pending commercial site development permit (CMST20-0001).
 - B. The pertinent KCC 20.22.180.A criteria relates to whether the alteration makes appropriate provisions for traffic (i.e. “streets or roads, alleys, other public ways, transit stops”).
 - C. Traffic monitoring showed trip generation 30% lower than originally forecasted. Ex. D1 at 002. Even with construction of a larger warehouse, the total business park square footage would only reach 817,220 ft.², significantly smaller than the 1,200,000 ft.² analyzed in previous approvals and set as a maximum square footage. And commuter use of the park and pool lot was “minimal,” and there is no transit route assigned to that area.
 - D. In its staff report, Permitting opined that the plat alteration would not increase or decrease traffic in the vicinity and would not generate any additional traffic. Ex. D1 at 004. That seemed inaccurate, since a larger warehouse made possible with the alteration would reasonably be expected to create some additional traffic beyond the originally-proposed, smaller warehouse, but removing the park and [car]pool lot would reduce some traffic.

¹ The other RCW covered in KCC 19A.16.070, RCW 58.17.217, simply allows a hearing examiner to conduct the hearing and sets no substantive terms or requirements.

- E. We thus kept the record open for the Applicant to provide a with- and without-alteration comparison. The Applicant showed that while the larger warehouse creates slightly more daily traffic, the additional generation was slight (712 trips versus 618) and was more than offset by removing what a fully-functional park and pool would create.²
- F. In sum, the plat alteration makes adequate provisions related to traffic and transit.
8. RCW 58.17.215 requires that:

If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

It is not entirely clear that section is applicable here, as PP-801 was dedicated to mitigating traffic impacts and reducing commute trips. However, as plat note #12 required conveyance to the residential owners' association, it probably does qualify as land dedicated to residents' general use. With the association turning down the conveyance and supporting the alteration, and given that the Applicant owns BP-4 (to the north) and BP-6 (to the east), while public roads provide the south and west borders, it is equitable for the Applicant to retain PP-801's land.

9. As noted above, in addition to merging the two parcels, the alteration removes an easement. RCW 58.17.218 subjects plat alterations to RCW 64.04.175, which states:

Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

The easement runs along the Applicant's BP-4, abutting the Applicant's PP-801 before T-boning into the Applicant's BP-6. Ex. D7 at 003. Thus, we do not interpret RCW 58.17.218 as requiring anyone's approval aside from the Applicant's.

10. Finally, RCW 58.17.215 and KCC 20.22.180.B require inquiry into whether the public interest and use will be served by the plat alteration. Because development of the larger warehouse footprint will still leave the total business park square footage well under the originally-envisioned total, because overall trip generation is lower than the originally-forecasted amount that triggered the initial park and carpool lot's creation, and because the alteration will not create traffic problems, plat alteration will serve the public interest and public use.

² As noted above, actual park and pool usage has been minimal.

Summation

11. The proposed plat alteration, as conditioned below, would conform to applicable land use controls. These conditions for final plat approval are reasonable requirements and in the public interest.

DECISION:

We approve the proposed plat alteration, received September 28, 2020, subject to the following conditions:

1. The final plat alteration shall comply with all the platting provisions of KCC Title 19A and RCW 58.17.215.
2. The final plat recording documents must be prepared by a professional land surveyor, licensed in the State of Washington. These documents must comply with the conditions of approval listed in this decision.
3. The final plat review process must be completed prior to recording the plat alteration or to the sale of any lots contained within. Permitting strongly recommends that the Final Plat Alteration review package be submitted to Permitting at least one year prior to the expiration date of the approval decision.
4. Condition #12 (Tract PP-801) and the 26-foot ingress/egress easement along the south boundary of BP-4 of Redmond Ridge Division 8 Master plat shall be removed from the face of the plat and be merged with Parcel BP-4, to function as one single tax lot, known as BP-4A. A note describing the purpose of the Plat Alteration shall appear on the face of the Plat.
5. All persons having ownership interest in the subject property shall sign on the face of the plat.
6. Future building permit(s) for the new parcel, BP-4A, will require drainage review to determine compliance with Redmond Ridge Master Drainage Plan or current KCC in effect at the time of the submittal. The following note shall be shown on the final recorded plat alteration:

Permit applications for buildings or other improvements constructed on lot(s) created by this subdivision must be reviewed by King County for compliance with Best Management Practices (BMPs) and other applicable drainage standards as specified in SWDM. As determined by King County, the permit applicant for each lot must prepare a drainage site plan with procedures for design and maintenance details and record a declaration of covenant and grant of easement for implementation of the BMPs.

7. Per requirements in King County’s Phase 1 Municipal Stormwater Permit (effective date August 1, 2019), projects permitted under earlier versions of the King County Surface Water Design Manual (SWDM) that have not started construction by July 1, 2021 must be revised to comply with the requirements of the 2016 SWDM, or subsequent versions as directed by state regulations. Revisions will need to be approved by the King County Department of Local Services, Permitting Division, or its successor agency prior to construction.

DATED February 5, 2021.



David Spohr
King County Hearing Examiner

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 *March 1, 2021*, 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 *March 1, 2021*, the Examiner’s decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *March 1, 2021*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JANUARY 29, 2021, HEARING ON THE APPLICATION OF
REDMOND RIDGE 8, DEPARTMENT OF LOCAL SERVICES FILE NO.
ALTP200001**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Michael Chen, Benjamin Chessar, Sandy Cobb, Robert Eichelsdoerfer, Mike Meins, Matt Oyen, Adam Solomonson, Mike Swenson, and Christine Vogler. A verbatim recording of the hearing is available in the Hearing Examiner’s Office.

The following exhibits were offered and entered into the record during the hearing:

Exhibit no. D1	DLS, Permitting Plat Alteration Report and Recommendation
Exhibit no. D2	Land Use Application, received September 28, 2020
Exhibit no. D3	State Environmental Policy Act (SEPA) Environmental Checklist, received September 28, 2020
Exhibit no. D4	SEPA Threshold Determination of Non-Significance, issued December 28, 2020
Exhibit no. D5	Affidavit of Posting indicating a posting date of November 3, 2020
Exhibit no. D6	Notice of Application, mailed on November 5, 2020
Exhibit no. D7	Preliminary plat alteration map and lot layout labeled, received September 28, 2020
Exhibit no. D8	Redmond Ridge Division 8 Master Plat, received September 28, 2020
Exhibit no. D9	Letter from Redmond Ridge Residential Owners Association, received September 28, 2020
Exhibit no. D10	Transpogroup Memorandum, received September 28, 2020
Exhibit no. D11	Vicinity Map, received September 28, 2020

The following exhibits were offered and entered into the record post hearing:

Exhibit no. D12	Code Analysis, received January 29, 2021
Exhibit no. D13	BP4 Trip Generation, received February 1, 2021

DS/lo

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **ALTP200001**
Proposed ordinance no.: **2021-0005**

REDMOND RIDGE 8
Plat Alteration 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 as follows:

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 February 5, 2021.



Jessica Oscoy
Office Manager

Chen, Michael

Mackenzie
Hardcopy

Chessar, Benjamin

M & T Partners
Hardcopy

Cobb, Sandy

Hardcopy

Eichelsdoerfer, Robert

Department of Local Services

Meins, Mike

Department of Local Services

Oyen, Matt

Pedroza, Melani

Metropolitan King County Council

Solomonson, Adam

Swenson, Mike

Transpo Group
Hardcopy

Vogler, Christine

Department of Local Services