

May 8, 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. **PLAT170009**
Proposed ordinance no.: **2019-0146**

MAPLE RIDGE TOWNHOMES
Preliminary Plat Application

Location: South of S 128th Street and east of 66th Avenue S, Seattle

Applicant: Blue Fern Development LLC
represented by **Evan Mann**

[REDACTED]
Kirkland, WA 98033
[REDACTED]

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:	Approve, with conditions
Department's Final Recommendation:	Approve, with conditions
Examiner's Decision:	Approve, with amended conditions

EXAMINER PROCEEDINGS:

Hearing Opened: April 23, 2019
 Hearing Closed: April 23, 2019

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 Hearing Examiner’s Office.

FINDINGS:

1. General Information:

Date of Application: November 27, 2017
 Completeness Determination: December 21, 2017

Applicant: Blue Fern Development, LLC
 Evan Mann
 11232 120th Avenue NE, Suite 204
 Kirkland, WA 98033

Engineer: ESM Consulting Engineers, LLC
 Peter D. Gonzales, PE
 33400 8th Avenue S, Suite 205
 Federal Way, WA 98003

STR: 14-23-04

Location: The irregular-shaped site is located on the east side of 66th Avenue South and south of South 128th Street in the Skyway area of unincorporated King County, Washington. Parcel number: 1423049002.

Postal City: Seattle

Zoning: R-8-P
 Acreage: 6.88
 Number of Lots: 49
 Density: 7.1 dwelling units per acre
 Average Lot Size: 1,470 square feet
 Proposed Use: Zero Lot Line Townhomes
 Sewage Disposal: Skyway Water and Sewer District
 Water Supply: King County Water District #125
 Fire District: King County Fire Protection District #20
 School District: Renton School District #403

2. Except as modified below, the facts set forth in the Department of Local Services, Permitting Division (Permitting) and Road Services Division (Roads) testimony and in Permitting’s report to the Examiner are correct. We incorporate them by reference.
3. Blue Fern Development LLC (Applicant) seeks to subdivide a 6.88-acre parcel into 49 lots with zero lot line townhomes. Starting at the northern edge of the parcel, the land dips towards a delta-shaped “Wetland A” that bisects the property in the center-north, draining to the west. South of Wetland A the land rises, slowly at first, then more steeply at the far southern end. Lots 1–14 sit north of Wetland A, and lots 15–49 sit to the south.
4. As to roadways, the Applicant proposes essentially five improvements. Going counterclockwise, along the north edge the Applicant will improve S 128th Street (“Street”) to urban sub-collector standards, including curb, gutter and sidewalk. A private access tract coming off the Street will serve lots 11–14. A private access tract perpendicular to the Street and aligned to match the intersection with (and be a linear extension of) S 127th Place will serve lots 5–10.
5. Turning the corner and heading south, the Applicant will widen, lengthen, and improve (to urban sub-access standards) the western boundary road, 66th Avenue S (“Avenue”). Lots 1–4 will enter directly onto the northerly end of the Avenue, via private driveways. South of Wetland A, at the southern terminus of the improved Avenue, the Applicant will develop an east-west urban sub access road serving lots 15–49, aligned to match the intersection with (and be a linear extension of) an unopened public right-of-way heading west to S Langston Road.
6. We expressed concern at hearing that—at 49 houses—the plat would generate over 30 “peak hour” vehicle trips. A development creating more than 30 such trips meets the first criteria for treating the traffic impact of a proposed development as “significant” and for requiring a full traffic impact analysis. We recalled from past subdivision applications that trip generation per home was close to a one-to-one ratio—i.e., we expected the analysis to predict the 49 homes would produce about 49 peak hour trips.
7. At hearing, Roads agreed that, per the Trip Generation Manual (basically the Bible on this topic), the single-family homesites we have considered in past preliminary plats indeed create approximately one peak hour trip. However, Roads explained that the Manual assesses townhomes differently. A townhome is calculated to create create approximately *half* a peak hour trip. Thus, 49 townhomes will not generate the 30 peak-hour trips that could trigger additional review. The Applicant has proposed a feasible plan, road-wise.
8. The site’s biggest challenge involves drainage. The property sits near the bottom of an approximately 60-acre drainage basin. It receives water from, among other sources, an off-site wetland (“Wetland B”) that sits just east of the parcel. Water flows to and through Wetland A, with outflows emptying into a catch basin along the Avenue. In past flood events—as recently as 2017 and again in 2018—the Avenue overtopped and there

was downstream damage. The chokepoint is that the catch basin for Wetland A drains into catch basin on the other side of the Avenue, but from there enters a closed, privately-maintained, somewhat makeshift drainage system that passes through a variety of private parcels before reaching the public storm water system on S Langston Road.

9. The Applicant proposes decommissioning the underground pipe from Wetland B (that currently goes *under* Wetland A) and re-routing Wetland B runoff *into* Wetland A. More importantly, the Applicant proposes creating a public drainage system that completely avoids the troublesome downstream private drainage system. The Applicant will collect Wetland A outflow lower than the current catch basin (i.e., further below the road crest) and channel this runoff—along with collected and treated runoff from the northerly and southerly development areas—through a drainage conveyance system it will construct on the unopened public right-of-way mentioned above. The 18-inch pipe (as compared to the private drainage system’s 12-inch pipe) will hook up with the existing public storm water system on S Langston Road.
10. The typical drainage inquiry in a preliminary plat analysis is whether the development will exacerbate drainage problems; an applicant generally does not have an affirmative duty to improve a pre-existing drainage problem. Here, even with the new development and its accompanying impervious surface impacts, by substituting a subpar private drainage system with the new, eventually public one, the plat should significantly *decrease* downstream flood risks. For purposes of preliminary plat review, the Applicant has met—by a wide margin—its burden, drainage-wise.
11. As to critical areas, after walking the site, we raised a pre-hearing concern about the northwest corner, in the vicinity of sample site DP-1. The Wetland Determination Data Form for that spot showed hydrophilic vegetation and hydric soil, but not wetland hydrology. We observed ponding, along with wetland-ish vegetation, and noted that we planned to probe (at hearing) whether this was a seasonal wetland or a sliver of Wetland A extending north along the Avenue.
12. At hearing, the Applicant’s wetland expert noted that he had reviewed this area under different climatic conditions (growing season and dry season) and the U.S. Army Corps of Engineers and state Department of Ecology had approved the wetlands rating. The Department’s wetland scientists explained that she had earlier required the Applicant to expand Wetland A’s boundaries. In that northwest corner she dug holes and found some hydric soils (as the Applicant’s DP-1 test site form indicated), but these were more “relic” or historic hydric soils, not current. And she explained why the current hydrology in the northwest corner does not meet the minimum requirements for a wetland.
13. The Applicant will need to enhance Wetland A to mitigate for unavoidable wetland encroachments from bringing the Avenue up to public road standards.¹ And the Applicant must perform sufficient buffer averaging to balance out encroachments into

¹ The Applicant has already obtained a road variance to move the centerline of the Avenue westerly—and away from Wetland A—to align with the pre-existing road development.

the buffer for the off-site Wetland B. For preliminary plat purposes, the Applicant has proposed a feasible wetlands plan.

14. There are three other potential critical areas on the site.
15. First, the property has steep slopes in the southern end. These do not, however, meet the criteria for “steep slope hazard areas,” as that critical area category is defined. Mostly the slopes incline is less than the threshold 40%, and for those micro-areas in the south where there is a short slope of greater than 40%, the vertical elevation change is less than the threshold ten feet. KCC 21A.06.1230.
16. Second, some of the public comments discussed a stream or streams on-site. The only evidence in the record of anything stream-like are photos of a channel extending a few feet eastward from the existing drainage culverts along the Avenue. The Applicant’s and Department’s experts testified that this short stretch did not meet the scour, bed and bank thresholds for qualification as a stream. There is insufficient evidence of a stream on the property.
17. Third, the neighbors who came to the hearing described, and marked on a map, two coal mining spots in the area. One was off-site, and beyond the scope of our review. However, the other was a vent shaft on the property. Coal mining hazard areas are a type of critical area. KCC 21A.06.254.B. The vent shaft is in Wetland A, outside the to-be-constructed areas, and seems unlikely to directly impact any improvements. However, this area should be analyzed during geotechnical review and appropriately addressed.
18. One of our areas of emphasis is always whether an applicant has demonstrated “planning features that assure safe walking conditions for students who only walk to and from school.” RCW 58.17.110(1)(a); KCC 20.22.180.A. Our office has remanded multiple preliminary plat applications for failing to create that assurance. This plat appeared headed for the same fate, as the version of the walkway plan we reviewed pre-hearing had elementary-age students walking north over roadways without sidewalks or adequate shoulders to assure walker safety. However, at hearing the Applicant presented a revised plan to develop the unopened public right-of-way extending west at the southern terminus of the Avenue. Student walkers will reach—and via a shorter route than the circuitous, northerly, unsafe route—S Langston Road, and its sidewalks leading to the school. The walkway on the public right of way will require some engineering, but the proposal is sufficient for preliminary plan purposes.
19. The final piece relates to the dilapidated, long-abandoned barn in the southeast corner. Such structures tend to be a haven for rats. When such structures are demolished, “rats don’t move to the suburbs.... They tend to cross the street. Displaced rats don’t stay displaced for long.”² The Applicant agreed to address this, pre-demolition. At hearing, Permitting noted that care will need to be taken with any rat control plan to avoid inadvertently harming other creatures, such as voles.

² Levi Pulkkinen, “Seattle’s building boom displacing least loved denizens – rats,” SeattlePI, Nov. 7, 2016 (available at <https://www.seattlepi.com/seattlenews/article/Seattle-s-building-boom-displacing-least-loved-10600040.php>).

20. A preliminary plat is, by definition, a “neat and approximate drawing” of a proposed subdivision showing the “general” layout of the items KCC 20.22.180 (which incorporates RCW 58.17.110) requires. KCC 19A.04.260. For the items discussed above—roads, drainage, critical areas, school walkways, and rats—more work needs to be done before final engineering review can be completed and a *final* plat recorded. But for purposes of *preliminary* plat approval, the current proposal is sufficient.

CONCLUSIONS:

1. The proposed subdivision, as conditioned below, will conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R-8-P zone.
2. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for public health, safety, and welfare and for the topical items enumerated in RCW 58.17.110. It will also serve the public use and interest.
3. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.

DECISION:

1. We approve the preliminary plat Maple Ridge Townhomes, subject to the following conditions.³
2. Compliance with all platting provisions of KCC Title 19A.
3. 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.
4. The plat shall comply with the density requirements of the R-8-P zone classifications. All lots shall meet the minimum dimensional requirements of the R-8-P 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 Permitting’s discretion, in accordance with KCC 19A.12.030.
5. All construction and upgrading of public and private roads shall meet the 2016 King County Road Design and Construction Standards (KCRDCS).
6. The Applicant shall obtain documentation from the King County Fire Protection Engineer certifying compliance with the hydrant location and fire flow standards of KCC chapter 17.08.

³ Conditions we are adding as a result of the hearing are underscored. Otherwise, these conditions are, with minor word smithing, those listed in Permitting’s Preliminary Report to the Hearing Examiner.

7. Final plat approval shall require full compliance with the drainage provisions set forth in KCC chapter 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 chapter 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. 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 the Permitting Division's 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 # *[Permitting-issued plan record number to be inserted in space provided]* on file with 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 site is within the mapped Conservation Flow Control and Basic Water Quality Areas. Level 2 Flow Control is required for the on-site basin. The Enhanced Basic Water Quality menu shall be applied, due to the density of 8 single family units per acre. Enhanced Basic Water Quality treatment can be waived or reduced if the area-specific exceptions in Section 1.2.8.1 are met.
 - e. The detention facilities shall meet the design requirements in Section 5.1 of the KCSWDM. Access roads are required to the access panel, to the control structure, and to at least one access point per cell, and shall be designed per Section 5.1.1.
 - f. A storm main extension bypassing the problematic downstream private storm network shall be provided to convey the drainage flows from the site to the public system on S Langston Road, as indicated on the design plans received April 2, 2019.

- g. To implement the required Best Management Practices (BMPs) for treating 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. 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.
 - h. 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.
8. The proposed subdivision shall comply with the 2016 KCRDCS, including the following requirements:
- a. **SOUTH 128TH STREET FRONTAGE IMPROVEMENTS:** Provide frontage improvements consistent with an Urban Sub-Collector along South 128th Street adjacent to the property. No right-of-way dedication is required. The improvements shall include: saw cutting the existing pavement edge on the south side of South 128th Street; placement of asphalt as needed to provide 14' of pavement from the centerline; and construction of concrete vertical curb, gutter, and sidewalk. The sidewalk shall be at a minimum 5' wide, per KCRDCS section 3.02. The pavement widening shall meet the overlay provisions of KCRDCS section 4.03.
 - b. **66TH AVENUE SOUTH FRONTAGE:** Provide frontage improvements and the extension of 66th Ave South consistent with an Urban Sub-Access Road. Per approved road variance VARR18-0041, these improvements can be constructed on the west side of the right of way. The result will be a widened road that is 28' wide from curb to curb, with most of the road paved width on the west side of the right of way centerline. These road improvements include 6' parking, 22' travel way, vertical curb and gutter, and a 5' concrete sidewalk. This road section will be provided along the entire west boundary of the site. The pavement widening shall meet the overlay provisions in Section 4.03.
 - c. **TRACT F URBAN SUB-ACCESS ROAD:** Tract F is to be improved as an Urban Sub-Access Road with a 40' wide right of way, 24' feet of paved travel surface, rolled curb, gutter, and 5' sidewalks on both sides of the travel way. It also provides a King County Road Standard compliant cul-de-sac turnaround at the end of Tract F. The road variance VARR18-0041 approved the low point in the center of the road. A superelevated roadway cross-section will require a new road variance request.

- d. TRACT A PRIVATE ACCESS TRACT: Provide improvements necessary for Tract A to function as a Private Access Tract with reverse crown, as approved in the Road Variance Request VARR18-0041. Tract A improvements must include a 30' wide right-of-way, with 20' paved and rolled curb, with a 5' sidewalk on the west side.
 - e. TRACT B PRIVATE ACCESS TRACT: Provide improvement necessary for Tract B to function as a Private Access Tract per KCRDCS section 2.09(B).
 - f. Prior to final plat recording, KCRDCS roadway improvements shall be provided to serve the 49 new lots
 - g. Modifications to the above road conditions may be considered according to the variance provisions in KCRDCS section 1.12.
9. Critical Areas: The proposed subdivision shall comply with KCC chapter 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. The Applicant shall also address all other applicable requirements from KCC chapter 21A.24.
- a. Wetland Category and Buffers (KCC 21A.24.325 and 21A.24.358): There is a Category IV wetland (Wetland A) located on the development site. King County Code requires a standard 50-foot buffer from the wetland edge. There is a Category III wetland (Wetland B) located offsite to the east of the property. King County Code requires a standard 75-foot buffer from that wetland edge.
 - b. Critical Areas Tract (KCC 21A.24.180). The wetland and buffers for the on-site wetlands shall be placed in a Critical Areas Tract, to be shown on the engineering plans and final plat. The Critical Areas Tract shall be held in an undivided interest by each owner of a building lot within the development, with this ownership interest passing with lot ownership, or shall be held by an incorporated homeowner's association or other legal entity that ensures tract ownership, maintenance and protection.
 - c. A minimum building setback line of 15 feet shall be required from all edges of the buffer (KCC 21A.24.200).
 - d. Permanent survey marking, wildlife passable fencing, and critical area signs shall be installed prior to final plat approval (KCC 21A.24.160).
 - e. Prior to any clearing and grading on the site, the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to King County's satisfaction. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the critical area are

completed. Additional erosion and sedimentation control measures may also be required per the KCSWDM and Clearing and Grading regulations.

- f. 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 tract/critical area and buffer conveys to the public a beneficial interest in the land within the tract/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 tract/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/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 tract/critical area and buffer. The vegetation within the tract/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 tract/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 tract/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the critical area are completed.

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

- g. No adverse impact to wetland hydrology shall result from this proposal. Calculations shall be provided with the engineering plans to demonstrate that the pre-existing wetland hydrology will be maintained following construction of the development. Wetland water volume should not be increased or decreased by

more than the recommendations in Reference 5, KCSWDM Guide Sheet 3B, which calls for no more than 20% higher or lower total volume of stormwater runoff to the wetland during a single precipitation event, and no more than 15% higher or lower total volume to the wetland in any one month.

- h. Buffer averaging (KCC 21A.24.325.C): Buffer averaging is proposed to allow minor encroachment into the buffer of Wetland B by plat boundaries in a few locations. Equivalent or greater buffer additions are conceptually proposed to compensate for these encroachments.
 - i. Wetland buffer reduction (KCC 21A.24.325.A.3): Buffer reductions are proposed for Wetland A, as allowed for property within the Urban Growth Area. The wetland buffer may be reduced by 25 feet when the measures to minimize impacts in KCC 21A.24.325.A.3.b are used. A conceptual mitigation plan has been prepared and approved, which proposes this buffer reduction through the use of the required mitigation measures. The mitigation measures committed to in the conceptual mitigation plan shall be required for implementation as part of the approval of the plat engineering.
 - j. Buffer alterations and water quality and quantity (KCC 21A.24.045): Stormwater dispersion trenches and associated pipes are allowed within the wetland buffers. This allowed alteration will be reviewed with the engineering plans, and must meet the criteria in KCC 21A.24.045.D.38 to minimize wetland impact and protect wetland water quality, quantity and habitat.
 - k. Compensatory mitigation (KCC 21A.24.340): A conceptual mitigation plan prepared by Soundview Consultants LLC (dated November 17, 2017; revised July 17, 2018, and December 24, 2018) has been submitted to and conceptually approved by Permitting. A final compensatory mitigation plan shall be provided for Permitting's review and approval prior to engineering plan approval, for permanent impacts from installation of the frontage improvements for 66th Ave S. A financial guarantee may be required to ensure successful implementation of the approved mitigation plan.
 - l. The possible, on-site coal mining hazard area depicted on Exhibit 24 must be analyzed by a geotechnical engineer and appropriately addressed.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. Lots within this subdivision are subject to KCC chapter 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 50% of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

12. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport courts, children’s play equipment, picnic tables, 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 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.
13. A homeowners’ association or other workable organization shall be established to the satisfaction of Permitting which provides for the ownership and continued maintenance of the recreation, open space and/or critical area tracts.
14. 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 KCRDCS section 5.03 and Drawings 5-009 through 5-013, unless the King County Department of Local Services, Roads Services 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 Permitting if located within the right-of-way, and shall comply with KCRDCS 5.03.L, .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 Permitting prior to engineering plan approval.

- g. The street trees must be installed and inspected, or a performance bond posted, prior to plat recording. If a performance bond is posted, the street trees must be installed and inspected within one year of plat recording. 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 Permitting has completed a second inspection and determined that the trees are 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.
15. **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.
16. **Transit and Ridesharing Access – P-suffix condition WH-P04:** As a condition of occupancy of the proposed residences within the subdivision, the developer shall provide the first homeowner information regarding transit and ridesharing programs by King County Metro. The developer shall also provide a one-month transit pass to the new homeowner as a condition of occupancy of the future structures.
17. As part of its application for a demolition permit to remove the barn, the Applicant shall present a plan for controlling rats while not harming other mammals.

DATED May 8, 2019.



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 *June 3, 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 *June 3, 2019*, the Examiner's decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *June 3, 2019*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE APRIL 23, 2019, HEARING ON PRELIMINARY PLAT APPLICATION MAPLE RIDGE TOWNHOMES, DEPARTMENT OF LOCAL SERVICES FILE NO. PLAT170009, PROPOSED ORDINANCE NO. 2019-0146

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Kevin LeClair, Evan Mann, Pete Gonzales, Lowell Gentry, Savannah Nagorski, John Pickett, Colleen Kroe, Robert Eichelsdoerfer, Joan Henderson,

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

- | | |
|-----------------|---|
| Exhibit no. 1. | Department of Local Services, Permitting Division (Permitting) File PLAT17-0009 |
| Exhibit no. 2. | Permitting Division Preliminary Report and Recommendation dated April 9, 2019 |
| Exhibit no. 3. | Land Use Application received November 27, 2017 |
| Exhibit no. 4. | Revised State Environmental Policy Act (SEPA) Environmental Checklist received January 30, 2019 |
| Exhibit no. 5. | SEPA Threshold Determination of Non-significance issued March 26, 2019 |
| Exhibit no. 6. | Affidavit of Posting indicating a posting date of January 3, 2018 |
| Exhibit no. 7. | Notice of Application mailed on January 4, 2018 |
| Exhibit no. 8. | Notice of Hearing and SEPA Threshold Determination issued March 26, 2019 |
| Exhibit no. 9. | Revised Preliminary Plat map and Conceptual Road, Utilities, and Grading Plans (8 pages) received April 2, 2019 |
| Exhibit no. 10. | Revised Preliminary Technical Information Report received July 20, 2018 |
| Exhibit no. 11. | Revised Level 1 Downstream Analysis Report received July 20, 2018 |

- Exhibit no. 12. Subdivision Density and Dimension Calculations Worksheet received November 27, 2017
- Exhibit no. 13. Renton School District #403 school transportation information November 27, 2017
- Exhibit no. 14. ALTA Commitment for Title Insurance received November 27, 2017
- Exhibit no. 15. Certificate of Water Availability signed by King County Water District #125 received November 27, 2017
- Exhibit no. 16. Certificate of Sewer Availability signed by Skyway Water and Sewer District received November 27, 2017
- Exhibit no. 17. Fire District Receipt received November 27, 2017
- Exhibit no. 18. Revised Wetland and Fish and Wildlife Habitat Assessment and Conceptual Mitigation Plan by Soundview Consultants received April 2, 2019
- Exhibit no. 19. Revised Project Narrative by ESM Consulting Engineers received April 2, 2019
- Exhibit no. 20. Geotechnical Report by Geotechnical Consultants, Inc. received November 27, 2017
- Exhibit no. 21. Revised Arborist Report, by Washington Forestry dated January 25, 2019
- Exhibit no. 22. Historic Property Report dated June 14, 2018
- Exhibit no. 23. Comments, Questions, and Concerns Regarding PLAT17-0009 from Lowell Gentry, received May 22, 2018
- Exhibit no. 24. Hand-drawn entries related to potential coal-mining hazard areas

DS/vsm

May 8, 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. **PLAT170009**
Proposed ordinance no.: **2019-0146**

Maple Ridge Townhomes
Preliminary **Plat Application**

I, , 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.
- placed via County INTEROFFICE MAIL to County staff to addresses on record.

DATED May 8, 2019.

Andree, Alan
Department of Local Services

Archuleta, Wally
Department of Local Services

Carlson, Joanne
Department of Local Services

Dixon, Jeff
Hardcopy

Eichelsdoerfer, Robert
Department of Local Services

Fanaris, Christopher
Hardcopy

Gabenicht, Brad
Maple Ridge Investment Partners
Hardcopy

Gentry, Lowell
Hardcopy

Goll, Shirley
Department of Local Services

Gonzales, Pete
ESM Consulting Engineers LLC
Hardcopy

Gresham, Doug
Wash State Department of Ecology
Hardcopy

Josue, Angelo
Hardcopy

King County Fire District 20

Kroe, Colleen
Department of Local Services

Krueger, Craig
Community Land Planning
Hardcopy

LeClair, Kevin
Department of Local Services

Lennon, Zack
ESM Consulting Engineers LLC
Hardcopy

Mann, Evan
Blue Fern Development LLC
Hardcopy

Nishikawa, Tracy
Wash State Department of Ecology
Hardcopy

Olson, Alex
Hardcopy

Ossewaarde, Mark
Department of Local Services

Pedroza, Melani
Metropolitan King County Council

Peterson, Ty
Department of Local Services

Salsbury, Jordan
Blue Fern Development LLC
Hardcopy

Simmons, Pat
Department of Local Services

Sung, Huey-yi
Department of Local Services