May 30, 2024

OFFICE OF THE HEARING EXAMINER
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REPORT AND DECISION

SUBJECT: Department of Local Services file no. **PLAT180007**

GUNSHY MANOR
Preliminary Plat Application

Location: 19931 and 20005 NE Union Hill Road, Redmond

Applicant: Estate and Trust of Barbara J. Nelson (Attn: Amy Weber)
represented by **Nancy Rogers**
[redacted]
Seattle, WA 98104
Telephone: [redacted]
Email: [redacted]

King County: Department of Local Services
represented by **Chad Tibbits**
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Renton, WA 98057
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SUMMARY OF RECOMMENDATIONS/DECISION:

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

EXAMINER PROCEEDINGS:

Hearing Opened:	May 15, 2024
Hearing Closed:	May 15, 2024
Hearing Record Closed:	May 17, 2024

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. Except as modified herein, the facts set forth in the Department of Local Services, Permitting Division (Permitting or Permitting Division) report to the Examiner and the Permitting testimony are found to be correct and are incorporated herein by reference.

Overview

2. The Estate and Trust of Barbara J. Nelson (Applicant) proposes a subdivision of six parcels (Property) totaling approximately 116.69 acres zoned RA – 5 (one unit per 5 acres) and RA – 5P (one unit per 5 acres, with the additional restriction discussed below in paragraph 32) into 23 lots for single-family dwellings and tracts for private access, drainage, and critical areas and associated buffers. The average lot size is approximately 40,796 square feet. The Applicant is using the KCC 21A.14.040(B) rural clustering provisions. Exs. D2 – 001 – 002 and D8; clarification from Nancy Bainbridge Rogers.

3. The surrounding area (immediately east, west, north, and south) is also zoned RA – 5 or RA – 5P. Ex. D2 – 005.

4. Access to the site will be provided by a new private, gated, rural subaccess road that will create a new intersection with NE Union Hill Road, replacing two private driveways for single-family dwellings. There will be no access to Red Brick Road from the proposed subdivision.

5. The two existing driveways, which provide access to the current six parcels and have substandard entering and stopping site distances, will be removed. The private road maximizes intersection section spacing to the extent possible and will provide compliant entering and stopping site distance. Exs. D15 – 001, D15(f)

6. The County Road Engineer issued a road variance (VARR 18 – 0009) approving a change in road section geometry, maximum cul-de-sac length, reduction in intersection spacing and provision of a sidewalk on one side within the boulevard section. The boulevard section runs from the entry off NE Union Hill Road through the crossing of Martin Creek and its buffer (approximately Tract K); shoulders are provided on the remainder of the internal road system. Exs. D2 – 002, D8-006, D15 – 001 – 009; testimony of Eric LaBrie.

7. The Property includes a toxic clean – up site referred to as Thompson Field, Facility Site ID: 8042 and Cleanup Site ID: 15285. Thompson Field comprises approximately 12 acres on the western portion of King County Parcel No. 0825069104 near the center of the property. The site has been accepted into the Washington State Department of Ecology's expedited Voluntary Cleanup Program (VCP) under the Model Toxics Control Act. The Thompson Field remediation project involves the removal of contaminated soils from a former hayfield. The limits of the contaminated soils have been established by Farallon Consulting. The work requires excavation of contaminated soil from Wetlands H and I and adjacent uplands. ESM Consulting Engineers, LLC (ESM) prepared civil plans reflecting the proposed grading to ensure removal of all contaminated soils. The excavated area will then be restored as wetlands or uplands. A gravel farm road will be restored after remediation mitigation work is complete. The Thompson Filed property will be placed in a non-buildable tract (Tract Z). Other than the maintained farm road, the Thompson Field remediation area will remain in an undeveloped, vegetated condition. The Applicant expects to complete the clean-up in summer 2024. Exs. D2 – 004, D5c – 006, – 014, – 045, and Appendices B, D, and G, D8-003; testimony of Chad Tibbits; response by Nancy Bainbridge Rogers to question from Examiner.

8. The Thompson Field cleanup and restoration, as approved by Ecology, must be completed prior to recording the final subdivision. Condition 12.

9. Thompson Field is included in the plat application to average acreage with the remainder of the site and allow for development of the 23 lots clustered to the east. Ex. D5c – 045.

Major Revision

10. In response to public comment, the Applicant removed King County Assessor's Parcel 0825069012 from the proposed subdivision. This parcel, shown on the subdivision plans as "Not a Part of Plat," had previously been proposed to provide a gated access from the Property onto the historic Red Brick Road/196 Avenue NE. Permitting determined that the redesign constituted a major revision and re-noticed the application by mailing to record owners of property within 500 feet, posting the Property, and publishing in the *Seattle Times* and the *Redmond Reporter*. Exs. D-6, D8-003, D11; testimony of Chad Tibbits.

SEPA

11. Pursuant to the State Environmental Policy Act (SEPA), the responsible official of the Permitting Division issued a mitigated determination of non-significance (MDNS) for both the proposed subdivision and the grading permit for the clean-up of Thompson Field. The four mitigation measures focus on the cleanup of Thompson Field and include the Voluntary Cleanup Program's approved mitigation measures for the cleanup. These mitigation measures will also be attached as conditions of the grading permit for the clean-up (GRD 23 – 0053). Exs. D2 – 002, D5a; Conditions 11 – 14; testimony of Chad Tibbits.

12. The MDNS is based on review of the project site plans received June 25, 2023, the road variance (VARR18 – 0009), grading permit (GRDE23 – 0053), revised environmental checklist, critical area, drainage, traffic studies, and other documents in Permitting's file. Ex. D5a – 002.

13. Permitting issued a Notice of SEPA Threshold Determination establishing an appeal deadline of 4 PM February 19, 2024. No appeal was filed. Ex. D5b; testimony of Chad Tibbits.

Critical Areas

14. *Wetlands, aquatic areas and wildlife*: The Applicant submitted a Revised Critical Areas Report and Conceptual Mitigation Plan prepared by Talasaea Consultants dated July 2, 2020 and a Revised Existing Conditions Memorandum prepared by Wet.land, LLC dated June 1, 2023. These studies evaluated the Property for wetlands, aquatic areas, and wildlife. Permitting issued Critical Areas Determinations (CADS14 – 0327 and CADS18 – 0014) confirming the presence of one Category I wetland requiring a 225-foot buffer in the west central portion of the site (Tract A); four Category III wetlands and ten Category IV wetlands. Eleven aquatic areas are within or adjacent to the Property. There are seven Type F aquatic areas that require a 165-foot buffer, two Type N aquatic areas that require 65 - foot buffers, and two Type O aquatic areas that require a 25-foot buffer. All critical areas are located within critical areas tracts labeled Tracts A, B, D, E and Z. Exs. D2 – 003, D8-003, D12a, D12b – 003 through – 012, D12d, A2; Conditions 10.A and 10.D (revised opening paragraph).

15. A homeowners' association or other workable organization must be established to provide for the ownership and continued maintenance of the critical area drainage facilities and private road. Condition 16.

16. A 15-foot building setback line (BSBL) must be established adjacent to critical area buffers and/or critical area tracts and shown on all affected lots. Exs. D13c – 004, A2; Condition 10.B (revised opening paragraph).

17. The subdivision access road will have impacts on the aquatic buffer of Martin Creek. Road crossings may be allowed within an aquatic area buffer subject to the criteria in KCC 21A.24.045(D)(26). Approximately 20,781 square feet of buffer impact is proposed. KCC 21A.24.340(B)(1) requires that impacts to the buffer from the new road must be mitigated at a minimum 1:1 ratio. The revised conceptual mitigation plan proposes approximately 40,060 square feet of mitigation on-site through removal of an existing residence, buffer addition, and buffer enhancement/reestablishment. Exs. D2 – 004, D12d, A2; Condition 10.B. (revised opening paragraph).

18. *Wildlife*: Prior to clearing and grading, a wildlife survey will be required to document the presence or absence of King County Species of Local Importance. Ex. D2 – 005; New Condition 10.M.

19. Impacts to additional critical areas are proposed as part of a separate permit (GRDE23 – 0053) associated with the Cleanup Action Plan through the Department of Ecology. Affected critical areas will be restored and mitigated for under the grading permit conditions and approved mitigation plan. Exs. D2 – 004, D23 – 004 – 012.

20. *Landslide Hazard Areas*: Three potential landslide hazard areas are shown in King County iMAP and CADS18 – 0014. The southernmost landslide hazard area measures greater than 1 acre and will be located within Tract A. Ex. D2 – 004.

21. Two small, isolated potential landslide hazard areas are mapped due to of alluvial fan topography. Associated Earth Sciences Inc. (AESI) evaluated these alluvial fans and concluded that they are not subject to inundation by debris flows or deposition of stream – transported settlement. Consequently, they do not qualify as landslide hazard areas. Exs. D2 – 004, D13a, pages 10-11.

22. *Steep slopes*: Steep slopes (slopes 40% or steeper or and 10 feet or higher) are present throughout the eastern portion of the Property. To the east of the proposed lots, a laterally continuous steep slope hazard area greater than one acre in size is located within Tract B. AESI recommended the vegetative buffer for the toe of the steep slope hazard area be reduced to 30 feet except where a spring with seepage is present on the steep slope above Lots 9 and 10. In this area, the standard 50-foot buffer will be maintained. Exs. D2 – 004, D13c – 003 – 004; Condition 11.C.

23. *Erosion Hazard Areas*: The eastern portion of the site is mapped as an erosion hazard area. Soils classified as having a severe to very severe erosion hazard by the USDA Soil Conservation Survey are considered erosion hazard areas. The erosion hazard areas are located within Tracts A and B. Exs. D2 – 004 – 005, D13a, pages 13-14.

24. *Seismic Hazard Area*: The western portion of the site is mapped as a potential seismic hazard area. Liquefaction analyses of soils observed in borings advanced to a depth of 30 feet within the vicinities of Lots 1 through 4 and 21 indicate the subsurface conditions in the transitional zone between valley and upland soils exhibit a moderate risk of liquefaction. Liquefaction-induced settlement was calculated at approximately 2-3 inches. Structural design of the future building permits will be required to mitigate the effects of liquefaction or differential settlement. Exs. D2 – 005, D13c – 005 – 006; Condition 10.I.

25. *Floodplain Area*: The southwest portion of the site is mapped as being within the 100-year floodplain, Zone AE, FEMA map number 53033C0386. The Applicant has demonstrated that all lots and the subdivision access road will not affect the floodplain. A Floodplain Development Permit will be completed under the associated grading permit GRDE23 – 0053 for all grading work associated with the Thompson Field cleanup and mitigation. Exs. D2 – 005, D14 – 001.

26. *Critical Aquifer Recharge Areas*: The site is within a Category II Critical Recharge Area. Ex. D12b – 003.

27. In total over 78% of the acreage on the Property is designated critical areas and/or buffer. Therefore, the significant tree retention standards do not apply. Exs. D2 – 005, D22, – 003; KCC 16.82.152(C).

Clustering

28. KCC 21A.14.040 establishes the criteria for cluster development in the RA zone. KCC 21A.14.040(B)(8) authorizes the Director to waive or modify the criteria found in KCC 21A.14.040(B)(1), (2), or (3) if the property is encumbered by critical areas containing habitat for, or there is a presence of, species listed as threatened or endangered under the Endangered Species Act, when necessary to protect the habitat. The Applicant commissioned Talasaea to prepare a waiver request under this code provision. Exs. D2 – 006, D12b.

29. KCC 21A.14.040(B)(1), (2), and (3) provide that no more than eight lots of less than 2.5 acres may be allowed in a cluster; no more than eight lots of less than 2.5 acres may be served by a single cul-de-sac street; and clusters containing two or more lots of less than 2.5 acres must be separated from similar clusters by at least 120 feet, respectively.

30. As stated in Finding 13, there are seven streams located on site, including the main stem of Evans Creek, all of which are classified as Type F. The six unnamed streams are tributaries to Evans Creek, known to support runs of anadromous fish including Puget Sound Chinook, coho, sockeye, steelhead, and coastal cutthroat trout. The Permitting Division Director granted the waiver on March 27, 2024, based on documented presence of Chinook salmon within Evans Creek (which flows to the north through and along approximately 735 – feet on the western edge of the site). Exs. D2 – 006, D12b – 001, D21a.

Transportation

31. The proposed subdivision takes public access from NE Union Hill Road, a rural minor arterial. Ex. D2 – 001, – 006, – 007.

32. The "P" in the RA5 – P zoning indicates a P – suffix condition requiring that new development along NE Union Hill Road dedicate right-of-way sufficient to provide 42 feet of right-of-way from the road centerline. According to King County Assessors maps, NE Union Hill Road has 72 feet right-of-way (42 feet on the south/development side and 30 feet on the north/opposite side of the right-of-way centerline. Therefore, no right-of-way dedication is acquired along the proposed subdivision's NE Union Hill Road frontagen. Ex. D2 – 001, – 006.

33. The lots within the proposed subdivision will be served by the proposed private road shown on the preliminary plans. The private road will connect to NE Union Hill Road and terminate in a cul-de-sac within the project boundary. The King County Road Engineer approved the road variance (VARR18 – 0009) discussed in the Overview section above. Exs. D2 – 006, – 007, D8-003, D15 – 001 – 009.

34. The wide entry off NE Union Hill Road will allow vehicles to turn around if they have prior to the gate. There is also a turnaround immediately to the north of Tract C. Ex. D8-006.

35. Except as authorized in VARR18 – 0009, the internal roads will be designed to rural subaccess road standards, in accordance with the 2016 King County Road Design and Construction Standards (KCRDCS). Exs. D2 – 006 – 007, D15 – 001 – 009; Conditions 3, 6 and 7.

36. The Transpo Group prepared a Level I Traffic Impact Analysis (TIA) for the proposed subdivision. It estimates that the subdivision will generate 189 net new vehicular daily trips, with 15 AM peak hour trips and 20 PM peak hour trips. This calculation includes service vehicles which may serve the proposed subdivision as well as work trips, shopping, etc. Exs. D2 – 007, D15 – 027.

37. The traffic generated by the proposed subdivision falls below the threshold requiring mitigation on King County roads. KCC 14.80.030(A). The site access on NE Union Hill Road will operate a level of service (LOS) D or better following project completion. Exs. D2 – 007, D15 – 013.

38. The proposed subdivision is located in the Snoqualmie Valley Travelshed, which currently passes the King County concurrency standard. Exs. D2 – 007, D15e.

Drainage

39. The proposed subdivision is located within the Evans Creek Drainage Basin of the Sammamish River. The subdivision is subject to the requirements of the 2016 King County Service Water Design Manual (KCSWDM). ESM performed a Level 1 downstream analysis pursuant to Core Requirement #2 of the KCSWDM. No downstream nuisances such as erosion, segmentation, under capacity, or flooding were found. The project is not anticipated to create new downstream problems. The analysis can be found in the revised Technical Information Report (TIR). Exs. D2 – 007, D17.

40. The Applicant proposes Full Dispersion and Infiltration for Flow Control and Full Dispersion and a Stormfilter for Water Quality. The combined facilities and best management practices (BMPs) will be designed to meet the KCSWDM Conservation Flow Control and Basic Water Quality requirements. Exs. D2 – 007, D17, A2; revised Condition 4.A.

Schools

41. Students living within proposal subdivision will attend Dickinson Elementary School, Evergreen Middle School. and Eastlake High School, all located within Lake Washington School District No. 414 (District). Ex. D2 – 007.

42. The District has indicated that future students from the subdivision will be bussed to the elementary, middle, and senior high schools from the designated bus pick-up/drop-off location approximately 60 feet west of the Property entrance on NE Union Hill Road. Students will walk on the paved shoulders or the sidewalk on the internal road and NE Union Hill Road to reach the bus stop. The busses will be equipped with swing arms/stop signs to assist students crossing NE Union Hill Road to reach for return from the stop for westbound buses. The District has indicated that it has no concerns with the proposed subdivision. These facilities provide a safe walking route as required by RCW 58.17.110 and KCC 20.22.180(A). Exs. D2 – 008, D16, D16 – 008 (communication from District); testimony of Eric LaBrie.

43. A school impact fee per lot will be imposed to fund school system improvements to serve development in this district. The District's 2024 school impact fee is $5,149 per lot. Exs. D2 – 007 – 008; Condition 9.

Parks and Recreation

44. The nearest County parks are the Evans Creek Natural Area (adjacent to the site) and Marymoor Park (located over 2.5 miles southwest of the site). The Cedar River Trail is located north at the intersection of SR 169 and 140th Ave. SE. Ex. D2-008.

45. On-site recreation space is not required for rural subdivisions. Ex. D2 – 008; KCC 21A.14.180.

Fire Protection

46. The Certificate of Water Availability from Union Hill Water Association 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 subdivision, the water service facilities must be reviewed and approved under the King County Fire Flow Standards. Whether future residences will require to be sprinklered will be determined during the building permit processing. Exs. D2 – 008, A1, A2; revised Condition 4.A.

Water Supply

47. The Applicant proposes to serve the subdivision with a water supply and distribution system managed by the Union Hill Water Association. A certificate of Water Availability dated May 3, 2024, indicates the District's ability to serve the proposed subdivision. Exs. D2 – 008, A1.

48. Prior to recording of the final subdivision, the water services must be reviewed and approved under the King County Fire Flow Standards. Ex. D2 – 008; Condition 4.

Sewage Disposal

49. Homes on the individual lots will be served by individual-site sewage systems. KCC 21A.24.316(B)(9) requires that on-site septic systems on proposed lots smaller than one acre be approved the State Department of Health and meet the N treatment standard. The Applicant had confirmed that it will comply with this requirement. Exs. D19, A9.

50. Any Finding of Fact which is more appropriately considered a Conclusion of Law is hereby adopted as a Conclusion of Law.

CONCLUSIONS:

1. Any Conclusion of Law which is more appropriately considered a Finding of Fact is hereby adopted as a Finding of Fact.

2. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the RA-5 and RA-5P zones.

3. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated within RCW 58.17.110 and KCC 20.22.180, and will serve the public health, safety and welfare, and the public use and interest.

4. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.

DECISION:

The preliminary plat Gunshy Manor, is approved subject to the following conditions of approval.

1. Compliance with all subdivision 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 subdivision a dedication that includes the language set forth in King County Council Motion No. 5952.

    A. The subdivision shall comply with the base density and minimum density requirements of the RA-5 zone classification, as well as the rural lot clustering requirements of KCC 21A.14.040. All lots shall be the larger of the minimum dimensional requirements of the RA-5 zone classification or those shown on the face of the approved preliminary subdivision with clustering, except that minor revisions to the subdivision which do not result in substantial changes may be approved at the discretion of the Permitting Division.

B. Any/all subdivision boundary discrepancy shall be resolved to the satisfaction of the Permitting Division prior to the submittal of the final subdivision documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

3. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Design and Construction Standards established and adopted by Ordinance No. 18420, as amended (2016 KCRDCS) and road variance VARR18-0009.

4. 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.

A. Whether any future residences are required to be sprinklered will be determined during building permit processing with approval by the King County Fire Marshal or designee.

5. Final subdivision 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 subdivision. 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 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 2016 KCSWDM and applicable updates adopted by King County. Permitting Division approval of the drainage and roadway plans is required prior to any construction.

B. Current standard plan notes and ESC notes, as established by Permitting Division, shall be shown on the engineering plans.

C. The following note shall be shown on the final recorded subdivision:

> 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 Division issued plan record number to be inserted in space provided* on file with the Permitting Division and/or the 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 dispersion or infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file.

D. The drainage facilities shall meet the requirements of the 2016 King County Surface Water Design Manual (KCSWDM). The site is subject to the Conservation Flow Control and Basic Water Quality Requirements of the 2016 SWDM.

E. To implement the required Best Management Practices (BMP's), the final engineering plans and TIR shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in the KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded subdivision shall include all required covenants, easements, notes, and other details to implement the required BMP's for site development.

The required BMP's 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.

6. The proposed subdivision shall comply with the 2016 King County Road Design and Construction Standards (KCRDCS) including the following requirements:

A. Except as modified by road variance VARR18-0009, the subdivision frontage of NE Union Hill Road, shall be improved to meet the rural minor arterial standard per KCRDCS Section 2.02.

B. Except as modified by road variance VARR18-0009, the new interior road shall be constructed at a minimum to meet the rural subaccess standard per KCRDCS Section 2.02.

C. Private access tracts (PAT) and joint use driveway tracts (JUD), if any shall be improved to the PAT and/or JUD standard pursuant to section 2.09 and 3.01 of the 2016 KCRDCS.

D. Compliance with road variance VARR18-0009.

E. Modifications to the above road conditions may be considered according to the variance provisions of Section 1.13 of the 2016 KCRDCS.

7. Compliance with the requirements of approval from the King County Fire Marshal may require wider roadway sections than are called for in the 2016 King County Road Standards.

8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final subdivision recording.

9. 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 subdivision shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the subdivision receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the subdivision and shall be collected prior to building permit issuance.

10. Preliminary subdivision review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant. Provided, however, that nothing in this condition prevents execution of the disturbance necessary to comply with the Washington State Department of Ecology's Voluntary Cleanup Program to clean up contaminated fill on a portion of the site, nor any future utility extensions and access routes, which will be permitted separately:

    A. Wetlands and aquatic areas on site shall be protected from future clearing, grading, and construction with adjacent upland buffers. These include the wetland and buffer for one Category I wetland, four Category III wetlands and ten Category IV wetlands. Also to be protected are aquatic areas and buffers of eleven aquatic areas within the or adjacent to the proposed subdivision site. There are seven Type F aquatic areas that require a 165-foot buffer, two Type N aquatic areas that require 65-foot buffers, and two Type O aquatic areas that require a 25-foot buffer.

    B. Impacts to critical area buffer due to the new road location is permitted subject to mitigation. The degraded aquatic area buffer and remaining buffer will be enhanced and reestablished with native tree and shrub species.

    A final mitigation plan, including plantings, shall be submitted for review and approval, by Permitting Division Critical Areas, prior to engineering plan approval. A mitigation financial guarantee is required prior to approval of the engineering plans.

    C. All steep slope hazard areas and landslide hazard areas shall be protected from future clearing, grading, and construction with standard 50-foot-wide buffers. For the steep slope hazard area east of proposed Lots 5 through 17, the buffer has been reduced to a 30-foot-wide buffer based on analysis and recommendations in the AESI geotechnical report in accordance with KCC 21A.24.310.B.2.

    D. Critical area tract(s) shall be used to delineate and protect critical areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.

E. A 15-foot building set back line (BSBL) shall be established from the edge of buffer and/or the critical area tract(s) and shown on all affected lots.

F. Prior to commencing construction activities on the site, the applicant shall temporarily mark critical area tract(s) in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the critical areas are completed.

G. Prior to final approval of construction activities on the site, the boundary between the critical area tract(s) and adjacent land shall be identified with a split rail fence. Permanent critical areas signs shall be attached to the fence. Fence and sign specifications shall be shown on the final engineering plans and shall be installed every 50 feet or as deemed appropriate by Permitting Division critical area staff at the time of engineering plan review.

H. Wetland hydrology must be protected following construction of this development. The applicant shall provide an evaluation of the hydrology for the on-site wetlands to show that it will be protected following development consistent with 2016 KCSWDM, Reference 5, Guidesheet 3B. This shall be submitted with the detailed engineering plans for review and approval by the Permitting Division.

I. During engineering or future building permit review, development within or proximal to the mapped potential seismic hazard area must implement appropriate engineering design to minimize the risk of structural damage or injury resulting from seismically induced liquefaction or settlement. Additional evaluation of site-specific subsurface conditions may be required to show a structure is not located within a seismic hazard area, or to evaluate hazards.

J. Prior to final approval of construction activities, any repairs to the existing spring/cistern well system shall be proposed and completed. A maintenance and management plan for the well which identifies tasks associated with future use of the well and responsible parties shall be submitted, reviewed by Permitting Division Critical Areas staff, and shown on the final engineering plan and recorded subdivision.

K. During engineering review, the detailed plan set shall be routed to Permitting Division Critical Areas staff to determine if the above conditions have been met.

L. The following note shall be shown on the final engineering plan and recorded subdivision:

RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL AREAS AND BUFFERS

Dedication of a critical area tract/sensitive 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 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.

M. A wildlife survey shall be conducted 2 to 3 weeks prior to starting any clearing and grading activity in order to identify any nests or habitat of species listed in KCC 21A.24.382 and of any active breeding site of any federal or state listed endangered, threatened, sensitive and candidate species or King County species of local importance not listed in subsections KCC 21A.24.382.B through J.

11. The project shall comply with the Washington State Department of Ecology (DOE) Voluntary Cleanup Program (VCP) to clean up contaminated fill located within the portion of the property identified as Thompson Field. The cleanup process shall be in accordance with the Model Toxics Control Act (MTCA). At the time of issuance, DOE accepted the Thompson Field Gunshy Manor application and assigned it Facility Site ID: 8042 and Cleanup Site ID: 15285 with Expedited VCP Project ID: XN0021.

12. The Thompson Field cleanup and restoration, as approved by DOE, shall be implemented and completed by the applicant prior to the final subdivision recording associated with King County DLS File No. PLAT18-0007 Gunshy Manor (No more than five (5) years from receiving preliminary subdivision approval, also known at the subdivision expiration date).

13. Disposal of the contaminated soil shall be at a DOE approved disposal site. The receiving site shall be identified by the applicant and provide documentation that the receiving site accepts the entirety of the contaminated soils with the documentation being provided under the Grading Permit, File No. GRDE23-0053. The total cubic yardage of soil to be removed shall be provided with the associated Grading Permit, File No. GRDE23-0053.

14. A haul route plan and a traffic control plan for the contaminated soil removal shall be submitted for approval prior to the pre-construction meeting and administered under the associated Grading Permit, File No. GRDE23-0053 (Plans shall note NO ACCESS FROM RED BRICK ROAD) Hauling details shall include project duration, number of truck trips per day and truck haul routes.

15. A homeowners' association or other workable organization shall be established to the satisfaction of the Permitting Division which provides for the ownership and continued maintenance of the critical area tract(s), drainage facilities and private road. Notes shall be shown on the engineering plans and final subdivision.

Other Considerations:

16. The subdivision shall conform to KCC 16.82 relating to grading on private property. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.

17. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:

    A. Forest Practice Permit from the Washington State Department of Natural Resources.

    B. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE.

    C. Water Quality Modification Permit from WSDOE.

    D. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.

E. Washington State Fish and Wildlife Hydraulic Permit Approval (HPA).

DATED May 30, 2024.

Alison Moss
Hearing Examiner pro tem

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless proceedings for review of the decision are timely and properly commenced in superior court. Appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW.

MINUTES OF THE MAY 15, 2024, HEARING ON PRELIMINARY PLAT APPLICATION GUNSHY MANOR, DEPARTMENT OF LOCAL SERVICES FILE NO. PLAT180007

Alison Moss was the Hearing Examiner in this matter. Participating in the hearing were Gail Greenwood, Eric LaBrie, Joseph Pursley, Nancy Rogers, and Chad Tibbits. A verbatim of the hearing recording is available by request.

The following exhibits were offered and entered into the record by the department:

Exhibit no. D1 King County Assessor's Map, dated 4.29.2024
Exhibit no. D2 Permitting Division report, dated 5.1.2024
Exhibit no. D3 Application received, 4.26.2018
Exhibit no. D4 Environmental Checklist Revised, dated 6.5.2023
Exhibit no. D5

a. SEPA Mitigated Determination of Non-significance (MDNS), issued 1.26.2024
b. SEPA Notice of Decision, dated 1.26.2024 (Mailed 1/23.2024)
c. Soil Remediation CAO Report and Mitigation Plan, prepared by wet.land, LLC, dated 1.31.2023
d. Voluntary Cleanup Program (VCP), DOE Acceptance letter, signed by Nicholas Acklam, Toxics Cleanup Program, dated 3.11.2022
e. Remedial Investigation Report, Thompson Field Site, prepared by Farallon Consulting, dated 4.6.2021

f. Remedial Investigation Report Addendum, Thompson Field Site, prepared by Farallon Consulting, dated 2.24.2022
g. DOE, No Further Action Likely letter, Thompson Field Gunshy Manor, signed by Frank P. Winslow, Toxics Cleanup Program, dated 11.15.2022
h. Analysis of Groundwater Supply Protection Measures in the City of Redmond, Washington, prepared by ESM Consulting, dated 3.2.2023
i. US Environmental Protection Agency, Region 10, Gunshy Property added to Superfund Enterprise Management System (SEMS), signed by Chris Hladick, Regional Administrator, dated 8.21.2018
j. EPA Closure, dated 6.22.2020
k. Response Letter, Thompson Field, prepared by Farallon Consulting, dated 12.4.2020

Exhibit no. D6 Notice of Application (NOA) Revised, dated 6.21.2019
Exhibit no. D7 Notice of Public Hearing, dated 5.15.2024 (Mailed 4.12.2024)
Exhibit no. D8 Preliminary Plat Plans Revised, dated 6.05.2023
Exhibit no. D9 Residential Density Worksheet Revised, dated 4.29.2024
Exhibit no. D10 Cultural Resources Assessment for Cabin Demo, dated 2.2018
Exhibit no. D11

a. Public Comments
b. Applicant Response to City of Redmond Comments, dated 5.1.2019
c. Applicant Response to Public Comments, dated 1.27.2019

Exhibit no. D12

a. Critical Areas Study Revised (Existing Conditions), prepared by wet.land LLC, dated 6.1.2023
b. Wildlife Study Memo, prepared by Talasea Consultants, dated 11.13.2017
c. Revised Vegetation Management Plan, prepared by Talasea Consultants, dated 6.29.2020
d. Revised CAR and Mitigation Plan, prepared by Talasea Consultants, dated 7.2.2020
e. Southern End of Parcel F Existing Conditions, prepared by Talasea Consultants, dated 1.24.2020

Exhibit no. D13

a. Geotechnical Report prepared by Associated Earth Sciences, Inc, dated, 4.26.2018
b. Geotechnical Corrections Response Letter prepared by Associated Earth Sciences, Inc, dated 6.13.2019.
c. Geotech Response Letter No. 2 prepared by Associated Earth Sciences, Inc, dated 2.17.2023

Exhibit no. D14 Plat and Floodplain Delineation prepared by ESM, dated 4.4.2024
Exhibit no. D15

a. Road Variance Findings Memo, dated 9.29.2022
b. Road Variance Letter to Bartenhagen, dated 10.4.2022
c. VARR18-0009 Gunshy Manor Road Variance, dated 10.12.2022
d. Site Access Analysis, prepared by TranspGroup, dated 11.29.2018

e. Transportation Certificate of Concurrency, King County Records, dated 12.13.2017
f. Site Distance Clearing Technical Memo prepared by Raedeke Associates, Inc, dated 11.6.2018

Exhibit no. D16 Safe School Walkways Analysis Revised prepared by ESM Consulting Engineers, LLC, dated 6.5.2023

Exhibit no. D17 Technical Information Report (TIR) Revised prepared by ESM Consulting Engineers, LLC, dated, 6.2.2023

Exhibit no. D18

a. Water Availability Certificate, dated 11.14.2017
b. Water Rights Summary, dated 12.10.2018

Exhibit no. D19

a. On-Site Septic Preliminary Approval, dated 2.27.2018
b. Health Department Correspondence dated 12.15.2022

Exhibit no. D20 King County Fire District No. 43, Fire District Receipt, dated 3.29.2018

Exhibit no. D21

a. Waiver Approval for Clustering Provisions dated 3.27.2024
b. Cluster Subdivision Lot Size Comparison prepared by ESM Consulting Engineers, LLC, dated 1.24.2020

Exhibit no. D22 Tree Assessment prepared by Washington Forestry Consultants, Inc, dated 1.13.2023

Exhibit no. D23

a. GRDE23-0053 Grading Plan Set
b. GRDE23-0053 Mitigation Plan

Exhibit no. D24 Title Report 6.3.2019

The following rebuttal exhibits were offered and entered into the record by the applicant:

Exhibit no. A1. Water Availability Certificate from the Union Hill Water Association, dated May 3, 2024
Exhibit no. A2. Applicant's requested revisions to recommended project conditions
Exhibit no. A3. Resume of Eric LaBrie, AICP (Retired) (ESM Consulting Engineers)
Exhibit no. A4. Resume of Laura Bartenhagen, PE (ESM Consulting Engineers)
Exhibit no. A5. Resume of Jennifer Marriott, PWS (Wet.land, LLC)
Exhibit no. A6. Resume of Matthew A. Miller, PE (Associated Earth Sciences, Inc.)
Exhibit no. A7. Resume of Branislav "Brani" Jurista, L.G., P.G. (Farallon Consulting)
Exhibit no. A8. Resume of Dan McKinney, PE (Transpo Group)
Exhibit no. A9. Onsite septic system response, submitted May 17, 2024

May 30, 2024

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT180007**

GUNSHY MANOR
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 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, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED May 30, 2024.

Jessica Oscoy
Office Manager

Alfieri, Susan/Ralph
Hardcopy

Allen, Peter
Hardcopy

Anderson, Megan
Hardcopy

Aziz, Enayet
Hardcopy

Bartenhagen, Laura
ESM Consulting Engineers LLC

Beckham, Kristi
Cairncross & Hempelmann

Berge, Astrid

Bergstrom, Jennifer
Hardcopy

Bergstrom, Ron and Corine
Hardcopy

Burdlich, Matt
Hardcopy

Butcher, Aaron/Angela
Hardcopy

Carter, Jeff/Jean
Hardcopy

Citizens of Red Brick Road

Claussen, Kimberly
Department of Natural Resources and Parks

Colby, Todd/Emily

Coleman, Marcia
Hardcopy

Cox, William

Diddee, Sudhir

Dobkins, Doug
Department of Local Services

Eichelsdoerfer, Robert
Department of Local Services

Eitzen, Ben

Elman, Ella
Hardcopy

Estate and Trust of Barbara J. Nelson
Hardcopy

Feingold, Max

Fisher, Dena

Fisher, Sarah
Hardcopy

Gail Greenwood, David Morton
Hardcopy

Gibson, Steven/Becky
Hardcopy

Hamilton, Perry

Hay, Melani
Metropolitan King County Council

Hedberg, Peter

Hudson, Carolyn
Hardcopy

Jacobs, Brian

Jurista, Branislav
Farallon Consulting
Hardcopy

Keller, Jonathan/Monile
Hardcopy

Kim, Jina
Prosecuting Attorney's Office

Kishylau, Darya

LaBrie, Eric
ESM Consulting Engineers LLC

Leporace, Olivia
Hardcopy

Madden, Lena
Prosecuting Attorney's Office

Marriott, Jennifer
Wet.land, LLC
Hardcopy

Martyn, John/Jennifer

Mason, Kathleen

McClain, Christy
Hardcopy

McKinney, Dan
Transpo Group
Hardcopy

Miller, Matthew
Associated Earth Sciences
Hardcopy

Nelson, Buff/William
Hardcopy

Perkins, Brandon

Phelps, Sydne
Hardcopy

Pittsenbarger, Braydon
Department of Local Services

Pursley, Joseph
Department of Local Services

Ricketts, Keith & Cheryl
Hardcopy

Rogers, Nancy
Cairncross & Hempelmann
Hardcopy

Rusak, Steven & Tanya
Hardcopy

Scheffler, Ryan
Department of Local Services

Schmitt, Manu

Shaw, Ryan
Washington Department of Fish and Wildlife

Smith, Cristine
Hardcopy

Smith, Loren
Hardcopy

Smith, Scott-DLSP
Department of Local Services

Staveley, Mark
Hardcopy

Stetson, Iola
Hardcopy

Sung, Huey-yi
Department of Local Services

Tibbits, Chad
Department of Local Services

Vachon, Philip

Valchonak, Darya

Walters, Karen

Williams, Kelly

Yang, Grace