August 9, 2005

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L03S0037**

GAJADHAR SHORT PLAT
Short Plat Appeal

Location: 8206 Northeast 117th Street, Kirkland

Appellant: Sonia Carlson,
represented by **Michael P. Witek**
Helsell Fetterman
1001 Fourth Avenue, Suite 4200
Seattle, Washington 98111-3846
Telephone: (206) 292-1144

Applicant: Michael Gajadhar,
represented by **John Groen**
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King County: Department of Development and Environmental Services,
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal with additional condition
Examiner's Decision:	Deny appeal with additional condition

EXAMINER PROCEEDINGS:

Hearing Opened: June 15, 2005
Hearing Closed: July 8, 2005

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On January 14, 2005, the King County Department of Development and Environmental Services (DDES) issued a decision granting preliminary short plat approval for the proposed *Gajadhar* short subdivision, subject to conditions. Appellant Sonia Carlson[1] filed a timely appeal of the short plat preliminary approval on January 31, 2005.

2. The subject .4-acre rectangular property is located in the unincorporated Finn Hill/Juanita area west of Kirkland, in the northeast corner of the Northeast 117th Street/82nd Avenue Northeast intersection. The zoning of the property is R-6-SO. Sanitary sewer and water service are provided by the Northshore Utility District.

3. The short subdivision would divide the property into two lots with a north-south dividing line. Lot 1 in the east would be 7,783 square feet in area and would contain the existing single-family residence, and Lot 2 in the west (the corner lot) would be a new vacant lot available for development, with a lot area of 6,133 square feet.[2]

4. The basic criteria to be applied in considering short subdivision cases are stated in KCC 19A.08.060 and, among other criteria of little relevance here, include state subdivision law (Chapter 58.17 RCW); the County Surface Water Management title (Title 9 KCC); the 1993 County Road Standards (enacted under the county Roads and Bridges title, Title 14 KCC, in KCC 14.42.010); and County Zoning regulations (Title 21A KCC).

5. The accepted appeal claims are the following:

   A. The proposed short subdivision will not comply with required structural setbacks.
   B. The proposed short subdivision will result in Lot 2 not providing the 60-foot lot width required by a covenant on the face of the *Juanita Crest* plat (*Juanita Crest* was platted in 1947).

[1] Ms. Carlson's residence is diagonally across the Northeast 117th Street/82nd Avenue Northeast intersection from the subject property, directly southwest.

[2] After dedication of the intersection radius right-of-way as required by Condition 3.F of the preliminary approval, the Lot 2 land area will be right around 6,000 square feet.

C. Proposed Lot 1 will contain impervious surface area exceeding the 70 percent limitation of KCC 21A.12.030(A).
D. Compliance with the sight distance triangle required by KCC 21A.12.210 will render development on Lot 2 impermissible.
E. The proposal does not meet the density standards of KCC 21A.12.070, .080, .090 and KCC 21A.06.1172.
F. The proposed short subdivision does not provide the minimum lot area for construction pursuant to KCC 21A.12.100.
G. The proposal does not comply with county road standards and improvement requirements.
H. The proposal does not comply with county drainage standards.
I. In response to a motion for dismissal by Respondent DDES, a ninth appeal claim was dismissed by Examiner Order issued May 26, 2005. That claim asserted the potential for adverse possession by the neighboring property owner to the east (of a sliver of the site along the east boundary) and resultant potential for deficient available lot area for division.

Structural Setbacks

6. The Applicant has submitted a revised short plat map (Exhibit 4) which demonstrates the feasibility of conforming to County requirements for the existing structure's setback from the proposed interior lot line. The 6.09 foot setback depicted and the eave overhangs comply with the setback regulations and the eave overhang exception allowance. The Appellant disputes the accuracy of such representations and avers that formal survey should be required prior to preliminary short plat approval. As noted in the Examiner's April 27, 2005 Order in this matter, that assertion is unpersuasive given the regulatory and procedural framework established for short plat review (see e.g., KCC 19A.04.290 and .300; KCC 19A.16.030; and RCW 58.17.020(4) and (5)).

Lot Width

7. The zoning code width requirement for lots created in the R-6 zone is 30 feet for standard (non-zero lot line or townhouse) development. [KCC 21A.12.030] "Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot…" [KCC 21A.12.050][3] The proposed Lot 2 is shown to be able to accommodate a 60-foot diameter circle within its boundaries. There is therefore no need to decide here the now-moot disputation of the parties whether the private *Juanita Crest* covenants are enforceable by, or binding on, the County in its review of later division proposals.

[3] Both the Applicant's and Appellant's arguments regarding the appropriate lot width calculation are misplaced since they erroneously assume a conventional approach to the measurement of width, *i.e.*, a dimensional line measurement, rather than the method specified by the code.

Impervious Surface Limitations

8. The Applicant states a commitment to reduce the impervious surfaces (much of which consist of concrete patio, which can be readily removed) on the proposed Lot 1 as necessary to meet the 70 percent limit imposed by KCC 21A.12.030(A).

Sight Distance Triangle

9. No persuasive evidence is submitted by the Appellant to support the contention that compliance with the sight distance triangle requirements of KCC 21A.12.210 would significantly restrict reasonable structural development on proposed Lot 2. It only requires a cursory examination of the preliminary short plat map and its attendant scale to mentally superimpose the required sight distance triangle in the southwest corner of Lot 2 (formed by sides of 15 feet from the intersection corner along the street property lines, and the connecting hypotenuse) and find easily that the sight distance triangle will present no real limitation on structural development of the lot. There is no basis for denial of the short plat based on the sight distance triangle requirement, which as an aside is enforceable *ad infinitum.*

Density Standards

10. No persuasive evidence is presented to support the Appellant's contention that the proposal will not comply with density regulations applicable to the proposed short subdivision. The preponderance of the evidence supports a finding that the proposed lots will meet the density standards of the County development regulations.

Minimum Lot Area for Construction

11. No persuasive evidence is presented by the Appellant to support the contention that the proposed new lot, Lot 2, will not meet the required minimum lot area for construction under KCC 21A.12.100. Part of the Appellant's contention is that dedication of additional right-of-way is required for the subject short subdivision along Northeast 117th Street and 82nd Avenue Northeast, which will limit the remaining lot area for development. As seen in a previous Finding, the required right-of-way dedication is very minor and will not preclude compliance with lot area requirements.

Road Standards

12. The Appellant contends that Northeast 117th Street and 82nd Avenue Northeast on the property frontage should be classified as neighborhood collector roads rather than subaccess roads as classified by the King County Department of Transportation (KCDOT), because they form part of a loop which is the sole terminus of the neighborhood collector road 84th Avenue Northeast to the northeast of the site. The loop is formed (as envisioned by entry into the area in the southerly direction) by 84th Avenue Northeast, a 90-degree turn westerly onto Northeast 117th Street, then another 90-degree turn at the corner of the subject property northerly onto 82nd Avenue Northeast, and then two blocks north on 82nd Avenue Northeast another 90-degree turn easterly onto Northeast 119th Street, which then returns to intersect with 84th Avenue Northeast. The southernmost point of neighborhood collector status for 84th Avenue Northeast is at Northeast 122nd Street, three blocks north of where the loop portion begins at Northeast 119th Street.

13. The Appellant is not persuasive of error in KCDOT's road classification determinations, which are accorded deference in recognition of KCDOT's authority over road engineering decisions and administration of the county road system. [*Mall, Inc. v. Seattle*, 108 Wn.2d 369, 739 P.2d 668 (1987)]

14. The conditions of short subdivision approval require that road improvements along the frontages of the property be installed, including a paved shoulder on the north side of Northeast 117th Street (which abuts the south property line). On the east side of 82nd Avenue Northeast (abutting the property's west boundary), there will be a gravel shoulder.

15. The Appellant contends that the development does not provide sufficient vehicular sight distance, particularly for drivers heading south on 82nd Avenue Northeast toward the intersection with Northeast 117th Street at the corner of the property; that the development will add more traffic to an area with blind driveways; that pedestrian safety is not provided for; that pavement width on Northeast 117th Street will not be sufficient to meet standards; that 82nd Avenue Northeast will not be improved to full street width; that the landing at the intersection itself is not of a sufficiently minimal grade to meet standards; and that the gravel shoulder on the inclined 82nd Avenue Northeast will be unsafe, will provide poor traction, and will be a disincentive toward using the shoulder for off-street parking, which will then cause a nuisance spillover of off-street parking elsewhere in the area of the intersection. The Appellant also suggests that a stop sign be provided at the intersection, that a paved shoulder be provided on the 82nd Avenue Northeast frontage, and that the development driveway for Lot 2 be located as far north as possible on the 82nd Avenue Northeast frontage (which DDES indicates will be required, but at the building permit stage[4]; the Appellant asserts that deferral of such issue is inappropriate and a driveway analysis should be performed prior to preliminary short plat approval). The Appellant contends that failure to provide the suggested additional road improvements, which the Appellant argues would mitigate the development's traffic impacts, will promote unsafe conditions.

16. As the fronting road system consists solely of sub-access streets, the entering sight distance standards promoted by the Appellant are inapplicable; they only apply to neighborhood collector and higher classification roads. The stopping sight distance standard is 150 feet, which is not shown as not being met by the development. [1993 Road Standards, Secs. 2.03 and 2.13]

17. KCDOT and DDES note that currently 82nd Avenue Northeast along the property frontage is improved to half-street configuration, that there is a proposed subdivision across 82nd Avenue Northeast from the subject property, and that upon that development's construction the full-width improvement of 82nd Avenue Northeast will be completed. That will result in a slight road realignment wherein the eastern edge of the paved roadway of 82nd Avenue Northeast will become a paved shoulder, and the current proposed gravel shoulder will become additional shoulder width. The Appellant argues that there is no assurance of such development of the adjacent property in a timely fashion. That is true, but the Examiner concurs that it is routine and appropriate to rely reasonably on likely future completion of interim half-street improvements, a commonly experienced phenomenon in the incremental improvement of local road networks.

[4] The driveway is required by a condition of approval to be placed on the 82nd Avenue Northeast frontage rather than the Northeast 117th Street side.

18. The preponderance of the evidence demonstrates that the proposal conforms to the applied road improvement standards.

    A. The Examiner concurs that considerable discretion is granted to county staff in determining road improvement requirements, particularly in the case of two-lot short subdivisions involving one new lot for development purposes and in determining "consisten[cy] with the surrounding roads." [1993 Road Standards, Sec. 1.03(B)] That discretion is not shown to have been abused here.

    B. The feared promotion of unsafe road conditions articulated by the Appellant's traffic expert is subjective and speculative, and in the final analysis inappropriately magnified and unpersuasive. Of importance to the Examiner's assessment of the probability of unsafe conditions and the propriety of the applied conditions is that the new lot's generated traffic will consist merely of one peak hour trip and less than ten total daily trips, which is a *de minimis* level of impact. In addition, it is likely, given the location of the 82nd Avenue Northeast/117th Street intersection at the furthest reach of the loop road system, that traffic from the proposed Lot 2 will tend to head north on 82nd Avenue Northeast rather than south on 82nd Avenue Northeast to the Northeast 117th Street intersection and then east to 84th Avenue Northeast, since that would be a longer route. The likely shorter route to the north leads traffic *away from* the location of all of the Appellant's traffic impact concerns except the one regarding the shoulder improvement level on 82nd Avenue Northeast.

    C. There would therefore seem to be little locational *nexus* between the development's impacts and the requested additional improvements. Regardless, the *nexus* is lacking first and foremost because of the impact's *de minimis* nature. While well-intentioned, the Appellant's desired additional improvements are not required by applicable regulations, but are in the nature of idealization and wish list. Only the minimum requirements may be imposed in permit review, achieving a level of adequacy. Optimization cannot be required through governmental permit authority.

Drainage Standards

19. Drainage impacts of development are addressed by the required adherence to the county drainage regulations governed by Title 9 KCC. Conformity with Title 9 KCC is the general standard, and the appropriate level of review at the preliminary short subdivision stage[5] is whether the conceptual drainage approach and DDES preliminary review demonstrate that the development can feasibly conform to applicable drainage requirements. Under Chapter 9.04 KCC, full compliance with applicable drainage regulations must be demonstrated in the construction plan review stage of short subdivision development (after preliminary approval), and implemented or otherwise assured prior to short subdivision recording. [KCC 9.04.090] One component of the King County Surface Water Design Manual (SWDM), adopted pursuant to Title 9 KCC, requires in Section 1.2.2.2 that "a property must not significantly aggravate existing downstream problems as a result of developing the site."

[5]The basic land use decision is made at the preliminary short subdivision review stage; see KCC 19A.04.300 and 19A.08.060, and Chapter 19A.12 KCC generally.

20. The additional surface stormwater runoff generated by the proposed development of the proposed short subdivision (and its anticipated structural improvement with an additional residence on Lot 2) will be conveyed to an existing storm drain system in the 82nd Avenue Northeast and the Northeast 117th Street right-of-way (the Northeast 117th Street right-of-way continues westerly of the intersection in an unimproved state, bordering the Appellant's property on the north).

    A. The proximate storm drainage system, part of the storm drainage system serving the contributing upstream area, consists of two catch basins in the 82nd Avenue Northeast right-of-way which allow inflow into a tightlined (buried pipe) north-south storm drain which descends southerly to a third catch basin at the corner of the intersection, and then turns at a 45-degree angle to descend southwesterly through the intersection to an outfall into an east-west open ditch in the unopened Northeast 117th Street right-of-way along the Appellant's north boundary line.

    B. The outlet of the stormdrain pipe into the ditch is lined with a quarry spall dissipater to slow and de-energize the discharge flow. Because the intersection of the pipe outfall and the ditch forms roughly a 45-degree angle, the discharged water must turn at the outfall to flow westerly down the ditch.

    C. The ditch in its present state was constructed concurrent with the installation of a new sanitary sewer line in the Northeast 117th Street right-of-way. Prior to its improvement, the ditch existed in a shallower, probably swale-type configuration rather than its present deeper state. The sanitary sewer line installation and ditch replacement/reconstruction were performed as a single project under the auspices and jurisdiction of the Northshore Utility District. (The installed sanitary sewer line serves approximately half of the "block" enclosed by the aforementioned loop road system.)

21. The Finn Hill area is locally known for numerous groundwater seepages and springs. Appellant Carlson, whose house was built in the early 1990's and which she purchased in 2001, is experiencing some seepage onto her lot between the drainage ditch and the house and some seepage into the house's crawlspace. She contends that the seepage has increased greatly since the ditch replacement. Her drainage expert witness also contends that the storm drain flow is sometimes close to overtopping the ditch and is subject to splashing, which is partly the result of the turn the flow must make negotiating the angled outlet into the ditch. The Appellant also asserts that the excavation for the new ditch perforated a thin fractured clay/silt layer below the first layer of glacial till in the area's subsurface strata, that water infiltrating from the ditch migrates laterally by wicking along the clay/silt layer to the crawlspace, and that the increased seepage being experienced has been caused by the ditch replacement work. The Appellant also asserts that the addition of stormwater by the creation of new impervious surfaces in the proposed short plat will further aggravate her seepage problems.

22. The Appellant contends that the sewer line installation was performed at the behest of the instant short subdivision applicant in anticipation of the short subdivision, and therefore should be considered a part of the short subdivision action, in one continuum of development activity. Following that reasoning, the Appellant contends that the effects of the contemporaneous ditch replacement/reconstruction should be assessed in the drainage impact review of the short subdivision. To support such contention, the Appellant cites the inclusiveness provisions

interpreted in Shoreline Management Act (SMA) case law and those in SEPA administrative rule as mandating that an inclusive continuum should similarly be required in the permit review of the instant short subdivision. This argument is not persuasive; it is not directly on point and conflicts with the pertinent regulatory framework:

A. The instant appeal consideration involves a regulatory permit, not environmental review conducted under SEPA.[6] Under SEPA, the review is to be of an "action" and a fundamental tenet of SEPA is that the continuum of action be reviewed inclusively where at all possible, rather than in segmented fashion. [WAC 197-11-060] Similarly, under the Shoreline Management Act there is a public policy expression supporting liberal interpretation of the Act and a resultant impetus to bring the upland portions of a site under at least the temporal constraints of shoreline permit review when a project under shoreline jurisdiction directly involves adjacent upland portions. [*Merkel v. Port of Brownsville*, 8 Wn. App. 844, 509 P.2d 390] But neither exhortation is directly transferable to the regulatory review of short subdivisions. Just as the short subdivision review need not take a look at past actions to bring electrical service to the neighborhood and the property, nor the installation of water mains, natural gas pipelines, telecommunications cabling, arterial road access, etc., the extension of the sanitary sewer main (and any attendant work that was necessitated by its installation, such as the reconstruction/replacement of the storm drainage ditch) is not properly a matter to be considered in the short subdivision review.

B. Also, the mere fact that sanitary sewer service is and was known to be required for short plat approval in this case does not compel inclusion of the sewer installation (and concomitant storm drainage ditch work) in the review of the short plat.

C. Moreover, the short subdivision review is necessarily segmented from a project permit standpoint and also from a jurisdictional one, since the sanitary sewer line and drainage ditch construction were conducted under Northshore Utility District direction, regardless who initiated the proposal for the improvement. The District sewer line installation was a separate and distinct project performed under District auspices; the preliminary short plat proposal is a separate and distinct permit application under King County jurisdiction. The segmentation is not only appropriate in the permit context but is jurisdictionally mandated.

23. The ditch installation must be considered to be part of the existing condition and within the baseline of the short subdivision review. Accordingly, only the drainage impacts of the short subdivision development itself may be assessed in determining the short plat's conformity with applicable drainage regulations and whether "appropriate provisions" are made for drainage.

A. In and of itself, the drainage impact of the short plat and the addition of new structural development on the new lot will not be a significant aggravation of the existing drainage problem, nor will it create a new significant problem. The Appellant's drainage expert acknowledges that in the context of the contributing upstream area served by the storm drainage system, the addition of one new lot's development will not be significant, while

[6] It should be noted that the Examiner has no procedural SEPA jurisdiction over the proposed short subdivision; it is an exempt action.

hedging that the outfall will probably surcharge, the flow may almost overtop the ditch capacity, the additional drainage could be the straw that breaks the camel's back, etc., all speculative and tentative assessments which the Appellant cites as supporting the requirement of full drainage review for a "level of comfort."

B. While well-intentioned, the testimony does not provide persuasive evidence of a significant aggravation of the existing drainage problems, nor of clear error on the part of DDES in concluding that the proposal conforms to applicable drainage requirements. DDES has correctly determined that the proposal comes under the small site drainage review called for in the 1998 Surface Water Design Manual, rather than a higher level of review such as targeted or full drainage review as the Appellant argues (misreading the threshold qualifier system established for the levels of analysis in Table 1.1.2.A of the SWDM).

24. In summary, the short plat's drainage impacts are *de minimis* and insignificant in the context of the total drainage area served by the subject system. The short subdivision is subject to small site drainage review only. Nevertheless, in response to the Appellant's expressed drainage concerns, DDES has recommended an additional condition of approval requiring engineering calculations to examine further the possibility of significant aggravation of the existing condition, to which the Applicant expresses no objection. The Appellant cites the additional condition proposal as a tacit admission of a significant impact, but the argument is unpersuasive; the Examiner finds it instead to be indicative of extra caution and attention, and in a sense a voluntary effort to "go the extra mile." Since the Applicant has expressly not objected to it, it shall be imposed.

Summary

25. In the topical areas raised on appeal, the proposed short subdivision applies with the applicable approval criteria.

CONCLUSIONS:

Timing and Appropriate Level of Review

1. The Appellant generally objects to DDES's "deferral" of formal engineering plans until after preliminary short plat approval, contending that final engineering plan review should be required to determine the initial feasibility of the short plat's compliance with the applicable regulatory standards, and that such formal plans should be available for public review and comment prior to a preliminary short plat decision by DDES.

A. This contention conflicts with the short subdivision review and approval procedures established by law. See, e.g., Title 19A KCC, particularly Chapters 19A.12 and 19A.16 KCC and Chapter 58.17 RCW, which establish first a preliminary approval process essentially requiring that code compliance feasibility; "appropriate provisions" for certain necessities and amenities; and maintenance of the public health, safety and welfare be demonstrated for a proposed subdivision or short subdivision. Then, after preliminary approval, final approval may be granted based on detailed demonstration of

code compliance (through formal survey, preparation of formal documentation, etc.) and on the approval and implementation of detailed construction and engineering plans for the physical components of the subdivision/short subdivision development.

B. The Appellant argues that detailed review should not be left to the period after preliminary short plat approval when construction and engineering plans review and final short plat review occur; public notice is not given of those later review steps and an opportunity for public review and comment is thereby lost. Issues such as setback, lot width, impervious surface coverage and other dimensional observances, and the conformity of road improvement and drainage plans to applicable standards should similarly not be left to later administrative review, because administrative review should be limited to ministerial matters not involving discretion and judgement. The argument flies in the face of the fundamental procedural framework governing short subdivision review in King County: except in cases of formal administrative appeal, *all* short subdivision review is conducted administratively without quasi-judicial hearing.[7]

2. The Appellant also argues that the review on appeal should be limited to the version of the preliminary short plat reviewed administratively by DDES, essentially arguing against any responsive revisions by the Applicant. The Examiner declines to apply such a pure standard to review on appeal, requiring a remand purely for drill (for formality's sake). The appeal issues can be decided fully and sufficiently in this proceeding. The Applicant also requests that the matter be remanded for further review and compelled to return to the Examiner in public hearing, in order that public notice and review may be further provided. The Examiner declines to honor such request, finding it uncalled for first because no reversible error is found and no need for further review for *preliminary* approval, and second because the motivation for facilitation of further public hearing, while well-meaning, is not reflected in the established short subdivision review process and would amount to an inappropriate usurpation of DDES's administrative role in short plat approval.

Substantive Conclusions

3. The facts in the record demonstrate that the proposed short subdivision would conform to the applicable County zoning regulations and other land use controls. In particular, the density of development, lot width, structural setbacks, and percentage of impervious surface, as well as the issues regarding the sight distance triangle and minimum lot area for construction, are shown to comply or that compliance is feasible, under the existing R-6-SO zoning and attendant zoning regulations.

4. The proposed short subdivision is shown to be able to meet applicable drainage regulations.

5. The proposed short subdivision is shown to be able to meet applicable road improvement regulations.

[7] That does not preclude public involvement and review opportunities, though they may not be as facilitated as they are through a public hearing process.

6. Since the proposed *Gajadhar* short subdivision is shown to comply with the applicable regulatory criteria for preliminary approval in the topical areas addressed by the appeal, the Appellant has not met her burden of proof to demonstrate reversible error in DDES's preliminary approval and the appeal shall therefore be denied.

DECISION: The appeal is DENIED and January 14, 2005 preliminary short plat approval is sustained, except that the following condition is added to the conditions of approval:

King County Surface Water Design Manual Section 1.2.2.2 states that "a property must not significantly aggravate existing downstream problems as a result of developing the site."

The applicant shall provide calculations (with the final submittal package) demonstrating that the proposed additional lot does not significantly aggravate existing downstream problems.

ORDERED this 9th day of August, 2005.

_____

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 9th day of August, 2005, to the parties and interested persons of record:

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NOTICE OF RIGHT TO APPEAL

The action of the hearing examiner on this matter shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the issuance of this decision. The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.

MINUTES OF THE JUNE 15 and 20 AND JULY 8, 2005, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L03S0037.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Barbara Heavey, Kris Langley and Curt Foster, representing the Department; John Groen and Mike Gajadhar for the Applicant; Michael Witek and Sonia Carlson for the Appellant; and Enayat Aziz and Joel Timmerman.
The following Exhibits were offered and entered into the record on June 15, 2005:

Exhibit No. 1 Letter re: Preliminary Approval for Short Subdivision L03S0037, dated 1/14/05, with attached staff report
Exhibit No. 2 Notice of Appeal of Sonia Carlson, received 2/01/05
Exhibit No. 3 Statement of Appeal for Sonia Carlson, received 2/07/05
Exhibit No. 4 Preliminary Short Plat map, received 12/05/03
Exhibit No. 5 Subdivision Density and Dimension Calculations, dated 10/31/03
Exhibit No. 6 DDES planning file no. L03S0037
Exhibit No. 7 Hearing Notebook of Appellant Sonia Carlson, dated 6/15/05
- Tab 1 - Letter re: Preliminary Approval for Short Subdivision L03S0037, dated 1/14/05, with attached DDES report and decision
- Tab 2 – Aerial photograph of subject area by Walker & Associates, dated 4/25/04
- Tab 3 – Preliminary Short Plat map, dated 10/22/03
- Tab 4 – Preliminary Short Plat map, revised 4/29/04
- Tab 5 – Resumé of Enayat S. Aziz, L.E.G., P.E.
- Tab 6 – Letter from Aziz Engineering Company re: Foundation Seepage, dated 5/11/05
- Tab 7 – King County Level 1 Drainage Analysis by Meriwether Leachman Assoc., Inc., dated 12/02/03
- Tab 8 – Lambert & Carr's Juanita Crest Plat, received by DDES on 12/05/03

Tab 9 – Declaration of Sonia Carlson dated 6/14/05 with photographs (8 color copies lettered A-H) of Carlson property
Tab 10 -Photographs (4 color copies lettered A-D) of intersection of 82nd and 117th

Exhibit No. 8 Cross-section drawing (w/colored markers) of portion Carlson property and surrounding landscape

The following exhibits were offered and entered into the record on June 20, 2005:

Exhibit No. 7 Additions to Hearing Notebook of Appellant Sonia Carlson
Tab 11 – Letter of transmittal dated 3/22/05 with attachments (4)
Tab 12 – Rebuttal calculations (4 pages) by Enayat Aziz, Aziz Engineering Company
Tab 13 – 9/11/03 letter from DDES to Applicant, plot plan, certificate of sewer availability and 5/28/03 letter from Northshore Utility District
Tab 14 – Sewer Easement for Gajadhar Extension, no. 20030314001314
Tab 15 – 9/05/03 Superior Court Petition for Review; Complaint for Declaratory Judgment and Injunctive Relief by Douglas P. and Mary Jo Evans with attachments, and 6/22/04 Stipulation of Voluntary Dismissal
Tab 16 - *Not entered – duplicative*
Tab 17 – Excerpts from the 1998 Surface Water Design Manual, Section 1.1 – Drainage Review, pages 1-8 through 1-11, 1-17, and 1-19 through 1-21
Tab 18 – Text copy re: Basic soils engineering, capillary water (1 sheet)
Tab 19 – Panoramic photographs (3 color copies, A-C) of subject intersection

Exhibits No. 9 through 19 *Not entered*

The following exhibits were offered and entered into the record on July 8, 2005:

Exhibit No. 20 Letter from Joel Timmerman re: written testimony dated June 22, 2005
Exhibit No. 21 Proposed additional condition, dated July 8, 2005

PTD:ms
L03S0037 RPT