

April 6, 2001

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
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REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L00P0019**

CANTERBERRY CROSSING
Preliminary Plat Application

Location: Northwest corner of intersection of South 320th Street
and 56th Avenue South

Applicant/
Petitioner: Harbour Homes, *represented by*
Kurt Wilson
1010 South 336th Street #300
Federal Way, WA 98003-7355

King County: Department of Development and Environmental Services
Land Use Services Division, *represented by*
Fereshteh Dehkordi, Current Planning Section
Department of Development and Environmental Services
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-7173
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SUMMARY OF DECISION:

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

PRELIMINARY MATTERS:

Application or petition submitted:	August 11, 2000
Complete application:	September 8, 2000

EXAMINER PROCEEDINGS:

Hearing Opened: March 29, 2001
Hearing Closed: March 30, 2001

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.

ISSUES/TOPICS ADDRESSED:

- Road design and construction
- Traffic impacts

SUMMARY:

The preliminary plat application is approved, subject to conditions.

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

FINDINGS:

1. **General Information:**

Owner/Developer:	Harbour Homes by Geonerco, Inc. Kurt Wilson 1010 S. 336 th Street, Suite 305 Federal Way, WA 98003 Telephone: (253) 838-8305
Engineer:	AHBL Ryan Patten 2215 N. 30 th Street, Suite 300 Tacoma, WA 98403 Telephone: (253) 383-2422
STR:	11-21-4
Location:	At the northwest corner of 56 th Avenue South and South 320 th Streets
Zoning:	R-4
Acreage:	4.4 acres
Number of Lots:	20
Density:	4.5 dwelling units per acre

Lot Size:	5,000 square feet
Proposed Use:	Single family
Sewage Disposal:	Lakehaven Sewer District
Water Supply:	City of Auburn
Fire District:	Federal Way Fire District #39
School District:	Auburn School District #403
Complete Application Date:	September 8, 2000

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the March 29, 2001 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Harbour Homes has submitted a preliminary plat application to subdivide approximately 4.4 acres into 20 lots for single-family residential development. A road vacation petition that was heard concurrently with the plat application (File No. V-2420) is intended to supply 0.15 acres of this total within a portion of South 320th Street along the southern boundary of the parcel. In addition, the Applicant is proposing to exceed the R-4 base density for the property by transferring density from another site, as authorized by KCC 21A.55.
4. Canterbury Crossing is located in an unincorporated area between the cities of Federal Way and Auburn that is undergoing transformation from rural residential densities to urban residential development. Immediately west of Canterbury Crossing is the plat of Peasley Ridge, which is in the process of constructing 54 single-family lots on approximately 13.5 acres. Many of the road and drainage engineering decisions for Canterbury Crossing implement conceptual designs that were previously approved within the review for Peasley Ridge.
5. Two neighboring property owners to the north, David and Kari Bruns and Neil Oestreich, expressed displeasure with the Applicant's proposal to construct South 319th Street along the entire northern frontage of the plat in order to connect Peasley Ridge with 56th Avenue South. If a through-connection needs to be made, these neighbors would prefer to see it located along the southern boundary of the plat where South 320th Court currently exists.
6. As explained by DDES staff, the decision not to extend South 320th Court west through Peasley Ridge was made on the basis that a Class 2 wetland straddles the portion of right-of-way that would need to be constructed, and it is County policy to protect such wetlands where feasible. A more basic objection to revisiting the road layout design at this time is simply that these circulation decisions were effectively made during the review of Peasley Ridge. The portion of the undeveloped right-of-way for South 320th Street that lies on the eastern half of Peasley Ridge was vacated at the time of its preliminary plat approval in late 1999. This section of South 320th Street no longer legally exists as a County road, and design of Peasley Ridge's road and drainage facilities is premised upon the easterly road connection occurring at South 319th Street. If there were going to be a debate over the appropriate location for the through-connection from Peasley Ridge to the east, such debate needed to occur during the review of Peasley Ridge when the basic circulation pattern for the neighborhood was established.
7. The traffic study for Canterbury Crossing attempts to evaluate the traffic impacts that will result from the connection of 51st Avenue South, via South 319th Street, through to 56th Avenue

South. Canterbury Crossing itself will have 13 lots that access to South 319th Street, contributing 101 average daily trips (ADT) to the roadway, including 11 P.M. peak hour trips. In addition, the connection is expected to attract neighborhood traffic from both Peasley Ridge and surrounding areas further east. But because the route west to 51st Avenue South will not be a straight shot, it should not attract large amounts of regional cut-through traffic. Overall, the traffic study estimates for South 319th Street after completion an ADT of 797, with 81 trips during the P.M. peak hour. This is a normal level of residential traffic usage consistent with its urban subcollector designation.

8. At the traffic levels projected, no basis exists for requiring fencing on the north side of the South 319th Street right-of-way to protect off-site properties. Contrary to the neighbors' fears, no off-site right-of-way dedications or improvements will be required as a consequence of approval of the plat of Canterbury Crossing. Obviously, if the properties to the north are later re-divided at urban densities, road frontage improvements may be required of them at that time. Mrs. Bruns also expressed concern about the potential loss of trees north of the South 319th Street right-of-way resulting from road construction. While it is clear that the trees on Canterbury Crossing will need to be removed for road and lot construction, a condition has been added to the plat approval that requires an assessment of impacts to off-site trees prior to road construction. Finally, another neighbor, Kirk Renschler, testified to the potential existence of a sight distance problem at the southeast corner of the plat at the intersection of South 320th Court and 56th Avenue South. Inasmuch as the measured sight distances at that location along 56th Avenue South appear to be adequate, any problems that exist would probably involve vegetation or other obstacles located within the road right-of-way outside the paved area. If such obstacles are present, they should be brought to the attention of County traffic operations or maintenance officials. In any event, such maintenance problems are not plat approval issues.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for Canterbury Crossing, as revised and received on March 1, 2001, is APPROVED, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.

2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density, maximum density and other requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 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 the discretion of the Department of Development and Environmental Services.
4. Prior to the engineering plan submittal, the applicant shall provide a certificate of Transfer of Development Credit (TDC) issued to his/her name for the exact number of credits to be transferred to this site. At the time of the recording, DDES will notify King County Department of Natural Resources that the certificate is used up.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. 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 to meet the standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in relocating and/or reducing the number 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 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES 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 # _____ on file with DDES and/or the King County Department of Transportation. 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.”

8. A surface water adjustment L00V0089 was approved for this subdivision. All conditions of approval for this adjustment shall be met upon engineering plan submittal.
9. The stormwater detention facility shall be designed using the Level 2 Flow Control Methodology outlined in the 1998 King County Surface Water Design Manual(KCSWDM), unless otherwise approved by DDES.
10. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards(KCRS):
 - a. FRONTAGE: The frontage of the subdivision along 56th Avenue South shall be improved at a minimum to the urban neighborhood collector standard.
 - b. South 320th Court. adjoining along the south boundary shall be improved at a minimum to the urban subaccess street standard on the north side. The south side shall be improved to a minimum 11 ft. driving lane with rural type shoulder or as approved by DDES. A “T” type intersection shall be provided for the existing access road to the south at the proposed west end of S 320th Court.
 - c. South 319th Street adjoining on the north boundary shall be improved at a minimum to the urban subcollector standard on the south side. The north side shall be improved to a minimum 11 ft. driving lane with rural type shoulder or as approved by DDES. The engineering plans shall identify whether any significant trees, as defined at KCC 21A.06.1167, lie off-site within 5 feet of the northern plat boundary. If any significant off-site trees are identified, the engineering plans shall provide construction protocols approved by a certified arborist for protecting such trees and their root systems from injury during road construction. Prior to road construction for South 319th Street, the northern property line shall be clearly marked.
 - d. The temporary cul- de- sac at the existing east terminus of S 319th Street (in the plat of Peasley Ridge) shall be removed and restored with the easterly extension of S 319th Street.
 - e. Lots 13 and 20 shall have undivided ownership of Tract C. This tract shall be improved as a private access tract according to Section 2.09 of the KCRS.
 - f. Modifications to the above road conditions may be considered according to the variance procedures in Section 1.08 of the KCRS.
11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording. Utility easements within the portions of South 320th Street proposed to be vacated shall be provided to the Lakehaven Water and Sewer District, the City of Auburn and Puget Sound Energy, as described in the Road Services Division staff report for File No. V-2420.
12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by

the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

13. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to 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.
14. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
15. Preliminary plat review has identified the following specific sensitive areas requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.
 - a. Class 2 wetland shall have a minimum buffer of 50 feet, measured from the wetland edge. The wetland(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT, Tract A).
 - b. Buffer averaging may be proposed, pursuant to KCC 21A.24.320, provided the total amount of the buffer area is not reduced and better resource protection is achieved, subject to review and approval by a DDES Senior Ecologist.
 - c. A minimum building setback line of 15 feet shall be required from the edge of the tract.
 - d. Prior to commencing construction activities on the site, the applicant shall mark sensitive areas tracts in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the sensitive areas are completed.
 - e. Prior to final approval of construction activities on the site, the boundary between the sensitive area tracts and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on approved plans.
 - f. During the final engineering design of the plat, the applicant shall address wetland hydrology and how the hydrology will be maintained.
 - g. Prior to final engineering approval, the engineering plans shall be routed to the Sensitive Areas Section for review and approval by the wetland ecologist.

16. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive 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 sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive 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/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive 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 sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

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

17. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
- a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements (see condition 17b). The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents. To provide easy access from all lots to the recreation tract, a pedestrian facility shall be provided to connect South 319th Street and South 320th Court to the play area within Tract B. Unless an alternative concept is approved by DDES, the walkway shall be a path having a minimum of 5-foot wide paved surface. To prevent potential impact to the sensitive area, the path segment adjacent to the sensitive area tract may be developed with other surface material approved by DDES. The applicant shall consider extending the path north and east of the drainage pond to make a walking loop.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.

18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
Street trees shall be provided as follows (per KCRS 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 Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation 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 DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 56th Avenue South is on a bus route. If 56th Avenue is a bus route, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
- 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.
19. The following condition has been established under SEPA authority as necessary to mitigate the adverse environmental impacts of this development. The Applicant shall demonstrate

compliance with this condition prior to final approval:

Split rail or similar fence approved by DDES shall be constructed along the south property boundaries of lot 1 through 3. Fencing details, construction and location shall be shown on the engineering plans for DDES review and approval. This mitigation is intended to reduce disturbance within the protective buffer and associated wetland.

ORDERED this 6th day of April, 2001.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 6th day of April, 2001, to the following parties and interested persons:

Shirley Aird
Steve Botts
David Bruns
Wayne Carlson
Sean Comfort
D&E Investments
Don Dauphiny
Roger Dorstad
Dennis and Ann Durr
Greg Hastings
Clyde P. Hussey
Lakehaven Water & Sewer District
Linda Matlock
Eleanor Moon
Cathy Moren
New Home Trends
L.R. Nugent
Dale Oakes
Neil Oestreich
Ryan Patten
Kirk Renschler
Dennis Riebe
Seattle-King County Health Dept

David Gaultieri
Nick Gillen
Dennis Gorley
Trish Gustafson
Kristen Langley
Roderick E. Matsuno
Aileen McManus
Ronald J. Paananen
Lydia Reynolds-Jones
Carol Rogers
Faith Roland
Charlie Sundberg
Steven C. Townsend
Larry West
Bruce Whittaker
Joe Wilson
Thomas Eksten
Fereshteh Dehkordi
Kim Claussen
Tommy Burdette
Greg Borba
Kurt Wilson
Arlyn Sweesy

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before April 20, 2001***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before April 27, 2001***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MARCH 29, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L00P00019 – CANTERBERRY CROSSING:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Fereshteh Dehkordi and Bruce Whittaker. Participating in the hearing and representing the Applicant was Sean Comfort of AHBL. Other participants in this hearing were David Bruns, Kari Bruns, Kirk Renschler and Neil Oestreich.

The following exhibits were offered and entered into the record:

- | | |
|----------------|---|
| Exhibit No. 1 | DDES File No. L00P00019 |
| Exhibit No. 2 | DDES staff report to the Hearing Examiner, dated March 29, 2001 |
| Exhibit No. 3 | Application, dated August 11, 2000 |
| Exhibit No. 4 | Environmental Checklist, dated July 19, 2000 |
| Exhibit No. 5 | Mitigated Determination of Non-significance (MDNS), dated February 2, 2001 |
| Exhibit No. 6 | Affidavit of Posting indicating October 4, 2000 as date of posting and October 11, 2000 as the date the affidavit was received by DDES. |
| Exhibit No. 7 | Revised site plan, dated March 1, 2001 |
| Exhibit No. 8 | Land Use Map (Kroll) pages 729 W & 717 W. |
| Exhibit No. 9 | Assessors Maps SW 11-21-4 & NW 14-21-4 |
| Exhibit No. 10 | Preliminary Technical Information Report, dated July, 2000 |
| Exhibit No. 11 | Revised Technical Information Report, dated November, 2000 |
| Exhibit No. 12 | Wetland Study by Habitat Technology, received November 7, 2000 |
| Exhibit No. 13 | Traffic Impact Analysis report by TPE, dated August 4, 2000 |
| Exhibit No. 14 | Certificate of Transportation Concurrency, issued May 31, 2000 |
| Exhibit No. 15 | King County Transfer of Development Credit (TDC) Certificate No. 0004. |
| Exhibit No. 16 | Preliminary Grading & Drainage Map, dated February, 2000 |
| Exhibit No. 17 | Revised Condition No. 17.b of staff report |
| Exhibit No. 18 | Site plan schematic |
| Exhibit No. 19 | Drainage schematic |
| Exhibit No. 20 | Revised Condition No. 11 of staff report |