April 11, 2014
As clarified June 10, 2014

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse, Room 1200
516 Third Avenue
Telephone (206) 477-0860
Facsimile (206) 296-0198
hearingexaminer@kingcounty.gov

REPORT AND DECISION

SUBJECT: Department of Permitting and Environmental Review file no. **PLAT120003**
Proposed ordinance no.: **2014-0093**

TWINS RIDGE
Preliminary Plat application

Location: East of 244th Avenue NE, south of NE 16th Street, Redmond

Applicant: Twins Investments
represented by **Steve Freeman**
PO Box 15
Issaquah, WA 98027
Telephone: (206) 296-6613
Email: winshardwood@comcast.net

King County: Department of Permitting and Environmental Review
represented by **Kimberly Claussen**
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone(206) 296-6613
Email: kimberly.claussen@kingcounty.gov

** The findings, conclusions, recommendations, and effective date of the April 11, 2014, report remain unaltered, but some commentary from paragraphs 15 through 17 has been excised.**

SUMMARY OF RECOMMENDATIONS/DECISION:

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

EXAMINER PROCEEDINGS:

Hearing Opened: April 8, 2014
Hearing Closed: April 8, 2014

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, CONCLUSIONS, AND DECISION:

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	Twins Investments Attn. Steve Freeman PO Box 15 Issaquah, WA 98027 206-227-1599
Engineer:	DR Strong Consulting Engineers 620 7th Avenue Kirkland WA 98033 425-827-3063
STR:	26-25-06
Location:	The site is located on the south side of NE 16th Street, east of 244th Avenue NE, Sammamish
Tax Parcels	262506-9024 & 262506-9039
Zoning:	R-4
Acreage	14.74 acres
Number of Lots:	59
Density:	Approximately 4 units per acre
Lot Size:	Average lot size ranges from approximately 4,000-5,000 square feet
Proposed Use:	Single Family Detached Dwellings
Sewage Disposal:	Sammamish Plateau Water & Sewer District
Water Supply:	Sammamish Plateau Water & Sewer District
Fire District:	Eastside Fire and Rescue
School District:	Lake Washington School District #414
Application Date:	August 29, 2012 (date filed); September 27, 2012 (complete)

2. Except as modified herein, the facts set forth in the Department of Permitting and Environmental Review (DPER) reports to the Examiner and the DPER and King County Department of Transportation (KCDOT) testimony are found to be correct and are incorporated herein by reference.

3. This proposal would subdivide an "L" shaped 14.74 acres into fifty-nine single family detached dwelling lots, along with tracts for drainage, recreation, and critical areas. Although adjacent to the City of Sammamish ("City"), and although the handwriting appears to be on the wall for future City annexation, the property is entirely within unincorporated King County. Zoned R-4 (*i.e.*, four dwelling units per acre), the maximum allowable density is 58.96 units. As the property is within the urban growth boundary, where rounding up is (per code) appropriate, the maximum project density is the proposed fifty-nine units.

4. In the southwest, the property contains steep slopes approaching fifty percent; this area will be set aside in a critical area tract. Testimony showed that the slope was stable, with no evidence or erosion or slide activity. To avoid those slopes while still siting the maximum number home lots, the Applicant proposes to separate four of the lots from the remainder, siting them on a ridge in the southwest corner, with ingress and egress to 244th Avenue NE ("the Avenue"). The other fifty-five lots will access the Avenue via NE 16th Street ("the Street") and some intra-plat roads. The site passes traffic concurrency, and the Avenue/Street intersection serving the fifty-five lots is predicted to be well within the acceptable level-of-service requirements.

5. There is one significant, road-related concern for the four Avenue lots and another one for the other fifty-five.

6. For the Avenue lots, the issue is plat-related cars attempting to exit the plat and turn left (south) onto the Avenue. The there is insufficient entering site distance for cars leaving those lots to see Avenue cars bearing down from the north. The Applicant proposes a two-way left turn lane to ameliorate this. We need not decide whether that is sufficient, because the County has determined that it is the City's call. That baton pass makes sense. The Avenue is a City road, the City is the governmental entity making other frontage-related decisions like curbs and road widths along the Avenue, and those four lots are distinct, traffic-wise, from the other fifty-five. Our amended condition 14.e. explicitly requires City approval of entering site distance.

7. For the remaining lots, the applicable road standard prohibits a residential street from serving over 100 lots or dwelling units unless the street is connected in at least two locations to at least a subcollector road. The only proposed connection for Twins Ridge, and for the adjacent *16th Sammamish—L11P0001* preliminary plat approved last fall, is the Street. With the addition of Twins Ridge to *16th Sammamish*, the Street will need to serve approximately 134 residences. Any emergency traffic that could make it past the first 150 feet of the Street east of the Avenue would enjoy an internally connected road system allowing an emergency bypass of an interior road blockage. The choke point is that first stretch of the Street as it leaves the Avenue.

8. Siting a second access point is problematic; there are no adjacent roads to the east or south of the plat or north of the Street, and very steep slopes stand in the way of a second Avenue connector south of the Street. Thus, the Applicant applied for and received from KCDOT a variance from the 100-lot rule, so long as it does two things: construct a wider, boulevard-like, divided route for the choke point (to lessen the odds of a two-way

blockage) and require fire suppression sprinklers for each plat residences. DPER's original recommendation on this topic, however, was under-protective, requiring *either* increased sprinklers *or* increased curb widths and parking restrictions on interior plat roads. The problem with that second alternative is that they would not address the choke point. When we raised this at hearing, DPER and the Applicant arrived at a clearer sprinkler requirement, unless or until additional emergency access is provided. Our amended condition 14.j. incorporates this, although, the Applicant's and DPER's newly proposed language is somewhat *over*-protective: there is swift emergency access for the four Avenue lots; it was only the interior lots that are problematic. We have adjusted the language accordingly.

9. Drainage-wise, Twins Ridge somewhat replicates *16th Sammamish*. For both, and in both the pre-and post-developed conditions, the eastern portion of each site eventually drains to the Allen Lake outlet channel ("Channel"), while the western portion eventually drains to a closed depression ("Depression") on the *16th Sammamish* site. For both, the respective Applicant proposed a Level 3 Flow Control system for easterly drainage and a Level 2 Flow Control system for westerly drainage. And DPER required both Applicants to account for the impact of both developments and of other area proposals like *Mystic Lake—L12P0003*, a portion of which also drains to the Depression.

10. Looking east, the flat Channel gradient, upstream culvert capacity limitations, and dense, aquatic vegetation have cumulatively made flooding a major concern. In the recent past, the area upstream from the subject property has been categorized as a Type III, severe flooding problem. Downstream flooding has also been a factor. As discussed in our *16th Sammamish* review, increased Channel flood elevations both upstream and downstream from the flow input location make for a "potential sensitivity" of the system.

11. At the *16th Sammamish* hearing, the County described it efforts since mid-2011 to improve upstream Channel conveyance, clearing various culverts, installing a beaver exclusion fence and a rack to keep large debris from a culvert, removing concrete blocking the Channel, and replacing one failed culvert with a new, larger culvert. This has apparently worked such that last fall's heavy rains passed with no reported flooding problems. In addition, the County described its plans to further improve the Channel's flow capacity, including upsizing three more culverts in the near future. This helps minimize the magnitude of any flooding-related impact from the subject plat.

12. Although the devil may be in the final engineering details, a Level 3 Flow Control system (the County's highest level of protection) proposed for eastern drainage and the less than 2.4 acres of the subject plat draining east (a far smaller area than in play for *16th Sammamish*) supports the Applicant's conclusion that there would be or negligible Channel-related impacts in flow rates or base flood elevations.

13. Looking west, the majority (thirteen plus acres) of the site, as well as approximately thirty offsite acres, drain to the Depression. As discussed in *16th Sammamish*, the Depression is not completely separate from the Channel. Especially during extreme wet weather when the water table is elevated, water may leave the Depression through the ground in a lateral direction; some of these interflows may reach the Channel. And at

extremely high elevations an overflow pipe from the Depression carries water north, towards the Channel. Yet we agree that any Depression impacts to the Channel are likely negligible. Any lateral, west-to-east movement from the Depression to the Channel is substantially attenuated by the considerable distance and significant time any interflows would take to reach the Channel. And the northerly overflow pipe for the Depression is 4.5 feet *above* the Depression's predicted 100-year storm elevation, a significant cushion.

14. The portion of the site eventually flowing to the Depression is comprised of three subbasins. The Applicant requested and received a variance to combine the northerly two, routing those post-developed flows into one stormwater detention/water quality facility that would then be directed to the small "Wetland B." Although the proposed change (post-development) in average annual runoff to Wetland B raises a flag, we found credible the Applicant's hydrologist's explanation for how and why that could be compensated for to retain wetland functionality. The southerly drainage would flow to a separate stormwater detention/water quality facility and then onto the Depression; the hydrological balance in "Wetland A" in the south central portion of the site is thus slated to come from sources other than the facility. The precise approach awaits final engineering, but at the conceptual level the preliminary plat represents, the Applicant has met its burden, hydrology-wise.

15. Turning to the wetlands, the cut-off for a Category IV wetland and its 50-foot buffer is 29 points. Between 30-50 points, a wetland is Category III, commanding a 75-foot buffer. Here Wetland B is scored at 29 and Wetland A at 50, meaning each wetland is slated to fit, by a hair's breadth, into the category with the lower buffer width.

16. While two scores right at the breakpoints raise a flag, and although the wetland expert that actually scored the Applicant's wetlands was not present to testify, another expert answered many of our questions. Similarly, DPER's wetland's expert explained his review. And several factors counsel against increasing the buffers or remanding for further review:

    - The score of fifty for Wetland A was originally forty-eight, before DPER added two points.

    - The City agrees that the wetlands "appear to have been identified and classified appropriately," and it notes that Wetland A would actually have a *smaller* buffer requirement, were it in the City (where, in the near future, it likely will be).

    - If either wetland should have scored higher, it likely would have only been by a few points, meaning, for example, that Wetland B would have been at the bottom rung of Category III.

    - For Wetland A, through buffer averaging the Applicant is proposing to add almost six thousand additional feet of buffer.

- It is conceivable that, through instituting the Best Management Practices (BMPs) DPER intends to require, the Applicant might have otherwise been able to obtain a buffer reduction.

17. So long as we amend condition 19.b. to insure that the 75- and 50-foot buffer widths cannot be reduced (even if BMPs are instituted), that is sufficient to find that the Applicant has met its burden vis-à-vis the wetlands.

18. Finally, a major concern with *16th Sammamish* was safe passage for school children, especially young children needing to cross the fast and busy Avenue without a permanent protection like a light or crosswalk. Here the Applicant proposes to broaden the Avenue and build a walkway, both on and off site, that will allow an unbroken passage way for elementary and middle school walkers down the eastern (plat) side of the Avenue to a substantial crosswalk (*i.e.,* one with a concrete divider) directly opposite the elementary school. And the City has opined that school walking conditions are acceptable. The Applicant has met its burden.

CONCLUSIONS:

1. 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 R-4 zone.

2. 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 will serve the public health, safety and welfare, and the public use and interest.

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

DECISION:

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

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

3. The Applicant shall obtain documentation from the King County Fire Protection Engineer certifying compliance with the hydrant location and fire flow standards of Chapter 17.08 KCC.

4. The plat shall comply with the base density and minimum density requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or shall be 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 Permitting and Environmental Review.

Any/all plat boundary discrepancy shall be resolved to the satisfaction of DPER prior to the submittal of the final plat 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.

5. 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. 15753, as amended (2007 KCRD&CS).

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 standards of Chapter 17.08 of the King County Code.

7. The drainage facilities shall meet the requirements of the 2009 King County Surface Water Design Manual (KCSWDM). The site is subject to the Conservation Flow Control and Basic Water Requirements in the KCSWDM. Level 3 Flow Control is required and proposed for the east subbasin (Tract H facility), to address downstream drainage problems in the Allen Lake Outlet Channel.

8. A Drainage Adjustment VARD13-0007 is approved for this development. All conditions of approval for this adjustment shall be met prior to approval of the engineering plans.

9. To implement the required Best Management Practices (BMPs) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the 2009 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMPs for site development.

   The required BMPs shall also be shown on the individual residential building permit applications upon submittal of the permits. The individual building permit applications shall also include the required covenants, easements, notes and other details to implement the BMP design.

10. The 100-year floodplain for any onsite or adjoining streams or wetlands shall be shown on the engineering plans and the final plat per Special Requirement 2 of the 2009 KCSWDM.

11. Compensatory Storage is required in Tract K for minor filling, proposed in the Wetland B 100-year floodplain. See the Conceptual Road and Drainage Plan received January 14, 2014.

12. A culvert shall be provided to convey the drainage flows under NE 14th Place from the north end of the Tract E Wetland to the north closed depression. A culvert is shown on the Conceptual Road and Storm Drainage Plan received January 14, 2014.

13. Finished Floor elevations for the new residences shall be placed at least 1.5 feet above the North Depression proposed Overflow Elevation of 344.0 ft. A note to this effect shall be shown on the engineering plans and final plat.

14. The proposed subdivision shall comply with the 2007 King County Road Design and Construction Standards (KCRD&CS) and 2009 King County Surface Water Design Manual, including the following requirements:

    a. The 245th Avenue NE stub to the north shall be improved at a minimum to the urban subcollector street standard.

    b. Internal roads, 244th Place NE, NE 14th Place, and 246th Avenue NE, shall be improved at a minimum to the urban subaccess street standard.

    c. Road Variance VARR13-0006 is approved for this site. All Conditions of approval for this variance shall be met prior to approval of the engineering plans.

    d. FRONTAGE: The NE 16th Street frontage shall be improved at a minimum to the urban neighborhood collector standard, on the south side, including adequate R/W dedication for the improvement. This improvement shall meet the widened boulevard entry condition included in Road Variance VARR13-0006.

    e. FRONTAGE: The 244th Avenue NE frontage shall be improved at a minimum to the urban collector arterial standard on the east side. A portion of this 244th Avenue NE frontage improvement south of NE 14th Street, is located in the City of Sammamish. This portion of the frontage improvement, including entering site distances, requires City of Sammamish permitting.

    f. OFFSITE WALKWAY: An offsite walkway improvement is required on the east side of 244th Avenue NE from NE 12th Street to approximately 180 feet south. The walkway shall be minimum 5-foot wide paved walking surface with curb or other separation unless otherwise approved by the permitting agency. (See Walkway Analysis received January 14, 2014.) This improvement is within the City Limits of the City of Sammamish and shall be permitted by the City.

    g. An additional 12 feet of R/W shall be dedicated along the 244th Avenue NE frontage, per the KCRD&CS.

    h. The private access tracts (PAT) and joint use driveway tracts (JUD) shall be improved per Sections 2.09 and Section 3.01 of the 2007 KCRD&CS.

i. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.12 of the KCRD&CS.

j. 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. Sprinklers shall be provided to future residences accessed via NE 16th Street unless additional emergency access is provided to the satisfaction of the King County Road Engineer.

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

16. 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 the 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.

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

18. The proposed subdivision shall comply with the Critical Areas code as outlined in KCC 21A.24. Permanent survey markings and signs, as specified in KCC 21A.24.160, shall also be addressed prior to final approval. Temporary marking of critical 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 complete.

19. Preliminary plat 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:

a. The Critical Areas shown on the revised site plan dated January 14, 2014, have been verified and approved by King County DPER staff.

b. The Category III Wetland A shall have a 75-foot buffer, as measured from the wetland edge. The Category IV Wetland B shall have a 50-foot buffer, as measured from the wetland edge. While buffer averaging may be used to modify

these required buffers as shown and approved on the site plan, in no event may the 75- and 50-foot buffers themselves be reduced.

c. A final buffer averaging/mitigation plan with planting, if proposed, shall be submitted during engineering review.

d. The wetlands and buffers shall be placed in Critical Area Tracts (CAT) for long term protection. Fencing (split rail or equivalent) of the CAT is required.

e. A 15-foot building set back line (BSBL) is required from the edge of the CAT and shown on all affected lots. The BSBL does not apply to paved roads, driveways and structural and non-structural fill.

f. The final mitigation plan, if any, shall include 3 years of monitoring and a financial guarantee to assure long term implementation and success.

g. The plans shall conform to the recommendations described in the project geotechnical report by Terra Associates, Inc., dated August 17, 2012. Terra Associates shall review of all submitted plans to insure that all geotechnical recommendations are interpreted correctly and fully implemented. A condition of permit issuance will be the requirement for observation by the project geotechnical engineer of construction activities, grading, excavation, erosion control, and other earth-related activities throughout the project, with observations, reports, and approvals provided to the building/grading inspector. In addition, the project geotechnical engineer will be required to examine and certify all building sites in the plat.

h. Prior to construction activities the CAT boundaries shall be clearly marked with both bright orange construction and erosion control fencing. The fencing shall remain in place until all construction activities are complete.

i. The engineering plans shall be submitted and reviewed by Critical Areas Staff.

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

RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL AREAS AND BUFFERS

Dedication of a critical area tract/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 Department of Permitting and Environmental Review 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.

20. A homeowners' association or other workable organization shall be established to the satisfaction of DPER which provides for the ownership and continued maintenance of the recreation tract and critical area tracts. An easement shall be provided to King County over the recreation tract for maintenance of the storm water facilities.

21. Suitable recreation space shall be provided consistent with the requirements of K.C.C. 21A.14.180 and K.C.C. 21A.14.190 (*i.e.*, sport court[s], children's play equipment, picnic table[s], benches, etc.).

    a. A detailed recreation space plan (*i.e.*, location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DPER and King County Parks prior to or concurrent with the submittal of engineering plans. The plans must include additional recreation facilities per KCC 21A.14.180E, fencing and landscaping along the road perimeter to alleviate potential conflicts between users of recreation tract and vehicles.

    b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.

22. Street trees shall be provided as follows (per KCRD & CS 5.03 and K.C.C. 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 2007 King County Road Design and Construction 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 DPER 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 DPER prior to engineering plan approval.

g. The Applicant shall contact Metro Service Planning at (206) 684-1622 to determine if 244th Avenue NE is on a bus route. If so, 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 DPER has completed a second inspection and determined that the trees have been kept healthy and thriving.

i. 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.

DATED April 11, 2014.

David W. Spohr
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Hearing Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of $250 (check payable to King County Office of Finance) on or before ***April 25, 2014***. If a notice of appeal is filed, the original two 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 ***May 2, 2014***. 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 Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104, 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. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 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 April 8, 2014, HEARING ON PERMITTING AND ENVIRONMENTAL REVIEW FILE NO. PLAT120003, PROPOSED ORDINANCE NO. 2014-0093

David W. Spohr was the Hearing Examiner in this matter. Kim Claussen, Molly Johnson, Craig Comfort, Bruce Whittaker and Nick Gillen participated in the hearing on behalf of the Department; Luay R. Joudeh and Walter J. Shostak, Edward McCarthy, Adam Dewolfe, Mark Jacobs, and Ted Schepper participated for the Applicant.

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

Exhibit no. 1	DPER file no. PLAT120003
Exhibit no. 2	Preliminary department report, transmitted to the Examiner dated April 8, 2014
	Exhibit no. 3Application for Land Use Permits submitted August 29, 2012, complete September 27, 2012
Exhibit no. 4	State Environmental Policy Act (SEPA) checklist received dated August 29, 2012
Exhibit no. 5	SEPA Determination of Non-Significance dated February 25, 2014
Exhibit no. 6	Affidavit of Posting indicating October 25, 2012 as date of posting and November 2, 2012 as the date the affidavit was received by DPER
Exhibit no. 7	Plat & conceptual road/storm plans received January 24, 2014 (revision)
Exhibit no. 8	Assessors Map NW & SW 26-25-06, SE 27-25-06
Exhibit no. 9	Level 3 drainage analysis by D.R. Strong received August 29, 2012
Exhibit no. 10	Revised Level 3 drainage analysis by D.R. Strong received January 14, 2014
Exhibit no. 11	Wetland Hydrology analysis by Ed McCarthy received September 3, 2013
Exhibit no. 12	Critical Areas study by Talasaea revised April 8, 2013
Exhibit no. 13	Additional wetland information from Talasaea dated April 8, 2013
Exhibit no. 14	Traffic study by Jake Traffic Engineering received August 29, 2012
Exhibit no. 15	Supplemental Traffic study by Jake Traffic Engineering received June 23, 2013
Exhibit no. 16	School walkway analysis (revised) by D.R. Strong received January 14, 2014
Exhibit no. 17	Lake Washington School District response letter received September 18, 2012
Exhibit no. 18	Road Variance (VARR13-0006) approval letter dated October 28, 2013
Exhibit no. 19	City of Sammamish letter dated February 7, 2014
Exhibit no. 20	Letter to Walter J. Shostak of D.R. Strong on drainage adjustment dated February 10, 2014
Exhibit no. 21	Mitigation and Settlement Agreement
Exhibit no. 22	Revised sprinkler language