

To be considered by the  
Metropolitan King County Council on  
**Wednesday, October 16, 2019 at 9:30 a.m.**



**Metropolitan King County Council**  
**Office of the Hearing Examiner**  
David Spohr, Hearing Examiner

**MEETING MATERIALS FOR THE  
METROPOLITAN KING COUNTY COUNCIL**

APPEAL OF A DECISION  
OF A  
HEARING EXAMINER

Proposed ordinance no. **2019-0251**

Preliminary Plat Application of **Gill-Cole**

Department of Local Services, Permitting file no. **PLAT180005**

Southwest corner of SE 192nd Street and 140th Avenue SE, **Renton**



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## SUMMARY INFORMATION

### Overview:

The Applicant, Harbour Homes, proposes to put 34 lots on property east of 138th Avenue SE, west of 140th Avenue SE, and south of SE 192rd Street. *See* p. 3 (vicinity map); p. 5 (preliminary plat map). The property is located in urban, unincorporated King County east of Renton and Kent, and west of Lake Youngs.

The *pro tem* examiner approved the subject preliminary plat. She approved plat access from the west via 138th Avenue SE and SE 193rd Street. Several neighbors living on 138th Avenue SE or SE 193rd Street timely appealed this portion of her decision, requesting that Council shift access east to 140th Avenue SE.

The appellate materials here are relatively concise. This packet contains the equivalent of about ten pages of text to digest, plus a few maps and photographs. We cite, below, to the pertinent paragraphs. The full hearing record is available in our office.

The Chair has determined that Appellants and Applicant may each have five minutes to present their arguments, not including time spent responding to councilmembers' questions. And Appellants and the Applicant may carve up their allotted five minutes to have multiple people present. The chair may extend the parties' time, in his discretion.

### Summary:

Two weeks before the examiner hearing, the Department of Local Services—Permitting Division submitted a report. *See* p. 13 ¶¶ H.2–3; pp. 14–15 ¶ I (all four subparagraphs).

Neighbors appeared at the hearing and presented their arguments. Although the main discussion at hearing was on using 140th Avenue SE as *secondary access*, the neighbors raised concerns with using 138th Avenue SE/SE 193rd Street as plat access. This was sufficient to exhaust their administrative remedies and preserve their eligibility to later file an appeal.

The examiner agreed with the Applicant and the Department that access via 138th Avenue SE/SE 193rd Street was appropriate, and that access via 140th Avenue SE was not. She did require, prior to final plat approval, more information from the Department and Applicant about the eventual provision of *secondary* plat access. *See* p. 31 ¶¶ 3–6; pp. 35–36 ¶ 7; p. 40 ¶ 15.

Rock Creek HOA, Kurt Johnson, Abu Zaman, and Paul Klinkenberg (Appellants) timely challenged this. Their two-page appeal statement asserts that the stretch of SE 193rd Street passing by their homes is too narrow to safely accommodate plat traffic. They explain why they think 138th Avenue SE is hazardous. They estimate daily plat vehicle trips and contend that these are too much for their neighborhood. They request that SE 193rd Street be eliminated as plat access and the Applicant obtain a variance to access 140th Avenue SE. *See* pp. 43–44.<sup>1</sup>

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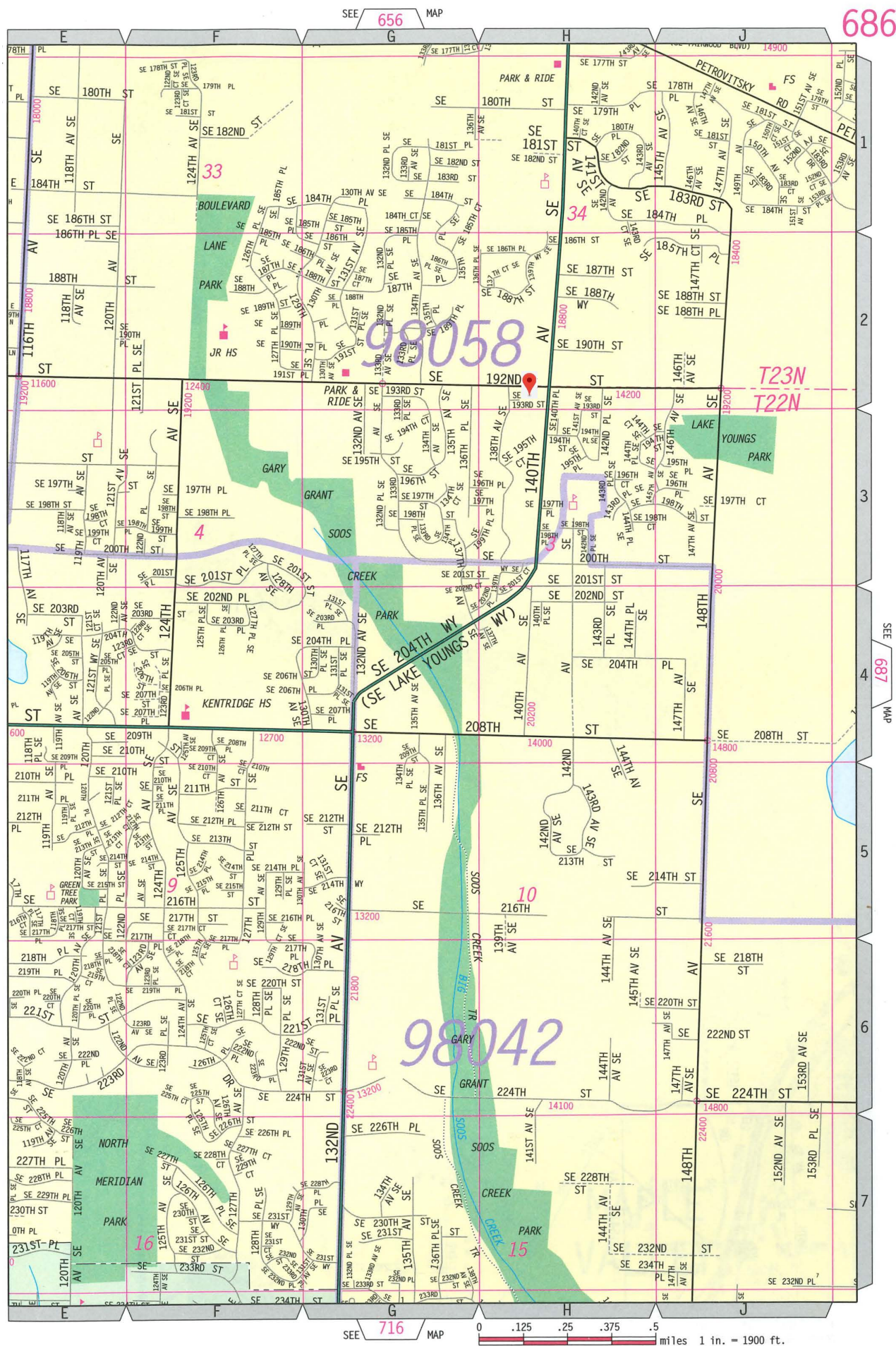
<sup>1</sup> Note, the Department's report referred to Road Standard 1.12 as the standard pertinent to variances, a citation repeated in the examiner's report. The variance section of the Road Standards is 1.13. *See*

The Applicant's one-page response explains why it does not recommend a connection to 140th Avenue SE. The pertinent road standard requires 1000-foot spacing between intersections along a principal arterial like 140th Avenue SE, and adding an entrance road from the plat would come nowhere near this spacing requirement. *See* p. 51. It points out that SE 193rd Street was stubbed for a future street connection to the subject property. *See* p. 45 photos. It provides calculations for, and an assessment of, peak hour trips and safety.

Appellants filed two replies. The two-pager notes that the existing SE 193rd Street is 20 feet wide, while the Department had agreed that a "typical" access road was 24 feet. Appellants assert that the plat's peak hour trips will adversely impact them. *See* pp. 53-54. The one-pager from Mr. Zaman discusses quality of life, traffic in front of the existing SE 193rd Street homes, and fire safety. He proposes a different access route along SE 192nd Street—an issue beyond the scope of the appeal. *See* p. 55.

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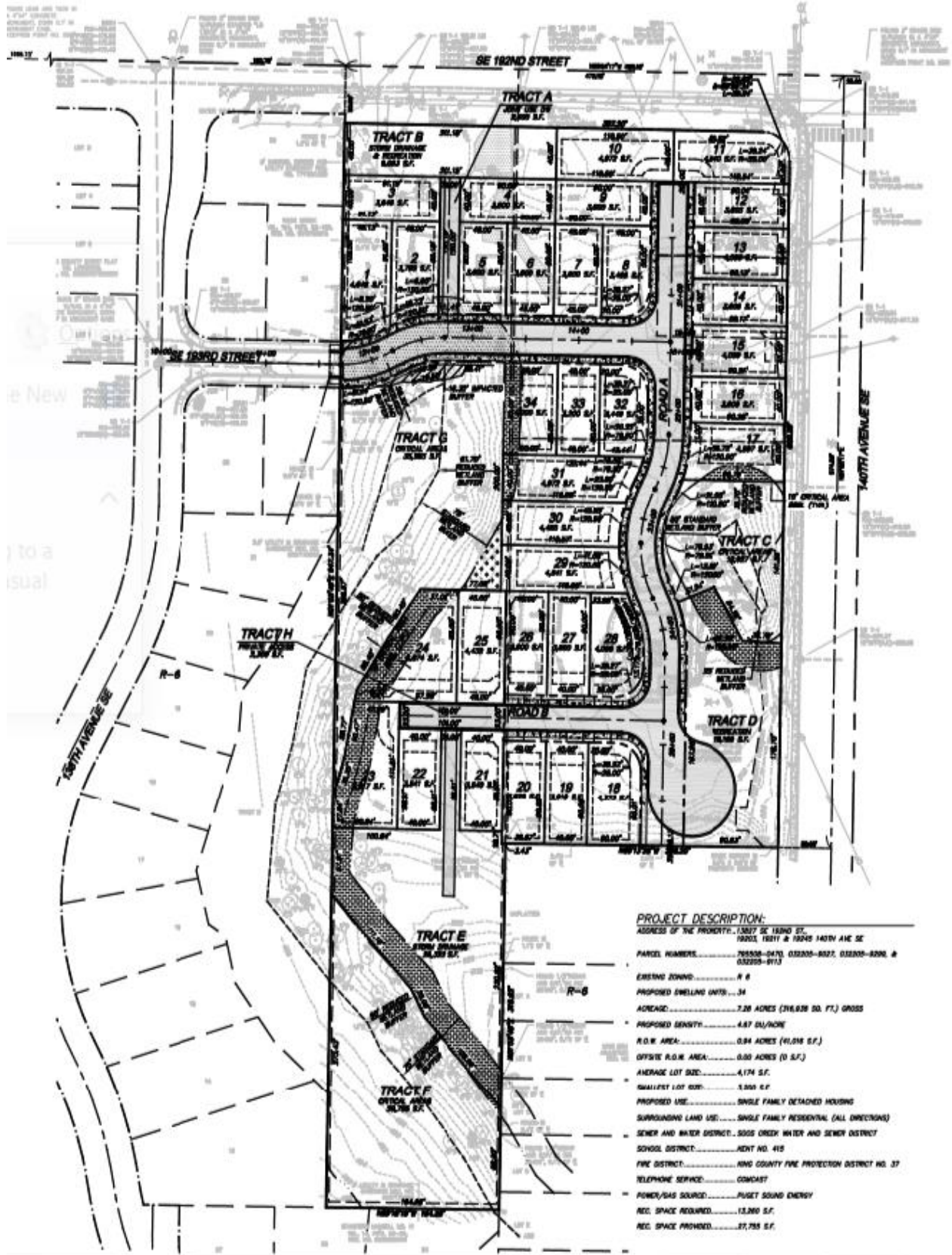
<https://kingcounty.gov/~media/depts/local-services/roads/2016-road-standards/2016-king-county-road-standards.ashx?la=en> at 1-9.







# GILL COLE







## King County

### DEPARTMENT OF LOCAL SERVICES – PERMITTING DIVISION KING COUNTY, WASHINGTON

#### PRELIMINARY REPORT TO THE HEARING EXAMINER

July 16, 2019 – PUBLIC HEARING AT 10 A.M.

DLS - PERMITTING Hearing Room

35030 SE Douglas Street, Suite 210

Snoqualmie, WA 98065-9266

Phone: (206) 296-6600

PROPOSED PLAT OF GILL COLE  
PROPOSED ORDINANCE NO.: 2019-0251

FILE NO: PLAT18-0005

**A. SUMMARY OF PROPOSED ACTION:**

This is a request to subdivide four parcels totaling 7.28 acres, zoned R-6 (6 dwelling units per acre) into 34 lots for detached, single-family residences. This subdivision will include critical area tracts, stormwater facilities, and recreation space. See Attachment 1 for a copy of the proposed plat map, dated May 9, 2019.

**B. GENERAL INFORMATION:**

Date of Application: March 13, 2018

Completeness Determination: April 10, 2018

Applicant: Harbour Homes, LLC  
Jamie Waltier  
400 N 34th St, Suite 300  
Seattle, WA 98103  
(206) 315-8130

Engineer: D.R. Strong Consulting Engineers  
Maher A. Joudi, P.E.  
620 7th Avenue  
Kirkland, WA 98033  
(425) 827-3063

STR: NW ¼ SECTION 3, TOWNSHIP 22 N, RANGE 5 E, W.M.

Location: The project site address is 13827 SE 192nd Street, located on southwest the corner of SE 192<sup>nd</sup> Street and 140<sup>th</sup> Avenue SE.  
Parcel numbers: 795508-0470, 032205-9027, 9299, & 9113.

Postal City: Renton  
Zoning: R-6  
Acreage: 7.28  
Number of Lots: 34  
Density: 4.67 dwelling units per acre  
Average Lot Size: 3,200 – 6,923 square feet  
Proposed Use: Detached Single-Family Dwellings  
Sewage Disposal: Soos Creek Water and Sewer District  
Water Supply: Soos Creek Water and Sewer District  
Fire District: King County Fire Protection District No.37  
School District: Kent No. 415

**C. HISTORY/BACKGROUND:**

The preliminary subdivision application was submitted on March 13, 2018. The application was deemed complete on April 10, 2018. On May 2, 2018, notices of application were mailed to the owners of properties within 500 feet of the proposed subdivision and the agencies listed in Section E below.

During the course of the review, the Subdivision Technical Committee (STC) of King County conducted an on-site examination of the subject property. The STC discussed the proposed development with the applicant to clarify technical details of the application, and to determine the compatibility of this project with applicable King County plans, codes, and other official documents regulating this development.

**D. THRESHOLD DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE:**

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible official issued a threshold Determination of Non-Significance (DNS) for the proposed development on June 13, 2019. This determination was based on the review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal would not cause probable significant adverse impacts on the environment.

The Department of Local Services – Permitting Division (DLS – Permitting) received written comments from members of the Rock Creek community and the public during the course of its review of the proposed subdivision. The comments received from the public were related to concerns regarding school children's safety; critical area impacts and wildlife habitat protection; traffic impacts and compliance with King County Road Standards; and flooding concerns downstream from the site. The comments were shared with the applicant and the other members of the technical review team. The comments received are addressed through the application of King County's regulations and/or development standards.

Agencies, Native American tribes and the public were offered the opportunity to comment on or appeal the determination for 24 days. As of the writing of this report, no appeals have been filed.

**E. AGENCIES CONTACTED:**

1. King County Department of Natural Resources and Parks: No response.
2. King County Fire Protection Engineer: Fire protection engineering preliminary approval has been granted and comments incorporated into this report
3. Seattle King County Department of Public Health: No response.
4. Kent School District #415: Information from the district has been incorporated into this report.
5. Washington State Department of Ecology: No response.
6. Washington State Department of Fish and Wildlife: No Response.
7. Washington State Department of Natural Resources: No Response.
8. Washington State Department of Transportation: No response.
9. METRO: No response.

**F. NATURAL ENVIRONMENT:**

1. Topography: The 7.28-acre site moderately slopes toward the northerly and westerly side of the site at an approximate grade of 6 to 15 percent slope. There is a depressed area along the western portion of the site that contains a wetland critical area, which is discussed below.
2. Soils: The applicant's geotechnical engineering report describes the subsurface as generally underlain by about 6 to 19 inches of native topsoil consisting of medium dense, silty gravel with sand and silty sand with gravel.

The referenced geologic map resource identifies ground moraine deposits (Qgt) across the site and surrounding areas. According to the geologic map resource, moraine deposits are chiefly ablation till over lodgment till, characterized as an unsorted mixture of sand, silt, clay and gravel. Moraine deposits are primarily compact and are commonly referred to as "hardpan". The referenced WSS resource identifies Alderwood gravelly sandy loam (Map Unit Symbol:AgB) across the site and surrounding areas. The Alderwood series was formed in glacial deposits and is present primarily in ridges and hills.

3. Wetlands/streams: The subject property is located within the Duwamish-Green River watershed, Water Resource Inventory Area (WRIA) 9. A critical areas delineation and rating report was prepared for the applicant by Soundview Consultants, LLC, dated March 2018 and revised April 2019. There are two wetlands on the subject parcel. One is a Category III wetland (Wetland A) and the other is a Category IV wetland (Wetland B). Wetland A is a linear, depressional feature in the western portion of the proposed plat and extends off-site to the west and south. Wetland B is a small, depressional wetland in the eastern portion of the proposed plat, and is entirely contained on the subject parcels. Within the Urban Growth Area, Category III and Category IV wetlands with habitat scores less than 20, require standard buffer widths of 75 feet and 50 feet, respectively. Permitting staff reviewed the report and concur with the categorization and buffer for the wetlands.



4. Vegetation: Four single-family residences exist on the subject parcels; vegetation near the residences include non-native trees and shrubs, and invasive species such as Himalayan blackberry, and expanses of maintained lawns. The undeveloped portions of the subject properties consist of a mixed coniferous and deciduous forest dominated by bigleaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*), black cottonwood (*Populus balsamifera*), Douglas fir (*Pseudotsuga menziesii*), and western redcedar (*Thuja plicata*). The shrub understory in the undeveloped areas includes beaked hazelnut (*Corylus cornuta*), vine maple (*Acer circinatum*), snowberry (*Symphoricarpos albus*), western swordfern (*Polystichum munitum*), and non-native invasive English holly (*Ilex aquifolium*) and Himalayan blackberry.
5. Hydrology: From a rise located in the center of the proposed plat, surface water runoff generally runs west and south into Wetland A, and east into Wetland B. Wetland A originates on the subject parcels and then flows south through a narrow, linear depression, eventually flowing into a subsurface conveyance system, which eventually flows to Big Soos Creek. Wetland B is a bowl-shaped depression with an intermittently flowing outlet provided by an elevated culvert. Wetland B appears to also drain into a surface conveyance system, and then eventually to Big Soos Creek and then the Green River. Hydrology for Wetlands A and B is provided by a high groundwater table, surface sheet flow, and direct precipitation.

The project site is within two Threshold Discharge Areas (TDA) and naturally drains toward four Natural Discharge Areas (NDA). TDA 1 (north) is about 1.548 acres covering the northeastern of the site with a NDA 1. NDA 1 exit the site as sheet flow over the northern property line. TDA 2 (south) is the remaining 5.728 acres of the site and composes of NDA 2, NDA 3 and NDA 4. NDA 2 exits the site as sheet flow over the western property line and reenters the site 300 feet later. NDA 3 exits the site as sheet flow over the southern property line and reenters the site at the panhandle. NDA 4 is the ultimate discharge for TDA 2 at the southeastern property corner.

6. Wildlife: No threatened, endangered, or otherwise protected wildlife habitat is mapped on the County GIS system or Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species website. The WDFW Salmon Scape maps and the WDFW PHS map do not identify any priority fish and wildlife habitats or species on or within 300 feet of the subject property. There is no direct mechanism for harm to marine species. The site is not near marine waters, nor are there any known physical connections to marine waters

There is no designated critical habitat, or suitable habitat for the federally-listed, Threatened Marbled murrelet near the project area. In the State of Washington, murrelets are year-round residents on coastal waters, and nests and roosts are found in mature and old growth forests of western Washington. Nest trees are typically greater than thirty-two (32) inches diameter at breast height, with nesting preference on large flat conifer branches and found in old growth forests. Marbled murrelets have been found in the largest numbers in marine, coastal waters surrounding the Olympic Peninsula in northwest Washington State. Marbled murrelet are sparsely distributed in the King County region and would only occur as transient individuals in the project area.

There is no designated critical habitat, or suitable habitat for the federally-listed, Threatened northern spotted owl near the project area. The species prefers large coniferous trees for nesting, which are often associated with old growth coniferous forests. Their habitat areas require platforms, cavities, or other structural features to provide protection from adverse weather conditions and predation. Suitable habitat typically includes areas for nesting, roosting, and foraging and dispersal habitats.

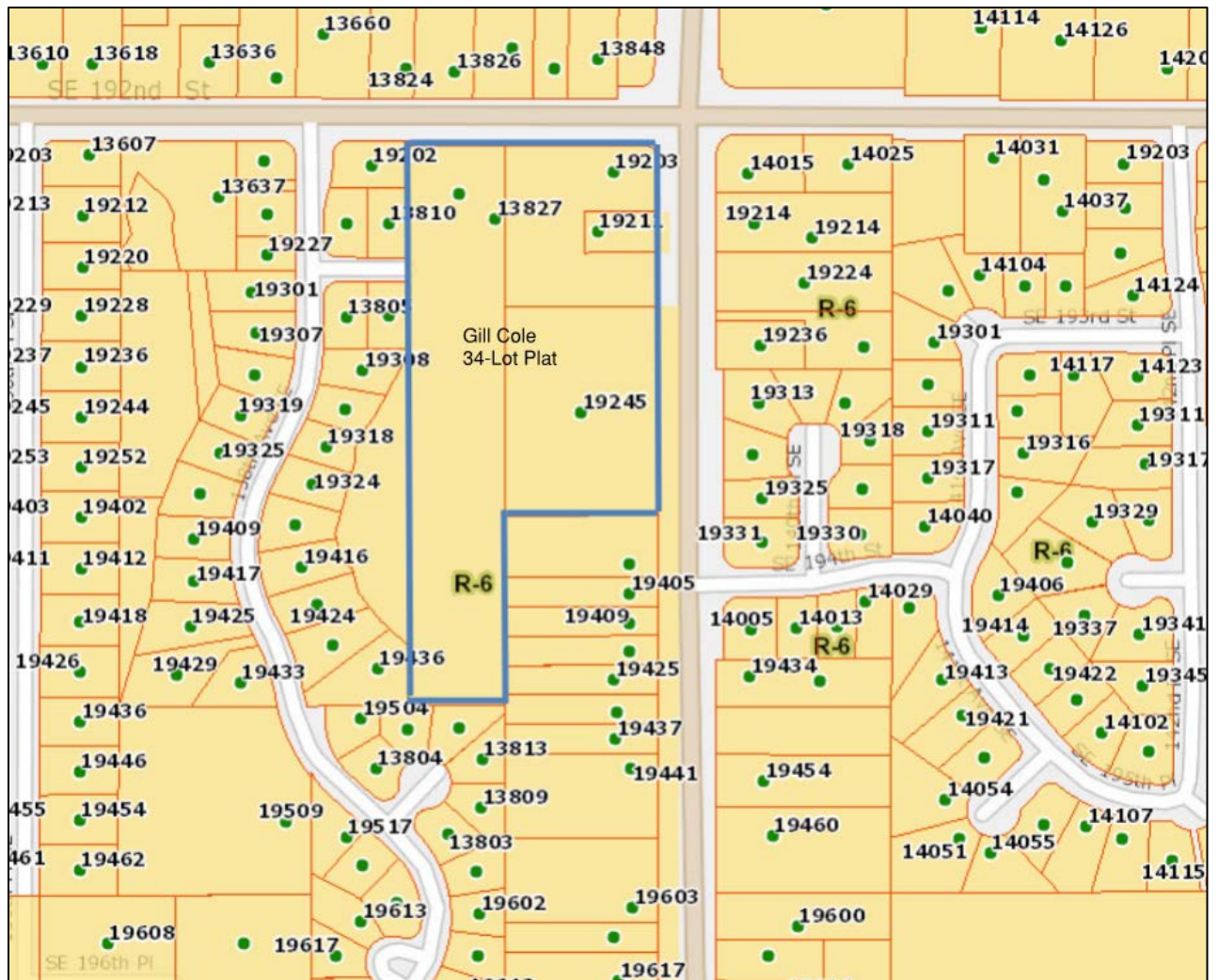
**G. NEIGHBORHOOD CHARACTERISTICS:**

The subject site lies in an urban residential neighborhood, in unincorporated King County on the corner of SE 192<sup>nd</sup> Street and 140<sup>th</sup> Avenue SE. The four tax parcels making up this site, currently contain three single family residences and one mobile home which are slated to be removed as part of this proposal. Three of the four parcels gain access from the public right-of way (140<sup>th</sup> Ave SE). The remaining parcel accesses the site via the public right-of way (SE 192<sup>nd</sup> ST).

The site is surrounded to the north, east, south and west by single family residential development and of similar zoning. To the west of this site sits a 26-lot residential subdivision named Rock Creek, and to the south of the subject site sits a 46-lot residential subdivision named Stafford Hansell No II. There are multiple individual parcels to the north and east of this site that have limited subdivision potential.

The following table summarizes the zoning and development pattern of the properties surrounding the proposed subdivision:

<b>Direction</b>	<b>Zoning</b>	<b>Development Pattern</b>
North	R-6	Single-family residential homes on lots averaging approximately 8,815 to 27,007 square feet.
East	R-6	Single-family residential homes on lots averaging approximately 14,771 to 29,520 square feet.
South	R-6	Single-family residential development (Stafford Hansell No. 11) of 46 lots averaging 6,659 to 10,400 square feet & residential homes on lots averaging approximately 12,912 to 36,949 square feet.
West	R-6	Single-family residential development (Rock Creek) of 26 lots averaging approximately 15,178 to 7,082 square feet.



**H. SUBDIVISION DESIGN FEATURES:**

1. **Lot Pattern and Density:** The proposed subdivision is located within the R-6 (six dwelling units per acre) zoning classification. The base density under KCC 21A.12.030 would permit up to 44 dwelling units ( $7.28 \times 6 = 43.68$ , which rounds up to 44 dwelling units). The proposal is in compliance with the base density.

As a site in the urban unincorporated area of King County, it is subject to the minimum density provisions of KCC 21A.12.060. The minimum density required on the site is based on a net buildable area of the site of 5.18 acres, when accounting for the critical areas and buffers required to be placed in a critical area tract, areas to be dedicated for above ground stormwater facilities, and areas required to be set aside for on-site recreation areas. When multiplied by the minimum density factor in KCC 21A.12.030, the property is required to provide a minimum of 26 dwelling units ( $5.18 \times 6 \times 85\% = 26.4$ , which rounds down to 26 dwelling units). The proposal is in compliance with the minimum density.



The proposed lots range in size from 3,200 square feet to 6,923 square feet with lot widths of 37 feet to 50 feet. The average lot width is approximately 44 feet. All of the proposed lots either meet or exceed the required minimum lot width of 30 feet and will have areas that exceed the minimum area required for construction of 2,500 square feet.

2. Internal Circulation: All of the proposed 34 lots are arranged to be served by a subaccess road and cul-de-sac, a minor access road, private access tract, and a joint use driveway. The subaccess road intersects with SE 193<sup>rd</sup> Street, a stubbed, dead-end road that was constructed along with the Rock Creek subdivision to provide for future development.
3. Roadway Section: The internal roads, the extension of SE 193<sup>rd</sup> Street and Road A are designed to urban subaccess street standards per the 2016 King County Road Design and Construction Standards (KCRDCS). The proposed 41-foot wide right-of-way for the extension of SE 193<sup>rd</sup> Street and Road A consists of a 28-foot pavement section with curb, gutter, and sidewalk on both sides. The typical roadway width for a subaccess street is 24 feet. The additional 4 feet of pavement allows for parking on one side of the street. A temporary cul-de-sac will be constructed at the southern end of Road A to provide vehicular turnaround.

The internal Road B is designed to urban minor access standards per the KCRDCS. The proposed 40-foot wide right-of-way consists of a 22-foot pavement section with curb, gutter and sidewalk on both sides. No parking will be allowed along Road B.

The private access tract (PAT), designated as Tract H, will serve lots that are located at the end of Road B. It is designed to be 23 feet in width with a 22-foot paved surface.

The joint use driveway (JUD), designated as Tract A, will provide access to lots 3 and 4. It is designed to be 20 feet in width with a 20-foot paved surface.

4. Drainage: The project site is in the Soos Creek Drainage Basin of the Duwamish-Green River Watershed (WRIA #9). The preliminary plat is vested to the 2016 King County Surface Water Design Manual (KCSWDM).

Level 1 Downstream Analysis was performed for the proposed Gill Cole plat development per Core Requirement #2, Section 1.2.2 of the KCSWDM. The analysis can be found in the Technical Information Report dated March 9, 2018. The hydraulic assessment includes cumulative project effects from the Gill Cole Plat.

The site contains four Natural Discharge Areas (NDA) contained in two Threshold Discharge Areas (TDA). The site is bordered to the north and most of the eastern border by public right-of-way with existing conveyance systems. NDA 1 exits the site as sheet flow over the northern property line. This runoff is then collected by a roadside conveyance system along the south side of SE 192<sup>nd</sup> Street that leads to an unnamed stream which outlets into Big Soos Creek. NDA 2 exits the site as sheet flow over the western property line. Runoff continues as sheet flow following the topography of the wetland which reenters the site at the western property line approximately 300 feet south

and conveying runoff into NDA 3. NDA 3 exits the site as sheet flow over the southern property line. Runoff continues as sheet flow in a southwesterly direction across the neighboring property and back into the site at its common property line. NDA 4 is the ultimate discharge for TDA 2 exiting the site at the southeastern most property corner through the sensitive area. Runoff continues in a southerly direction through neighboring properties until crossing beneath 138<sup>th</sup> Ave SE in a westerly direction, which is approximately 1500 feet downstream from the site.

Thirteen drainage complaints downstream from the site were recorded within the last ten years, and have all been closed. The project is not anticipated to create any problems as specified in Section 1.2.2.1 of the KCSWDM and therefore is not required to provide Drainage Problem Impact Mitigation subject to the requirements of Section 1.2.2.2.

The proposed project proposes storm runoff collection and control facilities prior to site discharge, flow control through the use of a combined underground detention/wet vault for TDA 1 (north) and a detention pond for TDA 2 (south), and a closed conveyance network to collect and convey rooftop, driveway, and roadway runoff. The storm network will collect virtually all runoff on the project property and convey it to the detention facilities. The proposed detention/wet vault is located within an open space tract (Tract B) in the northwest corner of the site. A trapezoidal detention pond is proposed at the storm drainage tract (Tract E) in the panhandle.

According to the King County Flow Control Applications Map, the site is mapped within the Conservation Flow Control Area and required to comply with Level 2 Flow Control Standards. Surface water will be collected and conveyed to the two detention systems on site that meets all flow control standards. A wet vault and a stormfilter (media filter) are proposed preceding the outfalls to provide Basic Water Quality Treatment.

## **I. TRANSPORTATION PLANS:**

1. Transportation Plans: The King County Transportation Plan indicates that 140<sup>th</sup> Avenue SE is an urban principal arterial and SE 192<sup>nd</sup> Street is a minor arterial road.
2. Subdivision Access: The proposal will be served by an extension of SE 193<sup>rd</sup> Street to be constructed to an urban subaccess standard, Road A to be constructed to an urban subaccess standard and Road B to be constructed to an urban minor access standard.
3. Traffic Generation: The applicant submitted a Transportation Impact Analysis (TIA) prepared by Northwest Traffic Experts (TraffEx). It is estimated that 286 net new weekday vehicular trips will be generated by full development of the proposed subdivision. This calculation includes service vehicles (i.e., mail delivery, garbage pick-up, school bus) which may currently serve this neighborhood, as well as work trips, shopping, etc.

4. Adequacy of Arterial Roads: This proposal has been reviewed under the criteria in King County Code 14.70, Transportation Concurrency Management; 14.80, Intersection Standards.
  - a. King County Code 14.70 – Transportation Concurrency Management: The proposed subdivision is located within the Fairwood travel shed. This travel shed currently passes concurrency. This indicates that transportation improvements or strategies will be in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six (6) years, according to RCW 36.70A.070(6).
  - b. King County Code 14.80 – Intersection Standards: No intersections exceed intersection standards as a result of this proposal.

**J. PUBLIC SERVICES:**

1. Schools: This proposal has been reviewed under RCW 58.17.110 and King County Code 21A.28 (School Adequacy).
  - a. School Facilities: The subject subdivision will be served by Lake Youngs Elementary School, Northwood Middle School, and Kentridge High School, all located within the Kent School District #415.
  - b. School Impact Fees: King County Code requires that an impact fee per lot be imposed to fund school system improvements to serve new development within this district. Payment of this fee in a manner consistent with K.C.C. 21A.43 will be a condition of subdivision approval. The fee payment is \$5,397 per single-family dwelling unit (2019 School Impact Fee Ordinance). As a condition of final plat approval, 50% of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedule in effect with 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.
  - c. School Access: Kent School District #415 indicates that students residing in the proposed development would have access to bus service for Lake Youngs Elementary School and Northwood Middle School. The bus stop serving both of these schools is located at the intersection of 138<sup>th</sup> Ave and 192<sup>nd</sup> St, which is approximately 400 ft. from the proposed site.

Kentridge High School students will walk to school. The High School is approximately 2 miles south and west from the proposed development. Students would begin walking west on SE 193<sup>rd</sup> St., north on 138<sup>th</sup> Ave SE, then east on SE 192<sup>nd</sup> St. This section of the walking path is fully developed with a concrete pedestrian sidewalk approximately 5' in width. From the intersection of SE 192<sup>nd</sup> St and 140<sup>th</sup> Ave SE, students would walk south along 140<sup>th</sup> Ave SE on an approximate 5' wide concrete sidewalk until the intersection of SE 194<sup>th</sup> St and

140th Ave SE. From this intersection, students would continue to walk south on 140th Ave SE on a minimum 5' wide asphalt shoulder. This shoulder continues along 140th Ave SE, SE Lake Youngs Way, and 132nd Ave SE. At the intersection of 132nd Ave SE and SE 208th St, students would walk west along SE 208th St until reaching Kentridge High School. This section of SE 208th St is fully developed with an estimated 5' wide concrete pedestrian sidewalk.

2. Parks and Recreation Space: There are two parks close to the subject site, which are Soos Creek Park & Trail and Lake Youngs Park. Both of these parks are approximately 0.70 – 0.80 miles from the proposed subdivision. Both of these parks contain open space and trails. The nearest active recreation facilities and playgrounds are located at Meeker Junior High School and Lake Youngs Elementary School, and approximately 0.75 miles from the proposed subdivision. These facilities are open to the public when school is not in session.

Residential subdivisions of more than four units in the R-6 zone at a density of eight units or less per acre shall provide recreation space for leisure, play and sport activities at a rate of three hundred ninety square feet per unit. The proposal is required to provide at least 13,260 square feet of on-site recreation space. The applicant is proposing to provide two on-site recreation spaces. The first is 9,053 square feet in Tract B on top of the stormwater vault. The other proposed recreation space is Tract D and is 18,166 square feet. Both of these areas amounts to approximately 27,219 square feet of recreation space provided.

3. Fire Protection: The Certificate of Water Availability from the Soos Creek Water and Sewer District indicates that water is presently available to the site in sufficient quantity to satisfy King County Fire Flow Standards. Prior to final recording of the plat, the water service facilities must be reviewed and approved per King County Fire Flow Standards.

#### **K. UTILITIES**

1. Sewage Disposal: The applicant proposes to serve the subject subdivision by means of a public sewer system managed by Soos Creek Water and Sewer District. A Certificate of Sewer Availability, received February 7, 2018, indicates this sewer district's capability to serve the proposed development.
2. Water Supply: The applicant proposes to serve the subject subdivision with a public water supply and distribution system managed by Soos Creek Water and Sewer District. A Certificate of Water Availability, received February 7, 2018, indicates this district's capability to serve the proposed development.

#### **L. COMPREHENSIVE AND COMMUNITY PLAN:**

1. Comprehensive Plan: This plan is governed by the 2018 King County Comprehensive plan which designates this area as urban residential medium density. The proposed subdivision is consistent with the King County Comprehensive Plan's land use designation for this site.

2. Community Plans: The subject subdivision is located in the Soos Creek Community Planning Area. As of the writing of this report, there is no currently adopted community plan for the Soos Creek Planning Area.

**M. STATUTES/CODES:**

If approved with the recommended conditions in this report, the proposed development will comply with the requirements of the County and State Platting Codes and Statutes, and the lots in the proposed subdivision will comply with the minimum dimensional requirements of the zoning district.

**N. CONCLUSIONS:**

The subject subdivision will comply with the goals and objectives of the King County Comprehensive Plan and will comply with the requirements of the Subdivision and Zoning Codes and other official land use controls of King County, based on the conditions for final plat approval.

**O. RECOMMENDATIONS:**

It is recommended that the proposed subdivision, received March 13, 2018, be granted preliminary approval 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 plat shall comply with the density requirements of the R-6 zone classifications. All lots shall meet the minimum dimensional requirements of the R-6 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 DLS - Permitting's discretion in accordance with KCC 19A.12.030.
4. All construction and upgrading of public and private roads shall be done in accordance with the 2016 KCRDCS established and adopted by Ordinance 18420, as amended.
5. 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.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the

following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the 2016 King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the KCSWDM and applicable updates adopted by King County. DLS - Permitting approval of the drainage and roadway plans is required prior to any construction.
- b. Current standard plan notes and ESC notes, as established by DLS - PERMITTING 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 # (DLS – Permitting-issued plan record number to be inserted in space provided) on file with DLS - Permitting and/or the King County Road Services Division. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

- d. The storm drainage conveyance system along the public roadways shall be designed per requirements of the KCSWDM.
- e. The drainage facilities shall meet the requirements of the KCSWDM. The site is subject to the Conservation Flow Control and Basic Water Quality requirements in the KCSWDM. A level 2 flow control is required for both on-site basins to address downstream drainage problems.
- f. The detention facilities shall meet the design requirements in Section 5.1 of KCSWDM. Access roads are required to the access panel, the control; structure, and at least one access point per cell, and shall be designed per section 5.1.1.
- g. 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 Section 1.2.9 of the 2016 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.

7. The proposed subdivision shall comply with the 2016 KCRDCS, including the following requirements:
  - a. The proposed extension of SE 193<sup>rd</sup> Street shall be improved at a minimum to the urban subaccess street standards with curb, gutter, and sidewalks on both sides.
  - b. Road A shall be constructed at a minimum to the urban subaccess street standards with curb, gutter and sidewalks on both sides.
  - c. Road B shall be constructed at a minimum to the urban minor access street standards with curb, gutter and sidewalks on both sides.
  - d. The private access tract (PAT) shall be designed and constructed per Section 2.09 of the KCRDCS.
  - e. The joint use driveway (JUD) shall be designed and constructed per Section 3.01 of the KCRDCS.
  - f. Prior to final plat recording, KCRDCS roadway improvements shall be provided to serve the 34 new lots.
  - g. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.12 of the KCRDCS.
8. Critical Areas: The proposed subdivision shall comply with the Critical Areas Code as outlined in KCC 21A.24. Impacts to critical areas shall be avoided where possible, and compensatory mitigation is required for approved adverse impacts. Preliminary plat review has identified the following specific requirements that apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.
  - a. Wetland Category and Buffers (KCC 21A.24.325 and 21A.24.358): There is a Category III (Wetland A) and a Category IV wetland (Wetland B) located on the subject parcels. King County Code requires a standard buffer of 75 feet for Category III wetlands and 50 feet for Category IV wetlands, measured from the wetland edge.

- b. Critical Areas Tract (KCC 21A.24.180). The wetlands and buffers for the wetlands shall be placed in two separate Critical Areas Tracts to be shown on the engineering plans and final plat. The Critical Areas Tracts shall be held in an undivided interest by each owner of a building lot within the development, with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance and protection of the tracts.
- c. A minimum building setback line of 15 feet shall be required from all edges of the buffer (KCC 21A.24.200).
- d. Construction of new public road ROW structure is an allowed alteration in wetlands, and their buffers subject to KCC 21A.24.045.D.26, when there is not another feasible location with less adverse impact; the corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as threatened or endangered by state or federal government unless there is no feasible alternative; the corridor width is reduced to maximum extent practical; instream work occurs during approved periods; the corridor will not change/diminish overall aquatic area peak flows, duration, or volume of flood storage capacity; and the corridor is not established within a severe channel hazard migration area.
- e. Reduction of standard wetland buffers by up to 25 feet are allowed for wetlands located in the Urban Growth Area per KCC 21A.24.325.A.3, provided the applicable mitigation measures are met. The mitigation measures are listed in KCC 21A.24.325.A.3.b. A final critical areas mitigation plan shall be submitted during the engineering review of this plat that includes details on how each of the mitigation measures is met, including the submittal of a lighting study that provides prescriptive measures for reducing light and glare into the critical areas.
- f. A final arborist report shall be submitted by the applicant during the engineering review that quantifies the number of trees to be removed from critical areas and the required mitigation.
- g. Compensatory mitigation shall be required for permanent impacts to the wetland buffers, including a combination buffer reduction, buffer addition, on-site buffer enhancement, and off-site in-lieu fee mitigation. This information shall be provided in a final mitigation plan for the plat, provided during engineering review.
- h. The applicant shall provide a Statement of Sale for credits purchased for off-site, in-lieu fee mitigation, for unavoidable wetland buffer impacts after the final mitigation plan has been approved.



- i. Permanent survey marking, wildlife passable fencing, and critical areas signs shall be installed at the edge of the critical areas tracts prior to final plat approval (KCC 21A.24.160).
- j. Prior to any clearing and grading on the site, the tracts/critical area and buffer, and the area of development activity must be marked or otherwise flagged to the satisfaction of King County. The required marking or flagging shall remain in place until all development proposal activities near the critical area are completed. Additional erosion and sedimentation control measures may also be required per the King County Surface Water Design Manual and Clearing and Grading regulations.
- k. 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 tracts/critical area and buffer conveys to the public a beneficial interest in the land within the tracts/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 tracts/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tracts/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 tracts/critical area and buffer. The vegetation within the tracts/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Local Services – Permitting Division or its successor agency, unless otherwise provided by law.

The common boundary between the tracts/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 tracts/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities near the critical area are completed.

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

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

10. 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.
11. 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. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DLS - PERMITTING concurrent with the submittal of the engineering plan.
  - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
12. A homeowners' association or other workable organization shall be established to the satisfaction of DLS - PERMITTING which provides for the ownership and continued maintenance of the recreation, open space and/or critical area tract(s).
13. Street trees shall be provided as follows (per KCRDCS 5.03 and KCC 21A.16.050):
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Section 5.03 and Drawings 5-009 through 5-013 of the KCRDCS, unless the King County Department of Local Services, Roads Division determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.

- e. The species of trees shall be approved by DLS - PERMITTING if located within the right-of-way, and shall comply with KCRDCS 5.03L, M, and N. They shall not include species the County determines has the potential to disrupt utilities or impact roadway improvements. All tree planting in the right-of-way shall include the installation of an approved root barrier adjacent to walks and curbs for each tree, unless otherwise approved by the County Road Engineer.
- f. The applicant shall submit a street tree plan and bond quantity worksheet for review and approval by DLS - PERMITTING prior to engineering plan approval (if required), or if engineering plans are not required, at the time of the required pre-construction meeting (see Condition 4 above).
- g. 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 and held for one year. After one year, the maintenance bond may be released after DLS - PERMITTING has completed a second inspection and determined that the trees have been kept healthy and thriving.
- h. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

14. **SPRINKLER REQUIREMENT:** Any future residences are required to be equipped with fire sprinklers per NFPA 13D unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface. To qualify for removal of the sprinkler requirement the driving surface of the new roadway has to be a minimum of 28 feet in width if parking is allowed on one side of the roadway, and at least 36 feet in width if parking is permitted on both sides.

**P. OTHER CONSIDERATIONS:**

- 1. The subdivision shall conform to K.C.C. 16.82 relating to grading on private property.
- 2. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.
- 3. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:

- a. Forest Practice Permit from the Washington State Department of Natural Resources.
- b. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE.
- c. Water Quality Modification Permit from WSDOE.
- d. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.

**Q. TRANSMITTED TO PARTIES LISTED HEREAFTER:**

The default method of transmittal is via electronic mail, unless DLS – Permitting only has a mailing address or the party of record has specifically requested a hard copy.

Department of Local Services – Permitting Division  
35030 SE Douglass Street, Suite 210  
Snoqualmie, WA 98065-9266

Wally Archuleta, Product Line Manager Urban  
Scott Smith, Development Engineer IV  
Robert Eichelsdoerfer, Senior Engineer  
Colleen Kroe, Environmental Scientist III  
Huey-yi Sung, Engineer III  
Kevin LeClair, Senior Planner/PPM III  
Christi Vogler, Associate Planner/PPM II  
Joanne Carlson, Administrative Specialist II  
Shirley Goll, Administrative Specialist II

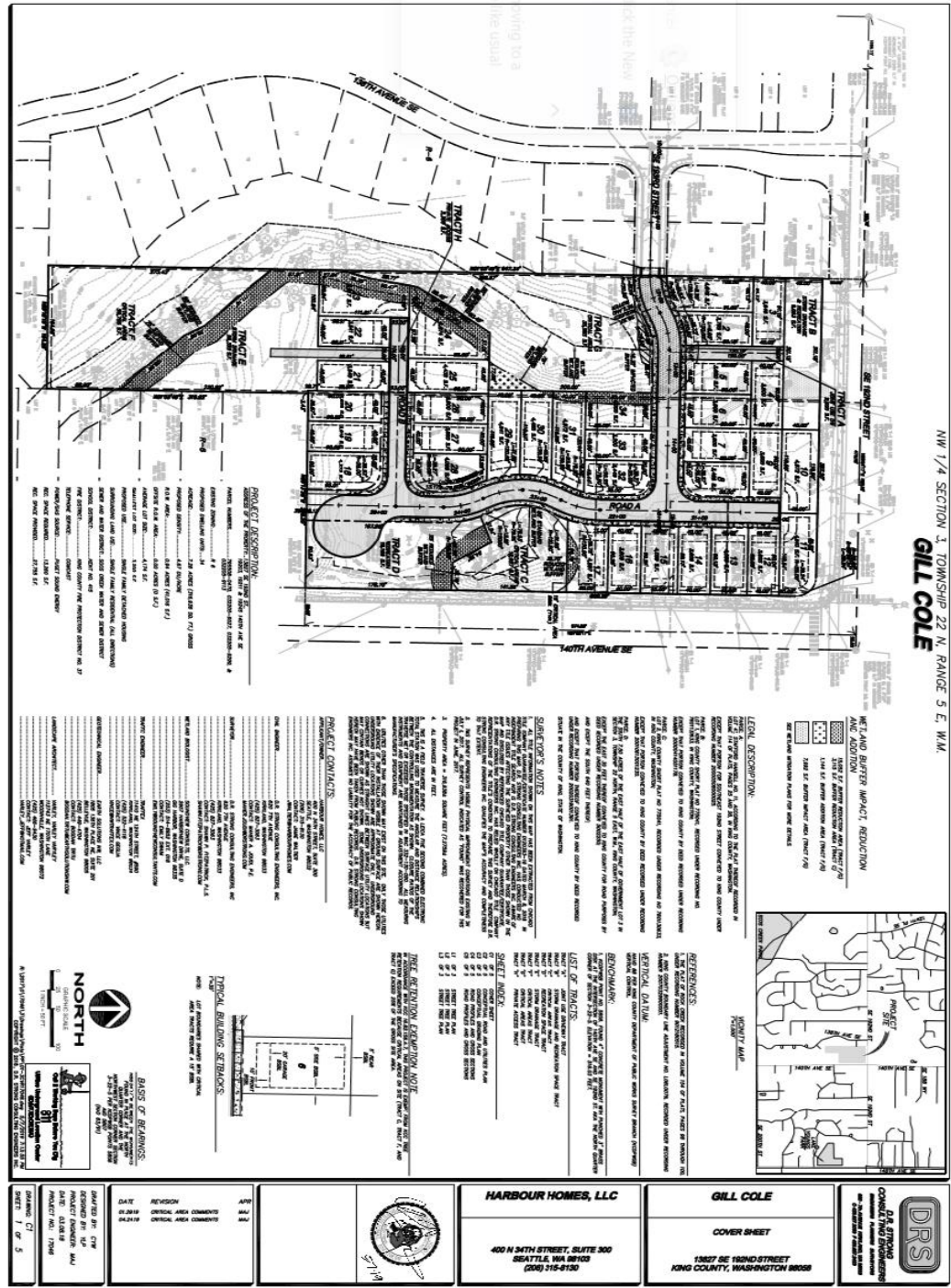
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## Early Flat Map (Marino)





**ATTACHMENT 2**  
**EXHIBIT LIST**

**PROJECT:** Gill Cole

**FILE NO.:** PLAT18-0005

- Exhibit No. 1 Department of Local Services, Permitting Division (DLS - PERMITTING) File PLAT18-0005
- Exhibit No. 2 DLS - PERMITTING Preliminary Report and Recommendation dated June 28, 2019
- Exhibit No. 3 Land Use Application received March 13, 2018
- Exhibit No. 4 State Environmental Policy Act (SEPA) Environmental Checklist received March 13, 2018
- Exhibit No. 5 SEPA Threshold Determination of Non-significance issued June 13, 2019
- Exhibit No. 6 Affidavit of Posting indicating a posting date of May 1, 2018
- Exhibit No. 7 Notice of Application mailed on May 2, 2018
- Exhibit No. 8 Revised preliminary plat map and lot layout labeled received May 9, 2019
- Exhibit No. 9 Technical Information Report received March 13, 2018
- Exhibit No. 10 Subdivision Density and Dimension Calculations Worksheet received March 13, 2018
- Exhibit No. 11 Kent School District #415 school transportation information July 10, 2018
- Exhibit No. 12 School Walkways Analysis received March 13, 2018
- Exhibit No. 13 Chicago Title Insurance Guarantees received March 13, 2018
- Exhibit No. 14 Certificate of Water Availability signed by Soos Creek Water and Sewer District received February 7, 2018
- Exhibit No.15 Certificate of Sewer Availability signed by Soos Creek Water and Sewer District received February 7, 2018
- Exhibit No. 16 Fire District Receipt received March 13, 2018
- Exhibit No. 17 Revised Wetland and Fish and Wildlife Habitat Assessment and Conceptual Wetland Buffer Mitigation Plan prepared by Soundview Consultants received January 31, 2019
- Exhibit No. 18 Geotechnical Report by Earth Solutions NW, LLC, received March 13, 2018
- Exhibit No. 19 Traffic Impact Analysis by TraffEx received March 13, 2018





July 31, 2019

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND DECISION**

SUBJECT: Department of Local Services file no. **PLAT180005**  
Proposed ordinance no.: **2019-0251**

**GILL-COLE**

Preliminary Plat Application

Location: 140th Ave SE and SE 192nd Street, Renton

Applicant: Harbour Homes  
*represented by* **Maher Joudi and Jamie Waltier**  
400 N 34th Street  
Suite 300  
Seattle, WA 98103  
Telephone: (206) 315-8130  
Email: [jwaltier@harbourhomes.com](mailto:jwaltier@harbourhomes.com)

King County: Department of Local Services  
*represented by* **Kevin LeClair**  
35030 SE Douglas Street Suite 210  
Snoqualmie, WA 98065  
Telephone: (206) 477-2717  
Email: [kevin.leclair@kingcounty.gov](mailto:kevin.leclair@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:	Approve Subject to Conditions
Department's Final Recommendation:	Approve Subject to Conditions
Examiner's Decision:	Approve Subject to Conditions

## EXAMINER PROCEEDINGS:

Hearing Opened: July 16, 2019  
Hearing Closed: July 17, 2019

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording is available in the Hearing Examiner's Office.

## FINDINGS:

## 1. General Information:

Date of application:	March 13, 2018
Application completeness Date:	April 10, 2018
Applicant:	Harbour Homes, LLC Jamie Waltier 400 N 34th Street, Suite 300 Seattle, WA 98103
Engineer:	D.R. Strong Consulting Engineers Maher A. Joudi, P.E. 620 7th Avenue Kirkland, WA 98033
STR:	NW 1/4 Section 3, Township 22 N, Range 5 E, W.M.
Location:	13827 SE 192nd Street, on the southwest corner of SE 192th Street and 140th Avenue SE, Tax Parcel Nos. 795508-0470; 032205-9027, 9299, and 9113
Postal City:	Renton
Zoning:	R-6
Acreage:	7.28
Number of Lots:	34
Density:	4.67 dwelling units per acre
Average Lot Size:	3,200-6,923 square feet
Proposed Use:	Detached single-family dwellings
Sewage Disposal:	Soos Creek Water and Sewer District
Water Supply:	Soos Creek Water and Sewer District
Fire District:	King County Fire Protection District No. 37
School District:	Kent No. 415

2. At the hearing, the Department of Local Services, Permitting Division ("Permitting"), through Mr. LeClair, summarized the proposal. The Applicant, through Mr. Joudi, provided further detail. Several neighbors testified on proposal impacts.
3. Neighbor testimony raised several issues, but there was a focus on density and traffic (traffic concerns included safety, SE 193rd Street access and width, area walking conditions, and congestion). To alleviate traffic impacts, neighbors requested secondary access be provided through the plat's south end, onto 140th Avenue SE. On density, while there was a recognition that the plat follows density requirements, and that the plat is surrounded by single family development on lots with R-6 zoning, the surrounding lots are larger than within the proposed plat.
4. The Applicant addressed neighbor comments, stating that secondary access had been considered, but the requested additional access was not consistent with County road standards. Instead, the end of Road A is "bulbed," which will allow for secondary access when land to the south is further redeveloped. Mr. LeClair stated that he had consulted with County traffic engineers, and their determination was that secondary access was not warranted. He added that a larger plat (100 lots) would trigger a secondary access requirement, but as this plat (34 lots) is smaller, it does not trigger the requirement. The Applicant also addressed SE 193rd Street, which connects the plat to 138th Avenue SE. This connector was only built to span 20 feet curb to curb, creating a no park situation on both street sides, even if the street does not have signs on same. The plat's SE 193rd Street extension will span 28 feet, allowing for on street parking. Also, all homes will have two car garages and a driveway with space for two cars, effectively creating four spaces per lot. With the larger street widths, the plat provides adequate space internally for access and parking, and is a significant improvement over the "stub street" which is not part of the Applicant's property.
5. The neighbors requested that the Applicant be required to secure a variance from County intersection distance requirements which the Applicant had indicated preclude installation of the secondary access directly from the site to 140th Avenue SE. According to Permitting, County traffic engineers determined this was not warranted.
6. Providing secondary access is a reasonable request, given that a more interconnected street grid tends to improve traffic flow, decrease congestion, and address safety concerns. However, the evidence provided on the potential conflict with County road standards, the results of Applicant and County engineering review, and the 100 lot "trigger" for requiring same, undercut the evidentiary basis for making secondary access a plat condition. Nevertheless, the Applicant will be required to provide documentation to Permitting on its further consideration of the issue, given the considerable public input on the need for an additional access point. Permitting should coordinate with the Applicant and other parties on the planning needed to eventually provide secondary access and on traffic calming measures appropriate for the immediate area.
7. Both the Applicant and Permitting addressed how density calculations are made. Densities are prescribed by code, with the Applicant having to comply with both

minimum and maximum requirements. Minimum requirements are based on net acreage; maximum on gross. At 34 residences, the project is in the mid-range for the R-6 zone, which requires at least 26 units and a maximum of 44.

8. Puget Sound Regional Fire Authority commented on fire concerns, submitting detailed comment (Exhibit 21). However, both the Authority and the Applicant confirmed that with the proposed conditions and a settlement agreement nearing completion, these concerns had been adequately addressed.
9. As there were several questions from neighbors, the record was kept open for an additional day to allow for further comment. Additional comments were received from neighbors, including on the secondary access issue. These additional comments were admitted as Exhibit 22.
10. Various state and local agencies reviewed the project, including Kent School District #415 and various County departments.<sup>1</sup> The project includes mitigation to address comments received.
11. State Environmental Policy Act, Ch. 43.21C RCW review was completed through a Determination of Non-Significance, which was not appealed.<sup>2</sup>
12. There is a Category III and a Category IV wetland on site. They are protected through buffering (75 and 50 feet, respectively, with the KCC allowing some deviation through buffer averaging and mitigation). No threatened, endangered or otherwise protected wildlife are mapped by County GIS or WDFW as being onsite, and there is no designated critical habitat for the northern spotted owl or marbled murrelet. Details on the wetland and wildlife habitat were provided through the Staff Report and technical analysis prepared by qualified professionals.<sup>3</sup>
13. A Level 1 downstream drainage analysis was also prepared, and the project will provide Level 2 Flow Control, with the drainage facilities described in the Staff Report and through technical analysis submitted by qualified professionals.<sup>4</sup> The plat has been designed to meet King County Surface Water Design Manual standards and compliance will be confirmed during site plan review.<sup>5</sup> KCC requirements for both stormwater management and critical areas protection have been met.
14. Required urban services and facilities will be provided. These improvements mitigate project impacts, meet code requirements, and ensure adequate ingress and egress.

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<sup>1</sup> Exhibit 2 (Staff Report), pg. 3.

<sup>2</sup> Exhibit 2 (Staff Report), pg. 2.

<sup>3</sup> Exhibit 2 (Staff Report), pgs. 3-4 and Exhibit 17.

<sup>4</sup> Exhibit 2 (Staff Report), pgs. 7-8, and Exhibits 9 and 18.

<sup>5</sup> Testimony, Mr. LeClair.

15. The Applicant demonstrated that fire safety, sewage and water supply requirements can be met.<sup>6</sup> To address school district concerns, impact fees are being paid, with school access and service documented.<sup>7</sup> And, with 27,219 square feet of recreation space, the project is providing more than double the 390 square feet per unit required, which is 13,260 square feet.<sup>8</sup>
16. Except as modified by this Decision, the Staff Report<sup>9</sup> is incorporated by reference. The Staff Report includes recommended conditions, which should be included to support Decision findings and ensure KCC requirements are met, without substantive revision. Because of the considerable public testimony on secondary access, a condition requiring the Applicant to document its further consideration of the issue should be added.

## CONCLUSIONS:

1. A preliminary plat cannot be approved unless:
  - A. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
  - B. The public use and interest will be served by platting the subdivision and dedication.<sup>10</sup>
2. These criteria have been met. The proposed subdivision, as conditioned below, and as reflected in the revised site plan, would conform to land use controls. The use, density, and scale of the project are permitted in the R-6 zone, and the project is supported with adequate landscaping, infrastructure, street improvements (including sidewalks and parking), and other mitigation, to ensure the project meets KCC requirements. Providing secondary access is a reasonable request to improve vehicle flow and traffic conditions but poses an issue regarding County engineering requirements. The Applicant addressed the concern by designing the plat to allow for a future extension which would meet requirements. However, given the public input on this issue, and support for secondary access, an additional condition further addresses the issue.
3. If approved subject to the below conditions, the subdivision adequately addresses the issues identified in RCW 58.17.110 and KCC 20.22.180, and will serve the public health, safety and welfare, and the public use and interest.

<sup>6</sup> Exhibits 14 and 15 (certificates of water and sewer availability; fire flow was found to be sufficient); Exhibit 2 (Staff Report), pgs. 9-10.

<sup>7</sup> Exhibit 2 (Staff Report), pgs. 8-9; *see also* Exhibits 11-12.

<sup>8</sup> *See* Exhibit 2 (Staff Report), pg. 9.

<sup>9</sup> Exhibit 2.

<sup>10</sup> KCC 20.22.180.

4. The below conditions for final plat approval are reasonable and serve the public interest.

#### DECISION:

The preliminary plat Gill-Cole, is approved subject to these 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 plat shall comply with the density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 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 DLS - Permitting's discretion in accordance with KCC 19A.12.030.
4. All construction and upgrading of public and private roads shall be done in accordance with the 2016 KCRDCS established and adopted by Ordinance 18420, as amended.
5. 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.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the 2016 King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.
  - A. Drainage plans and analysis shall comply with the KCSWDM and applicable updates adopted by King County. DLS - Permitting approval of the drainage and roadway plans is required prior to any construction.
  - B. Current standard plan notes and ESC notes, as established by DLS - PERMITTING 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 # (DLS – Permitting-issued plan

record number to be inserted in space provided) on file with DLS - Permitting and/or the King County Road Services Division. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.

- D. The storm drainage conveyance system along the public roadways shall be designed per requirements of the KCSWDM.
- E. The drainage facilities shall meet the requirements of the KCSWDM. The site is subject to the Conservation Flow Control and Basic Water Quality requirements in the KCSWDM. A level 2 flow control is required for both on-site basins to address downstream drainage problems.
- F. The detention facilities shall meet the design requirements in Section 5.1 of KCSWDM. Access roads are required to the access panel, the control; structure, and at least one access point per cell, and shall be designed per section 5.1.1.
- G. 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 Section 1.2.9 of the 2016 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.

- 7. The proposed subdivision shall comply with the 2016 KCRDCS, including the following requirements:
  - A. The proposed extension of SE 193<sup>rd</sup> Street shall be improved at a minimum to the urban subaccess street standards with curb, gutter, and sidewalks on both sides.
  - B. Road A shall be constructed at a minimum to the urban subaccess street standards with curb, gutter and sidewalks on both sides.



- C. Road B shall be constructed at a minimum to the urban minor access street standards with curb, gutter and sidewalks on both sides.
  - D. The private access tract (PAT) shall be designed and constructed per Section 2.09 of the KCRDCS.
  - E. The joint use driveway (JUD) shall be designed and constructed per Section 3.01 of the KCRDCS.
  - F. Prior to final plat recording, KCRDCS roadway improvements shall be provided to serve the 34 new lots.
  - G. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.12 of the KCRDCS.
8. Critical Areas: The proposed subdivision shall comply with the Critical Areas Code as outlined in KCC 21A.24. Impacts to critical areas shall be avoided where possible, and compensatory mitigation is required for approved adverse impacts. Preliminary plat review has identified the following specific requirements that apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.
- A. Wetland Category and Buffers (KCC 21A.24.325 and 21A.24.358): There is a Category III (Wetland A) and a Category IV wetland (Wetland B) located on the subject parcels. King County Code requires a standard buffer of 75 feet for Category III wetlands and 50 feet for Category IV wetlands, measured from the wetland edge.
  - B. Critical Areas Tract (KCC 21A.24.180). The wetlands and buffers for the wetlands shall be placed in two separate Critical Areas Tracts to be shown on the engineering plans and final plat. The Critical Areas Tracts shall be held in an undivided interest by each owner of a building lot within the development, with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance and protection of the tracts.
  - C. A minimum building setback line of 15 feet shall be required from all edges of the buffer (KCC 21A.24.200).
  - D. Construction of new public road ROW structure is an allowed alteration in wetlands, and their buffers subject to KCC 21A.24.045.D.26, when there is not another feasible location with less adverse impact; the corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as threatened or endangered by state or federal government unless there is no feasible alternative; the corridor width is reduced to maximum extent practical; instream work occurs during approved periods; the corridor will not change/diminish overall aquatic area peak flows, duration, or volume of flood storage capacity; and the corridor is not established within a severe channel hazard migration area.



- E. Reduction of standard wetland buffers by up to 25 feet are allowed for wetlands located in the Urban Growth Area per KCC 21A.24.325.A.3, provided the applicable mitigation measures are met. The mitigation measures are listed in KCC 21A.24.325.A.3.b. A final critical areas mitigation plan shall be submitted during the engineering review of this plat that includes details on how each of the mitigation measures is met, including the submittal of a lighting study that provides prescriptive measures for reducing light and glare into the critical areas.
- F. A final arborist report shall be submitted by the applicant during the engineering review that quantifies the number of trees to be removed from critical areas and the required mitigation.
- G. Compensatory mitigation shall be required for permanent impacts to the wetland buffers, including a combination buffer reduction, buffer addition, on-site buffer enhancement, and off-site in-lieu fee mitigation. This information shall be provided in a final mitigation plan for the plat, provided during engineering review.
- H. The applicant shall provide a Statement of Sale for credits purchased for off-site, in-lieu fee mitigation, for unavoidable wetland buffer impacts after the final mitigation plan has been approved.
- I. Permanent survey marking, wildlife passable fencing, and critical areas signs shall be installed at the edge of the critical areas tracts prior to final plat approval (KCC 21A.24.160).
- J. Prior to any clearing and grading on the site, the tracts/critical area and buffer, and the area of development activity must be marked or otherwise flagged to the satisfaction of King County. The required marking or flagging shall remain in place until all development proposal activities near the critical area are completed. Additional erosion and sedimentation control measures may also be required per the King County Surface Water Design Manual and Clearing and Grading regulations.
- K. 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 tracts/critical area and buffer conveys to the public a beneficial interest in the land within the tracts/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 tracts/critical area and buffer imposes upon all present and future owners and occupiers of

the land subject to the tracts/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 tracts/critical area and buffer. The vegetation within the tracts/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Local Services – Permitting Division or its successor agency, unless otherwise provided by law.

The common boundary between the tracts/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 tracts/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities near the critical area are completed.

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

9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. 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.
11. 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. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DLS - PERMITTING concurrent with the submittal of the engineering plan.
  - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
12. A homeowners' association or other workable organization shall be established to the satisfaction of DLS - PERMITTING which provides for the ownership and continued maintenance of the recreation, open space and/or critical area tract(s).
13. Street trees shall be provided as follows (per KCRDCS 5.03 and KCC 21A.16.050):

- A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - B. Trees shall be located within the street right-of-way and planted in accordance with Section 5.03 and Drawings 5-009 through 5-013 of the KCRDCS, unless the King County Department of Local Services, Roads Division determines that trees should not be located in the street right-of-way.
  - C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - D. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - E. The species of trees shall be approved by DLS - PERMITTING if located within the right-of-way, and shall comply with KCRDCS 5.03L, M, and N. They shall not include species the County determines has the potential to disrupt utilities or impact roadway improvements. All tree planting in the right-of-way shall include the installation of an approved root barrier adjacent to walks and curbs for each tree, unless otherwise approved by the County Road Engineer.
  - F. The applicant shall submit a street tree plan and bond quantity worksheet for review and approval by DLS - PERMITTING prior to engineering plan approval (if required), or if engineering plans are not required, at the time of the required pre-construction meeting (see Condition 4 above).
  - G. 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 and held for one year. After one year, the maintenance bond may be released after DLS - PERMITTING has completed a second inspection and determined that the trees have been kept healthy and thriving.
  - H. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
14. **SPRINKLER REQUIREMENT:** Any future residences are required to be equipped with fire sprinklers per NFPA 13D unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface.

To qualify for removal of the sprinkler requirement the driving surface of the new roadway has to be a minimum of 28 feet in width if parking is allowed on one side of the roadway, and at least 36 feet in width if parking is permitted on both sides.

15. The Applicant shall provide a summary of the factors involved in considering whether to provide secondary access to Permitting, in consideration of neighbor testimony on same.

DATED July 31, 2019.



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Susan Drummond  
King County Hearing Examiner *pro tem*

### NOTICE OF RIGHT TO APPEAL

A person appeals this Examiner decision by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's decision.

Prior to the close of business (4:30 p.m.) on *August 26, 2019*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *August 26, 2019*, the Examiner's decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *August 26, 2019*, the Examiner will notify all parties and interested persons and provide information about "next steps."

**MINUTES OF THE JULY 16, 2019, HEARING ON PRELIMINARY PLAT  
APPLICATION GILL-COLE, DEPARTMENT OF LOCAL SERVICES FILE NO.  
PLAT180005, PROPOSED ORDINANCE NO. 2019-0251**

Susan Drummond was the Hearing Examiner. Hearing participants were: Kevin LeClair, Maher Joudi, Kurt Johnson, Larry Raybold, Anthony Diederichs, Marci/Paul Klinkenberg, Marilyn Canterbury, Carol/James Schinke, David Smith, and Abu/Rubana Zaman.

These exhibits were offered and entered into the hearing record:

Exhibit no. 1	Department of Local Services file no. PLAT180005
Exhibit no. 2	Preliminary department report, transmitted to the Examiner on June 28, 2019
Exhibit no. 3	Land use permit application, received March 13, 2018
Exhibit no. 4	State Environmental Policy Act (SEPA) checklist, received March 13, 2018
Exhibit no. 5	SEPA Threshold determination of non-significance, issued June 13, 2019
Exhibit no. 6	Affidavit of posting notice of plat application, posted on May 1, 2018
Exhibit no. 7	Notice of application, mailed on May 2, 2018
Exhibit no. 8	Preliminary plat map, dated May 9, 2019
Exhibit no. 9	Technical Information Report, dated March 13, 2018
Exhibit no. 10	Subdivision Density and Dimension Calculations Worksheet received, March 13, 2018
Exhibit no. 11	Kent School District #415 school transportation information, dated July 10, 2018
Exhibit no. 12	School Walkways Analysis, received March 13, 2018
Exhibit no. 13	Chicago Title Insurance Guarantees, received March 13, 2018
Exhibit no. 14	Certificate of Water Availability, by Soos Creek Water and Sewer District, received February 7, 2018
Exhibit no. 15	Certificate of Sewer Availability, by Soos Creek Water and Sewer District, received February 7, 2018
Exhibit no. 16	Fire District Receipt, received March 13, 2018
Exhibit no. 17	Revised Wetland and Fish and Wildlife Habitat Assessment and Conceptual Wetland Buffer Mitigation Plan, by Soundview Consultants, received January 31, 2019
Exhibit no. 18	Geotechnical Report, by Earth Solutions NW LLC, received March 13, 2018
Exhibit no. 19	Traffic Impact Analysis, by TraffEx, received March 13, 2018
Exhibit no. 20	E-mailed Public Comments, forwarded from Kevin LeClair
Exhibit no. 21	Comment, Puget Sound Regional Fire Authority
Exhibit no. 22	E-mailed Public Comments submitted following the hearing

Gill-Cole/vsm





# Statement of Appeal

## Appeal of Hearing Examiners Findings of Gill Cole Platt 18-0005

Appellants: Rock Creek HOA, Kurt Johnson (focal), Abu Zaman, Paul Klinkenberg; No legal interest  
Address: 19301 138<sup>th</sup> Ave SE  
City: Renton, WA 98058  
Email: stupdcats@comcast.net  
Phone: 253-630-2442

Name of Project being appealed: Gill Cole Platt 18-0005  
File number of project being appealed: PLAT180005, proposed ordinance # 2019-0251  
Location of project being appealed: 140<sup>th</sup> Ave SE and SE 192<sup>nd</sup> Street, Renton, WA

**Rock Creek HOA and affected residents appeals the use of SE 193<sup>rd</sup> St as the ingress and egress to the Gill-Cole Plat as follows:**

### **Basis for Appeal:**

- 1. Life and Safety Hazards due to a Limited Width Roadway and significantly increased number motor vehicles and trips per day:**
  - a. The existing SE 193<sup>rd</sup> St is only 20 feet wide and was never intended to become an access road to a subdivision. Street parking overflow from the existing SE 193<sup>rd</sup> St *and* the proposed extension of SE 193<sup>rd</sup> St street, will spill onto 138<sup>th</sup> Ave SE as parking restrictions will be needed to allow larger vehicles to pass such as fire trucks, tankers, ambulances, garbage and other service/delivery vehicles. **(See Figure 1).**
  - b. Thirty-four Gill Cole Plat lots with likely 3 cars per household can total 102 cars or more, especially during family events or holidays. Cars can overflow to 138<sup>th</sup> Ave SE making passage on 138<sup>th</sup> Ave SE dangerous.
  - c. There is a blind curve south of the intersection of SE 193<sup>rd</sup> St and 138<sup>th</sup> Ave SE. This, coupled with the proximity of the intersection at SE 192<sup>nd</sup> St, will increase the likelihood of an accident. There are 3 more blind curves on 138<sup>th</sup> Ave SE as it is designed as moderately winding roadway. With cars parked on 138<sup>th</sup> Ave SE, additional traffic created by the proposed development will create very hazardous travel. Speeds on 138<sup>th</sup> Ave SE often exceed the posted 25 mph limit with just the current traffic load.

- d. The applicant's Traffic Study predicted over 300-350 trips per day in and out of the proposed plat onto a 20 ft wide SE 193<sup>rd</sup> St. This will adversely impact safety and increase noise. This presents an unreasonable impact to the four homes located on this street. **(See Figure 2).**
- e. King County has directed the applicant to provide 28 ft wide roadways within the plat to allow for parking. This does not fit with the use of a 20 ft wide roadway, the existing SE 193<sup>rd</sup> St, as an entry point where parking will not be allowed.
- f. 138<sup>th</sup> Ave SE Serves approximately 75 homes between SE 192<sup>nd</sup> St and SE 200<sup>th</sup> St. To use the applicant's Traffic Study logic of 10 trips per day per residence and assuming half of those 75 residents exit northbound on 138<sup>th</sup> Ave SE, this generates a **current** load of 300-350 vehicles arriving at the intersection of SE 192 St and 138<sup>th</sup> Ave SE. Calculating the applicant's figures, we have a potential for 600-700 vehicles entering the intersection of these two streets. This will become potentially a dangerous intersection.
- g. There are children who live on 138<sup>th</sup> Ave SE and SE 193<sup>rd</sup> St., including in homes north and south of this intersection that are well beyond the county defined 500-foot impact zone. Additionally, 300 or more daily car passes will increase traffic exponentially with compromised safety to children as they play in their front yards and ride bicycles or other toys and walk to the bus stop.
- h. Traffic Study: The traffic study was initiated and concluded on a rainy midday in March. We suggest a new traffic study be completed during commuting times in the morning and afternoon. We suggest the street access from 138<sup>th</sup> Ave SE out onto 192 Ave SE also be studied. 192<sup>nd</sup> AVE SE has become a heavily used roadway. More housing developments to the West and the North will continue to add to the volume. Also not our request for a vehicle count under "Relief Sought" **(See Figure 3)**
- i. The intersection of SE 192<sup>nd</sup> St and 138<sup>th</sup> Ave SE is a bus stop for 2 nearby schools. There is a likelihood for back-ups on SE 192<sup>nd</sup> St and 138<sup>th</sup> Ave SE. This will also be a life and safety issue due to added traffic from Gill Cole Plat co- mingling with children walking to the bus and waiting for it to arrive. **(See Figure 4)**
- j. As traffic builds and delays are created at 138<sup>th</sup> AVE SE and SE 192<sup>nd</sup> AVE, motorists with travel south on 138<sup>th</sup> Ave SE to exit onto SE 200<sup>th</sup> St, which will create other traffic and pedestrian safety issues. 138<sup>th</sup> AVE SE and SE 200<sup>th</sup> St junction is an uphill exit to the East and downhill exit to the West. **(See Figures 5, 6, 7, 8)**

## 2. Relief Sought:

- a. **Eliminate** the Gill-Cole plat access via SE 193<sup>rd</sup> ST. If connected during construction, it will be gated upon completion.
- b. **Provide a primary east/west access** from Road A to 140<sup>th</sup> Ave SE at Gill Cole Plat lot numbers 16 and 17.
- c. A variance to King County Road Standards is required to allow this access.
- d. Conduct a vehicle count of traffic on SE 192<sup>nd</sup> St between 140<sup>th</sup> Ave SE and 136<sup>th</sup> Ave SE and 140<sup>th</sup> Ave SE between SE 190<sup>th</sup> St and SE 200<sup>th</sup> St. We believe this will show a significant number of vehicles turn west onto SE 192<sup>nd</sup> St from 140<sup>th</sup> Ave SE; that SE 192<sup>nd</sup> St is as heavily travelled as 140<sup>th</sup> Ave SE between SE 192<sup>nd</sup> St and SE 200<sup>th</sup> St.

## Figures:

**Figure 1, adverse effect of parking on SE 193<sup>rd</sup> St:**



**Figure 2, intersection of 138<sup>th</sup> Ave SE and SE 193<sup>rd</sup> St:**





**Figure 3, intersection of 138<sup>th</sup> Ave SE and SE 192<sup>nd</sup> St:**



**Figure 4, School bus stop at 138<sup>th</sup> Ave SE and SE 192<sup>nd</sup> St:**





**Figure 5, intersection of 138<sup>th</sup> Ave SE and SE 200<sup>th</sup> St:**



**Figure 6, SE 200<sup>th</sup> St Eastbound at 138<sup>th</sup> Ave SE (restricted visibility for left turns):**

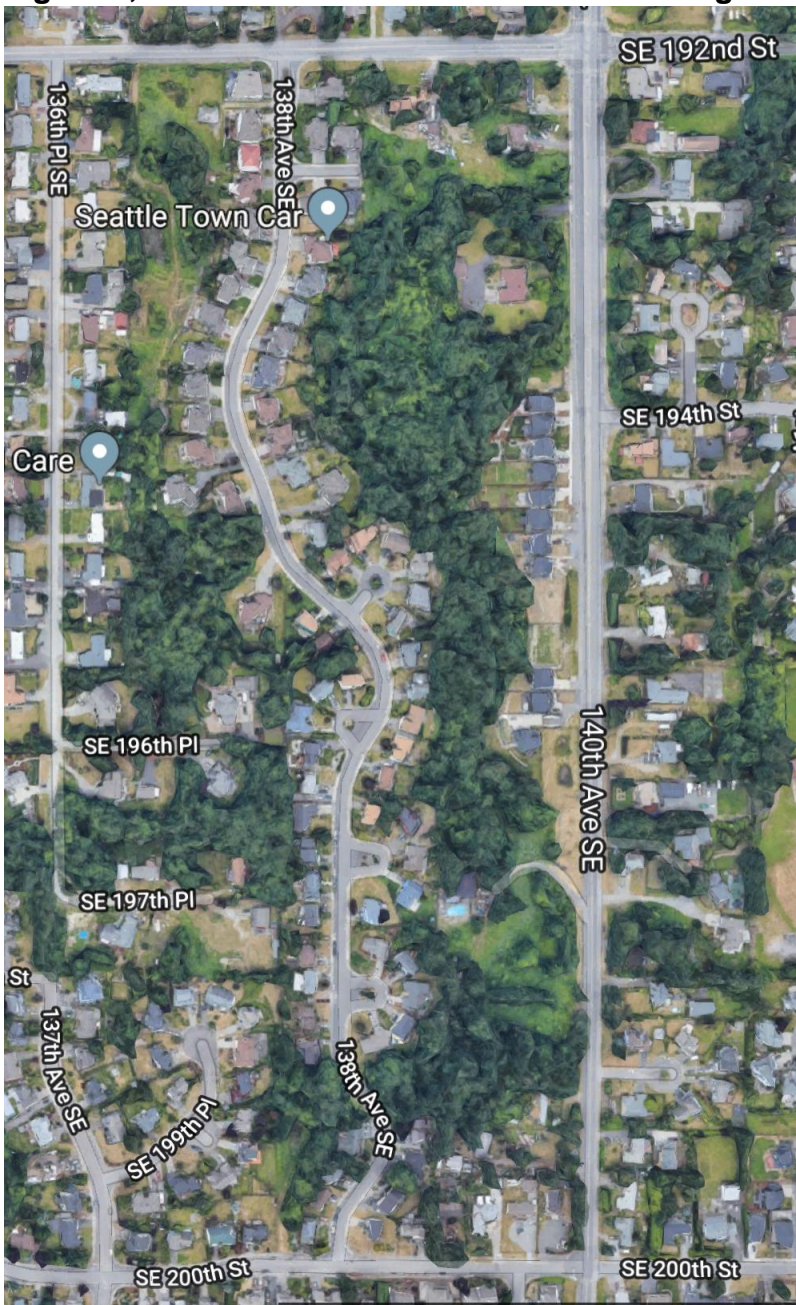


**Figure 7, 138<sup>th</sup> Ave SE northbound from SE 200<sup>th</sup> St:**





Figure 8, aerial of 138<sup>th</sup> Ave SE and surrounding area:





September 6, 2019

Re: Gill-Cole Plat – King County  
Memorandum - Intersection Spacing and Response to Appeal

Dear Mr. Examiner:

The purpose of this memorandum is to respond to comments during the public hearing and the appeal suggesting the location of the site access street to the plat be relocated to intersect directly to 140<sup>th</sup> Ave SE instead of SE 193<sup>rd</sup> St. as proposed. We concur with King County staff and do not recommend the connection to 140<sup>th</sup> Ave SE for the following reasons:

- 140<sup>th</sup> Ave SE is classified as a Principal Arterial. Per section 2.03 of the King County Road Design and Construction Standards (KCRDCS), urban principal arterials "... provide for movement across and between large subareas of an urban region and serves predominantly "through traffic." They carry the highest traffic volume and serve major centers of activity and are fed by other arterials and local access streets. Principals are expected to provide a high degree of mobility; therefore, **access to abutting properties is very restricted**".
- Per WSDOT Design. Manual 530.04(3)(b)(1) Principal Arterial "If the ADT (average daily traffic volume) of the crossroad is less than 2,000, 1-mile spacing (minimum), centerline to centerline." The ADT of the site access street (the crossroad) is only 296 vehicles per day per the TIA.
- Per KCRDCS section 2.10 B. "...when the highest classification involved is a Principal Arterial,... spacing between adjacent intersecting roads/streets, whether crossing or T-connecting, shall be...1000 feet."
- A plat access street from the cul de sac at south end of the plat directly to 140<sup>th</sup> Ave SE would be spaced approximately 630 ft, south of the SE 192<sup>nd</sup> St./140<sup>th</sup> Ave SE intersection and approximately 160 ft north of existing SE 194<sup>th</sup> St./140<sup>th</sup> Ave SE intersection. Therefore, the recommended intersection spacing on a principal arterial would not be met at any point along the site frontage on 140<sup>th</sup> Ave SE between SE 192<sup>nd</sup> St. and SE 194<sup>th</sup> St. per the WSDOT Design Manual and KCRDCS.
- It is clearly evident that SE 193<sup>rd</sup> St. was stubbed for a future street connection to the undeveloped adjacent property to the east.
- Per the TIA, the proposed plat will add 22 PM peak hour trips to 138<sup>th</sup> Ave SE (north of SE 193<sup>rd</sup> St.), which averages out to be 1 trip every 2.7 minutes. It will add 9 PM peak hour trips to 138<sup>th</sup> Ave SE (south of SE 193<sup>rd</sup> St.), or 1 trip every 6.7 minutes. During non-peak hours even less trips will be added to the existing street system. It is our professional opinion that the relatively minor traffic volumes generated by the proposed plat should not have a significant impact on safety or traffic operations on the adjacent streets or intersections.

We therefore do not recommend a street connection from the plat be made to 140<sup>th</sup> Ave SE.



Vincent J. Geglia  
Principal  
TraffEx



9-6-19

Larry D. Hobbs, P.E.  
Principal  
TraffEx

**Reply to Applicant's Response in the Appeal of  
Gill Cole Platt 18-0005, Filed on 8-26-2019  
9-17-2019**

Appellants: Rock Creek HOA, Kurt Johnson (focal), Abu Zaman, Paul Klinkenberg; No legal interest  
Address: 19301 138<sup>th</sup> Ave SE  
City: Renton, WA 98058  
Email: stupdcat@comcast.net  
Phone: 253-630-2442

Name of Project being appealed: Gill Cole Platt 18-0005  
File number of project being appealed: PLAT180005, proposed ordinance # 2019-0251  
Location of project being appealed: 140<sup>th</sup> Ave SE and SE 192<sup>nd</sup> Street, Renton, WA

**Comments for period ending 9-19-2019 to Applicant's Reply:**

**1. The Applicant filed a Traffic Study by Northwest Traffic Experts to which we take the following exceptions to the statement on the first page:**

**"...It is clearly evident that SE 193<sup>rd</sup> St. was stubbed for a future street connection to the undeveloped adjacent property to the east..."**

- a. The existing SE 193<sup>rd</sup> St is 20 feet wide and was not intended to become an access road to a subdivision. Street parking overflow from the existing SE 193<sup>rd</sup> St *and* the proposed extension of SE 193<sup>rd</sup> St street, will spill onto 138<sup>th</sup> Ave SE as parking restrictions would be needed to allow larger vehicles to pass such as fire trucks, tankers, ambulances, garbage and other service/delivery vehicles. The King County Fire District representative had concerns during the hearing regarding fire personnel access to the properties. Illegally parked vehicles on the existing SE 193<sup>rd</sup> St would block their response to an emergency in this development.
- b. The applicant's Traffic Study predict 31 "PM peak trips per hour" in and out of the proposed plat onto a 20 ft wide SE 193<sup>rd</sup> St. This will adversely impact safety and increase noise. This presents an unreasonable impact to the four homes located on this street and a significant traffic impact to 138<sup>th</sup> Ave SE.; especially at the intersection with SE 192<sup>nd</sup> St.
- c. Additionally, per King County's "Department of Local Services – Permitting Division" Report and Recommendations" which we received on or about July 9, 2019:

*...Section H.3.(page 5 of 14) "Roadway Section: The internal roads, the **extension** [our emphasis] of SE 193<sup>rd</sup> Street [but not the existing stub of SE 193<sup>rd</sup> St] and Road A are designed to urban subaccess street standards per the 2016 King County Road Design and Construction Standards(KCRDCS). The proposed 41-foot wide right-of-way for the extension of SE 193<sup>rd</sup> Street and Road A consists of a 28-foot pavement section with curb, gutter, and sidewalk on both sides. The typical roadway width for a subaccess street is 24 feet. The additional 4 feet of pavement allows for parking on one side of the street. A temporary cul-de-sac will be constructed at the southern end of Road A to provide vehicular turnaround..."*

King County is defining “Road A” as an “urban subaccess street” with the definitions stated. The existing 20 foot wide SE 193 St stub does not meet ANY of these standards and should not be used as an entry point to the proposed development.

King County’s recommendation further states:

*“...The internal Road B is designed to urban minor access standards per the KCRDCS. The proposed 40-foot wide right-of-way consists of a 22-foot pavement section with curb, gutter and sidewalk on both sides. No parking will be allowed along Road B. The private access tract (PAT), designated as Tract H, will serve lots that are located at the end of Road B. It is designed to be 23 feet in width with a 22-foot paved surface. The joint use driveway (JUD), designated as Tract A, will provide access to lots 3 and 4. It is designed to be 20 feet in width with a 20-foot paved surface.”*

This wording states that the “internal Road B” and “joint use driveway” are used to provide access the lots that abut them. The existing SE 193<sup>rd</sup> St stub provided by the Rock Creek developer, David D. Kline Homes, is designed to these **same criteria, to provide access to the four homes that abut it; not to provide access to 34 additional homes**. It, therefore, should be classified, as King County has defined above, as a “urban minor access” roadway and cannot used for access to this development.

## 2. We restate the Relief Sought:

- a. **Eliminate** the Gill-Cole plat access via SE 193<sup>rd</sup> ST. If connected during construction, it will be gated upon completion.
- b. **Provide a primary east/west access** from Road A to 140<sup>th</sup> Ave SE at Gill Cole Plat lot numbers 16 and 17.
- c. A variance to King County Road Standards is required to allow this access.
- d. Conduct a vehicle count of traffic on SE 192<sup>nd</sup> St between 140<sup>th</sup> Ave SE and 136<sup>th</sup> Ave SE and 140<sup>th</sup> Ave SE between SE 190<sup>th</sup> St and SE 200<sup>th</sup> St. We believe this will show a significant number of vehicles turn west onto SE 192<sup>nd</sup> St from 140<sup>th</sup> Ave SE; that SE 192<sup>nd</sup> St is as heavily travelled as 140<sup>th</sup> Ave SE between SE 192<sup>nd</sup> St and SE 200<sup>th</sup> St.



**From:** [abu zaman](#)  
**To:** [Clerk, King County Council](#)  
**Cc:** [Hearing Examiner, King County Council](#); [jwaltier@harbourhomes.com](mailto:jwaltier@harbourhomes.com)  
**Subject:** Gill-Cole Plat 18-0005 Abu & Rubana Zaman Letter to Council  
**Date:** Wednesday, September 18, 2019 8:32:18 PM

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**September 18, 2019**

**Subject: Response Post Traffic Study by Harbor Homes**

**Name of Project being appealed: Gill Cole Plat 18-0005.**

Dear Honorable King County Council Members:

Rubana, I and our two kids live at the corner of the 138<sup>th</sup> Ave and 193<sup>rd</sup> Street since year 2000. We moved here due to the location being a choice, peaceful & developed community. Now, we are facing a challenge from Harbor Homes that we never dreamed off. Our family will be adversely affected with higher noise, reduced quality of life and disturbance created by estimated 103 cars traffic or more on holidays passing on the 20 feet wide street in front of our home. This is a kind & human factors issue and your due consideration is sought as a last resort for allowing (minimum) a second entrance & exit to and from Gill Plat. We would like to bring the following points and perspective to your attention:

1. The traffic study does not address future high traffic in front of the current 4 homes on the 193<sup>rd</sup> Street in Rock Creek. Currently, these residents are experiencing (3 cars per household X 4 Households X 4 trips per day = 48) 48 car passes in a day. Gill Plat with 34 homes will increase this to (34 X 3 X 4=) 408 car passes per day. This is a (408-48/48 X 100=) 750% increase, potentially harmful & unacceptable to our family.
2. The Fire Safety review of Gill Plat planned development required the extension from 193<sup>rd</sup> street to & in Gill Plat be minimum 28 feet wide. This is indicative of the fact that 193<sup>rd</sup> Street being 20 feet wide cannot be safe or suitable for servicing planned 34 homes addition.
3. Harbor Homes will be good a neighbor if they can work with King County to provide with independent entry and exits to and from Gill Plat with 34 to 47 homes. We recommend keeping 193<sup>rd</sup> Street blocked as it is today due to public safety issues as pointed out in the hearing by Rock Creek residents.
4. One of our suggested alternatives will be to use the existing entry from 192<sup>nd</sup> Street to the current home as a one-way entry to new development. The one-way exit can be through planned plot # 16 or 17th to the 140<sup>th</sup> Avenue & with a merging lane connecting southbound traffic.

In the end we would like to state that King County codes and standard are created to keep homes, occupants and public safe. Also, we believe enforcement of such codes will not cause harm to existing King County residents. We have utmost concern for safety of the neighborhood school kids who pass thru 138<sup>th</sup> Avenue every school day. Thanks for your attention and consideration.

Yours truly,

Abu & Rubana Zaman

13805 SE 193<sup>rd</sup> Street, Renton, WA 98058. Cell Phone (Abu) 206-914-1407



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance

**Proposed No.** 2019-0251.2

**Sponsors** Dembowski

1                   AN ORDINANCE concurring with the recommendation of  
2                   the hearing examiner to approve, subject to conditions, the  
3                   preliminary plat of Gill-Cole, located at 140th Avenue SE  
4                   and SE 192nd Street, Renton, department of local services,  
5                   permitting division file no. PLAT180005.

6                   BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7                   SECTION 1. This ordinance hereby adopts as its action, and incorporates herein  
8                   as its own the findings, conclusions and decision, the hearing examiner's July 31, 2019,  
9                   report and decision, contained in Attachment A to this ordinance, approving, subject to

10 conditions, the preliminary plat of Gill-Cole, located 140th Avenue SE and SE 192nd  
11 Street, Renton, department of local services, permitting division file no. PLAT180005.  
12

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None