David Spohr, Hearing Examiner  
Office of the Hearing Examiner  
King County Courthouse  
516 Third Avenue, Room 1200  
Seattle, WA 98104  

RE: Supplemental Materials for Preliminary Plat Application  
Three Rivers Estates  
King County DPER File No. PLAT18-0001/SHOR18-0001  
Our Job No. 17503  

Dear Mr. Spohr:  

On behalf of our client, Kusak Tree Farm LLC, we are providing supplementary information requested at the July 30th public hearing before Hearing Examiner David Spohr. Enclosed please find the following:  

1. One (1) copy of the revised plat map (Sheets 1-6)  
2. One (1) copy of the non-conditional Water Availability Certificate issued by Sallal Water Association dated August 26, 2019  
3. One (1) copy of a spreadsheet titled “Three Rivers Dwelling Unit Calculation” to justify 11 clustered Lots  
4. One (1) copy of an exhibit titled “Three Rivers Proposed Substitute Condition 12”  

The record has been kept open to all the above information to be submitted to address the issues identified during the public hearing on July 30, 2019 by the Hearing Examiner. There were 5 issues that needed a response from the applicant. These are listed below:  

1. The clustering provisions of KCC 21A.24.040(B)(1) and (2) limit the number of Lots in a cluster or on a cul-de-sac to no more than 8 Lots less than 2.5 acres in size. In order to comply with this provision we have increased the size of Lots 9, 10, and 11 by roughly 7,000 SF in order to make them each at least 2.5 acres. The area in Open Space Tract A was correspondingly reduced from 6.99 acres to 6.53 acres. A revised copy of the preliminary plat map (6 sheets) is included with this submittal depicting these changes.  

2. A question was raised by the HEX as to how the maximum density of 11 dwelling units was arrived at given the fact that one of the parcels included with the application (APN 9055) has a different zoning classification of RA-5 vs. RA-2.5, along with an “SO Overlay” which further limits the density to 1 DU per 10 acres for any portion lying within a critical area.
The KC code is silent as to how to calculate the maximum density in a clustered subdivision encompassing multiple parcels, one of which has a different zoning classification. This is different than “split zoning” where a single legal parcel has 2 different zoning designations.

In this case, there are 2 logical means of computing the maximum density. One of these is set forth on the enclosed exhibit titled “Three Rivers Dwelling Unit Calculations”. This method is the most straightforward. Parcel APN 9055 is entirely within a critical area and is therefore limited to half the density allowed in the RA-5 zone, which means we can only use half the area to count towards the overall acreage in the cluster. This parcel is 1.01 acres in size which is reduced to 0.5075 acres and then added to the balance of the area in the remaining parcels zoned RA-2.5 (54.07 acres) for a total area of 54.577 acres.

KC code allows rounding “up” for fractions of acreage over 0.50. This means we round up 54.577 to 55 and divide by 5 to get 11 lots.

Another way to justify the 11 lots would be to treat each of the differently zoned parcels separately. The RA-2.5 zoned acreage of 54.07 would yield 10 lots (because you can’t round up for density). The parcel zoned RA-5 is only 1 acre in size but since it is an existing legal building lot, it is exempt from the minimum lot size as a stand-alone parcel and is presumed to allow one dwelling unit. The combination of these would also yield 11 Lots.

Either way it is clear that the proposed 11 Lot Cluster density is justified.

3. During the hearing, a question was raised about the adequacy of Water Availability for the plat from Sallal Water Association. Following the July 30th hearing, the applicant contacted Sallal Water Association and obtained a new Non-conditional Water Availability Letter which is attached hereto dated August 26, 2019. This should resolve any concerns about water availability.

4. During the hearing, we had submitted proposed substitute language for Condition 12 in the staff report related to the floodplain mapping by FEMA. In response the HEX asked us to propose additional language to Condition 12 to account for the possibility of FEMA not approving the LOMA. The new proposed language for Condition 12 is attached titled “Three Rivers Proposed Substitute Condition 12”.

5. A request was made during the hearing by representatives of the City of North Bend for an easement to allow the City to pump water from their golf course ponds north of Three Rivers into the Snoqualmie River. As noted in discussion at the hearing, such request is outside the scope of this review process and instead is a private matter that should be negotiated between the City and the applicant.

Following the hearing, we put the applicant in touch with Mark Rigos. Mark is the Public Works Director at the City of North Bend. We wanted to let the Hearing Examiner know it is our understanding that the applicant is currently engaged in negotiations with the City to accommodate their request, even though this is outside the scope of the review of this application.
Please review the enclosed information and let us know if you need to have additional copies of the exhibits delivered to DPER or the office of the Hearing Examiner. If you have questions or need additional information, please do not hesitate to contact me at this office. Thank you.

Respectfully,

Thomas A. Barghausen, P.E.
President

TAB/mf
17503c.010.docx
enc: As Noted
cc: Chuck Kusak, Kusak Tree Farm, LLC
    Jim Kusak, Kusak Tree Farm, LLC
    Tony Kusak, Kusak Tree Farm, LLC
    Barry Talkington, Barghausen Consulting Engineers, Inc.
    H. George Newman, Barghausen Consulting Engineers, Inc.
King County
Department of Permitting
and Environmental Review
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266
206-296-6600 TTY Relay: 711
www.kingcounty.gov

Water Availability
King County Certificate of
Water Availability

For alternate formats, call 206-296-6600.

This certificate provides the Public Health - Seattle & King County Department and the Department of Permitting and Environmental Review with information necessary to evaluate development proposals.

Do not write in this box

<table>
<thead>
<tr>
<th>Number</th>
<th>Name</th>
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<tbody>
<tr>
<td>☐ Building Permit</td>
<td>☑ Preliminary Plat or PUD</td>
</tr>
<tr>
<td>☐ Short Subdivision</td>
<td>☐ Rezone or other:</td>
</tr>
<tr>
<td>Applicant's name:</td>
<td>Kusak Tree Farm LLC</td>
</tr>
<tr>
<td>Proposed use:</td>
<td>Subdivision of 55 acres into 11 lots</td>
</tr>
<tr>
<td>Location (attach map and legal description if necessary):</td>
<td>West of 436th Ave SE, North of the South Fork of the Snoqualmie River, South of I-90 Parcels #152308-9018, 222308-9002, 9019, 9036 &amp; 9055</td>
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</tbody>
</table>

Water purveyor information:

1. ☐ a. Water will be provided by service connection only to an existing ___________ (size) water main that is ___________ feet from the site.

☐ OR

☐ b. Water service will require an improvement to the water system of:

☐ (1) ___________ feet of water main to reach the site; and/or

☐ (2) The construction of a distribution system on the site; and/or

☐ Other (describe): Developer's Extension Agreement

2. ☐ ☑ OR

☐ a. The water system is in conformance with a County approved water comprehensive plan.

☐ b. The water system improvement is not in conformance with a County approved water comprehensive plan and will require a water comprehensive plan amendment. (This may cause a delay in issuance of a permit or approval.)

3. ☐ ☑ OR

☐ a. The proposed project is within the corporate limits of the district, or has been granted Boundary Review Board approval for extension of service outside the district or city, or is within the County approved service area of a private water purveyor.

☐ b. Annexation or Boundary Review Board (BRB) approval will be necessary to provide service.

4. ☑ ☑ OR

☐ a. Water is or will be available at the rate of flow and duration indicated below at no less than 20 psi measured at the nearest fire hydrant ___________ feet from the property (or as marked on the attached map):

<table>
<thead>
<tr>
<th>Rate of flow at Peak Demand:</th>
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<tbody>
<tr>
<td>☐ less than 500 gpm (approx. gpm)</td>
</tr>
<tr>
<td>☐ 500 to 999 gpm</td>
</tr>
<tr>
<td>☐ 1000 gpm or more</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Flow test of</th>
</tr>
</thead>
<tbody>
<tr>
<td>gpm</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Calculation of</th>
</tr>
</thead>
<tbody>
<tr>
<td>gpm</td>
</tr>
</tbody>
</table>

Duration:

☐ less than 1 hour ☐ 1 hour to 2 hours ☐ 2 hours or more ☐ Other: ___________

(Note: Commercial building permits which include multifamily structures require flow test or calculation.)

☐ OR

☐ b. Water system is not capable of providing fire flow.

5. ☑ ☑ OR

☐ a. Water system has certificates of water rights or water right claims sufficient to provide service.

☐ b. Water system does not currently have necessary water rights or water right claims.

Comments/conditions: Subject to rates, rules, regulations & Bylaws of the Association.

I certify that the above water purveyor information is true. This certification shall be valid for one year from date of signature.

Sall Water Association
General Manager
Signature

Date: 8-26-19

Check out the Permitting Web site at www.kingcounty.gov/permits
### Calculation to justify Number of dwelling units

9/6/2019

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Land Area (SF)</th>
<th>Land Area (AC)</th>
<th>DU/Acre Allowed</th>
<th>Adjusted Area to Create Equivalency among Parcels @ 1 DU per 5 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel 9055 zoned RA-5 w/ SO Overlay</td>
<td>44,199.00</td>
<td>1.015</td>
<td>10</td>
<td>22,099.50</td>
</tr>
<tr>
<td>Other Parcels zoned RA-2.5 (No Overlay)</td>
<td>2,355,289.20</td>
<td>54.07</td>
<td>5</td>
<td>2,355,289.20</td>
</tr>
<tr>
<td>Total Area</td>
<td>2,399,488.20</td>
<td>55.085</td>
<td></td>
<td>2,377,388.70</td>
</tr>
<tr>
<td>Total Adjusted Area</td>
<td></td>
<td>54.577</td>
<td>Hybrid</td>
<td></td>
</tr>
</tbody>
</table>

Rounded Acreage per KC Code to calculate density (*Round fractions over 0.50 up. Round fractions under 0.50 down) 55

| Net Allowable Units at 1 per 5 acres         | 11             |

The table above outlines the calculation to justify the number of dwelling units for a property with different zoning types. The adjusted area is calculated to ensure equivalency among parcels at a rate of 1 dwelling unit per 5 acres. The final adjusted area totals 2,377,388.70 acres, leading to 11 net allowable dwelling units at the rate of 1 per 5 acres.
**Proposed Substitute Language for Condition #12**

**Existing Condition 12 per DPER Staff Report:**

12. The revised floodplain map(s) shall be approved by FEMA prior to engineering plan approval.

**Proposed Replacement Condition 12:**

12. Prior to engineering approval, the applicant shall submit a Letter of Map Amendment (LOMA) to FEMA for the subject property. The objective of the LOMA will be to remove areas from the flood zone of the Flood Insurance Rate Map (FIRM) that were inadvertently mapped as floodplain. Remaining incidental areas of floodplain that will be filled, as shown on the site plan, will be regulated by King County’s flood hazard certification review process.

In the event the LOMA is not approved by FEMA prior to the submittal of individual building permit applications, subsequent building permit applications shall be designed to account for floodplain areas as depicted on the applicable FIRM map rather than the LOMA. If incidental floodplain areas are proposed to be filled under such building permit applications it shall be subject to, and regulated by, King County’s flood hazard certification process.