

November 9, 1999

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

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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L99P0001**
Proposed Ordinance No. **1999-0546**

CRESCENT RIDGE
Preliminary Plat Application

Location: Lying approximately between 84th Avenue Northeast and 86th Avenue Northeast, and
between Northeast 127th Street and Northeast 129th Place

**Owner/
Applicant:** Timothy E. Cowin
14405 Southeast 36th Street
Bellevue, WA 98006
Telephone: 425-643-5500

SUMMARY OF RECOMMENDATIONS:

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

PRELIMINARY MATTERS:

Application or petition submitted:	January 11, 1999
Complete application:	February 8, 1999

EXAMINER PROCEEDINGS:

Hearing Opened:	October 26, 1999
Hearing Closed:	November 1, 1999, pursuant to administrative continuance

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

ISSUES/TOPICS ADDRESSED:

- Access (vehicular)
- Density (subdivisions)
- Drainage
- Intersection standards
- Recreation areas
- Road standards
- School walking conditions
- Trees

SUMMARY:

Preliminary plat approval granted to a subdivision of 4.63 acres into 19 single-family residential building lots.

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

FINDINGS:

1. **Proposal.** Timothy E. Cowin (the "Applicant") proposes to subdivide a 4.63-acre parcel into 19 single family residential building lots ranging in size from approximately 6,900 to 10,000 square feet, thereby achieving a proposed density of 4.1 dwelling units per acre. The proposal is illustrated in greater detail by Exhibit No. 6, a revised preliminary plat drawing received September 10, 1999. That same drawing is reduced and appended to the preliminary report to the Hearing Examiner (Exhibit No. 2) prepared by the Department of Development and Environmental Services ("DDES" or the "Department").

2. **General Information.**

Owner/Developer: Timothy E. Cowin
14405 SE 36th St.
Bellevue, WA 98006
Phone: 425-643-5500

Engineer: Subdivision Management, Inc.
16031 – 119th Pl. NE
Bothell, WA 98011
Phone: 425-488-1111

STR: 30 – 26 – 5
 Location: Lying approximately between 84th Ave. NE and 86th Ave. NE, and between NE 127th St. and NE 129th Pl.
 Zoning: R-4-SO
 Acreage: 4.63
 Number of Lots: 19
 Density: Approximately 4.1 dwelling units per acre
 Lot Size: Ranges from approximately 6,900 to 10,500 square feet
 Proposed Use: Detached single-family residences
 Sewage Disposal: Northshore Utility District
 Water Supply: Northshore Utility District
 Fire District: King County Fire District No. 41
 School District: Lake Washington School District No. 414
 Complete Application
 (Vesting) Date: February 8, 1999

3. **State Environmental Policy Act.** On September 17, 1999, the Department issued a threshold determination of nonsignificance. That is, the Department issued its determination that--based on its review of the relevant environmental documents--the proposal will not cause probable significant adverse impacts upon the environment. From this determination it follows that an environmental impact statement will not be required to complete this review process. No appeal of the determination was filed.
4. **Departmental Recommendation.** The Department recommends granting preliminary plat approval, subject to the 18 conditions of final plat approval stated on pages 9 through 13 of the Department's preliminary report; and further, subject to the following additions/amendments:
 - A. Proposed Tract B is located at the entrance of the proposed development, abutting 84th Avenue Northeast right of way on the west and (proposed) Northeast 128th Place on the south. The Department recommends that fencing be provided along both of those Tract B boundaries, four feet high along the south boundary, six feet high along the west boundary. In addition, the Department recommends that the west boundary fence be enhanced with a thick hedge that grows tall rapidly.
 - B. The Department also recommends that the final plat review include inquiry to the Lake Washington School District regarding possible safety enhancements for the 84th Avenue Northeast/Northeast 128th Place intersection. Such enhancements might include additional lighting, buttons, warning signs, or other similar improvements.

Both of the Department's additional recommendations are directed toward assuring safe walking conditions for students. More than the student population of Crescent Ridge is at stake. Completion of the Crescent Ridge proposed internal circulation will open up a new street accessible to other subdivisions east and southeast of this property. Carl Sandburg Elementary School is located across the street from the subject property and slightly to the north. Finn Hill Junior High is located approximately one-quarter mile north of the site, also on 84th Avenue Northeast.

The Department also expresses willingness to consider the Applicant's request to include

Sweetgum as an acceptable street tree species with appropriate documentation and Departmental landscape review. Finally, the Department does not recommend, but would look favorably upon, a relocation of the proposed storm water R/D vault from the recreation area to the street (proposed Northeast 128th Place). That movement would enable a relocation of proposed Tract B from an arterial street front (84th Avenue Northeast) to a location somewhere within the proposed plat.

5. **Applicant's Response.** The Applicant accepts the Department's recommendation. The Applicant and the Department agree that relocation of the proposed storm water R/D vault probably is not feasible due to topography. However, the Applicant agrees to investigate that possibility. Finally, the Applicant asks that the Worplesdon Sweetgum tree be added to the list of authorized street tree species. See Exhibit No. 17, letter from Paul J. Dix, ASLA, dated October 26, 1999.
6. **Community Concerns.**
 - A. **Traffic circulation.** A neighboring property owner expresses concern that proposed Northeast 128th Place is designed insufficiently to handle potential traffic when it is ultimately (at an indeterminate future time as the result of abutting property development) connected to Northeast 127th Place.¹ Indeed, at such time as this eastward connection is completed there will be a substantial increase in the traffic access to proposed Northeast 128th Place. Based upon the Institute of Traffic Engineers Traffic Generation Standard of 10 vehicle trips per day ("vtpd") per single family residence, the Department's engineering review concluded that the ultimate traffic load on proposed Northeast 128th Place will be approximately 1000 vtpd. Consistent with King County Road Standards ("KCRS") Section 2.03 this analysis warrants a neighborhood collector street design (serving approximately 100 residences generating approximately 1000 vtpd). The neighborhood collector design sets certain standards for horizontal curvature, design speed, sight distance, etc. The interested person having concern regarding this matter suggests a higher design standard with a horizontal curvature allowing greater ease of movement and vehicular speed--in essence, a collector arterial standard. This person suggests that the Department's 1000 vtpd estimate is too low, perhaps by as much as 100%. The only actual engineering review in the record has been generated by DDES and King County Department of Transportation.
 - B. **Density and Internal Design.** Another interested neighboring property owner expresses concern for those plat design characteristics which result from argued excessive density. Those design characteristics include three "pipe stem" or "ax handle" lots as well as five lots to be served by a 26-foot wide private access tract. These features, it is argued, will result in a sort of jumbled or mish-mash neighborhood design, unlike the more traditional lot by lot subdivision layout. The Department responds that these design features are consistent with adopted design codes which address, among other things, safety.² Regarding the aesthetics of such a design, the Department, while conceding that this

¹ Northeast 127th Place is identified on Exhibit No. 6 and Departmental review as "Northeast 126th Place". Neighborhood property owner testimony supports the finding that this stubbed street is signed Northeast 127th Place.

² For instance, a private access tract may serve no more than six lots, must be at least 26 feet wide, and must be no longer than 150 feet long in order to satisfy standard fire hose lengths and fire plug/hydrant spacing standards.

design differs from traditional suburban subdivision design, argues that aesthetics may well be in the eye of the beholder. Further, aesthetics are not a subject of subdivision regulatory review.

- C. **Child Safety.** The concern of child safety arises in two ways. First, the location of a recreation tract adjacent to an arterial street; second, the proximity of Carl Sandburg Elementary School and Finn Hill Junior High School. RCW 58.17.110 requires a finding of "safe walking conditions for students who only walk to school" as a requisite for subdivision approval. In this case, a painted crosswalk, crosswalk guards and eight-foot wide asphalt shoulders are present. However, due to the "opening" effect of Northeast 128th Place, the Department expresses concern regarding the adequacy of safety designed features and therefore requested a continuance to obtain School District response regarding the concern.³

The Department addresses the safety concerns regarding proposed Tract B recreational space adjacent to arterial 84th Avenue Northeast with the recommendations indicated in Finding No. 4, above; that is, a fence and hedge along the 84th Avenue Northeast frontage as well as a shorter fence along Northeast 128th Place frontage. Making this recommendation, the Department recognizes two salient considerations: a) the King County Metropolitan Council specifically *repealed* subdivision review code language that previously required an "internal" recreational space location; and, b) site topography probably precludes placing the proposed storm water R/D vault under Northeast 128th Place.

- D. **Other Community Concerns.** The hearing record contains no evidence of candidate, threatened or endangered species. A wetland reconnaissance study of the site was prepared by the Applicant's consultant, Wetland Resources, Inc. The study concluded there are no wetlands located on the property or within 100 feet of the property. A DDES senior ecologist reviewed that study and visited the property, then concurred with the study conclusions. Drainage problem areas on the property have been identified by the Applicant and DDES review staff and do not appear to be insoluble. Such matters will be addressed through detailed engineering review following preliminary plat approval.
7. **Street Trees.** The evidence of record is not conclusive that Worplesdon Sweetgum is suitable in all situations. Even the Applicant's own landscape architect concedes that, although it works very well in some situations, it may not be suitable within a narrow parking strip.
8. **Road Variance.** During the hearing, DDES staff understood that KCDOT intended to grant a variance from intersection spacing standards at the 84th Avenue NE/NE 128th Street intersection. During the administrative continuance following the hearing, DDES received, then submitted for record, the following statement from KCDOT Road Engineer Ronald J. Paananen, P.E.:

³ As noted earlier, the development of Northeast 128th Place will open additional vehicular traffic at some uncertain future time. However, this opening, the completion of 128th Place, will become available to student foot traffic immediately upon street installation. Northeast 128th Place will provide those students with an unavoidably more convenient and direct access to both the elementary and junior high schools.

The proposed new plat of Crescent Ridge is located on 84th Avenue NE and is aligned with NE 128th Street. This intersection with the existing road and the new road, NE 128th Place, will not cause a conflict due to the preexisting intersection. There also does not appear to be a conflict in the traffic patterns with the short plat entrance to the south and the proposed entrance for Crescent Ridge; and therefore, I approve your request for a variance.

9. **Department Report Adopted.** Except as indicated in the Findings above, the DDES preliminary report to the Hearing Examiner dated October 26, 1999 (Exhibit No. 2) is found accurate. It is adopted and incorporated here by this reference. Copies of the Department's report will accompany those copies of this report that are forwarded to the Metropolitan King County Council.

CONCLUSIONS:

1. Subject to the additional conditions established below, the proposed subdivision makes appropriate provision for recreational area safety. See Finding Nos. 4 and 6.C.
2. Likewise, considering the fact contained in the Department's report and in Finding No. 6.C, above, appropriate provision for safe walking conditions for students will exist.
3. The preponderance of evidence supports the Northeast 128th Place design standard recommended by the Department. The Department's recommendation, incorporated in the conditions of final plat approval shown below, are higher than those originally sought by the Applicant (minor access) but are lower than those sought by a neighboring property owner (collector arterial). The evidence supports the Department's recommendation.
4. As conceded in the Findings above, the design of this subdivision (and many contemporary subdivisions) departs from the linear lot by lot pattern so prevalent in American suburbs. However, this hearing record contains no evidence that this design fails to comply with applicable Code requirements regarding such matters as safety, emergency vehicle access, etc. For that reason, it should be approved.
5. The street tree planting issue should be deferred to engineering plan review, even though the evidence shows that the Worplesdon Sweetgum is entirely suitable in some situations. The public hearing process ought not be used for such a detailed arcane design concern. More appropriately, the KCDOT should be petitioned to change its rules regarding street trees.
6. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Northshore Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
7. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.

8. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
9. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

RECOMMENDATION:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-4 zone classification. Documentation shall be submitted from a licensed land surveyor to show that the subject property is of sufficient size to support the proposed 19 lots.

All lots shall also meet the minimum dimensional requirements of the R-4 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services (DDES).

4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards, established and adopted by Ordinance No. 11187.
6. The applicant must obtain the approval of the King County Fire Protection Engineer, to demonstrate compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in 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 KCC 9.04 and the 1998 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 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering

Review, shall be shown on the engineering plans.

- c. The following note shall be shown on the final recorded plat:

“Single family residences constructed on lots created by this subdivision must provide perforated stub-out connections according to the details shown on the approved plans. All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file.”

- d. Core Requirement No. 1 – Discharge at the Natural Location.

The applicant has received approval for the requested diversion of surface water within the project (see Drainage Variance L99V0310). The conditions for variance approval shall be satisfied during the design and review of the project engineering plans.

- e. Core Requirement No. 3 – Flow Control.

Storm water runoff control shall be provided using Level Two Flow Control design standards as specified in the 1998 KCSWDM. The runoff control facilities shall be located in a separate tract dedicated to King County, unless portions of the drainage tract are used for required recreation space per KCC 21A.14.180.

As specified in Section 5.1 of the 1998 KCSWDM, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

- f. Core Requirement No. 8 – Water Quality.

Water quality facilities shall be provided using the Basic Water Quality menu in the 1998 KCSWDM. Depending upon the final design and location of the drainage facilities, a supplemental soils report may be required with the submittal of the engineering plans.

8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. NE 128th Place shall be improved as an urban subcollector.

- b. Tract A shall be improved as a private access tract and shall serve a maximum of six lots. The lots served by the tract shall have undivided ownership of the tract and be responsible for its maintenance. A note indicating the lots which own the tract and that these lots are responsible for its maintenance shall appear on the final plat and engineering plans.

As specified in KCRS 2.09B, improvements to Tract A shall include, as a minimum, a 22-foot paved surface and a tract width of 26 feet. Drainage control shall include, as a minimum, a curb or thickened edge on one side.

- c. A temporary cul-de-sac shall be provided at the terminus of NE 128th Place.
- d. A 20 to 29-foot (west to east) tapered right-of-way shall be dedicated along the south property line as an extension of NE 126th Place to provide 20 to 29 feet from centerline. Road improvements to this right-of-way are not required as part of the development of the subject plat, except as provided in Condition 8d above.
- e. Urban type improvements for a collector arterial shall be provided for the plat frontage along 84th Ave. NE, including a bicycle lane.
- f. Street illumination shall be provided at the intersection of NE 128th Pl./84th Ave. NE, in accordance with KCRS 5.03.
- g. Eighty-fourth Avenue Northeast is designated a collector arterial and thus, the road frontage design for the subject plat shall be compatible with KCRS 2.16, Bus Zones and Turn-Outs. As required by KCRS 2.16, the applicant's design engineer shall contact METRO and the Lake Washington School District to determine specific requirements.
- h. Modifications to the above road conditions may be considered by King County, pursuant to the variance procedures in KCRS 1.08.
- i. Prior to approval of the engineering plans for the subject plat, the King County Department of Transportation ("KCDOT") shall review the plans to determine whether traffic improvements are needed at the intersection of 84th Avenue NE/NE 128th Place/Street for pedestrian safety (e.g., signalization, crosswalks, buttons, signage). KCDOT shall consult with the Lake Washington School District in making this determination. Any such improvements required by KCDOT shall be included on the engineering plans and installed by the Applicant.

If the Applicant objects to the above-noted safety improvements required by KCDOT, the Applicant may request that the Hearing Examiner reconvene the public hearing on the subject plat, for consideration and a determination of this matter.

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

11. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 13338 which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 50% of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. There shall be no direct vehicular access to or from 84th Ave. NE from any lots in the subject plat which abut this street. A note to this effect shall appear on the final plat and engineering plans if the preliminary plat is revised such that lots have frontage on 84th Ave.
13. Suitable on-site recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court, children's play equipment, picnic tables, benches, etc.) and the following:
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by LUSD, with the submittal of the engineering plans. The conceptual recreation plan shall include location, area calculations, dimensions, existing and final contours, proposed recreation facilities, proposed above ground stormwater facilities in Tract B, and general notes describing other improvements. The approved engineering plans shall be consistent with the conceptual plan.
 - b. If Tract B is used for the dual purposes of providing recreation uses and stormwater control, the Tract shall be owned by a homeowners association for the subject plat. An easement shall be included on the final plat and engineering plans which grants King County unrestricted access to the Tract for the purpose of maintaining and repairing the drainage facilities.

With regard to the square footage requirements of KCC 21A.14.180A and D, and the joint use of Tract B for both recreation and subsurface stormwater facilities, more than 50% credit can be given for Tract B **if** active recreation facilities are provided over top of the proposed stormwater vault. In this instance, no credit shall be given for ancillary aboveground stormwater facilities such as a gravel access road or biofiltration swale.

If a portion of the stormwater vault is proposed above ground, more than a 50% credit for Tract B can only be given if DDES and King County Parks determine that the Tract can be safely used for active recreation uses.

- c. A detailed recreation space plan (i.e., landscape specifications, equipment specifications, etc.) consistent with the overall conceptual plan noted in Item "a" above, shall be submitted for review and approval by LUSD and King County Parks, prior to or concurrently with the submittal of the final plat documents. If Tract B is used for active recreation, the recreation space plan must include in addition to the recreation facilities, the following improvements:

Fencing shall be provided along the south and west boundaries of the Tract. The fencing shall consist of either a four-foot-high chain link or split rail fence,

placed adjacent to a solid hedge of shrubbery that will achieve a height of at least four feet when the vegetation matures. A relatively fast growing species of vegetation shall be planted for the hedge. A gate(s) shall be provided in the fencing (and a break in the vegetation) to permit access to the Tract by County vehicles for the maintenance of stormwater facilities. The width of the gate(s) shall be determined by the Engineering Review Section, LUSD.

- d. A performance bond for recreation space improvements to assure their installation, and the survival of required plantings for a three-year period, shall be posted prior to recording of the plat.
14. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation uses and landscaping in the recreation/stormwater tract(s).
15. Street trees shall be provided as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage on 84th Ave. NE and NE 128th Pl. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation (KCDOT) determines that trees should not be located in the street right-of-way.
 - c. If KCDOT 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. This shall be noted on the face of the final plat.
 - e. The species of trees shall be approved by DDES and KCDOT if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines. Worplesdon Sweetgum may be used in a manner approved by KCDOT.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval. KCDOT shall also review the street tree plan if the street trees will be located within the right-of-way.
 - g. Since 84th Ave. NE lies on a bus route, the applicant shall submit the street tree plan to METRO for review prior to engineering plan submittal to DDES. (Metro Service Planning may be contacted at 206-684-1622.)

- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

- 16. The existing residences, outbuildings, and the oil tank on the site shall be removed. A demolition permit and tank removal permit shall be secured from King County.
- 17. KCC 16.82.150D applies to the subject property. Therefore, construction work involving soil disturbance, grading, and filling of the site, including individual residential building pad preparation, shall be limited to April 1 through September 30, unless King County DDES specifically approves an extension consistent with the provisions of KCC 16.82.150D. A note stating these requirements shall be clearly shown on the final plat and engineering plans.
- 18. The engineering plans for the subject plat shall conform with SO-220 concerning significant trees. The following requirements shall be met:
 - a. A tree retention/planting plan shall be submitted with the engineering plan submittal for review by DDES. Approval of the tree retention/planting plan must be secured from DDES, prior to final engineering plan approval.
 - b. No clearing or grading of the site shall occur prior to the approval of the tree retention/planting plan.
 - c. Trees to be retained on the site shall be flagged and temporary fencing provided around them, consistent with SO-220. Grading, improvements, and the storage of materials are not permitted within the temporary fencing, except as permitted by SO-220.

ORDERED this 9th day of November, 1999.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 9th day of November, 1999, to the following parties and interested persons:

Gyle Atter
Edward Besch
John and Ann Clark
Timothy E. Cowin
Paul Dalton
Roger Dorstad
Mike Faussett
Linda Matlock
Eleanor Moon
Richard Odell
Beth Salazar

Seattle-King County Health Dept
Subdivision Management, Inc.
Mark Bergam
Greg Borba
Steve Bottheim
Laura Casey
Kim Claussen
Lanny Henoch
Kristen Langley
Aileen McManus
Steven C. Townsend

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before November 23, 1999**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before November 30, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

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

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE OCTOBER 26, 1999, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L99P0001 - PRELIMINARY PLAT OF CRESCENT RIDGE.

R. S. Titus was the Hearing Examiner in this proceeding. Participating at the hearing were Lanny Henoch, Mark Bergam, DeEn Lang, Richard Odell, Edward Besch and Ann J. Clark.

The following exhibits were offered and entered into the hearing record **October 26, 1999:**

- Exhibit No. 1 LUSD file No. L99P0001
- Exhibit No. 2 LUSD staff report, prepared for the October 26, 1999, public hearing
- Exhibit No. 3 Applicant's application, received January 11, 1999
- Exhibit No. 4 SEPA environmental checklist, received January 11, 1999
- Exhibit No. 5 SEPA determination of nonsignificance, issued September 17, 1999
- Exhibit No. 6 Revised plat map prepared by Ostergaard Robinson and Subdivision Management, Inc, received September 10, 1999
- Exhibit No. 7 Conceptual Drainage Plan prepared by Ostergaard Robinson and Subdivision Management, Inc., received May 6, 1999
- Exhibit No. 8 Two King County Assessor maps – the NW1/4 of 30-26-5 and the NE ¼ of 25-26-4
- Exhibit No. 9 Land use map – Kroll maps 422W and 421E
- Exhibit No. 10 Wetland reconnaissance of the site, prepared by Wetland Resources, Inc. and dated October 23, 1998
- Exhibit No 11 Letter dated July 13, 1999, from Joe Miles, Supervising Engineer, Engineering Review Section, LUSD and Jeff O'Neill, Site Engineering and Planning Supervisor, BSD, approving SWM Adjustment Request L99V0310
- Exhibit No. 12 Road Variance Application L99V0360, received May 6, 1999
- Exhibit No. 13 Revised Level 1 Downstream Drainage Analysis, prepared by Ostergaard Robinson and received May 6, 1999
- Exhibit No. 14 Memorandum from Lori Hoover, King County Department of Parks and Recreation, received October 22, 1999
- Exhibit No. 15 Letter dated February 26, 1999, from Edward Besch
- Exhibit No. 16 Two photographs taken by Mark Bergam (DDES/LUSD): 1) 84th Avenue Northeast looking south at plat entrance, and 2) from plat entrance looking west

The following exhibits were offered and entered pursuant to administrative continuance on **November 1, 1999:**

- Exhibit No. 17 Letter dated October 25, 1999, from Paul J. Dix , ASLA to DeEn Lang, Subdivision Management, Inc.
- Exhibit No. 18 Letter dated October 21, 1999, from Ronald J. Paannanen, PE, County Road Engineer, to Subdivision Management, Inc.
- Exhibit No. 19 Memorandum dated October 28, 1999, from Lanny Henoch to Stan Titus
- Exhibit No. 20 E-mail dated October 28, 1999 from Subdivision Management to Stan Titus
- Exhibit No. 21 Memorandum dated October 28, 1999, from Lanny Henoch to Stan Titus (re amendment to staff recommendations)