KENT WASHINGTON

OFFICE OF THE LAND USE HEARING EXAMINER

Theodore Paul Hunter Hearing Examiner

FOR THE CITY OF KENT

FINDINGS, CONCLUSIONS AND DECISION

FILE NO: PARRIOTT SUBDIVISION

SU-2005-10 (KIVA #RPP3-2063154)

APPLICANT: Specialized Homes

1741 4th Avenue South, Suite B

Seattle, WA 98134

REQUEST: A request to subdivide approximately 3.7 acres into 12

single family residential lots. The site contains an existing home and several out buildings. The home will remain and the outbuildings will be removed as a

result of the subdivision.

LOCATION: The site is located at 26120 132nd Avenue SE.

APPLICATION FILED: July 3, 2006

MITIGATED DETERMINATION

OF NONSIGNIFICANCE ISSUED: March 31, 2007

HEARING DATE: June 6, 2007 and July 18, 2007

DECISION ISSUED: August 1, 2007

DECISION: Approved, with conditions

<u>STAFF REPRESENTATIVE</u>: Lydia Moorehead, Planner

TESTIMONY: The following individuals presented testimony under

oath at the open record hearings:

Lydia Moorehead, City Planner

Jeanine Crowley Walt Clemons Carl Hansen

Jeff Morgan, Triad Associates, for Applicant Michael Matheson, P.E., Agent for Applicant Mike Gillespie, Development Manager, City Public Works Darrell Mitsunaga, Attorney, represented the Applicant

EXHIBITS:

The following exhibits were admitted into the record:

Exhibits submitted from Staff File:

- 1. Staff Report, dated April 25, 2007
- 2. Preliminary Plat Application, received July 3, 2006; including Water District #111 of King County Certificate of Water Availability, dated May 30, 2006; Soos Creek Water and Sewer District Certificate of Sewer Availability, dated July 13, 2006; proposed sewer map; and letter from Jeff Morgan (Triad Associates) to City of Kent, dated February 21, 2007
- 3. Correspondence, including letter from Lydia Moorehead to Jeff Morgan, dated February 6, 2007; email from Lydia Moorehead to Jeff Morgan, Triad Associates, with email string, dated January 31, 2007; letter from Jeff Morgan, Triad Associates, to Lydia Moorehead, dated January 2, 2007; cover memo listing re-submittal plans and documents, received January 2, 2007; Letter from Kurt D. Merriman to Bob Niemann, Associated Earth Sciences, Inc., concerning proposed retaining wall, dated December 12, 2006; letter from Lydia Moorehead to Jeff Morgan, dated November 29, 2006; letter from Beth Tan to Mark Reeves, Triad Associates, dated November 27, 2006; letter from Jeff Morgan, Triad Associates, to Lydia Moorehead, dated November 2, 2006
- 4. Wetland Information, including Wetland Determination, prepared by C. Gary Schulz, revised February 10, 2006
- 5. Department Routing and Comments
- 6. Public Notice with documentation
- 7. Notice of Application and Notice of Completeness
- 8. Threshold determination and Environmental Checklist

Additional exhibits admitted at June 6, 2007 hearing:

- 9. Settlement Agreement Resolving SEPA Appeal
- 10. Revised Plat Condition A.11, from Lydia Moorehead, City Planner

- 11. A/B/C Three (3) erosion control pictures
- 12. Property Land Use Summary, prepared by Triad Associates, June 5, 2007
- 13. Parriott Subdivision, Proposed Replacement Language for Condition A.3.c.(6) (Page 17)
- 14. a. Letter from Associated Earth Sciences, Inc., to Bob Niemann, dated December 12, 2006
 - b. Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report, Associated Earth Sciences, Inc., dated March 17, 2006, received July 5, 2006
- 15. Preliminary Plat Site Maps, including Preliminary Plat / Cover Sheet (Sht. 1 of 3); Preliminary Utility Plan (Sht. 2 of 3); Preliminary Utility Profiles and Road Sections (Sht. 3 of 3), received January 2, 2007

Additional exhibits admitted at July 18, 2007 hearing:

- 15a. Lot 3 Ingress/Egress Exhibit, with legal description
- 16. Lot 4 Ingress/Egress Exhibit, with legal description
- 17. Lot 3 Ingress/Egress and Utilities Exhibit
- 18. Preliminary Plat /Cover Sheet, dated July 5, 2007
- 19a. Release of Ingress, Egress, and Utilities Easement, Property Tax Parcel: 2722059283, notarized July 16, 2007
- 19b. Ingress, Egress, and Utilities Easement, Property Tax Parcel: 2722059245, notarized July 16, 2007
- 19c. Release of Ingress, Egress, and Utilities Easement, Property Tax Parcel: 2722059245, notarized July 17, 2007
- 19d. Ingress, Egress, and Utilities Easement, Property Tax Parcel: 2722059245, notarized July 7, 2007
- 20. City Staff's Revised Condition A.11

BACKGROUND

On March 31, 2007, the City of Kent issued a Mitigated Determination of Nonsignificance (MDNS) under the State Environmental Policy Act (SEPA) for a preliminary plat application submitted by Specialized Homes to subdivide a 3.7 acre parcel.¹ The City received the

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¹ The preliminary plat application is for the Parriott Subdivision, #SU-2005-10 KIVA#RPP3-2063154.

Applicant's appeal of the SEPA determination on April 30, 2007. State legislation and municipal ordinances require that a SEPA appeal hearing be consolidated with a hearing on the underlying plat application and that a single open record hearing be held. *RCW 43.21C.075(3)(b)*; KCC *1103.520.* The Hearing Examiner issued a pre-hearing order setting a consolidated appeal and application hearing for June 6, 2007. At the June 6 hearing, the issues raised in the appeal were resolved by the parties in a settlement agreement (see Exhibit 9).² The decision below is on the preliminary plat application only.

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

- 1. Specialized Homes, LLC (Applicant)³ requests a preliminary plat to subdivide approximately 3.7 acres⁴ into 12 single family residential lots. The property is located at 26120 132nd Avenue SE, in Kent, Washington.⁵ Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 15.
- 2. The City of Kent (City) determined the preliminary plat application to be complete on July 27, 2006, and issued a notice of application on August 4, 2006. On August 4, 2006, the City posted notice of the application, sent notice to public agencies and parties of record, and published notice in the *King County Journal*, in compliance with City ordinances. *Exhibit 1, Staff Report, page 2; Exhibit 7.*
- 3. The City published notice of the public hearing associated with the application and proposed Mitigated Determination of Nonsignificance (MDNS) in the local paper; posted notice on the subject property on April 20, 2007; and mailed notice to all owners of property within 300 feet of the subject property on April 20, 2007. Lydia Moorehead, City Planner, testified at the June 6, 2007 hearing that notice of the public hearing was published and that no written comments were received from the public. *Exhibit 6; Exhibit 12, page 5; Testimony of Ms. Moorehead.*
- 4. Most of the site is located approximately 200 feet east of Lake Meridian, with a 25-foot wide "finger" running from the northeast corner of the site to Lake Meridian. The terrain is rolling, with a majority of the site containing slopes of three to six percent. Steep slopes from 15 to over 40 percent are located at the northeast corner of the

² Both the City and the Appellant submitted exhibits as part of the SEPA appeal. Because a settlement agreement was reached in the SEPA appeal, these exhibits are not part of the hearing on the preliminary plat application unless they duplicate what was admitted as part of the City staff file.

³ The City's Staff Report listed Michael Matheson, of Triad Associates, the Applicant's agent as the applicant. *Exhibit* 1, page 1.

⁴ The revised environmental checklist states that the subject property is approximately 3.71 acres in size. *Exhibit 8, Environmental Checklist, page 2.*

⁵ The property is identified by King County tax parcel numbers 2722059245 and 2722059282. *Exhibit 1, page 2.* A legal description of the property is included on the preliminary plat map. *Exhibit 15, Sht. 1 of 3.*

property and classified as a landslide hazard area under Chapter 11.06 KCC. The site contains an existing home and several out buildings, as well as evergreen and deciduous trees and scrubs. The home would remain and the outbuildings would be removed as a result of the subdivision. *Exhibit 1, Staff Report, pages 1 and 3; Exhibit 12, page 1; Exhibit 14b, page 2; Exhibit 15, Sht. 1 of 3.*

5. The City acted as lead agency for review of environmental impacts caused by the proposal, as required by the State Environmental Policy Act (SEPA). determined that with conditions the proposal would not have a probable significant adverse impact on the environment, and issued a MDNS on March 31, 2007. To mitigate for impacts the City required the Applicant to: (1) submit a Traffic Impact Study and construct the transportation improvements called for in the study or pay an Environmental Mitigation Fee representing the project's fair share of the City's South 272nd Street/South 277th Street Corridor Project; (2) submit and receive approval of Pedestrian Walkway Improvement Plans from the Department of Public Works and construct those improvements; (3) utilize Low Impact Development Techniques in the construction of the project; (4) minimize negative impacts to on-site soil and neighboring properties; and (5) minimize grading and the need for retaining walls by following the natural topographical contours of the property. The Applicant appealed the MDNS. However, the issues raised in the appeal were resolved by the parties in a settlement agreement signed on July 18, 2007 (see Exhibit 9). Exhibit 9 was admitted as a settlement of the Applicant's SEPA appeal in which the parties agreed to amend Conditions 2) and 5), and withdraw Condition 3).6 This settlement agreement was

2) The Applicant shall submit and receive approval of Pedestrian Walkway Improvement Plans from the Department of Public Works. The Applicant shall then construct those improvements. These plans shall provide for a 6-foot wide asphalt walkway conforming to Standard Detail 6-60 from the end of the 5-foot wide sidewalk along the frontage of 132nd Avenue SE to SE 260th Street approximately 450 feet north. The cost of these pedestrian improvements will be shared with the Chateau Meridian subdivision located directly south of the Parriott Subdivision based on the number of new lots created by both subdivisions. At the sole discretion of the Department of Public Works, the Owner / Subdivider may instead pay a regional sidewalk improvement mitigation fee in the amount of \$1500 per gross acre to the School Pedestrian Walkways Fund (fund #R20036).

MDNS Condition 3), relating to Low Impact Development Techniques, was withdrawn.

MDNS Condition 5) was amended as follows:

5) The Applicant shall minimize grading of the site and where done the grading shall follow the natural contours as much as possible, minimizing the need for retaining walls. Grading to achieve flat building lots shall be minimized. Retaining walls shall be designed in a terraced fashion with a minimum of four feet of landscaping in front of each wall. Landscaping shall include trees, shrubs, climbing vines or any other combination that would substantially screen the face of the wall. Each terraced retaining wall shall be no more than six feet in height at any one point and shall incorporate a minimum of two feet of height variation over the length of the wall. There shall be no walls more than 6 feet high around the detention/retention pond that is not adjacent to common property lines. Walls around such detention ponds shall not exceed 50 percent of the perimeter of the pond and ponds shall be landscaped per City standards. Walls shall be constructed of

⁶ MDNS Condition 2) was amended as follows:

further memorialized by a Corrected Order of Dismissal and Stipulated Order Regarding Modifications of MDNS Conditions, signed by the parties and Hearing Examiner on July 18, 2007. No other appeal of the MDNS was received. *Exhibit 1, Staff Report, page 2; Exhibit 8; Exhibit 9.*

- 6. The property is zoned SR-6, Single Family Residential, allowing development at a density of 6.05 dwelling units per acre. *KCC 15.04.170*. All adjacent properties are likewise zoned SR-6 and are developed with single family residences. The subject property and surrounding property are all designated SF-6, six dwelling units per acre by the City Comprehensive Plan. *City of Kent Comprehensive Plan Land Use Map (last revised May 4, 2006) Figure 4.7, page 4-53; Exhibit 1, Staff Report, pages 2 and 14; Exhibit 12, pages 1 and 2; Exhibit 15, Sht. 1 of 3.*
- 7. The proposed plat would be governed by the lot standards applicable to the SR-6 zone, including a minimum lot size of 5,700 square feet and a minimum lot width of 50 feet. The proposed lots range in size from 5,744 square feet to 14,286 square feet. All lots would measure at least 50 feet wide. The proposed development of 12 lots on 3.7 acres would result in a density of approximately 6.7 dwelling units per acre. *Exhibit 1, Staff Report, pages 6 and 14; Exhibit 15, Sht. 1 of 3.*
- 8. The City Comprehensive Plan describes the Land Use Element as having "the central role of defining the direction of the Comprehensive Plan, and thereby defining the vision of the community." *City Comprehensive Plan, Land Use Element, page 4-2.* The Land Use Element includes the Land Use Map, which designates the subject property as SF-6. In addition, the Land Use Element contains goals and policies requiring a minimum density of four units per acre, encouraging flexibility in housing and site designs, and promoting home ownership with smaller houses and lot sizes in close proximity to Urban or Activity Centers. Community Design Element goals and policies encourage environmental sensitive and low-impact development and promote passive rainwater collection systems. Housing Element goals and policies promote home ownership with a variety of housing styles and site designs. Transportation Element goals and policies require

patterned concrete or other materials that simulate natural materials as approved by Planning Services and Public Works. Where structural walls are required to support access roads and as such cannot be constructed of rockery or natural material, the walls shall be patterned concrete or other materials that simulate natural materials as approved by Planning Services and Public Works. Site conditions may warrant slight adjustments to wall height during construction. Height adjustments up to 10% of the overall height may be permissible and are subject to review and approval by Planning Services and Public Works. Retaining walls associated with construction of the public streets along the frontage of the property are exempt from the height limits described herein.

⁷ See Land Use Element Goals LU-1 and LU-10, and Policies LU-1.1, LU-9.1, LU-9.4, and LU-10.4. *City Comprehensive Plan, Land Use Element (last revised May 4, 2006), pages 4-26, 4-32 and 4-33.*

⁸ See Community Design Goals CD-20 and CD-22, and Policies CD-20.1, CD-22.2 and CD-22.3. City Comprehensive Plan, Community Design Element (2004), pages 5-25 and 5-26.

⁹ See Housing Element Goals H-2, H-5, and H-7, and Policies H-2.3, H-2.5, H-5.1, H-5.2, and H-5.3. City Comprehensive Plan, Housing Element (2004), pages 6-11, 6-12, and 6-14.

development to be coordinated with transportation projects to ensure sufficient infrastructure. City Comprehensive Plan, Land Use Element (last revised May 4, 2006), pages 4-26, 4-32, 4-33; Comprehensive Plan, Community Design Element (2004), page 5-25 and 5-26; Comprehensive Plan, Housing Element (2004), pages 6-11, 6-12, 6-14; Comprehensive Plan, Transportation Element (2004), page 9-40; Exhibit 1, Staff Report, pages 6 – 9.

- 9. The Applicant's Environmental Checklist states that the site contains two moderate and one small Class III wetlands on the west side of the subject property. C. Gary Schulz, wetland ecologist, prepared wetland determination reports dated April 8, 2005, September 21, 2005, and February 10, 2006. Wetland Area 1, a shrub-dominated wetland located in the southwestern portion of the site has an area of 12,439 square feet (0.28 acres) and was described as a Category 3 wetland. Wetland Area 2, is located in the northwest portion of the site. It has an area of 7,437 square feet (0.17 acres) and was described as a Category 3 wetland. Wetland Area 3 is a small linear area between Wetland Areas 1 and 2. It has an area of 414 square feet (0.009 acres) and was described as a Category 3 wetland. Exhibit 4, pages 7 and 8. Category 3 wetlands have a standard buffer requirement of 25 feet, KCC 11.06.600.A. The City approved the February 10, 2006 revised Wetland Delineation Report on March 10, 2006. No wetland fill is proposed. The Applicant's project analysis, prepared by Triad Associates, states that the applicant may locate a portion of the stormwater pond slope within the wetland buffers, as allowed by City code. The preliminary plat map shows two tracts in the western portion of the proposed plat. Tract A, approximately 12,428 square feet, would be set aside for stormwater detention. Tract B, approximately 50,050 square feet, would protect the three identified wetlands. Exhibit 1, Staff Report, page 3; Exhibit 4; Exhibit 8, Environmental Checklist, pages 7 and 14; Exhibit 12, page 2; Exhibit 15, Sht. 1 of 3.
- 10. The preliminary plat map shows western frontage for the proposed plat along 132nd Avenue SE, which is classified as a Minor Arterial Street with Bike Lanes. The street width varies from 22 to 36-feet wide within a 60-foot right of way. It does not currently include street improvements such as cement concrete curbs and gutters; a stormwater drainage system, cement concrete sidewalks; or a street lighting system. *Exhibit 1, Staff Report, pages 3 and 4; Exhibit 15, Sht. 1 of 3.* Pedestrian walkway improvements along 132nd Avenue SE are addressed as part of the MDNS conditions. *Exhibit 8; Exhibit 9.*
- 11. The preliminary plat map shows SE 262^{nd} Street, which would be constructed perpendicular to 132^{nd} Avenue SE, as part of the proposed Chateau Meridian subdivision to the south. 134^{th} Avenue SE would enter the eastern portion of the proposed plat north from SE 262^{nd} Street. These two new streets would be classified as Residential Streets with a minimum of a 50-foot wide public right-of-way; 28-foot wide asphalt roadway with two traffic lanes; cement concrete curbs and gutters; 5-foot wide planter strip; 5-foot wide cement concrete sidewalks on both sides of the street; stormwater drainage system; city-approved street lighting system; and public utilities. 134^{th} Avenue SE would serve proposed lots 1-4, and terminate in a cul-de-sac. A short dead-end

Findings, Conclusions and Decision City of Kent Hearing Examiner

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¹⁰ See Transportation Element Goal TR-1 and Policy TR-1.2. City Comprehensive Plan, Transportation Element (2004), page 9-40.

street extending to the west would serve proposed lots 5 – 11, as depicted on the preliminary plat. Each of the proposed lots would have access to a public road. *Exhibit 15, Sht. 1 of 3*. Internal sidewalks would be constructed and provide connection to the local sidewalk network. *Exhibit 12, page 4*. The existing 134th Avenue SE to the north is significantly lower in elevation and no continuing connection to the south into the proposed plat is proposed. However, an ingress, egress and utility easement exists on proposed Lots 2 and 3, which is reserved for the extension of 134th Avenue SE to the south. This easement is proposed for relinquishment. *Exhibit 1, Staff Report, page 3; Exhibit 12, page 2; Exhibit 15, Sht. 1 of 3*.

- 12. The City determined that development would generate 110 daily and 11 new PM peak hour trips. The Applicant would mitigate traffic impacts through compliance with MDNS conditions, as modified by the SEPA appeal settlement agreement. This would include the construction of a pedestrian asphalt walkway along 132nd Avenue SE to SE 260th Street to provide safe travel for school-age pedestrians to and from Meridian Elementary School. *Exhibit 1, Staff Report, page 4; Exhibit 8, MDNS, page 2, Exhibit 9.*
- 13. The Applicant would construct an on-site stormwater detention/retention system to mitigate for potential stormwater runoff water quality and quantity impacts. preliminary plat utility plan shows a proposed stormwater detention pond in the southwest corner of the proposed site. The preliminary plat utility plan depicts a proposed detention/wet vault located under the northern portion of the 134th Avenue SE cul-de-sac. Discharges from the detention facilities would tie into the existing stormwater system. Michael Matheson, P.E., the Applicant's agent, testified that stormwater would be treated before being released into an existing 12 inch pipe that enters Lake Meridian from the end of 134th Ave SE. The stormwater system would comply with the 2002 City of Kent Surface Water Design Manual and the 1998 King County Surface Water Design Manual. Exhibit 1, Staff Report, pages 5, 11, and 12; Exhibit 8, MDNS, page 2; Exhibit 9; Exhibit 12, page 2; Exhibit 15, Sht. 2 of 3; Testimony of Mr. Matheson.
- 14. Students residing in the proposed development would be served by the Kent School District. The City staff report notes that off-site sidewalks/walkways are needed to provide safe travel for school-age pedestrians to and from Meridian Elementary School. *Exhibit 1, Staff Report, page 4.* The Kent School District did not provide any comments on the proposal. Each lot would be assessed an impact fee at the time of construction permit issuance in accord with KCC 12.13.160 to mitigate the impact of additional students on school district facilities. *KCC 12.13.160; Exhibit 1, Staff Report, page 11.*
- 15. KCC 12.04.780 requires developers to dedicate five percent of site area as open space for parks or pay a fee in lieu of dedication. The Applicant does not propose construction of a community park or tot lot, and would instead pay the fee-in-lieu-of. KCC 12.04.780; Exhibit 1, Staff Report, page 11.

- 16. The King County Department of Metropolitan Services (METRO) serves the subject property with the nearest bus stop located at the intersection of SE 260th Street and 132nd Avenue SE.¹¹ Exhibit 1, Staff Report, page 12.
- 17. Each of the proposed lots would be connected to sewer services provided by the Soos Creek Water and Sewer District. City of Kent Water District 111 would provide water service to the proposed development. The Applicant submitted certificates of sewer and water availability, dated July 13, 2006, and May 30, 2006. Each certification is valid for one year from date of signature. Power and natural gas lines would be installed during plat construction. Each resident would be responsible for garbage service. *Exhibit 1, pages 12 and 13; Exhibit 2.*
- 18. Jeanine Crowley testified that she owns property between the proposed Parriott subdivision and Lake Meridian. She expressed concerns about erosion in the southeast corner of the proposed site. She presented photos of the slope and asked how water quality would be protected if runoff is increased into Lake Meridian. She asked how the "finger" from the proposed plat to Lake Meridian would be used. She also expressed concern about increased traffic on 132nd SE and whether a left turn to access the proposed subdivision would be feasible during peak hours. *Testimony of Ms. Crowley; Exhibit 11.* Carl Hanson, President of the Lakefront Homeowners Association to the north, also testified expressing concerns about use of the "finger" access tract, as well as how stormwater drainage would be managed.
- 19. Walt Clemons, who lives along SE 261st Street, testified expressing concerns about trees on the Applicant's property within the wetland buffer. *Testimony of Mr. Clemons.*
- 20. Mr. Morgan testified on behalf of the Applicant that he prepared Exhibit 12, a summary project analysis for the Parriott Subdivision. He testified that proposed Condition A.3.j., regarding walkway improvements from internal Road A westerly to 132nd Avenue SE, would be a problem for the Applicant and requested that it be deleted. In addition, the Applicant requested the change to proposed Condition A.11, as proposed in Exhibit 10. He testified that there is an existing easement which impacts proposed Lots 2 and 3, which includes a cul-de-sac area on Lot 2. *Testimony of Mr. Morgan.* Mr. Gillespie testified for the City that Condition A.3.j could be deleted. *Testimony of Mr. Gillespie.*
- 21. Mr. Matheson testified for the Applicant regarding amendment of Condition A.3.c(6) as proposed in Exhibit 13.¹² He testified that the revised condition would avoid infiltration and provide better stormwater control. He testified that a pipe now enters Lake Meridian from the end of 134th Avenue SE, which allows water to flow into the lake. If this pipe is of adequate size, treated stormwater would be released via this pipe. He testified that all houses would have access to 132nd Avenue SE via the proposed plat to

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¹¹ According to the project planner's property land use summary, the nearest bus stop is at 132nd Avenue SE and SE 263rd Place and is served by Metro routes #158 and #168. *Exhibit 12, page 6.*

¹² Proposed replacement language for Condition A.3.c(6): "The following note shall be shown on the final recorded plat: 'All building downspouts and footing drains shall be connected to the permanent storm drainage system with a perforated stub-out connection as shown on the approved construction drawings on file with the City of Kent. All connections of the drains shall be constructed and approved prior to final building inspection approval."

- the south. *Testimony of Mr. Matheson.* Mr. Gillespie testified that the City agreed to the replacement language for Condition A.3.c(6). *Testimony of Mr. Gillespie; Exhibit 13.*
- 22. At the continued hearing on July 18, 2007, Mr. Morgan offered Exhibit 15a (Lot 3, Ingress/Egress); Exhibit 16 (Lot 4, Ingress/Egress); Exhibit 17 (Lot 3, Ingress/Egress and Utilities Easement); and Exhibit 18, Revised Plat Map, dated July 5, 2007. *Exhibit 15a; Exhibit 16; Exhibit 17; Exhibit 18, Testimony of Mr. Morgan.* Attorney Mitsunaga explained that Exhibit 15a clarifies that there would be access to Lot 3 with the proposed plat development. Exhibit 16 clarifies there would be access to Lot 4 with the proposed plat development. Exhibit 17 shows that existing utilities would not interfere with proposed plat development if the easement for utility maintenance is granted, which the Applicant has agreed to do. Tract C on Exhibit 18 would be conveyed to the Crowleys by warranty deed, so access to the Lake Meridian would be in their control, and they would relinquish any ownership rights to the proposed plat. Exhibits 19 a-d are the Crowley and Metzger easement agreements. The Applicant also agreed to the revised condition 11 as drafted by the City in Exhibit 20. *Response of Mr. Mitsunaga.*
- 23. Ms. Moorehead testified regarding continued access to the Metzger and Crowley properties and the City's need to ensure that development of the proposed plat would not interfere with existing utilities. She testified that the City's concerns are addressed by Exhibit 20, which contains proposed revisions to Condition 11 concerning ingress, egress and utilities to Lots 3 and 4. The City also agreed that Tract C can be conveyed to the Crowleys and that Condition A.3.j, regarding pedestrian access, could be deleted. *Testimony of Ms. Moorehead.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hold a hearing on preliminary plat applications; to consider all evidence presented at the hearing; and, based on that evidence, to approve, approve with conditions, or disapprove the preliminary plat. KCC 2.32; KCC 12.04; RCW 58.17.

Criteria for Review

The decision of the Hearing Examiner must be supported by the evidence presented and must be consistent with the standards and criteria for review specified in state statutes and city ordinances.

The standards and criteria for review of preliminary plat applications are found in Chapter 12.04, KCC and Chapter 58.17, Revised Code of Washington (RCW). The review criteria include the following:

A. Under KCC 12.04.635:

No subdivision shall be approved unless the following principles of acceptability are met; the subdivision shall:

- 1. Create legal building sites which comply with all provisions of KCC Title <u>15</u>, Zoning, and health regulations;
- 2. Establish access to a public road for each segregated parcel;
- Have suitable physical characteristics; a proposed plat may be denied because of flood, inundation or wetland conditions; slope, soil stability and/or capabilities; or the construction of protective improvements may be required as a condition of approval;
- 4. If adjacent to another municipality or King County, take into consideration the subdivision standards of that jurisdiction as well as the requirements of this chapter;
- 5. Make adequate provision for stormwater detention, drainageways, water supplies, sanitary wastes, and other public utilities and services, as deemed necessary;
- 6. Make adequate provision for the connectivity of streets, alleys, pedestrian accessways and other public ways.
- B. Under KCC 12.04.685.A, a proposed subdivision and dedication shall not be approved unless the city finds that:
 - 1. Appropriate provisions have been made for:
 - a. The public health, safety and general welfare of the community;
 - b. Protection of environmentally sensitive lands and habitat;
 - c. Open spaces;
 - d. Community parks and recreation;
 - e. Neighborhood tot lots and play areas;
 - f. Schools and school grounds;
 - g. Drainageways;
 - h. Stormwater detention:
 - Connectivity of sidewalks, pedestrian pathways, traffic calming features and devices, and other planning features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from schools, parks, transit stops and other neighborhood services;
 - j. Connectivity of streets or roads, alleys, pedestrian accessways, and other public ways within and between subdivisions and neighborhoods;
 - k. Transit stops;
 - I. Potable water supplies;
 - m. Sanitary wastes;
 - n. Other public utilities and services, as deemed necessary; and
 - 2. The city has considered all other relevant facts; and
 - 3. The public use and interest will be served by the platting of such subdivision and dedication; and
 - 4. The city has considered the physical characteristics of a proposed subdivision site and may deny a proposed plat because of flood, inundation, or wetland conditions, slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

These criteria as set forth in the Kent City Code are essentially identical to those in the Revised Code of Washington. These criteria must also be met by the application before a decision of approval can be made. RCW 58.17.110 requires that:

Appropriate provisions must be made for the public health, safety and general welfare, for 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 the public interest must be served by the subdivision.

RCW 58.17.100.

Conclusions Based on Findings

- 1. With conditions, the proposed plat satisfies the requirements of KCC **12.04.635.** All proposed lots would comply with the size and density guidelines of the zoning code. Legal building sites would be created. All lots would have access to 132nd Avenue SE by way of two new public roads. The proposed public roads would connect the development's roads and sidewalks to the public street system. The physical characteristics of the site are suitable for development. The proposed plat is not adjacent to another municipality of King County. Adequate provisions would be made for stormwater detention, drainageways, water supplies, sanitary wastes, and other public utilities and services. Conditions of approval are necessary to ensure that potential flooding is addressed through the construction of a stormwater drainage system in compliance with City Construction Standards, the 2002 City of Kent Surface Water Design Manual and the 1998 King County Surface Water Design Manual. Water, sanitary sewer, power, and natural gas service would be provided to the subdivision. The existing easement for the extension of SE 261st Street would be relinquished. Conditions of approval are necessary to ensure that the Applicant construct needed street frontage improvements and pedestrian walkways. Findings 1-14, 17-23.
- 2. With conditions, the proposed plat satisfies the requirements of KCC 12.04.685.A and RCW 58.17.110. Appropriate provisions would be made for the public health, safety, general and general welfare of the community. considered the physical characteristics of the proposed site. Wetlands located on the site would be protected. The City gave adequate notice of the subdivision application and associated open record hearing and evaluated the environmental impact of the proposed subdivision as required by SEPA. The proposal would make adequate provision for open spaces, community parks and recreation, tot lots and play areas through the payment of impact fees to the City of Kent. Pursuant to KCC 12.13.160, each lot would be assessed an impact fee at the time of construction permit issuance to mitigate the impact of additional students on Kent School District facilities. Drainage and stormwater would be managed through a stormwater system installed on site. The proposed subdivision's public roads would connect to 132nd Avenue SE via 134th Avenue NE and SE 262nd Street. The Applicant would construct road and street frontage improvements. The proposed subdivision would be served by Metro transit located at the intersection of SE 260th Street and 132nd Avenue SE. The Soos Creek Water &

Sewer District would provide sewer services to the proposed development. Water District #111 of King County would provide water services. Power and natural gas lines would be installed within the subdivision. The proposed preliminary plat would serve the public use and interest by providing urban residential development located near urban services, consistent with Comprehensive Plan goals and policies. A MDNS condition would ensure that the proposed subdivision's traffic impacts on adjacent City streets are mitigated consistent with Comprehensive Plan Transportation Element goals and policies. The development density within the proposed subdivision is consistent with the Comprehensive Plan SF-6 designation for the subject property. *Findings 1-25.*

Conditions of approval are necessary to ensure that environmentally sensitive wetland areas are set aside and protected; the subdivision's public roads are constructed according to City Construction Standards and City Public Street Standards; the proposed subdivision is served by a stormwater system and detention pond that complies with City Construction Standards, the 2002 City of Kent Surface Water Design Manual and the 1998 King County Surface Water Design Manual; the detention pond area is adequately maintained and landscaped to meet minimum requirements of City Construction Standards and 1998 King County Surface Water Design Manual requirements; and that detention pond area landscaping is maintained in an aesthetically pleasing state. *Findings 1-5, 9-13, 22.*

DECISION

Based on the preceding Findings and Conclusions, the request to subdivide approximately 3.7 acres into 12 single family residential lots is **APPROVED**, subject to the following conditions:¹³

A. PRIOR TO RECORDING THE PLAT FOR THIS SUBDIVISION:

- 1. The Owner / Subdivider shall pay all Charges in Lieu of Assessments and/or Latecomer Fees, if any, prior to scheduling the Pre-Construction Conference and/or prior to recording this plat, whichever comes first.
- 2. The Owner / Subdivider shall provide Public Works with a digital plat map prepared with a CAD program. The digital information can be formatted in either *.DWG (AutoCad) or *.DXF (Drawing Exchange File), but **must be based upon State Plane coordinates: an assumed coordinate system is not permitted**. The State Plane Coordinates shall be on the NAD 83/91 datum and relate to at least two City of Kent reference points within one half mile of the subdivision. In addition, the project shall be tied into at least two City of Kent NAD 88 vertical benchmarks and two additional permanent benchmarks shall be established within the project. The elevations of these benchmarks will be reported at the time as-built drawings are submitted along with field notes sufficient to verify their accuracy.

¹³ This decision includes conditions required to meet City Code standards as well as conditions required to reduce unique project impacts.

- 3. The Owner / Subdivider shall submit and receive City approval for engineering drawings from the Department of Public Works, and shall then either construct or bond for the following:
 - a. A public gravity sanitary sewer system to serve all lots.

This development will be served by the Soos Creek Water & Sewer District and will be constructed to Soos Creek Water & Sewer District standards and specifications.

The septic system serving the existing homes within the proposed subdivision - if any - shall be abandoned in accordance with King County Health Department Regulations.

b. A public water system meeting domestic and fire flow requirements for all lots.

This development will be served by Water District #111 and will be constructed to Water District #111 standards and specifications.

Existing wells – if any - shall be decommissioned in accordance with the requirements of the Department of Ecology.

- c. <u>Stormwater system</u>. The Engineering Plans must meet the minimum requirements of the City of Kent Construction Standards and 2002 City of Kent Surface Water Design Manual (KSWDM). Initial guidance for the Engineering Plans is given below (See Chapter 2 of KSWDM for detailed submittal requirements):
 - (1) The Engineering Plans will include at a minimum: Site improvement plans which include all plans, details, notes and specifications necessary to construct road, drainage, and other related improvements. The engineering plans shall include a technical information report (TIR) which contains all the technical information and analysis to develop the site improvement plans.
 - (2) An erosion and sedimentation control (ESC) plan shall be included in the engineering plans. The ESC shall meet the requirements of the City of Kent Construction Standards, and the 2002 City of Kent Surface Water Design Manual. These plans must reflect the Detailed Grading Plan discussed below, and the Planning Department approved Detailed Tree Plan
 - (3) The retention / detention and release standard that will be met by the subdivision is Level Two. The water quality menu that will be met by the subdivision is the Resource Stream Protection Menu. An adjustment was granted to allow underground detention for this submittal due to the eastern steep

slopes and the potential risk failure of embankment pond slopes.

- (4) The site improvement plans and technical information report will contain drainage calculations and a drawing of the retention / detention pond tract at an appropriate engineering scale to show that the proposed on-site or off-site retention / detention tract is large enough to contain the required minimum stormwater storage volume and water quality facility. The site improvement plans will also show that all required stormwater management facilities will be outside of delineated wetlands and their buffers, as well as outside of creeks and rivers and their buffers.
- (5) A downstream analysis is required for this development, and it will include an analysis for capacity, erosion potential, and water quality. Refer to the requirements of Technical Information Reports in Section 3: "Offsite Analysis", of the 2002 City of Kent Surface Water Design Manual for the specific information required for downstream analyses.
- (6) The following note shall be shown on the final recorded plat: "All building downspouts and footing drains shall be connected to the permanent storm drainage system with a perforated stub-out connection as shown on the approved construction drawings on file with the City of Kent. All connections of the drains shall be constructed and approved prior to final building inspection approval."
- (7) If determined necessary by the Public Works Department following review and approval of the required downstream analysis, the Owner / Subdivider shall provide public drainage easements meeting the requirements of the City of Kent Construction Standards for the specified downstream reach where adequate public drainage easements do not currently exist.
- (8) The Owner / Subdivider shall submit Landscape Plans for within and surrounding the retention / detention facility to the Planning Services and to the Department of Public Works for concurrent review and approval prior to, or in conjunction with, the approval of the Engineering Plans. These Landscape Plans shall meet the minimum requirements of the City of Kent Construction Standards, and the stormwater management landscaping requirements contained within the 1998 King County Surface Water Design Manual. Landscape Plans are required to show adjacent Street Trees so that the City arborist can assess potential adverse stress upon all types of vegetation.

- (9) The Owner / Subdivider shall execute Declaration of Stormwater Facility Maintenance Covenants for the private portions of the drainage system prepared by the Property Management Section of the Department of Public Works. See Reference 8-F, Declaration of Stormwater Facility Maintenance Covenant, to the 2002 City of Kent Surface Water Design Manual for information on what is contained within this document.
- d. A Detailed Grading Plan for the entire subdivision meeting the requirements of the Uniform Building Code, the <u>City of Kent Construction Standards</u>, and <u>City of Kent Development Assistance Brochure #1-3, Excavation and Grading Permits & Grading Plans</u>. Initial guidance for these plans is given below:
 - (1) These plans will include provisions for utilities, roadways, retention / detention ponds, stormwater treatment facilities, and a building footpad for each lot.
 - (2) These plans shall be designed to eliminate the need for processing several individual Grading Permits upon application for Building Permits.
 - (3) These plans shall show any proposed grading for wetland mitigation areas and shall be consistent with the approved Final Wetland Mitigation Plan.
 - (4) These plans will use a 2-foot maximum contour interval, and every fifth contour line will be darker, wider and labeled in conformance to standard drafting practice.
- e. A Temporary Erosion / Sedimentation Control Plan for the entire subdivision meeting the requirements of the <u>City of Kent Construction Standards</u>, and the most recent adopted version of the <u>Stormwater Management Manual for the Puget Sound Basin</u>. These plans must reflect the Detailed Grading Plan discussed above, and the Planning Department approved Detailed Tree Plan.
- f. If wetland impacts are proposed at a later time, a Wetland Mitigation Plan meeting the requirements of the Kent City Code Chapter 11.06 shall be required. These plans shall pursue avoiding or minimizing impacts to wetlands to the maximum extent possible by analyzing alternatives that would avoid the impact, as stated in Kent City Code, Section 11.05.120 Avoiding wetland impacts.
- g. Interim Street Improvement Plans for 132nd Avenue Southeast along the entire property frontage thereon. These Interim Street Improvement Plans shall meet the requirements of the <u>City of Kent Construction Standards</u>, and *City of Kent Development Assistance Brochures #6-2*,

Private and Public Street Improvements, and # 6-8, Street Improvement Plans, for a street designated as a Minor Arterial Street with Bike Lanes within the City of Kent Comprehensive Plan. Initial guidance for the necessary interim street improvements is given below:

- (1) Combined vertical concrete curbs & gutters, and a 10-foot cement concrete sidewalk along the east side of the street.
- (2) A minimum of 33-feet of Hot Mix Asphalt (HMA) pavement as measured from the approved centerline of the street to the face of curb on the east side of the street. The entire HMA pavement width specified above shall be provided with a 20-year service life as determined by the process identified in the *City of Kent Development Assistance Brochure #6-2, Private and Public Street Requirements.*
- (3) A City-owned street lighting system.
- (4) Public stormwater conveyance, detention and treatment facilities as applicable.
- (5) Street Trees installed behind the 10-foot wide cement concrete sidewalk, or as directed by the Public Works Department. These Street Trees will be located as approved by the Public Works Department, and the species shall be selected from the Approved Street Tree List contained within *City of Kent Development Assistance Brochure #14, City of Kent Street Trees.*
- h. Street Improvement Plans for 134th Avenue Southeast via Southeast 262nd Street (or via Southeast 263rd Place if the Chateau Meridian street improvements are not under construction) and terminating with a permanent cul-de-sac bulb at its north terminus. The Street Improvement Plans for this street shall be designed in conformance to the requirements for a Residential Street as required by <u>City of Kent Construction Standards</u>, and <u>City of Kent Development Assistance Brochure #6-2</u>, <u>Private and Public Street Improvements</u> and <u>City of Kent Development Assistance Brochure #6-8</u>, <u>Street Improvement Plans</u> for a street 28-feet wide. Initial guidance for these street improvements is given below:
 - (1) Combined vertical curb & gutter, a 5-foot wide planting strip constructed between the back of curb and the front of the sidewalk, and then a 5-foot wide cement concrete sidewalk along both sides of the street.
 - (2) A minimum of 28-feet of Hot Mix Asphalt (HMA) pavement, as measured from face of vertical curb to face of vertical curb.

- (3) A street lighting system designed to the City's standards, constructed and maintained by the IntoLight Division of Puget Sound Energy; all electrical and maintenance bills shall be paid for by the Home Owner's Association created for this subdivision.
- (4) A public stormwater drainage system, including provisions for collection, conveyance, detention, and treatment facilities.
- (5) Curb return radii of 30-feet at the intersection of 134th Avenue Southeast and the private street (Road A), and a 45-foot radius to the face of curb for the permanent cul-de-sac bulb.
- (6) Street Trees installed within the 5-foot wide planting strips. These Street Trees will be located as approved by the Public Works Department, and the species shall be selected from the Approved Street Tree List contained within *City of Kent Development Assistance Brochure #14, City of Kent Street Trees.*
- (7) NOTE: The above-listed conditions assume that the public street improvements for Chateau Meridian are under construction at the same time that the street improvements for the subject subdivision are under construction. If the construction for the public streets within the subdivision of Chateau Meridian are not under construction, or completed, by the time that the construction plans are approved for the Parriott Subdivision, those construction plans must provide for that necessary off-site extension to Southeast 263rd Place. This requirement will almost certainly require a recorded agreement executed by both developers prior to construction.
- i. Street Improvement Plans for the new Private Residential Street connected to the 134th Avenue Southeast and terminating with a permanent approved turnaround at the west termini. The Street Improvement Plans for this street shall be designed in conformance with the requirements for a Private Residential Street as required by City of Kent Construction Standards, and City of Kent Development Assistance Brochure #6-2, Private and Public Street Improvements and City of Kent Development Assistance Brochure #6-8, Street Improvement Plans for a private street at least 20-feet wide. Initial guidance for these street improvements is given below:
 - (1) A minimum of 20-feet of Hot Mix Asphalt (HMA) pavement, measured from edge of pavement to edge of pavement except where additional pavement is required by the Fire Marshal for emergency vehicle access.

- (2) A 5-foot wide sidewalk constructed along the one side of the private street.
- (3) An approved turnaround at its westerly termini.
- (4) This private street will connect to the public street system with a Residential Concrete Driveway Approach conforming to the minimum requirements of Standard Detail 6-5(c). The minimum design inside radii for this driveway approach shall be 30-feet.
- (5) This private street will conform to the minimum horizontal and vertical alignment and safe stopping sight distances requirements for a public Residential Street.
- (6) A private stormwater drainage system, including provisions for conveyance, detention, and treatment facilities where applicable.
- (7) Fire Lanes if any shall be marked as directed by the Fire Marshal.
- (8) The private street, including sidewalks must be centered within a private roadway tract or easement that is at least 1-foot wider than the total width of the private street and sidewalk combination.
- j. (Deleted)
- k. Street Light Plans for all public streets meeting the requirements of the <u>City of Kent Construction Standards</u>, and <u>City of Kent Development</u> <u>Assistance Brochure #6-1, Street Lighting Requirements</u>.
- 4. The Owner / Subdivider shall create a Homeowner's Association for this subdivision to ensure that the property owners within this subdivision are advised of their requirement to pay for the provided street lighting system and to maintain stormwater water quality systems. Those sections of the required document written to govern that association as they relate to any IntoLight Division of Puget Sound Energy street lighting systems, shall be reviewed and approved by the Department of Public Works, prior to the recording these documents.
- 5. The face of the final plat will clearly identify the private street, and which Lots will be served by that private street. The face of the final plat will also specify that the maintenance of this private street is the sole responsibility of the property owners who are served by that private street.

- 6. The Owner / Subdivider shall deed all public rights-of-way, and otherwise convey all private and public easements necessary for the construction and maintenance of the required improvements for this subdivision development.
- 7. The Owner / Subdivider shall permanently protect the approved and preserved, and/or enhanced, or created wetland(s) and it's buffer(s) by creating a separate Sensitive Area Tract and deeding the tract in fee simple to the City, OR by granting a Sensitive Area Easement to the City for the entire sensitive area, in conformance to the requirements of the City of Kent Wetlands Management Code. This Sensitive Area Tract or Easement shall be consistent with the wetland and wetland buffer map contained within the approved Wetland Delineation Report and/or approved Wetland Mitigation Plan as appropriate. The Owner / Subdivider shall provide a legal description of said easement or tract prepared by a licensed land surveyor, prior to issuance of any Construction Permits. The Sensitive Area Tract and the following language shall be included on the face of the recorded plat:

SENSITIVE AREA TRACTS / EASEMENTS

DEDICATION OF A SENSITIVE AREA TRACT / EASEMENT CONVEYS TO THE PUBLIC A BENEFICIAL INTEREST IN THE LAND WITHIN THE TRACT. 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, VISUAL AND AURAL BUFFERING, AND PROTECTION OF WATER QUALITY, PLANT ECOLOGY AND WILDLIFE HABITAT. THE SENSITIVE AREA TRACT / EASEMENT IMPOSES UPON ALL PRESENT AND FUTURE OWNERS AND OCCUPIERS OF THE LAND SUBJECT TO THE TRACT / EASEMENT THE OBLIGATION, ENFORCEABLE ON BEHALF OF THE PUBLIC BY THE CITY OF KENT, TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THE TRACT. THE VEGETATION WITHIN THE TRACT MAY NOT BE CUT, PRUNED, COVERED BY FILL, REMOVED OR DAMAGED WITHOUT APPROVAL IN WRITING FROM THE CITY OF KENT.

THE COMMON BOUNDARY BETWEEN THE TRACT / EASEMENT AND THE AREA OF DEVELOPMENT ACTIVITY MUST BE MARKED OR OTHERWISE FLAGGED TO THE SATISFACTION OF THE CITY OF KENT PRIOR TO ANY CLEARING, GRADING, BUILDING CONSTRUCTION OR OTHER DEVELOPMENT ACTIVITY. THE REQUIRED MARKING OR FLAGGING SHALL REMAIN IN PLACE UNTIL ALL DEVELOPMENT ACTIVITIES IN THE VICINITY OF THE SENSITIVE AREA TRACT ARE COMPLETED.

NO BUILDING FOUNDATIONS, STRUCTURES, FILL OR OBSTRUCTIONS (INCLUDING, BUT NOT LIMITED TO DECKS, PATIOS, OUTBUILDINGS AND OVERHANGS) ARE ALLOWED WITHIN 15 FEET OF THE SENSITIVE AREA TRACT / EASEMENT BOUNDARY, UNLESS OTHERWISE APPROVED BY THE CITY.

THE CITY OF KENT RESERVES THE RIGHT TO INSTALL PUBLIC UNDERGROUND UTILITIES WITHIN THIS SENSITIVE AREA TRACT, AND TO ENTER AND PERFORM DRAINAGE SYSTEM MAINTENANCE, BUT IS REQUIRED TO RESTORE OR ENHANCE THE SENSITIVE AREAS DISTURBED UPON THE COMPLETION OF THE UNDERGROUND CONSTRUCTION, AND/OR DRAINAGE SYSTEM MAINTENANCE.

- 8. After construction, the wetland and buffer areas shall be isolated from intrusion and/or disturbance using a permanent wildlife-passable fence. In addition, Wetland Information Signs approved by the Department of Public Works shall be placed at the wetland buffer edge to inform and educate owners and nearby residents about the value of wetlands.
- 9. Prior to release of any construction bonds, and prior to the approval of any Building Permits within the subject subdivision, the Department of Public Works must receive and approve As-Built Drawings meeting the requirements of the City of Kent Construction Standards, and City of Kent Development Assistance Brochure #E-1, As-Build Drawings, for: Streets; Street Lighting System; Water; Sewer; Stormwater Drainage Facilities; and all off-site improvements where the locations and/or elevations are deemed critical by the Department of Public Works.
- 10. Break-away mailbox clusters shall be installed at locations and per standards approved by the US Postmaster and the City of Kent Public Works Department
- 11. Prior to issuance of any construction permits or final plat approval, whichever comes first, the Owner / Applicant shall obtain and record, following approval as to form from the Public Works Department and the City Attorney's office, the following:
 - a. Releases from all parties benefited by the easement for ingress, egress, and utilities created by King County short plat C278043, King County recording number 787200878.
 - b. Releases from all parties benefited by the easement for ingress, egress, and utilities described in the Statutory Warranty Deed, King County recording number 7711291264. The releases need only be for the portion of said easement located on Parriott proposed lots 1, 2, and 3.
 - c. A release from the Kent City Council of the City's interest granted in King County short plat C278043 for future road development.
 - d. A grant of easement for ingress, egress, and utilities to lots 3 and 4 of King County short plat C278043. These easements shall encompass the existing driveways and utilities for said lots 3 and 4. At the time of preliminary plat approval the Owner / Applicant has not located all of the existing utilities. If the existing location of a utility causes and lot(s) of the Parriott plat to be unbuildable the Owner / Applicant shall either

relocate the utility after having obtained permission from the owner of the lot benefited by the utility, of shall redesign the plat per section 12.04.735 KCC.

- B. <u>PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON ANY LOT IN THIS SUBDIVISION,</u> THE OWNER / SUBDIVIDER SHALL:
 - 1. Record the Plat.
 - 2. Construct all of the improvements required in Section B, above, and pay the respective fees-in-lieu-of including any mitigation (EMA or EMF) charges.
 - 3. Receive approval of the required As-Built Drawings for Street, Street Lighting, Water, Sewer, and Stormwater Management Facilities as deemed appropriate by the Department of Public Works.
 - 4. Construct all wetland mitigation plans, wetland and stream buffer plans, install all required wildlife passable fences and any other conditions to protect or enhance critical areas.

DATED this 1 ST day of August 2007.	
	THEODORE PAUL HUNTER
	Hearing Examiner