



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 29, 2003

Ordinance 14636

Proposed No. 2003-0090.2

Sponsors Sullivan

1 AN ORDINANCE concurring with the decision of the
2 hearing examiner to approve, subject to conditions, the
3 preliminary plat of Vintage Hills VI, department of
4 development and environmental services file no.
5 L02P0003.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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SECTION 1. This ordinance does hereby adopt and incorporate herein as its

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findings and conclusions the findings and conclusions contained in the report and

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decision of the hearing examiner dated April 4, 2003, to approve, subject to conditions,

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the preliminary plat of Vintage Hills VI, department of development and environmental

Ordinance 14636

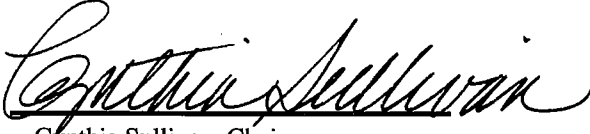
13 services file no L02P0003, and the council does hereby adopt as its action the decision
14 contained in said report.

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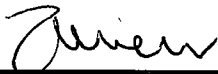
Ordinance 14636 was introduced on 3/10/2003 and passed by the Metropolitan King
County Council on 4/28/2003, by the following vote:

Yes: 11 - Ms. Sullivan, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr.
Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague, Mr. Irons and
Ms. Patterson
No: 0
Excused: 1 - Ms. Edmonds

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated April 4, 2003

April 4, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L02P0003**
Ordinance No.: **2003-0090**

VINTAGE HILLS VI
Preliminary Plat Application

Location: The eastern side of 124th Avenue Southeast,
approximately ½ mile
North of the Southeast 304th Street and 124th Avenue
southeast
Intersection

Applicant: Vintage Hills VI, *represented by*
Shupe Holmberg
Baima & Holmberg Inc.
100 Front Street South
Issaquah, WA 98027
Telephone: (425) 392-0250
Facsimile: (425) 391-3055

And

Craig Sears
7947 – 159th Place Northeast, #100
Redmond, WA 98052
Telephone: (206) 947-6326

King County: Department of Development and Environmental Services,
Land Use Services Division, *represented by*
Trishah Bull and Pete Dye
900 Oakesdale Avenue SW
Renton, WA 98055-1219
Telephone: (206) 296-6758 and 296-7185
Facsimile: (206) 296-6644 and 296-6613

SUMMARY OF DECISION/RECOMMENDATION:

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

EXAMINER PROCEEDINGS:

Hearing Opened:	April 1, 2003
Hearing Closed:	April 1, 2003

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.

SUMMARY:

The preliminary plat application is approved, subject to conditions.

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

FINDINGS OF FACT:

1. General Information:

Owner/Developer:	Jeffrey E. Hamilton Vintage Hills VI, LLC 7947 159 th Place NE, #100 Redmond, WA 98052 (425) 869-1300
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Engineer:	Baima & Holmberg Inc. 100 Front Street S Issaquah, WA 98027 (425) 392-0250
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STR:	04-21-05
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Location:	The property is located on the eastern side of 124 th Avenue SE, approximately ½ mile north of the SE 304 th Street and 124 th Avenue SE intersection.
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Zoning:	R-4-SO
Acreage:	14.68
Number of Lots:	60
Density:	4 units per acre
Lot Size:	Ranges from approximately 4,500 to 6,100 square feet
Proposed Use:	Single-family detached dwellings
Sewage Disposal:	City of Auburn
Water Supply:	King County Water District #111

Fire District: King County District #44
School District: Auburn School District #408
Complete Application Date: April 15, 2002

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the April 1, 2003 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Vintage Hills VI LLC has filed a preliminary plat application to subdivide 14.68 acres into to 61 lots for single-family development. Two of the proposed lots depend for their creation on the transfer of development rights pursuant to KCC 21A.37.030.
4. The preliminary plat applications for Vintage Hills Divisions VI and VII were heard concurrently at a public hearing held on April 1, 2003. The two plats are located in the Lea Hill area east of the City of Auburn and lie adjacent and east of 124th Avenue SE. They are separated by the intervening plat of Bifrost Gate, which previously obtained preliminary plat approval and is about to be recorded. Both Divisions VI and VII will access west to 124th Avenue SE via the road system currently being constructed for Bifrost Gate and will have secondary access to the east through the previously constructed plat of Duberry Hill, now known as Berkshire Glen. Vintage Hills Divisions VI and VII are among a collection of eight plats that have been developed over the last 15 years by the same developer and which share infrastructure facilities.
5. The plat of Duberry Hill was preliminarily approved in 1997 and will provide the drainage facilities to serve the eastern basins of both Vintage Hills VI and VII. A drainage adjustment was issued on February 13, 2003 which requires some minor modifications of the existing Duberry Hill system to accommodate current surface water management requirements. The smaller western basins of the two plats will be handled separately, with a new drainage pond required to serve Division VI and Division VII west basin flows to be directed to a different existing facility. It appears that with the construction of the Duberry Hill eastern basin facility the flooding problems that previously existed at the system's outlet near the intersection of 132nd Avenue SE and SE 299th Street have been resolved.
6. As noted, the two latest Vintage Hills divisions will both access 124th Avenue SE to the west through Bifrost Gate and will connect east to 132nd Avenue SE through the Berkshire Glen neighborhood. The access to 132nd Avenue SE occurs just north of the recently reconstructed intersection at 132nd Avenue SE and SE 304th Street, which in turn accesses a new interchange to SR-18. The residents of Berkshire Glen are concerned that additional traffic from the two new Vintage Hills divisions will significantly increase traffic on their residential road system. The projection is that the lots from Vintage Hills VI and VII combined will generate 84 evening peak-hour vehicle trips, 40% of which will access the neighborhood via the 132nd Avenue SE route through Berkshire Glen, generating approximately 34 new evening peak hour trips.
7. The roads within Berkshire Glen were designed to provide sufficient capacity for full build-out of the neighborhood lying between 124th Avenue SE and 132nd Avenue SE. The access road to 132nd Avenue SE has been designed to a neighborhood collector standard and can accommodate the volumes projected. Design of the road connection to the neighborhood west of the new SR-18 interchange was a major topic of discussion at the Duberry Hill preliminary plat hearing held in 1997, with the City of Auburn arguing for construction of a straight-through collector between 124th Avenue SE and 132nd Avenue SE that would attract commuter traffic from outside the immediate neighborhood. The County opted instead for the circuituous road design recently built that

discourages cut-through traffic in the Berkshire Glen neighborhood and instead supports use of the SE 304th Street arterial route. With completion of Bifrost Gate the east-to-west link through the Berkshire Glen neighborhood will be completed, and County traffic planners will need to monitor traffic flows to assure that unwanted cut-through activity in fact does not occur. If cut-through traffic does become a problem, then traffic calming measures may be warranted. But Vintage Hills VI and VII by themselves should generate less than 35 new peak hour trips to the 132nd Avenue SE access, with that increase offset partially by Berkshire Glen traffic that will reroute west to 124th Avenue SE. Thus, the net increase to the neighborhood collector route exiting at 132nd Avenue SE will be in the range of 25 new peak hour trips. If no cut-through traffic from outside of the neighborhood is generated, this modest level of increase will be well within the capacity of the road system. Moreover, the Berkshire Glen residents' suggestion that the two new Vintage Hills plats should be provided their own separate access to 132nd Avenue SE is not actually feasible because neither of these plats front onto 132nd Avenue SE. Thus, no alternative route locations are available.

8. A related traffic issue involves the access to the neighborhood of construction vehicles serving development of the two new plats. Berkshire Glen residents are worried that their residential neighborhood will be impacted by increased truck traffic accessing the new plats during the construction phase. This is a legitimate concern, and with the creation of a new route to 124th Avenue NE through Bifrost Gate construction access through Berkshire Glen should be avoided. A condition to such effect has been added to the preliminary approval.
9. Robert Pfaff and his son Eric operate a Christmas tree farm on a large parcel lying directly north of Vintage Hills VI. They object to the stub road proposed at the northwest corner of the plat because it may become an attraction for miscreants to vandalize their tree farm. As stated by staff, stub roads facilitating neighborhood circulation patterns are supported by Comprehensive Plan policies. Over the long term, they prove to be useful because most Rural properties that have been rezoned Urban will eventually convert to urban density residential development. This is due to the fact that the greater economic gain attributable to urban residential development will at some point make this alternative too attractive to resist. In the meantime, the Applicant has offered to erect wooden fencing behind the barricade for the stub road that will discourage unauthorized entry to the Pfaffs' property.
10. Eric Pfaff also provided some neighborhood history concerning the previous existence of larger wetland areas on the Vintage Hills VI property. Since the alterations to these wetlands appear to have occurred prior to the adoption of the 1990 county Sensitive Areas Ordinance, such filling or modification of wetland areas would have taken place prior to the enactment of wetland protection regulations. Therefore, they would not be subject to restoration as a condition of development. Mr. Pfaff further suggested that there may be wetland vegetation in the area of proposed lot 7 that was not acknowledged within the Applicant's wetland report. It is difficult to evaluate this contention, but at most it appears that there could be a small wet area in that location which falls below the 2,500 square foot regulatory threshold. In like manner, a small unregulated wetland also will be eliminated in the area of lot 51, and as suggested by Mr. Pfaff, the hydrological support for that wetland may need to be intercepted and conveyed to the drainage system.
11. A final concern expressed by the Berkshire Glen residents was that the developer not use the "Berkshire Glen" name for the new subdivisions located along 124th Avenue SE. While the naming of subdivisions is not an issue subject to review within the preliminary approval process, the Applicant's representative suggested that he would endeavor to reach agreement with potential home builders to come up with a different name.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat of Vintage Hills VI as revised and received on February 7, 2003 is APPROVED, subject to the following conditions of final plat approval:

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 that 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-SO zone classification. All lots shall meet the minimum dimensional requirements of the R-4-SO zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant shall provide Transfer of Density Rights (Credits) documentation to DDES prior to final approval.
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, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the 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 Surface Water Design Manual (SWDM) 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:

"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. The applicant is proposing to use the existing offsite storm water facility located within the plat of Duberry Hill. To allow use of these facilities, a drainage variance application (File No.L02V0085) has been approved by King County with specific design criteria regarding flow control and water quality. Final drainage plans shall be designed for compliance with the required variance conditions of approval.
 - e. For the western portion of the site, storm water facilities within Tract J shall be designed using the Level 2 flow control standard and the basic water quality menu. Tract J shall be owned and maintained by King County.
 - f. The final drainage analysis shall address any applicable requirements for surface water bypass as outlined in the drainage manual on page 1-36.
 - g. As required by Special Requirement No. 2 in the drainage manual, the 100-year floodplain for the onsite wetlands shall be shown on the final engineering plans and recorded plat.
 - h. The final drainage plans shall be designed to maintain wetland hydrology within Tract C by using roof drain dispersion to the wetland buffer.
 - i. The engineering review shall determine whether the hydrology supporting the isolated wetland to be filled within proposed lot 57 needs to be intercepted and conveyed to the drainage system.
8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
- a. 124th Avenue SE shall be improved along the frontage of the property as an urban minor arterial with 22-feet of pavement from centerline. Twelve feet of additional right-of-way shall be dedicated to achieve 42-feet from centerline. The existing driveway serving the subject property from 124th Avenue shall be eliminated.
 - b. All on-site road right-of-way as shown on the preliminary plat, shall be improved to urban subcollector street standards.
 - c. Tracts G, H, and I shall be improved as private access tracts using the design requirements outlined in KCRS 2.09B. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance.

- d. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
 - e. Street illumination for 124th Avenue SE shall comply with applicable design requirements in KCRS 5.05.
 - f. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
 - g. A 6 foot cedar fence shall be constructed across the stub road right-of-way at the plat's northwest corner behind the temporary barricade.
9. To provide road access and public right-of-way to the subject property, the adjacent plat of Bifrost Gate shall be recorded prior to King County approval of engineering plans for site development.
 10. King County Code 16.82.150D requires seasonal limitations for construction within the Soos Creek basin. During the period October 1 through March 31, clearing and grading is not allowed unless certain provisions are complied with as outlined in the code. The applicants engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements. "
 11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at 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.
 13. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to 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.
 14. There shall be no direct vehicular access to or from 124th Avenue SE from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.
 15. To the maximum extent feasible plat construction traffic shall access the site via 124th Avenue SE. A construction traffic plan meeting the requirements of KCRS 9.05 shall be submitted to DDES prior to engineering plan approval.

16. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
17. Preliminary plat review has identified the following specific sensitive areas requirements that apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

Wetlands

- a. The Class 2 wetland shall have a minimum 50-foot buffer of undisturbed vegetation as measured from the wetland edge.
- b. The Class 3 wetland shall have a minimum 25-foot buffer of undisturbed vegetation as measured from the wetland edge.
- c. Buffer width averaging may be allowed by King County if it will provide additional protection to streams/wetlands or enhance their functions, as long as the total area contained in the buffer on the development proposal site does not decrease. Per preliminary review buffer averaging will only be permitted near lots 1 through 6. The minimum buffer shall be no less than proposed (37.5 feet). To ensure such functions are enhanced a mitigation plan will be required for the remaining on-site sensitive areas. An enhancement plan shall be submitted for review during final engineering review.
- d. Sensitive Area Tract(s) shall be used to delineate and protect sensitive areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.
- e. A 15-foot BSBL shall be established from the edge of buffer and/or the sensitive areas Tract(s) and shown on all affected lots.
- f. A mitigation plan and financial guarantee/bond will be required for any proposed impacts of sensitive areas. The bond amount will include all components of the mitigation plan including, but not limited to, plantings, grading, fencing, signs, inspections, and monitoring for five years.
- g. Prior to commencing construction activities on the site, the applicant shall mark sensitive areas Tract(s) in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the sensitive areas are completed.
- h. Prior to final approval of construction activities on the site, the boundary between the sensitive area Tract(s) and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on final engineering plans.
- i. During final plat review the applicant shall provide a wetland hydrology analysis to demonstrate how the wetland hydrology will be maintained post-construction.
- j. Detention out-fall structures may be permitted within the wetland buffer, however, they shall be located in the outer edge of the buffer if possible.

- k. Prior to final recording and/or during final engineering review, the plan set shall be routed to the sensitive areas group for review and approval.

Alterations to Streams or Wetlands

- l. If alterations of streams and/or wetlands are approved in conformance with KCC 21A.24, then a detailed plan to mitigate for impacts from that alteration will be required to be reviewed and approved along with the plat engineering plans. A performance bond or other financial guarantee will be required at the time of plan approval, to guarantee that the mitigation measures are installed according to the plan. Once the mitigation work is completed to a DDES Senior Ecologist's satisfaction, the performance bond may be replaced by a maintenance bond for the remainder of the five-year monitoring period to guarantee the success of the mitigation. The applicant shall be responsible for the installation, maintenance and monitoring of any approved mitigation. The mitigation plan must be installed prior to final inspection of the plat.
- m. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

- n. No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.
18. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan. This plan must not conflict with the Significant Tree Inventory & Mitigation Plan.

- b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
19. 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, open space and/or sensitive area tract(s).
20. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 124th Avenue SE is on a bus route. If 124th Avenue SE is a bus route, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
21. To implement SO-220, which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention and engineering plans shall be consistent with the requirements of SO-220. No clearing of the site is permitted until the tree retention plan is approved by DDES. Flagging and temporary fencing of trees to be retained shall be provided, consistent with SO-220. The placement of impervious surfaces, fill material,

excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except as may be permitted under the provisions of SO-220.

- A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with KCC 21A.38.230B6. The tree retention plan shall be included as part of the final engineering plans for the subject plat.
22. The following condition has been established under SEPA authority as a necessary requirement to mitigate the adverse environmental impacts of this development. The Applicant shall demonstrate compliance with this item prior to final approval.
- Prior to final approval of construction activities on the site, the boundary between the Sensitive Area Tract(s) and adjacent land shall be identified using a split-rail fence and permanent signs.

ORDERED this 4th day of April, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 4th day of April, 2003, to the parties and interested persons of record:

Joe & Tami Barron
12632 SE 298th Pl.
Auburn WA 98092

Anthony Dymarkowski
12526 SE 298th Pl.
Auburn WA 98092

Charles Evans
12914 SE 299th St.
Auburn WA 98092

Steve Fiksdal
John L. Scott Real Estate
3380 - 146th Pl. SE, #450
Bellevue WA 98007

Marc J. Glaza
12722 SE 298th Place
Auburn WA 98092

Jeffrey E. Hamilton
Vintage Hills 6, LLC
7947 - 159th Pl. NE, #100
Redmond WA 98052

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Auburn WA 98092

Kevin & Gerda Kennedy
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Auburn WA 98092

Erik Martinson
28702 124th Ave. SE
Auburn WA 98002

S. Robert & Eric Pfaff
29204 - 124th Ave. SE
Auburn WA 98092

Lanny Rees
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Auburn WA 98092

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Trans. Engineering NW
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Redmond WA 98052

Craig Sears
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Redmond WA 98052

Ed Sewell
1104 W Meeker St.
Kent WA 98032

Edward & Patricia Tatman
29726 - 124th Avenue SE
Auburn WA 98002

Jim Ballweber
DDES/LUSD
Site Development Svcs
MS OAK-DE-0100

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Trishah Bull
DDES/CPLN
Current Planning Section
MS OAK-DE-0100

Kim Claussen
DDES/LUSD
Current Planning
MS OAK-DE-0100

Peter Dye
DDES/LUSD
Engineering Review
MS OAK-DE-0100

Nick Gillen
Wetland Review
DDES/SDSS
MS OAK-DE-0100

Kristen Langley
DDES/LUSD
Land Use Traffic
MS OAK-DE-0100

Carol Rogers
LUSD/CPLN
MS OAK-DE-0100

Larry West
DDES/LUSD
Geo Review
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before April 18, 2003*. If a notice of appeal is filed, the original and six (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 April 25, 2003*. 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 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. 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 decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE APRIL 1, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L02P0003

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Kristen Langley, Trishah Bull, Jim Ballweber, Nick Gillen and Pete Dye, representing the Department; Shupe Holmberg and Craig Sears, representing the Applicant; Gerda and Kevin Kennedy, S. Robert Pfaff, Charles Evans, Lanny Rees, Eric Pfaff, Teresa Ipsen, Ed Sewell and Jeff Schramm.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES file no. L02P0003
- Exhibit No. 2 DDES preliminary report to the Hearing Examiner dated April 1, 2003
- Exhibit No. 3 Application dated March 18, 2002
- Exhibit No. 4 Environmental checklist dated March 18, 2002
- Exhibit No. 5 Mitigated determination of non-significance dated February 14, 2003
- Exhibit No. 6 Affidavit of posting received by DDES on April 29, 2002, indicating posting date of April 25, 2002
- Exhibit No. 7 Preliminary plat map dated February 7, 2003
- Exhibit No. 8 Land use map, Kroll page 709 E
- Exhibit No. 9 Assessor's maps SE 04-21-05 and NE 04-21-05
- Exhibit No. 10 Level one drainage report by Baima & Holmberg dated August 1, 2002
- Exhibit No. 11 KCRTS hydraulic analysis of existing Duberry Hill shared R/D facility for Vintage VI & VII – east drainage basin dated November 1, 2002

- Exhibit No. 12 Wetland analysis report dated August 1, 2002
- Exhibit No. 13 Significant tree inventory and retention plan dated February 7, 2003
- Exhibit No. 14 Letter from the City of Auburn received at DDES on April 18, 2002
- Exhibit No. 15 Letter from the residents of Berkshire Glen received at DDES on March 31, 2003
- Exhibit No. 16 L02V0085 – KCSWDM adjustment and shared facility request
- Exhibit No. 17 Traffic impact analysis dated March 18, 2002

SLS:gao
L02P0003 RPT