



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 18963

**Proposed No.** 2019-0130.2

**Sponsors** Dembowski

1 AN ORDINANCE concurring with the recommendation of  
2 the hearing examiner to approve, subject to conditions,  
3 reclassification of certain property located at 219th Avenue  
4 SE and SE 298th Place, Black Diamond and Covington, as  
5 described in department of local services, permitting  
6 division file no. LUT4170001 from UR-P to R-4, at the  
7 request of CalAtlantic/Lennar NW, and amending King  
8 County Title 21A, as amended, by modifying the zoning  
9 map to reflect this reclassification.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. This ordinance adopts and incorporates the findings and  
12 conclusions of the June 14, 2019, report and recommendation of the hearing examiner,  
13 filed with the clerk of the council on June 14, 2019, for the application of Reserve at  
14 Covington Creek to reclassify property described in department of local services,  
15 permitting division file no. LUT4170001.

16 SECTION 2. The recommendation of the hearing examiner to reclassify the  
17 subject property from UR-P to R-4 is adopted, subject to conditions. When this

18 ordinance becomes effective, the department of local services, permitting division shall  
19 amend the official zoning maps of King County to reflect this action.  
20

Ordinance 18963 was introduced on 3/20/2019 and passed by the Metropolitan King County Council on 7/24/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

A handwritten signature in blue ink, appearing to read "Rod Dembowski", is written over a horizontal line.

Rod Dembowski, Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Melani Pedroza", is written over a horizontal line.

Melani Pedroza, Clerk of the Council

**Attachments:** A. Hearing Examiner Report dated 6-14-19

June 14, 2019

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

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
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**RECOMMENDATION AND DECISIONS**

SUBJECT: Department of Local Services file no. **PLAT17-0004**  
Proposed ordinance no.: **2019-0129**

**RESERVE AT COVINGTON CREEK (PLAT)**

Preliminary Plat Application (PLAT17-0004) (2019-0129)  
Rezone Application (LUT417-0001) (2019-0130)  
Shoreline Substantial Development Permit (SHOR17-0008)

Location: 219th Avenue SE and SE 296th Place, Black Diamond and  
Covington

Applicant: Cal Atlantic/Lennar NW  
*represented by* **Brian Nguyen**  
33455 6th Avenue South  
Federal Way, WA 98003  
Telephone: (253) 590-2217  
Email: [brian.nguyen@lennar.com](mailto:brian.nguyen@lennar.com)

King County: Department of Local Services  
*represented by* **Kimberly Claussen**  
35030 SE Douglas Street Suite 210  
Snoqualmie, WA 98065  
Telephone: (206) 477-0329  
Email: [kimberly.claussen@kingcounty.gov](mailto:kimberly.claussen@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:  
Department's Final Recommendations:  
Examiner's Recommendation and Decisions:

Approve with Conditions  
Approve with Conditions  
Approve with Conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened:	May 30, 2019
Hearing Closed	May 30, 2019
Record Open Through:	June 6, 2019

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 Hearing Examiner's Office.

**FINDINGS:****1. General Information.**

Developer:	Cal Atlantic/Lennar NW, Attn. Brian Nguyen 33455 6th Avenue South, Federal Way, WA 98003 (253) 590-2217
Engineer:	Barghausen Consulting Engineers 18215 72nd Avenue South, Kent, WA 98032 (425) 251-6222
STR:	04-21-06
Location:	Intersection of 219th Ave SE and SE 296th Place (south of SE 296th Street, east of 219th Avenue SE), Black Diamond
Tax Parcels:	042106-9008 and 042106-9011
Zoning:	Rezone from UR-P to R-4
Acreage:	40.07 acres
Number of Lots:	76
Density:	Approximately 1.9 units per acre
Lot Size:	4,376 square feet on average
Proposed Use:	Single Family Detached Dwellings
Waterbody:	Covington Creek
Shoreline Environment:	Conservancy
Shoreline of Statewide Significance:	Yes
Sewage Disposal:	Soos Creek Sewer & Water District
Water Supply:	Covington Water District
Fire District:	King County Fire District #44
School District:	Kent School District
Community Service Area:	West King County Areas
Complete Application Filed:	November 7, 2017
Date Determined Complete:	December 5, 2017

2. **Area Description.** The site is in a rural to urban transition area. To the east and south the zoning is Rural Area Five Acre (RA-5). Proximate to this zoning, the project provides almost 28 acres of protected critical areas and open space. To the west is Kentlake Highlands Divisions I and II with Urban Residential Four Dwelling Units Per Acre (R-4) zoning, with 310 lots ranging from 4,400-7,000 square feet. Kentlake High School is at the west terminus of 219th Ave. SE and the Black Diamond Fire Station is at the site's northeast corner. The site is adjacent to the City of Black Diamond, with City right-of-way on the north side. The rezone is accompanied by a transfer of development rights credits.<sup>1</sup> In total, 160 acres are protected.
3. **SEPA.** State Environmental Policy Act, Ch. 43.21C RCW review was completed through a Determination of Non-Significance.<sup>2</sup> Due to a notification error, the Department reissued the determination. Mountain View Fire and Rescue appealed. A settlement was reached, and Mountain View withdrew the appeal.<sup>3</sup> The settlement agreement was recorded against the property, and Mountain View requested that it be made a project condition. At the hearing, the Examiner clarified this meant it would be a plat condition. The Applicant and Department did not object.
4. **Hearing.** The Department of Local Services, Permitting Division ("Department"), through Ms. Claussen, provided a project overview.<sup>4</sup> The Applicant, through Mr. Newman, provided further detail and confirmed Applicant concurrence with the Staff Report and proposed conditions. The Department and Applicant called witnesses to provide detail. During public comment, the City of Black Diamond Public Works Director, Mr. Boetcher, addressed primarily traffic impacts.<sup>5</sup> No other parties indicated a wish to comment.
5. **City of Black Diamond Testimony.** Transportation concerns included inadequate consultation, level of service impacts, and access.
  - A. **Consultation.** King County's County-Wide Planning Policies provide for coordination with neighboring local jurisdictions to ensure reliable and cost effective provision of public services. Mr. Boetcher stated this consultation did not happen with this project, although the plat will discharge traffic directly onto City streets. In a reverse situation, the City made sure County interests involving five of its affected intersections were addressed. Particularly where the City will likely annex the site, this policy should have been implemented.
  - B. **Level of Service.** The City's consultant found the evaluated intersections will meet the County's LOS E. However, within the City three failing intersections are affected, and under City code concurrency is not met without mitigation.

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<sup>1</sup> Exhibit 20 (TDR Certificate); Exhibit 2 (Staff Report), pp. 8-9; KCC 21A.37.030 and .040; P-suffix requirement TR-P 49.

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

<sup>3</sup> Exhibits 24 and 25.

<sup>4</sup> Exhibit 2 (Staff Report), p. 2, was corrected. The SEPA appeal was filed on April 22.

<sup>5</sup> Exhibits 14 and 28. Comment also addressed City park impacts, which are proximate to Lake Sawyer, and its Fire Hall next door.

- C. **Access.** There is one way into this urban area on City roads. The City has maintained the signal for the County at 219<sup>th</sup> Avenue SE and SE 296<sup>th</sup> Street, at a cost of \$3,000 per year. Under County standards, no residential street shall serve over 100 dwelling units. With only one way in, the project adds 80 homes<sup>6</sup> to the 300 already, plus a high school. To meet County standards, another connection is required. In previous plats, a road connection was made, but it was gated (Exhibit 27 illustrates the location) so forces all the traffic into Black Diamond. Exhibit 28 (correspondence from Black Diamond's technical consultant, Parametrix) provides detail. Also, during emergency conditions/storm events alternative access routes are needed (*e.g.*, when trees were down on 296<sup>th</sup>). This is particularly so with this many homes. Given this information, reconsideration of SEPA is warranted.

## 6. Department Testimony.

- A. Ms. Claussen provided a brief land use history. The County's 2008 Comprehensive Plan amendments moved the site into the urban area, rezoning it from RA-5 to the present Urban Reserve (UR-P) zoning. In 2016, the County again modified the P-Suffix condition, which outlines rezone mitigation. Regarding this proposal, there were coordination efforts through the exchange of correspondence. Outside of an ILA, the County cannot accept funds on behalf of another jurisdiction or apply another jurisdiction's rules and regulations. Regarding the SE 296<sup>th</sup> Street frontage, the Applicant must meet City frontage improvement requirements and will consult with the City on same during building permit review. On parks funding, fee in lieu is not an option; recreation space is being provided on site, with active recreation provided to residents. She also clarified that the recreation, landscape, and significant tree retention/replacement plans are conceptual. During the engineering plan review process, modifications may occur.
- B. Mr. Eichelsdoerfer, P.E., addressed transportation concerns. In the Highlands plat across from the project, a second connection was made and consideration was given to opening it up. But there were issues with connecting to SE Covington and Sawyer Road. Additional traffic would cut through the neighborhood and change the road standard to one it is not constructed to, and change neighborhood character. There would be opposition from the Sawyer's Grove neighborhood, which is a contained neighborhood, and does not experience high school traffic. If opened, it would be a cut through route. The access is gated but emergency services can open it, so it serves as a secondary access point out of Highlands development and would serve the same role here. As for the proposed connection of Highlands to 212<sup>th</sup> Avenue SE, this is a permanent cul-de-sac; there was no intent to connect when the plat was put in. There are several wetlands in the vicinity and a plat alteration would be needed. The gated access meets the intent of secondary access.

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<sup>6</sup> This is a rounded up figure.

7. **Applicant Testimony.** Mr. Jones, a transportation engineer with over 20 years' experience, testified for the Applicant on traffic impacts.
- A. The County's LOS is E; the City's is C, excepting SR 169 intersections, where the LOS is D. Study intersections meet City and County standards. He pointed the Examiner to Exhibit 13 p. 8, Table 1 and p. 14, Table 4.
- B. Mr. Jones addressed the build out year question. With King County transportation standards, forecasted conditions is not a specific build out year, but growth rate combined with pipeline development. The analysis starts with existing traffic counts and then is grown by 3%, twice today's growth rate. Pipeline development (including Crows Nest and 10 Trails within the City) was included. The forecast condition is effectively well beyond 2019.
- C. The City's Exhibit 28, p. 2, and Exhibit 14 identify three failed intersections in the City.
- At SE 288th Street and 216th Avenue SE, a recent improvement reducing vehicle delay was omitted from the City analysis. With the improvement, LOS C is met during AM and PM with the project in future.<sup>7</sup>
  - On SR 169 in Black Diamond, the project would send one or two trips to two intersections. City impact analysis guidelines require intersection evaluation only if a project increases traffic by ten or more trips. For the County, evaluation is required only with 30 or more peak hour trips and a certain percentage of traffic. Mitigation is not required under either standard.
8. **Clarification, City Mitigation Fee.** Mr. Nguyen, for the Applicant, confirmed the Applicant did not object to paying a mitigation fee to the City for the two SR 169 intersections (Exhibit 15), but was hesitant to make it a project condition. Instead, he requested resolution during the required City permitting process
9. **Department Clarification/Critical Areas.** Ms. Casey clarified the analysis prepared on wetlands and streams. The initial report was done in July, and updated in November (Exhibit 11). The updated report and the Staff Report include the correct information.
10. **City Clarifications.** The Examiner asked Mr. Boetcher if he had any remaining clarifications. He emphasized the City's concerns with access, and the importance of more efficient traffic distribution. There is more to County policies than only connecting for safety. Distributing traffic creates a more efficient transportation system. 212<sup>th</sup> was stubbed out and other connections should have been considered. This is a fairness issue; County residents are being insulated at City resident expense.
11. **Transportation Impacts.**

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<sup>7</sup> See also Exhibit 15.

- A. The Examiner has jurisdiction over only KCC requirements. As the KCC does not incorporate City standards, only the lower County LOS must be met, and for study intersections, it is.<sup>8</sup>
- B. The Applicant did not object to paying fees to mitigate impacts on SR 169/Black Diamond-Ravensdale Road and SR 169/Roberts Drive intersections (\$2,282 + \$4,484 = \$6,766), but preferred that City mitigation be dealt with during City permitting, which is required due to project frontage on SE 196th.<sup>9</sup> Also, the Applicant's consultant testified that City LOS standards were met, as the City analysis did not account for an improvement at one intersection and only one or two trips are being sent to the two SR 169 intersections. It is reasonable for the City LOS mitigation approach to be finalized with City permitting.
- C. As to year of opening, consistent with County requirements, the traffic analysis does not use a specific year, but a growth rate coupled with pipeline development. The Applicant credibly explained the analysis without City refutation.
- D. Coordination on infrastructure design and development where there is more than one service provider is critical, as County policy recognizes. Having an ILA is not a prerequisite for coordination or imposing mitigation, although the mitigation options may be more limited in its absence. The Department did consider the City's comment, and at Department request the Applicant responded. The comment exchange is coupled with the hearing process, with additional comment and review. Consensus was not achieved, and coordination should be improved on. However, no KCC provision was identified which requires additional consultation.
- E. Street interconnectivity is an issue. A gated street provides emergency secondary access, but does not address daily traffic flow. The City's consultant recommended:

Before allowing The Reserve at Covington Creek to be built, we recommend King County open the gated access at SE 297th St/215 Avenue SE or construct a secondary access road connecting to 212th Avenue SE for consistency with their own standards, thereby allowing better circulation and distribution of traffic in the area.<sup>10</sup>

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<sup>8</sup> The City consultant analysis states, "[a]ll four intersections in The Reserve at Covington Creek TIA meet King County's standard of LOS E or better with the project." Exhibit 28, p. 2. Ch. 14.70 KCC and Ch. 14.80 KCC outline County concurrency requirements.

<sup>9</sup> Exhibit 15. The Applicant's consultant during testimony questioned the basis for the calculation, but the Applicant did confirm during questioning from the Examiner that there was no objection to paying this fee to address impacts at these two intersections.

<sup>10</sup> Exhibit 28, p. 2.



Though coupled with other development, the project itself is less than 100 units, and secondary access is available, though not for daily use. Additional access, as the City requests, would improve circulation and address emergency issues. However, there are outstanding planning issues for the Department and City to resolve, and opening up either street is beyond Applicant control.

12. **Access/Street Improvements.** Street trees will be placed on all street frontages. Access is off 219th Avenue SE, with internal public roads serving the project, and includes curb, gutter, and sidewalk improvements consistent with 2016 King County Road and Construction Standards. To comply with City requirements, frontage improvement design along SE 296th will be determined before engineering plan submittal. (The road and associated intersection with 219th Avenue SE is within City of Black Diamond jurisdiction.)
13. **Schools.** Sawyer Woods Elementary, Cedar Heights Middle School and Kentlake Senior High School, within the Kent School District, serve the plat. The 2019 school impact fee is \$5,397, which will be paid consistent with Ch. 21A.43 KCC requirements. Students will be bussed to the elementary and middle schools, and walk to high school. The nearest bus stop is at SE 298th Place/219th Avenue SE, and there are existing sidewalks on both sides of 219th Avenue SE, with sidewalks constructed within the plat.<sup>11</sup>
14. **Critical Areas/Shoreline Protection.**
  - A. Of the site's 40 acres, 25.63 are associated with critical areas and buffers, and 2.32 are set aside as open space. The Applicant has also purchased transfer of density credits from land in the Duwamish-Green River Watershed, preserving 160.63 acres.
  - B. Covington Creek crosses the site and there are four wetlands. The Creek is a Type S Aquatic Area with a 115-foot buffer requirement and is a shoreline of the state. Wetland A is a Category II wetland with a 147.5-foot buffer requirement, and Wetlands B, C, and D are Category III wetlands with 75-foot buffers. Residential lots within shoreline jurisdiction were eliminated, avoiding direct impacts to wetlands and aquatic areas. Most of the south 16 acres will not be developed, to protect Covington Creek and the associated wetlands. Roads, drainage improvements, and pedestrian trail will be inside shoreline jurisdiction. Split rail fencing will be at the outer edge of critical area buffers. 35,000 square feet will be permanently disturbed; 40,000 square feet of forested aquatic area buffer within shoreline jurisdiction will be provided. No threatened or endangered species were identified on or near the site.
  - C. The Staff Report details consistency with County shoreline policies and regulations (Ch. 21A.25 KCC). Residences and utilities are allowed. There is no net loss of shoreline ecological functions and values, and the mitigation is

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<sup>11</sup> Exhibit 2 (Staff Report), p. 11.

consistent with shoreline policies. The Creek's 100-year base flood plain elevation is outside the site.<sup>12</sup>

15. **Soils/Stormwater.** Geotechnical analysis addressed groundwater monitoring, mounding, and infiltration, and concluded the drainage facilities may be suitably constructed at the selected location.<sup>13</sup> Stormwater drainage infrastructure will meet 2016 King County Surface Water Design Manual requirements. Most stormwater will be infiltrated.<sup>14</sup>
16. **Cultural Resources.** A cultural resources assessment identified no cultural resources.
17. **Urban Infrastructure.** Required urban services and facilities will be provided.
  - A. **Sewer/Water.** These urban services can be provided.<sup>15</sup> Fire flow availability to meet King County Fire Flow Standards has been documented, with compliance confirmed before final plat recordation.<sup>16</sup>
  - B. **Fire.** The Applicant, Property Owner, and Mountain View Fire and Rescue executed a Voluntary Mitigation Agreement providing for payment of mitigation fees to address project impacts on fire safety. The mitigation addresses SEPA impacts and also protects the public health and safety, consistent with Ch. 58.17 RCW. The Department is not a party to the agreement, but has no objections to its substance, or to the request to include compliance with it as a project condition.
  - C. **Recreation.** The 30,000 square feet of recreation space (Tract E) meets code requirements for 390 square feet per unit.<sup>17</sup> Per code, recreation space is centrally located and accessible, with play areas provided on site.<sup>18</sup>
18. **Comprehensive Plan.** The Plan provides for the requested rezone and development. It designates the area for urban development, with recent amendments planning for and conditioning the requested rezone. The area is within the Tahoma/Raven Heights Community Planning Area, but a community plan has not been adopted.
19. **Agency Review.** Various government agencies reviewed the project and provided comment, including King County Department of Natural Resources, the King County Fire Protection Engineer, and Kent School District. Their comments were addressed. The State Departments of Ecology, Fish and Wildlife, Natural Resources, and Transportation were contacted, but did not comment. The project includes mitigation to

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<sup>12</sup> Exhibit 12 (Minor Floodplain Study); Exhibit 2 (Staff Report), p. 10.

<sup>13</sup> Exhibit 2 (Staff Report), p. 10; Exhibits 10a and 10b.

<sup>14</sup> Exhibit 2 (Staff Report), p. 10.

<sup>15</sup> Exhibit 2 (Staff Report), pp. 9 and 12, see Exhibits 21 and 22 (water/sewer availability certificates).

<sup>16</sup> Exhibit 2 (Staff Report), p. 12.

<sup>17</sup> Ch. 21A.14 KCC.

<sup>18</sup> Ch. 21A.14 KCC.

address identified concerns. The City of Black Diamond also commented during the staff review process and at the hearing.

20. **Staff Report and Project Conditions.** Except as modified by this Decision, the Staff Report is incorporated by reference. The Staff Report includes recommended conditions, which should be included to support Decision findings and ensure KCC requirements are met. Per party agreement, compliance with the settlement agreement was added as a plat condition, a clarification made on Plat Condition 3(b), and clarifications made on the 160 acre preservation requirement. City/County coordination on cross-boundary transportation impacts is recommended, but completion of such efforts should not be prerequisite to the rezone and site development. The requested additional access is beyond Applicant control.

#### CONCLUSIONS:

1. **Rezoning.** A rezoning is reviewed for County Comprehensive Plan consistency and whether:

The property is potentially zoned for the reclassification being requested;

An adopted subarea plan, subarea study or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or

The requested reclassification is based on changed conditions.<sup>19</sup>

These criteria are met. The Comprehensive Plan was twice amended to provide for this rezoning. The rezoning follows the Plan and has been potentially zoned for the requested reclassification. The Plan provides for rezoning for increased densities when:

- The development will be compatible with the character and scale of the surrounding neighborhood;
- Urban public facilities and services are adequate, consistent with adopted levels of service and meet Growth Management Act concurrency requirements, including King County transportation concurrency standards;
- The proposed density change will not increase unmitigated adverse impacts on environmentally critical areas, either on site or in the vicinity of the proposed development;
- The proposed density increase will be consistent with or contribute to achieving the goals and policies of this

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<sup>19</sup> KCC 20.22.150(B)(1-3). *See also* KCC 21A.44.060.

comprehensive plan, and subarea plan or subarea study, if applicable; or

- The development is within walking distance of transit corridors or transit activity centers, retail and commercial activities, and is accessible to parks and other recreation opportunities.<sup>20</sup>

These criteria need not all be met, but most are. The property to the west has the same zoning and on the other side of site, buffering is provided to transition from rural areas and protect environmental resources. Urban facilities will be improved to support the proposal. KCC transportation/concurrency requirements are met, although as outlined in City of Black Diamond comment, inter-jurisdictional coordination and street interconnectivity should be improved on. Critical areas are protected, and the Comprehensive Plan addresses the density proposed. The area is slated for the rezone, with the P-Suffix Condition setting up the framework for this request. A key piece of rezone is purchasing transfer of development right credits. Those requirements are met. The last criterion is likely not met regarding proximity of transit corridors/activity centers and retail/commercial uses, but otherwise the rezone follows these criteria.

2. **Preliminary Plat.** A preliminary plat cannot be approved unless:

Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

The public use and interest will be served by platting the subdivision and dedication.<sup>21</sup>

These criteria have been met. The proposed subdivision, as conditioned, conforms to KCC land use controls. The use and overall density are specifically permitted under the R-4 zone. The proposed subdivision, as conditioned, and as reflected in the revised site plan, would conform to land use controls. The use, density, and scale of the project are permitted with the proposed rezone, and the project is supported with adequate landscaping, infrastructure, street improvements, and other mitigation, to ensure the project meets KCC requirements.

The conditions for final plat approval are reasonable and serve the public interest. As conditioned, the subdivision adequately addresses the issues identified in RCW

<sup>20</sup> Comprehensive Plan, Policy U-125(a-e).

<sup>21</sup> KCC 20.22.180(A) and (B).

58.17.110 and KCC 20.22.180, and will serve the public health, safety and welfare, and the public use and interest.

3. **Shoreline Substantial Development Permit.** A shoreline substantial development permit must be consistent RCW 90.58.020 policies, Ch. 173-26 WAC, the County shoreline master program, and:

not result in a net loss of shoreline ecological functions or in a significant adverse impact to shoreline uses, resources and values, such as navigation, recreation and public access. The proponent of a shoreline development shall employ measures to mitigate adverse impacts on shoreline functions and processes following the sequencing requirements of K.C.C. 21A.25.080.<sup>22</sup>

These criteria are met. The Conservancy designation is used to conserve areas with a high priority for restoration, and allows residential uses and utility facilities.<sup>23</sup> Single family residential uses are a priority use in shoreline jurisdiction. As addressed in the findings, the project is consistent with County shoreline policies and regulations, does not result in a net loss of shoreline ecological functions or result in significant adverse impacts to shoreline uses, resources, or values. The project has been fully mitigation consistent with shoreline policies and regulations, and should be approved.

## RECOMMENDATION AND DECISIONS:

### Rezone

It is recommended that the zoning classification action, from UR-P to R-4, be approved as requested, in accordance with the following adopted P-suffix conditions (TR-P49):

- King County and any development applicant shall address traffic in the area to ensure that existing level of service conditions are maintained consistent with concurrency requirements in the King County Code and King County Comprehensive Plan;
- The site shall be developed at no greater than R-4 zoning on 50% of the site. A notice shall be added to the properties' titles that the current and/or future property owner(s) of the site shall not contest the annexation after the site has been rezoned and platted; and
- At least 160.63 acres of land shall be put in permanent conservation. The total acreage of conserved land will be achieved through a) a permanent conservation easement on up to 20 acres of the site surrounding the new urban development, and b) permanent conservation of off-site lands as follows:

<sup>22</sup> 21A.25.290(A).

<sup>23</sup> KCC 21A.25.060(C)(4); KCC 21A.25.100.

- o Conservation of rural, agricultural and/or forestry lands in the Duwamish-Green River Watershed (via conservation easement(s) and/or purchase of Transfer of Development Rights);
- o Conservation of land from King 44 County’s high value conservation list; and/or
- o Purchase of Transfer of Development Rights from the County’s TDR bank.

The City of Black Diamond and Department should coordinate on planning within the area, and should consider strategies for opening up the street grid to improve daily travel and emergency access for both City and County residents. However, as these are issues for the City and County to resolve, and which the Applicant does not control, they need not be implemented for the rezone to be effective or the project to proceed.

### **Plat**

The preliminary plat Reserve at Covington Creek is approved contingent on rezone approval and subject to these conditions:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3.
  - A. The plat shall comply with the density requirements of the R-4 zone classification. All lots shall be the larger of the minimum dimensional requirements of the R-4 zone classification or those shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Permitting Division.
  - B. Any/all plat boundary discrepancies shall be resolved to the satisfaction of the Permitting Division prior to the engineering plan approval.<sup>24</sup> As used in this condition, “discrepancy” is a boundary hiatus, an overlapping boundary, or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title. Note this may result in the reconfiguration and/or loss of lot(s).
  - C. The applicant shall provide the TDR certificate with the submittal of the engineering plans and the final plat. If the TDR certificate cannot be obtained, the applicant shall redesign the number of lots based upon the allowable density. This will result in the reconfiguration and loss of lots.

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<sup>24</sup> Applicant requested change from “submittal” to “approval.” The Department did not object.

4. All construction and upgrading of public and private roads shall be done in accordance with the 2016 King County Road Design and Construction Standards established and adopted by Ordinance No. 18420, as amended.
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant location, water main, and fire flow standards of Chapter 17.08 KCC.
6. Sprinklers: any future residences are required to be equipped with fire sprinklers per NFPA 13D, unless the requirement is modified or removed by the King County Fire Marshal or designee. The Fire Code requires all portions of the exterior walls of the structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface. To qualify for removal of the sprinkler requirement, the driving surface of the new roadway must be a minimum of 28 feet in width if parking is allowed on one side of the roadway and at least 36 feet in width if parking is permitted on both sides.
7. Final plat approval shall require full compliance with the drainage provisions set forth in KCC 9.04. Compliance may result in a reduction of the number and/or reconfiguration of lots as shown on the approved preliminary 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 2016 King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.
  - A. Drainage plans and analysis shall comply with the 2016 KCSWDM and applicable updates adopted by King County. Permitting Division approval of the drainage and roadway plans is required prior to any construction.
  - B. Current standard plan notes and ESC notes, as established by Permitting Division, 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 Permitting Division and/or King County Road Services Division. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual dispersion systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file.

8. The drainage facilities shall meet the requirements of the 2016 KCSWDM. The site is subject to the Conservation Flow Control and Basic Water Quality Requirements of the 2016 KCSWDM.
9. Proposed infiltration facilities shall meet the Groundwater Protection Requirements per Section 5.2.1 of the 2016 KCSWDM. Proposed water quality treatment facilities shall meet the Facility Liners Requirements per Section 6.2.4 of the 2016 KCSWDM.
10. The 100-year floodplain for Covington Creek, as determined by the Minor Floodplain Study by Barghausen Consulting Engineers, Inc., dated November 20, 2018, shall be shown on the engineering plans and final plat per Special Requirement 2 of the 2016 KCSWDM.
11. To implement the Required Best Management Practices (BMPs) for treatment of stormwater, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Section 1.2.9 of the 2016 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plan shall include all required covenants, easements, notes and other details to implement the required BMPs for site development.

The required BMPs shall also be shown on the individual residential building permit applications upon submittal of the permits. The individual building permit applications shall also include the required covenants, easements, notes and other details to implement the BMP design.

12. An easement shall be provided to King County for access and maintenance of the stormwater vault on Tract E (recreation tract) or as needed per the KCSWDM.
13. The following road improvements are required to be constructed according to the 2016 King County Road Design and Construction Standards (KCRDCS):
  - A. Road A shall be improved at a minimum to the urban minor access standard.
  - B. Road B shall be improved at a minimum to the urban subaccess standard. The section of Road B that fronts lots 12-18 shall be improved at a minimum to the urban subcollector standard.
  - C. Frontage Improvements SE 296th Street are located within the City of Black Diamond: Right-of-Way dedication, frontage improvements, if any, along the south side of SE 296th Street which encompasses the frontage along Tract A and lots 1-6, shall be subject to the City of Black Diamond review and approval prior to engineering plan approval.
  - D. Private access tract(s) and joint use driveway tracts (JUD) shall be improved per Sections 2.09 and Section 3.01 of the 2016 KCRDCS. Notes regarding



ownership and maintenance of the tracts shall be shown on the engineering plans and final recorded plat.

- E. There shall be no direct access to or from SE 296th Street and/or 219th Avenue SE from adjoining lots. Note(s) to this effect shall be shown on the engineering plans and final plat.
  - F. Modifications to the above road conditions may be considered according to the variance procedures in Section 1.12 of the KCRDCS.
14. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
15. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
16. The proposed subdivision shall comply with the Critical Areas code as outlined in KCC 21A.24. Permanent survey markings and signs, as specified in KCC 21A.24.160, shall also be addressed prior to final approval. Temporary marking of critical 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 requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant:
- A. Wetlands and aquatic areas on site shall be protected from future clearing, grading, and construction with adjacent upland buffers. The buffer for Wetland A along the mainstem of Covington Creek is 147.5 feet wide, and for Wetlands B, C, D the buffers are 75 feet wide. Covington Creek mainstem and side channel shall be protected with a 115-foot buffer.
  - B. Buffer averaging is allowed to reduce these buffers where necessary for stormwater facilities and provide equivalent area of buffer on site. The proposed buffer averaging plan reduces the buffer by 13,670 square feet and increases it elsewhere on site along Covington Creek by 17,645 square feet. This buffer averaging plan increases the total forested area within the buffer of Covington Creek and provides greater habitat function.
  - C. Approximately 200 square feet of buffer of Wetland A will be permanently impacted for road construction. Mitigation is provided by adding 200 square feet of buffer elsewhere on site. Temporary buffer impacts occurred during site

evaluation when test pits were excavated throughout the site. Seven of these test pits are located within buffers of wetlands or streams, and will be restored with native vegetation.

- D. The mitigation concept in the Wetland Resources, Inc., report revised November 15, 2018 has been reviewed and approved by the Permitting Division. A final mitigation plan will be required for review and approval concurrent with engineering plan review. A mitigation financial guarantee will be required prior to approval of the engineering plans.
- F. Critical area tract(s) shall be used to delineate and protect critical areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.
- F. A 15-foot building set back line (BSBL) shall be established from the edge of buffer and/or the critical area tract(s) and shown on all affected lots.
- G. Prior to commencing construction activities on the site, the applicant shall temporarily mark critical area tract(s) in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the critical areas are completed.
- H. Prior to final approval of construction activities on the site, the boundary between the critical area tract(s) and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on the final engineering plans and shall be installed every 100 feet or as deemed appropriate by Permitting Division critical area staff at the time of engineering plan review.
- I. During engineering review, the plan set shall be routed to Permitting Division Critical Areas staff to determine if the above conditions have been met.
- J. The following note shall be shown on the final engineering plan and recorded plat:

#### **RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL AREAS AND BUFFERS**

Dedication of a critical area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/critical area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/critical area and buffer the obligation,

enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/critical area and buffer. The vegetation within the tract/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Permitting Division or its successor agency, unless otherwise provided by law.

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

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

18. A homeowners' association or other workable organization shall be established to the satisfaction of the Permitting Division which provides for the ownership and continued maintenance of the recreation tract(s) and critical area tract(s). An easement shall be provided to King County over the recreation tract(s) for maintenance of the storm water facilities. Notes shall be shown on the engineering plans and final plat.
19. 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., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by Permitting and King County Parks prior to or concurrent with the submittal of engineering plans. The plans must include additional recreation facilities per KCC 21A.14.180E, landscaping and fencing (split rail or equivalent) adjacent to roads.
  - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
20. Street trees shall be provided as follows (per KCRDCS 5.03 and KCC 21A.16.050):
  - A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.

- B. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 2016 King County Road Design and Construction Standards, unless the King County Roads Division determines that trees should not be located in the street right-of-way.
- C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- D. The trees shall be owned and maintained by the abutting lot owners or the homeowners' association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
- E. The species of trees shall be approved by the Permitting Division 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 the Permitting Division prior to engineering plan approval.
- G. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if 219th Avenue SE is on a bus route. If so, 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 the Permitting Division has completed a second inspection and determined that the trees have been kept healthy and thriving.

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. The plat shall demonstrate compliance with the rezone and shoreline permit conditions of approval (file nos. LUT417-0001 and SHOR17-0008).
- 22. The applicant shall demonstrate compliance with requirements of following P-suffix conditions (TR-P49) at submittal of the engineering plans and final plat. This shall be shown on the engineering plans and final plat, including required notes, easements. TDR certificate(s) shall be provided with the engineering plan submittal and final plat.

- i. The site shall be developed at no greater than R-4 zoning on 50% of the site. A notice shall be added to the properties' titles that the current and/or future property owner(s) of the site shall not contest the annexation after the site has been rezoned and platted; and
  - ii. At least 160.63 acres of land shall be put in permanent conservation. The total acreage of conserved land will be achieved through a) a permanent conservation easement on up to 20 acres of the site surrounding the new urban development, and b) permanent conservation of off-site lands as follows:
    - (1) Conservation of rural, agricultural and/or forestry lands in the Duwamish-Green River Watershed (via conservation easement(s) and/or purchase of Transfer of Development Rights);
    - (2) Conservation of land from King 44 County's high value conservation list; and/or
    - (3) Purchase of Transfer of Development Rights from the County's TDR bank.
23. To implement KCC 21A.38.230 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of KCC 21A.38.230. No clearing of the subject property is permitted until the final tree retention plan is approved by the Permitting Division. Flagging and temporary fencing of trees to be retained shall be provided, consistent with KCC 21A.38.230.B.4. 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 for grading work permitted pursuant to KCC 21A.38.230.B.4.d(2).
- 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.38.230.B.6. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)
24. Inadvertent Discovery Plan: If any employee, contractor, subcontractor, etc. believes a cultural resource and/or human remains have been uncovered at any point in the project, all work in the area must stop and location secured (see RCW 27.44). The appropriate agencies and authorities (i.e., archaeological consultant, Washington State Dept. of Archeology and Historic Preservation, King County Medical Examiner, King County Sheriff) must be consulted. Work may not resume until all agencies involved have reviewed, made final determination(s), and approval to resume work has been granted.

25. The Voluntary Mitigation Agreement entered into on May 14, 2019, by Lennar Northwest, Inc. and The Reserve at Covington Creek, LLC; and, Mountain View Fire and Rescue, shall be complied with.

### **Shoreline Permit**

The shoreline substantial development permit (SHOR17-0008), revised and received November 20, 2018, is approved contingent on rezone approval and subject to these conditions:

1. Nothing in this permit shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project other than the permit requirements of the Shoreline Management Act of 1971.
2. This permit may be rescinded pursuant to the Shoreline Management Act of 1971 in the event the permittee fails to comply with any conditions thereof.
3. Construction pursuant to this permit may not begin or be authorized until twenty-one (21) days from the date of filing the final order of King County with the Department of Ecology or the Attorney General or until all review proceedings initiated within twenty-one (21) days from the date of such filing have been terminated.
4. TIME REQUIREMENTS OF THE PERMIT (WAC 173-27-090). The following requirements shall apply to all permits:
  - A. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the shoreline master program and the Shoreline Management Act, local government may adopt appropriate time limits as a part of action on a substantial development permit and local government, with the approval of the Department of Ecology, may adopt appropriate time limits as a part of action on a conditional use or variance permit: "Good cause based on the requirements and circumstances of the project," shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.
  - B. Where neither local government nor the department include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:
    - i. Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years of the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.

- ii. Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
  - iii. The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.
  - iv. When permit approval is based on conditions, such conditions shall be satisfied prior to final approval of the plat.
  - v. Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired, provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.
  - vi. Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application.
5. Any substantive changes to the approved shoreline plans may require the applicant to obtain a new shoreline permit or a revision to this shoreline permit pursuant to WAC 173-27-100.
6. Copies of other approved state and federal permits (i.e. Department of Fish and Wildlife-HPA, Army Corps of Engineers, Department of Ecology, National Pollutant Discharge Elimination System (NPDES)), as necessary, shall be submitted to Permitting Division critical areas staff prior to construction. Conditions of these permits shall be considered conditions of this SSDP.
7. Conditions of King County Preliminary Plat (File No. PLAT17-0004) shall be considered conditions of this SSDP.

8. Minor modifications resulting from implementing conditions of the preliminary plat permit may be allowed provided they are within the scope and intent of this permit and no substantial adverse environmental impact or net loss of shoreline ecological functions will be caused by the project revision. Any subsequent changes to the approved shoreline plans may require the applicant to obtain a new shoreline permit or a revision to this shoreline permit pursuant to WAC 173-27-100.
9. Erosion controls and Best Management Practices (BMPs) consistent with the Surface Water Design Manual and the Regional Road Maintenance ESA Program Guidelines shall be implemented and maintained to prevent uncontrolled discharge of concrete, cement, water, petroleum products, soil, and other deleterious materials from entering adjacent surface waters.
10. The applicant shall control erosion of disturbed areas by implementing Best Management Practices as approved for PLAT17-0004.
11. All manmade debris from the project within the construction zone shall be removed and disposed of at a location licensed for such disposal.
12. A copy of the approved shoreline plans shall be kept on-site at all times during construction.
13. Compensatory mitigation for adverse impacts to shoreline ecological functions is required. Temporary impacts shall be restored on site. Permanent impacts shall be mitigated through protecting additional forested buffers within shoreline jurisdiction. A final compensatory mitigation plan shall be reviewed and approved with engineering plans for PLAT17-0004. The final mitigation plans shall include any minor revisions to buffer impacts and subsequent mitigation.
14. An as-built mitigation plan shall be provided upon installation. Monitoring of the mitigation measures shall be required for 3 years following installation to evaluate whether or not the project performance standards have been met. Monitoring shall be performed as specified on the mitigation plan provided with engineering plans for preliminary plat PLAT17-0004, and reports shall be submitted to King County Permitting Division no later than October 31st of each monitoring year, unless otherwise approved by the Permitting Division. Monitoring shall occur as a function of the preliminary plat permit PLAT17-0004.
15. This permit may be rescinded pursuant to the Shoreline Management Act of 1971 in the event the permittee fails to comply with any conditions thereof.

DATED June 14, 2019.



Susan Drummond



Hearing Examiner pro tem

### NOTICE OF RIGHT TO APPEAL

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

Prior to the close of business (4:30 p.m.) on *July 8, 2019*, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *July 8, 2019*, the Examiner's decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *July 8, 2019*, the Examiner will notify all parties and interested persons and provide information about "next steps."

### MINUTES OF THE MAY 30, 2019, HEARING ON PRELIMINARY PLAT APPLICATION RESERVE AT COVINGTON CREEK, DEPARTMENT OF LOCAL SERVICES FILE NO. PLAT170004, PROPOSED ORDINANCE NO. 2019-0129

Susan Drummond was the Hearing Examiner in this matter. Participating in the hearing were Kimberly Claussen, George Newman, Brian Nguyen, Laura Casey, Seth Boettcher, Robert Eichelsdoerfer, Kevin Jones.

The following exhibits were offered and entered into the hearing record:

- |                |  |
|----------------|--|
| Exhibit no. 1. | DLSP file nos. LUT417-0001, PLAT17-0004, and SHOR17-0008                         |
| Exhibit no. 2. | DLSP preliminary report to the Hearing Examiner, dated May 7, 2019               |
| Exhibit no. 3. | Land use applications, submitted November 7, 2017, and complete December 5, 2017 |
| Exhibit no. 4. | Revised State Environmental Policy Act Checklist, received November 20, 2018     |
| Exhibit no. 5. | Reissued Declaration of Non-Significance, issued March 29, 2019                  |

- Exhibit no. 6. Notifications
- a. Affidavit of posting notice of plat application, posted December 14, 2017
  - b. Affidavit of posting notice of SEPA threshold determination and notice of hearing, posted March 26, 2019
  - c. Affidavit of posting notice of hearing, posted May 15, 2019
- Exhibit no. 7. Revised plan set (sheets 1-11), received November 20, 2019
- Exhibit no. 8. Assessors Map (portions SE/SW/NE/NW 4-21-6)
- Exhibit no. 9. Revised preliminary TIR by BCE, dated November 20, 2018
- Exhibit no. 10. Geotech reports
- a. Geotech-Infiltration report by Earth Solutions NW, dated September 28, 2017
  - b. Revised Geotech-Groundwater report by Earth Solutions NW, dated July 12, 2018
- Exhibit no. 11. Revised Critical Areas study by Wetland Resources, dated November 15, 2018
- Exhibit no. 12. Minor Floodplain study by Barghausen Consulting Engineers, dated November 20, 2018
- Exhibit no. 13. Traffic study by Transportation, dated November 2017
- Exhibit no. 14. Black Diamond e-mail, dated March 12, 2018 with Parametrix memorandum, dated March 7, 2018
- Exhibit no. 15. Transportation letter, dated August 3, 2018
- Exhibit no. 16. Rezone application, received November 7, 2017
- Exhibit no. 17. Revised SSDP Shoreline Management Questionnaire, received November 20, 2018
- Exhibit no. 18. Fire District Receipt (Mountain View/District 44), dated October 26, 2017
- Exhibit no. 19. Map amendment Number 10/TR-P49
- Exhibit no. 20. TDR certificate, dated October 5, 2018
- Exhibit no. 21. Sewer availability certificate by Soos Creek Water & Sewer District, November 19, 2018
- Exhibit no. 22. Revised water availability certificate by Covington Water District, dated April 24, 2018
- Exhibit no. 23. SEPA Appeal, Mountain View Fire, received April 22, 2019
- Exhibit no. 24. Withdrawal of SEPA Appeal, received May 14, 2019
- Exhibit no. 25. Mountain View Fire request for condition per settlement agreement letter, May 17, 2019
- Exhibit no. 26. School walkway plan, received November 7, 2017
- Exhibit no. 27. Aerial map by City of Black Diamond
- Exhibit no. 28. Black Diamond traffic consultant letter, dated May 3, 2019
- Exhibit no. 29. Road variance decision for Kent Lake Highlands
- Exhibit no. 30. Examiner reports for file nos. L03P0004, L04P0012, L05P001

SD/vsm