



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 10, 2003

Ordinance 14572

Proposed No. 2001-0564.2

Sponsors von Reichbauer and Sullivan

1 AN ORDINANCE concurring with the decision of the
2 hearing examiner to approve, subject to conditions, the
3 preliminary plat of Fir Ridge Estates, department of
4 development and environmental services file no.
5 LOOP0010.

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8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
10 findings and conclusions the findings and conclusions contained in the report and
11 decision of the hearing examiner dated November 25, 2002, to approve, subject to
12 conditions, the preliminary plat of Fir Ridge Estates, department of development and

Ordinance 14572

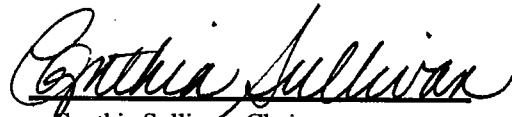
13 environmental services file no L00P0010, and the council does hereby adopt as its action
14 the decision contained in said report.

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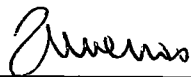
Ordinance 14572 was introduced on 11/19/2001 and passed by the Metropolitan King
County Council on 2/10/2003, by the following vote:

Yes: 10 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Mr. Phillips, Mr.
Pelz, Mr. McKenna, Mr. Constantine, Ms. Hague, Mr. Irons and Ms.
Patterson
No: 0
Excused: 3 - Ms. Lambert, Mr. Pullen and Mr. Gossett

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner report dated November 25, 2002

**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. **L00P0010**
Proposed Ordinance No. **2001-0564**

FIR RIDGE ESTATES
Preliminary Plat Application

Location: East of 238th Way SE, between 238th Way SE and the
Bonneville Powerline Easement, and between SE 96th Street
and SE 103rd Street

Applicant: Ronald Allison, *represented by*
Keith W. Dearborn, Attorney at Law
Dearborn and Moss
2183 Sunset Avenue Southwest
Seattle, Washington 98116
Telephone: (206) 923-0812
Facsimile: (206) 923-0814

King County: Department of Development and Environmental Services
Land Use Services Division, *represented by*
Lanny Henoch, Current Planning Section
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-7168
Facsimile: (206) 296-7051

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
Complete application:	May 19, 2000

EXAMINER PROCEEDINGS:

Hearing Opened: November 19, 2002
 Hearing Closed: November 19, 2002

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:

1. FINDINGS OF FACT:

Owner/Developer: Ronald Allison
 P. O. Box 1316
 Issaquah, WA 98027
 Phone: (425) 391-4692

Engineer: Eastside Consultants, Inc.
 415 Rainier Blvd. North
 Issaquah, WA 98027
 Phone: (425) 392-5351

STR: Lying in the NE ¼ and the SE ¼ of the NE ¼ of Section 3,
 Township 23, Range 6

Location: Lying east of 238th Way SE, approx. between 238th Way SE and the
 Bonneville Powerline Easement, and approx. between SE 96th St.
 and SE 103rd St.

Zoning: RA-5
Acreage: 40.69
Number of Lots: 6
Density: Approximately 0.15 dwelling units per acre (i.e., one dwelling unit
 per 6.8 acres)
Lot Sizes: Ranges from 1.25 to 3.16 acres
Proposed Use: Detached single-family residences
Sewage Disposal: Individual on-site septic systems
Water Supply: One on-site well

Fire District: King County Fire District No. 10
School District: Issaquah School District No. 411

Complete Application (Vesting) Date: May 19, 2000

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 December 18, 2001 public hearing, as modified by the addendum report submitted on November 19, 2002, are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. In May, 2000 Ronald Allison submitted a complete application to subdivide 40.69 acres into eight lots within the RA5 zone in the Rural area south of the City of Issaquah. At the public hearing held on December 18, 2001 issues were raised by area residents concerning water quantity and quality impacts from the proposal on nearby wells and the Issaquah Creek system. Many of these issues were not adequately discussed in the plat's technical documents, which also incorrectly assumed a second site well to be 1,200 feet south of its actual location. Accordingly, the hearing was reopened by the Hearing Examiner pursuant to an order issued January 3, 2002, and the application remanded to DDES for the collection and analysis of further information. During the remand period a state Supreme Court decision was issued that disapproved the practice of aggregating wells exempt from state water permit requirements to service the development of a single subdivision proposal. Consistent with that court decision, the Applicant has redesigned his plat application for a total of six lots to be served by a single exempt well.
4. The Fir Ridge Estates property consists of a relatively flat pasture located on its western flank bordered on the north and east by wooded slopes lying at the base of Tiger Mountain. The Applicant proposes to cluster lots on the western half of the parcel and place the steep slopes into open space tracts.
5. Approximately 500 acres of sloped woodlands lying northeast of Fir Ridge Estates drains into a stream designated tributary 0199 (also known as Kees Creek) which crosses the northwest corner of the plat parcel. Tributary 0199 flows into Issaquah Creek approximately 1,400 feet down stream of the plat and has been identified by the County as a class 2 stream with salmonids. The two wells drilled by Mr. Allison to serve the plat lots are located at the north end of the property just outside the 100 foot buffer for tributary 0199.
6. The aquifer into which the Fir Ridge wells are drilled is part of the Issaquah Valley aquifer system that supplies water to the City of Issaquah and other local users. The existing residences that lie both north and west of the Fir Ridge property also draw water from this local aquifer. This neighborhood setting has raised issues as to both the water quantity and water quality impacts of the proposed plat on existing wells in the vicinity as well as on flows both to tributary 0199 and Issaquah Creek.
7. The Issaquah Creek basin is a closed system in that all its groundwater resources are locally derived from within the basin itself. The valley aquifer is considered to be a leaky system because there is a discontinuous relationship between surface water flows and the underlying aquifer. In the vicinity of the plat tributary 0199 is underlain by approximately 40 to 50 feet of moderately impermeable soils that effectively preclude a strong recharge relationship between the aquifer and the creek. This situation changes further downstream within the main channel of Issaquah Creek where the aquifer recharges the creek and thus plays a significant role in maintaining summer base flows. A further characteristic of the aquifer in the vicinity of Fir Ridge Estates is that it is highly transmissive as shown by the pumping tests performed by the Applicant. Thus, overall, the local aquifer and the Issaquah Creek system are in hydraulic

- continuity, and changes in the aquifer can affect the creek due to the transmissivity factor despite the distance between them.
8. The potential impacts of Fir Ridge Estates on local water quality and quantity are also shaped by the regulatory environment. The layer of moderately impermeable soils that lies above the aquifer is sufficiently porous to allow septic systems to function successfully and to allow storm water drainage to be infiltrated. Domestic water and storm drainage will therefore return to the aquifer through infiltration. Required water quality treatment plus the process of infiltration through the natural soil medium will provide adequate water quality treatment.
 9. The primary water consumption resulting from plat development will be due to irrigation activity. The Applicant's worst case studies for water consumption show that irrigation usage could run as high as 5,000 gallons per day per lot under the assumption of fully landscaped lots. By way of comparison, figures obtained by the Applicant's consultant, Mr. Joule, from the Sammamish Plateau Water District for the year 2000 show 60% of residential lots in the district using less than 748 gallons per day, 19% of the lots using between 748 and 1,248 gallons per day, and 16% of the lots using between 1,248 and 1,746 gallons per day. Mr. Joule offers these figures as evidence that the worst case scenario is unrealistic and unlikely to actually occur. Unfortunately, however, the Sammamish Plateau figures may not provide an apt basis for comparison in that they appear to be annual averages. If so, one would expect the summer usage for larger plateau lots to approach at the upper end the levels projected for the worst case scenario. Thus, without some control on irrigation usage, net consumption from the Fir Estates plat could reach 25,000 gallons per day during the summer season.
 10. Turning to a consideration of the specific impacts at issue, it seems clear that the question of adverse effects to nearby domestic wells is the most easily resolved. The aquifer in this portion of the valley is very strong due primarily to the fact of its proximity to a source of major recharge from the wooded slopes to the east. Therefore, regardless of questions about the health of the main aquifer system as it progresses further north, the local aquifer is obviously very robust and will not be adversely affected by draw down from Fir Ridge Estates. In like manner, the 40 to 50 foot layer of soils lying between the surface of the plat and the aquifer will provide adequate water quality treatment, particularly when combined with the County's mandated water quality treatment menu. The temporary discoloration of water within the Issaquah Church well remains largely unexplained, although the possibility exists that well drilling on the Allison property was a short term cause. Nonetheless, pumping water out of the Fir Ridge Estates well to service the lots in the plat should not be the cause of siltation to other neighboring wells.
 11. Similarly, adverse impacts to tributary 0199 are unlikely to be caused by the Allison wells even though they are in close proximity to the stream channel. Here again, the local aquitard plays a critical role, precluding the possibility that the aquifer significantly recharges the creek.
 12. Although the total quantitative impact may be almost immeasurably small, there can be no serious doubt that any additional withdrawal of water from the Issaquah Valley aquifer at any location will reduce base flows to Issaquah Creek. The Issaquah aquifer is over-appropriated and its level appears to be falling. The state has closed this system to further groundwater and surface water appropriations. Nonetheless, the same state statutory scheme that provides for the closure of Issaquah Creek against further appropriations also allows the 5,000 gallon per day exemption from permitting requirements. Accordingly, in the absence of a measurably significant impact, the current regulatory authority of the County to manage the cumulative

impacts on the aquifer from a multiplicity of small exempt withdrawals is limited. Ultimately, this is probably an issue for either state or local health department enforcement. In the absence of effective enforcement by those other agencies, the principal mechanisms available to the County are clearing limits on development and provisions to assure that the well system is metered and adequate logs are kept. It is also appropriate that the Fir Ridge Estates plat conditions require unequivocally the decommissioning of the second well inasmuch as that is what the Applicant has proposed.

13. The hearing also raised some plat issues concerning matters unrelated to the water usage question. Foremost among these is the belated recommendation by staff that the plat be further redesigned to include a 120 foot native growth protection easement inside the western boundary of lots 1, 2 and 3. KCC 21A.14.040 requires that lot clustering within the RA zone be limited to no more than eight lots of less than 2 ½ acres in any single cluster, and that “clusters containing two or more lots of less than 2 ½ acres, whether in the same or adjacent developments, shall be separated from similar clusters by at least 120 feet.” Regarding the purpose of the latter provision, Mr. Henoach of the DDES staff suggested that it was intended to limit the concentration of smaller lots in the Rural area. The Applicant opposed a further open space tract requirement on the grounds that it eliminates from the plat some of the flatter developable areas and that the intent of the language in the ordinance is ambiguous as to whether it should be applied to nearby small lots which were not created through a formal clustering procedure.
14. Reviewing the plat proposal as revised, the Applicant has designed five lots that are under two acres in size and a third lot that is slightly greater than three acres. Directly west of the plat are three existing short plat lots that were created under a previous SE zoning designation and are about one acre apiece.
15. In view of the ambiguity of the quoted provision, it should be interpreted in the context of the remainder of the ordinance. The clearly stated regulatory standard is that no more than eight lots of less than 2 ½ acres shall be allowed to cluster together. Regarding the plat in its neighborhood context, what we see are exactly eight lots under 2 ½ acres that are contiguous to one another. Lot 3 within the plat is larger than 2 ½ acres as are the existing parcels on either side of the three short plat lots on the subdivision’s western boundary. Therefore, in the absence of a total cluster of more than eight small lots, we decline to apply to this application the “similar clusters” language contained in the ambiguous provision of KCC 21A.14.040. This conservative interpretation is also supported by a recognition that creation of a 120 foot easement tract in the flattest part of the property defeats the essential design purpose of the clustering provision.
16. Other loose ends within the plat review process that merit mention include reiteration that as a Rural area development the road facilities for the plat need to meet Rural road standards; that the drainage overflow from the infiltration system will be designed to accommodate the 100 year storm and therefore should not place neighboring properties at risk of flooding; and that such questions as the number and location of sensitive area tract signage is a staff decision that should not be micromanaged during preliminary plat review.

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 application for Fir Ridge Estates, as depicted on sheets 1 and 3 of the revised preliminary plat drawings received on August 26, 2002, is APPROVED, subject to the following conditions of final approval:

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 which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density requirements of the RA-5 zone classification. All lots shall meet the minimum dimensional requirements of the RA-5 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services (DDES).
4. The applicant must obtain final approval from the King County Health Department.

Well Site #2, proposed within the subject plat, shall be decommissioned consistent with State and County regulations.

5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards, established and adopted by Ordinance No. 11187.
6. 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 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 (KCSWDM). 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 King County 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 infiltration tank proposed within Tract D of the subject plat shall be designed using the KCRTS level-2 flow control standard, and the infiltration standards outlined in Chapter 5 of the KCSWDM. An overflow route and outfall shall be provided as generally depicted on the preliminary plat, and designed to accommodate the 100-year peak overflow rate for developed conditions. The final location of the outfall shall be approved by the Land Use Services Division (LUSD). King County shall maintain the proposed infiltration tank unless otherwise approved by DDES.
- To allow King County access to and maintenance of the drainage facilities, an easement to King County shall be shown on the final plat which extends the entire length of the proposed private road serving the plat (i.e., the on-site and off-site portion). The size of Tract D and the private road shall be enlarged, as necessary, to include the entire infiltration facility, required water quality facilities, and the area required for presettlement. Easements shall also be granted to King County for access to the overflow swale and outfall facility.
- e. Storm water runoff within the lot areas shall be controlled using individual infiltration systems. The final methods for storm water control shall be shown on the approved engineering plans, and be designed in accordance with Section 5.1, KCSWDM.
- f. Water quality facilities shall be provided as specified in Core Requirement No. 8, KCSWDM. The site is mapped as a sensitive lake protection area; however, since infiltration is proposed for storm water control and the site is greater than ¼ mile from Lake Sammamish, the basic water quality designs shall be used. (See Sensitive Lake Threshold, page 1-53, KCSWDM)
- g. In accordance with Special Requirement No. 2, KCSWDM, a floodplain analysis shall be performed for the stream located within Tract B. The 100-year floodplain boundaries shall be shown on the final engineering plans and recorded plat.
- h. The proposed culvert for the off-site stream crossing shall be designed for hydraulic capacity in accordance with design standards in the Drainage Manual. A permit from the Washington State Department of Fish and Wildlife may be required for the proposed stream crossing. Any required permits shall be submitted to King County prior to engineering plan approval.
- i. Storm water facilities for flow control and water quality shall be provided for the southern portion of the off-site roadway unless the applicant demonstrates compliance with the exemption criteria in the King County Surface Water Design Manual.

7. The road crossing of the off-site stream shall be designed in accordance with the sensitive area standards in KCC 21A.24.370(G). Based upon field inspection and King County review of environmental studies, a bottomless arch culvert is acceptable for the crossing. The crossing shall be constructed during the summer low flow and timed to avoid stream disturbance during periods when use is critical to salmonids. In order to minimize the length of culvert within the stream channel, the proposed roadway shall be designed to the minimum width as allowed by the King County Road Standards.
8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) and the following requirements:
 - a. During preliminary review the applicant submitted a road variance application (File No. L00V0045) regarding the length of the cul-de-sac street. The variance decision approved the length of the proposed roadway, provided that a mid-length turnaround is provided. The final plat and engineering plans shall conform with approved Road Variance L00V0045.
 - b. The proposed roadway serving the subject property extending from 238th Way SE (both the on-site and off-site portions) shall be improved as a rural minor access street. Gravel shoulders or thickened edge in lieu of concrete curbing and sidewalks shall be provided, consistent with the rural minor access street standard. The provisions for private streets as outlined in KCRS 2.06, including provisions for maintenance by a homeowners association or other legal entity, shall also be met. An easement for the off-site portion of the road shall be recorded prior to or concurrently with the final plat recording.
 - c. Tract D shall be dedicated to King County to facilitate ownership and maintenance of the drainage facilities. Easements shall be provided within the tract for other utilities, to provide access to Lot 3 by the Lot 3 homeowner, and to provide access to the well site for the lot owners of the subject plat. During final engineering review, the applicant shall submit designs showing the location of required utilities within the tract. Based upon design requirements and potential maintenance requirements for private utilities, DDES may require Tract D to be owned by Lot 3, or the homeowners association, with easements provided to King County for access and maintenance of the drainage facilities.

Driveway access to Tract D by Lots 2 and 4 for the purpose of gaining access to the buildings and uses on these two lots is prohibited. A note to this effect shall appear on the final plat and engineering plans.
 - d. The southerly portion of the off-site, existing, private gravel road serving Lots B and C and Tax Lot 60, as depicted on the preliminary plat map, shall be reconstructed to conform with the angle of intersection and intersection spacing requirements of the King County Road Standards. As shown on the plat map, a small area of additional road easement shall be deeded and recorded, to provide an appropriate turning radius.
 - e. An eight foot gravel shoulder shall be provided on the east side of 238th Way SE for a school bus stop near the intersection of the proposed private access road with 238th Way SE. The applicant shall contact the Issaquah School District Transportation Department to determine the District's needs with regard to this bus stop waiting area. The length of the shoulder improvement shall generally correspond with that depicted on the

preliminary plat map, however, the shoulder improvement may be required to be lengthened further if requested by the School District, and deemed necessary by LUSD to provide an adequate waiting area for this bus stop.

- f. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
9. All utilities proposed to be constructed within County rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.
10. 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.
11. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 14009 which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 50% of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. 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.

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

13. The proposed subdivision shall comply with the sensitive areas requirements 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.
14. Preliminary plat review has identified the following issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the applicant.
 - a. Determine the toe of 40% slopes by field survey for such slopes located in the vicinity of the north boundary of Lot 3, and the east boundary of Lots 3 – 6. Modify the boundary of Tract A, if necessary, to include in Tract A all such slopes and a ten-foot-wide buffer from these slopes.
 - b. The stream in Tract B is a Class 2 stream with salmonids. A 100-foot-wide buffer shall be provided from the stream channel.
 - c. Tracts A, B, and F shall be labeled as sensitive area tracts on the final plat map.
 - d. The applicant shall delineate all erosion hazard areas on the site on the final engineering plans. (Erosion hazard areas are defined in KCC 21A.06.415.) The delineation of such areas shall be approved by an LUSD senior geologist. The requirements found in KCC 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities.
 - e. The stream crossing for the off-site portion of the access road shall conform with the requirements of KCC 21A.24.370G. The final engineering plans shall clearly identify the time frame during which road construction and grading for this crossing can occur.
 - f. A stream mitigation plan shall be prepared by the applicant and submitted to LUSD for approval, to address impacts from the construction of the above-noted road crossing, and the construction of the storm water overflow conveyance ditch and outfall facility in Tract B and off-site. The mitigation plan shall conform with KCC 21A.24.150 and 21A.24.380D. The mitigation plan shall include the planting of native trees, shrubs, and groundcovers where appropriate, and shall also include the placement of fencing on the edge of the stream buffer for the southerly stream if deemed appropriate by a senior ecologist in the Site Development Services Section, LUSD. (The purpose of the fencing is to keep livestock out of the stream and stream buffer.) A financial guarantee may be required by LUSD, consistent with KCC 21A.24.140, to assure installation and the survival of required plantings and improvements.

15. All clearing and grading work associated with the installation of improvements required for the recording of the subject plat shall be prohibited between October 1st and March 31st. A note to this effect shall appear on the final engineering plans. (Further seasonal restrictions apply to erosion hazard areas per Condition 14d above.)
16. 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 open space areas.
17. A sign shall be placed on the east boundary of Lots 3 – 6 identifying Tract A as a sensitive area open space tract, per the requirements of KCC 21A.24.160B and 16.82.150C2.
18. The proposed "Access For Trail Head" shown crossing Lot 6 shall be placed in a separate tract, where this "access" lies within the subject plat. The tract location shall be revised so that runs along the east margin of Lot 6. As an alternative, the proposed "access" may be removed from the plat, if desired by the applicant.
19. Clearing and grading on each lot shall be limited to those areas required for a residential building site and for access and utilities. Lot clearing limits shall be shown on the final engineering plans.
20. Prior to final plat approval the plat well shall be metered, the water system purveyor identified and a system for recording water usage implemented, consistent with Health Department and State Board of Health requirements.

ORDERED this 25th day of November.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 25th day of November, to the parties and interested persons of record:

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23851 SE 98th Pl.
Issaquah WA 98027

Stephen Swope
Pacific Groundwater Group
2377 Eastlake Ave. E.
Seattle WA 98102

Karen Walter
Muckleshoot Indian Tribe
39015 - 177th Avenue SE
Auburn WA 98092

Ted Young
2617 Boyer Ave. E.
Seattle WA 98102

Greg Borba
DDES/LUSD
MS OAK-DE-0100

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

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

Steve Foley
Department of Natural Resources
Water & Land Resources
MS KSC-NR-0600

Nick Gillen
DDES/LUSD
Site Development Services
MS OAK-DE-0100

Lanny Henoch
DDES/LUSD
Current Planning
MS OAK-DE-0100

Steve Koppelman
KC Health Dept.
MS EGT-PH-0100

Kristen Langley
Land Use Traffic/DDES/CPLN
MS KSC-TR-0222

Bill Lasby
Seattle-King Co Health Dept
MS EGT-PH-0100

Mary Maier
King County DNR
MS KSC-NR-0600

Kate Rhoads
Engineering Review
LSD
MS OAK-DE-0100

Carol Rogers
LUSD/CPLN
MS OAK-DE-0100

Steve Townsend
DDES/LUSD
Land Use Inspections
MS OAK-DE-0100

Larry West
LUSD/SDSS
Wetland 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 \$125.00 (check payable to King County Office of Finance) *on or before December 9, 2002*. 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 December 16, 2002*. 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 Court-house, 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 DECEMBER 18, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L00P0010

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Lanny Henoch, Larry West, Steve Foley, Kate Rhoads, and Pete Dye, representing the Department; Ronald Allison and Keith Dearborn, representing the Applicant. Also participating in the hearing were Ron Frederiksen, Jack Brooks, Stephen Swope, Carolyn Bader, Kristin Pearson-Franks, Camille Brusaschetti, Barbara Shelton, Ruth Kees and Dennis Joule.

The following exhibits were offered and entered into the record:

- Exhibit No. 1A LUSD File no. L00P0010 (A-F)
- B LUSD File no. L00P0010 (G-I)
- Exhibit No. 2 LUSD staff report prepared for the 12/18/01 public hearing
- Exhibit No. 3 Environmental Checklist, signed by the Applicant's representative 4/10/00
- Exhibit No. 4 SEPA Determination of Non-Significance, issued 11/6/01
- Exhibit No. 5 Affidavit of Posting, received 6/15/00, indicating that signs were posted on the subject property giving notice of the filing of the proposed plat application
- Exhibit No. 6 Revised plat map (consisting of three sheets), received 11/1/01
 - a. Cover Sheet
 - b. Preliminary Site Plan
 - c. Preliminary Road & Storm Plan
- Exhibit No. 7 Land use map
- Exhibit No. 8 Four King County Assessor maps covering the following:
 - a. NE 4 of Sec. 3, Twp. 12, Range 6
 - b. SE ¼ sect. 34, Twp. 24, Range 6
 - c. Sec. 2, Twp 23, Range 6

- d. SE ¼ of Sec. 3, Twp. 23, Range 6
- Exhibit No. 9 Drawing entitled "Storm & Road Profiles" prepared by Eastside Consultants, Inc., received 12/4/01
- Exhibit No. 10 Drawing entitled "Road & Storm Details," prepared by Eastside Consultants, Inc., received 12/4/01
- Exhibit No. 11 Document containing the following three reports, prepared by Habitat Technologies:
 - a. "Biological Evaluation," dated 5/11/00
 - b. "Wetland, Stream, and Wildlife Habitats Assessment Report," dated 12/21/99
 - c. "Streamwide Planting Plan," dated 5/11/00
- Exhibit No. 12 "Preliminary Drainage Report & Level 1 Drainage Analysis. . .," dated 6/13/01, Prepared by Eastside Consultants, Inc. Exhibits 12 a and b are incorporated in this report.
 - a. "Geotechnical Investigation," dated 1/28/00, prepared by Richard Kitz, P.E., and Dennis Joule, P.E. (labeled Attachment No. 14)
 - b. "Geo-hydrologic and Streamflow Impacts," prepared by Richard Kitz, P.E. and Dennis Joule, P.E. (labeled Attachment No. 15)
- Exhibit No. 13 Road Variance Application L00V0045, and 8/28/00 letter from Ronald J. Paananen, County Road Engineer, approving this variance application
- Exhibit No. 14 Faxed copy of a 12/17/01 letter from Mark Hinthorne, Planning Director, City of Issaquah Planning Department
- Exhibit No. 15 8/29/01 letter from T. D. Kees to Lanny Henoch, with two attachments
- Exhibit No. 16 9/7/00 e-mail correspondence from Barbara Shelton to Lanny Henoch with e-mail response
- Exhibit No. 17 11/26/01 e-mail correspondence from Donald and Barbara Shelton, T.D. and Ruth Kees, Jerry & Camille Brusaschetti, and Elizabeth Culbert to Lanny Henoch
- Exhibit No. 18 Revised condition no. 6d
- Exhibit No. 19 Well Map
- Exhibit No. 20 Approval letter from Health Dept., Steven Koppelman to Ron Allison, dated 4/21/00
- Exhibit No. 21 Approval letter from Health Dept., Steven Koppelman to Ron Allison, dated 8/20/01
- Exhibit No. 22 Letter from Kevin Brown, read in hearing by Kristin Pearson-Franks
- Exhibit No. 23 Notes from Kristin Pearson-Franks, read in hearing
- Exhibit No. 24 Notes from Barbara Shelton, read in hearing
- Exhibit No. 25 Historical packet from Ruth Kees
- Exhibit No. 26 Notes from Camille Brusaschetti

The following exhibits were offered and entered into the record at the November 19, 2002, reopened hearing.

- Exhibit No. 27 Revised plat map set (6 sheets) received 8/26/02
- Exhibit No. 28 Stream Basin Drainage Plan, prepared by Eastside Consultants, Inc., and dated 08/02
- Exhibit No. 29 Letter from Dennis Joule to Eastside Consultants dated January 24, 2002
- Exhibit No. 30 Letter from Dennis Joule, entitled "Fir Ridge Estates (L00P0010)—Geo-Hydrologic Impacts—Additional Study," dated January 31, 2002, with attached appendices A through E.
- Exhibit No. 31 Letter from Dennis Joule, entitled "Fir Ridge Estates (L00P0010)—Geo-Hydrologic Impacts—Additional Study," dated July 10, 2002 with attached appendices A through E.
- Exhibit No. 32 Letter from Dennis Joule to DDES dated September 24, 2002, correcting a typographic error in his July 10, 2002, report.

- Exhibit No. 33 Letter from Stephen Swope to Keith Dearborn dated August 8, 2002, re: Fir Ridge Aquifer Test
- Exhibit No. 34 August 5, 2002 letter (with attachments) from Ronald S. Frederiksen to DDES
- Exhibit No. 35 Letter from Lanny Henoch to Ray Heller, Mark Hinthorne, Karen Walter and Dan Swenson dated March 25, 2002
- Exhibit No. 36 Letter from Lanny Henoch to Mary Maier, Mark Hinthorne, Karen Walter, and Dan Swenson dated August 27, 2002
- Exhibit No. 37 Letter from Greg Bishop to Ron Allison dated May 21, 2002
- Exhibit No. 38 Faxed (November 4, 2002) copy of letter from Steve Kopplemann and Bill Lasby to Ron Allison dated September 24, 2002
- Exhibit No. 39 Letter from Keith Dearborn to Seattle-KC Public Health Dept. dated October 24, 2002
- Exhibit No. 40 Letters from Ruth A. Kes, with attachments, dated 1/30/02, 3/04/02, 4/24/02, 5/02, 5/29/02, 8/25/02 and 10/09/02
- Exhibit No. 41 Letter from Barbara and Donald Shelton, transmitted via e-mail and dated April 25, 2002
- Exhibit No. 42 Letter from Virginia Blodgett, Clerk, First Church of Christ Scientist dated November 12, 2002
- Exhibit No. 43 Additional plat condition submitted by DDES
- Exhibit No. 44 Addendum report to the Hearing Examiner dated November 19, 2002
- Exhibit No. 45 Letter from Lanny Henoch to Ron Frederiksen dated May 16, 2002
- Exhibit No. 46 Resume of Stephen Swope
- Exhibit No. 47 Potential development map of portion of Issaquah Creek Basin
- Exhibit No. 48 Letter from Ruth Kees dated November 19, 2002
- Exhibit No. 49 Letter from Barbara Shelton expressing concerns and making requests for consideration dated November 19, 2002
- Exhibit No. 50 Boundary Line Adjustment no. L00L0111 (2 pages)
- Exhibit No. 51 Potential revised site plan for the project (sheets 1 and 3)

SLS:gao
L00P0010 RPT