



King County

PERMITTING DIVISION, DEPARTMENT OF LOCAL SERVICES
KING COUNTY, WASHINGTON

PRELIMINARY REPORT TO THE HEARING EXAMINER
May 30, 2019 – PUBLIC HEARING AT 9:00 A.M.
DLS - Permitting Division Hearing Room
35030 SE Douglas St., Suite 210
Snoqualmie WA 98065-9266
Phone: 206-296-6600

THE RESERVE AT COVINGTON CREEK
PROPOSED REZONE, PLAT, SHORELINE PERMITS
FILE NOS. LUT417-0001, PLAT17-0004, SHOR17-0008
PROPOSED ORDINANCE NOS: 2019-0130 (rezone), 2019-0129 (plat)

A. SUMMARY OF PROPOSED ACTION:

This is a request to rezone the parcels from Urban Reserve (UR-P, 0.2 du/acre) to R-4 (4 du/acre), subdivide approximately 40 acres into 76 lots (average lot size 4,376 square feet) for single-family detached dwellings and tracts for drainage, recreation and critical areas/wetlands, stream. The shoreline substantial development permit is for associated drainage improvements (i.e. facility outfall, dispersion trenches, etc.) to be located within shoreline jurisdiction. This proposal also includes use of Transfer of Development Rights (TDRs) as required per the P-suffix condition (TR-P49) and King County Code 21A.37. See Attachment 1 for a copy of the proposed site plan.

B. 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: The site is located at the intersection of 219th Ave SE and SE 296th Place (south of SE 296th St, east of 219th Ave SE) Black Diamond Tax Parcels: 042106-9008 & -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: Average lot size is 4,376 square feet
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

C. HISTORY/BACKGROUND:

The Subdivision Technical Committee (STC) of King County has conducted an on-site examination of the subject property. The STC has discussed the proposed development with the applicant to clarify technical details of the application, and to determine the compatibility of this project with applicable King County plans, codes, and other official documents regulating this development. The applicant submitted a revision, on November 20, 2018, which eliminated an internal road/extension to south, modified the internal lot and road layout. Removal of the southern road extension and associated lots reduced the number of proposed lots to 76.

D. THRESHOLD DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE:

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible official of the Permitting Division issued a threshold determination of non-significance (DNS) for the proposed development on March 12, 2019 and re-issued March 29, 2019 due to an administrative mailing error. This determination was based on the review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal would not cause probable significant adverse impacts on the environment.

Agencies, affected Native American tribes and the public were offered the opportunity to comment on or appeal the determination. Agencies, affected Native American tribes and the public were offered the opportunity to comment on or appeal the determination. An appeal of the determination of non-significance was filed on May 22, 2019 by the Mountain View Fire District. Subsequent to the prehearing conference held May 7, 2019, the appellant and applicant reached a settlement agreement and the appeal was withdrawn May 14, 2019 (refer to Attachment 4). *Note, this is a private agreement, King County is not a party to this agreement.*

E. AGENCIES CONTACTED:

1. King County Department of Natural Resources and Parks (DNRP), including Transfer of Development Rights Program: The comments from this Department have been incorporated into this report.
2. King County Fire Protection Engineer: The comments from the Fire protection engineer have been incorporated into this report.
3. Kent School District: The comments from this district have been incorporated into this report.
4. Washington State Department of Ecology: No response.
5. Washington State Department of Fish and Wildlife: No Response.
6. Washington State Department of Natural Resources: No Response
7. Washington State Department of Transportation: No response.
8. METRO: No response.
9. City of Black Diamond: The City of Black Diamond requested the proposal comply with City codes and regulations (i.e. level-of-service, mitigation payment). See March 12, 2018 e-mail/Attachment 2. Although this site is located within a potential annexation area to City of Black Diamond, it is currently located in unincorporated King County. Therefore, the proposal is required to comply with King County codes, rules and regulations. There is no interlocal agreement regarding potential annexation areas between the jurisdictions at this time. Therefore, City of Black Diamond regulations, including level of service and collection of mitigation fees have not been applied or imposed. Note, the King County Transfer of Development Rights Program of DNRP previously informed the

City of Black Diamond that TDRs are being used to increase the density to the proposal.

F. NATURAL ENVIRONMENT:

1. Topography: The site is relatively level. It slopes down gently from west to east, southeast towards Covington Creek. The typical slope ranges from approximately 5 to 15 percent.
2. Soils: One surface soil is primarily found on this site per King County Soil Survey, 1973. The soil characteristics are defined as follows:

EvC – Everett gravely, sandy loam; 6-15% slopes. Runoff is slow to medium and the erosion hazard is slight to moderate. This soil has a slight limitation for foundations and septic tank filter fields.
3. Critical Areas:
 - a. Aquatic Areas and Wetlands: The applicant submitted a Critical Areas Study, Habitat Assessment and Conceptual Mitigation Plan by Wetland Resources (revised November 15, 2018). This study identified and rated Covington Creek, located in the eastern and southern portions of the site and its side channel as Type S Aquatic Areas with a 115 foot buffer within the Urban Growth Boundary. Covington Creek is considered a shoreline of the state, with shoreline jurisdiction extending 200 feet on either side of the ordinary high water mark of Covington Creek mainstem and side channel. Several wetlands were also identified. Wetland A along the mainstem of Covington Creek is a Category II wetland with a 147.5 foot wide buffer. Wetlands B, C, and D are Category III wetlands with 75-foot buffers. An Environmental Scientist for the Permitting Division has reviewed the study, evaluated the site and is in agreement with the findings and conclusions. The critical areas and associated buffers will be placed in separate critical area tract(s). The applicant has proposed an access road and stormwater facilities within the aquatic area buffers. Stormwater facilities are not allowed in aquatic area buffers, so the proposal is to average the buffer, reducing the buffer in the area of the stormwater facilities and increasing it elsewhere on the site.
 - b. Shoreline: Covington Creek mainstem and side channel is classified as a shoreline of statewide significance and is designated Conservancy shoreline. The majority of the proposed subdivision improvements including all of the proposed lots lie outside the 200-foot shoreline jurisdiction. Development within shoreline jurisdiction includes roads, drainage improvements, such as stormwater ponds and dispersion trenches for 12 lots and stormwater facility outfalls, stormwater conveyance pipes, a pedestrian trail, and split-rail fences at the outer edge of the critical areas buffers. The applicant has submitted a Shoreline Substantial Development Permit (SSDP) (File No. SHOR17-0008) for construction of the above referenced facilities within the 200-foot shoreline jurisdiction.
 - c. Geotechnical: The applicant submitted geotechnical reports prepared by Earth Solutions NW (dated May 18 and July 12, 2018). These studies provided information regarding groundwater monitoring, groundwater mounding and infiltration. The studies concluded the areas identified for drainage facilities are suitable for infiltration and will not be affected by groundwater levels (based on monitoring).
4. Vegetation: The site is moderately to heavily wooded with a second and third growth mixture of coniferous and broad-leaved trees native to the Pacific Northwest. Second story vegetation and groundcover consists of Northwest native species, including salal, sword fern, berry vines, grasses, etc.
5. Wildlife: Small birds and animals undoubtedly inhabit this site; however, their population and species are limited due to nearby development. No threatened or endangered species are known to exist on or near the property.
6. Cultural Resources: a Cultural Resources Assessment, by Aqua Terra Cultural Resource Consultants, was submitted December 2018. This study completed background research of the site, vicinity and field investigation, including 188 shovel probes, in the area(s) where ground disturbance is anticipated. No evidence of cultural resources (materials and/or deposits) were identified or encountered. King

County Cultural Resources staff reviewed the study and is in agreement with the conclusions.

G. SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (SHOR17-0008):

Covington Creek is classified as a shoreline of statewide significance and is designated Conservancy shoreline environment. The majority of the proposed subdivision improvements, including all of the proposed lots, are located outside the 200-foot shoreline jurisdiction on either side of the Creek mainstem and side channel. Project improvements within shoreline jurisdiction include road access, stormwater facilities, conveyance and outfalls, dispersion trenches for a dozen lots, a pedestrian trail and fencing at the outer edge of critical areas buffers. The applicant has submitted a Shoreline Substantial Development Permit (SSDP) (File No. SHOR17-0008) for construction of the above referenced plat improvements within the 200-foot shoreline jurisdiction.

The criteria for authorizing SSDP's as set forth in KCC 21A.25 are incorporated into the findings by this reference. The Shoreline Management Substantial Development Permit (SSDP) is being sought to construct the subdivision improvements described above.

The proposed project improvements to be constructed and installed within Shoreline Jurisdiction, are depicted on the proposed site plan. See Attachment 1.

The purpose of the SSDP request is to obtain consistency with the Shoreline Management Act of 1971 (RCW 90.58) and the King County Shoreline Management Master Program (KCSMP)/King County Code 21A.25. The project contains critical areas including wetlands and aquatic areas within shoreline jurisdiction, as described in Section F. Impacts to critical areas buffers are mitigated by buffer averaging or buffer addition, as described in Section F.

Proposed alterations to the shoreline environment outside of critical areas include an access road, stormwater facilities, stormwater dispersion trenches, a pedestrian trail, and fencing at the outer edge of the critical area buffers. Permanent disturbance of the shoreline environment outside of critical areas and their buffers would affect approximately 35,000 square feet. Compensatory mitigation is provided through approximately 40,000 square feet of additional forested aquatic area buffer within shoreline jurisdiction. In addition, the project has been substantially redesigned such that most of the southern 18 acres is not proposed for development, providing additional protection for Covington Creek mainstem and side channel, associated wetlands, and adjacent uplands.

The purpose of the Conservancy shoreline is to conserve areas that are a high priority for restoration, include valuable historic properties or provide recreational opportunities. Residential uses are allowed within the Conservancy Shoreline Environment.

Covington Creek is a Type S "shoreline of the state" and a "shoreline of statewide significance", and therefore subject to the Shoreline Management Act permit requirements. A Shoreline Substantial Development Permit is required for the portion of this project located entirely within shoreline jurisdiction.

APPLICABLE POLICIES from the County's Shoreline Master Program found in the Comprehensive Plan include:

Public Access Element

S-305 *King County shall require public access to shorelines of the state for water-enjoyment, water-related, and nonwater-dependent non-residential uses and for subdivisions of land into more than four parcels unless:*

- a. The development proposal is not compatible with public access;*
- b. There is a safety or security concern;*
- c. Inclusion of public access will have an environmental impact that cannot*
- d. be mitigated; or*
- e. There are legal limitations on allowing public access.*

This subdivision of more than four lots proposes open space tracts (Tracts D, I, J, and K) to provide additional separation between the proposed lots, Covington Creek and associated wetlands and buffers. These tracts are to be owned and maintained by the homeowner's association (KCC 21A.14.180B) and considered private. The public will be able to visually view (limited) the critical areas from the internal road (road B) and 219th Ave SE.

Conservancy Shoreline Environment

S-516 *King County should limit uses in the Conservancy Shoreline Environment to those that sustain the shoreline area's physical and biological resources or to uses of a nonpermanent nature that do not substantially degrade the rural or natural character of the shoreline area or disturb historic and cultural resources. King County should discourage non-residential uses in the Conservancy Shoreline except as follows:*

- a. *King County should allow aquaculture, forestry and agriculture in the Conservancy Shoreline Environmental; and*
- b. *King County should allow water-dependent and water-enjoyment recreation facilities as preferred uses if significant adverse impacts to the shoreline are mitigated.*

The proposal is a residential use, and will allow for water enjoyment recreation such as fishing or viewing the Creek.

ENVIRONMENTAL PROTECTION POLICIES

S-601 *King County shall ensure that new uses, development and redevelopment within the shoreline jurisdiction do not cause a net loss of shoreline ecological processes and functions.*

This project will not cause a net loss of shoreline ecological processes and functions.

APPLICABLE KING COUNTY CODES

KCC 21A.25.080. *Sequence of mitigation measures – priority. A. Mitigation measures shall be applied in the following sequence of steps listed in order or priority, with subsection A.1. of this section being top priority:*

1. *Avoiding the impact altogether by not taking a certain action or parts of an action;*
2. *Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;*
3. *Rectifying the impact by repairing, rehabilitating or restoring the affected environment;*
4. *Reducing or eliminating the impact over time by preservation and maintenance operations;*
5. *Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and*
6. *Monitoring the impact and the compensation projects and taking appropriate corrective measures.*

KCC 21A.25.090.C. *Shoreline use and modification – defined – no net loss of shoreline ecological functions allowed – sequencing compliance. King County shall ensure that uses and modifications within the shoreline jurisdiction do not cause a net loss of shoreline ecological functions and comply with the sequencing requirements under 21.25.080.*

This project has been designed to minimize adverse impacts to ecological critical areas and the shoreline environment. Compensatory mitigation is provided for adverse impacts. It will not cause a net loss of shoreline ecological functions.

KCC 21A.25.100. *This section contains a table which determines whether a specific use is allowed within the shoreline environment. Residential and recreational uses as well as utility facilities (i.e. drainage/stormwater vault) are permitted uses in the residential shoreline.*

The project is in conformance with this code.

KCC 21A.25.130 *Mitigation and Monitoring.*

A. *If mitigation is required under this chapter to compensate for adverse impacts, unless otherwise provided, an applicant shall:*

1. *Mitigate adverse impacts to:*
 - a. *critical areas and their buffers; and*
 - b. *the development proposal as a result of the proposed alterations on or near the critical areas; and*
2. *Monitor the performance of any required mitigation.*

B. *The department shall not approve a development proposal until mitigation and monitoring plans are in place to mitigate for alterations to critical areas and buffers.*

C. Whenever mitigation is required, an applicant shall submit a critical area report that includes:

1. An analysis of potential impacts;
2. A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and
3. A monitoring plan that includes:
 - a. a demonstration of compliance with this title;
 - b. a contingency plan in the event of a failure of mitigation or of unforeseen impacts if:
 - (1) the department determines that failure of the mitigation would result in a significant impact on the critical area or buffer; or
 - (2) the mitigation involves the creation of a wetland; and
 - c. a monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.

D. Mitigation shall not be implemented until after the department approves the mitigation and monitoring plan. The applicant shall notify the department when mitigation is installed and monitoring is commenced and shall provide King County with reasonable access to the mitigation for the purpose of inspections during any monitoring period.

E. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation including a monitoring plan and financial guarantee requirements.

Compensatory mitigation is required by Code and proposed by the applicant for temporary and permanent impacts of this project to buffers of wetlands and aquatic areas and to shoreline ecological functions. On-site restoration will be provided for temporary impacts. Permanent impacts will be mitigated through either buffer averaging or providing additional buffer onsite.

KCC 21A.25.140 Public access.

A. Except as otherwise provided in subsection B. of this section, public access shall be required for:

1. Attached residential developments;
2. New subdivisions of more than four lots;
3. Developments for water enjoyment, water related and non-water-dependent uses;
4. Publicly owned land, including, but not limited to, land owned by public agencies and public utilities;
5. Marinas; and
6. Publicly financed shoreline stabilization projects.

B. Public access shall:

1. Connect to other public and private public access and recreation facilities on adjacent parcels to the maximum extent practical;
2. Be sited to ensure public safety is considered; and
3. Be open to the general public;

C. Public access is not required if the applicant demonstrates to the satisfaction of the department that public access would be incompatible with the proposed use because of safety or security issues, would result in adverse impacts to the shoreline environment that cannot be mitigated or there are constitutional or other legal limitations that preclude requiring public access;

Currently, the applicant is proposing open space tracts (Tracts D, I, J, and K) to provide additional separation between the proposed lots, Covington Creek and associated wetlands and buffers. These tracts are to be owned and maintained by the homeowner's association (KCC 21A.14.180B) and considered private. The public will be able to visually view (limited) the critical areas from the internal road (road B) and 219th Ave SE.

KCC 21A.25.230 Subdivisions.

A. (not applicable)

B. Submerged land within the boundaries of any waterfront parcel shall not be used to compute lot area, lot dimensions, yards, recreation space or other similar required conditions of land subdivision or development, except, where specifically authorized by ordinance, such lands may be used in area computations as an incentive to encourage common open space waterfront areas.

C. All newly created lots wholly or partially within the shoreline shall be of uniform size and dimension, whenever possible.

D. Subdivision of more than four lots shall provide an improved and maintained pedestrian easement to the shoreline that is of sufficient width to ensure usable access for all residents. Public access to the shoreline shall be in conformance with the standards in KCC 21A.25.140.

E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction whenever feasible. When lots are located within the shoreline jurisdiction, the size and shape of the lots should allow for the construction of residential units that do not require shoreline stabilization. (Ord. 16985 § 49, 2010; Ord. 11792 § 26, 1995; Ord.3688 § 410, 1978. Formerly KCC 25.16.150).

The Reserve at Covington Creek proposal was revised November 20, 2018 to eliminate lots previously proposed within shoreline jurisdiction. The latest revision also eliminated the crossing of aquatic areas and wetlands associated with the shoreline in the southern portion of the site, resulting in the reduction in the number of lots.

As a result, The Reserve at Covington Creek subdivision proposed under this SSDP will provide new residences near the shoreline environment. It has been designed to avoid direct impacts to wetlands and aquatic areas. Through the design, and with restoration and compensatory mitigation, it will not result in a loss of shoreline ecological functions and processes.

The application and supporting documentation for the SSDP provide a sufficient level of information from which to establish conditions to ensure that the proposed project will be compatible with the surrounding environment and meet the goals and regulations of the Shoreline Management Act and King County Shoreline Master Program.

Provided the conditions listed in Section P are implemented, granting of this permit will comply with the Shoreline Management Act and the King County Shoreline Master Program. The approval of this project within the shoreline designated area and as designed and conditioned, is in the public interest because single family residential uses are a priority use in shoreline jurisdiction in King County. The project will not result in a net loss of shoreline ecological functions.

H. NEIGHBORHOOD CHARACTERISTICS:

The property lies in an unincorporated area of southeast King County, adjacent (south and west) of the City of Black Diamond, south of the City of Maple Valley and southeast of the City of Covington. The site is located south of SE 296th St and east of 219th Avenue Southeast. The area surrounding the site consists of the developed plat of Kentlake Highlands Divs. I and II, with lots approximately 4,000 sq. feet. Kentlake High School is located at the west terminus of 219th Ave SE. This area is zoned R-4 (4 units per acre). Larger residential lots, zoned RA-5 (rural one unit per 5 acres) are located east and south of the proposed subdivision. The Black Diamond Fire Station adjoins the east property line of proposed lot 1 (northeast corner of site).

I. SUBDIVISION DESIGN FEATURES:

1. Lot Pattern and Density: The proposed lot and street layout will be in conformance with King County Code 21A. (zoning) and the 2016 King County Road Design and Construction Standards (KCRDCS).

In 2008 the King County Comprehensive Plan amended the map and associated zoning for the Reserve at Covington Creek parcels from a rural zone of RA-5 (one unit per 5 acres) to Urban Reserve (UR-P). This P-suffix was further amended in December 2016 (ordinance 18427-Map Amendment 10) to the following:

TR-P 49 -

- *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*
- *The site shall not be rezoned until at least 160.63 acres of land is put in permanent conservation. The total acreage of conserved land will be achieved through 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:

- 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 project site consists of approximately 40 acres, of which 25.63 acres are associated with critical areas and buffers and 2.32 acres of open space which will be placed in separate tracts. The applicant has purchased the necessary Transfer of Density credits (TDR) from lands located in the Duwamish-Green River Watershed (See Attachment 3). In total, a minimum of 160.63 acres will be preserved.

Lot Pattern and Density: The applicant is proposing to use density credits to achieve the density and zoning in accordance with the P-suffix condition (TR-49). King County Code 21A.12 establishes calculations for minimum density (the minimum number of lots a site is required to obtain), allowable density (the number of lots allowed) and the maximum density, permitted through the use of TDR, density incentives, etc. The use of density credits allows an applicant to increase the density to 150 percent to achieve the maximum density. No incentives, design measures, etc. are required under this program, it is simply a mathematical calculation as it's outright permitted. The density for this proposal, per calculations provided by the application, is the following: minimum density is 42 units, allowable number of units for this site is 80 and the maximum number for the entire site is approximately 120 units. The applicant has proposed 76 lots, which is less than the maximum and allowable densities and provided a certificate to utilize density credits in accordance with the P-suffix requirements to achieve the R-4 zoning.

P-suffix condition requires the site to be developed at a density of R-4 (4 du/acre) or less on 50 percent of the site. Therefore, the density or lot count is based on 20.4 acres, which is 50 percent of the total site (40.07 acres).

As the site and surrounding area in unincorporated King County are zoned R-4 (4 units per acre), RA-5 (one unit per 5 acres) and residential, no additional landscape buffers or fencing is required, with the exception of street trees along all street frontages and fencing of critical areas/open space and recreation tract(s). Note, additional fencing may be required per the 2016 King County Surface Water Design Manual. This will be determined at a later date with review of the engineering plans.

2. Transfer of Density Rights Subarea Study: King County Code 21A.37.030 requires a subarea study for formal subdivisions in the urban unincorporated area proposing to add lots through the use of TDRs.
 - a. The proposed project includes the use of two (2) TDRs in accordance with King County 21A.37.020. These two TDRs enable the addition of lots in urban unincorporated King County per KCC 21A.37.040 and comply with the P-suffix requirements/criteria (TR-P 49).
 - b. The use of TDRs to increase the number of lots in a formal subdivision in the urban unincorporated area is consistent with the goals of the Washington State Growth management Act, per RCW 36.70A.020, including the following:
 - (1) Urban Growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.
 - (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water and develop parks and facilities.
 - (10) Environment. Protect the environment and enhance the State's high quality of life, including air and water quality and the availability of water.
 - c. Furthermore, the use of TDRs for additional density is consistent with the policies

in Chapter 2: Urban Communities of the adopted 2016 King County Comprehensive Plan. In particular, King County Comprehensive plan policy U-111 is consistent with adding density utilizing TDRs:

U-111: Development standards for urban areas should emphasize ways to allow maximum permitted densities and uses of urban land while not compromising the function of critical environmental areas. Mitigation measures should serve multiple purposes, such as drainage control, groundwater recharge, stream protection, air quality improvement, open space preservation, cultural and historic resource protection and landscaping preservation. When technically feasible, standards should be simple and measurable so they can be implemented without lengthy review processes.

With the use of the TDRs to increase the units via the rezone, the proposed subdivision will not change the overall nature of the subdivision or create a density that will negatively impact the surrounding community and is an appropriate means of adding units to the subject subdivision.

Rezone (LUT417-0001)

21A.44.060 Zone reclassification. *A zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in KCC 20.22.140 and 20.22.150 and is consistent with the Comprehensive Plan and applicable community and functional plans. (Ord. 18230 § 138, 2016: Ord. 10870 § 627, 1993).*

20.22.150 Examiner duties – zone reclassification. *When the examiner issues a recommendation regarding an application for a zone reclassification of property, the recommendation shall include findings on whether the application meets both of the following:*

- A. The proposed rezone is consistent with the King County Comprehensive Plan; and*
- B.1. The property is potentially zoned for the reclassification being requested;*
- 2. An adopted subarea plan, subarea study or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or*
- 3. The requested reclassification is based on changed conditions. (Ord. 18427 § 8, 2016: Ord. 18230 § 33, 2016: Ord. 16950 § 12, 2010: Ord. 16263 § 9, 2008: Ord. 15243 § 2, 2005: Ord. 14047 § 12, 2001: Ord. 4461 § 10, 1979. Formerly KCC 20.24.190).*

U-125 King County should support proposed zoning changes to increase density within the unincorporated urban area when consistent with King County Comprehensive Land Use Map and when the following conditions are present:

- a. The development will be compatible with the character and scale of the surrounding neighborhood;*
- b. 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;*
- c. 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;*
- d. The proposed density increase will be consistent with or contribute to achieving the goals and policies of this comprehensive plan, and subarea plan or subarea study, if applicable; or*
- e. 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.*

The urban developments located west (Kentlake Highlands Divs.I-III) consist of approximately 310 lots ranging in size from approximately 4,400-7,000 square feet in size, also zoned R-4. Properties to the east and south, currently zoned RA-5, will be buffered by the critical area and open space tract(s) located in the east-southeastern portion of the proposal. Additional protection to critical areas and open space (50% of site in open space and TDR) will be provided through compliance with the P-suffix TR-P49. Certificates of availability for water and sewer have been submitted which demonstrate the Districts' ability to provide services. In addition, the proposal passes King County's concurrency modes for the Black Diamond/Enumclaw Travel Shed and it's been determined that no additional traffic-related mitigation measures are required as a result of this project.

3. Internal Circulation: The lots will be served from internal public roads which extend from 219th Ave SE. Road A will extend east-northeasterly from 219th Ave SE and terminate in a

cul-de-sac with a private access tract which extends east to serve proposed lots 1-3. There will be no direct access to SE 296th Street from the adjoining proposed lots. The remainder of the lots will be served by a loop road (Road B) and joint use driveway(s), where there will also be no direct access to 219th Ave SE from adjoining lots.

Roadway Section: The road design will be improved to urban standards (i.e. curb, gutter and sidewalk) in accordance with the 2016 King County Road and Construction Standards (KCRDCS). Frontage improvements, if any for SE 296th Street will be determined by the City of Black Diamond prior to engineering plan submittal.

4. Drainage: The proposed project is located in the Covington Creek Drainage Basin of the Green/Duwamish River Watershed. This proposal has been reviewed to the requirements of the 2016 King County Surface Water Design Manual (SWDM).

Covington Creek is located along the east side of the project site and there is currently no FEMA mapped floodplain for this portion for the creek. Therefore, the applicant submitted a Minor Floodplain study, prepared by Barghausen Consulting Engineers (dated November 20, 2018), per Section 4.4.2 of the SWDM, to determine the 100-year base flood elevation for Covington Creek. The 100-year base flood elevation for Covington Creek was found to outside of the proposed development areas.

A preliminary infiltration assessment submitted by Earth Solutions NW indicates that the underlying soils generally consist of sandy gravelly outwash type soils. Preliminary infiltration testing was also conducted to determine the preliminary design infiltration rate of approximately 20 inches per hour for the sizing of the infiltration facilities. Furthermore, the applicant has submitted a Groundwater Mounding Analysis prepared by Earth solutions NW (July 12, 2018 based upon the preliminary design of the infiltration facilities. The Mounding Analyses found that for peak storm events, the combined flow from the groundwater table and the facility will not mound above the design high water elevation for each of the respective infiltration facilities.

The majority of the stormwater runoff from the proposed development will be fully infiltrated using three separate stormwater facilities. For Tracts C and H, the proposed stormwater facilities consist of a combination basic wetpond for water quality treatment followed by an infiltration pond for flow control mitigation. For Tract E, the proposed stormwater facility consists of a stormfilter facility for water quality treatment followed by an underground infiltration facility for flow control mitigation. The infiltration facilities have been designed to fully infiltrate stormwater runoff from the developed conditions. A portion of the development proposes to provide individual gravel filled trenches for full dispersion of roof area for approximately twelve (12) lots. These lots are located along the east and south sides of the development, and will disperse the runoff into the open space Tracts K and I. The dispersed flows will continue into the critical area tract (Tract D).

J. TRANSPORTATION PLANS:

1. Transportation Plans: The King County Transportation Plan indicates that SE 296th Street Road is designated as a minor arterial. This road and associated intersection with 219th Avenue SE is located within the jurisdiction of City of Black Diamond. 219th Avenue-SE Falcon Way is a considered a neighborhood collector. The subject subdivision is not in conflict with this plan, nor with the Regional Trails Plan or the Non-motorized Transportation plan.
2. Subdivision Access/Neighborhood Circulation: The site will gain access from SE 296th St via 219th Ave SE and new public urban minor access and subaccess streets which extend east and south-easterly from 219th Ave SE (shown as Roads A and B).
3. Traffic Generation: It is expected that approximately 762 vehicle trips per day will be generated with full development of the proposed subdivision. This calculation includes service vehicles (i.e., mail delivery, garbage pick-up, school bus) which may currently serve this neighborhood, as well as work trips, shopping, etc.
4. Traffic Impact Analysis: The applicant submitted a traffic impact study by Transpo dated November 2017. This study evaluated trip generation, volumes, level-of-service, circulation, collision history, general traffic impacts and school walkway conditions. The study concludes no additional traffic related mitigation measures are required as a result of this proposal.

5. Adequacy of Arterial Roads: This proposal has been reviewed under the criteria in King County Code 14.70, Transportation Concurrency Management; 14.80, Intersection Standards; and King County Code 14.75, Mitigation Payment System.
 - a. King County Code 14.70 – Transportation Concurrency Management: The project is located within the Black Diamond/Enumclaw Travel Shed which passes the concurrency model. This indicates that transportation improvements or strategies are in place/will be in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six (6) years, according to RCW 36.70A.070 (6).
 - b. King County Code 14.80 – Intersection Standards: No intersections exceed intersection standards as a result of this proposal. The intersections will operate at an acceptable level (LOS C) with or without the subdivision proposal.

K. PUBLIC SERVICES:

1. Schools: This proposal has been reviewed under RCW 58.17.110 and King County Code 21A.28 (School Adequacy).
 - a. School Facilities: The subject subdivision will be served by Sawyer Woods Elementary, Cedar Heights Middle School and Kentlake Senior High School, all located within the Kent School District.
 - b. School Impact Fees: King County Code requires that an impact fee per lot be imposed to fund school system improvements to serve new development within this district. The 2019 fee for Kent School District is \$5,397. Payment of this fee in a manner consistent with KCC 21A.43 is a condition of subdivision approval.
 - c. School Access: The Transpo analysis indicates that future students from this subdivision will be bussed to the Sawyer Woods Elementary, Cedar Heights Middle School, and walk to Kentlake Senior High School. The nearest bus stop is currently located at the intersection of SE 298th Place/219th Ave SE. Walkway conditions consist of existing sidewalks on the east and west side of 219th Ave SE and sidewalks to be constructed internal to the subdivision proposal.
2. Parks and Recreation Space: The nearest developed public park is Lake Sawyer Regional Park, located approximately one-half mile southeast of the site, in the City of Black Diamond.

King County Code (KCC) 21A.14 requires subdivisions in the UR and R zone classifications to either provide on-site recreation space or pay a fee to the Parks Division for establishment and maintenance of neighborhood parks. At this time, the applicant is proposing to provide the required recreation space within the combined drainage/recreation tract (Tract E). Tract E is approximately 30,000 square feet. Note, access for drainage facility maintenance, access grates, will not be counted towards the recreation space requirement. A minimum of 29,640 square feet is required based on the 76 lot proposal. KCC 21A.14.180C. requires recreation space to be centrally located with good visibility of the site from roads and sidewalks and be accessible and convenient for all residents within the development. KCC 21A.14.190 requires subdivisions to provide tot/children play areas within the recreation space on site.

KCC 21A.14.180.E. Play equipment or age appropriate facilities shall be provided within dedicated recreation space areas according to the following requirements:

1. *For developments of five dwelling units or more, a tot lot or children's play area, that includes age appropriate play equipment and benches, shall be provided consistent with KCC 21A.14.190;*
2. *For developments of five to twenty-five dwelling units, one of the following recreation facilities shall be provided in addition to the tot lot or children's play area:*
 - a. *playground equipment;*
 - b. *sport court;*
 - c. *sport field;*
 - d. *tennis court; or*

e. any other recreation facility proposed by the applicant and approved by the director;

3. For developments of twenty-six to fifty dwelling units, at least two or more of the recreation facilities listed in subsection E.2. of this section shall be provided in addition to the tot lot or children's play area; and

4. For developments of more than fifty dwelling units, one or more of the recreation facilities listed in subsection E.2. of this section shall also be provided for every twenty-five dwelling units in addition to the tot lot or children's play area. If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

a. Fractions of 0.50 or above shall be rounded up; and

b. Fractions below 0.50 shall be rounded down....

A detailed improvement plan for the recreation tract with equipment, landscaping, surfacing, etc. is required for submittal, review and approval by the Permitting Division prior to engineering plan approval. This plan shall include additional recreational facilities/improvements in accordance with King County Code 21A.14.180.E, as well as fencing (i.e. split rail or chain link) to reduce potential conflicts between users of the recreation space and vehicles.

3. Fire Protection: The Certificate of Water Availability from Covington Water District indicates that water is presently available to the site in sufficient quantity to satisfy King County Fire Flow Standards. Prior to final recording of the plat, the water service facilities must be reviewed and approved per King County Fire Flow Standards. The future residences will require sprinklers, unless otherwise approved by the King County Fire Marshal, pursuant to the standards in the recommended conditions.

L. UTILITIES:

1. Sewage Disposal: The applicant proposes to serve the subject subdivision by means of public sewers managed by the Soos Creek Water and Sewer District. A Certificate of Sewer Availability, dated November 19, 2018, indicates this district's ability to serve the proposed development.
2. Water Supply: The applicant proposes to serve the subject subdivision with a water supply and distribution system managed by the Covington Water District. A Certificate of Water Availability, dated April 24, 2018, indicates this district's ability to serve the proposed development.

M. COMPREHENSIVE AND COMMUNITY PLAN:

1. Comprehensive Plan: This plan is governed by the 2016 King County Comprehensive plan which designates this area as Urban. The proposed subdivision is not in conflict with the policies of the Comprehensive Plan.
2. Community Plans: The subject subdivision is located in the Tahoma/Raven Heights Community Planning Area. However, at this time, there is currently no adopted community plan for the Tahoma/Raven Heights Community Planning Area.

N. STATUTES/CODES:

If approved with the recommended conditions in this report, the proposed development will comply with the requirements of the County and State Platting Codes and Statutes, and the lots in the proposed subdivision will comply with the minimum dimensional requirements of the zone district.

O. CONCLUSIONS:

The subject subdivision will comply with the goals and objectives of the King County Comprehensive Plan and will comply with the requirements of the Subdivision and Zoning Codes and other official land use controls of King County, based on the conditions for final rezone, plat, and shoreline approval.

P. RECOMMENDATIONS:

Rezone Request (LUT417-0001) – It is recommended that the zoning classification action, from UR-P to R-4, be approved in accordance with the following adopted P-suffix conditions (TR-49) for the subject property as requested:

- *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*
- *The site shall not be rezoned until at least 160.63 acres of land is 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:*
 - *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);*
 - *Conservation of land from King 44 County's high value conservation list; and/or*
 - *Purchase of Transfer of Development Rights from the County's TDR bank.*

Preliminary Plat (PLAT17-0004) - It is recommended that the subject subdivision, revised and received November 20, 2018, be granted preliminary approval 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 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 submittal of engineering plans. 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.
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, water main, and fire flow standards of Chapter 17.08 of the King County Code.
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 King County Surface Water Design Manual (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 St and/or 219th Ave 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.

- e. 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 Ave 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 & SHOR17-0008).
- 22. The applicant shall demonstrate compliance with requirements of following P-suffix conditions (TR-49) 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. *The site shall not be rezoned until at least 160.63 acres of land is 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:*
 - iii. *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);*
 - iv. *Conservation of land from King 44 County's high value conservation list; and/or*
 - v. *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.

SHORELINE PERMIT – SHOR17-0008

It is recommended that the subject shoreline substantial development permit (SHOR17-0008), revised and received November 20, 2018, be approved subject to the following conditions:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. Conditions of King County Preliminary Plat (File No. PLAT17-0004) shall be considered conditions of this SSDP.

- h. 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.
- i. 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.
- j. The applicant shall control erosion of disturbed areas by implementing Best Management Practices as approved for PLAT17-0004.
- k. All man made debris from the project within the construction zone shall be removed and disposed of at a location licensed for such disposal.
- l. A copy of the approved shoreline plans shall be kept on-site at all times during construction.
- m. 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.
- n. 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.
- o. 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.

Q. OTHER CONSIDERATIONS:

- 1. The subdivision shall conform to KCC 16.82 relating to grading on private property.
- 2. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.
- 3. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:
 - a. Forest Practice Permit from the Washington State Department of Natural Resources.
 - b. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE.
 - c. Water Quality Modification Permit from WSDOE.
 - d. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.
 - e. HPA from WSDFW.

R. TRANSMITTED TO PARTIES LISTED HEREAFTER:

Examiner KC Hearing
516 Third Ave Room 1200 Seattle WA 98103

Permitting Division – 35030 SE Douglas St., Suite 210 Snoqualmie WA 98065-9266
Roberge, Steve, Product Line Manager – Residential
Scott Smith, Development Engineer
Claussen, Kim, PPM III
Hughes, Ben, Engineer II
Casey, Laura, Environmental Scientist III
Goll, Shirley, AS II
Carlson, Joanne, AS II

Eichelsdoerfer, Robert, Engineer III, KCDOT/Road Services
201 S. Jackson St., Seattle WA 98104

Murphy, Michael, KC DNRP
201 S. Jackson St, Seattle WA 98104

Webb, Megan, KC DNRP
201 S. Jackson St, Seattle WA 98104

Dept. of Ecology – Northwest Regional Office
3190 160th Ave SE Bellevue WA 98008-5452

Office of the Attorney General, Temple of Justice, Ecology Division
PO Box 40117 Olympia WA 98504-0117

BHC Consultants, Attn. Carla Talich
1601 Fifth Ave, Suite 500 Seattle WA 98101

Barghausen Consulting Engineers
18215 72nd Ave S Kent WA 98032

Cal Atlantic/Lennar NW Attn. Brian Nguyen – brian.nguyen@lennar.com
33455 6th Avenue South Federal Way WA 98003

Transpo, attn. Kevin Jones
12131 113th Ave NE Suite 203 Kirkland WA 98034-7120

City of Black Diamond, Seth Boettcher - sboettcher@blackdiamondwa.gov

Bortleson, Gil – gbortles@gmail.com
PO Box 288 Black Diamond WA 98010

Buxton, Robin – robin411@comcast.net
19825 SE 296th St Kent WA 98042

Cropi, Rena
29703 221st Ave SE Kent WA 98042

Morris, Michelle – m_morris37740@yahoo.com

Mullen-Moses, Steven - steve@snoqualmietribe.us

Sullivan, Ruth – onpipelake@comcast.net
26411 212th Ave SE Covington WA 98042

Sitkin, Jon Chmelik, Sitkin & Davis P.S. for Mountain View Fire - jsitkin@chmelik.com
1500 Railroad Ave Bellingham WA 98225

Taylor, Joni – jtaylor3083@comcast.net
20209 SE 290th Pl Kent WA 98042

Thomas, Kevin, Oakepointe Covington Creek LLC
10220 NE Points Dr Suite 310 Kirkland WA 98033

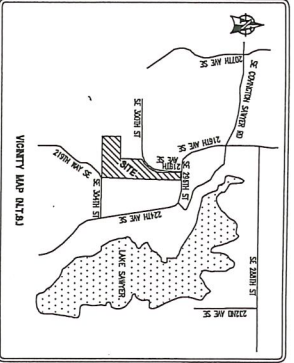
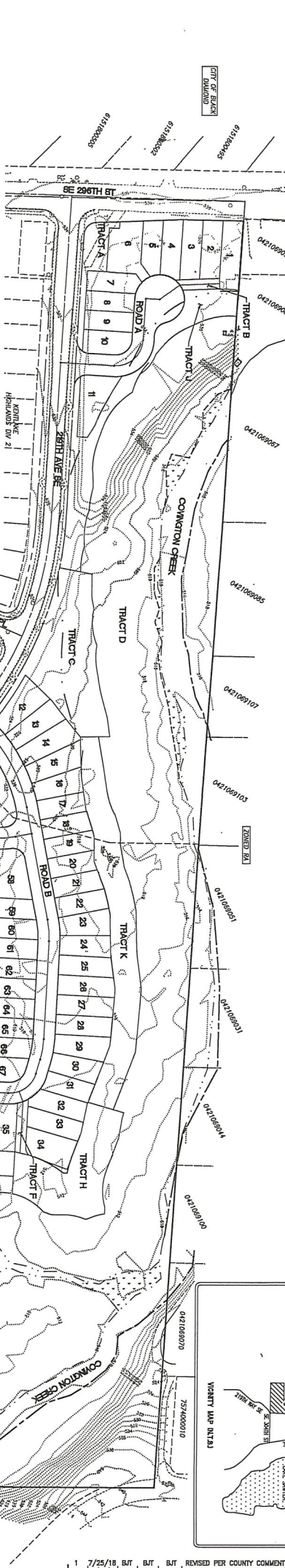
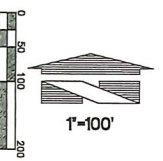
Tibbs, Jill – jilltibbs105@hotmail.com

Walter, Karen, Muckleshoot Tribe
39015 172nd Ave SE Auburn WA 98092

Schermetzler, Tim Chmelik Sitkin & Davis PS Tim@Chmelik.com
1500 Railroad Ave Bellingham WA 98225

PRELIMINARY PLAT OF RESERVE AT COVINGTON CREEK

A PORTION OF SECTION 4, TOWNSHIP 21 N., RANGE 06 E., W.M., KING COUNTY, WASHINGTON



LEGAL DESCRIPTION

PARCELS A THROUGH K OF THE RESERVE AT COVINGTON CREEK...

DATUM: NAD 83... BASIS OF BEARINGS: HEAD BEARING OF NORTH 87°14'00" WEST...

UTILITIES/SERVICES: WATER, SEWER, GAS, PHONE...

OWNER: THE RESERVE AT COVINGTON CREEK, LLC... DEVELOPER: BARGHAUSEN CONSULTING ENGINEERS, INC.

TRACT AREA TABLE with columns for Tract, Area, and Use.

GENERAL SITE DATA: 1. ADDRESS: INTERSECTION OF 219TH AVE SE & SE 288TH PL, COVINGTON, WA...

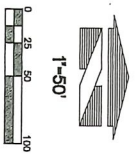
LOT AREA TABLE with columns for Lot #, Area, and various lot numbers 1 through 70.

OWNER, DEVELOPER, ENGINEER/PLANNER/SURVEYOR information including contact details for Barghausen Consulting Engineers, Inc.

Revision table and title block: REZONE MAP FOR RESERVE AT COVINGTON CREEK

Job information block: Job Number 18472, Scale 1"=100', Title: REZONE MAP FOR RESERVE AT COVINGTON CREEK

Attachment 1 1/5

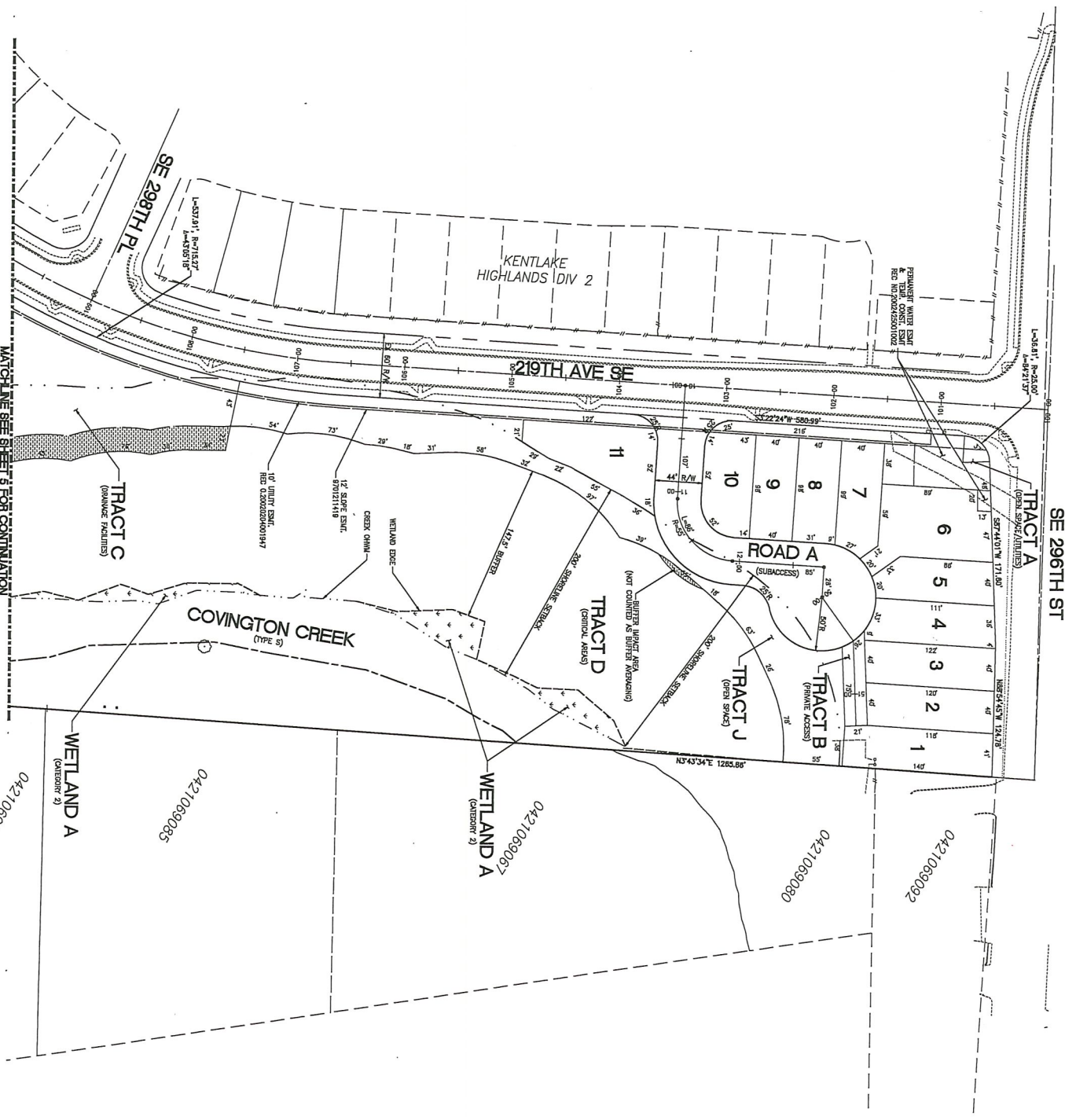


WETLAND 'A' BUFFER TABLE	
BUFFER REDUCTION AREA	13,670 SF
BUFFER ADDITION AREA	17,946 SF
TOTAL NET GAIN IN BUFFER AREA	4,276 SF

PRELIMINARY PLAT OF RESERVE AT COVINGTON CREEK

A PORTION OF SECTION 4, TOWNSHIP 21 N., RANGE 06 E., W.M., KING COUNTY, WASHINGTON

PRELIMINARY PLAT MAP
FOR



No.	Date	By	Ckd.	Appr.	Revised	Per County Comment
1	7/25/18	BJT	TRH	BJT	REVISED	PER COUNTY COMMENT
2	11/15/18	TRH	BJT	BJT	REVISED	PER COUNTY COMMENT

Revision

Title: **PRELIMINARY PLAT MAP**
FOR
RESERVE AT COVINGTON CREEK

For: **CALATLANTIC/LENNAR NW**
33455 6TH AVENUE SOUTH
FEDERAL WAY, WA 98003
Contact: Brian Nguyen (253) 590-2217



Scale:
Horizontal 1"=50'
Vertical N/A

Designed BJT
Drawn BJT
Checked BJT
Approved BJT
Date 11/29/18

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES



Job Number
18472

Sheet
4 of **11**

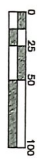
Attachment 1
3/5

PRELIMINARY PLAT MAP

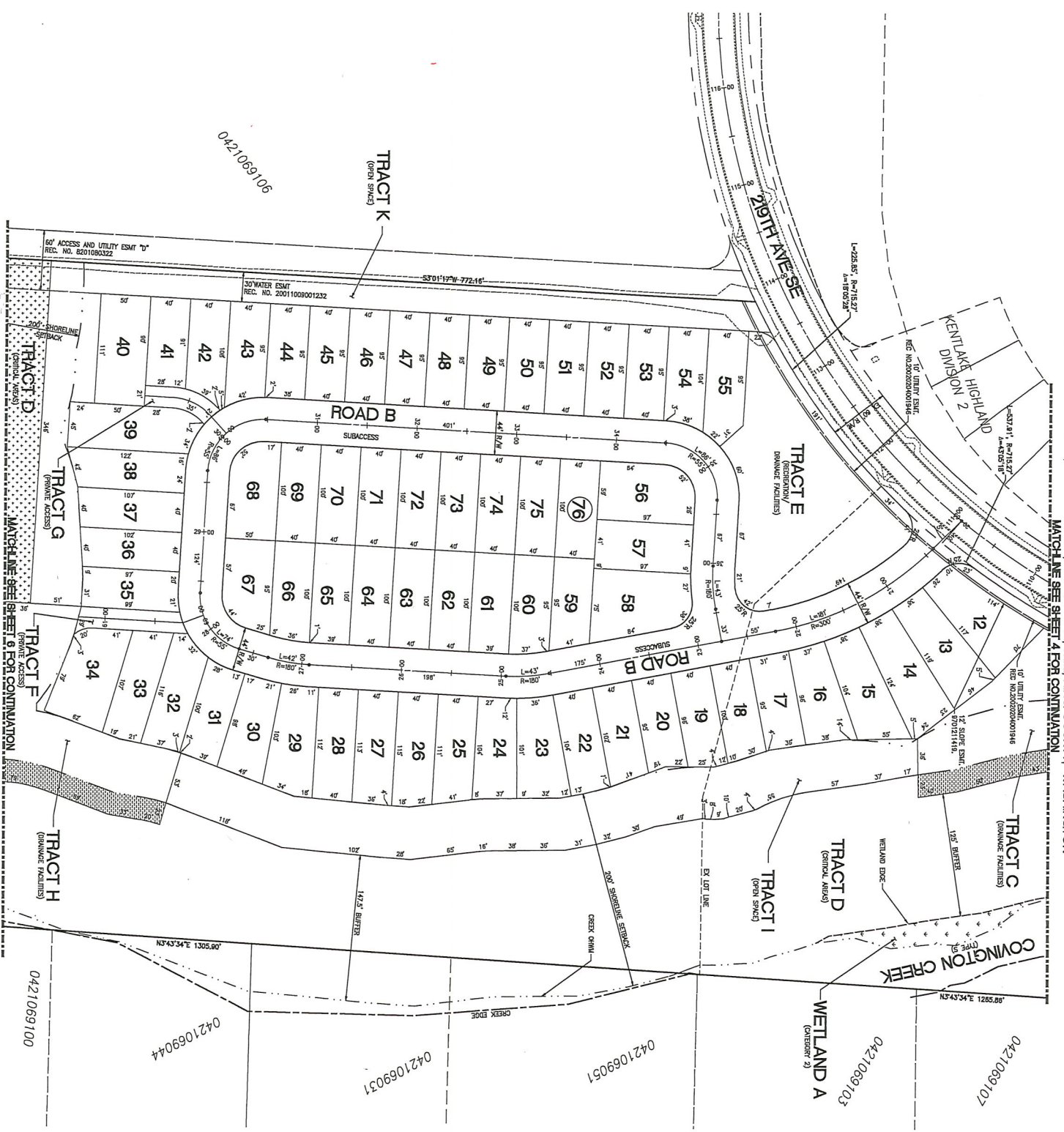
PRELIMINARY PLAT OF RESERVE AT COVINGTON CREEK

A PORTION OF SECTION 4, TOWNSHIP 21 N, RANGE 06 E, WM, KING COUNTY, WASHINGTON
MATCH NE SEE SHEET 4 FOR CONTINUATION

1"-50'



WETLAND 'A' BUFFER TABLE	
BUFFER REDUCTION AREA	13,670 SF
BUFFER ADDITION AREA	17,848 SF
TOTAL NET GAIN IN BUFFER AREA	4,178 SF



No.	Date	By	Clk.	Appr.	Revision
1	7/25/18	BJT	BJT	BJT	REVISED PER COUNTY COMMENT
2	11/15/18	TRH	TRH	BJT	REVISED PER COUNTY COMMENT

Title: **PRELIMINARY PLAT MAP**
FOR RESERVE AT COVINGTON CREEK

For: **CALATLANTIC/LENNAR NW**
33455 6TH AVENUE SOUTH
FEDERAL WAY, WA 98003
Contact: Brian Nguyen (253) 590-2217



Scale: Horizontal 1"=50' Vertical N/A
Designed by: BJT
Drawn by: BJT
Checked by: BJT
Approved by: BJT
Date: 11/20/18

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX
CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES



Job Number: 18472
Sheet: 5 of 11

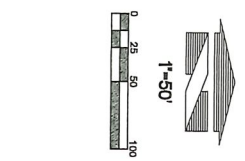
Attachment 1
4/5

PRELIMINARY PLAT MAP

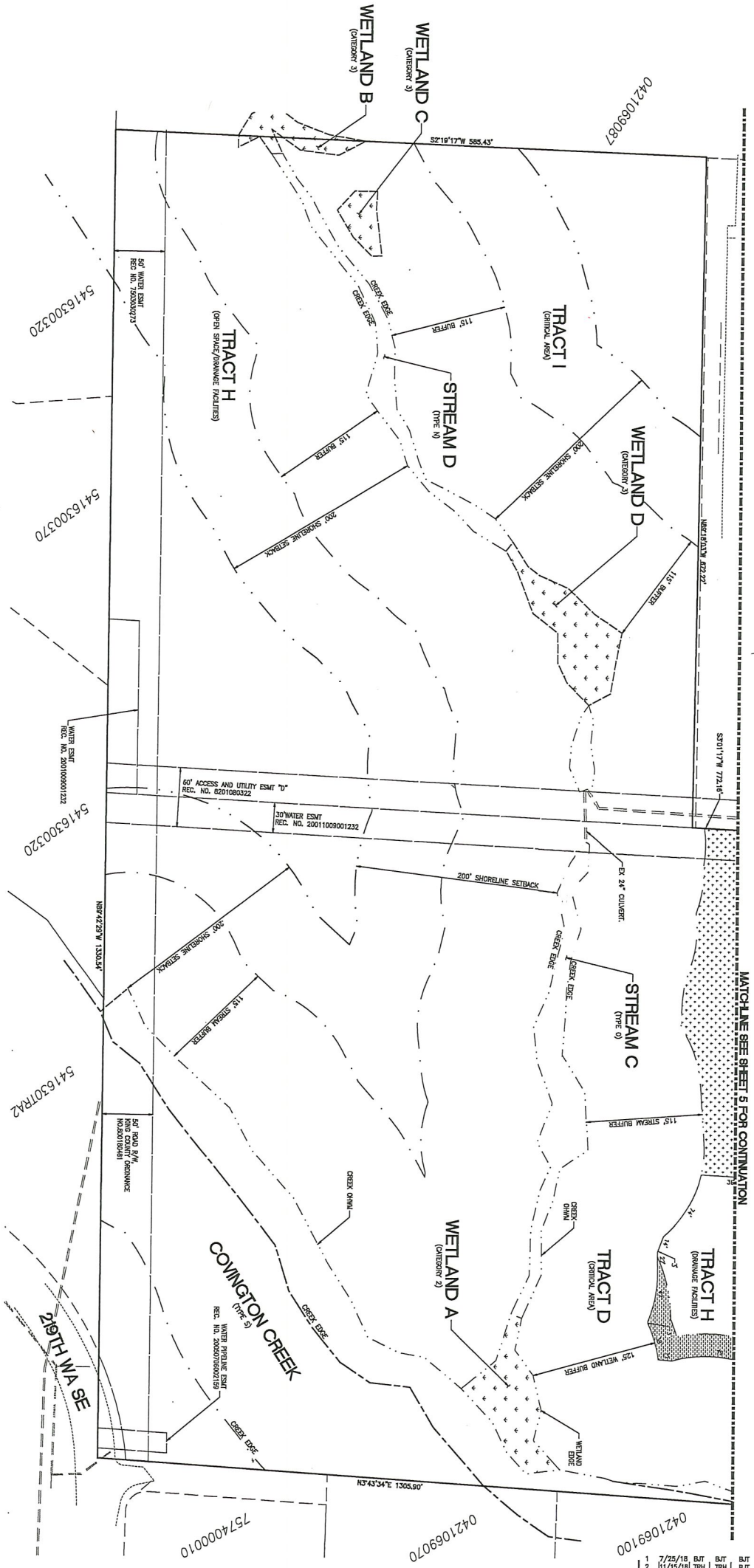
FOR

PRELIMINARY PLAT OF RESERVE AT COVINGTON CREEK

A PORTION OF SECTION 4, TOWNSHIP 21 N, RANGE 06 E, W.M., KING COUNTY, WASHINGTON





WETLAND 'A' BUFFER TABLE	
BUFFER REDUCTION AREA	13,670 SF
BUFFER ADDITION AREA	17,845 SF
TOTAL NET GAIN IN BUFFER AREA	4,175 SF



MATCHLINE SEE SHEET 5 FOR CONTINUATION

No.	Date	By	Chk.	Appr.	Revision
1	7/25/18	BJT	TRH	REVISD PER COUNTY COMMENT	
2	11/15/18	BJT	TRH	REVISD PER COUNTY COMMENT	

Job Number 18472		18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES	Designed <u>BJT</u> Drawn <u>BJT</u> Checked <u>BJT</u> Approved <u>BJT</u> Date <u>11/20/18</u>	Scale: Horizontal 1"=50' Vertical N/A		For: CALATLANTIC/LENNAR NW 33455 6TH AVENUE SOUTH FEDERAL WAY, WA 98003 Contact: Brian Nguyen (253) 590-2217	Title: PRELIMINARY PLAT MAP FOR RESERVE AT COVINGTON CREEK
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Attachment 1

5/5

Claussen, Kimberly

From: Seth Boettcher <sboettcher@blackdiamondwa.gov>
Sent: Monday, March 12, 2018 11:00 AM
To: Claussen, Kimberly
Cc: Andy Williamson; Alex Atchison
Subject: LUT417-0001, PLAT17-0004, SHOR17-008
Attachments: CovingtonCreek_ReviewLetter.pdf; Covington Creek Traffic Study.pdf

Ms. Claussen, PPM III :

This e-mail is to provide you with comments on the reserve at Covington Creek, an 80 lot subdivision, south of SE 296th Street and east of 219th Ave SE and SE of Falcon Way.

Comment 1.

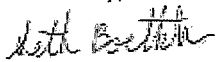
This project impacts several intersections that currently do not meet the City's level of service. The attached technical memorandum from Parametrix identifies a proportionate traffic mitigation share to the capacity adding projects identified for those intersections. Therefore a \$33,976 traffic mitigation fee needs to be imposed on behalf of the City of Black Diamond for impact to city intersections.

Comment 2.

A second access needs to be constructed from the ends of SE 297th Street cu- de-sac and the west end of SE 297th Ct. cul-de-sac. SE 297th Street was probably named as a street because it was planned to connect back to the street grid. These two cul-de-sacs should be connected to 212th Ave SE (alternate route to Covington Sawyer Road). Alternatively, the gate at 215th Ave SE could be removed. This would be in keeping with County wide planning policies for establishing a connected grid in the urban area. The City is of the opinion that it would be irresponsible to move forward with this project putting 390 residential lots and a high school with only one way in or out.

Thank you for your consideration. Also could you send me an e-mail note confirming your receipt of this e-mail and letting me know when the public hearing will be?

Sincerely,



Seth Boettcher
Public Works Director
City of Black Diamond

Recording Requested By And
When Recorded Mail To: Michael Murphy



King County

Transfer of Development Rights Program
Water and Land Resources Division
201 So. Jackson St., Suite 600
MS: KSC-NR-0600
Seattle, WA 98104

CHICAGO TITLE INS. CO. ⁸
REF# W1801823-16



20181011000998

TRANSFER OF DEVELOPMENT RIGHTS Rec: \$106.00
10/11/2018 4:12 PM
KING COUNTY, WA

E2956813

EXCISE TAX AFFIDAVITS
10/11/2018 4:12 PM KING COUNTY, WA.
Selling Price: \$44,000.00
Tax Amount: \$788.20

**Transfer of Development Rights
Certificate Number: 380**

2 Rural Development Rights
Date Issued: October 5, 2018

Grantor: King County, a political subdivision of the State of Washington
Previous Certificate Holder: Plum Creek Land Company (Certificate # 193)
Grantee (Certificate Issued To): Name: Lennar Northwest, Inc.
Address: 33455 6th Ave S, Suite 1-B
City & Zip: Federal Way, WA 98003

Abbreviated Legal Description: All or portions of Sec. 1, 3, 5, 9, 11, T19N, R10E; Sec. 1, 3, 5, 6, 7, 9, 11, 15, 17, 21, T19N, R11E; Sec. 3, T19N, R12E; Sec. 13, 15, 17, 19, 21, 23, 25, 27, 29, 35, T20N, R9E; Sec. 19, 29, 30, 31, 33, T20N, R10E; Sec. 3, 9, 15, 17, 21, 23, 25, 27, 29, 31, 32, 33, 35, T20N, R11E; Sec. 1, 3, 4, 5, 6, 7, 8, 9, T20N, R9E; Sec. 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, T21N, R9E; Sec. 1, 2, 7, 9, 11, 13, 14, 15, 16, 17, T20N, R10E; Sec. 5, 6, 7, T20N, R11E; Sec. 19, 29, 31, 33, T21N, R11E.

Sending Site Full Legal Description: Attached as Exhibit 1
Sending Site Parcel Number(s): 011910-9001, etc.; see Exhibit 1
King County TDR Sending Site File Number: A08P0049 (Name: Plum Creek Land Company)
Type of Regional Development Credit: "Rural"

This development right is transferred from the following certified sending site, pursuant to King County Code 21A.37:

This certifies that Lennar Northwest, Inc. owns Two (2) Rural Transferable Development Rights removed from the sending site identified above, which has been certified as a transfer of development rights sending site pursuant to K.C.C. 21A.37.

These development rights may be used only on a receiving site that has been given final approval for additional residential density achieved through the transfer of development rights in accordance with King County Zoning Code (K.C.C. 21A.37). Each Rural TDR may be redeemed for two (2) additional single family lots or units on eligible unincorporated urban receiving sites per K.C.C. 21A.37, or in accordance with an adopted interlocal agreement between King County and an incorporated jurisdiction.

Receiving Site Parcel Numbers: 042106-9008 and 042106-9011
King County DPER Receiving Site Permit #: LUT417-0001
Abbreviated Legal Description: POR NE 1/4 OF SW 1/4 S4 T21 R6, KING CO, WA, AS PER DEED WITH REC #9701211419 LESS POR FOR RW PER DEED REC #20041112001858 AND SE1/4 OF SW1/4, S4 T21 R6, TGV POR OF NE1/4 SW 1/4, S4 T21 R6, PER KC SUBD EXEMPTION REQUEST #L94M0099 LESS NWLY 30 FT THOF AS PER DEED WITH REC #9701221024

The official record of these development rights is maintained by King County. If there is any discrepancy between the number of rights identified on this certificate and the official record, the official record shall control.

If any of the development rights identified on this certificate are sold, conveyed or transferred, the person acquiring the rights shall within ten (10) business days deliver to the King County Transfer of Development Rights Program this original certificate. A new certificate in the buyer's name shall then be issued.

TDR Certificate # 193, with recording number 20111222000557, is hereby cancelled.

Approved by Representative of the King County Transfer of Development Rights Program


Signature

10/05/2018
Date

STATE OF WASHINGTON)
)SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Michael Murphy is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the Program Manager, Transferable Development Rights Program of King County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10/5/18

JR
Name: Julie Reardon

Notary Public in and for the
State of Washington

Residing at Taloma

My appointment expires 5/30/2021



Unofficial Copy

To Redeem Development Rights:

These development rights may be redeemed for bonus residential and commercial development capacity in receiving sites located within incorporated municipal jurisdictions to which the County has entered into an interlocal agreement, such as the City of Seattle, or receiving sites located in King County in accordance with K.C.C. 21A.37. For receiving sites within incorporated municipal jurisdictions, the applicant shall follow that jurisdiction's development application review process.

For use within King County receiving areas: In applying for preliminary receiving site approval the applicant shall provide the King County Department of Permitting and Environmental Review (DPER) with either a copy of this certificate issued in the name of the applicant or a copy of this certificate with a signed option to purchase these Transferable Development Rights. Prior to final plat or short plat recording by King County's Department of Permitting and Environmental Review, which shall trigger the redemption of the TDR certificate, the applicant shall deliver the appropriate TDR Certificate(s) issued in the applicant's name, with page 5 completed, to DPER and a copy the King County Transfer of Development Rights Program at the address noted on the top of page 1.

Official Copy

SALE, CONVEYANCE, TRANSFER, AND REDEMPTION OF DEVELOPMENT RIGHTS

If any of the development rights identified on this certificate are sold, conveyed, transferred and/or redeemed for use at receiving sites, the person acquiring and/or redeeming the rights shall within ten (10) business days deliver to the King County Transfer of Development Rights Program this original certificate or a copy of this certificate with either Section A or B properly completed.

Upon receipt of the completed certificate, and evidence of the transactions per #10 below, a new certificate(s) will be re-issued to reflect the new number of rights available, if any, to the owner or to the person acquiring the rights after the sale, transfer, conveyance and/or redemption reported herein.

A. Fill out this section for a sale or conveyance of transfer of development rights.

1. GRANTEE (Buyer)

NAME _____
ADDRESS _____
CITY/ STATE _____
ZIP CODE _____

2. GRANTOR (Seller)

NAME _____
ADDRESS _____
CITY _____
STATE/ ZIP _____

3. NUMBER OF DEVELOPMENT RIGHTS SOLD OR CONVEYED _____ PURCHASE PRICE _____

4. RECEIVING SITE STREET ADDRESS _____

5. RECEIVING SITE PARCEL #(s): _____

6. RECEIVING SITE ZONING _____

7. PERMIT #: _____

8. DEVELOPMENT RIGHT SELLER APPROVAL

Signature of Seller Date

9. DEVELOPMENT RIGHT BUYER APPROVAL

Signature of Buyer Date

10. ATTACH WRITTEN EVIDENCE OF TRANSACTION
(e.g. Original Contract of Sale, Bill of Sale)

Certificate Number 380

Page 4 of 7

Date Issued 10/5/2018

Attachment 3
4/7

B. Fill out this section for the redemption of development rights for use at receiving sites located within King County's jurisdiction. Provide King County Department of Permitting and Environmental Review (DPER) with the Original TDR Certificate with this page 5 completed and a copy of this certificate with this page 5 completed to the King County TDR program at the address on the top of page 1.

OWNER (Person Redeeming Rights)

NAME _____

ADDRESS _____

CITY _____

STATE/ ZIP _____

#s 1 - 6 BELOW ARE TO BE COMPLETED BY DPER AT THE TIME THE DEVELOPMENT RIGHTS ARE REDEEMED

1. RECEIVING SITE FOR WHICH DEVELOPMENT RIGHTS ARE REDEEMED:

TAX PARCEL NUMBER(S) _____

2. DPER PERMIT APPLICATION FILE NUMBER _____

3. NUMBER OF RIGHTS REDEEMED _____

4. DEVELOPMENT RIGHT REDEEMER APPROVAL NAME & SIGNATURE:

Signature

Date

5. PLEASE FORWARD THE ORIGINAL CERTIFICATE TO:

KING COUNTY DPER
ATTN: Kim Claussen
35030 SE Douglas St., Ste. 210
Snoqualmie, WA 98065-9266
M.S. (SNO-DP-0210).

6. PLEASE FORWARD A COPY CERTIFICATE TO:

KING COUNTY DNRP
WATER & LAND RESOURCES DIVISION
ATTN: MICHAEL MURPHY, TDR PROGRAM MANAGER
201 SOUTH JACKSON STREET
SEATTLE, WA 98104
MS: KSC-DNR-0600

**Exhibit 1
Sending Site Legal Description**

Assessor's Tax Parcel ID#s:

South Block: 011910-9001-08, 031910-9001-04, 051910-9001-02, 091910-9001-08, 111910-9001-04, 011911-9001-05, 031911-9001-03, 051911-9001-01, 061911-9002-09, 071911-9001-09, 091911-9001-07, 111911-9001-03, 151911-9001-09, 171911-9001-07, 211911-9001-01, 031912-9001-02, 132009-9015-02, 152009-9005-00, 172009-9001-08, 192009-9001-06, 212009-9001-02, 232009-9001-00, 252009-9001-08, 272009-9001-06, 292009-9001-04, 352009-9001-06, 192010-9005-09, 292010-9005-07, 302010-9001-08, 312010-9001-07, 332010-9001-05, 032011-9001-05, 092011-9001-04, 152011-9001-06, 172011-9001-04, 212011-9001-08, 212011-9005-04, 232011-9001-06, 252011-9001-04, 272011-9001-02, 292011-9001-00, 312011-9001-06, 322011-9001-05, 332011-9001-04, 352011-9001-02

North Block: 012009-9009-08, 032009-9001-04, 042009-9001-03, 052009-9001-02, 052009-9009-04, 062009-9005-07, 072009-9014-05, 082009-9014-04, 092009-9010-07, 082109-9002-07, 152109-9009-01, 162109-9002-07, 172109-9001-07, 182109-9005-02, 192109-9001-05, 202109-9001-02, 212109-9001-01, 222109-9002-09, 232109-9010-08, 242109-9002-07, 262109-9001-06, 272109-9001-05, 282109-9001-04, 292109-9001-03, 302109-9001-00, 312109-9001-09, 322109-9001-08, 322109-9011-06, 332109-9001-07, 332109-9005-03, 342109-9001-06, 352109-9005-01, 362109-9001-04, 012010-9005-09, 022010-9001-02, 072010-9001-07, 092010-9001-05, 112010-9001-01, 132010-9001-09, 142010-9001-08, 152010-9001-07, 162010-9001-06, 172010-9001-05, 052011-9001-08, 062011-9001-07, 072011-9001-06, 192111-9001-01, 292111-9001-09, 312111-9001-05, 332111-9001-03,

Abbreviated Legal Description:

All or portions of Sec. 1, 3, 5, 9, 11, T19N, R10E; Sec. 1, 3, 5, 6, 7, 9, 11, 15, 17, 21, T19N, R11E; Sec. 3, T19N, R12E; Sec. 13, 15, 17, 19, 21, 23, 25, 27, 29, 35, T20N, R9E; Sec. 19, 29, 30, 31, 33, T20N, R10E; Sec. 3, 9, 15, 17, 21, 23, 25, 27, 29, 31, 32, 33, 35, T20N, R11E; Sec. 1, 3, 4, 5, 6, 7, 8, 9, T20N, R9E; Sec. 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, T21N, R9E; Sec. 1, 2, 7, 9, 11, 13, 14, 15, 16, 17, T20N, R10E; Sec. 5, 6, 7, T20N, R11E; Sec. 19, 29, 31, 33, T21N, R11E.

Attachment 3
6/7

Exhibit 2
Receiving Site Legal Description

Parcel 042106-9008

POR NE 1/4 OF SW 1/4 DAF - BEG NE COR SD SUBD TH N 89-33-42 W ALG N LN 697.07 FT TO NE COR OF NW 1/4 SD NE 1/4 TH S 02-22-40 W ALG E LN THOF 654.95 FT TH N 89-45-12 W ALG S LN SD NW 1/4 238.97 FT TH S 01-40-36 W 650.50 FT TO NXN WITH CRV RAD CTR BRS N 06-52-02 W 685.27 FT TH NELY ON CRV LFT 446.28 FT TH S 44-10-51 E 204.09 FT TH S 76-03-30 E 200 FT TO S LN SD NE 1/4 TH S 89-56-59 E 180 FT TO E LN THOF TH N 03-05 E ALG SD E LN 1305.93 FT TO POB LESS POR BEG AT NE COR OF SD SUBD TH N 89-33-42 W ALG N LN THOF 348.54 FT TO W LN OF E 1/2 OF NE 1/4 OF SD NE 1/4 OF SW 1/4 & POB TH N 89-33-42 W ALG SD N LN 348.53 FT TO NE COR OF NW 1/4 OF SD NE 1/4 TH S 2-22-40 W ALG E LN THOF 654.95 FT TH N 89-45-12 W ALG S LN OF SD NW 1/4 238.97 FT TH S 1-40-36 W 650.50 FT TO NXN WITH A CRV RADIAL CTR WCH BEARS N 6-52-02 W 685.27 FT TH NELY ON A CRV TO LFT 446.28 FT TH CONT NELY ALG SD CRV AN ARC DIST OF 515.36 FT TAP ON SD W LN OF E 1/2 OF NE 1/4 OF NE 1/4 OF SW 1/4 SD PT BEING 653.95 FT S OF POB TH N 02-43-48 E ALG SD W LN 653.95 FT TO POB - LESS WLY 30 FT THOF & LESS POR LY NWLY OF 40 FT RADIUS CURVE LY CONCAVE TO SE IN E 1/2 OF NE 1/4 OF SD NE 1/4 OF SW 1/4 BEING TAN TO A LN 30 FT SLY OF N LN OF SD SUBD & 30 FT ELY OF W LN THOF AS PER DEED WITH REC #9701211419 LESS POR FOR R/W PER DEED REC #20041112001858

Parcel 0421069011

SE 1/4 OF SW 1/4 TGW POR OF NE 1/4 SD SW 1/4 DAF - BEG NE COR SD SW 1/4 TH N 89-33-42 W ALG N LN THOF 697.07 FT TO NE COR OF NW 1/4 SD SUBD TH S 02-22-40 W ALG E LN SD NW 1/4 654.95 FT TH N 89-45-12 W ALG S LN SD NW 1/4 238.97 FT TH S 01-40-36 W 650.50 FT TO NXN WITH CRV RAD CTR BRS N 06-52-02 W 685.27 FT TH SWLY ON CRV RGT DIST OF 82.73 FT TO TPOB ON S LN OF N 1/2 SD SW 1/4 TH RETURN NELY ON SD CRV DIST 82.73 FT TH CONTG NELY ALG SD CRV DIST OF 446.28 FT TH S 44-10-51 E 204.09 FT TH S 76-03-30 E 200 FT TO S LN SD N 1/2 SD SW 1/4 TH N 89-56-59 W ALG SD S LN TO TPOB - LESS POR DAF - BEG AT NW COR OF SD SE 1/4 OF SW 1/4 TH ELY ALG N LN OF SD SUBD 367.49 FT TH NELY ALG CRV TO LFT WITH RAD 685.27 FT AN ARC DIST OF 329.32 FT TO E LN OF W 1/2 OF E 1/2 OF SD SW 1/4 TH S 02-22-50 W ALG SD E LN 806.51 FT TH N 89-56-20 W 672.25 FT TO W LN OF SD W 1/2 OF E 1/2 OF SW 1/4 TH N 01-40-55 E 728.52 FT TO TPOB - PER KC SUBD EXEMPTION REQUEST #L94M0099 DATED 1-10-95 - LESS NWLY 30 FT THOF AS PER DEED WITH REC #9701221024

May 14, 2019

VIA EMAIL AND FIRST-CLASS MAIL

Office of the Hearing Examiner
Attn: Hearing Examiner Susan Drummond
King County Courthouse
516 Third Avenue, Room 1200
Seattle, Washington 98104
hearingexaminer@kingcounty.gov

Re: LUT417-0001; PLAT17-0004, SHOR17-0008; The Reserve at Covington Creek; (the "Project") Withdrawal of Fire District's Appeal of State Environmental Policy Act ("SEPA") Determination of Non-Significance (MDNS) dated March 29, 2019

Applicant: CalAtlantic/Lennar NW, 33455 6th Ave. South, Federal Way, WA 98003
(the "Applicant")

Property Owner: The Reserve at Covington Creek, LLC (the "Property Owner").

Property Location: The site is located at the intersection of 219th Ave SE and SE 296th Place (South of SE 296th St, East of 219th Ave SE) Black Diamond Parcel Nos. 042106-9008 & -9011 (the "Property")

Our Client / Appellant: Mountain View Fire and Rescue, formerly King County Fire District No. 44 (herein referred to as the "Fire District"), 32316 148th Avenue SE, Auburn, WA 98092

Dear Examiner Drummond:

Mountain View Fire and Rescue has reached a voluntary mitigation agreement with the Applicant and Property Owner whereby the Applicant and/or Property Owner will pay the Fire District a mitigation fee for each residential lot to offset the impacts of the Project on fire protection and BLS services. A copy of the Voluntary Mitigation Agreement, recorded on May 14, 2019 with the King County Auditor's Office, is enclosed herewith.

The Fire District stipulates that the Voluntary Mitigation Agreement and the mitigation fees provided for therein are adequate mitigation for the impacts caused by the Project under SEPA and as appropriate provisions for public health and safety under the State Subdivision Act - RCW 58.17.

Compliance with this Voluntary Mitigation Agreement is to be a condition of approval of the Project. Accordingly, the Fire District hereby withdraws its SEPA Appeal at no cost to either party.

1500 Railroad Avenue
Bellingham, WA 98225
p| 360.671.1796
f| 360.671.3781
www.chmelik.com

Attachment 4
1/2

Thank you for your attention to this matter. Please contact me if you have any further questions.

Sincerely,

CHMELIK SITKIN & DAVIS, P.S.



Timothy D. Schermetzler

TDS/kab

Encl.

cc:

King County SEPA Responsible Official - Steve Roberge - steve.roberge@kingcounty.gov
King County Permitting Division Contact - Kim Claussen - kimberly.claussen@kingcounty.gov
Brian Nguyen - Brian.Nguyen@Lennar.com
Client

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