

March 12, 1996

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
700 Central Building  
810 Third Avenue  
Seattle, Washington 98104

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Development and Environmental Services File No. **S90P0028**  
Proposed Ordinance No. **91-43**

**CHRYSALIS ESTATES**  
Preliminary Plat Application

Located generally between NE 44th Street and NE 38th Street (if both were extended) and generally between 196th Avenue NE and 203rd Avenue NE (if both were extended)

Developer/Owner: Jack Estep, 20005 NE 42nd Street,  
Redmond, Washington 98053  
Surveyor/Engineer: Subdivision Management, 16031 - 119th  
Place NE, Bothell, Washington 98011

SUBJECT: Department of Development and Environmental Services File No. **S90P0096**  
Proposed Ordinance No. **91-761**

**WEBERS RIDGE**  
Preliminary Plat Application

Located generally between 196th Avenue NE and 198th Avenue NE (if both were extended) and generally between NE 45th Street and NE 42nd Street (if both were extended)

Developer/Owner: Donna Dixon, P.O. Box 10263, Bainbridge Island, WA 98110  
Surveyor/Engineer: Subdivision Management, 16031 - 119th  
Place NE, Bothell, Washington 98011

SUBJECT: Department of Development and Environmental Services File No. **S90P0105**  
Proposed Ordinance No. **92-29**

**OLD MILL POINT**  
Preliminary Plat Application

Located generally between East Lake Sammamish Parkway NE and 196th Avenue NE (if extended) and generally between NE 44th Street and NE 36th Street (if both were extended)

Developer/Owner: William C. Nelson, P.O. Box 461  
Redmond, Washington 98073-0461  
Surveyor/Engineer: Subdivision Management, 16031 - 119th  
Place NE, Bothell, Washington 980111

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary: Approve, subject to conditions  
Division's Final: Approve, subject to conditions(modified)  
Examiner: Approve, subject to conditions(modified)

PRELIMINARY REPORT:

The Land Use Services Division's Preliminary Report on Item Nos. S90P0028, S90P0096 and S90P0105 was received by the Examiner on January 22, 1996.

PUBLIC HEARING:

In conjunction with reviewing the Land Use Services Division's Report, examining available information on

file with the application, and visiting the site and surrounding area the Examiner conducted a public hearing on the subject as follows:

The hearing on Item Nos. S90P0028, S90P0096 and S90P0105 was opened by the Examiner at 9:18 a.m., February 6, 1996, in Hearing Room No. 2, Department of Development and Environmental Services, 3600 - 136th Place S.E., Suite A, Bellevue, Washington, and adjourned at 4:40 p.m. Subsequent hearings were held as follows:

DATE	PLACE	OPEN	ADJOURN/ CLOSE
2-6-96	Hearing Room 2*	9:20 AM	4:52 PM
2-7-96	Hearing Room 2	11:08 AM	5:10 PM
2-8-96	Hearing Room 2	9:25 AM	11:45 AM
2-9-96	Hearing Room 2	9:20 AM	4:42 PM

The public hearing on the preliminary plat applications was continued administratively through February 23, 1996 to allow a report to be submitted regarding discussions with neighbors over traffic impact mitigations; submission of written final arguments by the parties; and submission by staff of proposed new language for condition No. 18. The plat hearing closed at **4:30 p.m., Friday, February 23, 1996.**

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

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

**FINDINGS:**

1. General Information:

Chrysalis Estates:

STR: 17-25-6  
 Location: Located generally between NE 44th Street and NE 38th Street (if both were extended) and generally between 196th Avenue NE and 203rd Avenue NE (if both were extended)  
 Zoning: SCP and RS-15,000-P  
 Acreage: 15.33  
 Number of Lots: 16  
 Typical Lot Size: Ranges from approximately 11,000 square feet to 2 acres  
 Proposed Use: Single-family detached  
 Sewage Disposal: Northeast Sammamish Sewer District  
 Water Supply: Northeast Sammamish Water District  
 Fire District: #34 - Redmond  
 School District: Lake Washington - #417  
 Date of Application: April 2, 1990

Webers Ridge:

STR: 17-25-6  
 Location: Located generally between 196th Avenue NE and 198th Avenue NE (if both were extended) and generally between NE 45th Street and NE 42nd Street (if both were extended)  
 Zoning: RS-15,000-P  
 Acreage: 11.7  
 Number of Lots: 28  
 Typical Lot Size: Ranges from approximately 9,000 square feet to 26,000 square feet  
 Proposed Use: Single-family detached  
 Sewage Disposal: Northeast Sammamish Sewer District  
 Water Supply: Northeast Sammamish Water District  
 Fire District: #34 - Redmond  
 School District: Lake Washington - #414  
 Date of Application: October 30, 1990

Old Mill Point:

STR: 18-25-6  
 Location: Located generally between East Lake Sammamish Parkway NE and 196th

Avenue NE (if extended) and generally between NE 44th  
Street and NE 36th Street (if both were extended)

Zoning: RS-15,000  
Acreage: 60.15  
Number of Lots: 79  
Typical Lot Size: Approximately 10,600 square feet  
Proposed Use: Single-family detached  
Sewage Disposal: Northeast Sammamish Sewer District  
Water Supply: Northeast Sammamish Water District  
Fire District: #34 - Redmond  
School District: Lake Washington - #414  
Date of Application: November 14, 1990

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the February 5, 1996, public hearing are found to be correct and are incorporated herein by reference. Copies of the LUSD report will be attached hereto for submittal to the Metropolitan King County Council. The LUSD staff recommends approval of the applications, subject to conditions.
3. Three contiguous subdivisions lying on the East Sammamish Plateau have been consolidated into a single review process and are considered jointly within this report. They are, from east to west, Chrysalis Estates, owned by Jack Estep, a 15.338-acre parcel located in the SCP and RS 15,000-P zones which is proposed to be subdivided into 16 residential lots. The central parcel is Webers Ridge, an 11.7-acre parcel within the RS 15,000-P zone which is owned by Donna Dixon and proposed to be developed into 28 lots. The largest and most westerly of the proposed plats is Old Mill Point, owned by William C. Nelson, comprising 60.15 acres within the RS 15,000 zone, which is proposed for development at 79 lots. All three parcels are located on the slope which lies west of the Sammamish Plateau and inclines towards the lake. The three sites slope at a relatively moderate rate from approximately elevation 490 on the eastern boundary of Chrysalis Estates down to about elevation 275 near the middle of Old Mill Point, where the slopes then proceed to drop steeply towards Lake Sammamish through a series of wooded ravines. The three properties are within an area that has been steadily undergoing transformation from a wooded rural condition to urban development, being bounded on the north and east sides, respectively, by the recently constructed plats of Hidden Ridge and Timberline Park, and with sparsely developed properties lying on the south and northeast sides.
4. Consolidation of the three plats into a single review process was necessitated by the fact that they will share common road and drainage systems. For regulatory purposes, however, the three plat applications have differing vesting dates, with the Chrysalis Estates application having been filed on April 2, 1990, and Old Mill Point on November 14, 1990. Webers Ridge also had a 1990 original application date but is deemed vested on October 21, 1994, based on the submission at that time of a revised plat increasing the number of proposed lots. The most recent plat revisions for all three applications were submitted in January, 1996. The proposal package also contains a Shoreline Substantial Development permit application which was heard concurrently with the preliminary plat requests. The Shoreline application (L95SH019) deals with the outfall to Lake Sammamish for the joint plat drainage system. This decision will be issued separately.
5. An environmental impact statement was performed for the three projects jointly, the Draft EIS ("DEIS") having been issued on July 7, 1995, and the Final EIS ("FEIS") on December 19, 1995. For purposes of imposing conditions mitigating adverse impacts under SEPA the vesting date for determining substantive regulatory authority is July 7, 1995.  
  
In general, these three applications totaling 123 lots present difficult issues involving cumulative impacts in the areas of water quality, traffic, and recreation. In all three substantive areas the impacts of prior urban development within the East Sammamish Community Planning Area have created cumulative impacts depleting the capacity of existing facilities and resources, and the question to be determined with respect to these conjoined applications is whether additional impacts to these overburdened systems will be mitigated sufficiently to warrant approval of the proposals.
6. Due to a steady increase in urban development on the upland plateau, Lake Sammamish has been slowly moving closer to eutrophic status. This situation has engendered grave concern among affected regulatory agencies, including King County, as well as alarm among neighborhood groups such as Intervenor Save Lake Sammamish. Accordingly, the long term water quality issues affecting Lake Sammamish have been studied by Metro and by the Surface Water Management Division and have been addressed in various emergency ordinances, basin plans, and subarea plan policies and P-suffix conditions. These regulatory responses have resulted in imposition of stringent surface water detention requirements and water quality treatment regimes.
7. Nonetheless, it is clear that to some degree the County still hopes to have its cake and eat it too. In 1989 a jointly-adopted technical report established mean summer water quality targets for Lake Sammamish of a maximum of 2.8 micrograms per liter of chlorophyll *a* ("chl *a*") and a minimum Secchi disk transparency of

4.0 meters. A later 1994 Metro study projects that under currently permitted zoning these target water quality parameters will be exceeded at full buildout even assuming implementation of optimal onsite mitigation requirements. That is to say, under a scenario which hypothesizes 50% removal of total phosphorous ("TP") through treatment and 65% onsite retention of forested areas, at the full buildout permitted by current zoning the 1992 TP total loading of 18,100 kg per year will rise to 21,700 kg per year and at that point exceed the 1989 water quality targets.

Moreover, these projections do not assume any increase in the internal loading of phosphorous within Lake Sammamish. The Metro report notes that accelerated internal loading could occur as a consequence of the increase of chlorophyll *a*, which will result in a higher dissolved oxygen demand and an anoxic condition at lower lake depths. An absence of oxygen at lower lake depths would induce the release of phosphorous from lake sediments, in turn speeding up the rate of chl *a* production. In short, in the absence of a comprehensive and expensive program to retrofit existing development along the lake shore to reduce background TP loading, the quantity of new development allowed by current zoning, even with the application of best available technologies, is likely to push the lake further toward eutrophic status.

8. These three plats will likely not provide the straw that breaks the camel's back. Except for 1993, recent readings within Lake Sammamish have not exceeded target transparency and chlorophyll *a* levels. Moreover, in the short term, plat development may provide some significant water quality benefits. First, approximately 50% of the total cumulative plat area will remain in a forested state. This mainly consists of the steep western slopes of Old Mill Point. While Old Mill Point is not automatically subject to the "no disturbance" requirements of the East Lake Sammamish Plan amendments adopted in 1993, it will provide substantial compliance with the Plan's goals by preserving steep slopes in a natural forested condition. In addition, the water quality treatment proposed for site runoff will exceed current SWM standards. Over 90% of the flows generated will be processed through three-celled wetponds sized to Department of Ecology standards and which will include a sand filter system in the third cell.
9. A seasonal Class 3 stream originates on Webers Ridge, flows west onto Old Mill Point, then runs south parallel to the eastern boundary of Old Mill Point before discharging offsite and winding its way to the lake just north of Webers Point. It appears that this stream, denominated Tributary 0143B, since 1990 has experienced major channel down-cutting and resultant erosive slides, with the consequence that it currently transports approximately 500 tons of sediment each year to Lake Sammamish. The EIS estimates that erosion within the channel of Tributary 0143B south of Old Mill Point contributes more than 700 kg of phosphorous annually to Lake Sammamish.  
  
Construction of the drainage system for the three plats will cause storm flows in excess of one-half of the two-year event to be diverted away from the Tributary 0143B channel and tightlined directly to the lake. This diversion will eliminate erosive flows downstream and allow the 0143B channel to stabilize over a 10 year period. After construction and with wetpond treatment, the stormwater flows from the three plats are predicted to only generate one kg or less per year of additional phosphorous to Lake Sammamish. Therefore, the phasing out of a 700 kg per year phosphorous source clearly produces a favorable short term net balance resulting from site development.
10. Mr. Johnson, the engineer representing Save Lake Sammamish, has challenged the optimistic water quality projections presented by the EIS documents. But even if Mr. Johnson is correct in questioning the EIS's high estimates of sediment loading resulting from Tributary 0143B erosion, the relatively low percentages of contaminants estimated to exist in project runoff, and the efficiency of water quality treatment predicted for the sand filter system, the result is only to reduce the magnitude of the downstream benefit conferred by the tightline diversion and not to call into question the benefit's existence. Under all reasonable scenarios, elimination of a major erosive episode within the downstream system will still have immediate benefits. The limiting condition on the benefit is less likely to be found within the uncertainties of the data than in a recognition that the erosive channel south of Old Mill Point lies within a property which appears itself to be slated for development in the relatively near future, at which time the erosion problem would also be subject to remedy.
11. Serious issues also exist concerning the effectiveness of the mitigation proposed during the construction phase of the three plats. The EIS estimates that without mitigation during a two or three-year construction period clearing and grading on the plats could contribute 25 to 30 tons per year of sediment to stream 0143B. With mitigation that amount could be reduced 80 or 90%. However, the mitigation regime necessary to achieve this level of performance is rather complex. The mitigation scheme includes not only such general procedures as seasonal clearing and grading restrictions and a tree retention plan but it also an elaborate temporary erosion control program. In order to mitigate erosional impacts during construction it will be necessary to terrace the property, create drainage swales with rock checkdams, sediment traps and filter fences, and ultimately release flows to vegetated areas. In addition, within construction and equipment staging areas flows will need to be directed to a sump which will collect runoff for disposal offsite. All of this requires a high degree of care, coordination and site monitoring, and the proposed staff conditions appropriately include provision for the Applicants to fund an erosion control inspector.
12. Finally, concern has been expressed by Save Lake Sammamish regarding potential unquantified water

quality impacts to the lake if other properties are allowed to hook up to the plats' tightline drainage system. In general, this problem would seem to be circumscribed by the fact that most undeveloped properties lie downhill to the south of the subject plats. Nonetheless, a few adjacent properties could possibly tap into the system, and a condition has been added which requires any additional hook-ups to be subject to water quality treatment standards equivalent to those imposed on these projects.

13. The second major area in which the three proposed plats contribute impacts to an overburdened cumulative condition is in the area of traffic. The three parcels lie within a neighborhood which is bounded on the west by East Lake Sammamish Parkway Northeast, on the north by the Redmond-Fall City Road (SR 202) and on the east by Sahalee Way Northeast. Due to topographical constraints the plats will not have direct access through Old Mill Point to East Lake Sammamish Parkway. Rather, traffic will exit north from Old Mill Point via 192nd Place Northeast to SR 202 and east via Chrysalis Estates to Northeast 42nd Street, passing through the Timberline neighborhood to Northeast 37th Way and Sahalee Way. At existing levels of development the entire arterial network in this region is subject to peak hour traffic loads which exceed the carrying capacity of the roadway system and result in various level of service ("LOS") F conditions. Thus, in the project's 1999 horizon year LOS F conditions will be encountered during the morning peak hour on SR 202 at its intersections with East Lake Sammamish Parkway Northeast, 187th Avenue Northeast and 192nd Place Northeast. In addition, an LOS F condition will occur at Northeast 37th Way at Sahalee Way Northeast. At all of these intersections project traffic will contribute more than 10 peak hour trips, and for the three SR 202 intersections project traffic will comprise more than 10 peak hour/peak direction trips to an LOS F movement. Similar conditions will obtain during the PM peak hour as well.
14. There is currently no neighborhood road connection between the Hidden Ridge subdivision north of Old Mill Point and the Timberline neighborhood to the east of Chrysalis Estates. With the construction of these three plats that situation is proposed to change. There will now be an internal roadway system through the neighborhood connecting Sahalee Way and SR 202. Normally this would be regarded as a positive development. Local circulation would be improved. Two existing single access neighborhoods would each receive a secondary access, shortening emergency response times and eliminating the risk of single route blockage. This type of circulation improvement is supported by King County policies and regulations, including the 100-lot rule within the King County Road Standards which applies to the plat of Webers Ridge.
15. Despite these regional circulation benefits, neighborhood groups within both Hidden Ridge and Timberline are opposed to completion of the proposed neighborhood collector route established by three new plats on the grounds that congestion during rush hours along SR 202 and Sahalee Way will result in diversionary traffic cutting through the neighborhood route in order to circumvent the SR 202/Sahalee Way intersection.  
  
The traffic diversion problem was studied within the EIS, and the proposed road design for the neighborhood collector route contains a number of features, both natural and artificial, which impede thoroughfare use and discourage cut-through traffic. These include four "T" intersections, a winding circuitous route, and steep hill sections. Nonetheless, both the Save Timberline and Hidden Ridge neighborhood groups oppose the internal route connection, even with modifications to slow traffic, and are convinced that the gridlock condition along SR 202 will inevitably result in traffic exploring the neighborhood collector alternative.
16. The Final EIS contains traffic time studies of the diversionary route through the Timberline and Hidden Ridge neighborhoods *vis a vis* staying on SR 202 and Sahalee Way. Based on these time studies dividing lines have been projected where it is estimated that traffic will choose to divert to SR 202 through the three plats rather than using the arterial system. According to the EIS projections AM outbound traffic originating within the neighborhood and heading west via the SR 202 corridor may choose, based on comparative times, to opt for the 192nd Place Northeast cut-through route at a point within Timberline which is located on Northeast 37th Way approximately 770 feet west of its intersection with 205th Place Northeast. The hypothesis is that traffic within the Timberline neighborhood lying east of this line will choose Sahalee Way as its access to SR 202, and traffic originating west of this line will use 192nd Place Northeast as its arterial point of entry.
17. If the EIS dividing line is accurate, then predictions that diversionary traffic will be limited to local residents of the Timberline and Hidden Ridge neighborhoods seems to be warranted. However, Mr. Salemann, the traffic consultant hired by Save Timberline, ran his own informal time test during rush hour and believes that the EIS time trials were slightly too optimistic in predicting the time required to traverse the SR 202/Sahalee Way arterial route between 192nd Place Northeast and Northeast 37th Way. In addition, a number of scenarios were identified whereby a shift of the diversion line further east might occur. Potential variables include increased congestion at the Sahalee Way/Redmond-Fall City Road intersection, the effect on traffic flow of projected new signals at 192nd Place Northeast/SR 202 and Sahalee Way/Northeast 37th Way, and the likelihood that speeding diversionary traffic may shorten the travel time along the alternative neighborhood collector route.
18. While it seems improbable that diversionary traffic from outside the neighborhood will use the cut-through route in great numbers, both because of a lack of significant time savings and the difficulty for drivers

unfamiliar with the area to thread their way through the circuitous neighborhood collector route, it certainly seems possible that traffic originating in the Sahalee area to the south and exiting north along 205th Place Northeast may experiment with the neighborhood collector alternative once a connecting roadway is constructed. This may occur because the AM outbound diversion line is projected to lie less than 30 seconds west of the intersection of Northeast 37th Way/205th Place Northeast, combined with the facts that Sahalee residents will both be more familiar with the local internal roadway network and possess an intuitive aversion to heading east to Sahalee Way in the direction opposite from their ultimate westerly destination. Therefore, once the plat of Sterlingwood south of Timberline Highlands is completed, and if no major upgrades to the capacity of SR 202 have been implemented, the probability exists that additional diversionary traffic from Sahalee traveling north along 205th Place Northeast will choose, upon reaching the intersection with Northeast 37th Way, to go left via the neighborhood collector route rather than right out to Sahalee Way.

19. Although this additional diversionary traffic from south of Timberline Highlands will probably not result in a deluge of cut-through traffic of the type feared by Timberline residents, it may nonetheless increase the average daily trips ("ADT") along the western portions of the neighborhood collector route to above 2,000 ADT, which is generally accepted to be the upper limit of comfort for traffic volumes consistent with residential neighborhood patterns. Moreover, even though the neighborhood collector through Timberline was designed with sufficient road width to accommodate such volumes, the route has a number of private driveway cuts with insufficient stopping sight distance so that the elevated volumes and speeds of cut-through traffic could create a risk to both neighborhood drivers and children.
20. With the goal of reducing these risks the Applicants and the neighborhood intervenor groups met on February 16, 1995, and agreed upon a program of traffic calming mitigations to be installed by the Applicants on the Timberline portion of the route in order to slow traffic, increase travel times and decrease safety risks. These traffic calming and safety devices include rumble buttons to narrow the effective roadway width, stop signs, crosswalks, median islands, traffic circles and sidewalks, as well as the trimming of landscape to improve sight distance. This program will need to receive County road engineering approval, but it provides a reasonable basis for mitigation of impacts from diversionary traffic while maintaining the essential viability of the neighborhood collector route. In addition, the recommended plat conditions include provision for revisiting the diversionary problem if neighborhood collector traffic volumes in excess of 2,000 ADT are generated. Additional mitigation may include interim lane improvements at the Sahalee Way/SR 202 intersection in order to provide efficient traffic movement if that location has become a worse bottleneck.
21. The fact that so much time and energy has gone into making the neighborhood collector route through the three plats as devious and difficult as possible is perhaps the most eloquent testimony as to the essential intractability of the congestion problems along SR 202 itself. If SR 202 had adequate capacity, the diversion issue would simply disappear. Of the four LOS F intersections identified above in Finding No. 13, the problems at two of them are subject to some form of improvement as a consequence of plat development. A signal is already planned at the intersection of Northeast 37th Way/Sahalee Way as mitigation for one of the later Timberline plats, but if that signal has not been installed when these three subdivisions are ready for final recording, they will be required to make a pro rata contribution to its construction. Regardless of who finances it, the Northeast 37th Way signal will produce an acceptable level of service at that intersection.
22. The problems along SR 202 are less easily resolved. With the construction of a neighborhood collector through the three plats, sufficient Timberline traffic will be drawn to the 192nd Place Northeast/SR 202 intersection to warrant a traffic signal at that location. After signal installation, during the 1999 horizon year the 192nd Place Northeast/SR 202 intersection will operate overall at LOS D. While the Hidden Ridge neighborhood group would like to see the issuance of plat grading and construction permits specifically tied to various sequential steps in the signal approval and construction process, it is sufficient to require that the signal shall be installed prior to completion of the road connection through Webers Ridge, which is the necessary link to complete the neighborhood collector route. Once the signal is installed, its activation becomes a matter of Washington State Department of Transportation ("WSDOT") policy and may have to wait until traffic flows actually meet signal warrant standards.
23. With respect to the two LOS F intersections lying west of 192nd Place Northeast along SR 202 (at 187th Avenue Northeast and East Lake Sammamish Parkway), it appears inevitable that these three plats will have unmitigated traffic impacts during both the AM and PM rush hours. During the AM peak hour the three plats will add 43 trips to these two intersections, with 53 project trips being contributed during the PM peak hour. Although project traffic in each instance is estimated to contribute only 3.1% of the total volume during the peak hours, such an addition would require a denial of transportation concurrency under recently adopted Ordinance 11617. In each case, also, the traffic contributed by the projects will exceed 10 peak hour/peak direction trips through these intersections and therefore constitutes a direct traffic impact under KCC 21.49.
24. A level of service F is considered unsatisfactory under the Road Adequacy Standards contained in KCC 21.49, which apply to this project as applications vested prior to the adoption of Ordinance 11617 in

December, 1994. However, the provisions of KCC 21.49 do not unconditionally require a finding of traffic facilities concurrency and, indeed, contain provisions whereby a LOS F condition may be approved despite the absence of immediate mitigation. If an approved public project to upgrade the roadway in question has yet to be funded, pro rata share payments are considered adequate under KCC 21.49 when the Applicant has waived the time limits for committing such pro rata funds to a mitigation project. As pointed out both by the Applicants and LUSD staff, the County Council has on a number of recent occasions approved under authority of KCC 21.49 major plat applications which impose direct traffic impacts on LOS F intersections along the SR 202 corridor. Earlier projects which fall in this category include Brighton's Landing (S89P0028), Trossachs (S89P0055), Belvedere Park (S89P0025) and Beaverdam I and II (File Nos. S90P0035, L90CU023 and L94UP0001). The Applicants and staff argue that fairness to the instant proposals requires that Chapter 21.49 be applied to them in the same manner. Therefore, despite unmitigated LOS F impacts, they argue that the plats should be approved based on their offer of pro rata share payments to upgrade SR 202 and their waiver of applicable time limits for the use of pro rata funds.

25. While it is true that the County has approved on the basis of pro rata share contributions major subdivisions which feed significant amounts of new traffic into LOS F intersections along the SR 202 corridor, the difference between the current and prior applications seems to be that the implementation of an actual project to upgrade SR 202 capacity seemed more likely a few years ago than it does now. For a number of years the State has had on its drawing boards a project to widen SR 202 between East Lake Sammamish Parkway and Sahalee Way from its present two-lane rural configuration to a five-lane design. Not long ago it seemed reasonable to believe that state funding for the project was just around the corner and that SR 202 widening would probably be implemented in approximately the same timeframe as approved plat development and construction.

Recent occurrences, however, make that illusion somewhat more difficult to sustain. While the SR 202 widening project remains a part of the State Department of Transportation's 20-year system plan, it is currently unfunded. A draft design report for the project was completed in February, 1995, after which further work was suspended. While WSDOT staff remains upbeat about the eventual construction of this project, noting that it ranks at about midpoint of an administrative short list for six-year program funding within the 1997-1999 biennium, the fact remains that no amount of administrative enthusiasm can take the place of a legislative decision to fund the project. Until a legislative funding decision is made, the WSDOT staff short list is really only a wish list.

26. On the other hand, it is reasonable to acknowledge that at some future date the SR 202 project probably will get funded and built. It is also apparent that as more pro rata shares are contributed by developers to fund the project, the State's share of the costs go down and the priority ranking probably goes up. Most importantly, however, the signal which is proposed to be constructed by the Applicants at the 192nd Place Northeast/SR 202 intersection provides an immediate system upgrade, can be designed and constructed to be consistent with the ultimate five-lane widening project design, and will usefully employ a major portion of the Applicants' total pro rata obligation to SR 202 improvements.
27. The public hearing on the three plat applications also produced an unexpected wrinkle affecting the review of traffic issues. Two owners of undeveloped properties lying south of the plat sites, Phil Kirk and Panfilo Morelli, have put together a conceptual proposal to develop a third access to the neighborhood. One hundred and ninety-sixth (196th) Avenue Northeast is an 18-foot paved private road which adjoins the instant plat properties at the southwest corner of Webers Ridge and along the eastern boundary of Old Mill Point. The private roadway continues south and then veers west to connect with East Lake Sammamish Parkway. As presently constructed it borders a ravine to its east, where it is cut into a steep slope wall above a wetland. Further, it has some sections with grades in excess of 15%. Mr. Kirk and Mr. Morelli informed the hearing that they had obtained the agreement of most of the undeveloped properties to the south along 196th Avenue Northeast, as well as the three plat applicants herein and residents within Hidden Ridge, to support an LID for construction of the roadway to County standards and its public dedication. They see their proposal as providing another access into the plat area and perhaps offering some relief from diversionary traffic problems. It is their hope that the instant plat review process can facilitate approval of their road project by providing it with the conceptual blessing of the County Council.
28. Although it appears that reconstruction and public dedication of 196th Avenue Northeast is a probable future development which will accompany subdivision of the various large properties lying south of the three subject plats, it seems unlikely that the present review process can either facilitate its construction or rely upon it to resolve the traffic impact issues identified by the EIS. Basically, the diversion problem identified in the EIS concerns traffic which may seek alternative routes for the east-west commute along the SR 520/202 corridor. Development of 196th Avenue Northeast south of these plats as a public road will not affect these commuter flows but rather will provide an alternative route for southbound traffic. While the quantitative effect on traffic flows of a 196th Avenue Northeast access has not been studied, one would not expect this new option to have a significant effect on the LOS F intersections and roadway segments of concern to these applications. Moreover, reconstruction of the existing private roadway to current County standards will necessitate variances from sensitive areas setback requirements and for roadway grade. Such approvals are beyond the scope of this plat review process. Therefore, while the future development of a 196th Avenue Northeast access route is acknowledged as a likely prospect, such possibility does not alter

the approval process for three plats before us.

29. A number of area residents have pointed out that the neighborhood suffers from a lack of adequate recreational facilities. No public parks are within walking distance of the neighborhood, and the plats of Hidden Ridge and Timberline have insufficiently developed recreational facilities. Hidden Ridge in fact has no recreational facilities at all, its developer having contributed fees in lieu of park space which were used outside of the immediate neighborhood. The Timberline plats set aside open space for recreational use, but the plat developer was not required to construct recreational amenities, and neither the County nor the homeowners' association has stepped forward to fill the void. As a consequence, many neighborhood children end up playing in the streets, a fact which both attests to the inadequacy of recreational facilities and contributes to a dangerous traffic situation.
30. In response to neighborhood comments the Final EIS for the three plats analyzed the recreational facilities issue and concluded that "providing only undeveloped land in compliance with KCC 19.38.060 or providing a fee in lieu of open space will not adequately mitigate the significant adverse recreation impacts created by these plats." The FEIS further notes that Webers Ridge, unlike the other two plats, is subject to Development Condition No. 5 of the 1993 update to the East Sammamish Community Plan, which requires it to contribute a per-lot minimum of 390 square feet of space appropriate for recreation. The FEIS goes on to state that the 390-foot dedication may provide adequate recreational area for Webers Ridge, but it does not provide the necessary developed facilities. In response to this identified impact the FEIS states that "the Applicants have agreed to provide a plan for recreational facilities consistent with KCC 21A.14 and KCC 19.38.090" which would include "play area(s) for tots and children, sport court(s), and open grassy areas for play, leisure and picnicking."
31. The Applicants at the public hearing hoped to satisfy the recreation needs of the three plats through the dedication and construction of a park within Tract G of Webers Ridge. This tract would provide approximately 11,000 square feet of recreation space outside of sensitive areas buffers and is proposed to be developed with a sport court and a tot play area. As such, it would meet the requirements of Webers Ridge, but it provides inadequate space for all three plats' collective recreational needs. Further, it does not fully implement the offer made by the Applicants documented within the FEIS for not only a play area and sport court, but also an open grassy area for play, leisure and picnicking.
32. In view of the differing park requirements applicable to the three plats, it is not possible to come up with a formula for recreational facilities which is uniformly satisfactory. However, we believe the Applicants should be required to keep their commitments recited within the FEIS and further find that in the computation of any obligation onsite recreational development ought to be weighted equally with provision of usable area. Based on those assumptions, the conditions of approval have been modified to require developed recreational space for the three plats within a total area equal to 50% of the 390 square feet per lot standard contained in Development Condition No. 5. This requirement translates into a total of 24,000 square feet of usable recreation space for the three plats as a whole. If the Applicants do not wish to expand the area currently proposed within Tract G of Webers Ridge, a conceptually suitable further option would be to provide the additional space within an acceptable portion of Tract A within Old Mill Point as a rustic picnic and sitting area accessible by trail. If sensitively designed, this could be accomplished with a minimum of vegetation removal and site grading and provide an attractive passive recreational amenity.
33. The proposed project also contemplates the possibility of developing a trail through Tract A of Old Mill Point down to East Lake Sammamish Parkway. This would appear to provide a useful recreational amenity if an acceptable trail destination can be identified. Unfortunately, there is neither a sidewalk along East Lake Sammamish Parkway nor a developed destination point along the lake shoreline. The City of Redmond has recently purchased a small park site adjacent to the northwest corner of Old Mill Point but does not currently have any funds to develop the property. Moreover, the City wants to place strict and somewhat arbitrary limitations on any proposed access from the plat trail to the park such that serious pursuit of a trail access agreement probably lacks practical feasibility. While the plat conditions allow the pathway option if a satisfactory connecting destination can be ascertained, at this point it seems unlikely that such will occur.
34. Area residents have argued that any recreational facilities provided by these plats ought to be made public. This request, although understandable, is not consistent with applicable requirements. First, these plats cannot be legally required to solve the recreational needs of other subdivisions in the area. Second, it is the policy of the King County Parks Department not to accept park sites less than 20 acres in size. Since the facilities which will be required of these plats will be far less than 20 acres in extent, public ownership is not a realistic possibility, and ownership and access will be under the control of the plat homeowners' association. This association may provide general public access if it chooses, but is under no obligation to do so.
35. The public hearing on these applications contained considerable discussion between the Applicants and staff over appropriate conditions of plat approval. Formulating plat conditions has been complicated by the fact that three final plats will have to be recorded. The plat conditions therefore need to accommodate various scenarios involving the sequence in which this recording may occur. Related issues concern the

allocation of common expenses among the plats. Some modification of staff-proposed conditions is recommended which reflect the need to fine tune the coordination of plat development among the three applications.

An unresolved issue between the staff and Applicants involves proposed condition No. 43, which requires 2:1 replacement of any wetlands altered by the construction of the diversion dam within stream 0143B on Old Mill Point. While we see no basis for waiving or reducing the standard mitigation requirement, it is appropriate that the burden be shared among the three plats proportionally, and the condition has been modified to provide this outcome.

CONCLUSIONS:

1. The 1994 Metro study suggests that if all undeveloped properties within the Lake Sammamish drainage currently zoned for urban residential development are built out, the cumulative impacts of such development will exceed target contaminant levels and potentially push the lake into eutrophic status. This fact by itself, however, does not warrant denial of the three plat applications for Chrysalis Estates, Webers Ridge and Old Mill Point. First, these three developments in themselves will not result in target levels being exceeded. Indeed, in the short run, due to the elimination of an erosive condition within Tributary 0143B, plat development should result in a reduction in phosphorous and sediment loading.
2. Second, the three plats meet all applicable regulatory standards for water quality treatment and erosion control. The Lake Sammamish water quality issue has been addressed frequently within recent King County regulatory enactments. Ordinance 9365 adopted detention standards for the watershed which sought to avoid phosphorous loading by requiring either non-erosive release rates or the tightlining of stormwater flows. It required water quality treatment meeting SWM wetpond standards. These requirements were carried over into the East Lake Sammamish Basin Plan, which added specific mapping that describes a geologic "no disturbance" zone. Finally, the 1993 update to the East Lake Sammamish Community Plan contains Policy NE-7, which requires phosphorous control and pollutant removal from non-point stormwater sources equal to the standards required by Ordinance 9365. Previously adopted requirements for stormwater tightlining or non-erosive release, wetponds for water quality treatment and geologic "no disturbance" zones are also carried forward in the 1993 Plan Update within P-suffix Conditions 19 and 21. In addition, Development P-suffix Condition No. 20 imposes seasonal clearing and grading restrictions.

The drainage system for the three plats meets or exceeds the standards contained in all of these adopted regulations. Therefore, the plats are entitled to approval, even though it may be apparent that further changes will need to be adopted within the regulatory framework in order for Lake Sammamish to avoid the ultimate cumulative water quality impacts predicted by the 1994 Metro study.

3. During the 1999 horizon year the three plats collectively will add a small but significant amount of new traffic to LOS F intersections along the SR 202 corridor. At two locations, the intersections of SR 202 with 187th Avenue Northeast and East Lake Sammamish Parkway Northeast, these adverse traffic impacts will be unmitigated. Although a state highway project to widen SR 202 between East Lake Sammamish Parkway and Sahalee Way from two to five lanes has gone through a preliminary design process, there is no current funding to construct the project. While it seems likely that this project will again be submitted to the state legislature by WSDOT for funding within the 1997-1999 biennium, there is no assurance that legislative approval of the funding will occur. Moreover, regardless of funding status, there is no possibility whatever that a five lane improvement will be in place during the horizon year for these applications.
4. The three plat applicants have offered to provide as much traffic mitigation as it is within their actual power to create. They have offered to make pro rata payments to the SR 202 widening project and have waived applicable legal time limits on the use of that money. Further, they have agreed to construct at their sole expense a needed signal at the intersection of 192nd Place Northeast and SR 202, with the cost of such signal to be credited against their pro rata share contribution. This signal will be constructed to accommodate the State's five lane project design and therefore will provide a usable component for the ultimate roadway upgrade.
5. In addition to direct mitigation at the SR 202/192nd Place Northeast intersection, the plat proponents have offered to provide secondary mitigation to reduce the impacts of cut-through traffic induced by congestion along the principal arterial corridor. This mitigation consists of traffic calming devices and sight distance improvements along the neighborhood collector route. These strategies plus the circuitous nature of the route through the Timberline and subject plat neighborhoods should be sufficient to discourage and control cut-through traffic between SR 202 and Sahalee Way. It may not be sufficient, however, to prevent diversionary traffic originating within the extended neighborhood itself, including plats south of Timberline which may access the neighborhood via 205th Place Northeast. Unless the SR 202 widening project becomes delayed indefinitely, the increase in diversionary traffic reasonably anticipated should not create volumes in excess of the 2,000 ADT normally considered acceptable for a neighborhood collector route in a residential area.

6. Both the Timberline and Hidden Ridge neighborhoods would prefer that the neighborhood collector route not be completed through the three subject plats. Their preference is that a temporary barrier be provided at the eastern boundary of Chrysalis Estates which would prevent normal traffic passage (but allow emergency vehicle access) until SR 202 capacity improvements are made. However, due to the single access status of both the Timberline and Hidden Ridge neighborhoods, the barricade proposal violates County circulation policies and the provisions of the 100-lot rule, which is directly applicable to Webers Ridge. Moreover, creation of a barricade along the neighborhood collector route would mean that signal warrants would not be met at the SR 202/192nd Place Northeast intersection, resulting in the elimination of a needed traffic mitigation from the project. The barricade proposal is therefore both contrary to County policy and fatal to implementation of another important element of the traffic mitigation plan.
7. Analysis and mitigation of traffic impacts for these three plats are subject to the provisions of the King County Road Adequacy Standards contained in KCC Chapter 21.49. While under KCC 21.49 the creation of or addition to unmitigated LOS F conditions is a basis for project denial, the Road Adequacy Standards do not strictly require the concurrent provision of traffic impact mitigation. Specifically, KCC 21.49.080 creates an exception to the application of Road Adequacy Standards when either extraordinary circumstances make compliance infeasible or when a pro rata share payment is offered. While granting such exceptions is discretionary, it is clear that a number of recent subdivision projects which contribute new traffic to LOS F intersections along the SR 202 corridor have been approved on the basis of an offer of a pro rata share contribution. Although the absence of a funded widening project for SR 202 may not have been as egregiously obvious in past years as it is now, these prior plat decisions do not demonstrate that the immediate prospect of state funding was a critical concern in the acceptance of pro rata share offers. Accordingly, principles of fairness argue in favor of extending to these three plats the same benefit of the doubt concerning the ultimate viability of their contributions to SR 202 improvements as effective traffic impact mitigation.
8. Moreover, these three plats propose to signalize the intersection of SR 202 and 192nd Place Northeast and thereby make a direct and immediate contribution, albeit minor, to the process of upgrading SR 202. Thus, based on the provisions of KCC 21.49 and a recent history of favorable treatment thereunder for similar applications within this arterial corridor, we conclude that these three plats comply with applicable traffic mitigation requirements despite the fact that in their horizon year they will impose unmitigated direct traffic impacts on LOS F intersections. On balance, the benefit obtained by the immediate signalization of the SR 202/192nd Place Northeast intersection exceeds the negative impact attributable to a relatively minor increase in peak hour traffic along the arterial corridor.
9. The significant adverse environmental impacts to recreational facilities which will be created by these projects can be satisfactorily mitigated by a requirement that the plats collectively provide developed recreational facilities within an area equal to 50% of the recreational space mandated by Development Condition No. 5 within the 1993 East Sammamish Community Plan Update.
10. If approved subject to the conditions recommended below, the proposed subdivisions make appropriate provision for the public health, safety and welfare; serve the public use and interest; and meet the requirements of RCW 58.17.110.
11. The conditions of approval recommended herein, including dedications and easements, will provide improvements which promote legitimate public purposes, are necessary to serve the subdivisions and are proportional to their impacts; are required to make the proposed plats reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

**RECOMMENDATION:**

The following conditions apply to each of the above-referenced subdivisions.

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in a property to be subdivided shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. A subdivision applicant shall obtain final approval from the King County Health Department.
4. A subdivision applicant shall obtain the approval of the King County Fire Protection Engineer and demonstrate compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
5. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.

- a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:  
"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
6. The following conditions outline several Core and Special Requirements in the SWM Drainage Manual which are particularly important for the design of these subdivisions. All other applicable requirements in the SWM Manual shall also be addressed in the design of site improvement plans.
- a. Core Requirement No. 1 - The applicants have submitted a drainage variance application regarding diversion of surface water flows and alternative design requirements for water quality facilities (File No. L95V0057). The final drainage plans shall comply with any required variance conditions of approval.
  - b. Core Requirement No. 3 - The conceptual drainage plan proposes discharge of storm water into Lake Sammamish without on-site detention facilities. This drainage design is consistent with the SWM design manual which designates Lake Sammamish as an acceptable receiving water. The final engineering plans shall address the applicable design requirements for conveyance system location, easement widths, and energy dissipation at the outfall. The conveyance system capacity shall be sized to convey the peak flow from a 100-year/24-hour storm with a 30% safety factor. A diversion dam located within the stream in the southeast portion of Old Mill Point shall be included in the drainage plans. The dam shall be designed to release 50% of the 2-year/24 hour storm into the stream channel, and the remaining high flow storms will bypass into the tightline. Design concepts for the dam shall include long term durability, ease in maintenance, and the ability for adjusting orifices.  
  
The above-described drainage system shall be installed prior to the recording of any of the three, subject plats.  
  
An off-site access and drainage easement shall be obtained for conveyance of storm water to the shoreline of Lake Sammamish. Said easement shall grant to King County the rights of ingress/egress, and maintenance for the proposed drainage system.  
  
No additional hook-ups to the tightline shall be approved for offsite properties unless such properties provide water quality treatment at least equivalent to that required hereunder, as reviewed and approved by LUSD. A plat note such to such effect shall be placed on the face of each of the final plats.
- c. Core Requirement No. 5 - A temporary erosion and sedimentation control plan (TESCP) shall be provided in order to minimize the transport of sediment to drainage facilities and other water resources. Best management practices, as outlined in the SWM design manual, shall be used in the design and implementation of the TESCP. In addition to basic requirements provided in the design manual, the following requirements shall also be used:
    - i. Clearing and grading required for construction of roads, drainage facilities, and utilities shall occur only during the months of April through September, unless otherwise approved by DDES. Disturbed areas shall be seeded and mulched upon completion of grading. Seeding shall occur prior to September to ensure grass establishment by October.  
A note implementing the above requirement shall appear on the final engineering plans.
    - ii. The TESCP plan for each project shall be designed with the intent of limiting the amount and duration of disturbed land susceptible to erosion. Prior to construction approval, a phasing plan for clearing and grading shall be submitted to address this issue. Based upon weather conditions, site stabilization practices, and timing of development for each of the three subdivisions, DDES shall determine the extent to which phasing is necessary.

- iii. An erosion control inspector, hired by the applicant and approved by LUSD, shall regularly observe the effectiveness of the TЕСP and drainage control measures during construction, to ensure compliance with the Design Manual requirements and the conditions of this approval relating to management of construction runoff. The adequacy of TЕСP measures shall be reviewed monthly during the dry season and weekly during the wet season, and after any storm with more than 0.5 inches of rain in 24 hours or less. The erosion control inspector shall maintain a written record of TЕСP maintenance onsite for review by the county inspector.
  - d. Special Requirement No. 5 - Special water quality control facilities, including wet ponds and/or other facilities as approved in the applicants' drainage variance, shall be provided on the final site improvement plans.
  - e. Special Requirement No. 9 - Several wetlands and streams are located on the properties; therefore, a floodplain analysis shall be performed. The 100-year floodplain boundaries shall be shown on the final engineering plans and recorded plats.
7. A permit from the Washington State Wildlife/Fisheries Department may be required for the proposed drainage outfall at Lake Sammamish and/or the diversion dam within the stream on Old Mill Point. Any required permits shall be submitted to LUSD prior to engineering plan approval.
  8. Any required permits for the proposed drainage improvements within the Burlington Northern Railroad right-of-way shall be submitted to LUSD prior to engineering plan approval.
  9. Surface water runoff from impervious surfaces within the lots of the proposed subdivisions shall be infiltrated to the maximum extent possible, as determined by LUSD. The conceptual drainage plan for the subdivisions identifies several options for controlling surface water from individual lot areas (e.g. infiltration, dispersion, or tightlines). Based upon soil conditions, topography, and other design factors, the final drainage plans and geotechnical analysis submitted by the applicants shall demonstrate to the satisfaction of LUSD, that all drainage is satisfactorily controlled and does not cause erosion or other slope stability problems.
  10. Regarding stormwater runoff from lots, the stormwater drainage system shall be designed to maintain the hydrology of the wetland on Webers Ridge and Old Mill Point to the maximum extent feasible, as determined by LUSD based on an analysis submitted by the applicants for these two plats with the engineering plans.
  11. The following note shall be shown on the final engineering plans and recorded plats:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND  
SENSITIVE AREA SETBACK AREAS**

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

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

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

12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
13. The applicants or subsequent owners shall comply with King County Code 27.40, King County Road Mitigation Payment System (MPS), by paying the required MPS fee as determined by King County Public Works, plus an administrative fee. The applicants have an option to either: 1) pay the MPS fee and MPS administrative fee at final plat application, or 2) pay the MPS fee and MPS administrative fee at the time of building permit application. If the first option is chosen, a note shall be placed on the face of the final plats that reads, "All fees required by King County Code 27.40, King County Road Mitigation Payment System

(MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

14. Lots within the subdivisions are subject to KCC 21.61A and Ordinance 11569 which impose impact fees to fund school system improvements needed to serve new development. As a condition of final plat approval, fifty percent (50%) of the impact fees due for a particular plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly among the dwelling units in the plat and shall be collected prior to building permit issuance. A note to this effect shall be placed on the final plats.
15. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners. This shall be stated on the face of the final plats.
16.
  - a. A homeowners' association or other workable organization encompassing all three plats shall be established to the satisfaction of LUSD which provides for the ownership and continued maintenance of the open space and recreational areas.
  - b. Unless otherwise specifically provided herein, facilities to be constructed and maintained by the three plats jointly shall be the responsibility of the three plats in proportion to their relative contributions to the impacts sought to be mitigated. Where such impact contribution cannot be readily ascertained, the responsibility shall be assigned in proportion to the number of lots in each plat. Adequate provision for any joint facilities required hereunder shall be assured before the first plat is recorded through construction or bonding, as appropriate.

Where agreement cannot be reached as to the allocation among the three plats of a joint obligation, any applicant may petition to the Hearing Examiner prior to final plat approval for a determination of his/her proportional share of a joint subdivision obligation.

17. Regarding impacts to the intersection of NE 37th Way/Sahalee Way NE, the applicants shall do one of the following:
  - a. Reduce the size of any plat to be recorded so that less than ten peak hour/peak direction trips will be contributed to the intersection.
  - b. Pay a pro-rata share of \$106.48 per lot towards the signalization of the intersection.

For any plat the above requirement shall be waived if, prior to recording, either a signal has been installed or is being installed at the intersection by others, or the Department of Public Works has established a date for the award of a construction contract to install the signal within twelve months from the date of recording of the plat in question.

18.
  - a. Regarding impacts to the intersection of 192nd Avenue NE/SR 202, none of the plats shall be recorded until the applicants have installed both a signal at this intersection and any related improvements required by the Washington State Department of Transportation (WSDOT). However, if the three plats do not record concurrently, in lieu of installation of the signal full funding to cover such installation and related improvements shall be provided to WSDOT by the applicant for the first plat to record. As an alternative to full funding, bonding to assure installation of the signal and related improvements may be provided, if deemed acceptable by WSDOT.  
  
In any event, the signal shall be installed prior to the road connection being completed between the three plats, i.e., prior to the recording of Webers Ridge.
  - b. As requested by WSDOT, the applicant's pro rata share for the planned widening of the SR 202 corridor between East Lake Sammamish Parkway Northeast and 192nd Avenue Northeast is \$221,000. The applicants have offered to pay this pro rata share and have waived time limits as to project construction. The difference, if any, between \$221,000 and the cost of the signal improvements required in subsection a. above shall be paid either to WSDOT or to King County for the account of WSDOT prior to final approval of the first plat to record.

19. Final engineering plans for the plats shall include off-site road design mitigation to address concerns for limited sight distance and speed control along NE 42nd Street and 203rd Ave NE within the Timberline neighborhood. A traffic control plan shall be submitted to King County for review and approval by LUSD and the Department of Public Works Traffic Engineering Section. The following issues shall be addressed in the design and processing of the traffic plans:
  - a. Upon submittal of the traffic plans to King County, the applicant shall notify the homeowners association and the residences abutting NE 42nd Street and 203rd Ave NE within Timberline Park. Copies of the plans shall be provided to residents and written confirmation submitted to King

County which indicates that the residents have been notified.

- b. A 30-day period shall be allowed to provide affected residents an opportunity to provide written comments on the proposed traffic mitigation. The County Traffic Section shall consider the public comments prior to approving the plans.
- c. Design concepts for consideration shall be based on the February 19, 1996, Memorandum of Understanding between the applicants, Save Timberline, and the Hidden Ridge Homeowners attached to Exhibit 84 and shall include, but not be limited to, traffic control devices such as reduced pavement widths, traffic circles, pavement markings, and stop signs. The final determination of the design requirements will be made by King County. The plans shall also provide for and fund the measurement of peak hour traffic and ADT for five years after plat completion along the neighborhood collector route through Hidden Ridge and Timberline and for implementation of further traffic control modifications if 2,000 ADT is exceeded at any point west of the intersection of Northeast 37th Way and 205th Place Northeast. Such further mitigations may include bonding to finance construction of turning and storage lanes or other interim improvements at the SR 202/Sahalee Way intersection designed to decrease traffic delays.

Construction of improvements, as detailed by this condition, are not required until either Chrysalis Estates is recorded, or a public road connection is made between 192nd Avenue NE and NE 42nd Street. In the event Old Mill Point records before this occurs, the applicant for Old Mill Point may provide bonding which will assure the funding of an equitable share of the cost of the improvements, as determined by the Department of Public Works.

- 20. All lots adjoining an area or having area with a native growth restriction (SASA, SAT, or significant tree retention area) shall be provided with a boundary delineation acceptable to LUSD (e.g., temporary plastic fencing) between the lot or portions of the lot and the area restricted. Said boundary delineation shall be in place prior to any grading or clearing of the subdivision and remain in place until a dwelling is constructed on the lot and ownership transferred to the first owner-occupant. A note to this effect shall appear on the final plat and engineering plans.
- 21. To address the significant adverse impacts of the subject plats on neighborhood recreation facilities and comply with applicable requirements, the following standards shall be met:
  - a. Webers Ridge shall comply with East Sammamish P-suffix development condition No. 5.
  - b. The three plats collectively shall provide a total of 24,000 square feet of usable recreation space outside of required sensitive areas buffers. This recreation space shall be developed pursuant to a plan approved by the King County Parks Department with constructed recreational facilities including, at a minimum, a play area for tots and children, a sport court, and an open area for play, leisure and picnicking. The plan shall also include provisions for maintenance by the plats' homeowners' association. Bonding to assure installation of required facilities may be permitted by LUSD.
  - c. The three plats shall contribute to the provision of recreational sites and facilities proportionally on the basis of numbers of lots, as they themselves shall determine. A single park site may be provided on Webers Ridge for all three plats, as opposed to individual park sites for each subdivision. An acceptable alternative concept for the open area facility is to provide a rustic picnic area accessed by a pedestrian trail within a reasonably flat, fenced portion of Old Mill Point Tract A, subject to review and approval of proposed location and design by the LUSD staff geologist and wetlands/stream ecologist.

**The following conditions apply to Chrysalis Estates.**

- 22. The following conditions specify the required road improvements:
  - a. During preliminary review, the applicant submitted a road variance application (File No. L94V0007) regarding design elements for NE 42nd Street, including road gradient, curve radii, sight distance, and road width. The Public Works Department has indicated that the design concepts are acceptable; however, a final decision by the County Road Engineer will be made after the projects receive preliminary approval. All final conditions of approval for the road variance shall be satisfied in the design of road plans.
  - b. NE 42nd Street shall be improved as an urban neighborhood collector street, except for the right-of-way area north of Lot 2. The right-of-way area north of Lot 2 shall be improved as a minor access street.
  - c. Two-Hundred-Fourth Avenue Northeast shall be improved as an urban minor access street.

- d. Tract D shall be improved as a private minor access street serving Lots 14, 15, and 16. The lots being served shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat. Road improvements shall include a 22-foot-wide paved surface and a minimum tract width of 26 feet.
  - e. Tract B shall be merged with Tract E, a stormwater facilities tract that will be dedicated to King County. An access/utility easement shall be provided across the merged tract to serve Lot 3.
  - f. Tract C shall be improved as a private, joint-use driveway serving Lots 5 and 6. The lots being served shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat. Improvements shall include an 18-foot-wide paved surface and controlled drainage.  
  
This condition shall be waived if Lots 5 and/or 6 are eliminated from the final plat.
  - g. As required by KCRS 5.03, street trees shall be included in the design of all road improvements.
  - h. If Chrysalis Estates records prior to Webers Ridge and Old Mill Point, an emergency access connection between NE 42nd Street and 193rd Avenue NE in Hidden Ridge shall be provided. This access connection shall be improved with a minimum 20-foot-wide gravel surface, consistent with the King County Fire Code. An easement shall be provided on the access connection which allows for its use by emergency vehicles, and use by the public in an emergency situation as determined by the King County Road Engineer or the King County Sheriff. Bollards, consistent with the King County Road Standards, shall be provided at the entrances to the emergency access connection.
  - i. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
23. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 8041.
24. a. There shall be no direct vehicular access to or from NE 42nd St. from those lots which abut it, with the exception of Lots 1 - 3. Lots 1 - 3 shall gain access only from that portion of NE 42nd St. which is not developed as a neighborhood collector street (i.e., the portion lying north of Lot 2). A note to this effect shall appear on the final plat and engineering plans.
- b. The final engineering plans for Chrysalis Estates shall include a design for the proposed driveway to Lot 5. As recommended for erosion control by the applicants' geologist, the design shall consider using a porous gravel road base rather than a culvert to avoid concentrating storm water. Runoff from the road surface shall be controlled by dispersion or infiltration. The driveway shall be constructed in conjunction with development of Tract C and 204th Avenue Northeast. If the drainage feature adjacent to Lot 5 is determined to be a stream as specified in Condition 27, these driveway requirements do not apply.
25. The proposed development shall comply with the King County Administrative Guidelines for Hazardous Slopes, dated February 1, 1987. Final plans shall delineate the top, sides, and toe of all slopes 40% or steeper with a grade difference of 10 feet or more, which occur on the subject property. Native growth protection restrictions shall be provided on the steep slope areas, and building setbacks shall be provided from the steep areas, consistent with the Administrative Guidelines, except as provided below.
- A steep slope area exists in the vicinity of Tract E and Lot 2. This area may be modified, consistent with the Guidelines. (See Condition 26 below.)
26. Tract A shall be merged with the future development tract into one tract. The steep slope area located in Tract A, and the steep slope areas falling within proposed lots shall be labeled as sensitive areas setback areas (SASA).
27. A stream meeting the definition of a DNR Type 5 water lies in the vicinity of the southern portion of the Chrysalis site. In order to determine its exact location relative to the proposed lots in Chrysalis Estates, the applicant shall:
- a. Have a licensed land surveyor perform a survey and establish the location of the western boundary of the site, the southern boundary of the site, and the boundaries of Lots 5 - 8.
  - b. Place flags on the property a sufficient distance apart to allow LUSD staff to locate the above-noted property boundaries, relative to the stream.

If LUSD determines that the stream crosses the Chrysalis site, a stream buffer shall be provided adjoining

the stream on the final plat and engineering plans, consistent with the requirements of Ordinance 9234 (Sec. 2B). (Note that the buffer must include adjoining 30% and greater slopes, consistent with Ordinance 9234). The required stream and buffer shall be placed in a sensitive areas tract. A 15-foot building setback line ("BSBL") shall also be shown from the edge of buffer.

If the applicant disagrees with the LUSD determination, the applicant may request the Hearing Examiner convene a hearing and decide the matter, as permitted by KCC 20.24.080(A)(20).

28. a. A zone boundary crosses the subject property. The northern portion of the site is zoned SC-P. No more than seven lots, including the future development/reserve tract if it is to be recorded as building site, shall be developed on the SC portion of the property. (Where a lot line overlaps the zone boundary, a lot shall be considered to be in the zone in which the majority of the lot is located.)
- If it is to serve as building site, the future development/reserve tract shall be labeled as a lot on the final plat. Alternatively, the future development/reserve tract may be labeled as a nonbuilding tract on the final plat, in which case a note on the final plat shall indicate that no building permit shall be issued for this tract unless and until a subdivision of the tract is approved by King County.
- The area and dimensions of Lots 1 - 3, 14 - 16, and the future development/reserve tract shall meet the minimum requirements of the SC zone classification, or shall be as shown on the face of the approved preliminary plat, whichever is larger.
- b. The southern portion of the site is zoned RS-15000-P. The area of the remaining lots within the plat shall meet the minimum requirements of the RS-15000 zone classification. Lot widths may be reduced below the 80 foot lot width requirement of the RS-15,000 zone, as permitted by KCC 21.48.270, subject to approval of the lot design by LUSD.
- c. The engineering plans and final plat for Chrysalis Estates shall include a 10-foot drainage easement located along the property line abutting Tax Lots 18 and 75. This easement is intended to provide for a potential future connection to convey surface water from existing storm water systems located on the properties to the south. As determined by DDES, the recorded easement language shall include provisions which may require further water quality analysis for future storm water connections into this easement consistent with Condition No. 6.b, above. If determined during final engineering review that topographic constraints would preclude any possibility of a future drainage connection, the easement requirement may be waived by DDES. The existence of other off-site easements which would provide an alternative potential connection to the proposed tightline to Lake Sammamish would also eliminate the need for the on-site drainage easement.

**The following conditions apply to Webers Ridge.**

29. The following conditions specify the required road improvements:
- a. During preliminary review the applicant submitted a road variance application (File No. L94V0007), regarding design elements for NE 42nd Street including road gradient, curve radii, sight distance, and roadway width. The Public Works Department has indicated that the design concepts are acceptable; however, a final decision by the County Road Engineer will be made after the projects receive preliminary approval. All final conditions of approval for the road variance shall be satisfied in the design of road plans.
- b. NE 42nd Street shall be improved as an urban neighborhood collector street. Traffic islands shall be constructed within the "eyebrows" on NE 42nd Street, and designed in a manner which is consistent with the King County Road Standards.
- The preliminary plat shows a 40-foot-wide right-of-way width, which is less than the County standard. The final road plans shall provide a 56-foot right-of-way width, unless otherwise approved by a road variance.
- c. NE 44th Court shall be improved as an urban subaccess street.
- d. Tracts C and F shall be improved as private joint use driveways which serve a maximum of two lots. As specified in KCRS 3.01C, improvements shall include an 18-foot-wide paved surface, and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
- The lots being served by each tract shall have undivided ownership of the tract, and be responsible for its maintenance. A note to this effect shall appear on the final plat.
- e. Tract E shall be designed as a private access tract serving Lots 17, 19, and 20. Improvements shall

conform to KCRS 2.03 for urban minor access roads, which include a 22-foot-wide paved driving surface. The minimum tract width shall be 26 feet with a maximum length of 150 feet. Lots 17, 19 and 20 shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat.

- f. As required by KCRS 5.03, street trees shall be included in the design of all road improvements.
  - h. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
30. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187.
31. There shall be no direct vehicular access to or from NE 42nd Street from those lots which abut it, except via the "eyebrows." A note to this effect shall appear on the final plat and engineering plans.
32. Webers Ridge shall be recorded before the recording of both Old Mill Point and Chrysalis Estates.
33. Off-site access to Webers Ridge from both Chrysalis Estates and Old Mill Point shall be over full-width dedicated and improved roads which have been accepted by King County for maintenance. If the proposed access roads from both Chrysalis Estates and Old Mill Point have not been accepted by King County at the time of recording of Webers Ridge, then said roads shall be fully bonded by the applicant of Webers Ridge.
34. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21.54. Prior to final plat approval, the applicant shall provide notice on title as outlined in KCC 21.54.100. Temporary marking, permanent survey marking, and signs as specified KCC 21.54.120 shall also be addressed prior to commencing construction activities on the site.

Preliminary plat review has identified the following sensitive areas issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the applicant.

- a. Erosion Hazards - The areas located within Tract D are determined to be erosion hazard areas. In accordance with P-Suffix Development Condition No. 21, this area shall remain undisturbed. Tract D shall be shown as a sensitive areas tract on the final plat.
  - b. Steep Slope Hazard - The rear portion of Lot 11 contains a small area of steep slopes. The requirements specified in KCC 21.54.250, including buffer widths and building setbacks, shall be shown on the final engineering plans and recorded plat. A 50-foot-wide buffer and 15-foot-wide building setback shall be provided unless LUSD approves a reduction in the buffer width, pursuant to the provisions of KCC 21.54.250A2.
  - c. Streams - A Class 3 stream traverses the site within proposed Tract H. As specified in KCC 21.54.310, a 25-foot buffer shall be provided from the ordinary high water mark. The stream and buffer shall be placed in a sensitive areas tract on the final plat. A 15-foot BSBL shall also be shown from the edge of buffer. Buffer averaging may be used on this project, subject to the criteria in KCC 21.54.310A3 and the approval of LUSD.
  - d. Wetlands - A Class 2 wetland is located within Tract H. As specified in KCC 21.54.270, a 50-foot buffer shall be provided from the wetland edge. The wetland and buffer shall be placed in a sensitive areas tract. A 15-foot building setback shall be shown from the edge of buffer. Buffer averaging may be used on this project, subject to the criteria in KCC 21.54.270A3 and the approval of LUSD. (Note that the boundary between Tract G and Tract H must be modified so that the wetland buffer falls within Tract H, the sensitive areas tract.)
35. The areas of the lots within the plat shall meet the minimum requirements of the RS-15000 zone classification. Lot widths may be reduced below the 80 foot lot width requirement of the RS-15000 zone, as permitted by KCC 21.48.270, subject to approval of the lot design by LUSD.

**The following conditions apply to Old Mill Point.**

36. The following conditions specify the required road improvements:
- a. NE 43rd Street, 193rd Avenue NE, and 196th Avenue NE north of NE 42nd Street shall be improved as urban neighborhood collector streets. A traffic island shall be constructed within the "eyebrow" on NE 43rd Street and designed in a manner which is consistent with the King County Road Standards.
  - b. One-Hundred-Ninety-Sixth Avenue Northeast located south of NE 42nd Street shall be improved using the following two design standards:

- i. For the portion abutting tax lot 125 (Sammamish Sewer and Water District), the road shall be an urban full width neighborhood collector.
    - ii. The portion south of tax lot 125 shall be an urban half street.
  - c. One-Hundred-Ninety-Fifth Avenue Northeast shall be improved as an urban subcollector street.
  - d. NE 44th Place, NE 43rd Place, and NE 41st Place shall be improved as urban minor access streets.
  - e. Tracts B and C shall be improved as private joint use driveways serving Lots 6 and 7, and Lots 36 and 37, respectively. The lots being served shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat. Improvements shall include an 18-foot-wide paved driving surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
  - f. Tract F shall be designed as private access tract serving Lots 76 - 79. These lots shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat. Improvements shall conform to KCRS 2.03 for an urban minor access road, which includes a 22-foot-wide paved driving surface. The minimum tract width shall be 26 feet with a maximum length of 150 feet.
  - g. A temporary cul-de-sac shall be provided at the terminus of 195th Avenue NE and 196th Ave NE.
  - h. Twenty feet of additional right-of-way shall be dedicated along the frontage of East Lake Sammamish Parkway to provide a total of 50 feet of right-of-way from centerline.
  - i. As required by KCRS 5.03, street trees shall be included in the design of all road improvements.
  - j. If Old Mill Point records prior to Webers Ridge and Chrysalis Estates, an emergency access connection between 196th Avenue NE and NE 42nd Street in Timberline Park shall be provided. This access connection shall be improved with a minimum 20-foot-wide gravel surface, consistent with the King County Fire Code. An easement shall be provided on the access connection which allows for the use of it by emergency vehicles, and use by the public in an emergency situation as determined by the King County Road Engineer or the King County Sheriff. Bollards, consistent with the King County Road Standards, shall be provided at the entrances to the emergency access connection.
  - k. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
37. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 8041.
38. There shall be no direct vehicular access to or from NE 43rd Street from those lots which abut it, except via the "eyebrow," and except for Lot 65. Access to Lot 65 is allowed from NE 43rd Street only if the sight distance requirements of the King County Road Standards are met, or as may be modified through the approval of a road variance.
- There shall be no direct vehicular access to or from 193rd Avenue NE from those lots which abut it.
- A note implementing the above access restrictions shall appear on the final plat and engineering plans.
39. A Type III (fixed) barricade (KCRS 5.07) or locked gate shall be provided across 196th Avenue NE, at the southeast corner of the site, to prevent use by the public of the private road to the south of Old Mill Point (also referred to as 196th Avenue). Vertical concrete curbing, fencing, or other improvements shall also be provided along the east margin of 196th Avenue NE in Old Mill Point, as determined appropriate by the LUSD Engineering Review Section, to prevent public use of the private road. All existing vehicular access rights of property owners which potentially could cause the removal of the barricade or gate shall be waived in writing pending future construction and dedication of 196th Avenue Northeast as a public road.
- In the event that waiver of all the private access rights noted above cannot be obtained, a type 3 barricade or locked gate shall be placed across 196th Avenue Northeast on the south side of Northeast 42nd Street, in lieu of at the southeast corner of the site. In addition, the following shall occur:
- a. All existing vehicular access rights of property owners shall be waived which potentially could cause the removal of the barricade or gate prior to construction of 196th Avenue Northeast as a public road.

- b. Lots 66 - 69 shall be eliminated or relocated elsewhere on the plat.
- c. One-Hundred-Ninety-Sixth Avenue shall not be improved by the applicant, south of NE 42nd Street.

40. The western portion of the site includes areas designated as steep slope and landslide hazards. The proposed development shall comply with the King County Administrative Guidelines for Hazardous Slopes dated February 1, 1987. LUSD shall also consider the removal of trees, as discussed in Condition 49, in determining whether steep slope/landslide buffers may be reduced.

The area lying west of the eastern boundary of the landslide/steep slope hazard zone shall be shown as a sensitive areas tract on the final plat and engineering plans. Building setbacks shall be provided from the sensitive areas tract, consistent with the Administrative Guidelines.

Prior to the submittal of engineering plans, the applicant shall secure approval from LUSD for the identification of the boundaries of the landslide/steep slope hazard area. The applicant shall consult with an LUSD staff geologist to determine the areas where field flagging and surveying will be necessary to accurately delineate the boundary of the landslide/steep slope hazard area. The submittal of additional geotechnical information may also be required.

Note that this condition may require the elimination of lots or tracts from the subdivision.

Note also that a pedestrian trail and picnic area may be permitted within the sensitive area tract.

41. Class 2 wetlands are located within Tracts D and G. A 50-foot buffer shall be provided from the edge of each wetland. A 15-foot building setback shall be provided from the edge of buffer. The wetlands and their respective buffers shall be identified as sensitive areas tracts on the final plat and engineering plans.

Wetland buffer averaging may be used on this project, subject to the following criteria:

- a. It will provide additional resource protection to the wetland; and
- b. The total area on-site contained in buffer shall be equal to that resulting from application of the standard buffer width; and
- c. The minimum buffer width at any location shall be no less than 65% of the standard buffer width.

42. A stormwater conveyance pipe, referred to in Condition 6 above, will be located in Tract A to convey water to Lake Sammamish. Supports for this pipe shall not be placed in wetlands or streams which may be present on Tract A. A reconnaissance of the proposed route of the pipe shall be submitted with the engineering plans to verify that pipe supports will not be located in wetlands or streams.

43. a. The maintenance access road to the stormwater facility shown in Tract "E" shall be designed without crossing the wetland, unless no other access is feasible, in which case the access shall be designed to minimize the impacts to the wetland. The most desirable location for a crossing would be parallel and adjacent to proposed 196th Avenue Northeast road crossing.
- b. A stormwater diversion dam is proposed to be placed in the Class 2 wetland in Tract D, and 196th Ave. NE is proposed to cross this wetland. These encroachments into the Tract D wetland are permitted, subject to the approval of a wetland mitigation plan by LUSD.

All approved alterations of the Tract D wetland shall be replaced or enhanced on a 2:1 basis, with equal or greater biological values including habitat value, and with equivalent hydrological values including storage capacity. As a facility which serves all three plats, the responsibility for mitigation of wetland alterations for the diversion dam shall be shared among the three subdivisions based on the relative contribution of each to runoff generation.

- c. A wetland mitigation plan is required as part of the approved engineering plans. The mitigation plan shall be submitted to LUSD for approval, and shall include proposed final grades and hydrology; a detailed planting plan showing plant species, sizes and locations; and construction notes.

Mitigation required pursuant to the mitigation plan must be completed prior to King County's granting of final approval of the plat. If the applicant demonstrates that seasonal constraints or other circumstances beyond their control prevent completion of the mitigation prior to final approval, the applicant may post a performance bond or other security instrument, as approved, which guarantees that all required mitigation measures will be completed no later than the time established by LUSD. Upon satisfactory completion of the performance inspection, LUSD wetlands staff shall recommend release of the performance bond and its replacement with a

maintenance bond.

A maintenance bond shall be required, in a form and amount sufficient to guarantee satisfactory workmanship, materials, and performance of structures and improvements allowed or required, for a period of up to five years. Upon satisfactory completion of the final monitoring inspection of the site, King County LUSD wetlands staff shall release the maintenance bond. If the project has not met its performance standards at the end of the monitoring period, the applicant is responsible for preparation and implementation of a contingency plan to remedy the situation.

44. The area of the lots within the plat shall meet the minimum requirements of the RS-15000 zone classification. Lot widths may be reduced below the 80 foot lot width requirement of the RS-15000 zone, as permitted by KCC 21.48.270, subject to approval of the lot design by LUSD.

Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Land Use Services Division.

45. Construction of the pedestrian trail through to East Lake Sammamish Parkway proposed in Tract A is permitted if desired by the Applicant, provided that the following conditions are met prior to plat recording:
- a. A design for the trail shall be approved by an LUSD staff geologist and wetlands/stream ecologist.
  - b. The design of the trail shall also be reviewed and approved by the Department of Transportation regarding pedestrian safety issues. Improvements to the trail or to East Lake Sammamish Parkway to assure pedestrian safety may be required.
  - c. The trail shall not be built until either the proposed City of Redmond Park adjacent to Old Mill Point is constructed or another suitable trail destination is identified, as approved by the King County Parks Division. A written agreement shall be concluded with the City of Redmond which sets the terms and conditions for any proposed connection of the trail to the City park.

In the event that a suitable destination has been identified but does not exist prior to the recording of Old Mill Point, the future construction of the trail may be bonded, subject to the above conditions and Condition 46, below.

**The following conditions are based upon mitigating measures proposed by the applicants which appear throughout the EIS. The language of the mitigating measures have been modified, as they appear below, to facilitate implementation of the conditions. Page numbers follow each condition to indicate where the mitigation measure can be found in the EIS. These conditions apply to one or more of the three, proposed subdivisions.**

46. To facilitate the reduction of landslide and erosion hazards from the conveyance pipeline and proposed pedestrian trail and picnic area, if applicable, on Old Mill Point, a qualified geotechnical consultant shall be employed by the applicant during the design phase of these facilities. [p. 3-21, DEIS]
47. No uncontrolled fill, topsoil, or other debris shall be placed over the slopes in Zone 1 landslide hazard areas, as identified in the DEIS (p. 3-10). [p. 3-21, DEIS]
48. All proposed fill soils planned for slopes steeper than 5H:1V (if any) shall be benched into the hillside and compacted per the geotechnical engineer's recommendations for structural fill. No fill shall be placed over the slopes in landslide hazard Zones 1 and 2, as identified in the DEIS (p. 3-10). [p. 3-22, DEIS]
49. To reduce the impacts of erosion and vegetation removal from the proposed subdivisions, clearing limits and tree preservation restrictions shall be provided as follows:
- a. A tree preservation plan shall be submitted with the engineering plans. The tree preservation plan shall include the preservation of a minimum of 20% of the total lot area within the lots in the subdivision. (Averaging may be used to determine the appropriate preservation area for individual lots, except as provided below.)
  - b. The tree preservation plan shall be prepared by a landscape architect or forester. The plan shall identify the trees to be preserved within the proposed, preservation areas. The following guidelines shall be followed to determine where trees shall be preserved:
    - Retain trees greater than 60 feet in height or 24 inches in diameter.
    - Retain trees located in groupings of at least five, with canopies that touch or overlap.
    - Retain trees that would provide energy savings for homeowners through protection from winter winds and summer sun.

- Retain trees that belong to unique or unusual native or non-native species.
  - Retain trees located within 25 feet of any required sensitive area buffers.
  - For lots containing zone 1 erosion hazard areas as delineated on Figure 10, DEIS (p. 3-13), at least 20% of each lot shall be placed in a tree retention area.
  - As an overriding concern, trees determined to be hazard from future blowdown shall be removed.
- c. The tree preservation plan shall be submitted for review and approval by LUSD.
- d. The areas where trees are to be retained shall be labeled as significant tree retention areas on the final plat and engineering plans. No removal of vegetation shall occur within approved tree retention areas prior to recording of the final plats, except for hazard trees as determined by LUSD which do not serve as habitat for cavity nesting birds.
- e. Following recording of the plat, homeowners may clear brush from tree retention areas, as well as hazard trees approved by LUSD, provided the work is done by hand and involves no motorized wheeled or tracked equipment. Notes to this effect shall appear on the final plat. [pp. 3-22, DEIS and 2-7, FEIS]
50. Construction runoff (e.g., concrete wastes, equipment oils) shall be collected in sumps and disposed of in approved off-site facilities. [p. 3-45, DEIS]
51. All construction equipment shall be parked in defined staging areas from which runoff shall be controlled and within which petroleum hydrocarbons shall be trapped in temporary sumps. No on-site release of contaminated sump water shall occur, nor shall any contaminated soils be left on-site. Such soils shall be handled as "construction waste." [p. 3-45, DEIS]
52. Provision for accidental spill response cleanup and notification procedures shall be included in contractor agreements. [p. 3-45, DEIS]
53. The proposed driveway crossing for access to Lot 5 of Chrysalis Estates (if this lot is retained in the plat) shall be constructed with an adequately sized culvert to allow for continued drainage in the Class 3 stream segment, and shall include gravel fill at the bottom of the embankment. The gravel fill shall allow for continued subsurface movement of water. [p. 3-46, DEIS]
54. Buffer widths prescribed in the Sensitive Areas Ordinance shall be provided to protect stream and wetland areas on Old Mill Point. [p. 3-46, DEIS]
55. The road embankment for the wetland road crossing on Old Mill Point (196th Avenue NE) shall be designed with an adequately sized culvert to maintain water movement. The first level of fill for the road crossing shall consist of gravelly material which can allow continued subsurface movement of water. [p. 3-57, DEIS]
56. Construction of the diversion dam in Drainage 0143B on Old Mill Point shall be designed to maintain surface and sub- surface movement of water at low flow conditions. A gravel filter shall be installed behind the dam to prevent siltation and blockage of flow through the dam. Installation of the dam shall occur during summer months when soils are dry to minimize disturbance. Disturbed areas shall be revegetated using native plants. [p. 3-57, DEIS]
57. Homebuyers shall be given information explaining the significance of the retained trees and vegetation, and the rights and responsibilities of homeowners with respect to that vegetation.
58. Storm drains shall be stenciled with the message "Drains to lake, Dump no pollutants."

RECOMMENDED this 12th day of March, 1996.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 12th day of March, 1996, to the following parties and interested persons:

Thomas Aitchison	Larry & Gail Bazzell	Ron & Tory Bezzant
Bill & Jan Armstrong	Bellevue Planning Dept.	Edward & Cheryl Bondy
Dick & Donna Auby	Yetta Bennett	Edward M. Boyd
Tom & Carol Bason	Blane & Christi Berry	David & Monika Bruner

Joanna Buehler  
Jim & Kathy Captain  
Jay & Bev Carpenter  
Barbara & Robert Carr  
Ken & Lana Childs  
Jeff & Joanie Chinn  
Donald & Barbara Coyner  
B. Creager/Barghausen  
Brad & Diane Cvetovich  
Craig Dalglish  
Tom & Sharon Danner  
Dan & Colleen Davis  
John Davis  
Brian & Keily Derrick  
Mike & Cathy Dibello  
Donna Dixon  
Roger Dorstad  
Gretchen Duque  
Joy & Loretta Esser  
Jack Estep  
Fire Protection Dist. #34  
Freed/Zachary  
Luke & Marlene Fu  
Charles & Irene Fung  
Dick Gardner  
John & Joyce Garland  
Ben & Sharon Gay  
Mike & Ilana Golan  
Linda Gorremans  
Karen Goswell  
Charles Grimes  
Group Four  
Patricia & James Groves  
Harry Grzelewski  
C. Guillou  
Ellen Gullholm  
Brian Haberly

Scott & Julie Hagan  
Joel Haggard  
Robert J. Hamilton  
F Hanshaw/RJ Realtors  
Ron & Carole Hanson  
Sandy & Marilyn Harbraves  
Mark & Annie Harris  
Matthew Harris  
Bob & Bernadean Harvey  
William Haselbauer  
Frank Henshaw  
Jean & Frank Hewitt  
Donald J. Hill  
Steve Hoffman  
Chris Hung  
Bob Ingalls  
William Irish  
Marcia Jarvis  
Ronald & Karen Jensen  
Delores & Dale Jensen  
David Johnson  
Michael A. Jonson  
Susan & Keith Kaiser  
Gene & Shelly Kavner  
Tom Kellogg  
Barry & Mary Key  
Tom & Lisa Kihara  
Diana Kinared  
A Kindig/Beak  
Phillip Kirk  
Randy & Debi Kyte  
Lake Washington School Dist.  
De-En Lang  
Fifi Yahya/On Lee  
L Lepp/Assoc Earth Sciences  
Paul Lim  
Ken & Marcela Lobb  
Sarah & Mark Lowry  
Jack Lynch  
Rod Malcom  
Richard McClain  
Willis McCormick  
P. McCune/Heller Ehrman  
David & Beth McDonald  
Jacquelyn Melton  
Don Miller  
Mike Miller  
Michael Monroe  
Panfilo & Dante Morelli

Bob & Jeanette Muender  
Garret Munger  
Garry & Roseanna Myall  
Chris Nakano  
NE Sammamish Water/Sewer  
William C. Nelson  
New Construction Services  
Neil Nicoll  
Sally Norman  
G Norris/Wm Popp  
Victor & Raquel Nosce  
Robinson/Ostergaard Robinson  
Anne O'Rourke  
Leanore Propst  
Puget Sound Power & Light  
Miguel & Jane Rabay  
S. & Mala Raman  
Redmond Planning Dept.  
Sue Ann & Paul Reynolds  
Devereux & Marcia Rice  
James & Debby Roberson  
Bill & Alison Roberts  
David Rowe  
Robin Ruble  
Victor L. Salemann  
M. Santee  
Mark & Debbie Schoonover  
Andrew Schuchardt  
Bob & Diane Schupp  
Germino Scott  
Lindsey & Richard Seaver  
Patty Siegarth  
Curtis Smelser  
Claire Smith  
Wm. Snell/Jonson & Jonson  
Tami Knee/Kory Srock  
George Sutherland  
Ed Terpilowski  
James B. Thomas  
Barbara Ulrich  
Dave & Debbie Van Ness  
Richard & Katherine  
VonLehman  
Dennis Willhite  
David Wilken  
Bill H. Williamson  
Richard Wilson  
J.A. & Margrit Zimmerman

Tom Bertek, Dept. of Transportation/Roads Division  
Steve Bottheim, DDES/Land Use Services Division  
Lee Carte, DDES/Land Use Services Division  
Laura Casey, DDES/Land Use Services Division  
Luanne Coachman, DDES/Environmental Division  
Peter Dye, DDES/Land Use Services Division  
Lanny Henoeh, DDES/Land Use Services Division  
Nancy Hopkins, DDES/Land Use Services Division  
Tom Koney, Metropolitan King County Council  
Mark Mitchell, DDES/Land Use Services Division  
Paulette Norman, Dept. of Trans/Traffic & Planning  
Lisa Pringle, DDES/Land Use Services Division  
Lorin Reinelt, Surface Water Management Division  
V. Rollis, WSDOT/NW Region  
William C. Dues, WSDOT/NW Region  
Ellen Turner, DDES/Environmental Division  
King Conservation District  
Steven C. Townsend, DDES/DIU  
Wash. St. Dept of Ecology

AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **March 26, 1996**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before **April 2, 1996**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE FEBRUARY 5, 6, 7, 8, AND 9, 1996, PUBLIC HEARING ON FILES NO. S90P0028 (CHRYSALIS ESTATES), S90P0096 (WEBERS RIDGE) AND S90P0105 (OLD MILL POINT).

Stafford L. Smith was the Hearing Examiner in this matter. Participating at the hearing were Lanny Henoch, Nancy Hopkins, Peter Dye, Luanne Coachman, Laura Casey, Steve Bottheim, and Lorin Reinelt, representing the County; and De-En Lang, Curtis Smelser, Matthew Harris, Bill Williamson, Robert J. Hamilton, Johanna Buehler, Gary Norris, Phil McCune, Val Rollis, Victor L. Salemann, Garret Munger, Lou Lepp, Kent Robinson, David Johnson, Andy Kindig, Steve Hoffman, Mark Harris, Brian Haberly, Dennis Willhite, Mike Golan, Jim Captain, Harry Grzelewski, John Davis, Diane Cvetovich, Joyce Garland, David Rower, Phil Kirk, Panfilo Morelli, David Bruner, James B. Thomas and Gretchen Duque.

The following exhibits were offered and entered into the hearing record February 5, 1996:

- Exhibit No. 1 LUSD File No. S90P0028 (Chrysalis Estates)
- Exhibit No. 2 LUSD File No. S90P0096 (Webers Ridge)
- Exhibit No. 3 LUSD File S90P0105 (Old Mill Point)
- Exhibit No. 4 LUSD staff report, prepared for the February 5, 1996, public hearing
- Exhibit No. 5 Applicant's subdivision application for Chrysalis Estates, received April 2, 1990
- Exhibit No. 6 Applicant's subdivision application for Webers Ridge, received October 30, 1990
- Exhibit No. 7 Applicant's subdivision application for Old Mill Point, received November 14, 1990
- Exhibit No. 8 SEPA Determination of Significance and Scoping Notice, date of issuance - March 1, 1994
- Exhibit No. 9A Draft Environmental Impact Statement (DEIS), date of issuance - July 7, 1995
- 9B DEIS Appendices
- 9C Final Environmental Impact Statement (FEIS), date of issuance - December 19, 1995
- Exhibit No. 10A Affidavit of Posting for Chrysalis Estates, received January 5, 1996
- 10B Affidavit of Posting for Webers Ridge, received January 5, 1996
- 10C Affidavit of Posting for Old Mill Point, received January 5, 1996
- Exhibit No. 11 Revised preliminary plat map for Chrysalis Estates, received January 10, 1995
- Exhibit No. 12 Revised preliminary plat map for Webers Ridge, received January 8, 1996
- Exhibit No. 13 Revised preliminary plat map for Old Mill Point, received January 8, 1996
- Exhibit No. 14 Three project site plan, received January 8, 1996
- Exhibit No. 15 Land use map - Kroll maps 530E, 573W, 534E, 535W and 535E
- Exhibit No. 16 Assessor maps - SW 17-25-6 and S 1/2 18-25-6
- Exhibit No. 17 SWM Variance Application (File No. L95V0059), received May 5, 1995
- Exhibit No. 18A Road Variance Application (File No. L94V0007), dated September 27, 1994 (revision to application received January 24, 1994)
- 18B Amendment to Road Variance (L94V0007) with cover letter dated January 15, 1996
- Exhibit No. 19 Letter from Washington State Department of Transportation (WSDOT), dated January 19, 1995, with four attachments
- Exhibit No. 20 Letter from WSDOT dated January 29, 1995
- Exhibit No. 21 Letter from De-En Lang, Subdivision Management Inc., dated November 8, 1995, with two attachments
- Exhibit No. 22 Letter from De-En Lang, Subdivision Management, Inc., dated January 26, 1996

- Exhibit No. 23 Faxed correspondence from Don Miller of G.S. C. to Lanny Henoch of LUSD, dated January 5, 1996, with two attachments
- Exhibit No. 24 Memorandum from Laura Casey, Senior Ecologist, Site Development Services Section, LUSD, to Lanny Henoch, LUSD, dated January 11, 1995, with four attachments
- Exhibit No. 25 Faxed letter from Philip S. Kirk, Phil Kirk and Associates, to Luanne Coachman, DDES, dated January 16, 1996, with two attachments
- Exhibit No. 26 Letter from Phil Kirk and Panfilo Morelli to Stafford Smith, Deputy Hearing Examiner, and Lanny Henoch, LUSD, dated January 26, 1996, with three attachments
- Exhibit No. 27 Letter dated February 2, 1996 (w/attachments) from Bill Williamson (attorney for intervenors Hamilton) to De-En Lang re stipulated voluntary mitigation conditions affecting Hamilton property
- Exhibit No. 28 Additional paragraph (quote from FEIS) to page 14 of staff report
- Exhibit No. 29 Colorized map showing all three plats
- Exhibit No. 30 Original plat map of Old Mill Point
- Exhibit No. 31 Letter dated February 2, 1996, from Robert Josephson (WSDOT) to Lanny Henoch re transportation mitigation request
- Exhibit No. 32 Report and recommendation to the King County Council - Hidden Ridge (File No. 986-5)
- Exhibit No. 33 Excerpt (pp 138-139) from Bear Creek Master Plan Development conditions
- Exhibit No. 34 Resume' of Victor L. Salemann, PE
- Exhibit No. 35 Figure 2, Appendix B, FEIS
- Exhibit No. 36 Excerpt (#30) from Thomas Brothers Maps
- Exhibit No. 37 Physical characteristics - locations maps - Figure 1 from FEIS

The following exhibits were offered and entered into the hearing record February 6, 1996:

- Exhibit No. 38 Map of properties in area of 196th
- Exhibit No. 39 Phil Kirk written notes of testimony
- Exhibit No. 40 Map showing existing road and proposed road (196th)
- Exhibit No. 41 Grading graphic
- Exhibit No. 42 Shoreline Substantial Development Permit (SDP) application, received February 17, 1995
- Exhibit No. 43 Affidavit of newspaper publication for the SDP
- Exhibit No. 44 Affidavit of posting for the SDP, received January 30, 1996, indicating that on January 5, 1996, one public notice board was posted on East Lake Sammamish Parkway adjacent to the subject site.
- Exhibit No. 45 Revised SDP plans, received January 12, 1996. (Note: Plan is referenced as Exhibit D-7-a in the Staff Report and SDP file)
- Exhibit No. 46 King County Assessor maps: S 1/2 18-25-6 and NE 1/4 19-25-6, received February 17, 1995. (Note: Subject shoreline site is located on the S 1/2 of 18-25-6 Assessor map)
- Exhibit No. 47 Faxed correspondence received January 26, 1996, from Kent L. Robinson, Ostergaard-Robinson and Associates, the applicants' engineering consultant, requesting DDES to consider alternative drainage designs (seven pages)
- Exhibit No. 48 Correspondence from Robert J. and Cynthia J. Hamilton, received January 30, 1969, which includes a petition for intervention (seven pages)
- Exhibit No. 49 Correspondence received February 5, 1996, from Donald Hill, D. R. Strong Consulting Engineers, representing Robert and Cynthia Hamilton (three pages)
- Exhibit No. 50 Copy of King County Shoreline Code Procedures, K.C.C. 25.32.030(c), regarding newspaper notice requirements
- Exhibit No. 51 LUSD Shoreline SDP File L 95SH019
- Exhibit No. 52 Photographs (3) of shoreline taken by Garret Munger January 23, 1996
- Exhibit No. 53 Assessors map (NE 19-25-6) showing stream path
- Exhibit No. 54 Preliminary Storm Drainage Plan submitted by Kent Robinson
- Exhibit No. 55 Lake Sammamish Total Phosphorous Model (METRO study)
- Exhibit No. 56 Traffic calming charts submitted by Applicant

The following exhibits were offered and entered into the hearing record February 7, 1996:

- Exhibit No. 57 Letter dated January 31, 1996, from Bill and Jan Armstrong expressing concern re traffic and safety
- Exhibit No. 58 Several newspaper articles submitted by Mark Harris
- Exhibit No. 59 4:1 Program - Marshall/Oatfield proposal
- Exhibit No. 60 Letter dated February 5, 1996, from City of Redmond to Lanny Henoch
- Exhibit No. 61 Packet from AMTEST with regard to testing methods and parameters
- Exhibit No. 62 Jennifer Fulton (Beak) April 3, 1995, memo to Loren Reinelt (SWM)
- Exhibit No. 63 Table 1 - Urban Runoff Water Quality from Selected Studies
- Exhibit No. 64 Table 2 - Comparison of Beak Consultants Unmitigated Water Quality Prediction with Data from Local Studies - February 6, 1996

The following exhibits were offered and entered into the hearing record February 8, 1996:

- Exhibit No. 65 Written testimony of Donald Hill

The following exhibits were offered and entered into the hearing record February 9, 1996:

- Exhibit No. 66 Letter received February 7, 1996, from Yetta Bennett
- Exhibit No. 67 Memorandum dated February 8, 1996, from Valerie Rollis (WSDOT) to Examiner, LUSD, and

Traffic Engineering Division

Exhibit No. 68 By reference - Examiner's file on Beaverdam I (File Nos. S90P0035 and L90CU023)

Exhibit No. 69 By reference - Examiner's file on Beaverdam II (File No. L94UP0001)

Exhibit No. 70 By reference - Examiner's file for Troshachs (S89P0055), Belvedere Park (S89P0025), and Brighton's Landing (S89P0028)

Exhibit No. 71 By reference - Examiner's file on Quiet Water (S91P0036)

Exhibit No. 72 Letter dated February 4, 1996, from Edward M. Boyd to Luanne Coachman

Exhibit No. 73 Photocopy of public notice in February 8, 1996, Journal American re shorelines permit application

Exhibit No. 74 Traffic counts performed by William Popp at Northeast 37th Way and Sahalee

Exhibit No. 75 Map showing traffic on existing road with connecting volumes and without connecting volumes

Exhibit No. 76 Amended proposed shoreline conditions

Exhibit No. 77 Interlocal Guidelines for Coordination with King County for Mitigation of Development Impacts

Exhibit No. 78 Amended proposed conditions submitted by staff

Exhibit No. 79 Bill Walker letter (with attachment) summarizing testimony and proposed mitigations

Exhibit No. 80 Rebuttal statement prepared by Joanna Buehler (for Save Lake Sammamish)

Exhibits offered and entered into the hearing record pursuant to an administrative continuance:

Exhibit No. 81 Waiver of Time Limits executed by Donna Dixon (Applicant Webers Ridge), William C. Nelson (Applicant Old Mill Point), and Jack Estep (Applicant Chrysalis Estates)

Exhibit No. 82 Letter dated February 5, 1996, from Ed Terpilowski to Gary Locke

Exhibit No. 83 Letter dated February 14, 1996, from Donald J. Hill (D.R. Strong Consulting Engineers) to Examiner providing additional testimony and Shoreline Permit comments

Exhibit No. 84 Letter dated February 23, 1996, from De-En Lang (Subdivision Management) to Examiner providing written closing argument.

Exhibit No. 85 Memorandum dated February 23, 1996, from Lanny Henoch to Examiner submitting revised language for recommended Condition 18

Exhibit No. 86 Letter dated February 23, 1996, from William C. Dues (WSDOT) to Lanny Henoch clarifying WSDOT's mitigation request

SLS:daz  
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March 25, 1996

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
700 Central Building  
810 Third Avenue  
Seattle, Washington 98104

**NOTICE OF CORRECTED CONDITIONS.**

**SUBJECT:** Department of Development and Environmental Services File No. **S90P0028**  
Proposed Ordinance No. **91-43**

**CHRYSALIS ESTATES**  
Preliminary Plat Application

Located generally between NE 44th Street and NE 38th Street (if both were extended) and generally between 196th Avenue NE and 203rd Avenue NE (if both were extended)

Developer/Owner: Jack Estep, 20005 NE 42nd Street,  
Redmond, Washington 98053

Surveyor/Engineer: Subdivision Management, 16031 - 119th  
Place NE, Bothell, Washington 98011

**SUBJECT:** Department of Development and Environmental Services File No. **S90P0096**  
Proposed Ordinance No. **91-761**

**WEBERS RIDGE**  
Preliminary Plat Application

Located generally between 196th Avenue NE and 198th Avenue NE (if both were extended) and generally between NE 45th Street and NE 42nd Street (if both were extended)

Developer/Owner: Donna Dixon, P.O. Box 10263, Bainbridge Island, WA 98110

Surveyor/Engineer: Subdivision Management, 16031 - 119th

Place NE, Bothell, Washington 98011

**SUBJECT:** Department of Development and Environmental Services File No. **S90P0105**  
Proposed Ordinance No. **92-29**

**OLD MILL POINT**  
Preliminary Plat Application

Located generally between East Lake Sammamish Parkway NE and 196th Avenue NE (if extended) and generally between NE 44th Street and NE 36th Street (if both were extended)

Developer/Owner: William C. Nelson, P.O. Box 461  
Redmond, Washington 98073-0461  
Surveyor/Engineer: Subdivision Management, 16031 - 119th  
Place NE, Bothell, Washington 980111

With regard to the recommended decision issued March 12, 1996, three proofreading errors within the Examiner's report for the above-referenced preliminary plats require correction. These corrections do not require the extension of any applicable appeal period.

1. On page 2 under the heading "Public Hearing", the hearing opened on February 5, 1996, not February 6 as indicated.
2. The last sentence within condition 6.b on page 18 should be amended to read:  
"A plat note to such effect shall be placed on the face of each of the final plats."
3. Condition No. 32 on page 26 should read as follows:  
"Webers Ridge shall be recorded concurrently or subsequent to the recording of both Old Mill Point and Chrysalis Estates.

RECOMMENDED this 25th day of March, 1996.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 25th day of March, 1996, to all parties and interested persons.

SLS:daz  
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