

June 13, 1997

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON

700 Central Building  
810 Third Avenue  
Seattle, Washington 98104  
Telephone (206) 296-4660  
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REPORT AND DECISION.

SUBJECT: Department of Development and Environmental Services File No. L96P0026

Proposed Plat of  
LAKEVIEW GREENS

Location: Generally between Juanita Drive and 80th Avenue Northeast, and generally between Northeast 114th Street and Northeast 116th Street (if both roads were to be extended)

Owner/  
Developer: L.E. Scarr & Betty A. Scarr  
8126 Northeast 115th Court  
Kirkland, WA 98034

Project Manager/  
Planner: Julian Sayers  
The Sayers Associates  
1133 37th Avenue  
Seattle, WA 98122

SUMMARY OF DECISION:

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

PRELIMINARY MATTERS:

Application submitted: October 24, 1996  
Revised January 14, 1997  
Notice of complete application: November 21, 1996

EXAMINER PROCEEDINGS:

Hearing Opened: June 3, 1997  
Hearing Closed: June 3, 1997

Participants at the proceedings 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.

ISSUES ADDRESSED:

- Density
- Traffic; circulation
- Wildlife habitat

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

FINDINGS:

1. GENERAL INFORMATION:

Owner/Developer:	L.E. Scarr & Betty A. Scarr 8126 Northeast 115th Court Kirkland, WA 98034
Engineer:	Dowl Engineers 8320 154th Avenue Redmond, WA 98052
Project Manager/ Planner:	The Sayers Associates 1133 37th Avenue Seattle, WA 98122
STR:	36-26-4
Location:	Generally between Juanita Drive and 80th Avenue Northeast, and generally between Northeast 114th Street and Northeast 116th Street (if both roads were to be extended)
Zoning:	R-8P
Acreage:	4.63 acres
Number of Lots:	26
Density:	5.6 units per acre
Typical Lot Size:	Ranges from approximately 4,250 to 7,850 square feet
Proposed Use:	Single-family residential
Sewage Disposal:	Northshore Utility District
Water Supply:	Northshore Utility District
Fire District:	King County District #41
School District:	Lake Washington School District
Complete	
Application Date:	January 14, 1997 (revision). The proposed plat of Lakeview Green was originally submitted October 24, 1996; however, the application was revised in January 1997 due to a modification of the boundaries and legal description

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 June 3, 1997, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.

3. A revised preliminary plat application was filed by L.E. and Betty Scarr on January 14, 1997, to subdivide 4.63 acres into 26 lots for single family residential development. The proposal is for an infill residential development within the Urban Growth Area at a site located west of the Hermosa Vista neighborhood and east of Juanita Drive. The property is mostly wooded with second growth trees and slopes gently towards the west. Because the property is now zoned R-8, it will be developed at a higher density than surrounding properties, which generally feature lots in the 11,000 square foot range. A number of area residents have speculated that the higher density development will have an adverse affect on the character of the neighborhood, however the Lakeview Greens plat is designed at the minimum density allowable within the zone, and so a further reduction in the number of lots is not permitted under County regulations.

4. The major issue raised by area residents at the public hearing held on this application concerned traffic and circulation. Currently, the principal access to Juanita Drive Northeast, a minor arterial which connects north to Bothell Way and east to I-405 and Kirkland, lies south of the plat where 80th Avenue Northeast intersects both Juanita Drive and Northeast 112th Street. This intersection is afflicted by a number of problems. First, 80th Avenue Northeast is steep and narrow within the section that lies just north of Juanita Drive. Second, while the portion of the intersection consisting of 80th Avenue Northeast and Northeast 112th Street forms roughly a "T", Juanita Drive slices through the intersection at a 45° angle, resulting in poor sight distances and awkward turns. Due to a combination of topography, vegetation and sharp intersection angles, both the left and right turns out of the neighborhood from 80th Avenue Northeast to Juanita Drive are hampered by poor sight distance, and the incoming left turn from Juanita Drive north onto 80th Avenue Northeast is at about a 270° angle.

These problems are compounded by the rush hour congestion along Juanita Drive, which also complicates the entry of traffic into the intersection east from Northeast 112th Street. Commuter vehicles from Northeast 112th Street, in order to turn onto Juanita in either direction, must crowd into the line of traffic queued north along 80th Avenue Northeast, and in so doing frequently block the northbound lane on 80th Avenue Northeast. Even so, the reported accident history at this intersection recently has been quite low, a fact which may be misleading when viewed in the context of the higher accident rates which occurred in years prior to 1992 and the inherent dangers and difficulties of the intersection.

5. The residents of the Hermosa Vista neighborhood are understandably upset at the prospect that Lakeview Greens might add to the traffic congestion at the intersection of Juanita Drive with 80th Avenue Northeast and Northeast 112th Street. Their solution to the problem would be to simply require Lakeview Greens to be served by an enclosed cul de sac system having its own exit to Juanita Drive, thereby avoiding any effect on the 80th Avenue intersection with Juanita Drive. County staff has taken a somewhat different approach to the problem, requiring Lakeview Greens to have its own intersection with Juanita Drive but also recommending that the access road connect through the plat to 80th Avenue Northeast. Staff's goal is to provide a safe alternative route out of the Hermosa Vista neighborhood to Juanita Drive at a location that has better sight distance, a gentler slope, and is capable of being designed as a simple "T" intersection.

6. Based on the Applicant's traffic study, staff engineers have concluded that the new roadway connection through Lakeview Greens to Juanita Drive should have no noticeable adverse impact at the 80th Avenue intersection further south. While the seven Lakeview Greens lots which directly front on 80th Avenue Northeast can be expected to use it as a primary access to Juanita for trips to the south, lots along the interior access road are expected to use the plat's new Juanita Drive access even for southbound trips because of its superior safety and geometrics, which will be perceived as justifying going a few hundred feet further in travel distance. This appears to be a rational estimation based on the fact that routing studies consistently show that drivers will travel a slightly longer distance if it produces a saving in time and convenience. On that basis one would expect Lakewood Greens' access to Juanita Drive to attract traffic up to the point where its congestion begins to approximate the delay further south at 80th Avenue Northeast.
  
8. Moreover, it is clear to everyone that for traffic traveling northbound along Juanita Drive the Lakeview Greens access will be shorter, safer and more convenient. As such, it will attract northbound traffic not only from Lakeview Greens but from Hermosa Vista as well, traffic that now exits south along 80th Avenue Northeast. While it is generally perceived that the southbound left turn from 80th Avenue Northeast onto Juanita Drive during the morning rush hour is the most critically difficult movement at issue, even that movement will be benefited by the diversion of some northbound Hermosa Vista traffic to the Lakeview Greens access. This is because 80th Avenue Northeast is narrow and characterized by a difficult sharp right turn northbound onto Juanita Drive, a set of circumstances that makes right-turning northbound traffic a significant delay factor for traffic queued on 80th Avenue Northeast north of the intersection. Thus, removal of this right-turning traffic from the queue should reduce the wait in line for left-turning traffic onto Juanita.

Staff is therefore correct in its estimation that the minor amount of new traffic Lakeview Greens will contribute to the intersection of Juanita Drive with 80th Avenue Northeast and 112th Street will be offset by the benefits derived from diverting neighborhood northbound traffic through the new plat access intersection. A new, safer second access will provide an overall improvement to the area circulation system, an upgrade which is supported by both Comprehensive and Community Plan policies.

9. The relatively minor level of traffic impact created by Lakeview Greens along the 80th Avenue Northeast corridor will also require improvements to be constructed as mitigation by the developer. These include widening the pavement along the lower end of 80th Avenue Northeast to a consistent 20-foot width plus the provision of a four-foot gravel shoulder on one side. Due to topography and the pattern of existing development, these improvements will be constructed entirely on the east side of 80th Avenue Northeast and will require an existing roadside ditch to be piped and covered. However, the desire of some Hermosa Vista residents that the Applicant be required to construct a signal at 80th Avenue Northeast and Juanita Drive is not supported by the total volumes of traffic which are funneled through this intersection. Rather, the efforts of the neighborhood would be better focused upon convincing the County to reconstruct the entire intersection to reduce its level of difficulty and danger, a major project which cannot be imposed upon any single developer but must be approached as a public improvement issue. On a regional scope, it is also to be noted that a signal will eventually be installed north of this neighborhood at the intersection of Juanita Drive and Northeast 122nd Street. This signal will benefit intersections to its south by platooning the flow of traffic, thereby creating additional turning opportunities.

10. Also related to traffic circulation is a relatively minor issue raised by the Applicant concerning access to the two-lot Carter short plat which recently received preliminary approval on the parcel lying adjacent to the northwest corner of the plat. By the terms of its approval, this short plat is to receive direct access to Juanita Drive by means of a temporary joint use driveway which is to be eliminated when an abutting public street is dedicated. This requirement was imposed in response to a strong County policy supporting minimization of direct access linkages to arterial roadways. For the Carter short plat, then, the public roadway envisioned to provide a permanent access linkage is Northeast 115th Terrace within Lakeview Greens. However, the short plat property is separated from the new roadway by a narrow area denominated Tract D, which at the location where the driveway cuts are anticipated appears to be about ten feet wide. Because Tract D is also separated from other plat lots by Northeast 115th Terrace and by the private joint access driveway denominated Tract B, and due to its small size and odd shape, it has no apparent plat function. Accordingly, staff Condition 9.h proposes that it be dedicated as a public right of way.
11. While the Applicant concedes the necessity for providing driveway linkage to the lots of the Carter short plat, he has objected to the requirement for a public right of way dedication of the tract and has expressed the hope that the County will require the Carter short plat to pay for the underlying easement and contribute to road and utility development costs generally.
12. In view of the fact that Tract D lies outside of the right of way required for Northeast 115th Terrace, it is clear there is no legal basis for requiring its public dedication. On the other hand, we find no compelling reason for requiring the Carter short plat lots to pay for the driveway linkage. Plat circulation requirements must be viewed within the context of the overall development pattern. The Applicant's road and utility costs are going to be the same with or without the driveway linkage to the north. Tract D, as previously noted, serves no other plat purpose.

Moreover, the Applicant has received the benefit of the doubt on the overall access roadway classification, which has been determined to be a subaccess road rather than a neighborhood collector. But it could have justifiably been designated an neighborhood collector, in which case the right of way width requirement would have been elevated from 40 to 48 feet, largely wiping out Tract D and as well reducing lot areas along its entire length. Nevertheless, Condition 9.h has been rewritten to allow the Applicant the option of retaining it as open space under the control of the homeowners' association subject to the two short plat driveway easements.

13. Hermosa Vista residents have also expressed a desire that a 30-foot wide tree buffer be imposed upon Lakeview Greens along its eastern and southern borders. This is a further variation upon the theme that a higher density project needs to be separated from lower density surrounding development. While Lakeview Greens is subject to a P-suffix condition under the Northshore Community Plan requiring retention of 10% of its onsite significant trees, there is no County regulation or policy requiring the creation of a buffer between single family residential neighborhoods of differing densities. Moreover, imposition of such a buffer would force the plat developer to create even smaller lots to meet minimum density requirements, increasing the disparity of lot sizes between the plat and surrounding development.

Hermosa Vista residents also suggested that retention of a tree buffer is necessary to protect their neighborhood from tree loss caused by winds out of the northwest, a contention which appears

both to be speculative and unsupported by any relevant County policy. A 30-foot buffer would likely not have the vegetative mass to serve as an effective wind screen; any wind which is strong enough to topple trees within Hermosa Vista would also knock down trees within a 30-foot screen.

14. Some concern has been expressed that drainage from the plat might contribute to the overloading of the ditch system along 80th Avenue Northeast. A review of area topography and the layout of the plat indicates that this should not be an issue. Plat runoff will be collected and transported to Tract C on the western side of the property adjacent to Juanita Drive, from which it will flow south to Northeast 112th Street and west to a Class 2 stream which discharges to Lake Washington. The stream supports salmonids and has erosive potential, so there is concern that the plat flows not increase stream erosion and sedimentation. However, staff review of the drainage plan suggests that standard detention rates will be sufficient to avoid these downstream impacts.
15. A number of area residents reported seeing bald eagles on or near the Applicant's property and raised the question as to whether an eagle nesting tree might exist among the conifers located on the site. While an identified eagle nest is known to lie further toward Lake Washington within the Finn Hill and Denny Park complex, given the frequent observation of eagles in this neighborhood a site reconnaissance by a wildlife biologist is warranted pursuant to Comprehensive Plan Policy NE-604 and Northshore Community Plan Policy NR-15, both of which are designed to preserve through the development review process significant wildlife habitat used by threatened species. A requirement to such effect has been added to the list of preliminary plat conditions.

CONCLUSIONS:

1. At the preliminary plat hearing a frequently expressed complaint by area residents was that approval of Lakeview Greens appeared to be "a done deal". In a certain fundamental sense that statement is true. Under the Growth Management Act, cities and counties are required to focus urban residential development into designated Urban Growth Areas, both achieving higher densities and requiring from developers the payment of impact fees to support provision of needed urban infrastructure and services. In exchange for these more rigid and demanding requirements, an application process has been implemented which offers to developers both speedier review and more certainty as to the ultimate outcome. This means, in short, that if a subdivision application complies with all relevant requirements, it is entitled to be approved as a matter of right. Lakeview Greens is a relatively straightforward infill application for property which lies in the heart of the Urban Growth Area and is unencumbered by major sensitive areas issues. As such, it is entitled to approval based on its ability to comply with adopted County plans and policies.
2. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
3. The conditions of approval imposed herein, including dedications and easements, will provide improvements which promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws,

policies and objectives of King County.

DECISION:

APPROVE the preliminary plat of Lakeview Greens, as revised and received on April 24, 1997, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density (and minimum density) of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant shall obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended.
6. The applicant shall obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with 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 which 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."

8. The following conditions outline several Core and Special Requirements from Chapter One in the SWM Drainage Manual which are particularly important for the design of this project. All other applicable requirements in the SWM Manual shall also be addressed in the design of engineering plans.
  - a. Core Requirement No. 3: Runoff Control. Stormwater runoff control shall be provided using standard detention design criteria outlined in the manual. Biofiltration of stormwater is also required for water quality enhancement. The runoff control facilities shall be located in a separate tract which shall be dedicated to King County. As specified in Section 4.5 of the SWM Manual, roof drain storm water shall be infiltrated or dispersed within lot areas if the soil conditions are favorable.
  - b. Special Requirement No. 5: Special Water Quality Controls. The final drainage analysis shall evaluate the threshold requirements in the SWM Manual and determine if a wet pond is required. Page 2 in the King County Sensitive Area Folio identifies a class 2 stream located within one mile of the project; therefore, if the amount of impervious surface subject to vehicular use exceeds 1 acre, a wet pond will be required.
  
9. The following conditions contain the required road improvements:
  - a. During preliminary review the applicant submitted a road variance application (File No. L96V0110) requesting elimination of urban frontage road improvements adjacent to the site along Juanita Drive. The variance received approval by the King County Roads Division on February 28, 1997, and no such improvements are required.
  - b. The proposed on-site road connecting 80th Avenue NE and Juanita Drive shall be improved as an urban subaccess road. At the intersection with Juanita Drive, the final engineering plans shall demonstrate that a minimum of 620 feet of entering sight distance and 400 feet of stopping sight distance is provided. Clearing and/or grading along the frontage of Juanita Drive will be necessary to meet the entering sight distance requirement.
  - c. 80th Avenue NE shall be improved along the frontage of the plat as an urban subcollector street.
  - d. Off-site road improvements along the southern portion of 80th Avenue NE shall also be provided pursuant to the "3-R" provisions in KCRS Section 1.02. The Applicant shall provide limited widening along the east side of 80th Avenue NE from the site to the intersection at Juanita Drive to achieve a minimum of 20 feet of pavement and a 4-foot gravel shoulder. Clearing of vegetation within the right-of-way at Juanita Drive shall also be performed to improve sight distance.
  - e. Tract B shall be improved as a private access tract pursuant to the requirements in KCRS 2.09. Lots 17,18, and 19 shall have undivided ownership of the tract and be responsible for its maintenance.

- f. Twelve feet of additional road right-of-way shall be dedicated along Juanita Drive where it abuts the site.
  - g. Street illumination shall be provided at the intersection with Juanita Drive in accordance with KCRS 5.03.
  - h. Tract D shall either be dedicated as public right-of-way or placed in an open space tract to be owned and maintained by the plat homeowners' association. If to be placed in an open space tract, driveway easements for access across Tract D to the two short plat lots to its north shall be shown on the engineering plans and approved by DDES.
  - i. The road design plans shall identify any trees which may be considered hazardous objects adjacent to the on-site roadway, as described in KCRS 5.11. Vertical curbs may be necessary in some locations to provide an adequate setback distance from the roadway.
  - j. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
  - k. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid"; if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. There shall be no direct vehicular access to or from Juanita Drive NE from those lots which abut it.
13. 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 plat.
14. Suitable recreation space shall be provided, consistent with the requirements of KCC 21A.14.180. and KCC 21A.14.190. A recreation space plan shall be reviewed and approved by DDES and the King County Parks Division prior to engineering plan approval.

15. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).
16. The following conditions shall apply to implement the P-suffix conditions that apply to this property:
  - a. Seasonal Clearing: Clearing and grading shall not be permitted between October 1 and March 31, unless otherwise approved by DDES (1993 Northshore Community Plan, page 219).
  - b. Significant Tree Retention: The applicant shall demonstrate compliance with the P-suffix conditions regarding significant tree retention, prior to engineering plan approval (1993 Northshore Community Plan, pages 225-227).
17. Future residences on lots 17, 18, and 19 shall be sprinklered, unless otherwise approved by DDES Fire Marshal, or a minimum 80-foot-diameter cul-de-sac is provided at the east terminus of Tract B.
18. Street trees shall be provided as follows:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along Juanita Drive NE. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Public Works determines that trees should not be located in the street right-of-way.
  - c. If Public Works determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the Homeowners' Association or other workable organization unless the county has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES and Public Works if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if Juanita Drive NE is on a bus route. If Juanita Drive NE is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to

recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

- 19. Prior to engineering plan approval, a reconnaissance report from a qualified wildlife biologist shall be submitted to DDES evaluating whether the site contains a bald eagle nest. If an active nest is determined to exist, it shall be placed in a sensitive areas tract and provided with adequate protective buffers, as determined by DDES.

ORDERED this 13th day of June, 1997.

Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 13th day of June, 1997, to the following parties and interested persons;

- |                         |   |
|-------------------------|---|
| Ed Anderson             | Vernon Nichols                            |
| Ken Anderson            | Carol Cameron/Northshore Utility District |
| Pat Biggs               | Stathis Papanicolaou                      |
| Howard Bolma            | Scott Pierce                              |
| Anne Carmody            | Wm. Popp                                  |
| Todd Carter             | Barbara Rohde                             |
| James & Virginia Daily  | Martha Sampson                            |
| Wislenga Douwe          | Julian Sayers                             |
| Dowl Engineers          | L.B. & Betty Scarr                        |
| Richard Franklin        | John L. Scott Land Department             |
| Robert Goebel           | Larry Seitz                               |
| Greg Graham             | Steve Shinstrom                           |
| Floyd Hall              | Claude Tate                               |
| Myra Harmer             | Robert Thompson                           |
| Lenore Hedeon           | Ronald P. Tipple                          |
| Tim and Nancy Henesy    | Deanna Troxell                            |
| Michael Jones           | John Wyse                                 |
| Mr. & Mrs. LaBrie       | Kathryn Youtsey                           |
| Gary Lerch              |   |
| Doug & Adele Lone       |   |
| Len McAdams             |   |
| Greg Borba, DDES/LUSD   |   |
| Kim Claussen, DDES/LUSD |   |

Michaelene Manion, DDES/LUSD  
Lisa Pringle, DDES/LUSD  
Steve Townsend, DDES/LUSD  
Caroline Whalen, King County Council  
Bruce Whittaker, DDES/LUSD  
Steve Townsend, DDES/LUSD  
Caroline Whalen, King County Council  
Bruce Whittaker, DDES/LUSD  
Paulette Norman, KC Dept of Transportation

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before June 27, 1997. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before July 7, 1997. 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 decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

**MINUTES OF THE JUNE 3, 1997, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L96P0026 - PRELIMINARY PLAT OF LAKEVIEW GREENS.**

Stafford L. Smith was the Hearing Examiner in this matter. Participating at the hearing were Kim Claussen, Peter Dye and Gary Samek, representing the County; Julian Sayers, Richard Franklin, Pat Biggs, Bob Thompson, Michael Jones, Myra Harmer, John Wyse, Ken Anderson, Barry Griffith, Martha Sampson, Stathis Papanicolaou, Robert Goebel, Claude Tate, L.E. Scarr and William Popp.

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

- |               |   |
|---------------|---|
| Exhibit No. 1 | Department of Development and Environmental Services File No. L96P0026                      |
| Exhibit No. 2 | Department of Development and Environmental Services Preliminary Report, dated June 3, 1997 |
| Exhibit No. 3 | Application dated January 14, 1997 (revision)   |
| Exhibit No. 4 | Environmental Checklist dated October 24, 1996  |
| Exhibit No. 5 | Declaration of Non-significance dated April 15, 1997  |

- Exhibit No. 6 Affidavit of Posting indicating May 1, 1997, as date of posting and May 8, 1997, as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat map date April 24 ,1997 (revision)
- Exhibit No. 8 Assessors maps SE 25-26-4; NE 36-26-4
- Exhibit No. 9 Level One drainage analysis by Dowl Engineers, dated October 22, 1996
- Exhibit No. 10 Addendum traffic study by William Popp Associates dated August 30, 1996
- Exhibit No. 11 KCRS Variance - L96VA0110
- Exhibit No. 12 Short plat (file No. L96S0015)
- Exhibit No. 13 Traffic study by William Popp Associates dated June 3, 1996
- Exhibit No. 14 Tree preservation plan (received October 24, 1996)
- Exhibit No. 15 Letter dated May 12, 1997, from Dowl Engineers to Kim Claussen
- Exhibit No. 16 Letter dated June 2, 1997, from TSA to Examiner
- Exhibit No. 17 Memorandum dated May 27, 1997, from Gary Norris (Wm. Popp Assoc) to Paulette Norman
- Exhibit No. 18 Petition submitted by Richard Franklin
- Exhibit No. 19 King County Traffic Accident Summary (5/91-10/96)
- Exhibit No. 20 List of species in area from Washington Department of Fish and Wildlife
- Exhibit No. 21 Statement by Richard Franklin
- Exhibit No. 22 Letter of concern dated June 3, 1997, from Suzanne Page
- Exhibit No. 23 Children's petition

SLS:daz

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