CITY OF CARNATION

DATE: August 14, 2020

TO: Parties of Record

FROM: Amanda Smeller, City Planner

RE: Notice of Land Use Decision – LP 19-0001, SSD 19-0001, SPU 19-0001
Tolt River Terrace – MainVue Homes

NOTICE IS HEREBY GIVEN THAT the City of Carnation Hearing Examiner issued a decision on the above referenced application for preliminary plat approval, shoreline substantial development, and special use, which was brought to an online remote public hearing on July 22, 2020. The purpose of the hearing was to evaluate and receive public testimony regard the following permit application:

Permit request:	Preliminary Subdivision Approval, Shoreline Substantial Development Permit, Special Use Permit
File number:	LP 19-0001, SSD 19-0001, SPU 19-0001
Applicant:	MainVue Homes LLC
Location:	The subject property is located at 3440, 3660, and 3700 Tolt Avenue and identified as Assessor Parcel Nos. 212507-9063, 212507-9062, and 212507-9035.
Proposal:	Preliminary subdivision application to create 141 residential lots.
Decision:	Conditional approval granted on August 13, 2020.
SEPA Threshold Determination:	A SEPA threshold Mitigated Determination of Non-Significance (MDNS) was issued on November 1, 2019.

DESCRIPTION

Preliminary plat approval to subdivide approximately 33.75 acres into 141 lots. A final plat meeting the conditions of approval must be filed within five years of the date of preliminary approval.

The Hearing Examiner's Report and Decision is attached.

The attached preliminary plat approval is a Type IV decision pursuant to Chapter 15.09 CMC. The Applicant requested the Hearing Examiner review and decide on the Shoreline Substantial Development Permit and the Special Use Permit concurrently with the Preliminary Plat.

Procedure for Reconsideration

Reconsideration of a hearing body's recommendation shall be subject to the following:

A. Any party of record may file, at their discretion, a written petition for reconsideration within ten calendar days following the date of the hearing body's written recommendation. The petition shall be filed with the city planner.
B. The grounds for seeking reconsideration shall be limited to those listed in Section 15.10.090(A)(2).
C. The petition for reconsideration must:
    1. 1.Contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner's attorney, if any;
    2. 2.Identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested;
    3. 3.Describe the specific relief requested including the specific reasons for which relief is requested. Identify the specific nature of any newly discovered evidence and/or changes proposed by the applicant.
D. The petition for reconsideration shall be deemed to have been denied if one of the actions specified in subsection E of this section, has not been taken within ten working days of the date the petition is timely commenced.
E. The petition for reconsideration shall be disposed of in writing by the same hearing body that rendered the recommendation. The hearing body may at its discretion:
    1. Deny the petition; or
    2. Grant the petition and issue an amended recommendation; or
    3. Grant the petition and give all parties of record the opportunity to submit written comment. Notice of the hearing body's decision to grant the petition, together with a copy of the petition for reconsideration shall be mailed in accordance with Section 15.09.200 to all parties of record. Parties of record shall have ten working days from the date of the reconsideration notice to submit written comments.
F. A recommendation which has been subjected to the reconsideration process shall not again be subject to reconsideration.
G. The hearing body may consolidate for action, in whole or in part, multiple petitions for reconsideration of the same recommendation where such consolidation would facilitate procedural efficiency.

PLEASE NOTE: Request for reconsideration must be received within 10 calendar days of this notice.

APPEAL PROCEDURE

There is no administrative appeal for either the preliminary plat approval decision or the SEPA MDNS. Pursuant to Chapter 36.70C RCW, RCW 58.17.180, and CMC 15.11.100 and CMC 14.04.170, as applicable, the preliminary plat approval decision and the SEPA MDNS may be appealed to the King County Superior Court within 21 days by any person with standing. Any such appeal must comply with the standards and procedures set forth in the Land Use Petition Act, Chapter 36.70C RCW.

As per CMC 15.92.130, any person aggrieved by the granting, denying, or rescinding of a shoreline development permit may seek review by filing a request for review with the

shoreline hearings board, the Department of Ecology, and the Attorney General within thirty days of receipt of the final order.

The complete project file is available for review or copying between the hours of 9 a.m. and 4 p.m., Monday through Thursday; and, 9 am to 2:30 pm Fridays, at the Carnation City Hall, 4921 Tolt Avenue, Carnation, WA.

As provided in RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. Any request for a valuation change must be accompanied by sufficient sales information to support the requested change in assessed value. Requests must be made in the office of the King County Assessor.

A copy of the decision is attached and incorporated by reference. For more information, contact the City Clerk at (425) 333-4192.

OFFICE OF THE HEARING EXAMINER

CITY OF CARNATION

REPORT AND DECISION

CASE NO.: **TOLT RIVER TERRACE – MAINVUE HOMES LLC**
Application Number: LP 19-0001/SSD 19-001/ SUP 19-001

APPLICANT: MainVue WA LLC
1110-11th Avenue N.E., Suite 202
Bellevue, WA 98004

AGENT: Barghausen Consulting Engineers, Inc.
Attn: Nancy Rogers
18215-72nd Avenue South
Kent, WA 98032

PLANNER: Amanda Smeller

SUMMARY OF REQUEST:

Preliminary plat approval and shoreline substantial development permit and special use permit to allow subdivision of a 33.75 acre site into 141 residential lots. The site consists of three abutting parcels located at 3440, 3660, and 3700 Tolt Avenue within the City of Carnation.

SUMMARY OF DECISION: Request granted, subject to conditions.

DATE OF DECISION: August 13, 2020

PUBLIC HEARING:

After reviewing the Staff Report and examining available information on file with the application, the Examiner conducted a remote public hearing on the request as follows:

The hearing convened on July 22, 2020, at 7:00 p.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT A	**Staff Report**
EXHIBIT 1	**Master application**
EXHIBIT 2	**Preliminary plat applicant analysis**
EXHIBIT 3	**Shoreline Substantial Development applicant analysis**
EXHIBIT 4	**Special Use permit applicant analysis**
EXHIBIT 5	**SEPA Checklist, updated October 4, 2019 and resubmitted October 7, 2019**
EXHIBIT 6	**Preliminary plat map, updated September 24, 2019 and resubmitted October 7, 2019, updated April 4, 2020**
EXHIBIT 7	**Schematic Design**
EXHIBIT 8	**Typical lot layout**
EXHIBIT 9	**Certificate of Water availability, issued January 23, 2019**
EXHIBIT 10	**Certificate of Sewer availability, issued January 23, 2019**
EXHIBIT 11	**Legal description**
EXHIBIT 12	**Legal Description: Documentation of segregation**
EXHIBIT 13	**King County Assessor's vicinity map**
EXHIBIT 14	**300-foot adjacent property owners**
EXHIBIT 15	**Traffic Impact Analysis prepared by Transpo Group, dated November 2018**
EXHIBIT 16	**Supplemental Traffic Memo prepared by Transpo Group, dated January 13, 2020**
EXHIBIT 17	**Critical Areas Report and Conceptual Mitigation Plan prepared by Essency Environmental, dated January 16, 2017, revised August 18, 2019, revised October 2, 2019, revised February 5, 2020**
EXHIBIT 18	**Floodplain Habitat Assessment prepared by Essency Environmental, dated February 9, 2017, revised August 17, 2019, revised September 30, 2019, revised February 5, 2020**
EXHIBIT 19	**Flood Hazard Analysis prepared by Barghausen, dated September 24, 2019, revised January 17, 2020**
EXHIBIT 20	**Stormwater Infiltration Evaluation prepared by Riley Group, dated January 23, 2017**
EXHIBIT 21	**Preliminary stormwater site plan prepared by Barghausen, dated January 17, 2020**
EXHIBIT 22	**Pre-application conference and write up, June 6, 2019**
EXHIBIT 23	**Notice of Complete application, June 19, 2019**
EXHIBIT 24	**Notice of Application for all applications, July 3, 2019**
EXHIBIT 25	**Affidavit of mailing Notice of Application, July 3, 2019**
EXHIBIT 26	**Snoqualmie Valley Record publication confirmation for Notice of Application, 7/5 and 7/12**
EXHIBIT 27	**Notice of Rezone Public Hearing and SEPA MDNS, November 1, 2019**
EXHIBIT 28	**Affidavit of mailing Notice of Public Hearing/SEPA MDNS, October 30, 2019**

EXHIBIT 29	Email to parties of record for Notice of Public Hearing/SEPA MDNS, October 30, 2019
EXHIBIT 30	Email to agencies for Notice of Public Hearing/SEPA MDNS, October 30, 2019
EXHIBIT 31	Snoqualmie Valley Record publication confirmation for Notice of Public Hearing/SEPA MDNS, November 1, 2019
EXHIBIT 32	City of Carnation Critical Areas Map
EXHIBIT 33	City of Carnation Shoreline Environmental Designation Map
EXHIBIT 34	City of Carnation SMP Regulatory Channel Migration Zone Map (also shows shoreline jurisdiction)
EXHIBIT 35	Hearing Examiner Rezone Decision
EXHIBIT 36	Notice of Modified Application, February 14, 2020
EXHIBIT 37	Affidavit of mailing Notice of Modified Application, February 14, 2020
EXHIBIT 38	Snoqualmie Valley Record publication confirmation for Notice of Modified Application, February 14, 2020
EXHIBIT 39	Notice of Preliminary Plat, Shoreline Substantial Development, Special Use public hearing, July 2, 2020
EXHIBIT 40	Affidavit of mailing Notice of Preliminary Plat, Shoreline Substantial Development, Special Use public hearing, July 2, 2020
EXHIBIT 41	Comments from Peter Alm, WSDOT, dated July 1, 2020
EXHIBIT 42	Comments from Harald Weckwerth, dated June 30, 2020
EXHIBIT 43	Title Report
EXHIBIT 44	Snoqualmie Tribe Comments, dated February 27, 2020
EXHIBIT 45	Snoqualmie Tribe Comments, dated February 21, 2020
EXHIBIT 46	Jim Berger Comments, dated July 21, 2020
EXHIBIT 47	Applicant Supplied Preliminary Plat Map with Floodplain Overlay
EXHIBIT 48	Cheryl Paquette Comments, dated July 21, 2020
EXHIBIT 49	David Remlinger Comments, received July 22, 2020
EXHIBIT 50	Larry DeBoer Comments, dated July 17, 2020
EXHIBIT 51	Tachell Comments, dated July 20, 2020
EXHIBIT 52	Paula Carlson Comments, dated July 18, 2020
EXHIBIT 53	Maria Blancos Comments, dated July 17, 2020
EXHIBIT 54	Marco Espinosa Comments, dated July 19, 2020
EXHIBIT 55	Gary and Bonnie Remlinger Comments, dated July 21, 2020
EXHIBIT 56	Snoqualmie Tribe Comments, dated July 22, 2020
EXHIBIT 57	Simone Oliver Comments, dated July 22, 2020
EXHIBIT 58	Bill Petitjean Comments, dated July 22, 2020
EXHIBIT 59	Erin Johnston Comments, dated July 22, 2020
EXHIBIT 60	Alex Ruder Comments, dated July 22, 2020
EXHIBIT 61	Neil Molstad Comments, dated July 22, 2020
EXHIBIT 62	Bob Moe Comments, Letter dated July 21, 2020 (received July 22, 2020)
EXHIBIT 63	Vaness Pineelo Comments
EXHIBIT 64	Nathan Shergey Comments

EXHIBIT 65 **Bill Frantzke Comments**
EXHIBIT 66 **Essency Environmental Letter dated July 22, 2020**
EXHIBIT 67 **City Memorandum dated July 20, 2020**
EXHIBIT 68 **Paul Rohde Comment**

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

AMANDA SMELLER appeared, presented the City Staff Report, and testified that all information submitted by the applicant was reviewed by the City engineer. The applicant proposes a unit lot subdivision pursuant to the R12 zone that was recently adopted. Alleys will serve the townhomes and duplexes. The Tolt River does not touch the property, and the applicant has been working with King County regarding its setback levee. The proposal meets all preliminary plat requirements. Portions of the site are within the 100 year floodplain, but no homes will be built therein. Infrastructure to include roads and storm drainage facilities will be located in said area. The site will meet all requirements set forth in CMC 15.64. She noted that SR-203 itself is within the floodplain. The applicant received a LOMR from FEMA that confirms the applicant's location of the floodplain. FEMA confirmed that the map is still valid. The applicant will likewise construct no homes within the shoreline jurisdiction. However, stormwater facilities will be within said jurisdiction, which triggers the need for the substantial development permit and special use permit. The shoreline is designated High Intensity which allows utilities outright. The project meets all SMP policies and DOE will review the permit. The critical areas studies are acceptable, but will be updated. The City has more than sufficient water and sewer capacity and has no concerns that it can support this project. The TIA shows no increase in negative impacts on intersections. The plat traffic will not degrade any levels of service at City intersections. However, the Tolt Hill Road/SR-203 intersection is outside the City's jurisdiction and within the jurisdiction of the County and the State. The City provided notice to both jurisdictions, but neither raised concerns. The County, in fact, agreed with the TIA. Exhibit 57 is a Supplemental Memorandum to the Staff Report that adds several standard conditions.

NANCY ROGERS, attorney at law representing the applicant, appeared, identified representatives of the applicant, and stated that she agrees with the Staff Report and recommends approval. They have received and greatly appreciate the public support for the project. The Tribe requested an archeological review and Condition 50 requires such. The applicant has already signed a contract with an expert to perform such review. In Exhibit 6 the Tribe expresses gratitude for what the applicant has done in working with the County regarding the setback levee, but prefers additional property in Tract I. However, Tract I is an alley tract, but if the Tribe is referring to Tract K, it will be developed with residential lots. The County has supported their plat application due to its obtaining title of property that it will use for the levee. She is not aware of any issues, and the County has approved their proposal. The stormwater system will meet both water quality and quantity requirements. She then referred to Exhibit 57, the Altman Oliver letter and noted specifically that it is dated August 2019. The applicant has addressed all concerns in the

letter to include providing an updated Critical Areas Study as noted in the Staff Report. The rezone is already approved. She referred to Exhibit 61, a letter from DOE addressing the wetlands. They have also updated their response. She then referred to Exhibit 47 that shows the regulated floodplain. The white area is the floodplain and it shows limited road and utilities therein, but no homes. The applicant and the City have done their work and there will be no building in the floodplain.

JIM REDDO appeared and testified that his main concern is the lack of access to mass transit. He believes recommends a northbound right turn lane into the project and a southbound left turn lane from SR-203 into the project. He believes the failure to provide these improvements will create long, traffic backups.

KEVIN JONES, traffic engineer, appeared and testified that he scoped the TIA with the City and DOT. Neither agency directed him to analyze pedestrian crossings on SR-203 into the park to the west. The warrants for pedestrian crossings require a large pedestrian presence. A development of this size should not generate sufficient pedestrians to justify a crosswalk.

MS. SMELLER reappeared to answer the Examiner's question regarding dry utilities.

BARRY TALKINGTON, professional engineer, Barghausen, appeared and testified that dry utilities include telephone, gas, and power. The roads are wide enough to accommodate parking of vehicles on one side. They do not propose a trail to the project to the school to the north, but only a utility easement. However, if the school district desires such connection they will work with the district. King County will build the levee on Tract K commencing at the south end of the development and continuing along the length of the property. The County will decide the location of the levee.

MARY MADOLE appeared and testified that the County constructed a setback levee ten years ago on the west side of SR-203 and will continue said levee to the north.

MS. ROGERS reappeared to refer to Exhibit 17, a map that includes colored areas that show the improvements within the floodplain. She also noted Addendum A to the Staff Report that sets forth a list of improvements within the floodplain.

MR. JONES reappeared and testified that topics addressed in the TIA include the left turn warrant analysis on page 15. The DOT Design Manual contains standards for left turn warrants. The project does not meet the warrants for a southbound left turn lane. DOT reviewed the TIA and had no comments, which shows that it agrees therewith.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 8:30 p.m.

NOTE: A complete record of this hearing is available in the office of the City of Carnation.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.

2. The entire rezone and preliminary plat proposal was subject to review pursuant to the State Environmental Policy Act (SEPA). A SEPA Mitigated Determination on Non-Significance (MDNS) was issued on November 1, 2019, concurrent with the first Notice of Public Hearing for the rezone request. The MDNS was published in the Snoqualmie Valley Record on November 1, 2019, and sent to parties of record, agencies, and adjacent property owners on October 30, 2019. The MDNS included a comment period deadline of 4:30 pm, Friday, November 15, 2019. Eight comments were received within the comment permit and two comments were received after the close of the comment period. No appeals were filed. The City issued an Addendum to the MDNS on February 14, 2020, following modification of the project. No additional comment period was provided.

3. The Notice of Application for the entire project was issued on July 3, 2019, and sent to adjacent property owners and parties of record. The Notice was published in the Snoqualmie Valley Record on July 5, 2019. The comment period for the rezone and preliminary plat ended on July 19, 2019. The comment period for shoreline substantial development permit application ended on August 5, 2019. Five comments were received during the comment period. The Notice of Public Hearing for the Preliminary Plat, Shoreline Substantial Development, and Special Use Permit applications was published on July 3, 2020 and July 10, 2020 (Exhibit 24) and sent to all parties of record, adjacent property owners, and agencies with jurisdiction during the week of June 22, 2020. (Exhibit 40).

4. The applicant, MainVue Homes, LLC, has a possessory ownership interest in three, abutting parcels of property that together form an irregular shape and contain 33.75 acres (Parcel Nos. 212507-9063, 212507-9062, and 212507-9035). The site abuts the east side of Tolt Avenue (SR-203) immediately north of the Tolt River bridge and extends east therefrom generally parallel to the Tolt River.

5. The applicant requests preliminary plat approval to allow subdivision of the parcels into 84, detached, single-family residential lots; eight, duplex lots; and 49, attached, townhouse lots for a total of 141 residential dwelling units. The applicant also requests a shoreline substantial development permit (SDP) and special use permit (SUP) to allow construction of plat infrastructure within the jurisdiction of the City Shoreline Master Plan (SMP) and within the floodplain and channel migration zone (CMZ) of the Tolt River. The CMZ and the floodway of the Tolt River are at the same location across the plat parcels. The preliminary plat map shows no homes and only small portions of seven lots located within the floodplain. The seven lots are located to the east and northeast of the King County Fire District 10 fire station.

6. The site is in the shape of a rough polygon. The west property line abuts Tolt Avenue with the exception of the fire station at the northwest corner. The parcel abuts the fire station parallel on its north, east, and south property lines, and then narrows as it extends to the east. The Tolt Middle School abuts the north property line, and the Tolt River Trail and Snoqualmie Valley Trail abut the east property line. The south property line abuts parcels owned by King County Parks that in turn abut the Tolt River.

7. A previous owner cleared and improved much of the upland portion of the site. An industrial storage yard covers much of the two, westernmost parcels, while an industrial maintenance and fabrication yard for concrete structures covers the eastern parcel. The eastern parcel also supports two gantry cranes, a large warehouse, and associated outbuildings. The topography of the site slopes in a southwesterly direction toward the Tolt River. Elevations range from 92 to 74 feet.

8. The preliminary plat map of Tolt River Terrace shows two accesses from Tolt Avenue, one to the north of the fire station and the second to the south thereof. No vehicular access is provided to the north, east, or west. The duplex and townhouse lots are shown in the western portion of the parcel, while single-family residential lots are located to the south and east. The plat map shows alley access provided to all duplex and townhouse lots. A storm drainage facility is shown in Tract H, south of the south access road near the southwest corner of the parcel. A second such facility, located in the northeast corner of the site, separates plat lots from the regional trails. The plat proposes a circular road system that will provide access to all single-family lots and alleys, except for a cul-de-sac road that extends east from the looped system and provides access to nine lots. The plat map shows three ponds located between the southern tier of lots and the King County parcel. One pond dug in the 1930s, provided irrigation for Remlinger Farms. Two ponds served as storm drainage facilities for the existing, onsite, industrial use. The applicant proposes to abandon all three ponds, as it will provide a new storm drainage system. None of the ponds meet the criteria for a wetland as discussed hereinafter.

9. The applicant submitted its initial application for preliminary plat approval that included requests for a SDP and SUP on May 29, 2019. The City deemed the application complete on June 19, 2019. The project previously underwent SEPA review as part of the application for a zone reclassification of the parcels from Light Industrial/Manufacturing and Service Commercial to Residential 12 (R12). The City received no appeals of the SEPA threshold MDNS. The applicant subsequently modified its original application on January 23, 2020. The 2019 application proposed 112, detached, single-family units (85.5 percent of the total) and 19 attached townhouse/duplex units (14.5 percent of total) for a total unit count of 131. The present, revised, 2020 application proposes 84 detached single-family units (59.5 percent of total) and 57 attached townhouse/duplex units (40.5 percent of total) for a total unit count of 141.

10. The City has long contemplated use of the site for residential purposes. In 2015 the Carnation City Council passed Ordinance No. 860 that amended the City's Comprehensive Plan. Said amendments included a change in the Comprehensive Plan designation of the three plat parcels from High Intensity Commercial and Industrial to High Density Residential (HDR). On January 21, 2020, the City Council approved the applicant's request for a site specific rezone of all three parcels to R12. The rezone became effective February 12, 2020. The R12 zone allows high density housing, to include reasonably affordable, residential dwellings. Furthermore, the rezone is consistent with the SMP that places the shoreline portions of the parcels within either the High Intensity Environment or the Shoreline Residential Environment. Therefore, the preliminary plat proposes allowed uses at a density contemplated by the City's Comprehensive Plan Designation (HDR), the R12 zone classification of the CMC, and the SMP.

Preliminary Plat

11. Section 15.40.090 CMC sets forth a "Table of Permitted Uses" for all zone classifications within the City. Said Table authorizes "Site Built and Modular Structures" as outright permitted uses in the R12 classification. Furthermore, Footnote 6 of the Table applies to said uses and requires new subdivisions to provide a mixture of at least three housing types, and that "no single housing type may occupy more than 60 percent of the total dwelling units on a lot". Said section continues by providing that said standard applies to an entire subdivision rather than each lot therein. Footnote 6 sets forth a list of other types of housing permitted in the R12 zone. Said list includes townhouses and duplexes in addition to single-family detached homes. In the present case the applicant proposes 60 percent of the lots for single-family detached homes, and approximately 40 percent of the lots for townhouses and duplexes. Thus, the proposed plat complies with Footnote 6. Footnote 4 to said Table requires parcels abutting Tolt Avenue to provide ground floors that a future owner could convert to a non-residential (commercial) use. The present subdivision has no residential lots fronting on Tolt Avenue. The nearest lot will have a setback of approximately 100 feet from the Tolt Avenue right-of-way. Footnote 4 does not apply. Footnote 7 permits duplexes and townhouses only when served by alleys and where garages do not face the street. In the present case 20 foot wide alleys will serve all townhouse and duplex units, and all garages will access from said alleys. Thus, no garages will face the street. The plat complies with Footnote 7 and all criteria of CMC 15.40.090.

12. Table 1, set forth in Chapter 15.48 CMC, sets forth "Density and Dimensional Standards" for all zone classifications within the City. Said Table requires for the R12 classification a minimum lot size of 2,500 square feet for a single-family detached home; a maximum, residential density of 12 dwelling units per net acre; and a minimum, residential density of eight dwelling units per net acre. The plat proposes a minimum lot size of 3,740 square feet and a net density of 11.66 dwelling units per acre. Said Table also requires a minimum lot width of 40 feet and the applicant proposes lot widths of 40 to 50 feet. The balance of the criteria set

forth in said Table to include maximum building height, maximum impervious surfaces, and structural setbacks will be evaluated at the building permit stage. However, all lots have sufficient size and configuration to provide a reasonably sized building envelope that will meet all required setbacks. The applicant has properly calculated the net density by eliminating rights-of-way areas and open space tracts in accordance with Footnote 1 of the Table. Table 1 contains a total of 19 footnotes that set forth standards that the City will evaluate at the building permit stage, such as setbacks, garage location from an alley, maximum structural height, the limitation of five townhouse units per building, and the maximum impervious area for townhouses (80 percent).

13. Part 2 of Chapter 15.16 CMC sets forth design requirements for formal subdivisions. Section 15.16.220 CMC sets forth design goals that an applicant is encouraged to incorporate into its subdivision that will promote livable neighborhoods that can be integrated into existing, nearby development. Findings on applicable criteria are hereby made as follows:

    A. Criterion A sets forth the City's desire that new subdivisions integrate with surrounding neighborhoods and not create disjointed or isolated enclaves. In the present case the plat parcels do not abut existing residential neighborhoods, but do abut the Tolt Middle School, a fire station, and trails. The plat will provide pedestrian access to the school and trails, and sidewalks to the fire station. Furthermore, the City Council has recently rezoned the site to R12, confirming its intent that the site develop with residential uses. Improvement of the site with single-family residences, duplexes, and townhomes will create a neighborhood in and of itself.

    B. Criterion B encourages pedestrian access to and visibility of parks and other public open spaces. The proposed preliminary plat is across Tolt Avenue from Tolt McDonald County Park and abuts the Snoqualmie Valley Trail and Tolt River Trail. The applicant proposes a connection to said trails, and a crosswalk across Tolt Avenue currently provides access to the County park. Furthermore, a condition of approval requires provision of a pedestrian access to Tolt Middle School (assuming no objection from the district). Such would provide safe access for future residents to the school and its athletic facilities/playgrounds.

    C. Criterion C requires that new public streets and sidewalks align with and connect to those in adjacent developments. However, no adjacent development has streets to which plat streets can connect. Furthermore, no sidewalks exist along Tolt Avenue. However, the looped road system will provide curb, gutter, and sidewalks on both sides of paved vehicle lanes that will extend to gravel shoulders on Tolt Avenue.

D. As previously found the subdivision design provides pedestrian connectivity to nearby schools and parks, and internal sidewalks will provide safe and pleasant conditions for pedestrians, the disabled, and cyclists.

E. The plat map shows that the spacing between intersecting streets will not exceed 400 feet. Such will enhance pedestrian connectivity.

F. Criterion F encourages homes to face streets and not backup to streets. In the present case all units will face the street, and both townhouse and duplex units will obtain vehicular access via alleys.

G. Criterion G addresses single-loaded streets. Such streets abut residential development on one side and open space on the other. This criterion encourages such streets to provide public access to and visibility of natural open spaces for buffering and screening. In the present case the initial (western) 500 feet of the southern access road (Road A) from Tolt Avenue is a single-loaded street that abuts homes on the north side and a plat storm drainage facility on the south side. Road A will provide visibility to the Tolt River to the south. Furthermore, the drainage facility at the eastern end of the cul-de-sac provides buffering from the Snoqualmie Valley and Tolt River Trails. An expected trail that King County will provide upon construction of its setback levee will provide visibility of the Tolt River.

H. Criterion H encourages avoidance of cul-de-sacs wherever possible, but where necessary, provision of pedestrian or bicycle access to adjacent streets. In the present case the plat map shows one cul-de-sac near the eastern end of the plat parcel that will serve nine lots. No connection is possible to streets within the plat itself or to streets on adjacent parcels. The plat will provide pedestrian access to the regional trails and to Tolt Middle School.

I. The plat is compliant with Criterion I that allows garages to access onto alleys. Alleys are proposed at the rear of the duplex and townhouse lots and garages will access thereon.

14. The applicant proposes a "unit lot subdivision" in accordance with Part IV of Chapter 15.16 CMC. The purpose of a "unit lot subdivision" is set forth in CMC 15.16.461 as follows:

> The purpose of these provisions is to allow an alternative method of subdividing individual cottages, duplex, and townhouse units on a parent site, while applying only those density and dimensional standards to the parent site as a whole, rather than to individual unit lots resulting from the subdivision.

The applicant submitted an application for a unit lot subdivision as part of the preliminary plat application for the overall "parent" development. Staff reviewed both applications concurrently. Section 15.16.467 CMC sets forth the "General Regulations" for a unit lot subdivision. Said criteria require compliance with lot and density standards of the underlying R12 zone classification, requirements for duplexes set forth in CMC 15.96.060, and townhouse design standards. In the present case the net density for the entire project of 11.66 dwelling units per acre satisfies density requirements of the R12 classification. In accordance with CMC 15.16.467(B), townhouse and duplex lot owners will own all alley access tracts in common. All other criteria will be addressed at the building permit stage to include setback requirements, easements, CCRs, and notes on the plat.

15. Part II of Chapter 15.96 CMC contains the City Design Standards that staff has included on pages 31-38 of the Staff Report. Staff has analyzed Design Standards for the R12 zone; special design standards for detached single-family homes and duplex residences in the R12 zone; and standards and guidelines for townhouse design. The Examiner agrees with staff's analysis and hereby adopts and incorporates said analysis as his own as if set forth in full herein.

16. Prior to obtaining preliminary plat approval the applicant must show that the project satisfies applicable criteria set forth in Chapter 15.64 CMC entitled "Floodways, Floodplains, Drainage, and Erosion". Section 15.64.030(E) CMC sets forth the specific criteria for "Subdivision Proposals". Findings on each criterion are hereby made as follows:

    A. Criterion 1 requires that subdivisions minimize flood damage. In the present case the applicant has designed the subdivision such that all but small portions of seven lots are above the 100 year floodplain (Zone X per LOMR-F) as shown on the preliminary plat plan set. Furthermore, all lots are setback from the 100 foot wide, CMZ buffer (also the delineated floodway).

    B. Public utilities and facilities serving the plat are also located and constructed to minimize or eliminate flood damage. With the exception of areas around the two intersections of the plat roads with Tolt Avenue, all plat roads are located above the floodplain and CMZ. The applicant proposes to install public sewer and water within road rights-of-way, and all utilities are designed to be above the 100 foot wide, CMZ buffer.

    C. The subdivision storm drainage system will reduce the site's current exposure to flood damage. The applicant will abandon three, open water ponds in Tract H to the south of the developed portion of the parcel. The applicant will utilize conservation flow control standards to ensure hydrologic conditions downstream are not degraded. The plat proposes two, onsite, stormwater facilities. The eastern facility will collect and infiltrate onsite all stormwater runoff from the eastern portion of the plat. The stormwater from the western portion of the plat will enter a detention pond prior to discharge

to a westerly drainage course that flows to a tributary of the Snoqualmie River. The system will also provide basic water quality treatment.

D. Criterion 4 requires the applicant to include base flood elevation data with its application. The applicant has provided such data as shown on the preliminary plat plan set.

17. The preliminary plat satisfies all parking requirements set forth in Chapter 15.72 CMC as each, detached, single-family home will have two parking spaces in either the garage or driveway. Parking requirements for the townhouses and duplexes will be determined at building permit stage. The City will prohibit parking on all alley tracts due to fire department width requirements. The applicant will provide either "no parking" signage or paint the curbing on each alley tract.

18. RCW 58.17.110, a section of the State Subdivision Act, requires an applicant to show that subdivision of the property will serve the public use and interest and will make appropriate provision for the public health, safety, and welfare for open spaces, drainage ways, streets, roads, alleys, other public ways, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions. Many of these items are addressed hereinabove as the storm drainage system, streets, and alleys will meet applicable City standards. Furthermore, the City has provided certificates of water and sewer availability, confirming that it has adequate water supplies and sewer capacity to serve the new subdivision. While concerns were raised regarding the capacity of the City water system, no evidence was presented to substantiate such concerns, and staff emphatically testified that more than adequate water is available. The project will provide no community parks or playgrounds. However, the applicant will provide pedestrian connections to nearby linear trails and to the playgrounds of Tolt Middle School that abut the north property line. Furthermore, the large Tolt McDonald Park that abuts the west side of Tolt Avenue opposite the parcel is within easy walking distance. The applicant will also construct a pedestrian bridge across a pond adjacent to Tolt Avenue in accordance with the City's Tolt Avenue Action Plan. The preliminary plat map shows that 3.06 acres will remain as permanent, common, open space, and said areas are designated as Tracts A, C, D, G, J, and L. In addition, the 10.28 acre Tract K will remain undisturbed and eventually conveyed to King County for its levee and trail project. The plat makes appropriate provision for all factors listed in RCW 58.17.110. The plat will serve the public use and interest by providing an attractive location for a single-family residential subdivision that includes three different types of housing and is located adjacent to a school and fire station. Approval of the subdivision will also change an industrial/outdoor storage use at the southern entrance to the City into an attractive, residential area.

19. Residents raised concerns regarding the impact of traffic generated by the proposed, 141 residential dwelling units. The applicant engaged Transpo Group, a qualified transportation engineering firm, to prepare a Traffic Impact Analysis (TIA). Transpo Group provided an extensive TIA for the originally proposed 133 residential

housing units as well as an addendum thereto evaluating traffic impacts of the revised plan for 141 residential units (Exhibit 16). Transpo Group estimates that the project will generate a total of 1,180, weekday, daily, vehicle trips, 110 of which will occur during the p.m. peak period, the busiest period of the day (4-6 p.m.). Transpo Group found that following build-out of the project, all intersections within the City will continue to operate at Level of Service (LOS) D or better. LOS D is the City's adopted, minimum level of service. However, the intersection of SR-203/N.E. Tolt Hill Road will continue to operate at LOS F, which indicates extreme congestion and long vehicle delays. Said intersection is located within unincorporated King County, and SR-203 is a State highway within the jurisdiction of the Washington State Department of Transportation (DOT). The City submitted the preliminary plat application to DOT, but DOT had no comments and requested no mitigation for said intersection or for SR-203 overall. King County likewise requested no mitigation. Traffic from the subdivision will no doubt impact said intersection, and while it will not decrease the level of service, it will increase the length of delay. Transpo Group also preformed a Traffic Safety Analysis for all SR-203 intersections in the immediate area and for SR-203 overall. The threshold for identifying intersections with possible adverse safety conditions is one accident per 1.0 million vehicles (MEV) entering an intersection. The Transpo study shows that the accident rate at existing intersections that will be impacted by the subdivision traffic varies between .14 and .42 accidents per MEV. The SR-203 roadway segment from N.E. Tolt Hill Road to N.E. 40th Street calculates to .59 collisions per MEV. The average MEV rates in 2015 were 1.96 statewide and 2.48 in King County. Thus, no impacted intersections are considered safety hazards. The applicant will pay approximately $737,939 in traffic impact fees to the City for traffic improvements.

20. Residents raised concerns regarding the lack of a northbound, dedicated, right turn lane or a southbound, left turn lane on Tolt Avenue at the intersections with the internal plat roads. Transpo Group performed a left turn lane, warrant analysis on Tolt Avenue pursuant to DOT guidelines and determined that traffic volumes will not meet the warrants for said improvements. Once again, DOT has jurisdiction over Tolt Avenue and without warrants showing the need for a left turn lane, will not agree to such improvement (see page 15 of Exhibit 15). Both plat road intersections will provide adequate entering and stopping sight distance for a road with a posted speed limit of 30 miles per hour and a design speed of 40 miles per hour.

Shoreline Substantial Development Permit and Special Use Permit

21. The ordinary high watermark of the Tolt River is located several hundred feet to the south of the plat parcels, and the Snoqualmie River is located approximately 2,650 linear feet west thereof. The closest distance between residential improvements and the closest portion of the Tolt River is approximately 225 feet.

22. The SMP places those portions of the plat parcels located within the shoreline jurisdiction within the High Intensity Environmental Designation. A parcel owned by King County separates the plat parcels from the Tolt River. The applicant will convey Tract K of the plat parcel to King County. Tract K supports three, artificially created ponds, two of which previously served as storm drainage facilities for the existing industrial use. The third pond previously provided irrigation water for the Remlinger Farm. The applicant will abandon all three ponds and install new stormwater facilities to serve the plat. Following conveyance of Tract K to King County, approximately 1.5 acres of the plat parcels will remain within the shoreline jurisdiction. Shoreline areas are located within Tracts J, L, and M as is a portion of the south access road at the intersection of Tolt Avenue. No portion of the proposed 141 lots is within the shoreline jurisdiction. All proposed, plat improvements within the SMP jurisdiction are permitted in the High Intensity Shoreline Environment. Staff has evaluated applicable general policies and regulations as well as policies addressing archeological, cultural, and historic resources; environmental impacts; critical areas; flood hazard reduction; shoreline vegetation conservation; water quality; and shoreline use policies and regulations for residential development. The Examiner has reviewed staff's evaluation of all such policies, agrees therewith, and hereby incorporates staff's evaluation as his own as if set forth in full herein.

23. The applicant has requested approval of a SDP and SUP to allow construction of the following improvements within the shoreline jurisdiction:

    A. A buried, wet vault, water quality facility on Tract H associated with the detention pond serving the western portion of the plat.

    B. An emergency overflow located south of said wet vault that will extend from the west detention pond to a conveyance system within the Tolt Avenue right-of-way.

    C. 2,500 square feet of road improvements at the intersection of the south plat road and Tolt Avenue.

    D. Frontage improvements along the east side of Tolt Avenue to include curb, gutter, and a storm drainage system.

    E. A 12 foot wide, pervious pavement, pedestrian walkway/shared use path, and a 12 foot by 40 foot, pedestrian bridge across the western edge of the western, detention pond. Said path/bridge parallels the east side of the Tolt Avenue across the plat frontage.

    F. Mitigation plantings for the above listed improvements.

24. The Snoqualmie Tribe and others have requested an archeological assessment prior to commencing construction of the plat. Condition 50 requires the applicant to provide a cultural resources report prior to any ground disturbing activities.

25. Prior to obtaining approval of a SUP the applicant must show that the request satisfies the criteria set forth in CMC 15.18.040. Findings on each criterion are hereby made as follows:

    A. As found above the proposed use of the parcel for a residential subdivision is consistent with both the Comprehensive Plan and the CMC.

    B. No evidence shows that the applicant will not operate and maintain the project in a manner compatible and consistent with its intended character, appearance, quality, and with the physical characteristics of the subject property and surrounding vicinity. Conditions of approval assure compliance with City design standards and code requirements.

    C. The location, size, and height of the structures and vegetation will not hinder neighborhood circulation nor discourage permitted development of neighboring properties.

    D. The hours of operation criterion is not applicable.

    E. As previously found, adequate public facilities and services are available to serve the parcel. The 141 residential unit project will not adversely affect public services currently provided to the surrounding area.

Critical Areas/Floodplain

26. Substantial correspondence raised issues regarding whether or not one or more of the three, existing, open water ponds located in the southern portion of the site within Tract K meet the definition of wetland. Said ponds are located within the 100 year floodplain and the CMZ (floodway) of the Tolt River. The applicant proposes to retain said ponds, but will not use them in its stormwater management plan. Therefore, the ponds will not receive continued hydrology in the nature of stormwater runoff from the site, and will likewise not receive wetland buffer protection. The applicant's expert, Essency Environmental, determined that none of the ponds meet the definition of wetland. The City engaged a qualified, third party reviewer, The Watershed Company that agrees with Essency's assessment that none of the ponds meet the regulatory definition of either wetlands or water courses and therefore do not require regulatory buffers or hydrology.

27. As noted in the Essency Critical Areas Report (CAR) (Exhibit 17), City permit files show that previous owners excavated Ponds 2 and 3 as part of a stormwater system serving onsite commercial and industrial uses. The City permitted said ponds as retention/detention ponds. Furthermore, previous permits issued by the

City indicated that no wetlands or streams were present on the site. A previous property owner (Gary Remlinger) excavated Pond 1 in the 1970s and used it to irrigate crops growing on his land. The Watershed Company in a 1996 letter to Mr. Remlinger corroborates that Mr. Remlinger dug Pond 1 as an irrigation pond. Furthermore, aerial photographs show that most of the pond area was actively farmed in 1937 before levees were constructed.

28. Section 15.88.700 CMC defines wetlands in part as follows:

> Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, ...detention facilities...farm ponds....

Ponds 2 and 3 were used for stormwater detention purposes, and a former owner excavated Pond 1 for farm irrigation purposes. Thus, none of the three ponds meet the definition of wetlands. The experts' review of aerial photographs dating back to 1936 do not establish either wetland (or upland) conditions in the pond area. Aerial photographs likewise do not clearly indicate the presence of a pre-existing stream corridor in the pond locations.

29. The State Department of Ecology (ECY), Altmann Oliver Associates, LLC, and residents assert that Pond 1 is located in an area that was an historical wetland/waterway. However, the extensive review performed by Essency Environmental and confirmed by The Watershed Company, the City's expert, show that Pond 1 was not excavated in a wetland/waterway area. Essency's extensive study included review of not only aerial photographs and topographic mapping, but also included an investigation of the site itself. The City's expert, The Watershed Company, writes in its September 9, 2019, review letter:

> All three ponds exhibit wetland characteristics presently as described in the CAR. However, all three detention ponds are presumed to not meet the City's definition of regulatory wetland based on the prior permit documentation. Pond 1 is documented as a farm pond and was not documented as wetland in prior permits referenced in the CAR. Ponds 2 and 3 are documented as constructed detention facilities.

Even ECY issued permits for projects occurring on the site between1995-2000 without concerns about wetlands. During said time period, critical areas were regulated under the CMC which recognized wetlands. Previously permitted projects indicate the presence of a flood hazard area, and also raise questions as to the regulatory status of Pond 1 at the time of permit issuance. However, neither the City nor ECY requested a wetland study, nor did either agency document the presence of wetlands/streams on the project site, including in the areas of all three ponds. Thus, neither the City nor ECY determined that the ponds were wetlands or waterways (see Exhibits 17, 66).

30. The applicant's CAR includes a conceptual mitigation plan that staff finds consistent with both SMP policies and regulations of the CMC. Only a small part of the subdivision will be located within the shoreline jurisdiction, and those portions of the project will avoid and minimize impacts to critical areas and buffers. The mitigation plan includes the provision of compensatory storage for required floodplain fill, and rehabilitation and enhancement of degraded buffers. The applicant must provide a final mitigation plan that will include detailed planting plans, mitigation maintenance measures, evaluation of mitigation success, contingency measures, a monitoring plan, and financial guarantees.

CONCLUSIONS:

1. The Hearing Examiner has the jurisdiction to consider and decide the issues presented by this request.

2. The applicant has shown that the request for preliminary plat approval satisfies all criteria set forth in the Carnation Municipal Code, meets all criteria of the R12 zone classification, and is consistent with applicable policies of the City of Carnation Comprehensive Plan. The proposed preliminary plat also satisfies all criteria set forth in the State Subdivision Act to include RCW 58.17.110. The project conforms with all provisions of Titles 15 and 12 CMC as well as other applicable administrative rules and regulations.

3. The request for approval of a shoreline substantial development permit and special use permit satisfy all criteria set forth in the CMC and is consistent with all policies, rules, and regulations of the SMP.

4. The proposed preliminary plat meets all critical area criteria, as all residential structures are located outside of the Tolt River floodplain, floodway, channel migration zone, and their buffers.

5. The proposed preliminary plat will serve the public use and interest by providing an attractive location for a residential subdivision consisting of detached single-family dwellings, attached single-family dwellings, and duplexes. Therefore, the request for approval of the preliminary plat, shoreline substantial development permit, and special use permit for Tolt River Terrace should be granted subject to the following conditions:

    1. Subject to minor revisions driven by final engineering details, or the conditions imposed below, the final plat shall be in substantial conformance with the submitted preliminary plat, Exhibit 6 (dated April 4, 2020). The complete plat number and existing (parent) parcel numbers must appear at the top right corner of the final plat as follows:

FINAL PLAT NO. LP 19-0001

2. Prior to any site disturbance or development activities associated with the grading and site construction approvals, construction performance guarantees shall be provided in accordance with CMC 15.16 and the City of Carnation Street and Storm Sewer Standards.

Streets and Sidewalks

3. Street and storm sewer system improvements shall be consistent with the City's 2018 Street and Storm Sewer System Standards and the 2014 DOE Stormwater Manual for Western Washington.

4. New access to SR-203 will require WSDOT acceptance. Chapter 47.50 RCW and Chapters 468-51 and 468-52 WAC are adopted by CMC 12.10.030.

5. Frontage improvements along Tolt Ave (SR-203) are required and shall be consistent with the recommendations of the City of Carnation Tolt Ave Action Plan, February 2013. Planned improvements for Tolt Ave (SR-203) consist of but are not limited to curb and gutter, storm drain facilities, illumination, grading, a pedestrian bridge, a minimum five-foot wide landscaped planting strip and a 12-foot wide non-permeable concrete shared-use path (greenway) with a minimum two-foot graded area on each side of the path. Existing utility poles shall be relocated to the planting area or to a utility easement east of the greenway. ADA compliant curb ramps are required at the intersection of Tolt Ave (SR-203)/ROAD A and Tolt Ave (SR-203)/ROAD C. The developer shall be responsible for obtaining all necessary permits from WSDOT including compliance with CMC 12.10.030.

6. Street lighting system internal to the plat, including both entrances from Tolt Avenue, shall be a complete system which is typically designed by Puget Sound Energy. All new wiring, conduit, and service connections internal to the plat shall be located underground. LED street illumination design shall be submitted conforming to PSE/Intolight requirements. Streetlights shall be provided at intersections and all street lighting fixtures shall meet standards to prevent light spill. Developer shall submit proposed streetlight locations and system design to the City for review and acceptance. Maintenance and payment for illumination along all Plat streets shall be the responsibility of the HOA or jointly shared by the owners of the development. [CMC 15.60.300]

7. The minor collector streets ROAD A (west of ROAD B), ROAD B, and ROAD C (west of ROAD B) shall have a minimum street section of 6' sidewalk, 0.5' curb, 10' parking lane, 12' travel lane, 12' travel lane, 0.5' curb, and 6' sidewalk. The local streets ROAD A (east of ROAD B), ROAD C (east of ROAD B), ROAD D, and ROAD E shall have a minimum street section of 6' sidewalk, 0.5' curb, 9' parking lane, 10' travel lane, 10' travel lane, 0.5' curb,

and 6' sidewalk. Street sections shall conform to the right-of-way standards in the City of Carnation Street and Storm Sewer Standards. The right-of-way width for ROAD B may be reduced to 48-ft if 10-ft wide utility easements are provided along both sides of the right-of- way. [Carnation Street Standards]

8. Underground electrical and communication lines shall be installed behind the sidewalks in utility easements a minimum 10-ft wide.

9. A paved cul-de-sac radius of 45-feet minimum is required at the end of ROAD C. [Carnation Street Standards]

10. Sight distance triangles shall be provided showing sight distance at all intersections including the Tolt Ave (SR-203) intersections. Areas within the triangles shall be clear of sight-line obstructions.

11. Residential driveways for the single-family detached homes shall be Type 1, consistent with WSDOT Standard Plan F-80.10-4. Driveway widths shall not exceed 18-feet wide or be less than 10-feet wide. [CMC 15.56.050]

12. Placement of mailbox structures shall be in conformance with Postal Service requirements, Post Master's approval of mailbox type and locations is required prior to construction start.

13. No portion of a cement concrete driveway for all homes, including single-family residence, townhomes, and duplexes, shall be within 5-feet of the adjacent property lines. [Carnation Street Standards]

Stormwater

14. Stormwater quality and flow-control best management practices are required for the proposed subdivision and shall be designed in substantial conformance to the Technical Information Report, (Exhibits 20, 21) and the 2014 DOE Stormwater Manual for Western Washington.

15. Individual lot infiltration systems, when proposed, shall be located a minimum of 10-feet from building foundations and property lines, these infiltration systems may be constructed concurrent with building construction. In-situ testing is required to determine the existing soils' infiltration capacity. [DOE Manual]

16. Temporary Sediment and Erosion Control and grading plans are required. Stormwater runoff from impervious surfaces shall not be directed towards City rights-of-way or adjacent properties. [CMC 15.64.220]

17. Interior side slopes of detention ponds shall not be steeper than 3H:1V unless fencing is provided.

18. Maintenance access to the pond cells shall be provided consistent with DOE manual recommendation and requirements. Landscaping of the ponds meeting the standards of the 2014 DOE Stormwater Manual for Western Washington is also required.

19. The pond sizes must be consistent with the Stormwater Site Plan analysis.

20. Groundwater elevation is expected to rise above the west detention pond bottom elevation. Therefore, pond design shall include provisions, such as the planned soil treatment liner, to prevent groundwater from seeping into the pond and to protect groundwater from stormwater runoff contamination. A Geotechnical Engineer must provide design recommendations as to prevent groundwater seepage into the pond.

21. The HOA shall be responsible to maintain the Plat's stormwater facilities through an agreement with the City of Carnation and for payment of all maintenance costs associated with the Plat's stormwater facilities including landscape maintenance which shall be provided by the HOA. Covenants, conditions, and restrictions shall be recorded requiring the HOA to contract with the City of Carnation or the City's designees or agents to maintain the Plat's stormwater facilities consistent with the Department of Ecology's Stormwater Manual for Western Washington and as recommended in the Plat's stormwater facility maintenance standards. The City and its designees shall be granted a permanent easement across the entire drainage tracts for maintenance of the facilities.

Potable Water

22. Water system improvements shall be consistent with the City's 2017 Combined Water and Sanitary Sewer Utility Technical Standards.

23. To provide water services for the proposed lots, a looped system with two connections is required. Proposed main lines shall connect to both the existing water main on Tolt Ave (SR-203) and the existing water main north of Road C, approximately 380 ft east of Tolt Ave. [CMC 15.60.200 & CMC 13.100]

24. A water main shall be installed within a 15-ft wide easement to the northeast corner of the proposed Plat for a future connection to a water line extension on the King County Parks (Trail) property.

25. Proposed water mains and service lines shall maintain the required minimum separation from proposed and existing sanitary sewer lines. [Carnation Utility Standards]

26. Metered water service shall be provided to landscaped Tracts to provide a means of irrigation within the Tracts and the frontage improvements. Maintenance and payment for landscaping and irrigation within Tracts shall

be the responsibility of the Homeowner's Association (HOA) or jointly shared by the owners of the development. Installation of backflow prevention devices are required and shall conform to the requirements established by the Department of Health and the City. [Carnation Utility Standards

27. New fire hydrant spacing and locations shall be in accordance with the International Fire Code and as directed by the Fire Marshall. Each new fire hydrant shall be fitted with a storz adapter. [Carnation Utility Standards]

28. Existing well(s) shall be properly decommissioned in accordance with King County Department of Health requirements.

Sanitary Sewer

29. The sanitary sewer improvements shall be designed by the Developer per the City of Carnation's Combined Water and Sanitary Sewer Utility Technical Standards and Aqseptence Group/Airvac's design manual. [CMC 13.100]

30. All lots shall connect to the City of Carnation vacuum sewer system. The Developer shall acquire side sewer permits for each lot connected to the City sewer system. [CMC 13.50 & CMC 13.70] Backflow valves shall be installed on all structures. [Carnation Utility Standards]

31. Proposed sewer mains and service lines shall maintain the required minimum separation from proposed and existing water lines. [Carnation Utility Standards]

32. Necessary easements or agreement to use the proposed connection point in front of the existing field house shall be obtained from the Riverview School District, or an alternative design to reach a connection point may be used. [CMC 13.100.060 & CMC 13.100.070]

33. Existing septic system(s) shall be properly decommissioned in accordance with King County Health Department requirements.

Other

34. Utilities shall be provided to each lot in accordance with CMC 15.60. All existing and proposed electric, telephone, cable, and communication lines on the site shall be placed underground. Overhead extensions are not allowed [CMC 15.60.350]. The utility designs shall include a trench detail and continuous underground warning tapes installed 12-inches above each utility line.

35. The telephone utility company must review the proposed plans and certify to the city that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

36. The electric utility service provider must review the proposed plans and certify to the city that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

37. Applicant shall provide a cut sheet in the civil drawing set with street light location, and information.

38. A Public Utility Extension permit is required for the sewer and water main improvements which shall be constructed per the City of Carnation Utility Standards. [CMC 13.100.070]

39. A drainage permit is required for the stormwater management systems. [CMC 15.64.230]

40. Side sewers shall be constructed per City of Carnation Sewer Standards. Side sewer permits are required prior to commencing side sewer construction. [CMC 13.70.040]

41. Prior to performing any work within a right-of-way, the person performing the work shall obtain a right-of-way permit from the Public Works Director, who may condition the permit as necessary to protect the public health, safety and welfare [CMC 15.60.030]. An on-site pre-construction meeting shall be held before commencing work within the right-of-way.

42. An application for Clearing, Filling & Grading is required [CMC 15.40.070]. A spill prevention and control plan is also required. [CMC 15.64.230]

43. A DOE Construction Stormwater General Permit is required. Conformance with the DOE Construction Stormwater General Permit shall be ensured with weekly monitoring and reporting of the site's best management practices for conformance of the Stormwater General Permit and SWPPP requirements including water sampling of stormwater discharged from the site. [DOE Stormwater Manual]

44. A geotechnical report, or addendum to the existing geotechnical reports, is required and shall include recommendations for: earthwork, reuse of existing soils, compaction, temporary and permanent slopes, utility construction, erosion and sediment control, wet weather work, hazardous material studies, level of risk for seismic-induced liquefaction, groundwater levels at stormwater flow-control and water quality facilities, and stormwater infiltration capabilities including applicable correction factors for infiltration facilities as recommended in the DOE Manual. [DOE Stormwater Manual]

45. Construction performance guarantees shall be provided in accordance with City of Carnation Street and Storm Sewer System Standards. Before utility extension and right-of-way permits are issued, the applicant shall furnish the City a performance bond to guarantee the full and complete construction

and installation of the right-of-way improvements. [CMC 15.16.740]

Land Use and Zoning

46. Development of all lots within this subdivision shall be in accordance with all of the requirements of CMC 15.48, Density and Dimensions, including front, side, and rear setbacks and limitations on building height and on impervious surface.

47. Any new lot lines shall not result in the creation of a non-conforming setback. In any case where any structure would encroach into the setback of a newly created lot line, said structure shall be demolished or modified such that all setback requirements have been satisfied prior to final plat approval.

48. A minimum of two (2) off-street parking spaces per detached single-family residential lot shall be provided. Required parking spaces for townhomes and duplexes are based on number of bedrooms and will be determined at the time of building permit.

49. A Cultural Resources Report is required prior to any ground disturbing activity.

Public Facilities

50. A School Impact Fee as imposed by the Riverview School District for each individual lot shall be assessed at the time of building permit issuance and paid prior to final certificate of occupancy.

51. A Parks Impact Fee shall for each individual lot shall be assessed at the time of building permit issuance and paid prior to final certificate of occupancy.

52. A Transportation Impact Fee for each individual lot shall be assessed at the time of building permit issuance and paid prior to final certificate of occupancy.

General

53. Section 1.1.4 of the Carnation Design Standards and Guidelines requires properties identified as gateway properties must provide 25' of Type C landscaping (CMC 15.76.040) along the front adjacent to SR 203.

54. Prior to issuance of the site disturbance and clearing permits, the Critical Areas Reports must be updated according to the following:
    a. Impact assessment:
        i. All grading within the buffer needs to be accounted for in the impact assessment. Restoration in place is the standard practice for temporary impact mitigation.
    b. Conceptual mitigation:
        i. Correct the reported enhancement ratio after separating accounting for permanent and temporary buffer impacts and

mitigation.

ii. Ensure that the planting plan in the final mitigation plan set accounts for tree losses within the buffer.

iii. The final mitigation plan must demonstrate compliance with CMC 15.88.200(G) through (K).

55. All permit requests will be reviewed for compliance with applicable codes, ordinances, laws, rules and regulations prior to issuance of approval.

56. Current City of Carnation standard plan general notes, roadway notes, drainage notes, and erosion and sediment control notes shall be shown on the engineering plans submitted for approval.

57. In accordance with RCW 58.17.280, the project proponent shall obtain from the City a specific address for the new lots and place it on the final plat map.

58. The preliminary approval of this application will be valid for a period of five (5) years from the date of preliminary approval, together with any additional extensions that may be granted by changes to State law or City code. If all conditions have not been completed and a final plat has not been approved and filed within that period of time, the approval will expire and become null and void. No site disturbing development activities may commence until such time as all permits related thereto have been approved by the City of Carnation and a pre-construction meeting between the applicants, their contractors, and city staff has been held.

59. A Homeowner's association shall be created for the maintenance of any shared required outdoor areas or other open space, shared parking areas, and other common use areas, buildings, and utilities within the development.

60. As to the internal Unit Lot Subdivision for the duplex and townhome lots, notes shall be placed on the plat recorded with the County Auditor's office to acknowledge the following:

1. Approval of the design and layout of the development plan was granted by the review of the development, as a whole, on the parent site (stating the subject project file number if applicable).
2. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole and shall conform to the approved development plan.
3. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved development plan.
4. Additional development of the individual lots may be limited as a result of the application to applicable development standards to the

parent site.

61. There shall be no parking allowed on any of the tracts containing alley access to the townhouses and duplexes. The applicant must either provide "No parking" signage every 50' on each alley tract or paint the curb. Consult with the Fire Marshal's office for specific requirements.

62. Street trees must be planted along all public rights-of-way every 30'.

63. Access must be provided from the development to the Snoqualmie Valley Trail.

64. The 42 identified significant trees must be retained. Any significant trees that cannot be retained must be replaced a ratio of 1:1.

65. All applicable Shoreline Master Program policies and regulations as outlined in Appendix A shall be followed at all times during development.

66. The HOA shall have exclusive responsibility to operate, maintain, and repair the Plat's stormwater facilities, including without limitation landscape maintenance, in compliance with the Department of Ecology's Stormwater Manual for Western Washington and the Plat's stormwater facility maintenance standards. Such responsibility shall be set forth in Covenants, Conditions, and Restrictions (CCRs), in a form approved by the City, and recorded against the title of the property. Such CCRs shall also provide that:
    a. The City shall have the right, but no duty or obligation whatsoever, to enforce all covenants relating in any manner to storm runoff treatment and drainage.
    b. The City may at any time enter the Property in order to perform any maintenance or repair work upon any storm drainage and treatment facilities and features, deemed necessary in the City's sole discretion to ensure the proper function of such facilities and features.
    c. All expenses incurred by the City in connection with any repair or maintenance work performed shall be reimbursed by the HOA.
    d. All legal expenses incurred by the City in any action seeking to enforce the City's rights shall be reimbursed by the HOA.
    e. No revocation of the CCRs or amendment to any covenant relating to storm drainage shall be made without the City's p rior written consent, which may be withheld at the City's sole discretion. Any such revocation or amendment made without the City's prior written consent shall be null and void.
    f. The City shall be deemed a third-party beneficiary of the CCRs for

the purposes of the drainage-related covenants.

g. The City's regulatory authority and police power are fully reserved.

67. All SEPA conditions are categorically adopted by reference and are hereby incorporated as conditions of approval.

68. Each permit for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173- 27-130, or until all review proceedings initiated within twenty-one (21) days from the date of receipt of the decision, except as provided in RCW 90.58.140(5)(a) and (b). The date of receipt for a Shoreline Substantial Development Permit means that date the applicant receives written notice from Ecology that it has received the decision.

69. Public infrastructure and underlying easement interests to accommodate such shall be dedicated or otherwise conveyed to the City. The City will furnish the applicant with the proper mechanism for doing so.

70. The 10-foot wide, parking lane may be omitted from Road C along the segment between Tolt Avenue and Road B.

71. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.

72. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

DECISION:

The request for a shoreline substantial development permit, special use permit, and preliminary plat approval for Tolt River Terrace is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 13th day of August, 2020.

STEPHEN K. CAUSSEAUX, JR.
Hearing Examiner

TRANSMITTED this 13th day of August, 2020, to the following:

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