

FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

KAMPE CONSTRUCTION COMPANY  
for preliminary plat approval

FILE NO. CC-8500508  
C.F. NO. 293813

Introduction

Applicant requests approval of a preliminary plat, Ellertson Addition to the City of Seattle, to divide 2.8 acres at 11300 Renton Avenue South into 13 lots.

For purposes of this recommendation all section numbers refer to the Seattle Municipal Code, unless otherwise indicated.

This matter was heard before the Hearing Examiner on August 28, 1985.

The Director, Department of Construction and Land Use (DCLU), recommended that the application be conditionally granted.

After due consideration of the evidence presented, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The application proposes to divide into 13 lots a 2.8 acre, vacant parcel in southeast Seattle on the east side of Renton Avenue South, beginning 115 ft. south of S. Fountain Place.

2. The subject property is legally described as:

A portion of the northeast one-quarter of the northeast one-quarter of Section 11, Township 23 North, Range 4 East W.M. in the City of Seattle, King County, Washington lying east of Renton Avenue South, except the south 366.56 ft. thereof, located at 11300 Renton Avenue South.

3. The site is zoned SF 7200 as is the property to the north and south. To the east is an SF 5000 zone. Renton Avenue South marks the City limits at this location so the property to the west is in King County and is zoned RS 7200. The tract to the south is a 2.76 acre parcel occupied by one single family house. The large tract to the east, Tract C, is under the ownership in common with the subject property and is vacant. Property to the north is developed in lots conforming to SF 7200 limitations. To the west are single family residences, a church and several underdeveloped, large tracts.

4. The front half of the site is fairly level but the easterly half slopes down to the east dropping at a rate of some 10-15 percent. The most easterly 25 ft. drops at a rate of about 25 percent. This grade is the result of removal of soil on the westerly part and substantial filling on the easterly part. The fill is as deep as 17 ft. A preliminary soils report describes the fill as "marginally stable" and that the effect of failures on houses and roadways should be minimal.

5. Renton Avenue South is a four-lane arterial with no curbs or gutters at this location. To the north and west the street is fully improved, including sidewalks. The street right-of-way adjacent to the subject site, is in King County's jurisdiction.

6. A preliminary plat of this property and Tract C was approved in 1978 but that plat lapsed for failure to obtain final plat approval within the time limitation.

7. The proposed plat, Ellertson Addition, divides the property into 13 lots of 7,200 sq. ft. or larger. A 350 ft. long, 50 ft. wide cul-de-sac, South 112th Place, would serve the lots and is to be dedicated to the City. No sidewalks are proposed. All utilities would be constructed in this street. A drainage retention system will be provided in the street right-of-way.

8. The plat shows a 20 ft. utility and access easement, described by the Analysis and Decision of the Director as a utility and access "strip of land". Tract C would be "land-locked" without this provision for access. It is intended that the strip remain in common ownership with Tract C.

9. METRO reviewed the proposal and anticipates no adverse impacts to its wastewater treatment facilities or to water quality.

10. The Water Department requires construction of 235 ft. of 8 in. watermain and 115 ft. of 4 in. watermain to serve the site and the installation of standard fire hydrants.

11. The Fire Department will not object to the proposal if water mains and hydrants required by the Water Department's water Availability Certificate No. 85-165 are installed.

12. City Light will require easements for guy wires and anchors if the subdivision is to be served by an overhead system. If wires are to be underground, no easements will be required.

13. The Engineering Department reviewed the proposal and recommends approval. It recommended that a concrete sidewalk be added to the planned street improvements.

14. The Department of Parks and Recreation, Health Department and Department of Community Development each indicated no objection to the proposal.

15. The Board of Public Works recommended the street name, South 112th Place, which is now a part of the proposal.

16. A determination of non-significance (DNS) was issued for the proposed action pursuant to SEPA. The impacts disclosed in that document are "increased potential for settlement/differential settlement, slides, erosion, removal of vegetation, dust, noise, vehicular movement and demand for additional parking" during development of the site and periodically after completion. None is expected to be significant.

17. The Emerson Elementary School at 9709 60th Avenue South would serve children living on the subject property. The testimony of the Director's representative that the school is within walking distance was uncontroverted. Therefore, children would walk along Renton Avenue South in front of the subject site.

18. The Director's recommendation to the Hearing Examiner is that the proposed subdivision be granted subject to seven conditions to be fulfilled prior to final approval. Those recommended conditions are:

1. Provide the Superintendent of City Light with the required easements to their satisfaction if the plat is to serve the lots with an overhead distribution system.

2. Provide watermains and hydrants to the satisfaction of the Superintendent of Water obtain an approved Availability Certificate 85-165 to document this. (sic)
3. Provide for the construction of concrete walks, street trees and street lighting within the plat (S. 112th Pl.) satisfactory to the Seattle Engineering and City Light Departments.
4. Provide for the construction of walks fronting the subject plat along Renton Ave. S. Obtain a right-of-way use permit from King County for construction of the walks and their inspection/approval so that the walks shall be constructed in compliance with the plans.
5. Provide for public notice satisfactory to the Land Use Division of the Department of Construction and Land Use of: 1) the Disclosure and Waiver Agreement; 2) that "Lots 5 through 10 may require special inspection by the Department of Construction and Land Use when building permits are applied for."
6. Combine the 20 ft. wide access utility "easement" to Parcel C abutting to the east. It can be noted on the plat that Tract C of Lakeridge is subject to a restrictive covenant as per King County Auditors File No. \_\_\_\_\_ (to clarify that the covenant does not apply to the "easement").
7. If on-site development must provide a storm water control facility in accordance with SMC Chapter 22.800, the Grading and Drainage Control Ordinance, maintenance of this facility shall be the responsibility of owner(s) of said property, who shall share costs equally where the facility serves more than one property.

19. The applicant's representative, Wynn Kampe, objects to recommended conditions Nos. 3 and 4 as adding unnecessary costs and Nos. 5, 6 and 7 as unnecessary. Mr. Kampe resists additional costs in order to keep his houses "affordable". He acknowledges that street trees are a nice addition but add to costs. He found in talking to City Light that if street lighting is covered by the general fund there would be no additional cost for it. If not, the cost would be approximately \$200 per lot. He was unable to get a definitive answer as to whether the costs are covered.

20. Recommended condition No. 3 is based on the standards for street improvements found in Section 23.54.10.A(3)(a). That provision does not specifically require street lighting.

21. Recommended condition No. 4 would require a sidewalk along Renton, connecting with the existing sidewalk to the north. The Director sees the requirement as necessary for pedestrian safety along the busy arterial. The sidewalk could then be extended to the south when that property is divided providing for an uninterrupted pedestrian facility.

22. Mr. Kampe provided a rough estimate of the cost of the sidewalk along Renton figuring approximately \$10 per lineal foot. At that price the approximately 210 ft. of sidewalk would add some \$165 to the cost of each lot.

23. Condition No. 5 was recommended to put buyers of the lots with the deepest fill on notice that they may be required to assume certain risks and special precautions, e.g., soils reports, etc., may be required. The lots subject to those requirements would be lots 5 through 9. Lot 10 has been included because of uncertainty about the degree of instability.

24. Condition No. 6 was recommended to assure that Tract C could not lose its access to the street system. The statement that "it can be noted on the plat that Tract C of Lakeridge is subject to a restrictive covenant" is not stated as a requirement. It refers to a restrictive covenant against minority ownership of property in Tract C. Mr. Kampe agreed that the covenant is objectionable but indicated that he did not intend to take steps to remove it, though the entire tract is under one ownership.

25. Recommended Condition No. 7 would not accomplish the intent of the Director, her representative concluded at hearing. The condition was imposed to handle drainage from surfaces not covered by the requirements of the Grading and Drainage Control Ordinance, for example, patios. The representative recommended that the condition be changed to refer to a facility required "in accordance with geotechnical reports". The area is of special concern, according to the representative, because of the extensive fill and potential for uneven settling of the fill.

26. The property is not in a flood control zone.

### Conclusions

1. The Hearing Examiner is required by Section 23.22.36 to enter findings of fact and conclusions and make a recommendation on the preliminary plat to the City Council after considering the criteria established in Sections 23.22.50, 23.22.54 and 23.22.56.

2. Section 23.22.50 prohibits subdivision of land having hazardous topographical or subsurface conditions unless improvements will eliminate the hazards or use of the land is restricted to prevent exposure of people or property to the hazard. Because of the substantial cutting and filling of the property there is some potential for minor instability along portions of Lots 5 through 8, the access strip and possibly Lots 9 and 10. Building permits will have special requirements of which prospective purchasers should be made aware as well as the extra risk of damage from settling. The fill condition would not be hazardous to health or safety so should not require the denial of the proposed subdivision.

3. Section 23.22.54 requires a determination as to whether the public use and interest will be served by the subdivision and dedication. The proposed plat would make productive use of the vacant land by providing lots for 13 new housing units conforming to zoning requirements, thereby providing standard open space; would provide for adequate drainage ways, utilities, and fire protection facilities; and with the addition of the street improvements required by the conditions recommended below, would provide adequate streets for safe access. Street lighting is appropriate and also would serve the public interest by providing a safer environment.

4. The public use and interest would be served by the proposed plat and dedication if the conditions recommended below are fulfilled. While holding down costs is important, the "amenities" required by the conditions are necessary for safety or appropriate as typical in the City.

5. Section 23.22.56 is inapplicable since the land is not situated in a flood control zone.

Recommendation

The preliminary plat should be approved with the following conditions:

1. The Superintendent of City Light be provided with easements to his satisfaction if the plat is to serve the lots with an overhead distribution system.

2. Watermains and fire hydrants be provided to the satisfaction of the Seattle Water Department and an approved Availability Certificate 85-165 be obtained to document the satisfaction of this requirement.

3. Concrete sidewalks, street trees and street lighting for South 112th Place be provided within the plat satisfactory to the Seattle Engineering Department and City Light.


4. A right-of-way use permit be obtained from King County for construction of walks along the frontage of Renton Avenue South and such sidewalks be constructed in compliance with the submitted plans.

5. Provide for public notice satisfactory to the Director, Department of Construction and Land Use: 1) of the Disclosure and Waiver Agreement and 2) that Lots 5 through 10 may require special inspection by the Department of Construction and Land Use when building permits are applied for and special construction precautions.

6. The 20 ft. wide access and utility "easement" to Tract C be combined with Tract C. The restrictive covenant existing on Tract C may not be applied to the added 20 ft. strip.

7. Maintenance of any storm water control facility required to be provided be the responsibility of the owner or owners of the property and costs be shared equally where the facility serves more than one property.

Entered this 6th day of September, 1985.

  
M. Margaret Klockars  
Deputy Hearing Examiner

NOTICE CONCERNING CITY COUNCIL REVIEW

Seattle Municipal Code Section 23.22.40, Council Review provides as follows:

Pursuant to RCW. 58.17, upon receipt of the Hearing Examiner's recommendation, the Council shall at its next public meeting set the date for the public meeting at which it may adopt or reject the recommendations. If, after considering the matter at a public meeting, the Council determines that a change is necessary in the Hearing Examiner's recommendation, it shall conduct a public hearing and adopt its own recommendations and approve or disapprove the preliminary plat. The public hearing may

be held before a committee constituting a majority of the Council, which shall report its recommendations on the matter to the Council for final action by resolution. The decision of the Council shall be in writing and shall include findings of fact and conclusions to support its decision. It shall clearly state any conditions of approval imposed, including dedications and the construction of protective improvements. If the preliminary plat is approved, the decision shall include a written finding of fact that the proposed subdivision is in conformity with the applicable provisions of this Title 23.