



**CITY OF COVINGTON**  
**CITY COUNCIL REGULAR MEETING AGENDA**  
[www.covingtonwa.gov](http://www.covingtonwa.gov)

**Tuesday, July 28, 2015**  
**7:00 p.m.**

**City Council Chambers**  
**16720 SE 271<sup>st</sup> Street, Suite 100, Covington**

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*Note: A Study Session is scheduled from 6:00 to 7:00 p.m.*

**CALL CITY COUNCIL REGULAR MEETING TO ORDER**

**ROLL CALL/PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**PUBLIC COMMUNICATION – NONE**

**PUBLIC COMMENT** Speakers will state their name, address, and organization. Comments are directed to the City Council, not the audience or staff. Comments are not intended for conversation or debate and are limited to no more than four minutes per speaker. Speakers may request additional time on a future agenda as time allows.\*

**APPROVE CONSENT AGENDA**

- C-1. Vouchers (Hendrickson)
- C-2. Resolution Approving Maple Hills Phase I Final Plat (Lyons)
- C-3. Authorize Apex Center Right-of-Way and Easement Dedications (Lyons)
- C-4. Authorize Amendment to Interlocal Agreement with King County Conservation Futures for SoCo Park/Jenkins Creek Trail (Thomas)
- C-5. Resolution Declaring Vehicle as Surplus and Authorizing Replacement Funds (Vondran)
- C-6. Reject All Bids for City Wide Safety Improvements Project (Lindskov)

**REPORTS OF COMMISSIONS**

- Human Services Chair Fran McGregor: June 11 and July 9 meetings
- Parks & Recreation Chair Laura Morrissey: June 17 and July 15 meetings
- Arts Chair Lesli Cohan: June 11 and July 9 meetings
- Planning Chair Bill Judd: June 4 and July 16 meetings; June 18 and July 2 meetings canceled
- Economic Development Council Co-Chair Jeff Wagner: May 28 and July 23 meetings; June 25 meeting canceled

**NEW BUSINESS**

1. Consider Appointments to Covington Economic Development Council (Council)
2. Consider Funding Priorities (Bolli/Hendrickson)

**COUNCIL/STAFF COMMENTS - Future Agenda Topics**

**PUBLIC COMMENT** \*See Guidelines on Public Comments above in First Public Comment Section

**EXECUTIVE SESSION**

- To Discuss Potential Litigation Pursuant to RCW 42.30.110(1)(i)

**ADJOURN**

**Americans with Disabilities Act – reasonable accommodations provided upon request a minimum of 24 hours in advance (253-480-2400).**

**Consent Agenda Item C-1**

Covington City Council Meeting

Date: July 28, 2015

SUBJECT: APPROVAL OF VOUCHERS

RECOMMENDED BY: Rob Hendrickson, Finance Director

ATTACHMENT(S): Vouchers #32743-32817, including ACH payments and electronic funds transfers, in the amount of \$167,110.62 dated July 10, 2015; and Paylocity Payroll Checks #1003967727-1003967743 inclusive, plus employee direct deposits, in the amount of \$179,952.24, dated July 2, 2015.

PREPARED BY: Sharon Scott, City Clerk

EXPLANATION: Not applicable.

ALTERNATIVES: Not applicable.

FISCAL IMPACT: Not applicable.

CITY COUNCIL ACTION: \_\_\_\_\_ Ordinance \_\_\_\_\_ Resolution  X  Motion \_\_\_\_\_ Other

**Councilmember \_\_\_\_\_ moves, Councilmember \_\_\_\_\_ seconds, to approve for payment Vouchers #32743-32817, including ACH payments and electronic funds transfers, in the amount of \$167,110.62, dated July 10, 2015; and Paylocity Payroll Checks #1003967727-1003967743 inclusive, plus employee direct deposits, in the amount of \$179,952.24, dated July 2, 2015.**

July 10, 2015

City of Covington

City of Covington

City of Covington  
Voucher/Check Register

Check #32743 through Check #32817, including ACH payments and electronic funds transfers

In the Amount of \$167,110.62

We, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claims are just, due and unpaid obligations against the City of Covington, Washington, County of King, and that we are authorized to authenticate and certify said claims per the attached register.

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\_\_\_\_\_  
Cassandra Parker  
Senior Accountant

\_\_\_\_\_  
Mark Lanza  
City Councilmember

\_\_\_\_\_  
Jeff Wagner  
City Councilmember

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Marlla Mhoon  
City Councilmember

Council Meeting Date Approved \_\_\_\_\_

# Accounts Payable

## Checks by Date - Detail by Check Date

User: scles  
 Printed: 7/10/2015 11:59 AM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
33	1917	US Bank National Association	07/01/2015	
	1917-072015	Fees for June transactions		303.87
	1917-072015	Fees for June transactions		7.24
	1917-072015	Fees for June transactions		1.26
	1917-072015	Fees for June transactions		35.65
Total for Check Number 33:				348.02
Total for 7/1/2015:				348.02
ACH	1408	Washington Workwear Stores Inc.	07/10/2015	
	11598	Conway; jacket embroidery		13.58
	1970	Lindskov; shirt embroidery		32.58
	1970	Lindskov; shirt embroidery		21.72
Total for this ACH Check for Vendor 1408:				67.88
ACH	1622	Law Offices of Thomas R Hargan, PLLC	07/10/2015	
	15-CV06	Prosecution services through 6/30/15		4,541.83
Total for this ACH Check for Vendor 1622:				4,541.83
ACH	1705	Alpine Products, Inc.	07/10/2015	
	TM-150118	Community event signs		3,328.36
Total for this ACH Check for Vendor 1705:				3,328.36
ACH	2044	Karla Slate	07/10/2015	
	2044-7	Covington Days; carnival game prizes		94.09
Total for this ACH Check for Vendor 2044:				94.09
ACH	2250	SBS Legal Services	07/10/2015	
	C056	Legal services; June		17,145.00
Total for this ACH Check for Vendor 2250:				17,145.00
ACH	2262	Voyager Fleet Systems Inc.	07/10/2015	
	869285460526	Vehicle fuel		1,297.14
Total for this ACH Check for Vendor 2262:				1,297.14
ACH	2555	NuCO2 LLC	07/10/2015	
	45648044	Aquatics; CO2 lease		74.92
	45751825	Aquatics; CO2 for pH control		259.25
Total for this ACH Check for Vendor 2555:				334.17
32743	2094	"Poly" Bag, LLC	07/10/2015	
	35612	Maint shop; garbage bags		230.60

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	35612	Maint shop; garbage bags		115.29
	35612	Maint shop; garbage bags		230.60
			Total for Check Number 32743:	576.49
32744	2547	Alexander Party Rentals	07/10/2015	
	2547-7	Covington Days; table and chair rental		251.45
			Total for Check Number 32744:	251.45
32745	0955	American Red Cross	07/10/2015	
	10383238	Lifeguarding classes		81.00
			Total for Check Number 32745:	81.00
32746	0126	ANS of Washington	07/10/2015	
	0126-7	Scott; Notary license, bond		80.00
	0126-7	Scott; notary stamp		55.39
			Total for Check Number 32746:	135.39
32747	2223	ARC Imaging Resources	07/10/2015	
	A12932	Plotter/scanner; usage, 5/9-6/9/15		15.52
			Total for Check Number 32747:	15.52
32748	0077	Association of WA Cities	07/10/2015	
	37319	Lanza; AWC conference, registration		475.00
			Total for Check Number 32748:	475.00
32749	2965	Matt Baker	07/10/2015	
	2965-7	Covington Days; entertainment		500.00
			Total for Check Number 32749:	500.00
32750	0499	Bank of America	07/10/2015	
	0332-7	Maint shop; lock nuts, washers, knobs		10.75
	0332-7	Maint shop; lock nuts, washers, knobs, use tax		-0.85
	0332-7	Maint shop; lock nuts, washers, knobs, use tax		-0.85
	0332-7	Maint shop; lock nuts, washers, knobs, use tax		-0.43
	0332-7	Maint shop; lock nuts, washers, knobs		10.75
	0332-7	Junkin; cell phone case, ear piece		43.43
	0332-7	Maint shop; lock nuts, washers, knobs		5.38
	0332-7	Junkin; cell phone case, ear piece		21.72
	0332-7	Junkin; cell phone case, ear piece		43.43
	0405-7	Aquatics; stopwatches, use tax		-6.62
	0405-7	Aquatics; stopwatches		83.60
	2675-7	Morrissey; PSFOA lunch meeting		25.00
	2675-7	Water cooler cups, use tax		-3.82
	2675-7	Water cooler, use tax		-3.76
	2675-7	Water cooler		47.53
	2675-7	Hendrickson; GFOA conference, hotel		827.00
	2675-7	Hendrickson; PSFOA lunch meeting		25.00
	2675-7	Water cooler cups		48.29
	2675-7	Hendrickson; GFOA conference, baggage fee		25.00
	2675-7	Over the road banner; balance		460.00
	2923-7	Paper plates, utensils, table covers, use tax		-11.58
	2923-7	Volunteer appreciation dinner; invitations, use tax		-6.43
	2923-7	Volunteer appreciation dinner; invitations		81.20
	2923-7	Volunteer appreciation dinner; decorations, use tax		-44.98
	2923-7	Council chamber; rods for wall hanging		53.43

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	2923-7	Paper plates, utensils, table covers		146.26
	2923-7	Police chief interviews, refreshments		50.54
	2923-7	Volunteer appreciation dinner; decorations		568.08
	3331-7	Bolli; ICMA conference, registration		1,115.00
	3331-7	Tri-city meeting; refreshments		15.98
	3331-7	Executive retreat; lunch, refreshments		233.01
	3331-7	Chief Klason; retirement frame		25.17
	3331-7	PROS Plan meeting, tablecloth cleaning		42.32
	3639-7	Bring Kid to Work Day; prizes		23.89
	6167-7	Vondran; APWA conference, airfare		127.10
	6167-7	Vondran; APWA conference, airfare		127.10
	6686-7	Aquatics; MV Days Parade, bubbles		39.99
	6686-7	Feser; CPTED training, hotel		408.48
	6686-7	PROS update, Kentlake focus group, pizza		40.18
	6686-7	Meyers; ICC recertification		112.00
	6686-7	Aquatics; MV/Covington Days, decorations		31.14
	7314-7	City of Covington flag fringe		40.71
	7314-7	Bring Kid to Work Day; game supplies		29.49
	7314-7	City of Covington flag fringe, use tax		-3.22
	7314-7	Referee stopwatches/flags, use tax		-7.33
	7314-7	Referee stopwatches/flags		92.53
	8754-7	City events; games, use tax		-8.94
	8754-7	Ciderfest, print jobs		59.84
	8754-7	Ciderfest, domain services		35.00
	8754-7	Over the road banner; deposit		500.00
	8754-7	City events; games		112.91
	8754-7	City events; games		83.08
			Total for Check Number 32750:	5,772.50
32751	0176	Noreen Beaufriere	07/10/2015	
	0176-7	Volunteer Appreciation Dinner, decoration, use tax		-1.51
	0176-7	Reimbursement; Volunteer Appreciation Dinner,		19.11
			Total for Check Number 32751:	17.60
32752	2368	Best Parking Lot Cleaning Inc.	07/10/2015	
	138951	MV, Street cleaning; June		7,384.80
	139202	Street cleaning; June		2,867.04
			Total for Check Number 32752:	10,251.84
32753	2516	Bob's Heating & Air Conditioning, Inc.	07/10/2015	
	134543	Minor housing repair; #BEY-01-14		1,302.12
			Total for Check Number 32753:	1,302.12
32754	1868	The Brickman Group Ltd, LLC	07/10/2015	
	5101760548	Landscaping maintenance; June		5,400.68
	5101760548R	Landscaping maintenance, retainage, June		-270.03
			Total for Check Number 32754:	5,130.65
32755	2849	Bricks 4 Kidz	07/10/2015	
	1049	Instructor payment; Spring 2015		150.50
			Total for Check Number 32755:	150.50
32756	1997	Capital One Commercial	07/10/2015	
	014944	Bring a Child to Work Day; snacks		68.12
	046469	Bring a Child to Work Day; pizzas		43.22

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 32756:	111.34
32757	2270 6317966698B-7	CenturyLink City hall; telephone, 6/13-7/13/15	07/10/2015	101.72
			Total for Check Number 32757:	101.72
32758	0366 B15-0078 BL15-083 F15-0031 PW15-038 S15-0013	City of Covington Covington Days; building permit Covington Days; business license Covington Days; fire permit Covington Days; ROW use permit Covington Days; sign permit	07/10/2015	113.80 183.00 181.00 181.00 181.00
			Total for Check Number 32758:	839.80
32759	0226 905552	Clowns Unlimited, Inc. Covington Days; entertainment	07/10/2015	13,113.45
			Total for Check Number 32759:	13,113.45
32760	1170 NW2783437-1	Coastwide Laboratories Aquatics; seat covers	07/10/2015	30.60
			Total for Check Number 32760:	30.60
32761	2179 488	Conservation Technix, Inc. PROS Plan update; 6/1-6/30/15	07/10/2015	9,907.40
			Total for Check Number 32761:	9,907.40
32762	0537 104587-7 105731-7 132670-7	Covington Water District Crystal view; water, 5/16-6/19/15 SR 516; water, 5/16-6/19/15 CCP; water, 5/16-6/19/15	07/10/2015	42.56 58.60 2,267.03
			Total for Check Number 32762:	2,368.19
32763	2966 43749	Eco Elite Pest Control Minor housing repairs; #HEID-03-14	07/10/2015	172.67
			Total for Check Number 32763:	172.67
32764	2967 5310	Economic Development Council of Seattle 2015 Public Sector Member dues	07/10/2015	2,500.00
			Total for Check Number 32764:	2,500.00
32765	1076 46415	Evergreen Sign Co. Aquatics; logo decal for front door	07/10/2015	347.52
			Total for Check Number 32765:	347.52
32766	2658 2015-07-18	Fabulous Face Painting Covington Days; face painting	07/10/2015	730.00
			Total for Check Number 32766:	730.00
32767	1875 116412	FirstChoice Coffee service	07/10/2015	180.63

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 32767:	180.63
32768	2968 2968-7	Patricia Fuller Refund; Covington Days booth	07/10/2015	50.00
			Total for Check Number 32768:	50.00
32769	2925 795448-7	FunFlicks Kids Fest; movie night rental	07/10/2015	464.75
			Total for Check Number 32769:	464.75
32770	1733 133143	The Good Earth Works, Inc. CCP; s/u equip, chainsaws/blowers/edger/trimm	07/10/2015	3,488.93
			Total for Check Number 32770:	3,488.93
32771	2553 June15 1123	Gordon Thomas Honeywell Governmental Governmental Affairs services; June	07/10/2015	2,000.00
			Total for Check Number 32771:	2,000.00
32772	0302 14528.00-000013 15447.00-000004	Gray & Osborne CIP 1014; engineering, 5/24-6/20/15 Clements Drainage Improvement; 5/24-6/20/15	07/10/2015	6,951.90 2,871.46
			Total for Check Number 32772:	9,823.36
32773	1403 979429238	Graybar Aquatics; HVAC display panel	07/10/2015	212.32
			Total for Check Number 32773:	212.32
32774	2957 0000001 0000002	Helix Design Group Town Center; reimbursable expenses, 4/26-5/30/ Town Center; planning services, 4/26-5/30/15	07/10/2015	345.66 9,285.00
			Total for Check Number 32774:	9,630.66
32775	2970 2970-7	Hollywood Lights, Inc. Covington Days; electrical service deposit	07/10/2015	1,624.37
			Total for Check Number 32775:	1,624.37
32776	2970 2970-7-2	Hollywood Lights, Inc. Family movie night; electrical service deposit	07/10/2015	908.82
			Total for Check Number 32776:	908.82
32777	2970 2970-7-1	Hollywood Lights, Inc. Covington Days; electrical service balance	07/10/2015	1,624.37
			Total for Check Number 32777:	1,624.37
32778	0867 2071310 2595020 4012300 4012300 4012300 5040049 5040049	Home Depot Credit Services #1892; mouse bait station Art display tools; tape measure, hex key Maint shop; respirator, screws Maint shop; respirator, screws Maint shop; respirator, screws Maint shop; sprinkler Fertilizer, grass seed, peat most, posts, tarp	07/10/2015	10.83 32.48 3.46 6.92 6.92 7.37 159.79

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	5040049	Maint shop; sprinkler		7.37
	5040049	Maint shop; sprinkler		3.69
	5070112	Sign tape		5.40
	6062349	Maint shop; cleaning supplies		4.10
	6062349	Maint shop; cleaning supplies		8.18
	6062349	Maint shop; cleaning supplies		8.18
	6560163	Storage unit keys		10.15
	8163489	#2396; hex bolts		1.12
	8163489	#2396; hex bolts		2.22
	8163489	#2396; hex bolts		2.22
	8585302	Flag Football; tape, paint		11.77
	9014319	Maint shop; bee spray, hand soap		23.08
	9014319	Maint shop; bee spray, hand soap		23.08
	9014319	Maint shop; bee spray, hand soap		11.54
Total for Check Number 32778:				349.87
32779	1722	Honey Bucket	07/10/2015	
	2-1230279	Mattson; portable toilet rental, 6/3-6/30/15		255.00
	2-1253296	Skate park; portable toilet rental, 6/25-7/22/15		202.95
Total for Check Number 32779:				457.95
32780	2971	Idol Eyez Music	07/10/2015	
	2971-7	Covington Days; entertainment, 7/18		900.00
Total for Check Number 32780:				900.00
32781	1803	Iron Mountain	07/10/2015	
	LPK6207	Document storage; 7/1-7/31/15		157.00
Total for Check Number 32781:				157.00
32782	2973	Dylan Jakobsen	07/10/2015	
	2973	Covington Days; entertainment, 7/18		400.00
Total for Check Number 32782:				400.00
32783	1701	Johnsons Home & Garden	07/10/2015	
	395752	#2396; paint, plumbing parts		3.47
	395752	#2396; paint, plumbing parts		6.93
	395752	#2396; paint, plumbing parts		6.93
Total for Check Number 32783:				17.33
32784	2792	Kent Fire Department RFA	07/10/2015	
	15-369	Fire services; 1st Quarter 2015		9,893.21
	15-369	Fire investigation services; 1st Quarter 2015		126.18
Total for Check Number 32784:				10,019.39
32785	0385	Kent School #415	07/10/2015	
	1500001621	Dance recital; room rental, 6/5		250.00
Total for Check Number 32785:				250.00
32786	0143	King County Finance	07/10/2015	
	2055108	2015 April election costs		14,327.14
	2055120	2015 April voters pamphlet		930.20
	61374	WRIA Watershed Planning; 1st trimester 2015		2,670.67

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 32786:	17,928.01
32787	0204 0204-7	King County Pet Licensing Pet license remittance; June	07/10/2015	970.00
			Total for Check Number 32787:	970.00
32788	0990 0990-7	Mark Lanza Lanza; AWC conference, mileage/hotel	07/10/2015	493.97
			Total for Check Number 32788:	493.97
32789	0400 38600240780	Les Schwab Flat tire repair	07/10/2015	14.66
			Total for Check Number 32789:	14.66
32790	1737 1737-7	Darren Motamedy Summer Concert Series; 7/24/15	07/10/2015	1,500.00
			Total for Check Number 32790:	1,500.00
32791	1487	NAPA Auto Parts	07/10/2015	
	755488	Maint shop; dome light, battery brush		4.92
	755488	Maint shop; dome light, battery brush		2.45
	755488	Maint shop; dome light, battery brush		4.92
	756829	Latex gloves		14.89
	757838	Maint shop; oil, gloves, brake cleaner		106.22
	757838	Maint shop; oil, gloves, brake cleaner		106.22
	757838	Maint shop; oil, gloves, brake cleaner		53.12
	758545	Maint shop; battery system tester		53.85
	758545	Maint shop; threadlocker stick		2.89
	758545	Maint shop; threadlocker stick		5.77
	758545	Maint shop; battery system tester		107.70
	758545	Maint shop; threadlocker stick		5.77
	758545	Maint shop; battery system tester		107.70
	758640	Generator		1,248.90
			Total for Check Number 32791:	1,825.32
32792	0004	Office Depot	07/10/2015	
	775552167001	File folders		195.46
	775552308001	Paper cups		46.80
	775552308001	Office supplies		166.75
	776527952001	Paper		153.41
	776528112001	Paper		17.37
			Total for Check Number 32792:	579.79
32793	0818 46163460	Pacific Office Automation Copier lease, 6/15-7/14/15	07/10/2015	122.47
			Total for Check Number 32793:	122.47
32794	0164 5502745013	Pitney Bowes Postage machine; ink cartridge	07/10/2015	62.65
			Total for Check Number 32794:	62.65
32795	2860 365527	Protect Youth Sports Background checks	07/10/2015	132.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 32795:	132.00
32796	1197 00052400 00052456	Rainier Wood Recyclers Brush/stump, disposal fees Brush/stump, disposal fees	07/10/2015	120.00 20.00
			Total for Check Number 32796:	140.00
32797	2513 2513-7	Reptile Man Covington Days; entertainment	07/10/2015	550.00
			Total for Check Number 32797:	550.00
32798	2165 2165-7	John Schuoler Covington Days; DJ, MC and music service, 7/1	07/10/2015	700.00
			Total for Check Number 32798:	700.00
32799	2272 1503	Sellars Electric Inc. Minor housing repairs; #DAVE-01-14	07/10/2015	401.75
			Total for Check Number 32799:	401.75
32800	2514 2514-7	SevenJam, USA Covington Days; sound, 7/18 & 7/19	07/10/2015	800.00
			Total for Check Number 32800:	800.00
32801	2514 2514-7-3	SevenJam, USA Summer concert; sound, 8/7	07/10/2015	250.00
			Total for Check Number 32801:	250.00
32802	2514 2514-7-1	SevenJam, USA Summer concert; sound, 7/24	07/10/2015	250.00
			Total for Check Number 32802:	250.00
32803	2514 2514-7-2	SevenJam, USA Summer concert; sound, 7/31	07/10/2015	250.00
			Total for Check Number 32803:	250.00
32804	1905 C832712-701 C832712-701 C832714-701 C832715-701	Sharp Electronics Corporation Copier; usage, 5/15-6/19/15 Copier; usage, 5/15-6/19/15 Reception; copier, usage, 5/16-6/15/15 Police; copier, usage, 5/28-6/17/15	07/10/2015	21.19 14.13 15.17 22.49
			Total for Check Number 32804:	72.98
32805	0736 770461 770461 770461 770461	Sound Security, Inc. Maint shop; secure monitoring, July Security monitoring, July Maint shop; secure monitoring, July Maint shop; secure monitoring, July	07/10/2015	40.80 1,003.00 40.80 20.40
			Total for Check Number 32805:	1,105.00
32806	0281 006355510001-7 006355510001-7	Standard Insurance Company Life Insurance Premiums, July Life Insurance Premiums, July	07/10/2015	87.89 44.13

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	006355510001-7	Life Insurance Premiums, July		583.51
	006355510001-7	Life Insurance Premiums, July		192.20
	006355510001-7	Life Insurance Premiums, July		117.33
	006355510001-7	Life Insurance Premiums, July		95.97
	006355510001-7	Life Insurance Premiums, July		97.19
	006355510001-7	Life Insurance Premiums, July		311.17
	006355510001-7	Life Insurance Premiums, July		285.10
	006355510001-7	Life Insurance Premiums, July		175.20
	006355510001-7	Life Insurance Premiums, July		512.24
	006355510001-7	Life Insurance Premiums, July		7.91
	006355510001-7	Life Insurance Premiums, July		361.80
	006355510001-7	Life Insurance Premiums, July		600.61
	006355510001-7	Life Insurance Premiums, July		181.55
			Total for Check Number 32806:	3,653.80
32807	2556 114-3035458	United Site Services Gardner property; fence rental, 6/13-7/10/15	07/10/2015	355.77
			Total for Check Number 32807:	355.77
32808	2103 281362541 281371096	US Bancorp Equip Finance Inc. Police; copier lease Reception; copier lease	07/10/2015	93.40 93.40
			Total for Check Number 32808:	186.80
32809	2969 1845076 1845324 1846012	USA Football Flag football jerseys Flag football jerseys Flag football jerseys	07/10/2015	3,900.00 25.00 109.58
			Total for Check Number 32809:	4,034.58
32810	0357 15945	Valley Communications 800 MHz access; June	07/10/2015	75.00
			Total for Check Number 32810:	75.00
32811	0046 9747679815 9747679815 9747679815 9747679815 9747679815 9747679815 9747679815 9747679815 9747679815 9747679815 9747679815 9747679815 9747679815	Verizon Wireless Cellular service, Cellular service, Cellular service/tablet data, 6/21-7/20/15 Cellular service/tablet data, Junkin; phone Junkin; phone Junkin; phone Cellular service, 6/21-7/20/15 Cellular service, 6/21-7/20/15 Cellular service/tablet data, 6/21-7/20/15 Cellular service/tablet data, Cellular service, 6/21-7/20/15	07/10/2015	179.46 58.48 98.49 78.15 108.60 108.60 54.30 30.03 29.24 176.31 321.01 48.79
			Total for Check Number 32811:	1,291.46
32812	0119 30481	WABO Classified Ad; Plans Examiner/Building Inspect	07/10/2015	50.00
			Total for Check Number 32812:	50.00
32813	2974 2974-7	Richard Walbaum Covington Days; entertainment	07/10/2015	600.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 32813:	600.00
32814	2972 8019279 8019279	Washington State Youth Soccer Cancellation administrative fee Refund; CCP field rental cancellation	07/10/2015	-10.00 33.00
			Total for Check Number 32814:	23.00
32815	2652 5002262710	Wells Fargo Financial Leasing Plotter/scanner; lease, 7/10-8/9/15	07/10/2015	227.09
			Total for Check Number 32815:	227.09
32816	2127 2127-7	WFEA WFEA membership dues	07/10/2015	75.00
			Total for Check Number 32816:	75.00
32817	2230 9145947 9145947 9145947	Wilbur-Ellis Company Maint shop; pesticides Maint shop; pesticides Maint shop; pesticides	07/10/2015	70.21 140.42 140.42
			Total for Check Number 32817:	351.05
			Total for 7/10/2015:	163,323.12
34	2783 2783-062015 2783-062015 2783-062015 2783-062015 2783-062015 2783-062015 2783-062015 2783-062015 2783-062015	WA State Dept of Revenue Sales tax payable June 2015 Sales tax payable June 2015 Use tax payable June 2015 Use tax payable June 2015 B&O tax payable June 2015 B&O tax payable June 2015 Sales tax payable June 2015 Use tax payable June 2015 Use tax payable June 2015	07/28/2015	1,040.74 159.97 101.39 14.69 65.87 1,144.71 720.46 176.96 14.69
			Total for Check Number 34:	3,439.48
			Total for 7/28/2015:	3,439.48
			Report Total (84 checks):	167,110.62

July 17, 2015

City of Covington

Payroll Approval

- Request Council approval for payment of Payroll dated 07/17/15 consisting of:

PAYLOCITY CHECK # 1003967727 through PAYLOCITY CHECK # 1003967743 inclusive,  
plus employee direct deposits

IN THE AMOUNT OF \$179,952.24

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF COVINGTON, WASHINGTON, COUNTY OF KING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY SAID CLAIMS PER THE ATTACHED COUNCIL APPROVAL REPORT.

\_\_\_\_\_  
Cassandra Parker  
Senior Accountant

\_\_\_\_\_  
Mark Lanza  
City Councilmember

\_\_\_\_\_  
Jeff Wagner  
City Councilmember

\_\_\_\_\_  
Marlla Mhoon  
City Councilmember

Council Meeting Date Approved: \_\_\_\_\_

## 07/17/15 Payroll Voucher

Check/Voucher	Check Type	Check Date	Employee Id	Employee Name	Net Amount
110095	Regular	7/17/2015	503	Bolli, Regan H	4,584.55
110096	Regular	7/17/2015	246	Kirshenbaum, Kathleen	680.38
110097	Regular	7/17/2015	243	Lyon, Valerie	1,485.70
110098	Regular	7/17/2015	234	Mhoon, Darren S	1,469.26
110099	Regular	7/17/2015	162	Michaud, Joan M	2,187.66
110100	Regular	7/17/2015	123	Scott, Sharon G	2,541.67
110101	Regular	7/17/2015	313	Slate, Karla J	2,508.30
110102	Regular	7/17/2015	275	Hart, Richard	3,476.32
110103	Regular	7/17/2015	368	Mueller, Ann M	1,478.72
110104	Regular	7/17/2015	180	Cles, Staci M	1,871.12
110105	Regular	7/17/2015	146	Hagen, Lindsay K	1,617.74
110106	Regular	7/17/2015	235	Hendrickson, Robert	3,813.07
110107	Regular	7/17/2015	105	Parker, Cassandra	2,610.87
110108	Regular	7/17/2015	454	Salazar-Delatorre, Viviana J	278.90
110109	Regular	7/17/2015	374	Allen, Joshua C	1,807.60
110110	Regular	7/17/2015	482	Cruz, Garrett M	711.32
110111	Regular	7/17/2015	353	Dalton, Jesse J	2,080.32
110112	Regular	7/17/2015	373	Fealy, William J	1,860.62
110113	Regular	7/17/2015	301	Gaudette, John J	2,256.04
110114	Regular	7/17/2015	511	Goranson, Gage W	794.56
110115	Regular	7/17/2015	186	Junkin, Ross D	2,858.07
110116	Regular	7/17/2015	457	Smith, Nathan H	998.86
110117	Regular	7/17/2015	268	Bykonen, Brian D	2,209.04
110118	Regular	7/17/2015	279	Christenson, Gregg R	2,785.03
110119	Regular	7/17/2015	270	Lyons, Salina K	2,332.25
110120	Regular	7/17/2015	269	Meyers, Robert L	3,443.91
110121	Regular	7/17/2015	284	Ogren, Nelson W	2,811.62
110122	Regular	7/17/2015	266	Thompson, Kelly	2,187.61
110123	Regular	7/17/2015	518	Islam, Shahinur	513.75
110124	Regular	7/17/2015	307	Morrissey, Mayson	2,967.97
110125	Regular	7/17/2015	199	Bahl, Rachel A	2,106.35
110126	Regular	7/17/2015	451	Conway, Sean	1,593.64
110127	Regular	7/17/2015	428	Feser, Angela M	2,280.81
110128	Regular	7/17/2015	448	Finazzo, Dominic V	1,558.76
110129	Regular	7/17/2015	305	Kiselyov, Tatyana	1,597.22
110130	Regular	7/17/2015	453	Leung, Rachael M	1,295.62
110131	Regular	7/17/2015	195	Patterson, Clifford	2,484.06
110132	Regular	7/17/2015	306	Thomas, Scott R	3,647.05
110133	Regular	7/17/2015	106	Bates, Shellie L	2,113.67
110134	Regular	7/17/2015	349	Buck, Shawn M	1,776.31
110135	Regular	7/17/2015	273	French, Fred	466.92
110136	Regular	7/17/2015	436	Lindskov, Robert T	3,024.58
110137	Regular	7/17/2015	257	Parrish, Benjamin A	2,020.67
110138	Regular	7/17/2015	173	Vondran, Donald M	3,722.54
110139	Regular	7/17/2015	252	Wesley, Daniel A	2,224.68
110140	Regular	7/17/2015	388	Andrews, Kaitlyn E	290.31
110141	Regular	7/17/2015	434	Bailey, Brooke	51.35
110142	Regular	7/17/2015	378	Bell, Colin Q	797.92
110143	Regular	7/17/2015	481	Binder, Jordan M	391.15
110144	Regular	7/17/2015	393	Blakely, Coleman P.	800.14
110145	Regular	7/17/2015	513	Bryant, Colin A	112.04
110146	Regular	7/17/2015	379	Carrillo, Anthony G	660.09
110147	Regular	7/17/2015	514	Collins, Ashtyn E	202.81
110148	Regular	7/17/2015	258	Cox, Melissa	662.16

110149	Regular	7/17/2015	385	Cranstoun, Alexander M	696.78
110150	Regular	7/17/2015	338	Felcyn, Adam	79.10
110151	Regular	7/17/2015	366	Foxworthy, Rebecca	461.86
110152	Regular	7/17/2015	505	Gormley, Hannah E	187.63
110153	Regular	7/17/2015	508	Halbert, Olivia M	90.98
110154	Regular	7/17/2015	460	Hatch, Christopher	208.49
110155	Regular	7/17/2015	512	Hauer, Colton A	34.11
110156	Regular	7/17/2015	359	Houghton, Cassandra L	229.44
110157	Regular	7/17/2015	425	Knox, John Q	341.86
110158	Regular	7/17/2015	426	Knox, Patrick L	552.95
110159	Regular	7/17/2015	410	Lanz, Avalon A.	649.24
110160	Regular	7/17/2015	416	Lipinski, Matthew	35.37
110161	Regular	7/17/2015	435	Martin, Iain-Josiah	218.27
110162	Regular	7/17/2015	479	Mazick, Hailie	100.79
110163	Regular	7/17/2015	483	Medel, Erick	98.40
110164	Regular	7/17/2015	340	Middleton, Jordan	731.02
110165	Regular	7/17/2015	516	Montero, Ivan P	159.53
110166	Regular	7/17/2015	439	Newman, Ashley M	313.54
110167	Regular	7/17/2015	413	Perko, Alyssa M.	460.34
110168	Regular	7/17/2015	312	Perko, Roxanne H	408.21
110169	Regular	7/17/2015	445	Portin, Andrew	337.55
110170	Regular	7/17/2015	319	Praggastis, Alexander	120.58
110171	Regular	7/17/2015	387	Praggastis, Elena C	467.97
110172	Regular	7/17/2015	493	Sears, Andrew J	202.95
110173	Regular	7/17/2015	429	Sizemore, Christine A	193.19
110174	Regular	7/17/2015	492	Spencer, Ethan R	96.67
110175	Regular	7/17/2015	506	Thompson, William Z	113.55
110176	Regular	7/17/2015	392	Wardrip, Spencer A	273.77
110177	Regular	7/17/2015	392	Wardrip, Spencer A	37.40
110178	Regular	7/17/2015	432	Wilton, Sara J	165.76
110179	Regular	7/17/2015	495	Tashiro-Townley, Joshua C	71.13
110180	Regular	7/17/2015	116	Beaufre, Noreen	2,841.79
110181	Regular	7/17/2015	137	Throm, Victoria J	1,945.45
1003967727	Regular	7/17/2015	364	Newell, Nancy J	80.35
1003967728	Regular	7/17/2015	520	Serfling, Daniel D	142.16
1003967729	Regular	7/17/2015	499	Goodman, Ryan A	444.23
1003967730	Regular	7/17/2015	509	Brannon, David J	51.18
1003967731	Regular	7/17/2015	274	Goldfoos, Rhyan	176.08
1003967732	Regular	7/17/2015	522	Gormley, Alissa A	318.75
1003967733	Regular	7/17/2015	430	Hanson, Sean C	613.64
1003967734	Regular	7/17/2015	399	Jensen, Emily A	373.59
1003967735	Regular	7/17/2015	316	Johansen, Andrea	578.54
1003967736	Regular	7/17/2015	400	Quintos, Edward Louie D	225.94
1003967737	Regular	7/17/2015	489	Wold, Jared K	560.68
1003967738	Regular	7/17/2015	480	Woods, Dylan J	296.32
1003967739	Regular	7/17/2015	395	Wunschel, Ethan G.	696.14
1003967740	Regular	7/17/2015	521	Ellsworth, Joseph G	71.13
1003967741	Regular	7/17/2015	519	Lopez, Joseph C	37.93
1003967742	Regular	7/17/2015	462	Rogers, Trask	78.16
<b>Totals for Payroll Checks 103 Items</b>					<b>116,774.17</b>
Third Party Checks for Account Paylocity Account					

Check/Voucher	Check Type	Check Date	Employee Id	Employee Name	Net Amount
110182	AGENCY	7/17/2015	401SS	ICMA Retirement Trust	18,458.31
110183	AGENCY	7/17/2015	457Ex	Vantagepoint Transfer Agent-	348.63
110184	AGENCY	7/17/2015	CICOV	City of Covington	2,780.30
110185	AGENCY	7/17/2015		Emp City of Covington Employee	85.00
110186	AGENCY	7/17/2015	IC401	ICMA Retirement Trust	15,902.87

110187 AGENCY	7/17/2015	IC457 ICMA Retirement Trust	2,101.83
110188 AGENCY	7/17/2015	ROTH ICMA Retirement Trust	150.00
110189 AGENCY	7/17/2015	VEBA HRA VEBA Trust Contributions	1,711.75
1003967743 AGENCY	7/17/2015	JG1 WASH CHILD SUPPORT	110.41
<b>Totals for Third Party Checks 9 Items</b>			<b>41,649.10</b>

Tax Liabilities	21,276.73
Paylocity Fees	252.24

Grand Total	<u><u>\$ 179,952.24</u></u>
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## Consent Agenda Item C-2

Covington City Council Meeting

Date: July 28, 2015

**SUBJECT:** CONSIDER PROPOSED RESOLUTION APPROVING FINAL PLAT OF MAPLE HILLS PHASE I, FILE NO PP99-004/1025 FOR RECORDING.

**RECOMMENDED BY:** Richard Hart, Community Development Director

**ATTACHMENT(S):**

1. Proposed Resolution Approving the Final Plat of Maple Hills Phase I
  - a. Exhibit 1 – Maple Hills Phase I Final Plat Map
2. Original Plat of Maple Hills- King County 1986
3. King County Hearing Examiner Findings, Conclusions and Decision dated May 16, 1986
4. King County Motion to Remand, No. 6857
5. Decision to the petition to obtain a declaration of “null and void”, dated April 3, 2001
6. City of Covington Hearing Examiner Findings, Conclusions and Decision dated September 21, 2006

**PREPARED BY:** Salina Lyons, Principal Planner

**EXPLANATION:**

The plat of Maple Hills originated in King County on March 22, 1983, prior to the incorporation of the City of Covington. The original plat, submitted by RAMAC, Inc., was for the construction of 150 lots on 45.3 acres located at the terminus of 204<sup>th</sup> Ave SE. Access to the site was proposed from 204<sup>th</sup> Ave SE and connected to the Cedar Downs neighborhood of Maple Valley via SE 259<sup>th</sup> St. King County issued a SEPA MDNS determination on May 31, 1983, and the King County Hearing Examiner issued a recommendation to approve the plat on May 16, 1986. (Attachments 2 & 3)

Per Motion 6857, the King County Council remanded the preliminary plat back to the King County Hearing Examiner “for further action as such time adequate right-of-way is available to enable the construction of the public street.” The remand lacked information regarding who was authorized to determine if “adequate access” was available. (Attachment 4)

King County transferred the development proposal to the City of Covington upon incorporation in 1997. At that time, the city’s petition to declare the plat “null and void” was denied based on the fact that King County, in their original remand, did not specify a time or expiration date for the plat other than “such time as adequate access is available.” (Attachment 5)

The development was then purchased by ECL Investors, LLC. In 2006, the plat was reopened for consideration. The City of Covington’s Hearing Examiner was limited in the scope of review of the project since a determination had previously been issued by King County. The Hearing Examiner addressed the issue of “adequate access” and included additional conditions for improvements along 204<sup>th</sup> Ave SE. (Attachment 6)

ECL Investors, LLC submitted a modification to the original approval to bring the plat in compliance with current regulations and to provide additional parks and open space. Under the modification, the streets were designed to the 2006 City of Covington Design and Construction

Standards and Specifications and stormwater facilities were designed under the 1998 King County standards instead of the 1983 standards. The lots were reduced from 150 to 149 lots and proposed to be constructed in two phases. Maple Hills Phase I is 93 lots and Maple Hills Phase II, currently under construction, is 56 lots.

The project was then sold to Presidio Merced Acquisition Sourcing, LLC, who is managing the completion of the construction of Maple Hills Phase 1 final plat. The Notice to Proceed (clearing and grading permit) for Phase I construction of the site improvements was issued on September 9, 2014.

**Financial Guarantees**

The improvements have been completed in conformance with the approved engineering plans. Any required improvements that have not yet been completed have been secured by an acceptable financial guarantee.

**Staff Recommendation**

City staff has reviewed the plat development final engineering plans filed by the developer for conformance with applicable City of Covington Design and Construction Standards, for conformance with the SEPA MDNS Threshold Determination, and for conformance with other applicable local and state laws and regulations. Staff has approved these drawings.

Staff recommends approval of the Maple Hills Phase I Final Plat, City File No. PP99-004/1025 for recording.

ALTERNATIVES:

1. Request additional information from staff.

FISCAL IMPACT:

Approval and recording of the final plat will have no direct fiscal impact. Subsequent single-family residential building permit applications in the plat will generate revenue for the city for required expenditure of staff resources for building plan review and building construction inspection.

CITY COUNCIL ACTION: \_\_\_\_\_ Ordinance  X  Resolution \_\_\_\_\_ Motion \_\_\_\_\_ Other

**Councilmember \_\_\_\_\_ moves, and Councilmember \_\_\_\_\_ seconds to pass the attached Resolution approving the Maple Hills Phase I Final Plat, City File No. PP99-004/1025 in substantial form, as that attached hereto, and authorizes the City Manager to sign the final plat for recording.**

REVIEWED BY: Community Development Director  
Finance Director  
City Manager  
City Attorney

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, APPROVING THE FINAL PLAT OF MAPLE HILLS, PHASE I, PP99-004/1025 FOR RECORDING.**

**WHEREAS**, the original Maple Hills Plat application was received by King County, dated March 22, 1983; and

**WHEREAS**, King County issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat on May 31, 1983; and

**WHEREAS**, the King County Hearing Examiner issued a recommendation of preliminary plat approval on May 16, 1986, with conditions; and

**WHEREAS**, the King County Council remanded the preliminary plat to the Hearing Examiner based on the conclusion that the plat could not make appropriate provisions for adequate access by “..streets or other public ways and that the public use and interest would not be served by approval of the subdivision” (King County Motion No. 6857, dated May 11, 1987); and

**WHEREAS**, the Maple Hills preliminary plat was transferred to the City of Covington (the “City”) upon incorporation in 1997 and assigned Application No. PP99-004/1025; and

**WHEREAS**, the City filed a petition to have the Maple Hills plat application deemed “null and void” and the petition was denied on April 3, 2001, by the City’s Hearing Examiner; and

**WHEREAS**, the City held a public hearing on September 13, 2006, to address the “adequacy of access” issue presented by King County Council under Motion No. 6857; and

**WHEREAS**, on September 21, 2006, the City’s Hearing Examiner issued a decision to grant the Maple Hills request for preliminary plat approval subject to conditions to address the “adequacy of access” issues; and

**WHEREAS**, the developer submitted a plat modification to the original plat design to bring the plat into compliance with current regulations and to provide additional parks and open space; and

**WHEREAS**, City staff has reviewed the engineering plans for plat development filed by the Developer has found that these engineering plans substantially conform with applicable local and state laws, codes, and regulations, and with the preliminary plat conditions of approval, and therefore has approved these plans for construction; and

**WHEREAS**, City staff has inspected the plat improvements constructed by the Developer, and finds that these improvements have been substantially completed in conformance with the approved engineering plans, or that the developer has financially assured the completion of such improvements; now, therefore

**BE IT RESOLVED** by the City Council of the City of Covington, King County, Washington, as follows:

**Section 1.** The City of Covington hereby approves the Final Plat of Maple Hills, Phase I for recording in the form as attached hereto as Exhibit 1, subject to the completion of those certain plat improvements for which the developer has posted financial guarantees and has agreed to complete as provided in the attached Exhibit 1; and further subject to maintenance of the plat property as set forth in the maintenance bonds.

**PASSED** in open and regular session on this 28<sup>th</sup> day of July 2015.

\_\_\_\_\_  
Mayor Margaret Harto

ATTESTED:

\_\_\_\_\_  
Sharron Scott, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sara Springer, City Attorney

VOL/PG

# MAPLE HILLS PHASE I

POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

### DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED. FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF COVINGTON, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF COVINGTON. FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF COVINGTON, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION. PROVIDED; THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF COVINGTON, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF COVINGTON, ITS SUCCESSORS OR ASSIGNS. THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

PRESIDIO MERCED ACQUISITION SOURCING, LLC

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

### ACKNOWLEDGMENTS

STATE OF WASHINGTON )  
                                  )SS  
COUNTY OF KING      )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE \_\_\_\_\_ OF \_\_\_\_\_ TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

(PRINT NAME) \_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

MY APPOINTMENT EXPIRES: \_\_\_\_\_

### APPROVALS

#### CITY OF COVINGTON

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

CITY DEVELOPMENT REVIEW ENGINEER \_\_\_\_\_

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

CITY MANAGER \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_

FINANCE DIRECTOR \_\_\_\_\_

#### KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

KING COUNTY ASSESSOR \_\_\_\_\_

DEPUTY KING COUNTY ASSESSOR \_\_\_\_\_

ACCOUNT NUMBER \_\_\_\_\_

#### FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

MANAGER, FINANCE DIVISION \_\_\_\_\_

DEPUTY \_\_\_\_\_

#### REVIEWED BY COVINGTON WATER DISTRICT

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

COVINGTON WATER DISTRICT/DISTRICT ENGINEER \_\_\_\_\_

FOR WATER EASEMENT PURPOSES ONLY \_\_\_\_\_

### TITLE NOTES

EASEMENTS AND LEGAL DESCRIPTION ARE BASED ON THE SUBDIVISION GUARANTEE COMMITMENT TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. 5003353-2412796, DATED MARCH 23, 2015. SCHEDULE B:

- TAXES
- TAXES
- TAXES
- MEMORANDUM OF OPERATING MANAGER AUTHORIZATION AND THE TERMS AND CONDITIONS THEREOF AS RECORDED UNDER AUDITOR'S FILE NO.: 20131226000877.
- SUBJECT TO RESERVATIONS AND EXCEPTIONS CONTAINED IN DEED FROM NORTHERN PACIFIC RAILROAD COMPANY AS RECORDED UNDER AUDITOR'S FILE NO.: 135893. (AFFECTS PARCEL B)
- SUBJECT TO RESERVATIONS AND EXCEPTIONS CONTAINED IN DEED FROM NORTHERN PACIFIC RAILROAD COMPANY AS RECORDED UNDER AUDITOR'S FILE NO.: 139608. (AFFECTS PARCEL A)
- SUBJECT TO EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN FOR ROAD UNDER RECORDING NUMBER 5191618. (AFFECTS THE WEST AND EAST 30 FEET OF PARCEL B AND OTHER PROPERTY)
- SUBJECT TO EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN AS RECORDED UNDER RECORDING NUMBER 7310240443, 7310240444, 8310260942, AND VARIOUS OTHER INSTRUMENTS OF RECORD FOR INGRESS AND EGRESS (AFFECTS THE WEST AND EAST 30 FEET OF PARCEL B AND OTHER PROPERTY)
- THE ABOVE SAID EASEMENTS APPEAR TO BE THE SAME EASEMENT AS CREATED UNDER RECORDING NUMBER 5191618. INSTRUMENTS 7310240443 AND 7310240444 ARE RE-RECORDINGS OF INSTRUMENTS RECORDED UNDER RECORDING NOS. 7310020302 AND 7310020303.
- SUBJECT TO EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN FOR WATER PIPELINE AND APPURTENANCES THERETO AS RECORDED UNDER AUDITOR'S FILE NO.: 7601280583. (AFFECTS PARCEL A)
- SUBJECT TO MUTUAL MAINTENANCE AGREEMENT AND THE TERMS AND CONDITIONS THEREOF BETWEEN PROPERTY OWNERS AS RECORDED UNDER AUDITOR'S FILE NO.: 9006280756.
- SUBJECT TO EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN FOR ELECTRIC TRANSMISSION AND/OR DISTRIBUTION SYSTEM AS RECORDED APRIL 28, 1992 UNDER AUDITOR'S FILE NO.: 9204281281 (AFFECTS PARCEL C AND OTHER PROPERTY)
- SUBJECT TO EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN FOR WATER PIPELINE AND APPURTENANCES AS RECORDED UNDER AUDITOR'S FILE NO.: 9302041609 (AFFECTS PARCEL C AND OTHER PROPERTY)
- SUBJECT TO ANY AND ALL OFFERS OF DEDICATION, CONDITIONS, RESTRICTIONS, EASEMENTS, BOUNDARY DISCREPANCIES OR ENCROACHMENTS, NOTES AND/OR PROVISIONS SHOWN OR DISCLOSED BY THE PLAT OF SHIRE HILLS DIVISION NO. 1 RECORDED IN VOLUME 164 OF PLATS, PAGE(S) 13 THROUGH 19, INCLUSIVE.
- SUBJECT TO TERMS, COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, BOUNDARY DISCREPANCIES AND ENCROACHMENTS AS CONTAINED IN RECORDED LOT LINE ADJUSTMENT (BOUNDARY LINE REVISIONS) AS RECORDED APRIL 22, 2003 UNDER AUDITOR'S FILE NO.: 20030422900019. (AFFECTS PARCEL C)
- SUBJECT TO MITIGATION AGREEMENT AND THE TERMS AND CONDITIONS THEREOF AS RECORDED UNDER AUDITOR'S FILE NO.: 20061004001008. (AFFECTS PARCELS A AND B)
- SUBJECT TO ACCESS AND UTILITIES EASEMENT AGREEMENT AND THE TERMS AND CONDITIONS THEREOF AS RECORDED UNDER AUDITOR'S FILE NO.: 20131017001216. (AFFECTS PARCELS B AND C)
- SUBJECT TO EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN FOR ELECTRIC AND/OR GAS TRANSMISSION AND/OR DISTRIBUTION SYSTEM AS RECORDED JANUARY 8, 2015 UNDER AUDITOR'S FILE NO.: 20150108000917.
- PREVIOUS INSPECTION
- PREVIOUS INSPECTION

#### DATUM:

VERTICAL DATUM: NAVD 88  
ORIGINATING BENCHMARK - #M5  
FOUND 3" BRASS DISK IN SOUTHEAST CORNER OF POWER VAULT  
EL=434.447' (REFERENCE PP99-004/1025 ROAD AND STORM DRAINAGE PLANS)

TBM #A - TOP MON IN CASE AT INTERSECTION OF SE 258TH ST. AND 210TH AVE SE  
EL=560.88'

CITY OF COVINGTON FILE NO. PP99-004/1025



**Axis**  
Survey & Mapping

15241 NE 90TH ST  
KIRKLAND, WA 98034  
TEL. 425.823-5700  
FAX 425.823-6700

COUNTY RECORDING OFFICIAL'S INFORMATION BLOCK (WAC 332-130-050)

### LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF MAPLE HILLS PHASE I IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M., AS REQUIRED BY STATE STATUTES; THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.

REGISTERED PROFESSIONAL LAND SURVEYOR \_\_\_\_\_

38011  
CERTIFICATE NO.

DATE



### RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF KING COUNTY. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_, AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ M. AND RECORDED IN VOLUME \_\_\_\_\_ OF PLATS, PAGE(S) \_\_\_\_\_; AFN \_\_\_\_\_ RECORDS OF KING COUNTY, WASHINGTON.

MANAGER \_\_\_\_\_

SUPERINTENDENT OF RECORDS \_\_\_\_\_

PORTIONS OF THE NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON

JOB NO. 06-014/13-173

SHEET 1 OF 11

VOL/PG

VOL/PG

# MAPLE HILLS PHASE I

POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

**LEGAL DESCRIPTION**

PARCEL A:  
THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M., RECORDS OF KING COUNTY, WASHINGTON;  
EXCEPT THE EAST 840 FEET THEREOF.

PARCEL B:  
THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M., RECORDS OF KING COUNTY, WASHINGTON;  
EXCEPT THE SOUTH 330 FEET THEREOF;  
AND EXCEPT THE EAST ONE-QUARTER OF THE NORTH 132 FEET OF THE SOUTH 462 FEET OF SAID SUBDIVISION;

PARCEL C:  
PARCEL G, SHIRE HILLS DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDING IN VOLUME 164 OF PLATS, PAGES 13 THROUGH 19, RECORDS OF KING COUNTY, WASHINGTON;  
EXCEPT THAT PORTION THEREOF CONVEYED TO WARREN BEUSCHLEIN AND DEBRA BEUSCHLEIN, HUSBAND AND WIFE, BY QUIT CLAIM DEED RECORDED UNDER RECORDING NUMBER 20030507002889, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF LOT 52 OF SAID PLAT;  
THENCE SOUTH 89°48'28" EAST, ALONG THE NORTH LINE THEREOF A DISTANCE OF 105.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 52;  
THENCE NORTH 00°11'32" EAST A DISTANCE OF 5.00 FEET;  
THENCE NORTH 89°48'28" WEST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 105.00 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 52;  
THENCE SOUTH 00°11'32" WEST, ALONG SAID WEST LINE EXTENDED, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

(ALSO KNOWN AS PARCEL B, CITY OF COVINGTON BOUNDARY LINE ADJUSTMENT NO. BLA 02-004, RECORDED APRIL 22, 2003, UNDER RECORDING NUMBER 20030422900019, RECORDS OF KING COUNTY).

**EASEMENTS**

**PUBLIC UTILITY EASEMENT (PUE)**  
A PUBLIC UTILITY EASEMENT (PUE) IS HEREBY DEDICATED AND CONVEYED UPON THE RECORDING OF THIS PLAT TO PUGET SOUND ENERGY, QWEST COMMUNICATIONS, CITY OF COVINGTON, AND COVINGTON WATER DISTRICT, AND THEIR RESPECTIVE SUCCESSOR AND ASSIGNS OVER AND ACROSS THE EXTERIOR 10.00 FEET AS MEASURED FROM THE ADJACENT MARGINS OF PUBLIC STREET RIGHTS-OF-WAY OF TRACTS A, B, C, D, E, F, G, H, I, J, K, N, AND O AND ALL RESIDENTIAL LOTS; AND ALONG THE EXTERIOR 10.00 FEET OF LOTS 58 AND 59 AS MEASURED FROM THE ADJOINING MARGIN OF TRACT M IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE, AND MAINTAIN PUBLIC UTILITIES INCLUDING, BUT NOT LIMITED TO UNDERGROUND CONDUITS, CABLE AND WIRES, PIPELINE, METERS, HYDRANTS, AND OTHER NECESSARY APPURTENANCES FOR THE PURPOSE OF PROVIDING SERVICES TO THE INDIVIDUAL LOTS/PARCELS WITHIN THIS SUBDIVISION TOGETHER WITH THE RIGHT ENTER UPON THE EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED. NO STRUCTURES SHALL BE CONSTRUCTED WITHIN THE PUE.

**PUBLIC STORM DRAINAGE EASEMENT (CITY OF COVINGTON)**  
A NON-EXCLUSIVE STORM DRAINAGE EASEMENT IS HEREBY RESERVED FOR THE CITY OF COVINGTON, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, ITS SUCCESSORS AND ASSIGNS TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, OR REPLACE STORM DRAINAGE PIPES, CATCH BASINS, AND OTHER APPURTENANCES TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID EASEMENT FOR ALL PURPOSES NECESSARY THERETO, OVER, THROUGH, UNDER, ACROSS, UPON AND IN THE PROPERTY AS SHOWN ON THE FACE OF THIS PLAT AND AS DESCRIBED AS FOLLOWS:  
A STRIP OF LAND 20 FEET IN WIDTH OVER AND ACROSS THE MOST SOUTHERLY 10.00 FEET OF LOT 10, THE MOST NORTHERLY 10.00 FEET OF LOT 11 AND THE WESTERLY EXTENSIONS OF THE NORTHERLY AND SOUTHERLY SIDELINES THEREOF OVER AND ACROSS TRACT D TO THE EASTERLY MARGIN OF 204TH AVE SE, AND THE SOUTHERLY 10 FEET OF TRACT F.

NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED WITHIN THE EASEMENT AREA. SPECIFIC FENCING AND OTHER LANDSCAPE FEATURES MAY BE INSTALLED WITHIN THE EASEMENT AREA AS ALLOWED BY CITY OF COVINGTON UTILITY MAINTENANCE STANDARDS.

**PUBLIC SEWER EASEMENT (SOOS CREEK WATER AND SEWER DISTRICT)**  
A NON-EXCLUSIVE SANITARY SEWER UTILITY EASEMENT IS HEREBY RESERVED FOR THE SOOS CREEK WATER AND SEWER DISTRICT, ITS SUCCESSORS AND ASSIGNS TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, OR REPLACE SEWER PIPES, MANHOLES, AND OTHER APPURTENANCES TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID EASEMENT FOR ALL PURPOSES NECESSARY THERETO, OVER, THROUGH, UNDER, ACROSS, UPON AND IN THE PROPERTY AS SHOWN ON THE FACE OF THIS PLAT AND AS DESCRIBED AS FOLLOWS:  
THE SOUTHERLY 10.00 FEET OF LOT 10;  
AND ALSO THE NORTHERLY 10.00 FEET OF LOT 11;  
AND ALSO A STRIP OF LAND 20 FEET IN WIDTH OVER AND ACROSS THE MOST SOUTHERLY 10.00 FEET OF LOT 10, THE MOST NORTHERLY 10.00 FEET OF LOT 11 AND THE WESTERLY EXTENSIONS OF THE NORTHERLY AND SOUTHERLY SIDELINES THEREOF OVER AND ACROSS TRACT D TO THE EASTERLY MARGIN OF 204TH AVE SE;  
AND ALSO A STRIP OF LAND 20 FEET IN WIDTH LYING 10 FEET ON EACH SIDE OF A LINE OVER AND ACROSS TRACT I, THE CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT I, THENCE ALONG THE EAST LINE THEREOF SOUTH 0°05'25" EAST 32.44 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87°31'46" WEST 171.27 FEET TO THE NORTHERLY MARGIN OF THE CUL-DE-SAC OF SE 259TH CT, AND THE TERMINUS.  
THE SIDELINES TO BE LENGTHENED OR SHORTENED TO MEET AT ANGLE POINTS, AT SAID EAST LINE AND SAID NORTHERLY MARGIN;  
AND ALSO THE WESTERLY 20.00 FEET OF TRACT J;  
AND ALSO THE EASEMENTS SHOWN ON THE PLAT AND DESCRIBED HEREIN AS "PUBLIC SEWER EASEMENTS", NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED WITHIN THE EASEMENT AREA. SPECIFIC FENCING AND OTHER LANDSCAPE FEATURES MAY BE INSTALLED WITHIN THE EASEMENT AREA AS ALLOWED BY THE PURVEYOR UNDER EASEMENT TERMS PROVIDED BY INSTRUMENT RECORDED SEPARATELY FROM THIS PLAT DOCUMENT.

**SETBACK NOTES**

- PLEASE REFER TO REQUIREMENTS OF THE CITY OF COVINGTON FOR COMPLETE INFORMATION OF ALL SETBACK REQUIREMENTS THAT MAY AFFECT THESE PARCELS PURSUANT TO VESTED RIGHTS.
- BUILDING SETBACKS ARE FIELD VERIFIED AT THE TIME OF BUILDING PERMIT PURSUANT TO VESTED RIGHTS.

BUILDING SETBACKS:	
MINIMUM STREET SETBACK (STRUCTURE)	10 FEET
MINIMUM STREET SETBACK (GARAGE)	20 FEET
MINIMUM INTERIOR SETBACK	5.0 FEET

**RESTRICTIONS**

- NO LOT OR PORTION OF A LOT IN THIS PLAT SHALL BE DIVIDED AND SOLD OR RESOLD OR OWNERSHIP CHANGED OR TRANSFERRED WHEREBY THE OWNERSHIP OF ANY PORTION OF THIS PLAT SHALL BE LESS THAN THE AREA REQUIRED FOR USE DISTRICT IN WHICH LOCATED.
- NO BUILDING FOUNDATIONS ARE ALLOWED BEYOND THE REQUIRED BUILDING SETBACK LINE, UNLESS OTHERWISE PROVIDED BY LAW.

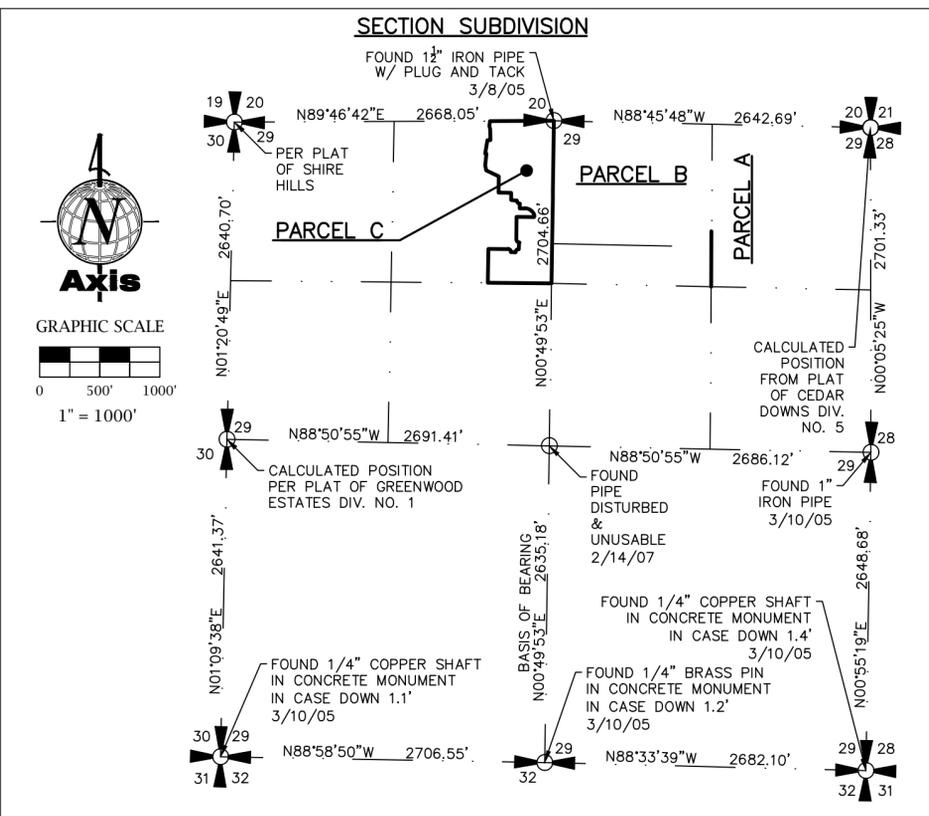
**COVENANTS**

ALL LOTS AND TRACTS WITHIN THIS PLAT ARE SUBJECT TO THE COVENANTS RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, UNDER RECORDING NO. \_\_\_\_\_, RECORDS OF KING COUNTY, WASHINGTON.

CITY OF COVINGTON STORM WATER COVENANT AND DEDICATION: DRAINAGE TRACTS I AND L ARE HEREBY GRANTED AND CONVEYED TO THE CITY OF COVINGTON FOR THE PURPOSE OF CONVEYING, STORING, MANAGING AND FACILITATING STORM AND SURFACE WATER PER THE APPROVED ENGINEERING PLANS FOR THIS PLAT. TOGETHER WITH THE RIGHT TO REASONABLE ACCESS (INGRESS AND EGRESS) OVER PRIVATE ACCESS TRACTS TO ENTER SAID DRAINAGE FACILITIES FOR THE PURPOSE OF INSPECTING, OPERATING, MAINTAINING, REPAIRING, AND IMPROVING THE DRAINAGE FACILITIES CONTAINED THEREIN.

**REFERENCES**

SURVEY BY TRIAD ASSOCIATES, DATED APRIL 5, 2005, #05-058  
SURVEY BY TRIAD ASSOCIATES, DATED MAY 17, 2005, #05-058  
PLAT OF SHIRE HILLS DIV. 1 VOL. 164, PG(S) 13-19, RECORDS OF KING COUNTY, WASHINGTON.  
PLAT OF CEDAR DOWNS, DIV. NOS. 3 AND 5, RECORDS OF KING COUNTY, WASHINGTON.  
PLAT OF GREENWOOD ESTATES DIV. NO. 1, RECORDS OF KING COUNTY, WASHINGTON.



**BASIS OF BEARING**

HELD BEARING OF NORTH 00°49'53" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SECTION FROM FOUND 1/4" BRASS PIN IN CONCRETE MONUMENT IN CASE AT THE SOUTH QUARTER CORNER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M., TO FOUND 1 1/2" IRON PIPE W/ PLUG AND TACK AT NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M.

**HORIZONTAL DATUM:** NAD 83/91 PER KCDPWSB

**Axis**  
Survey & Mapping

15241 NE 90TH ST  
KIRKLAND, WA 98034  
TEL. 425.823-5700  
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PORTIONS OF THE NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON

DOUGLAS T. S. EVANS  
No. 38011  
REGISTERED PROFESSIONAL LAND SURVEYOR

VOL/PG

# MAPLE HILLS PHASE I

POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

**GENERAL NOTES**

- INSTRUMENTATION FOR THIS SURVEY WAS A LEICA TOTAL STATION. PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090. PRIMARY CONTROL POINTS AND ACCESSIBLE MONUMENT POSITIONS WERE FIELD MEASURED UTILIZING GLOBAL POSITIONING SYSTEM (GPS) SURVEY TECHNIQUES USING LEICA SYSTEM 500 & 1200 EQUIPMENT.
- PROPERTY CORNERS SHALL BE SET AS FOLLOWS UNLESS OTHERWISE SPECIFIED.
  - SET 1/2" X 24" REBAR AND CAP "LS NO. 38011" AT A TWENTY-FOOT OFFSET FROM THE FRONT LOT CORNERS.
  - LEAD AND TACKS ON CONCRETE CURB AT SIDE LOT LINE EXTENSIONS.
  - SET 1/2" X 24" REBAR WITH CAP "LS NO. 38011" AT ALL REAR LOT CORNERS.
- 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 DRAWING(S) NO. PP99-0004 ON FILE WITH THE CITY OF COVINGTON. THIS PLAN SHALL BE SUBMITTED WITH THE APPLICATION FOR ANY BUILDING PERMIT. ALL CONNECTIONS OF THE DRAINS SHALL BE CONSTRUCTED AND APPROVED PRIOR TO FINAL BUILDING INSPECTION APPROVAL. FOR THOSE LOTS THAT ARE DESIGNATED AND APPROVED FOR INDIVIDUAL LOT INFILTRATION SYSTEMS, THE SYSTEMS SHALL BE CONSTRUCTED AT THE TIME OF THE BUILDING PERMIT AND SHALL COMPLY WITH THE PLANS ON FILE.
- THE ROAD AND STORM DRAINAGE SYSTEMS SHALL BE CONSTRUCTED ACCORDING TO THE APPROVED PLAN AND PROFILE ON FILE WITH THE CITY OF COVINGTON AND ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE WRITTEN APPROVAL FROM THE PROPER AGENCY, CURRENTLY THE CITY OF COVINGTON.
- MAINTENANCE OF LANDSCAPE STRIPS SEPARATING THE SIDEWALK FROM THE ROADWAY ADJACENT TO ALL TRACTS SHALL BE THE RESPONSIBILITY OF THE MAPLE HILLS COVINGTON HOMEOWNERS ASSOCIATION WHILE THE MAINTENANCE OF THESE LANDSCAPES STRIPS ADJACENT TO ALL LOTS WILL BE THE RESPONSIBILITY OF THE OWNERS OF THESE INDIVIDUAL LOTS. ANY REMOVAL OF TREES WITHIN THE MAINTENANCE LANDSCAPE STRIP SHALL BE APPROVED BY THE CITY.
- TRACTS "A", "B", AND "O" ARE FUTURE DEVELOPMENT TRACTS. A PORTION OF TRACT "A" IS ALSO A PRIVATE STORM DRAINAGE EASEMENT.
- TRACTS "C", "D", "E", "G" AND "N" ARE LANDSCAPE AND OPEN SPACE TRACTS AND ARE HEREBY DEDICATED AND CONVEYED UPON RECORDING OF THIS PLAT TO THE MAPLE HILLS COVINGTON HOMEOWNERS ASSOCIATION, WHO SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACTS "C", "D", "E", "G" AND "N". A PORTION OF TRACT "D" IS ALSO A PUBLIC WATER, PUBLIC STORM DRAINAGE AND PUBLIC SEWER EASEMENT. A PORTION OF TRACT "E" IS ALSO A PUBLIC STORM DRAINAGE EASEMENT. PORTIONS OF TRACTS "D" AND "G" ARE ALSO A PRIVATE ROCKERY/RETAINING WALL AND ASSOCIATED STORM DRAINAGE EASEMENT (SEE GENERAL NOTE 14). A PUBLIC PEDESTRIAN EASEMENT IS PROVIDED AND HEREBY CONVEYED TO THE CITY OF COVINGTON OVER THE CONSTRUCTED SIDEWALK WITHIN TRACTS "C", "D", AND "E" FOR PUBLIC USE, REPAIR, AND REPLACEMENT OF SAID SIDEWALK FACILITIES. ANY REMOVAL AND REPLACEMENT OF TREES WITHIN THESE TRACTS SHALL BE APPROVED BY THE CITY.
- TRACTS "F", "H" AND "N" ARE RECREATION AND OPEN SPACE TRACTS AND ARE HEREBY DEDICATED AND CONVEYED UPON RECORDING OF THIS PLAT TO THE MAPLE HILLS COVINGTON HOMEOWNERS ASSOCIATION, WHO SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACTS "F", "H" AND "N". A PORTION OF TRACT "F" IS ALSO A PUBLIC STORM DRAINAGE EASEMENT. A PORTION OF TRACT "H" IS ALSO A ROCKERY/RETAINING WALL EASEMENT (SEE NOTE 14).
- TRACTS "J" AND "K" ARE OPEN SPACE TRACTS AND ARE HEREBY DEDICATED AND CONVEYED UPON RECORDING OF THIS PLAT TO THE MAPLE HILLS COVINGTON HOMEOWNERS ASSOCIATION (HOA), WHO SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACTS "J" AND "K". A PORTION OF TRACT "J" IS ALSO A PRIVATE LANDSCAPE FEATURE EASEMENT FOR MONUMENT FEATURE TO BE MAINTAINED BY THE HOA.
- TRACT "I" IS A STORM DRAINAGE TRACT AND IS HEREBY DEDICATED AND CONVEYED UPON RECORDING OF THIS PLAT TO THE CITY OF COVINGTON, WHO SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT "I". A PORTION OF TRACT "I" IS ALSO A PUBLIC WATER, AND PUBLIC SEWER EASEMENT.
- THE PRIVATE PAVED ROADWAY AND STORM DRAINAGE IMPROVEMENTS INSTALLED BY THIS PLAT WITHIN PORTIONS OF THE EXISTING 60-FOOT EASEMENT AREAS OFFSITE AND SOUTH OF THE FORMAL PLAT BOUNDARY, MORE COMMONLY KNOWN AS THE FUTURE SE 260TH STREET CORRIDOR (EASEMENT RECORD NOS. 5191618, 7805150681, 780628094, 8203100427, 960301433, AND 6679758), PROVIDE FOR EMERGENCY VEHICLE ACCESS (EVA) TO THE SUBDIVISION. THESE PRIVATE ACCESS IMPROVEMENTS ALSO SATISFY THE SERVICE NEEDS OF THOSE PROPERTIES BENEFITING FROM THE EXISTING UNDERLYING EASEMENT RECORDS AS REFERENCED. MAINTENANCE OF THESE PRIVATE ACCESS IMPROVEMENTS SHALL BE THE RESPONSIBILITY OF THE MAPLE HILLS COVINGTON HOMEOWNERS ASSOCIATION AND THOSE PROPERTY OWNERS CURRENTLY A PARTY TO THE UNDERLYING EASEMENT RECORDS AS BENEFITING PARTIES UNTIL SUCH TIME AS THIS SE 260TH STREET CORRIDOR IS DEDICATED AS PUBLIC RIGHT-OF-WAY.
- TRACT "L" IS A STORM DRAINAGE AND OPEN SPACE TRACT AND IS HEREBY DEDICATED AND CONVEYED UPON RECORDING OF THIS PLAT TO THE CITY OF COVINGTON, WHO SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT "L". A PORTION OF TRACT "L" IS ALSO A ROCKERY/RETAINING WALL (SEE NOTE 14) AND PUBLIC STORM DRAINAGE EASEMENT.
- TRACT "M" IS A PRIVATE INGRESS, EGRESS, AND UTILITIES TRACT SERVING LOT 58, LOT 59, AND PUBLIC STORM TRACT L. LOTS 58 AND 59 SHALL HAVE AN EQUAL AND UNDIVIDED INTEREST IN THE OWNERSHIP AND SOLE MAINTENANCE RESPONSIBILITIES OF TRACT M AND THE ROADWAY SURFACING AND OTHER PRIVATE IMPROVEMENTS WITHIN TRACT M. AN EASEMENT IS HEREBY GRANTED OVER TRACT M TO THE BENEFIT OF THE CITY OF COVINGTON FOR THE PURPOSE OF INGRESS/EGRESS TO TRACT L AND FOR THE CONSTRUCTION, REPAIR, REPLACEMENT, AND REGULAR MAINTENANCE OF PUBLIC STORM DRAINAGE FACILITIES WITHIN TRACT M. AN EASEMENT IS HEREBY GRANTED OVER TRACT M TO THE BENEFIT OF SOOS CREEK WATER AND SANITARY SEWER DISTRICT FOR THE CONSTRUCTION, REPAIR, REPLACEMENT, AND REGULAR MAINTENANCE OF PUBLIC SANITARY SEWER FACILITIES WITHIN TRACT M.
- ROCKERIES AND ASSOCIATED DRAINAGE FACILITIES CONTAINED WHOLLY WITHIN PRIVATE TRACTS OWNED BY THE MAPLE HILLS COVINGTON HOME OWNERS ASSOCIATION (HOA) SHALL BE OWNED BY THE HOA AND SHALL BE THE RESPONSIBILITY OF THE HOA TO MAINTAIN. ROCKERIES AND ASSOCIATED DRAINAGE FACILITIES CONTAINED ON SINGLE-FAMILY RESIDENTIAL LOTS SHALL BE OWNED AND MAINTAINED BY THE RESPECTIVE PROPERTY OWNER. WHERE A ROCKERY AND ASSOCIATED DRAINAGE FACILITIES OCCUR ALONG A COMMON PRIVATE LOT LINE, THE OWNERSHIP AND MAINTENANCE RESPONSIBILITIES OF THE FEATURES SHALL BE SHARED EQUALLY BETWEEN THE AFFECTED PROPERTIES. THESE DESCRIBED OWNERSHIP AND MAINTENANCE RESPONSIBILITIES SHALL AFFECT THE FOLLOWING AREAS:
  - \* THOSE EASEMENTS SHOWN AS "PRIVATE ROCKERY/RETAINING WALL AND ASSOCIATED STORM DRAINAGE EASEMENT" AS DEPICTED ON SHEETS 6-11 OF THIS PLAT;
  - \* THE EXTERIOR 10.00 FEET, AS MEASURED FROM THE ADJACENT MARGINS OF PUBLIC STREETS RIGHTS OF WAY, OF TRACTS "A, B, C, D, E, F, G, H, I, J, K, N, & O", AND ALL LOTS;
  - \* AND ALSO THE EXTERIOR 10.00 FEET OF LOTS 58 AND 59 AS MEASURED FROM THE ADJOINING MARGIN TO TRACT "M";
  - \* AND ALSO THE SOUTH 5.00 FEET OF THE WEST 77.14 FEET OF LOT 2;
  - \* AND ALSO THE NORTH 5.00 FEET OF THE EAST 17.14 FEET OF LOT 6;
  - \* AND ALSO THE SOUTH 5.00 FEET OF THE EAST 60.00 FEET OF LOT 7;
  - \* AND ALSO THE EAST 5.00 FEET OF THE SOUTH 45.00 FEET OF LOT 15;
  - \* AND ALSO THE WEST 5.00 FEET OF THE SOUTH 45.00 FEET OF LOT 16;
  - \* AND ALSO THE EAST 5.00 FEET OF THE SOUTH 55.00 FEET OF LOT 17;
  - \* AND ALSO THE WEST 5.00 FEET OF THE SOUTH 55.00 FEET OF LOT 18;
  - \* AND ALSO THE EAST 5.00 FEET OF THE SOUTH 70.00 FEET OF LOT 18;
  - \* AND ALSO THE WEST 5.00 FEET OF THE SOUTH 70.00 FEET OF LOT 19;
  - \* AND ALSO THE EAST 5.00 FEET OF THE SOUTH 50.00 FEET OF LOT 22;
  - \* AND ALSO THE WEST 5.00 FEET OF THE SOUTH 50.00 FEET OF LOT 23;
  - \* AND ALSO THE SOUTH 5.00 FEET OF THE EAST 8.00 FEET OF LOT 31;
  - \* AND ALSO THE SOUTH 5.00 FEET OF THE WEST 46.76 FEET OF LOT 32;
  - \* AND ALSO THE NORTH 5.00 FEET OF THE SOUTH 25.00 FEET OF LOT 36;
  - \* AND ALSO THE NORTHEASTERLY 5.00 FEET OF THE SOUTHEASTERLY 62.00 FEET OF LOT 38;
  - \* AND ALSO THE SOUTHWESTERLY 5.00 FEET OF THE SOUTHWESTERLY 62.00 FEET OF LOT 39;
  - \* AND ALSO THE EAST 5.00 FEET OF LOT 42;
  - \* AND ALSO THE EAST 5.00 FEET OF THE SOUTH 10.00 FEET OF LOT 43;
  - \* AND ALSO THE WEST 5.00 FEET OF THE SOUTH 35.00 FEET OF TRACT "J";
  - \* AND ALSO THE NORTH 10.00 FEET OF LOTS 55 AND 56 EXCEPT THE EAST 35.00 FEET OF LOT 55;
  - \* AND ALSO THE EAST 10.00 FEET OF LOT 56;
  - \* AND ALSO THE EAST 5.00 FEET OF THE NORTH 100.00 FEET OF TRACT "L";
  - \* AND ALSO THE NORTH 5.00 FEET OF THE MOST EASTERLY 13.38 FEET OF TRACT "L".
- ALL PUBLIC WATERLINE EASEMENTS AS DEPICTED ON THIS PLAT ARE HEREBY CONVEYED TO COVINGTON WATER DISTRICT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH WATER SERVICE.
- ALL PUBLIC SANITARY SEWER EASEMENTS AS DEPICTED ON THIS PLAT ARE HEREBY CONVEYED TO SOOS CREEK WATER AND SEWER DISTRICT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH SEWER SERVICE.
- THE PRIVATE SANITARY SEWER EASEMENT ON LOT 58 IS FOR THE BENEFIT OF LOT 59, THE OWNER(S) OF LOT 59 SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF THE SIDE SEWER SERVING SAID LOT 59.
- THE PRIVATE WATER EASEMENT ON LOT 58 IS FOR THE BENEFIT OF LOT 59, THE OWNER(S) OF LOT 59 SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF THE WATER LINE SERVING SAID LOT 59.
- THE PRIVATE STORM DRAINAGE EASEMENT ON TRACT "A" AND CONNECTED TO LOT 62 IS FOR THE BENEFIT OF LOT 62. THE OWNER(S) OF LOT 62 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THIS PRIVATE STORM DRAINAGE SYSTEM.
- THE PRIVATE STORM DRAINAGE EASEMENT ON TRACT "A" AND CONNECTED TO LOT 63 IS FOR THE BENEFIT OF LOT 63. THE OWNER(S) OF LOT 63 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THIS PRIVATE STORM DRAINAGE SYSTEM.
- THE PRIVATE STORM DRAINAGE EASEMENT ON TRACT "A" AND CONNECTED TO LOT 64 IS FOR THE BENEFIT OF LOT 64. THE OWNER(S) OF LOT 64 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THIS PRIVATE STORM DRAINAGE SYSTEM.
- THE PRIVATE STORM DRAINAGE EASEMENT ON TRACT "A" AND CONNECTED TO LOT 65 IS FOR THE BENEFIT OF LOT 65. THE OWNER(S) OF LOT 65 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THIS PRIVATE STORM DRAINAGE SYSTEM.
- THE PRIVATE STORM DRAINAGE EASEMENT ON TRACT "A" AND CONNECTED TO LOT 66 IS FOR THE BENEFIT OF LOT 66. THE OWNER(S) OF LOT 66 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THIS PRIVATE STORM DRAINAGE SYSTEM.
- A NON-EXCLUSIVE PUBLIC WATER EASEMENT MAY BE REQUIRED OVER A PORTION OF TRACT G TO FACILITATE SERVICE TO THE LOTS CREATED BY THE FUTURE SUBDIVISION OF THE ADJACENT KING COUNTY TAX PARCEL NUMBER 292206-9134. SAID EASEMENT IS HEREBY RESERVED TO THE BENEFIT OF COVINGTON WATER DISTRICT OVER TRACT G AT A WIDTH AND HORIZONTAL LOCATION TO BE DETERMINED AT THE TIME OF THAT FUTURE SUBDIVISION. THE EASEMENT PROVISIONS GRANTED HEREIN SHALL EXTINGUISH UPON THE RECORDING OF THE FINAL PLAT OF THE FUTURE SUBDIVISION OF KING COUNTY TAX PARCEL NUMBER 292206-9134 IF NO PUBLIC WATER FACILITIES ARE CONSTRUCTED OVER TRACT G.
- TRACT I AND THE PUBLIC STORM DRAINAGE FACILITIES WITHIN TRACT I SHALL BE FOR THE USE AND BENEFIT OF THE LOTS CREATED BY THE FUTURE SUBDIVISION OF KING COUNTY TAX PARCEL NUMBER 292206-9134 IN ADDITION TO THOSE LOTS SERVICED BY THIS PLAT. A TEMPORARY CONSTRUCTION EASEMENT IS HEREBY RESERVED OVER TRACT I TO FACILITATE THE POTENTIAL FUTURE IMPROVEMENTS TO THE STORM DRAINAGE FACILITIES WITHIN TRACT I TO SERVE THE SUBDIVISION OF THE ADJACENT KING COUNTY TAX PARCEL NUMBER 292206-9134. SAID TEMPORARY CONSTRUCTION EASEMENT SHALL EXTINGUISH UPON THE COMPLETION OF ANY NECESSARY IMPROVEMENTS AND THE RECORDING OF THE FINAL PLAT FOR THE SUBDIVISION OF KING COUNTY TAX PARCEL NUMBER 292206-9134.
- A TEMPORARY NON-EXCLUSIVE PUBLIC STORM DRAINAGE EASEMENT IS HEREBY GRANTED TO THE CITY OF COVINGTON AND DEVELOPER OF FUTURE PHASES OF THE PROJECT TO FACILITATE THE ACCESS, MAINTENANCE, AND CONTINUED OPERATION OF THE INTERIM STORM POND G AS DEPICTED ON SHEET 5. THIS EASEMENT SHALL ALLOW FOR POTENTIAL FUTURE GRADING, STORM DRAINAGE, AND OTHER CONSTRUCTION ACTIVITIES WITHIN ITS LIMITS. SAID EASEMENT SHALL EXTINGUISH UPON THE RECORDING OF THE FUTURE FINAL PLAT THAT REMOVES THE INTERIM POND G AND REPLACES IT WITH PERMANENT STORM DRAINAGE FLOW CONTROL AND WATER QUALITY TREATMENT FACILITIES PROVIDING EQUIVALENT CAPACITY.
- THE 30 FOOT WIDE EASEMENT SHOWN ON LOTS 46 THROUGH 55 OF THIS FINAL PLAT IS FOR THE PURPOSE OF TREE PRESERVATION. MAINTENANCE OF THE PROVISIONS OF THIS EASEMENT AREA IS THE RESPONSIBILITY OF THE OWNER(S) OF EACH AFFECTED LOT. STRUCTURES, FILL, OR OBSTRUCTIONS (NOT INCLUDING FENCES) ARE PROHIBITED WITHIN THE EXTENTS OF THE EASEMENT AREA. NO EXISTING TREES SHALL BE REMOVED FROM WITHIN THE EASEMENT AREA WITHOUT PRIOR APPROVAL FROM THE CITY OF COVINGTON. ANY TREE REMOVAL REQUESTS SHALL INCLUDE A REPLANTING PLAN SPECIFYING TREE REPLACEMENT RATIO OF 2:1. NORMAL AND ROUTINE MAINTENANCE (PRUNING AND REMOVAL OF INVASIVE SPECIES) OF THE EXISTING TREES AND VEGETATION WITHIN THE EASEMENT IS PERMITTED AS LONG AS SUCH MAINTENANCE DOES NOT RESULT IN DAMAGE OR REMOVAL OF HEALTHY TREES.
- THE BUILDER(S) OF THE HOMES WITHIN THE PLAT ARE RESPONSIBLE FOR THE INSTALLATION OF THE STREET TREES PURSUANT TO THE APPROVED LANDSCAPING PLAN ON FILE WITH CITY. STREET TREES REQUIRED ADJACENT TO THE INDIVIDUAL LOTS SHALL BE INSTALLED PRIOR TO FINAL OCCUPANCY OF THE HOME, UNLESS OTHERWISE APPROVED BY THE CITY.
- THE BUILDER(S) OF THE HOMES WITHIN THE PLAT ARE RESPONSIBLE FOR THE INSTALLATION OF THE REQUIRED STREET TREES PURSUANT TO THE APPROVED LANDSCAPING PLAN ON FILE WITH THE CITY. STREET TREES REQUIRED ADJACENT TO THE INDIVIDUAL LOTS SHALL BE INSTALLED PRIOR TO FINAL OCCUPANCY OF THE HOME UNLESS OTHERWISE APPROVED BY THE CITY.
- PRIVATE STORM DRAINAGE FACILITIES WITHIN PRIVATE TRACTS OWNED BY THE MAPLE HILLS COVINGTON HOME OWNERS ASSOCIATION (HOA) SHALL BE OWNED BY THE HOA AND SHALL BE THE RESPONSIBILITY OF THE HOA TO MAINTAIN. PRIVATE STORM DRAINAGE FACILITIES CONTAINED ON SINGLE-FAMILY RESIDENTIAL LOTS SHALL BE OWNED AND MAINTAINED BY THE RESPECTIVE BENEFITTING PROPERTY OWNERS. WHERE A PRIVATE STORM DRAINAGE EASEMENT OCCURS ALONG A COMMON PRIVATE LOT LINE, THE OWNERSHIP AND MAINTENANCE RESPONSIBILITIES OF THE FACILITIES CONTAINED THEREIN SHALL BE SHARED EQUALLY BETWEEN THE AFFECTED PROPERTIES. THESE DESCRIBED OWNERSHIP AND MAINTENANCE RESPONSIBILITIES SHALL AFFECT THE FOLLOWING AREAS:
  - \* THOSE EASEMENTS SHOWN AS "PRIVATE STORM DRAINAGE EASEMENT" AS DEPICTED ON SHEETS 8-11 OF THIS PLAT;
  - \* THE EXTERIOR 10.00 FEET, AS MEASURED FROM THE ADJACENT MARGINS OF PUBLIC STREETS RIGHTS OF WAY, OF TRACTS "A, B, C, D, E, F, G, H, I, J, K, N, & O", AND ALL LOTS;
  - \* AND ALSO THE SOUTH 10.00 FEET OF LOTS 12-21;
  - \* AND ALSO THE NORTHEASTERLY 10.00 FEET OF LOTS 68-74;

TRACT	PURPOSE	OWNERSHIP	SQUARE FOOTAGE
A	FUTURE DEVELOPMENT	PRIVATE, DEVELOPER	676,553
B	FUTURE DEVELOPMENT	PRIVATE, DEVELOPER	392,289
C	LANDSCAPE/OPEN SPACE	PRIVATE, HOA*	14,557
D	LANDSCAPE/OPEN SPACE	PRIVATE, HOA*	26,993
E	LANDSCAPE/OPEN SPACE	PRIVATE, HOA*	4,520
F	RECREATION/OPEN SPACE	PRIVATE, HOA*	32,908
G	OPEN SPACE	PRIVATE, HOA*	7,572
H	RECREATION/OPEN SPACE	PRIVATE, HOA*	5,134
I	STORM DRAINAGE	CITY OF COVINGTON	54,747
J	OPEN SPACE	PRIVATE, HOA*	49,850
K	OPEN SPACE	PRIVATE, HOA*	21,597
L	STORM DRAINAGE	CITY OF COVINGTON	38,773
M	PRIVATE ACCESS	PRIVATE, LOTS 58 AND 59	3,314
N	RECREATION/LANDSCAPE/OPEN SPACE	PRIVATE, HOA*	16,192
O	FUTURE DEVELOPMENT	PRIVATE, DEVELOPER	137,658

\*HOA = MAPLE HILLS COVINGTON HOME OWNERS ASSOCIATION

	SQUARE FOOTAGE
TOTAL BUILDABLE AREA (LOTS):	651,846 SQ FT±
TOTAL CRITICAL AREAS (INCLUDE BUFFERS):	0 SQ FT±
TOTAL AREA FOR ROW (DEDICATED TO CITY):	341,541 SQ FT±
TOTAL AREA IN PARK SPACE:	54,234 SQ FT±
TOTAL AREA DEDICATED TO RETENTION/DETENTION/DRAINAGE FACILITIES	93,520 SQ FT±
AVERAGE LOT SIZE	7,009 SQ FT±



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PORTIONS OF THE NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON

JOB NO. 06-014/13-173 SHEET 3 OF 11

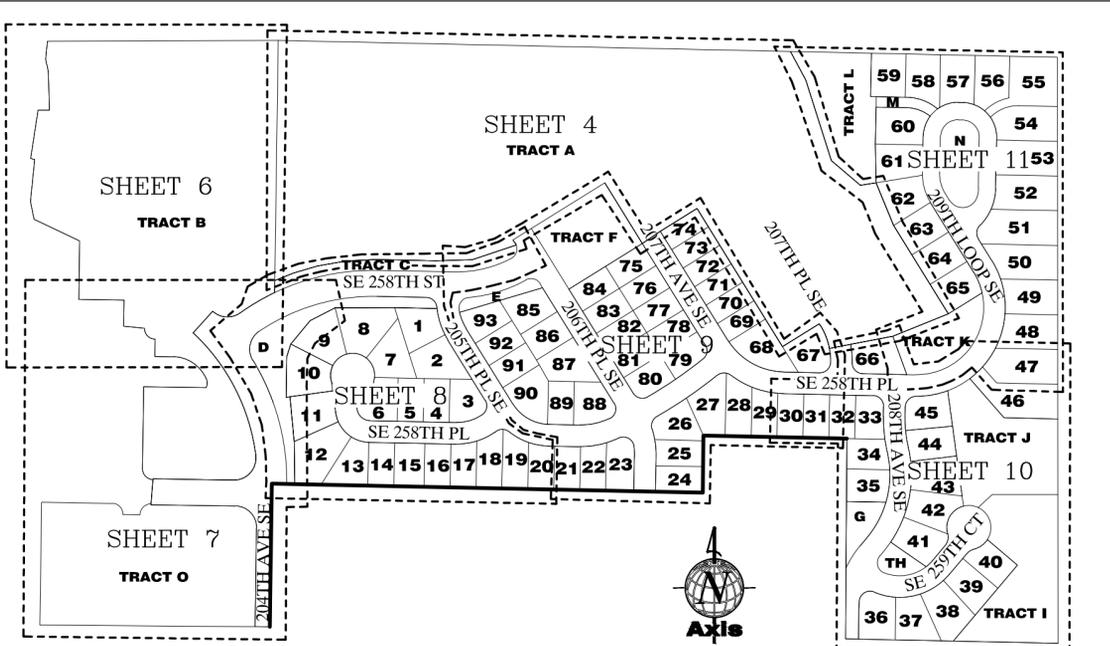
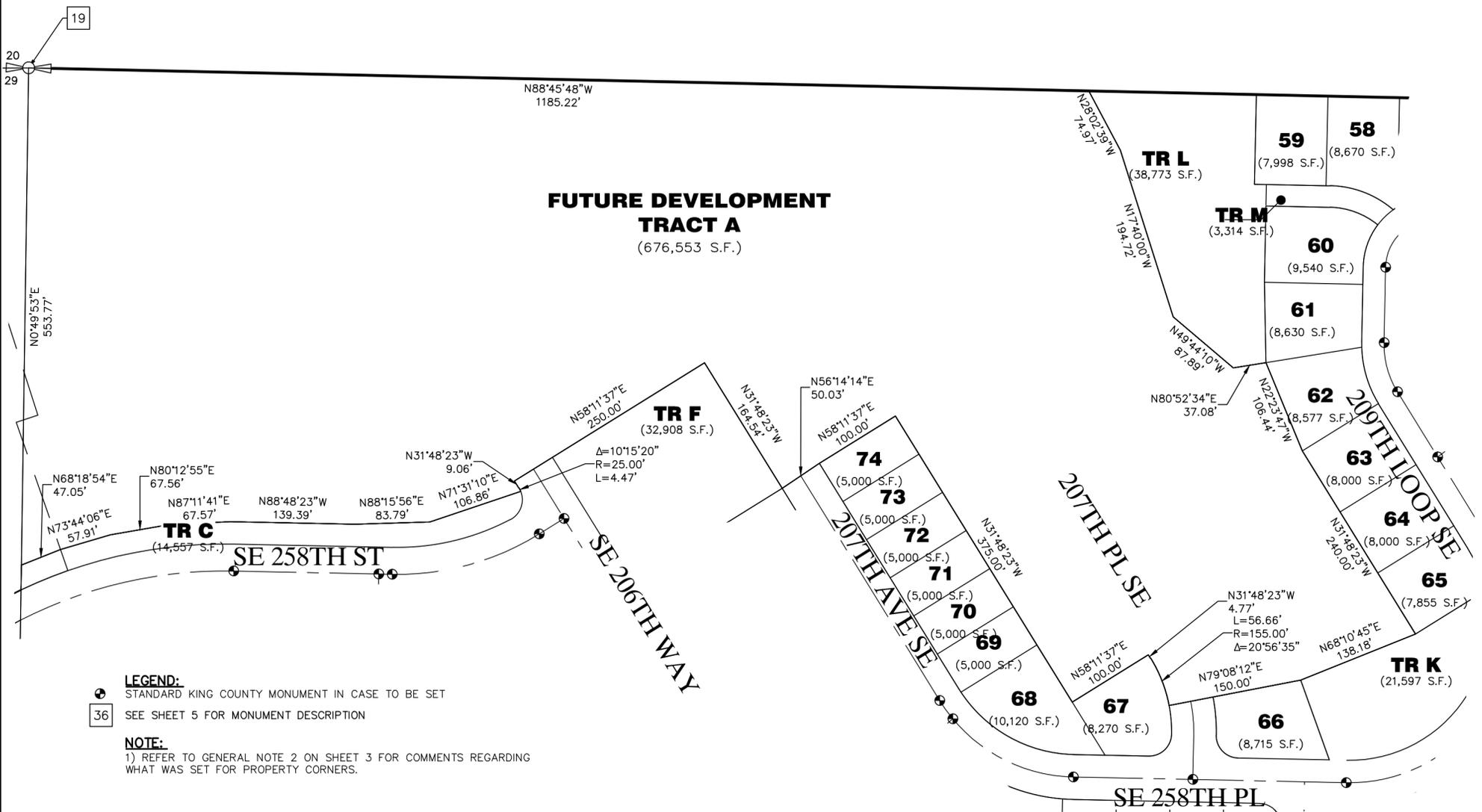
VOL/PG

# MAPLE HILLS PHASE I

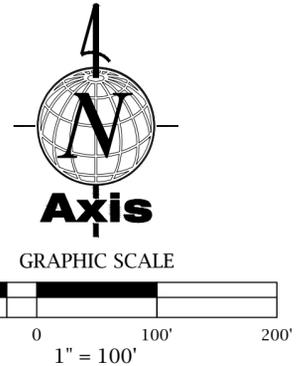
POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

LOT ADDRESSES

1	25801 205 PL SE	15	20501 SE 258 PL	29	20715 SE 258 PL	43	25814 208 AVE SE	57	25604 209 LOOP SE	71	25726 207 AVE SE	85	25805 206 PL SE
2	20507 205 PL SE	16	20507 SE 258 PL	30	20721 SE 258 PL	44	25810 208 AVE SE	58	25607 209 LOOP SE	72	25720 207 AVE SE	86	25809 206 PL SE
3	20516 SE 258 PL	17	20513 SE 258 PL	31	20727 SE 258 PL	45	25806 208 AVE SE	59	25613 209 LOOP SE	73	25714 207 AVE SE	87	25813 206 PL SE
4	20510 SE 258 PL	18	20519 SE 258 PL	32	20801 SE 258 PL	46	25818 209 LOOP SE	60	25619 209 LOOP SE	74	25708 207 AVE SE	88	20606 SE 258 PL
5	20504 SE 258 PL	19	20525 SE 258 PL	33	20805 SE 258 PL	47	25812 209 LOOP SE	61	25625 209 LOOP SE	75	25727 207 AVE SE	89	20602 SE 258 PL
6	20430 SE 258 PL	20	20531 SE 258 PL	34	25809 208 AVE SE	48	20806 209 LOOP SE	62	25631 209 LOOP SE	76	25731 207 AVE SE	90	25814 205 PL SE
7	20422 SE 258 PL	21	20601 SE 258 PL	35	25813 208 AVE SE	49	25718 209 LOOP SE	63	25707 209 LOOP SE	77	25805 207 AVE SE	91	25810 205 PL SE
8	20416 SE 258 PL	22	20607 SE 258 PL	36	20803 SE 259 CT	50	25712 209 LOOP SE	64	25713 209 LOOP SE	78	25809 207 AVE SE	92	25806 205 PL SE
9	20412 SE 258 PL	23	20613 SE 258 PL	37	20807 SE 259 CT	51	25704 209 LOOP SE	65	25719 209 LOOP SE	79	25813 207 AVE SE	93	25802 205 PL SE
10	20411 SE 258 PL	24	25832 206 PL SE	38	20811 SE 259 CT	52	25630 209 LOOP SE	66	25814 207 PL SE	80	25816 206 PL SE		
11	20415 SE 258 PL	25	25830 206 PL SE	39	20815 SE 259 CT	53	25628 209 LOOP SE	67	25813 207 PL SE	81	25812 206 PL SE		
12	20419 SE 258 PL	26	25828 206 PL SE	40	20819 SE 259 CT	54	25622 209 LOOP SE	68	25814 207 AVE SE	82	25808 206 PL SE		
13	20425 SE 258 PL	27	20703 SE 258 PL	41	25822 208 AVE SE	55	25616 209 LOOP SE	69	25832 207 AVE SE	83	25804 206 PL SE		
14	20431 SE 258 PL	28	20709 SE 258 PL	42	25818 208 AVE SE	56	25612 209 LOOP SE	70	25802 207 AVE SE	84	25800 206 PL SE		



SHEET INDEX  
NOT TO SCALE



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Survey & Mapping

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PORTIONS OF THE NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON

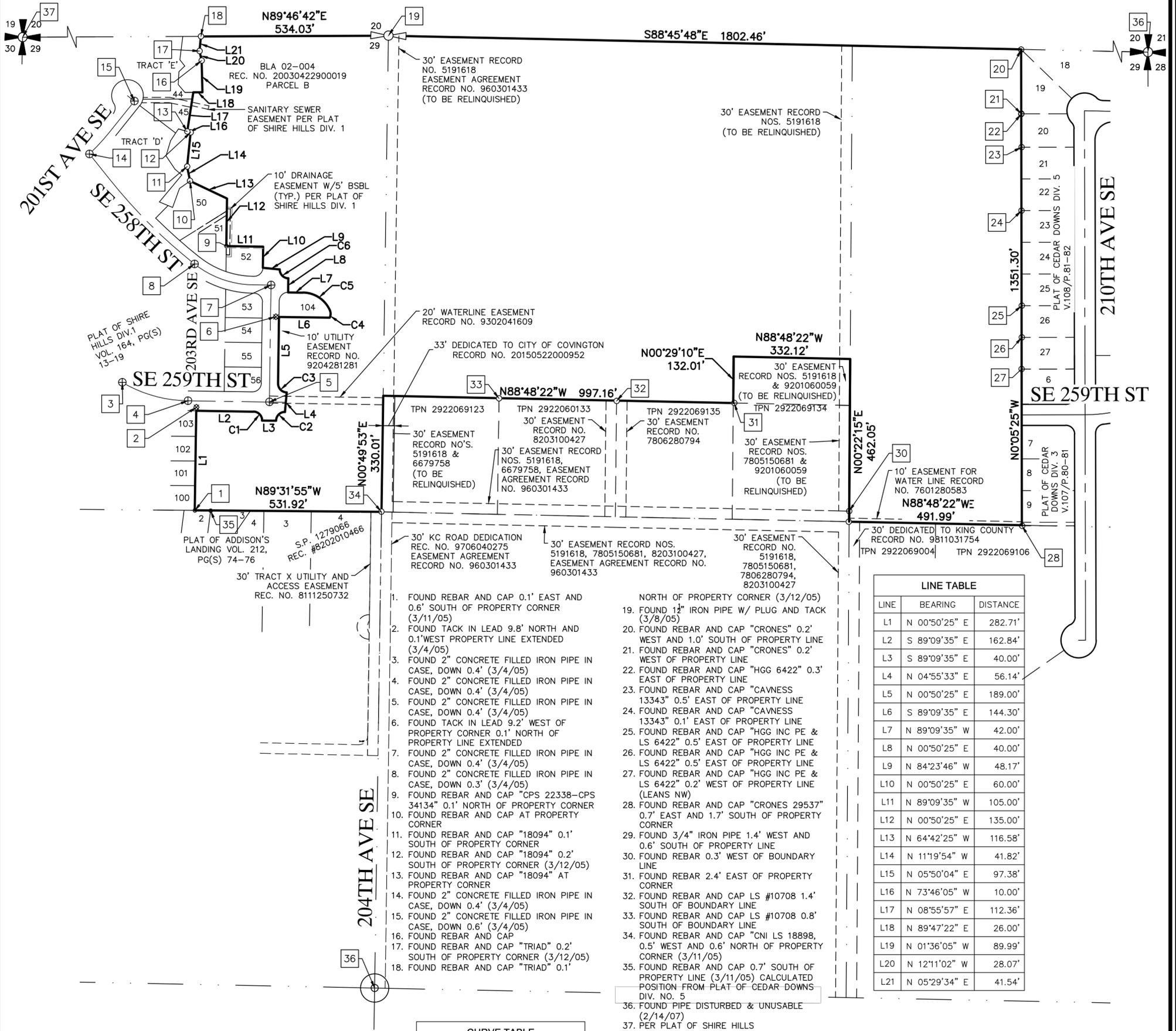
JOB NO. 06-014/13-173

SHEET 4 OF 11

# MAPLE HILLS PHASE I

POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

VOL/PG



1. FOUND REBAR AND CAP 0.1' EAST AND 0.6' SOUTH OF PROPERTY CORNER (3/11/05)
2. FOUND TACK IN LEAD 9.8' NORTH AND 0.1' WEST PROPERTY LINE EXTENDED (3/4/05)
3. FOUND 2" CONCRETE FILLED IRON PIPE IN CASE, DOWN 0.4' (3/4/05)
4. FOUND 2" CONCRETE FILLED IRON PIPE IN CASE, DOWN 0.4' (3/4/05)
5. FOUND 2" CONCRETE FILLED IRON PIPE IN CASE, DOWN 0.4' (3/4/05)
6. FOUND TACK IN LEAD 9.2' WEST OF PROPERTY CORNER 0.1' NORTH OF PROPERTY LINE EXTENDED
7. FOUND 2" CONCRETE FILLED IRON PIPE IN CASE, DOWN 0.4' (3/4/05)
8. FOUND 2" CONCRETE FILLED IRON PIPE IN CASE, DOWN 0.3' (3/4/05)
9. FOUND REBAR AND CAP "CPS 22338-CPS 34134" 0.1' NORTH OF PROPERTY CORNER
10. FOUND REBAR AND CAP AT PROPERTY CORNER
11. FOUND REBAR AND CAP "18094" 0.1' SOUTH OF PROPERTY CORNER
12. FOUND REBAR AND CAP "18094" 0.2' SOUTH OF PROPERTY CORNER (3/12/05)
13. FOUND REBAR AND CAP "18094" AT PROPERTY CORNER
14. FOUND 2" CONCRETE FILLED IRON PIPE IN CASE, DOWN 0.4' (3/4/05)
15. FOUND 2" CONCRETE FILLED IRON PIPE IN CASE, DOWN 0.6' (3/4/05)
16. FOUND REBAR AND CAP
17. FOUND REBAR AND CAP "TRIAD" 0.2' SOUTH OF PROPERTY CORNER (3/12/05)
18. FOUND REBAR AND CAP "TRIAD" 0.1'
19. FOUND 1 1/2" IRON PIPE W/ PLUG AND TACK (3/8/05)
20. FOUND REBAR AND CAP "CRONES" 0.2' WEST AND 1.0' SOUTH OF PROPERTY LINE
21. FOUND REBAR AND CAP "CRONES" 0.2' WEST OF PROPERTY LINE
22. FOUND REBAR AND CAP "HGG 6422" 0.3' EAST OF PROPERTY LINE
23. FOUND REBAR AND CAP "CAVNESS 13343" 0.5' EAST OF PROPERTY LINE
24. FOUND REBAR AND CAP "CAVNESS 13343" 0.1' EAST OF PROPERTY LINE
25. FOUND REBAR AND CAP "HGG INC PE & LS 6422" 0.5' EAST OF PROPERTY LINE
26. FOUND REBAR AND CAP "HGG INC PE & LS 6422" 0.5' EAST OF PROPERTY LINE
27. FOUND REBAR AND CAP "HGG INC PE & LS 6422" 0.2' WEST OF PROPERTY LINE (LEANS NW)
28. FOUND REBAR AND CAP "CRONES 29537" 0.7' EAST AND 1.7' SOUTH OF PROPERTY CORNER
29. FOUND 3/4" IRON PIPE 1.4' WEST AND 0.6' SOUTH OF PROPERTY LINE
30. FOUND REBAR 0.3' WEST OF BOUNDARY LINE
31. FOUND REBAR 2.4' EAST OF PROPERTY CORNER
32. FOUND REBAR AND CAP LS #10708 1.4' SOUTH OF BOUNDARY LINE
33. FOUND REBAR AND CAP LS #10708 0.8' SOUTH OF BOUNDARY LINE
34. FOUND REBAR AND CAP "CNI LS 18898, 0.5' WEST AND 0.6' NORTH OF PROPERTY CORNER (3/11/05)
35. FOUND REBAR AND CAP 0.7' SOUTH OF PROPERTY LINE (3/11/05) CALCULATED POSITION FROM PLAT OF CEDAR-DOWNS DIV. NO. 5
36. FOUND PIPE DISTURBED & UNUSABLE (2/14/07)
37. PER PLAT OF SHIRE HILLS

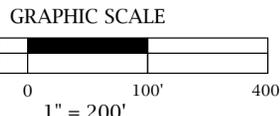
LINE	BEARING	DISTANCE
L1	N 00°50'25" E	282.71'
L2	S 89°09'35" E	162.84'
L3	S 89°09'35" E	40.00'
L4	N 04°55'33" E	56.14'
L5	N 00°50'25" E	189.00'
L6	S 89°09'35" E	144.30'
L7	N 89°09'35" W	42.00'
L8	N 00°50'25" E	40.00'
L9	N 84°23'46" W	48.17'
L10	N 00°50'25" E	60.00'
L11	N 89°09'35" W	105.00'
L12	N 00°50'25" E	135.00'
L13	N 64°42'25" W	116.58'
L14	N 11°19'54" W	41.82'
L15	N 05°50'04" E	97.38'
L16	N 73°46'05" W	10.00'
L17	N 08°55'57" E	112.36'
L18	N 89°47'22" E	26.00'
L19	N 01°36'05" W	89.99'
L20	N 12°11'02" W	28.07'
L21	N 05°29'34" E	41.54'

CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	25.00	39.27
C2	90°00'00"	25.00	39.27
C3	90°00'00"	25.00	39.27
C4	48°49'37"	25.00	21.30
C5	65°11'28"	85.00	96.71
C6	89°59'59"	25.00	39.27

**BASIS OF BEARING**

HELD BEARING OF NORTH 00°49'53" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SECTION FROM FOUND 1/4" BRASS PIN IN CONCRETE MONUMENT IN CASE AT THE SOUTH QUARTER CORNER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M., TO FOUND 1 1/2" IRON PIPE W/ PLUG AND TACK AT NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M.

**HORIZONTAL DATUM:** NAD 83/91 PER KCDPWSB



**LEGEND**

- ⊕ FOUND MONUMENT IN CASE (AS NOTED)
- FOUND REBAR AND CAP (AS NOTED)
- ⊗ FOUND LEAD AND TACK (AS NOTED)
- ⊙ STANDARD KING COUNTY MONUMENT IN CASE TO BE SET
- 36 SEE SHEET 5 FOR MONUMENT DESCRIPTION

**Axis**  
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PORTIONS OF THE NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON





VOL/PG

# MAPLE HILLS PHASE I

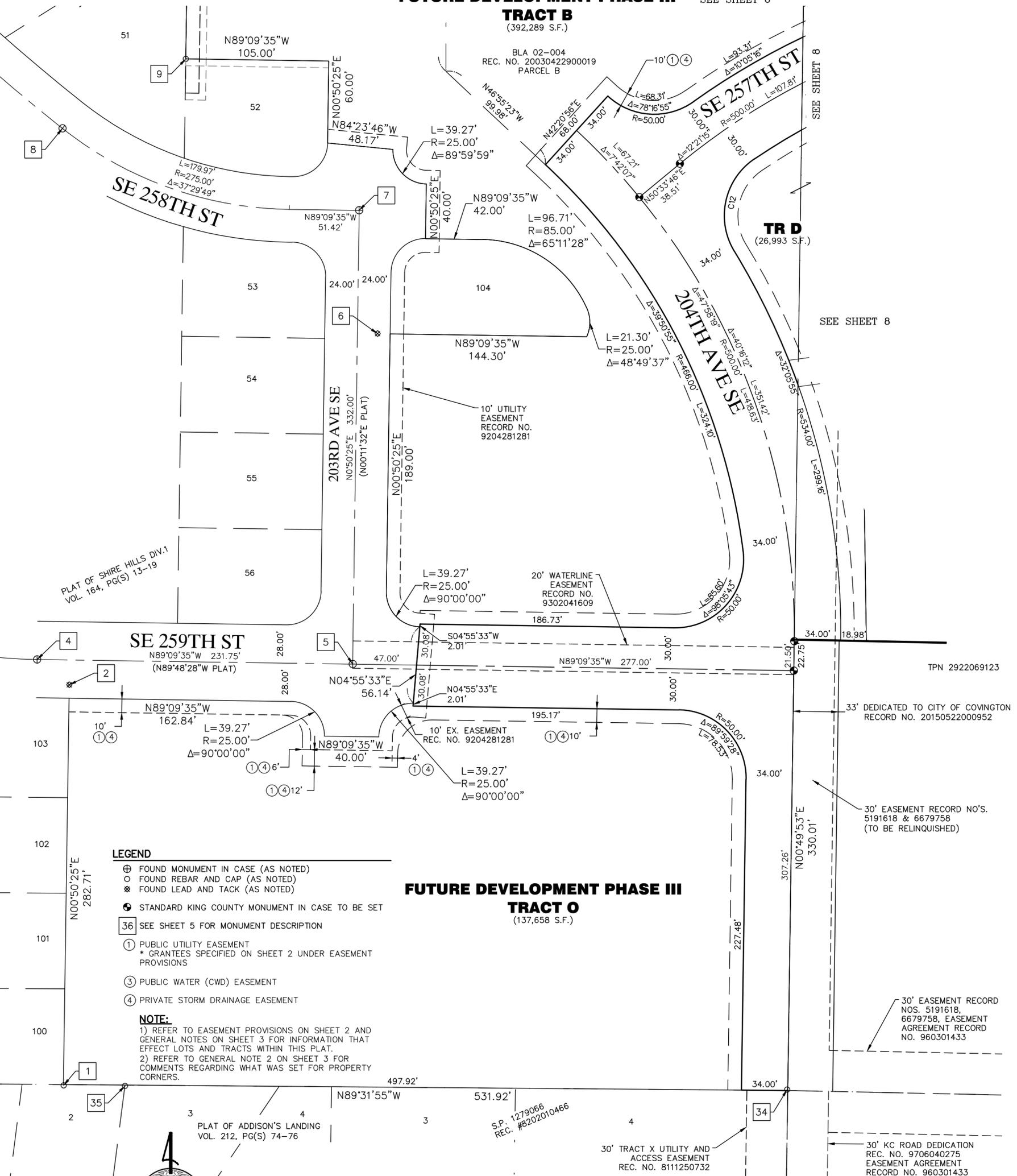
POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

**FUTURE DEVELOPMENT PHASE III** SEE SHEET 6

**TRACT B**  
(392,289 S.F.)

BLA 02-004  
REC. NO. 20030422900019  
PARCEL B

**TR D**  
(26,993 S.F.)



### LEGEND

- ⊕ FOUND MONUMENT IN CASE (AS NOTED)
- FOUND REBAR AND CAP (AS NOTED)
- ✱ FOUND LEAD AND TACK (AS NOTED)
- ⊙ STANDARD KING COUNTY MONUMENT IN CASE TO BE SET
- 36 SEE SHEET 5 FOR MONUMENT DESCRIPTION
- ① PUBLIC UTILITY EASEMENT  
\* GRANTEES SPECIFIED ON SHEET 2 UNDER EASEMENT PROVISIONS
- ③ PUBLIC WATER (CWD) EASEMENT
- ④ PRIVATE STORM DRAINAGE EASEMENT

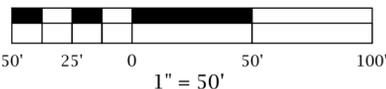
### NOTE:

- 1) REFER TO EASEMENT PROVISIONS ON SHEET 2 AND GENERAL NOTES ON SHEET 3 FOR INFORMATION THAT EFFECT LOTS AND TRACTS WITHIN THIS PLAT.
- 2) REFER TO GENERAL NOTE 2 ON SHEET 3 FOR COMMENTS REGARDING WHAT WAS SET FOR PROPERTY CORNERS.

**FUTURE DEVELOPMENT PHASE III**  
**TRACT O**  
(137,658 S.F.)



GRAPHIC SCALE



CITY OF COVINGTON FILE NO. PP99-004/1025



**Axis**  
Survey & Mapping

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JOB NO. 06-014/13-173



SHEET 7 OF 11

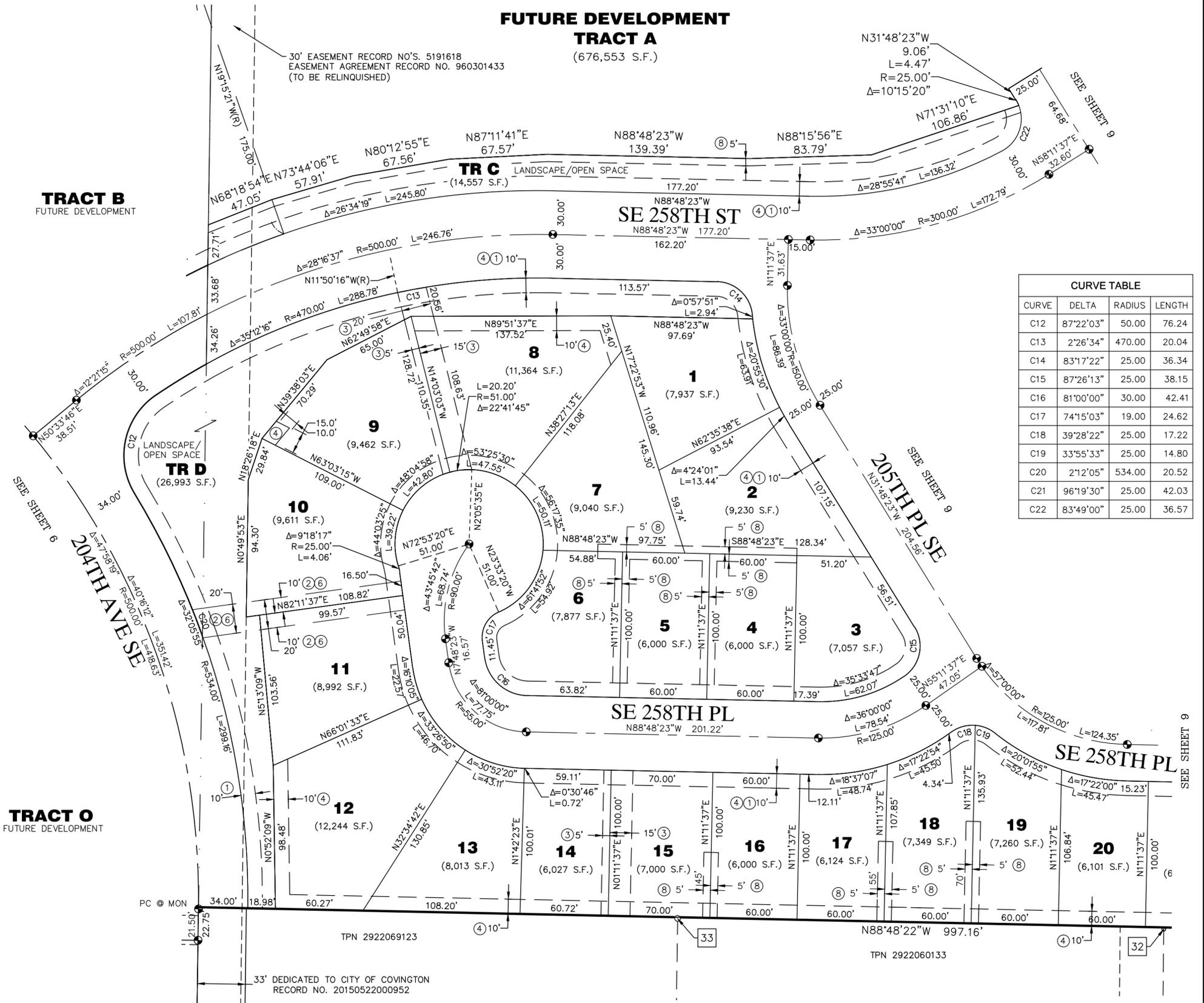
VOL/PG

# MAPLE HILLS PHASE I

POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

## FUTURE DEVELOPMENT TRACT A (676,553 S.F.)

## TRACT B FUTURE DEVELOPMENT



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C12	87°22'03"	50.00	76.24
C13	2°26'34"	470.00	20.04
C14	83°17'22"	25.00	36.34
C15	87°26'13"	25.00	38.15
C16	81°00'00"	30.00	42.41
C17	74°15'03"	19.00	24.62
C18	39°28'22"	25.00	17.22
C19	33°55'33"	25.00	14.80
C20	2°12'05"	534.00	20.52
C21	96°19'30"	25.00	42.03
C22	83°49'00"	25.00	36.57

- LEGEND:**
- STANDARD KING COUNTY MONUMENT IN CASE TO BE SET
  - ① PUBLIC UTILITY EASEMENT  
\* GRANTEES SPECIFIED ON SHEET 2 UNDER EASEMENT PROVISIONS
  - ② PUBLIC SANITARY SEWER EASEMENT
  - ③ PUBLIC WATER (CWD) EASEMENT
  - ④ PRIVATE STORM DRAINAGE EASEMENT
  - ⑥ PUBLIC STORM DRAINAGE EASEMENT
  - ⑧ PRIVATE ROCKERY/RETAINING WALL AND ASSOCIATED STORM DRAINAGE EASEMENT (SEE GENERAL NOTE 14 ON SHEET 3)
  - ③⑥ SEE SHEET 5 FOR MONUMENT DESCRIPTION

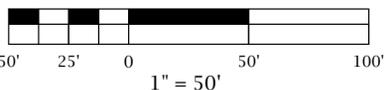
**NOTE:**

1) REFER TO EASEMENT PROVISIONS ON SHEET 2 AND GENERAL NOTES ON SHEET 3 FOR INFORMATION THAT EFFECT LOTS AND TRACTS WITHIN THIS PLAT.

2) REFER TO GENERAL NOTE 2 ON SHEET 3 FOR COMMENTS REGARDING WHAT WAS SET FOR PROPERTY CORNERS.



GRAPHIC SCALE



**Axis**  
Survey & Mapping

15241 NE 90TH ST  
KIRKLAND, WA 98034  
TEL. 425.823-5700  
FAX 425.823-6700

PORTIONS OF THE NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON



# MAPLE HILLS PHASE I

POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

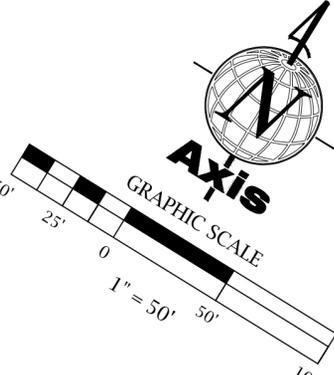
**TRACT A**  
FUTURE DEVELOPMENT

- LEGEND:**
- ① STANDARD KING COUNTY MONUMENT IN CASE TO BE SET
  - ① PUBLIC UTILITY EASEMENT  
\* GRANTEES SPECIFIED ON SHEET 2 UNDER EASEMENT PROVISIONS
  - ③ PUBLIC WATER (CWD) EASEMENT
  - ④ PRIVATE STORM DRAINAGE EASEMENT
  - ⑥ PUBLIC STORM DRAINAGE EASEMENT
  - ⑧ PRIVATE ROCKERY/RETAINING WALL AND ASSOCIATED STORM DRAINAGE EASEMENT (SEE GENERAL NOTE 14 ON SHEET 3)
  - ③⑥ SEE SHEET 5 FOR MONUMENT DESCRIPTION
- NOTE:**
- 1) REFER TO EASEMENT PROVISIONS ON SHEET 2 AND GENERAL NOTES ON SHEET 3 FOR INFORMATION THAT EFFECT LOTS AND TRACTS WITHIN THIS PLAT.
  - 2) REFER TO GENERAL NOTE 2 ON SHEET 3 FOR COMMENTS REGARDING WHAT WAS SET FOR PROPERTY CORNERS.

CURVE	DELTA	RADIUS	LENGTH
C9	12°03'25"	180.00'	37.88'
C21	96°19'30"	25.00'	42.03'
C22	83°49'00"	25.00'	36.57'

**TRACT A**  
FUTURE DEVELOPMENT

**TRACT A**  
FUTURE DEVELOPMENT





**Axis**  
Survey & Mapping

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KIRKLAND, WA 98034  
TEL. 425.823-5700  
FAX 425.823-6700



PORTIONS OF THE NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON

JOB NO. 06-014/13-173
SHEET 9 OF 11

# MAPLE HILLS PHASE I

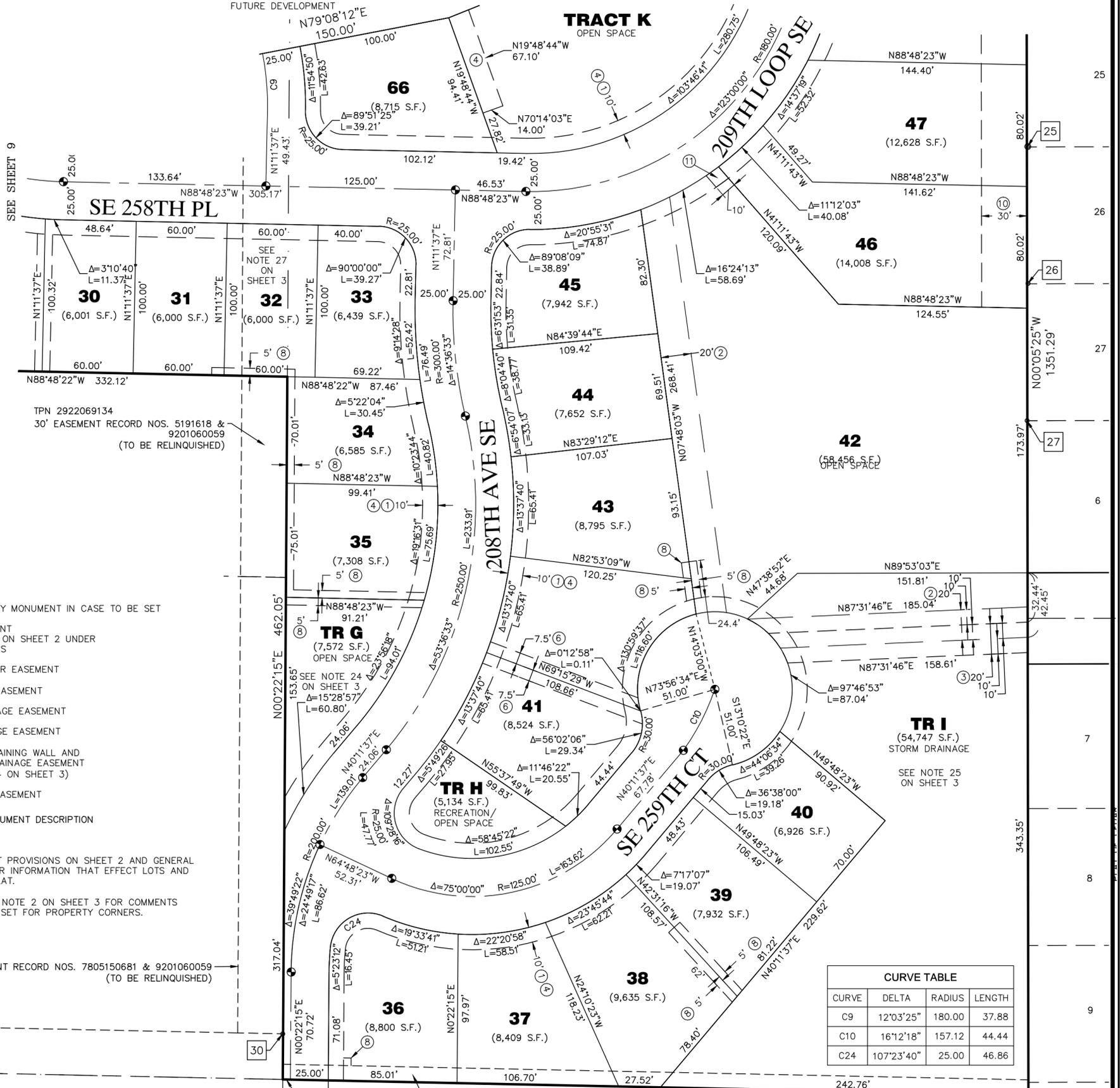
POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

VOL/PG

**TRACT A**  
FUTURE DEVELOPMENT

SEE SHEET 11

**TRACT K**  
OPEN SPACE



**LEGEND:**

- STANDARD KING COUNTY MONUMENT IN CASE TO BE SET
- ① PUBLIC UTILITY EASEMENT  
\* GRANTEE(S) SPECIFIED ON SHEET 2 UNDER EASEMENT PROVISIONS
- ② PUBLIC SANITARY SEWER EASEMENT
- ③ PUBLIC WATER (CWD) EASEMENT
- ④ PRIVATE STORM DRAINAGE EASEMENT
- ⑥ PUBLIC STORM DRAINAGE EASEMENT
- ⑧ PRIVATE ROCKERY/RETAINING WALL AND ASSOCIATED STORM DRAINAGE EASEMENT (SEE GENERAL NOTE 14 ON SHEET 3)
- ⑪ LANDSCAPE FEATURE EASEMENT
- ⑬ SEE SHEET 5 FOR MONUMENT DESCRIPTION

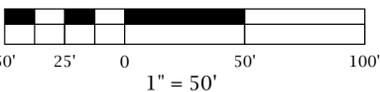
**NOTE:**

- 1) REFER TO EASEMENT PROVISIONS ON SHEET 2 AND GENERAL NOTES ON SHEET 3 FOR INFORMATION THAT EFFECT LOTS AND TRACTS WITHIN THIS PLAT.
- 2) REFER TO GENERAL NOTE 2 ON SHEET 3 FOR COMMENTS REGARDING WHAT WAS SET FOR PROPERTY CORNERS.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C9	12°03'25"	180.00	37.88
C10	16°12'18"	157.12	44.44
C24	107°23'40"	25.00	46.86



GRAPHIC SCALE



15241 NE 90TH ST  
KIRKLAND, WA 98034  
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FAX 425.823-6700

PORTIONS OF THE NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON

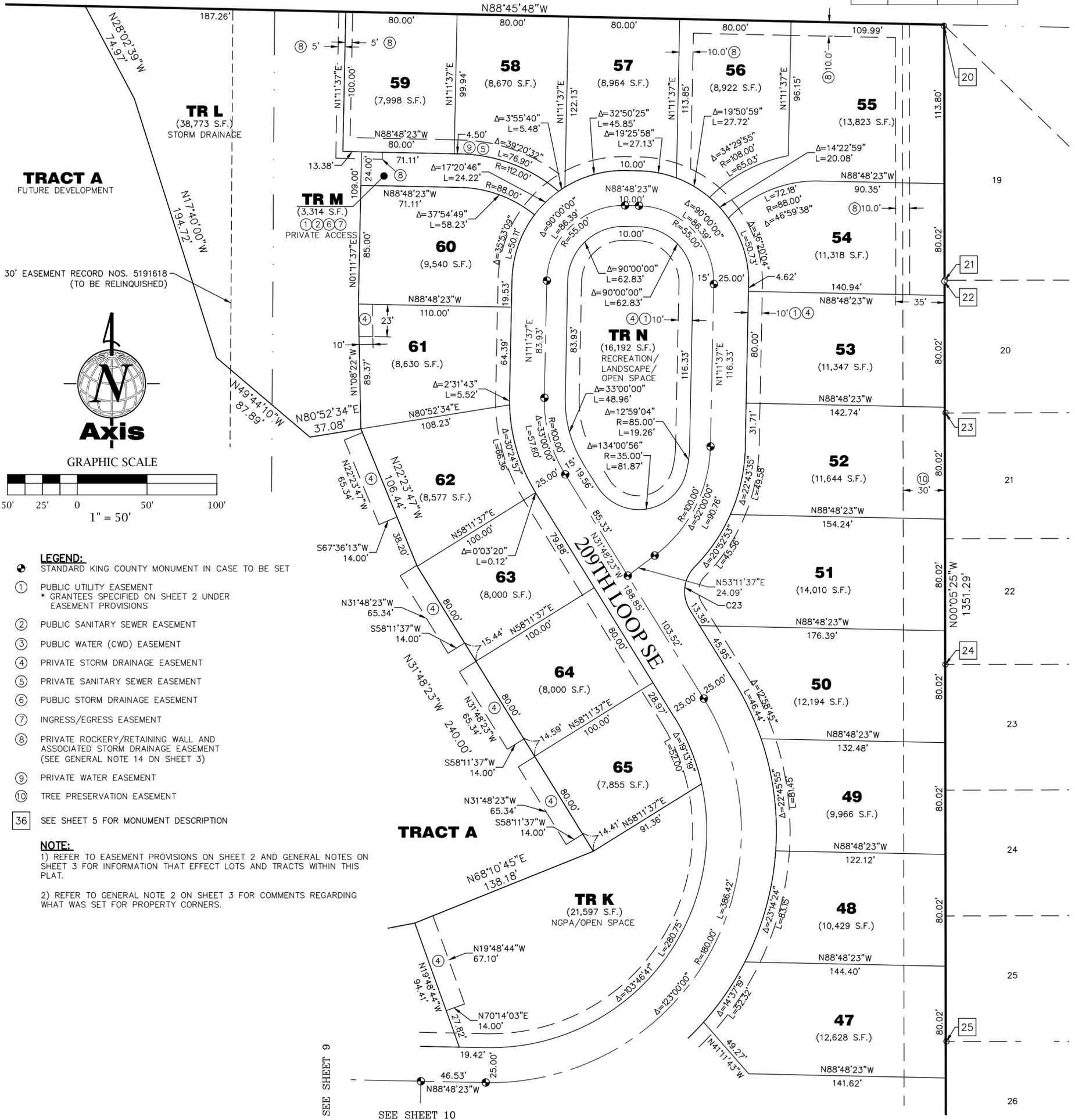


VOL/PG

# MAPLE HILLS PHASE I

POR. NE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SEC. 29, TWN. 22 N., RGE. 6 E., W.M.  
CITY OF COVINGTON, KING COUNTY, WASHINGTON

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C23	76°36'28"	25.00	33.43



**LEGEND:**

- STANDARD KING COUNTY MONUMENT IN CASE TO BE SET
- ① PUBLIC UTILITY EASEMENT  
\* GRANTEE(S) SPECIFIED ON SHEET 2 UNDER EASEMENT PROVISIONS
- ② PUBLIC SANITARY SEWER EASEMENT
- ③ PUBLIC WATER (CWD) EASEMENT
- ④ PRIVATE STORM DRAINAGE EASEMENT
- ⑤ PRIVATE SANITARY SEWER EASEMENT
- ⑥ PUBLIC STORM DRAINAGE EASEMENT
- ⑦ INGRESS/EGRESS EASEMENT
- ⑧ PRIVATE ROCKERY/RETAINING WALL AND ASSOCIATED STORM DRAINAGE EASEMENT (SEE GENERAL NOTE 14 ON SHEET 3)
- ⑨ PRIVATE WATER EASEMENT
- ⑩ TREE PRESERVATION EASEMENT
- 36 SEE SHEET 5 FOR MONUMENT DESCRIPTION

**NOTE:**

- 1) REFER TO EASEMENT PROVISIONS ON SHEET 2 AND GENERAL NOTES ON SHEET 3 FOR INFORMATION THAT EFFECT LOTS AND TRACTS WITHIN THIS PLAT.
- 2) REFER TO GENERAL NOTE 2 ON SHEET 3 FOR COMMENTS REGARDING WHAT WAS SET FOR PROPERTY CORNERS.

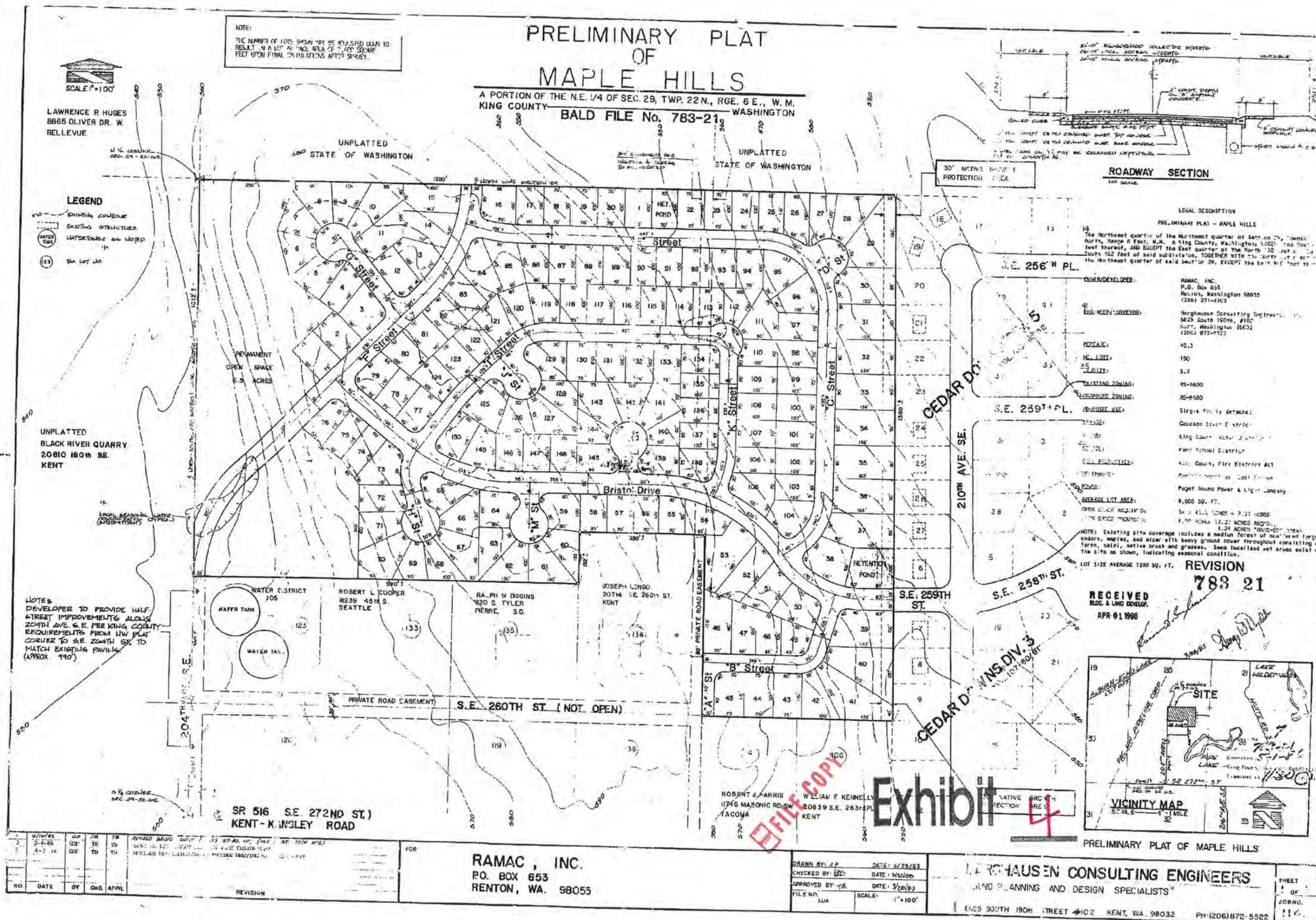


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PORTIONS OF THE NE 1/4 OF THE NW 1/4 OF THE NE 1/4, AND NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 22 N., RANGE 6 E., W.M., KING COUNTY, WASHINGTON





May 16, 1986

**OFFICE OF THE ZONING AND SUBDIVISION EXAMINER  
KING COUNTY, WASHINGTON**

REC'D  
DEPT. OF  
PLANNING

MAY 28 1986

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

**SUBJECT:** Building and Land Development Files No. 783-21  
Proposed Ordinance No. 86-158

Proposed Plat of MAPLE HILLS

45.26 acres lying between 204th Avenue S.E. and  
209th Avenue S.E. and between S.E. 256th and S.E.  
260th Streets (if all roads were extended).

**SUMMARY OF RECOMMENDATIONS:**

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

**PRELIMINARY REPORT:**

The Building and Land Development Preliminary Report on  
Item No. 783-21 was received by the Examiner on April 17,  
1986.

**PUBLIC HEARING:**

After reviewing the Building and Land Development Report,  
examining available information on file with the  
application and visiting the property and surrounding  
area, the Examiner conducted a public hearing on the  
subject as follows:

The hearing on Item No. 783-21 was initially opened on July 28,  
1983 concurrently with the public hearing on Building and Land  
Development Division File No. 226-83-R. On September 7, 1983  
the public hearing on Item No. 783-21 was continued on call.  
On January 23, 1985, at the request of the applicant, the  
public hearing on this matter was separated from the hearing on  
the application for reclassification of the subject property.  
The hearing on Item No. 783-21 was reopened by the Examiner at  
11:25 a.m., May 1, 1986, in Room No. 402, King County  
Courthouse, Third Avenue and James Street, Seattle, Washington  
and closed at 2:45 p.m. Participants at the public hearing and  
the exhibits offered and entered are listed in the attached  
minutes. A verbatim recording of the hearing is available in  
the office of the Zoning and Subdivision Examiner.

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

**Exhibit** 5

FILE COPY

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FINDINGS:

## 1. General Information:

STR:	E 29-22-6
Location:	Between 204th Avenue S.E. and 209th Avenue S.E. and between S.E. 256th and S.E. 260th Streets (if all roads were extended).
Zoning:	SR (9600)
Acreage:	45.26 acres
Number of Lots:	150
Proposed Use:	Detached single-family dwellings
Sewage Disposal:	Cascade
Water Supply:	Water District 105
Fire District:	No. 43
School District:	Kent 415

2.. Except as modified below, the facts set forth in the King County Building and Land Development Division's Preliminary Report to the Zoning and Subdivision Examiner for the May 1, 1986 public hearing are found to be correct and are incorporated herein by this reference. Copies of the said report will be attached to the copies of this report submitted to the County Council.

3. On December 2, 1985 the King County Council enacted Ordinance 7426, adopting the recommendation of the Zoning and Subdivision Examiner to reclassify the subject property from RS 15,000 to RS 9600-P, subject to conditions as set forth in the Examiner's report and recommendation to the King County Council dated November 8, 1985. Ordinance 7426 was approved by the King County Executive on December 16, 1985. That action resolves the issue of density of development of the subject property, which has been a matter in controversy for several years. It was the intent of the Examiner and of the King County Council, in making that determination, to permit development of the subject property at the density allowed by the RS (9600) zone classification.

The preliminary plat of Maple Hills, as revised and received April 1, 1986, proposes a development of 150 single family dwelling units, together with 6.5 acres of permanent open space and additional area for storm water retention ponds. This proposal is consistent with the density permitted in the RS (9600) zone classification, and is consistent with Ordinance 7426.

4. The principle remaining issues of controversy concerning the development of this property relate to access and traffic circulation. The relevant conditions of the reclassification enacted by Ordinance 7426 are:

- \*1. At the time of development of the subject property, a primary access to the subject property shall be required connecting the subject property to the Kent-Kangley Road by way of 204th Avenue S.E., or via another comparable alignment (not through Cedar Downs) acceptable to the King County Department of Public Works. Specific design standards and financial responsibilities for assuring completion of this street will be resolved through the preliminary plat review process. Completion of this road to County standard shall coincide with, or precede, completion of internal circulation streets within the plat.\*

"4. During the preliminary plat review, the Subdivision Technical Committee will evaluate the proposal to barricade or otherwise restrict access between the subject property and the plat of Cedar Downs to only emergency vehicles or pedestrians. This condition does not require such a barricade or restriction. It requires only an evaluation."

5. South and east of the subject property lies Pipe Lake, which constitutes a natural barrier to road development. The area within which the subject property is located is within the northwest quadrant of the intersection of the Kent-Kangley Road and Witte Road, both of which are major arterials. The subject property is approximately three-fourths of a mile north of Kent-Kangley Road and one-half mile west of Witte Road S.E. Approximately one-half mile to the north of the subject property is SR 18. No neighborhood collector streets presently exist to provide through traffic circulation within this area.

The developed plat of Cedar Downs lies immediately to the east of the subject property. S.E. 258th Street, through the plat of Cedar Downs, was extended to the east property line of the subject property where it now terminates. S.E. 258th Street connects, through intervening streets, with Witte Road S.E. The proposed subdivision of Maple Hills would extend S.E. 258th Street to the west, providing for an intersection with the proposed northerly extension of 204th Avenue S.E. within the subject property. This connection would constitute a logical extension of the local access streets serving the area, affording an alternative route to the County arterial road system for the present residents of Cedar Downs and the future residents of Maple Hills.

The street connection of the proposed plat of Maple Hills with the existing street system of Cedar Downs is opposed by current residents within the plat of Cedar Downs. Persons now residing in the vicinity of the proposed connection would be exposed to additional traffic, and lose the sense of privacy and security provided by a "closed development". Their position in opposition to the street connection is supported by the Cedar Downs Homeowners Association.

On the other hand, failure to connect the proposed plat of Maple Hills with the Cedar Downs street system would preclude present and future development of good traffic circulation through the entire area. An average of two miles of additional travel each way (four miles per trip) would be added to trips from Cedar Downs to the east, via Kent-Kangley Road, and from Maple Hills to the north via Witte Road. As additional property in the vicinity develops, its residents will be similarly affected. There would also be a substantial adverse impact upon service and delivery vehicles, and upon the ability to provide emergency police, fire and medical aid service.

6. King County Road Standards for a neighborhood collector street require 60 feet right-of-way width, developed with 22 feet of pavement on a 38 foot minimum width roadway.

The road standards, as adopted by Ordinance 4463, as amended, govern all construction and upgrading of public and private roads in King County, except as otherwise provided in other ordinances. Variances from these standards may be granted by the King County road engineer

upon evidence that such variances are in the public interest, that they are based upon sound engineering judgment, and that requirements for safety, function, appearance and maintainability are fully met.

A "Half street" is defined as a street constructed utilizing half the regular width of right-of-way and permitted as an interim facility pending construction of the other half of the street by the adjacent owner. A neighborhood collector half street requires a minimum paved width of 19 feet.

It is the view of the King County Department of Public Works and the Subdivision Technical Committee that the public safety and welfare require the construction of 204th Avenue S.E., from the Kent-Kangley Highway north to the subject property, as a full width public street in order to provide an adequate primary access to the proposed development. The applicant has suggested that a 22 foot wide paved surface could be provided upon a half street. The applicant's suggestion is not consistent with the standards established by King County Ordinance No. 4463, and would not provide as suitable and safe an access as a full width road developed to county standards. Furthermore, Council action on the reclassification of this property specifically required construction of the primary access consistent with King County standards coincident with or preceding completion of internal circulation streets within the plat. An interim street improvement on 204th Avenue S.E. would be inconsistent with the intent of the reclassification approved by Ordinance No. 7426.

7. RCW Chapter 35.72 authorizes contracts between a county and the owners of real estate for the construction or improvement of street projects which are required as a prerequisite to further property development, which contracts may provide for partial reimbursement of the costs by other property owners under certain circumstances. The construction and improvement of 204th Avenue S.E. from the south boundary of the subject property to the Kent-Kangley Road may benefit other property owners in the vicinity who subsequently develop their property. Although further County action would be required in order for the applicant to obtain the benefits of RCW Chapter 35.72, conditions for final plat approval can be written so as to not preclude that opportunity.
8. The applicant has agreed, and the public health, safety and welfare require, that construction vehicle traffic to and from the subject property should be prohibited from using the existing access through Cedar Downs, except in an emergency, or in isolated instances specifically approved by the Building and Land Development Division.
9. Access roads proposed within the subject property cross at least one low ponding depression area. Such areas act as natural retention/detention facilities for surface water, and provision must be made to account for this displaced storage volume in the drainage plans.  
  
Certain proposed lots, including lots 82, 83, 112-114, 121 and 122, are also within low ponding depression areas, and may require that provision be made to account for their displaced water storage volume.
10. The public health, safety and welfare require that a licensed engineer evaluate and recommend methods for construction of roads and buildings which occupy natural

drainage areas. With respect to the affected building lots, this need can be met either prior to final plat approval, by appropriate filling and grading being accomplished and certified by a qualified soils engineer, or the affected lots can be appropriately restricted on the final plat.

**CONCLUSIONS:**

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Tahoma-Raven Heights Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonably necessary as a direct result of the development of this proposed plat.
5. Adequate traffic circulation to and from the subject property requires the dedication and construction, prior to final plat approval, of 204th Avenue S.E. between the subject property and the Kent-Kangley Road, together with those improvements to the Kent-Kangley Road at that intersection which are required by the State Department of Transportation. 204th Avenue S.E., in order to function as the primary access to and from the subject property, must be dedicated and improved to King County road standards for a full width street.
6. Notwithstanding that the "dead-end" street and privacy advantages presently enjoyed by residents in the vicinity of the westerly terminus of S.E. 258th Street will be lost by the proposed connection, a far larger number of citizens will be benefited by the improved traffic circulation system which can be provided by this proposed development, if 204th Avenue S.E. is developed to County standards for a neighborhood collector and the connection to S.E. 259th Street is made at the east boundary of the subject property. Adequate access to and from the subject property, in order to meet the requirements of the public health, safety and welfare, requires a street connection between the subject property and the existing street system to the east. A single point of access to the subject property and the adjacent and nearby properties to the north would be detrimental to the public health, safety and welfare and not in the interest of the majority of the citizens of King County.
7. The safe development of the subject property requires that development within low areas which are subject to ponding be accomplished in a manner recommended by a licensed engineer, so as to avoid hazards to the public health and safety and future property damage.

**RECOMMENDATION:**

Approve the proposed preliminary plat of Maple Hills as revised and received April 1, 1986, subject to the following conditions for final plat approval:

1. Compliance with all platting regulations 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 as set forth in King County Council Motion No. 5952.
3. The dimensions of all lots shall meet the minimum requirements of the RS 9600 zone classification, or shall be as shown on the face of the approved preliminary plat, whichever is greater. (Minor lot-line revisions are permitted).
4. Storm drainage plans shall be approved by the Department of Public Works, Surface Water Management Division. Said drainage plans shall comply with the provisions of Chapter 20.50 of the King County Code.
  - a. Prior to recording of the final plat and/or before making any improvements on the property such as land clearing and/or other construction, including landfills, buildings, pavement, sidewalks and driveways, the following is required (unless otherwise approved by the Surface Water Management Division):

Those portions of the total storm water retention/detention facilities necessary to accommodate the control of flows discharging from the subject site, as set forth in King County Ordinance No. 2281, as amended, must be constructed and in operation.
  - b. Additionally, prior to recording of the final plat, the balance of the facilities must be constructed unless secured by an appropriate construction bond.
5. Provide and maintain oil/sediment separation facilities to insure such contaminants from the site do not enter the natural drainage system.
6. Provide and maintain temporary sedimentation collection facilities to insure sediment laden water does not enter the natural drainage system. These facilities must be in operation prior to clearing and building construction, and satisfactorily maintained until construction and landscaping are completed and the potential for on-site erosion has passed.

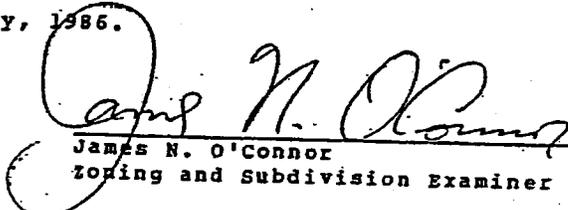
A Temporary Erosion and Sedimentation Control Plan (TESCP) shall be submitted to and reviewed by the King County Soil Conservation District prior to submittal to the Department of Public Works, Division of Surface Water Management.
7. All retention/detention ponds may be required to be located in separate tracts with a drainage easement for maintenance. If the pond is not adjacent to a roadway, a fifteen (15) foot crushed rock roadway within an easement for ingress and egress will be required between the pond and a roadway.

8. The applicant must obtain approval of the King County Fire Marshal for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
9. The development shall conform to Ordinance Nos. 4938, 5824 and 5940, ordinances relating to surface water runoff policies.
10. All construction and upgrading of public and private roads shall be done in accordance with the standards established and adopted by Ordinance No. 4463, as amended.
11. If an area-wide fire protection assessment is authorized by King County ordinance prior to final recording of this plat, this plat shall be subject to any assessment provided by that ordinance.
12. Access to the subdivision shall be over full width County roads, dedicated and improved to County standards, with the primary access to be by way of 204th Avenue S.E. and a secondary access connecting with the present extension of S.E. 258th/S.E. 259th Street as developed within the plat of Cedar Downs. The applicant shall be responsible for the construction of 204th Avenue S.E. from the subject property to the Kent-Kangley Road. This development shall be coincidental with or prior to the development of the proposed plat. 204th Avenue S.E. shall include a delineated walkway on one side of the roadway (extruded curb, buttons, etc.), to be designed and constructed with the approval of the Department of Public Works.  
  
The requirements of this condition do not preclude the applicant from obtaining partial reimbursement for these improvements, if such reimbursement becomes available pursuant to RCW chapter 35.72.  
  
A left turn lane shall be provided on the Kent-Kangley Road (SR 516) at its intersection with 204th Avenue S.E., in a manner to be approved by the Washington State Department of Transportation.
13. "F" Street at its intersection with the north property line should be moved further to the west in the vicinity of lots 8, 9, or 10, in order to provide a more suitable topographical alignment. This can be worked out with the Department of Public Works during final plat approval.
14. An additional stub street to the north shall be provided as a local access street in the vicinity of lots 21 and 22.
15. Prior to final plat approval, the applicant shall obtain the vacation of the easement running north/south between lots 23 and 54.
16. Prior to final plat approval, the applicant shall provide calculations verifying that the amount of open space for lot makeup and recreational uses is sufficient. Additionally, the required open space shall include the development of facilities for active recreational opportunities such as baseball, soccer, etc. The King County Parks Division shall approve the open space plan. A homeowners association, or other workable organization shall be established for the ownership and continued maintenance of the open space.
17. Construction traffic to and from the subject property shall utilize 204th Avenue S.E. exclusively, except in the

event of an emergency, or in isolated instances approved in advance by the Building and Land Development Division. Violation of this requirement shall subject the property owner and the violator(s) to civil penalties authorized by King County Code Chapter 23.08, in accordance with the schedule contained in Section 23.08.110 (i.e., \$150 per violation).

18. The recommendations set forth in the memorandum of the King County Department of Public Works dated March 25, 1986, shall be met in the development of the subject property. With respect to any filling within depressions, either for roadway construction or the improvement of lots, full storage compensation for the displaced water storage volume shall be provided, or the applicant must demonstrate that the filling of such hydrological features will not significantly impact the hydrology of the entire drainage basin. Plans submitted to the Surface Water Management Division for review and approval shall include drainage analysis and the necessary control measures for each drainage sub-basin within or affected by the development upon the subject property.
19. Plans and profiles submitted shall be accompanied by a report and recommendation by a qualified soils engineer concerning stability of road construction within any low ponding depression areas.
20. Any lots proposed which include significant areas of depression shall be improved, prior to final plat approval, in a manner recommended and certified to by a qualified soils engineer, or the affected lots shall be noted on the final plat as requiring an engineering report with recommendations and provision for certification of construction of foundations.

ORDERED this 16th day of May, 1986.

  
James N. O'Connor  
Zoning and Subdivision Examiner

TRANSMITTED this 16th day of May, 1986, by certified mail, to the following parties of record:

Michael Garrison	Kim Harder
William T. Clark	Myron & Twila Kjos
George & Martha Kerr	K. Breidenfeld
Albert & Hazel Lehner	Mrs. Donald Launig
Armand & Marilyn Maki	Julius & Loretta Gommi
George & Edia Herrman	Gerald Lott
Lana Bolton	Peter Rassina
James Long	Linda Weber
Dick & Jean Williams	Marla Knudsen
Jeff Smyth	Delvin Tingvall
Dan Shane	Robert & Mary Jane Young
Tom Barghausen	Herbert Hawk
William Kennelly	Maple Valley Area Council
Joseph Longo	Linda McMonagle
Joel Haggard	Bob Pearson
Bob Denney	Dennis Moretta
Marc Sanders	Patrick J. Lowery
Mrs. Carl Latham	Derek & Mavis McBrinn
Robert & Bonnie Eichel	William & Barbara Stevens
Raymond Alpaugh	The Quadrant Corporation
John C. Moore	Gordan & Yvonne Geddes

May 8, 1987  
1705/MMcF:ple

Introduced by: Gary Grant

Proposed No.: 87-352

MOTION NO. 6857

A MOTION to remand the application for preliminary approval of the proposed plat of MAPLE HILLS (building and land development file no. 783-21) to the zoning and subdivision examiner for further action at such time as adequate right-of-way is available to enable construction of the primary access road consistent with King County road standards.

WHEREAS, the King County council considered the preliminary plat application of Maple Hills, designated building and land development file no. 783-21, at its land use appeals meeting on April 27, 1987, and

WHEREAS, based on the information received at the April 27, 1987 meeting there does not presently exist adequate right-of-way to provide the primary access to the proposed plat of Maple Hills, from the Kent-Kangley Road (Southeast 272nd Street; S.R. 516), and

WHEREAS, development of the subject property, as presently proposed, without construction of a direct access to the Kent-Kangley Road according to adopted King County road standards, would generate substantial additional traffic over existing local access streets and be detrimental to the public safety and welfare, and

WHEREAS, the council of King County does hereby find and conclude that the proposed subdivision of Maple Hills cannot, at present, make appropriate provision for streets or other public ways, and the public use and interest would not be served by approval of this subdivision;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The application of the proposed plat of Maple Hills (file no. 783-21) is remanded to the zoning and subdivision examiner for

Exhibit 7

6857

1 further action at such time as adequate right-of-way is available  
2 to enable the construction of a public street, consistent with  
3 King County's adopted road standards, between the subject  
4 property and the Kent-Kangley Road (Southeast 272nd Street; S.R.  
5 516).

6 PASSED this 11th day of May, 1987.

7 KING COUNTY COUNCIL  
8 KING COUNTY, WASHINGTON

9 Gary Grant  
10 Chairman

11 ATTEST:

12  
13 Dorothy M. Owens  
14 Clerk of the Council

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BEFORE THE HEARINGS EXAMINER  
FOR THE CITY OF COVINGTON

In the Matter of the Petition of the City	)	NO. PP99-004 (Maple Hills)
	)	
<b>RE: Maple Hills Plat Application</b>	)	FINDINGS, CONCLUSIONS
	)	AND DECISION
to Obtain a Declaration of "Null & Void"	)	
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Summary of Decision

The Petition by the City to have the application for preliminary plat approval declared "null and void" is **DENIED**. The Applicant may proceed with a hearing on the initial application at the appropriate time to determine if the criteria for approval of the plat are satisfied. In the alternative, the Applicant may file a revised request for preliminary plat approval that shall be reviewed by the City under its ordinances in effect at the time of a complete application.

Summary of Procedure

The Applicant filed an application for preliminary plat approval with King County in 1983. In 1987, the King County Council remanded the application to the King County Hearing Examiner "for further action at such time as adequate right-of-way is available to enable the construction of a public street". The remand does not specify who should determine if adequate right-of-way is available or what happens if adequate right-of-way is not available. Upon incorporation of the City, the application was transferred to it for further review. The City Hearing Examiner assumed the jurisdiction of the County Hearing Examiner based on the remand. The City recommended that the application be declared "null and void" and petitioned the Hearing Examiner to make a decision on the viability of the application under the terms of the remand. Both parties agreed that the Hearing Examiner should make a decision as to whether the application is "null and void". This decision may be appealed in accordance with the ordinances of the City.

Hearing Date:

An open record hearing was held on the petition February 28, 2001. The Applicant and the City were present at the hearing.

Witnesses:

The following witnesses presented testimony during the open record hearing:

Mr. Bill Kennedy, Director of City of Covington Planning & Community Development;

Mr. Andy Dempsey, Public Works Director of the City of Covington.

**FILE COPY**

**Exhibit 8**

Mr. Joel Haggard, Attorney at Law, represented the Applicant and Mr. Duncan Wilson, Attorney at Law, represented the City of Covington.

Exhibits:

The Maple Hills Document Index attached to this Decision describes the Exhibits admitted by agreement of the parties to this proceeding. The Exhibits are numbered 1 – 100. In addition, the following Exhibits were submitted during the open record hearing:

Exhibit 101: Sensitive Area Folio Map Identified in City Ordinances  
 NOT ADMITTED – OUTSIDE SCOPE OF HEARING.

Exhibit 102 Ordinance No. 00-142 of the City of Maple Valley.

Pleadings:

1. Applicant's Pre-Hearing Analysis Dated 2/27/01;
2. Applicant's Memorandum of Legal Issues Dated 3/23/01;
3. City's Memorandum of Legal Issues Dated 3/23/01;
4. City's Response to Applicant's Memorandum of Legal Issues Dated 3/29/01.

Based on a review of the testimony and relevant documents, and following argument presented by both parties, the Hearings Examiner hereby issues the following Findings, Conclusions and Decision:

Findings

1. On March 22, 1983, Mr. Dan Shane of RAMAC, Inc. (Applicant) filed an application with King County for approval of a preliminary plat. The application was stamped "received" on April 14, 1983. *Exhibit 85.*
2. Following several years of study and review, the King County Council adopted Motion No. 6857. That Motion includes the following findings:

WHEREAS, development of the subject property, as presently proposed without construction of direct access to the Kent-Kanglely Road according to adopted King County road standards, would generate substantial additional traffic over existing local access streets and be detrimental to the public safety and welfare, and

WHEREAS, the council of King County does hereby find and conclude that the proposed subdivision of Maple Hills cannot, at present, make appropriate provision for streets or other public ways, and the public use and interest would not be served by approval of this subdivision.

*Exhibit 46.*

3. The adoption of King County Council Motion 6857 also remanded the plat application to the King County Hearing Examiner with the following instruction:

...for further action at such time as adequate right-of-way is available to enable the construction of a public street consistent with King County's adopted road standards, between the subject property and the Kent-Kangley Road....

*Exhibit 46.*

There is no evidence in the record that indicates the Applicant objected in any way to the condition of the remand or to the remand itself.

4. The City of Covington incorporated on August 31, 1997. As part of its incorporation, the City agreed to process land use applications "in the pipeline" as of the date of incorporation. This application was one of those pending before King County that was transferred to the City for final processing and decision. Motion 6857 did not approve or deny the plat application. *Testimony of Mr. Bill Kennedy.*
5. Because King County remanded the application for the Maple Hills plat to the Hearing Examiner, and because the City accepted a transfer of the application following incorporation, the City began processing the application under the jurisdiction of the Hearing Examiner. As an initial step in that processing, the City scheduled an open record hearing to consider a recommendation by the Planning Director that the plat of Maple Hills be declared "null and void" by the Hearing Examiner. *Testimony of Mr. Bill Kennedy; Exhibit 1.* The Applicant did not object to this approach.
6. The Hearing Examiner held an open record hearing on February 28, 2001 (Earthquake Day). The one issue that "shook out" during the hearing is whether the plat application is "null and void". The Hearing Examiner limited the scope of the hearing to that issue. *Record of Examiner, 2/28/01.* The City and the Applicant presented a mutually approved exhibit list of Exhibits 1 - 100. The City presented testimony from the Director of Community Development (Mr. Bill Kennedy) and from the City Public Works Director (Mr. Andrew Dempsey). The Attorneys for the City and the Applicant presented brief oral argument during the hearing; supplemented by memoranda presented within 30 days of the hearing date. *See Pleadings.*
7. The "adequate right-of-way" in question to link Kent Kangley Road (also referred to as SR 516) to the proposed plat is referred to by the City as the 204<sup>th</sup> Avenue SE Corridor. The City's Six-Year Transportation Improvement Plan does not include an element for extension of 204<sup>th</sup> Avenue SE to SR 516. There is not sufficient publicly owned right-of-way to construct 204<sup>th</sup> Avenue SE to a neighborhood collector standard that requires 32 feet of right-of-way. There are "gaps" in the right-of-way

that do not allow for the construction of a street at the present time. *Testimony of Mr. Dempsey.*

## CONCLUSIONS

### Jurisdiction

By agreement of the parties, the Hearing Examiner has jurisdiction over this matter. Upon incorporation of the City of Covington, and transfer of pending land use applications from King County to the City, the Hearing Examiner assumed jurisdiction based on the remand. The Hearing Examiner is to make a determination as to whether the plat application is "null and void".

### Criteria for Decision

The Hearing Examiner is called upon to make a determination without precedent. The Hearing Examiner is not reviewing an administrative decision because no decision has been made. The Hearing Examiner is not reviewing the appropriateness of the action by the King County Council when adopting King County Motion 6857 because the Hearing Examiner does not have jurisdiction to do so. *Chaussee v. Snohomish County, 30 Wn. App. 630 (1984)*. The Hearing Examiner is called upon to make a factual determination as to whether a condition of remand has been fulfilled and a legal determination as to the appropriate interpretation of that condition.

### Conclusions of Law

1. **The Council's remand to the Hearing Examiner assigned ongoing jurisdiction of the plat application to the Hearing Examiner.** The remand by the King County Council is for an indefinite period. The King County Council did not limit the duration of the remand except until "such time as adequate right-of-way is available...". The Council likely understood that the availability of right-of-way can be delayed for many years. It is not clear in this case if right-of-way will ever be available. The period of time to obtain it could be a matter of months or could take many years. It is clear, however, that the Council desired the Hearing Examiner to make a determination as to adequate right-of-way before further action on the application could occur. For ten years, the County Hearing Examiner did not make this determination. The Applicant did not object to this lack of action. Now, some seventeen years after the filing of the initial application, the City requests the Examiner to declare the proposal "null and void", presumably because the Applicant seeks approval of the application at this time. There is no legal basis for the Hearing Examiner to take the action requested by the City. By the express terms of the remand, the jurisdiction of the Hearing Examiner is limited to making a determination of adequate right-of-way. Only then can further action occur on this application. If the determination cannot be made, no further action can occur.

The references by the City to statutory limitations on review of a preliminary plat do not address the unique situation of a remand. The King County Council found that there was not suitable access to the plat. This does not compel a disapproval of the plat, as the City argues, but merely *authorizes* disapproval should the government

desire to do so<sup>1</sup>. Similarly, the requirement to present a final plat within three years applies only from the time of *approval* of a preliminary plat to the time of presentation of final plat.<sup>2</sup> No court has addressed the situation involved in this remand. Here, the Applicant consented to an indefinite deferral of a decision on the preliminary plat by failing to challenge the remand when it occurred. This fact alone distinguishes this situation from that in *Norco Construction v. King County*, cited by the City in its brief.<sup>3</sup> *Finding of Fact No.1, 2, 3, 4, 5, 6.*

2. **Because adequate right-of-way is not presently available, the Hearing Examiner can take no further action.** The King County Council remanded the plat application to the King County Hearing Examiner “for further action at such time as adequate right-of-way is available” between the proposed plat and SR 516. The County and the City agreed to an Interlocal Agreement that assigned review of pending applications to the City. The City of Covington Hearing Examiner was granted jurisdiction over the same matters that the King County Hearing Examiner had at the time of the Interlocal Agreement. That jurisdiction includes a review of the proposed plat “at such time as adequate right-of-way is available.” Since adequate right-of-way is *not* available, the Hearing Examiner retains the assigned jurisdiction, but cannot make a decision on the underlying plat application until the condition is fulfilled. Presumably, either the Applicant or the City could obtain adequate right-of-way by purchase or donation. Since that has not occurred, the Hearing Examiner retains jurisdiction until such time as there is adequate right-of-way.<sup>4</sup> By the express

<sup>1</sup> The City cites RCW 58.17.110 that states a legislative body *may* disapprove a proposed plat if criteria for approval are not met. This does not require disapproval, but seems to recognize the option of remand. *See, page 5 of City’s Memorandum in Support of Petition.*

<sup>2</sup> The City cites RCW 58.17.140 in support of its argument that the plat process must come to completion within a reasonable time. However, the three-year limitation in Section 140 applies only after approval of a preliminary plat. That did not occur in this case. Since the Applicant did not challenge the remand, it appears the Applicant consented to an extension of time past the ninety day period for approval or disapproval as is allowed in RCW 58.17.140. *See, pages 3 & 6 of City’s Memorandum in Support of Petition.*

<sup>3</sup> In *Norco*, the Applicant sought to compel the County to act on its application. There was no effort by the County to declare the plat application “null and void”, the County merely failed to schedule any council action on the application after departmental approvals were received following remand. Here, the Applicant would not likely prevail in an action to compel the City to take action unless it has been determined that adequate right-of-way is available. The City is authorized to take further action only when right-of-way is available. The determination of adequate right-of-way is for the Hearing Examiner to decide. If the Applicant believes that adequate right-of-way is available, a request for further action supported by evidence should be presented to the Hearing Examiner. If the determination is favorable, further action on the application could occur.

<sup>4</sup> The City argues that keeping the application in a “perpetual state of limbo” is an absurd result that should be avoided. It is unfortunate the King County Council did not hear and heed this argument. The remand was fashioned by the County Council; there was no objection to it at the time; and the Applicant has not moved to compel action on this application. The issue before the Examiner is whether the condition of the remand has been fulfilled. The Hearing Examiner’s jurisdiction is limited. He cannot declare actions by the Council “null and void” even if compliance leads to an absurd result. The Hearing Examiner is in agreement with the City’s argument that the County should have disapproved the plat application based on  
*City of Covington Hearing Examiner  
Maple Hills Plat Determination  
Page 5 of 6*

terms of the remand, a finding of adequate right-of-way is a prerequisite to any further action on this application. If the Hearing Examiner determines adequate right-of-way exists, the application can be reviewed for consistency with the criteria for approval in effect at the time of the complete application. If the Hearing Examiner determines that adequate right-of-way does not exist, no further action on the application can be taken. *Findings of Fact No.3 & 7.*

#### Decision

The plat application is not "null and void".<sup>5</sup> However, since adequate right-of-way is not available, no further action can be taken on the application to approve or disapprove it. The application is suspended and will remain so until such time as adequate right-of-way is available. That determination must be made by the Hearing Examiner. The City and Applicant are urged to cooperate in defining what actions are needed to obtain the necessary right-of-way including identification of property ownership, willingness to allow pavement within limited right-of-way, variances from road standards for specified sections and other approaches toward meeting the condition of the remand. |

The Examiner notes that the Applicant's potential development of the subject property does not depend upon a revocation of the remand, the fulfillment of the remand condition or a declaration of "null and void". The Applicant is free to file a new application to subdivide the property. If he chooses to do so, the application would be reviewed under the laws in effect at the time of submittal of a complete application.

Decided this 3rd day of April 2001.

  
THEODORE PAUL HUNTER

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its findings of traffic impacts. However, it did not do so. It is remarkable that the Applicant did not object to a remand that gave a Hearing Examiner full discretion to determine if adequate right-of-way exists. Only a court can decide if the action by the County was "ultra vires" as argued by the City. The Hearing Examiner must adhere to the language of the remand as his jurisdiction is determined by Council action. *City Memorandum, page 7.*

<sup>5</sup>The application also is not "approved subject to a condition" as argued by the Applicant in his Memorandum of 2/27/01. The nature of the application is best characterized as "suspended" until such time as the condition of remand is fulfilled. It need not be determined if the City is "damaged" by having to process an application that is seventeen years old, because the City may never process the application unless the remand condition is fulfilled. Similarly, it need not be determined if the Applicant possesses "vested rights" until such time that the remand condition is fulfilled. *City Memorandum, page 9.*

MAPLE HILLS DOCUMENT INDEX

No.	BATES #	DATE	RE:	#/pp
1.	001	N/A	Public Notice of City of Covington's Petition to Hearing Examiner	1
2.	002-003	03/15/00	FAX to Kathy Fehlings from Sharon Scott (Covington) re Public Notice	2
3.	004-012	03/15/00	Affidavit of Service by Mail of Public Notice by Scott	9
4.	013	03/07/00	Letter to Michael Jensen from Wm. Kennedy (Covington) re public hearing on Maple Hills Plat	1
5.	014	02/16/00	Letter to Jensen from Duncan Wilson re response to previous correspondence as to inquiry re Maples Hills Prelim Plat application	1
6.	015	01/07/00	Letter to City of Maple Valley from Jensen re Maple Valley vacating a certain street	1
7.	016	01/07/00	Letter to Duncan from Jensen re Covington's position of the status of Maple Hills Plat	1
8.	017	12/22/00	Memo to Planning Commission from Wm. Kennedy re Design Manual; Urban Reserve District; Mineral District	1
9.	018	12/17/99	Letter to Dan Shane from Jensen re Covington Comprehensive Plan	1
10.	019	03/12/99	Letter to Jensen from Wilson re adoption of Ordinance No. 105-98 (10/27/98) to establish allocation of limited water resources to City from Covington Water District	1
11.	020		[PRIVILEGED]	1
12.	021	05/19/99	Letter to Jensen from Covington re Maple Hills Preliminary Plat Application	1
13.	022-023	01/25/99	Letter to Jensen from Wilson re follow up to Kennedy requests of 12/8/98	2
14.	024	03/12/99	See 10. (019) above	

No.	BATES #	DATE	RE:	#/pp
15.	025-026	12/08/98	Letter to Jensen from Kennedy re Maple Hills issues	2
16.	027-044	11/___/98	Declaration of William Kennedy in Opposition to Application for Writ of Mandamus [NOTE: not signed/dated]	18
17.	045	11/23/98	Letter to Wilson from Jensen re Notice of presenting a Writ of Mandamus	1
18.	046-047	10/30/98	Letter to Jensen from Kennedy re allocation of water	2
19.	048-050	10/27/98	Covington City Council Meeting/Study Session	3
20.	051	10/26/98	Letter to Kennedy from Jensen re Maple Hills Plat issues	1
21.	052	10/16/98	Letter to Jensen from Kennedy re Jensen's Letter of 10/6/98	1
22.	053	10/06/98	Letter to Kennedy from Jensen traffic analysis for Maple Hills Plat	1
23.	054-055	07/23/98	Letter to Kennedy from Jensen re Maple Hills Plat issues	2
24.	056	06/24/98	Letter to Kennedy from Jensen re Maple Hills Plat issues	1
25.	057	10/09/97	Letter to Stephen Quesenberry from Kennedy re Maple Hills Plat status	1
26.	058-064	05/05/98	Covington City Council Meeting - Agenda Item 8.F	7
27.	065-066	03/16/98	Letter to Kennedy from Sandy Adams (King Co) re Interlocal Agreement	2
28.	067	10/09/97	See 25. (057) above	1
29.	068-069	09/26/97	Letter to Kennedy from Quesenberry re status of Maple Hills Plat	2
30.	070-071	09/08/95	Memo to Caroline Whalen (King Co) from Joan Middleton (KC DPW) re 204th Avenue SE road establishment	2

No.	BATES #	DATE	RE:	#/pp
31.	072-074	08/02/95	Letter to John Nagle, Jr. from Mark Brzoska, PE (KC Senior Engineer) re 204th Avenue SE [NOTE: faxed to Whalen by Brzoska]	3
32.	075-076	03/25/93	Letter to Larry Reichert from Tim Hill (King Co Executive) re 204th Avenue SE road establishment	2
33.	077	03/10/00	Memo to Dennis Gorley (KC DPW) from Joe Miles (King Co) re 204th Avenue SE road establishment	1
34.	078-079	02/22/93	Letter to Audrey Grueger (King Co Council, Chair) and to Hill from Strafford Construction re 204th Avenue SE from SR519 approx. 1 mile	2
35.	080	09/09/91	Memo to Parties of Record from Lisa Pringle (KC Planner)	1
36.	081-082	03/19/90	Memo to Cindy Baker (King Co) from Rex Knight (King Co) re Plat of Maple Hills	2
37.	083	02/22/90	Memo to Tom Bertek (King Co) [NOTE: name crossed off and written-in Lydia] from Constance Iten (King Co) re Maple Hills Proposed Access Road	1
38.	084-090		Easement Agreement [NOTE: signed only by President of Shire Hills Owner and dated 2/5/96]	7
39.	091-102		Interlocal Agreement between King County and Covington Relating to Processing of Building Permits and Land Use Applications [NOTE: signed and dated by County (8/27/97) and City (7/15/97 and 7/16/97)]	12
40.	103-110	10/18/89	Letter to Shane from Enayat Aziz, PE re Geotech analysis as a part of roadway location study for proposed Maple Hills Plat subdivision north access road between Jenkins Creek and north boundary	8
41.	111-112	08/28/89	Letter to Aziz from B-twelve Assoc. re Maple Hills Road (204th Avenue SE)	2
42.	113-114	02/23/89	Letter to Aziz from Baker re Plat of Maple Hills Access Road	2

No.	BATES #	DATE	RE:	#/pp
43.	115-134	11/18/88	Report and Recommendation to the King Co Council re Proposed Plat of Shire Hills [NOTE: approved subject to conditions; signed by James O'Connor, King County Examiner]	20
44.	135	04/04/88	Motion No. 7147 re need to establish a north-south neighborhood collector street from SR516 to vicinity of 204th [NOTE: signed and dated by Gary Grant (Council Chair)]	1
45.	136	05/13/87	Notice of Remand re Proposed Plat of Maple Hills [NOTE: signed and dated by O'Connor]	1
46.	137-138	05/08/87	Motion No. 6857 re remand of application for preliminary plat approval of the proposed Plat of Maple Hills [NOTE: signed and dated (5/11/87) by Grant]	2
47.	139	02/12/87	Memo to O'Connor from Bryan Glynn (Mgr, KC BALD) re Maple Hills Condition 12	1
48.	140-145	01/30/87	Supplemental Report and Recommendation to the King County Council re Proposed Plat of Maple Hills [NOTE: approved subject to conditions; signed and dated by O'Connor]	6
49.	146-155	05/16/86	Report and Recommendation to the King Co Council re Proposed Plat of Maple Hills [NOTE: approved subject to conditions; signed by O'Connor]	10
50.	156-217	05/01/86	KC BALD's Environmental Assessment and Preliminary Report to the Examiner 5/1/86 Public Hearing re Proposed Plat of Maple Hills	62
51.	218-220	03/25/86	Memo to Irv Goddard (King Co) from Steven Townsend (KC SWM) re Preliminary Plat of Maple Hills	3
52.	221-230	N/A	Environmental Assessment of Proposed Plat of Maple Hills [NOTE: no indication of preparer, but is indicated as "Attachment 'A' "]	10
53.	231-242	02/06/86	Environmental Checklist re Proposed Plat of Maple Hills	7
54.	243-245	01/27/86	Letter to Shane from Gerald Marbett re Ordinance No. 7426	3

No.	BATES #	DATE	RE:	#/pp
55.	246-281	11/08/85	Report and Recommendation to the King County Council re Ramac, Inc. RS 15,000 to SR (9600) [NOTE: approve 9600-P subject to conditions; signed and dated by R.S. Titus, Examiner]	38
56.	282-283	09/06/85	Notice of Continued Hearing re Ramac, Inc. RS 15,000 to SR (9600) [NOTE: signed and dated by Titus]	2
57.	284	07/17/85	Rescheduled Hearing re Reclassification Request of Ramac, Inc. [NOTE: signed and dated by Titus]	1
58.	285		See 57. (284) above	1
59.	286	06/19/85	Notice of Continued Hearing re Ramac, Inc. RS 15,000 to SR (9600) [NOTE: signed and dated by Titus]	1
60.	287	05/15/85	Notice of Reopened Hearing re Ramac, Inc. RS 15,000 to SR (9600) [NOTE: signed and dated by Titus]	1
61.	288	05/06/85	Proceedings of the King County Council Regular Meeting re appeal/motion to reconsider denial of Ramac, Inc. RS 15,000 to SR (9600) [NOTE: Council passed motion]	1
62.	289-290	N/A	Examiner's Summary of Appeal Issues re Ramac, Inc. RS 15,000 to SR (9600) [NOTE: not signed or dated; but Examiner noted as Titus]	2
63.	291		See 60. (287) above	1
64.	292		See 61. (288) above	1
65.	293-294		See 62. (289-290) above	2
66.	295-296	04/19/85	Notice of Appeal Meeting Date re Ramac, Inc. [NOTE: by O'Connor]	2
67.	297-304	03/08/85	Report and Recommendation to the King County Council re Ramac, Inc. RS 15,000 to SR (9600) [NOTE: deny; signed and dated by Titus]	9
68.	305-306		See 66. (295-296) above	2

No.	BATES #	DATE	RE:	#/PP
69.	307-345		KC BALD's Addendum III Report to the Examiner February 21, 1985 Public Hearing re Ramac, Inc.	39
70.	346-347		KC BALD's Environmental Assessment and Preliminary Report to the Examiner July 19, 1984 Public Hearing re Ramac, Inc.	2
71.	348-350		KC BALD's Environmental Assessment and Preliminary Report to the Examiner September 20, 1984 Public Hearing re Maple Hills	3
72.	351-352		KC BALD's Environmental Assessment and Preliminary Report to the Examiner July 21, 1983 Public Hearing re Preliminary Plat of Maple Hills/Applicant Ramac, Inc.	2
73.	353-354	07/05/83	Letter to Thomas Barghausen, PE from G.E. Wannamaker (KC DPW) re Proposed Plat of Maple Hills	2
74.	355-357	07/01/83	Letter to Wannamaker from Barghausen re Proposed Plat of Maple Hills	3
75.	358	06/20/83	Letter to Shane from Barghausen re Maple Hills Plat submittal	1
76.	359-376	06/83	Maple Hills Traffic Study prepared by Aziz Engineering	17
77.	377		[PRIVILEGED]	1
78.	378-381	10/27/89	Letter to Baker (King Co) from Aziz re Maple Hills Subdivision proposed north access road	4
79.	382-391	10/20/89	Letter to Shane from Aziz re Maple Hills Subdivision proposed north access road, traffic linkage analysis	10
80.	392-403	10/18/89	Letter to Shane from Aziz re Geotech analysis as part of roadway location for the proposed Maple Hills Subdivision north access road between Jenkins Creek and north boundary of the proposed Maple Hills Subdivision	12
81.	404-406	08/28/89	Letter to Aziz from Susan Burgemeister (B-12) re Maple Hills Road	3
82.	407-410	02/28/89	Memo to Aziz from Burgemeister re overview of south side of Jenkins Creek wetland	4

No.	BATES #	DATE	RE:	#/pp
83.	411-412	02/23/89	Letter to Aziz from Baker (King Co) re Plat of Maple Hills Access Road	2
84.	413-414	12/16/88	Letter to Bertek from Aziz re Maple Hills Road access	2
85.	415	03/22/83	Application for Preliminary Approval (Subdivision)	1
86.	416	01/02/80	Motion No. 4842 granting appeal for the Proposed Plat of Maple Hills	1
87.	417-424	05/12/80	Letter to Shane from Jim Platt re Motion No. 4842 enclosed in letter	8
88.	425		See 86. (416) above	1
89.	426	04/09/79	Memo to Examiner from Edward Sand (KC BALD) re Cedar Downs Division 7	1
90.	427		See 47. (139) above	1
91.	428	08/25/78	Declaration of Significance/Non-Significance re Proposal of G General to S-R Suburban Residential (Proponent: Dan Shane)	1
92.	429	05/16/79	Report of Continued Hearing re Proposed Plat of Maple Hills [signed by O'Connor]	1
93.	430-438		KC BALD's Environmental Assessment and Preliminary Report to the Examiner January 4, 1979 Public Hearing re Proposed Plat of Maple Hills	9
94.	439		KC BALD's Environmental Assessment and Preliminary Report to the Examiner November 16, 1978 Public Hearing re Proposed Plat of Maple Hills	1
95.	440		See 94. (439) above	1
96.	441-447	08/07/78	Environmental Checklist re Ramac, Inc.	7
97.	448	07/31/78	Proposed/Final Declaration of Significance/ Non-Significance (Corrected Notice) re Proposal No. 276-78-R [Ramac] [NOTE: signed by Edward Sand, Mgr BALD]	1
98.	449	07/31/78	Declaration of Significance/ Non-Significance re Proposal of Ramac [G to RM-1800] [NOTE: signed by Sand]	1

No.	BATES #	DATE	RE:	#/pp
99.	450	07/21/78	Declaration of Significance/ Non-Significance re Proposal of Ramac [G to RM-1800] [NOTE: signed by Sand]	1
100.	451	07/21/78	Proposed/Final Declaration of Significance/ Non-Significance (Corrected Notice) re Proposal Nos. 273-78-R, 274-78-R, 275-78-R, 276-78-R, 277-78-R, 278-78-R, 279-78-U, 280-78-R, 281-78-R, 282-78-R, 283-78-R, 284-78-R [NOTE: signed by Edward Sand, Mgr BALD]	

**BEFORE the HEARING EXAMINER  
of the  
CITY of COVINGTON**

**DECISION**

FILE NUMBER: PP99-004/1025

APPLICANT: ECL Investors, LLC

TYPE OF CASE: Preliminary subdivision (*Maple Hills*)

STAFF RECOMMENDATION: Approve subject to conditions

SUMMARY OF DECISION: GRANT subject to revised conditions

DATE OF DECISION: September 21, 2006

**INTRODUCTION**

ECL Investors, LLC (ECLI), 825 Fifth Avenue, Suite 202, Kirkland, Washington 98027, successor in interest to RAMAC, Inc. (RAMAC), and current owner of the subject property seeks preliminary subdivision approval of *Maple Hills*, a 150 lot single family residential subdivision of a 45.3 acre site.

RAMAC filed the preliminary subdivision application with the Building and Land Development (BALD) Division of the King County Department of Planning & Community Development on April 14, 1983, prior to the incorporation of Covington. (Exhibit 2 <sup>1</sup>) The history of the *Maple Hills* application from that date to the present is summarized in Findings 2 - 11, below.

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<sup>1</sup> Exhibit citations are provided for the reader's benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner's Decision is based upon all documents in the record.

The Covington Staff Report states that the application was filed on March 22, 1983. (Exhibit 1, p. 2, Finding 2) The application form itself shows that RAMAC signed the application on March 22, 1983, but that it was not received until April 14, 1983. (Exhibit 2) The date stamp is controlling as to the date the application was filed.

HEARING EXAMINER DECISION  
RE: PP99-004/1025 (*Maple Hills*)  
September 21, 2006  
Page 2 of 27

The subject property lies between 204<sup>th</sup> and 209<sup>th</sup> Avenues SE and between SE 256<sup>th</sup> and SE 260<sup>th</sup> Streets (if all named streets were extended).

The Covington Hearing Examiner (Examiner) viewed the subject property on September 13, 2006.

The Examiner held an open record hearing on September 13, 2006. The Covington Department of Community Development (CDD) gave notice of the hearing as required by the Covington Municipal Code (CMC). (Exhibit 9) The Examiner left the record open not later than September 15, 2006, for receipt of a signed copy of Exhibit 22. The signed copy was received on and the record closed on September 14, 2006.

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner's knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

### ISSUES

Does the application meet the criteria for preliminary subdivision approval applicable to this unique application? Specifically, does the application provide "adequate right-of-way ... to enable the construction of a public street, consistent with King County's adopted road standards, between the subject property and the Kent-Kangley Road (Southeast 272<sup>nd</sup> Street; S.R. 516)"? <sup>2</sup> (Exhibit 7, p. 2, ll. 1 – 5) Does *Maple Hills* meet all other applicable requirements for approval established by prior governmental actions?

### FINDINGS OF FACT

1. The proposed *Maple Hills* subdivision occupies some 45 acres in the most northeasterly corner of the present City of Covington (City or Covington). It is bordered on its east by *Cedar Downs*, a single family residential subdivision in the City of Maple Valley (Maple Valley). (Exhibit 4 and official notice) The site is located roughly 4,400 feet (0.8 miles) north of SE 272<sup>nd</sup> Street. (Exhibits 1, 4, and 10)
2. BALD received a complete preliminary plat application on April 14, 1983, which was assigned file number 783-21. The original application proposed subdivision of the site into 192 lots. (Exhibit 2)
3. A contemporaneous application seeking to rezone the property from RS 15,000 to RS 9600-P, BALD file number 226-83-R, was initially joined with the subdivision application for hearing, but was later

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<sup>2</sup> Kent-Kangley Road, SE 272<sup>nd</sup> Street, and SR 516 are three alternate names for the same street. The Examiner will use SE 272<sup>nd</sup> consistently throughout this Decision (unless quoting a source which uses one of the other names).

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separated. (Exhibit 5, p. 1) “On December 2, 1985 the King County Council enacted Ordinance 7426 . . . . Ordinance 7426 was approved by the King County Executive on December 16, 1985.” (Exhibit 5, p. 2, Finding 3) Ordinance 7426 rezoned the *Maple Hills* site from RS 15,000 to RS 9,600-P subject to certain conditions.

The relevant conditions of the reclassification enacted by Ordinance 7426 are:

- “1. At the time of development of the subject property, a primary access to the subject property shall be required connecting the subject property to the Kent-Kangley Road by way of 204<sup>th</sup> Avenue S.E., or via another comparable alignment (not through Cedar Downs) acceptable to the King County Department of Public Works. Specific design standards and financial responsibilities for assuring completion of this street will be resolved through the preliminary plat review process. Completion of the road to County standard shall coincide with, or precede, completion of internal circulation streets within the plat.”
- “4. During the preliminary plat review, the Subdivision Technical Committee will evaluate the proposal to barricade or otherwise restrict access between the subject property and the plat of Cedar Downs to only emergency vehicles or pedestrians. This condition does not require such a barricade or restriction. It requires only an evaluation.”

(Exhibit 5, pp. 2 and 3, Finding 4)

4. RAMAC submitted a revised subdivision proposal on April 1, 1986, (Exhibit 4) proposing to subdivide the property into 150 residential lots “with 6.5 acres of permanent open space and additional area for storm water retention ponds.” (Exhibit 5, p. 2, Finding 3, ¶ 2) It is that version of the subdivision which has been the subject of all subsequent hearings, including this Examiner’s September 13, 2006, hearing. The April 1, 1986, “proposal is consistent with the density permitted in the RS (9600) zone classification, and is consistent with Ordinance 7426.” (Exhibit 5, p. 2, Finding 3, ¶ 2)
5. King County issued a Declaration of Non-Significance<sup>3</sup> for the *Maple Hills* proposal on May 31, 1983, pursuant to the State Environmental Policy Act (SEPA). A revised Environmental Checklist was submitted on February 6, 1986, (Exhibit 3) and the SEPA threshold determination was reissued on May 1, 1986, based on the revised Checklist. (Exhibit 1)

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<sup>3</sup> The current terminology is “Determination of Nonsignificance” (DNS).

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State SEPA regulations [Chapter 197-11 WAC] do not include any automatic expiration provisions for threshold determinations. [WAC 197-11-340] A SEPA “lead agency” (the entity which issues the threshold determination) “shall withdraw a DNS if” any one of three situations exists: The proposal has been so substantially changed that significant adverse environmental impacts are likely; significant new information has become available prior to issuance of the underlying permit regarding environmental impacts; or the DNS was procured by misrepresentation or lack of material disclosure. [WAC 197-11-340(3)(a) and (b)] Lead agencies act through their “responsible official,” “that officer or officers, committee, department, or section of the lead agency designated by agency SEPA procedures to undertake its procedural responsibilities as lead agency.” [WAC 197-11-788] The successor lead agency is Covington. Covington’s responsible official is “the City Manager, or the City Manager’s designee.” [CMC 16.10.040(1)] Neither the City Manager nor his/her designee has withdrawn the SEPA threshold determination for *Maple Hills*.

6. The King County Zoning and Subdivision Examiner held a public hearing on the revised *Maple Hills* preliminary plat on May 1, 1986. The Examiner issued his Report and Recommendation to the King County Council on May 16, 1986. (Exhibit 5)

Among the Conclusions in that Report are the following:

5. Adequate traffic circulation to and from the subject property requires the dedication and construction, prior to final plat approval, of 204<sup>th</sup> Street S.E.  
 ....
6. ... Adequate access to and from the subject property, in order to meet the requirements of the public health, safety and welfare, requires a street connection between the subject property and the existing street system to the east. A single point of access to the subject property and the adjacent and nearby properties to the north would be detrimental to the public health, safety and welfare and not in the interest of the majority of the citizens of King County.

(Exhibit 5, p. 5) The Zoning and Subdivision Examiner recommended approval of the preliminary plat with 20 conditions of approval:

- A. Conditions 1 – 3 and 15 are essentially procedural in nature.
- B. Conditions 4, 5, 7, and 9 address storm drainage. They require compliance with Chapter 20.50 of the King County Code, provision of oil/sediment separators, location of detention ponds in separate tracts, and compliance with King County Ordinance Nos. 4938, 5824, and 5940 regarding storm water runoff.
- C. Condition 6 requires temporary erosion and sedimentation control during site development.

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- D. Conditions 8 and 11 relate to fire protection. Condition 8 requires approval from the King County Fire Marshal for water mains and hydrants. Condition 11 allows imposition of “an area-wide fire protection assessment”.
- E. Condition 10 requires all public and private roads which are constructed or upgraded to meet the standards established by King County Ordinance No. 4463, as amended.
- F. Condition 12 requires primary access to *Maple Hills* to be 204<sup>th</sup> Avenue SE “and a secondary access connecting with the present extension of S.E. 258<sup>th</sup>/S.E. 259<sup>th</sup> Street as developed within the plat of Cedar Downs.” The first paragraph requires a full-width county road along the 204<sup>th</sup> Avenue SE alignment between *Maple Hills* and SE 272<sup>nd</sup> Street to be paid for by the developer. It requires the construction to “be coincidental with or prior to the development of the proposed plat.” And it requires there to be a walkway “on one side of the roadway”.

The second paragraph of Condition 12 allows the developer to seek “late-comers” reimbursement for its 204<sup>th</sup> Avenue SE costs.

The third and final paragraph in Condition 12 requires the developer to construct a left turn lane on SE 272<sup>nd</sup> Street at the 204<sup>th</sup> Avenue SE intersection.

- G. Conditions 13 and 14 require internal design revisions. Condition 13 requires “F” Street (the extension of 204<sup>th</sup> Avenue SE into and through the site) to intersect the north property boundary substantially further west than shown. (The amount of shift desired is not stated in the Condition.)

Condition 14 requires an additional street stub to the north property line in the vicinity of Proposed Lots 21 and 22 (adjacent to a storm water pond tract).

- H. Condition 15 requires that a north-south ingress/egress easement through the middle of the property be vacated prior to final plat approval.
- I. Condition 16 requires the developer to provide active recreational facilities within the open space.
- J. Condition 17 requires virtually all construction traffic to use only 204<sup>th</sup> Avenue SE.
- K. Conditions 18 – 20 address filling of low areas. They require compensatory storm water detention capacity for filled areas and compaction of fill as necessary for the intended use of the area.

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7. The King County Zoning and Subdivision Examiner's May 16, 1986, Recommendation was remanded by the Council, sitting as the Land Use Appeals Committee, on September 29, 1986, with instructions to revise the wording of Condition 12 to require full right-of-way and full improvements to 204<sup>th</sup> Avenue SE, including a time frame for execution of the requirements. The Council required no other changes. (Exhibit 6)

The Zoning and Subdivision Examiner thereafter allowed written submittals by all parties and then issued a Supplemental Report and Recommendation to the King County Council dated January 30, 1987. (Exhibit 6) The Zoning and Subdivision Examiner proposed revised language for Condition 12 which continued to state that 204<sup>th</sup> Avenue SE was the primary access and that the *Cedar Downs* connection was a secondary access; it provided that if King County did not acquire the needed right-of-way for 204<sup>th</sup> Avenue SE within 42 months of preliminary plat approval, the developer could proceed on the basis of constructing a half-street improvement; it retained the "late-comers" recovery provision; and it revised the 204<sup>th</sup> Avenue SE/SE 272<sup>nd</sup> Street left turn lane requirement by also requiring construction of a "school bus pull-off and loading zone". (Exhibit 6, pp. 3 and 4)

Subsequent to issuance of the Zoning and Subdivision Examiner's Supplemental Recommendation, BALD filed an objection regarding the revised language of Condition 12. BALD, in part, objected because it lacked funds and resources to handle acquisition of the 204<sup>th</sup> Avenue SE right-of-way. (Exhibit 15)

8. The "King County Council considered the preliminary plat application of Maple Hills ... at its land use appeals meeting on April 27, 1987". (Exhibit 7, p. 1, ll. 9 - 12) On May 11, 1987, the County Council adopted Motion No. 6857. (Exhibit 7) Motion No. 6857 states in part:

WHEREAS, based on the information received at the April 27, 1987 meeting there does not presently exist adequate right-of-way to provide the primary access to the proposed plat of Maple Hills, from the Kent-Kangley Road (Southeast 272<sup>nd</sup> Street; S.R. 516), and

WHEREAS, development of the subject property, as presently proposed, without construction of a direct access to the Kent-Kangley Road according to adopted King County road standards, would generate substantial additional traffic over existing local access streets and be detrimental to the public safety and welfare, and

WHEREAS, the council [*sic*] of King County does hereby find and conclude that the proposed subdivision of Maple Hills cannot, at present, make appropriate provision for streets or other public ways, and the public use and interest would not be served by approval of this subdivision;

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NOW, THEREFORE, BE IT MOVED by the Council of King County:

The application of the proposed plat of Maple Hills (file no. 783-21) is remanded to the zoning and subdivision examiner for further action at such time as adequate right-of-way is available to enable the construction of a public street, consistent with King County's adopted road standards, between the subject property and Kent-Kangley Road (Southeast 272<sup>nd</sup> Street; S.R. 516).

(Exhibit 7, p. 1, ll. 13 – 31, and p. 2, ll. 1 – 5, emphasis added)

9. On August 31, 1997, Covington incorporated. (Exhibit 1) The *Maple Hills* site occupies the northeast corner of the City limits. (Official notice)
10. Effective December 25, 2000, the short stub of SE 259<sup>th</sup> Street in *Cedar Downs* between 210<sup>th</sup> Avenue SE and the east edge of the *Maple Hills* property was vacated by Maple Valley. (Exhibits 14 and 22) Therefore, the ability to use SE 259<sup>th</sup> Street easterly as a secondary access to and from *Maple Hills* does not presently exist.
11. On February 28, 2001, a prior City Hearing Examiner (not the undersigned) held a public hearing on a "Petition by the City to have the [*Maple Hills*] application for preliminary plat approval declared null and void". (Exhibit 8, p.1) On April 3, 2001, that Examiner issued a decision that the plat application is not "null and void." (Exhibit 8, p. 6) That Examiner concluded that the

remand by the King County Council is for an indefinite period. The King County Council did not limit the duration of the remand except until "such time as adequate right-of-way is available...". ... Now [in 2001], some seventeen years after the filing of the initial application, the City requests the Examiner to declare the proposal "null and void", presumably because the Applicant seeks approval of the application at this time. There is no legal basis for the Hearing Examiner to take the action requested by the City.

(Exhibit 8, p. 4, Conclusion 1, ¶ 1) He further concluded that

Since [acquisition of adequate right-of-way for 204<sup>th</sup> Avenue SE] has not occurred, the Hearing Examiner retains jurisdiction until such time as there is adequate right-of-way. By the express terms of the remand, a finding of adequate right-of-way is a prerequisite to any further action on this application. If the Hearing Examiner determines adequate right-of-way exists, the application can be reviewed for consistency with the criteria for approval in effect at the time of the complete application.

(Exhibit 8, pp. 5 and 6, Conclusion 2)

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12. ECLI now seeks approval of the April 1, 1986, version of *Maple Hills*. (Exhibit 1) Because of the vacation of the SE 259<sup>th</sup> Street stub in *Cedar Downs*, ECLI is willing to delete the matching road stub in *Maple Hills* and proposes an alternative secondary access. (Testimony)
13. ECLI has provided information to document availability of right-of-way in the 204<sup>th</sup> Avenue SE corridor from the site to SE 272<sup>nd</sup> Street. In summary, the 204<sup>th</sup> Avenue SE corridor between SE 272<sup>nd</sup> Street and *Maple Hills* is, with but one exception, a combination of existing dedicated right-of-way, access tracts, and access easements. (Exhibits 10a, 10b, 10c, 17, and 18)

The major, underlying document is a 60 foot wide easement, 30 feet on each side of the north-south center section line in Section 29, Township 22 North, Range 6 East, W.M., created in 1956 which runs from SE 272<sup>nd</sup> Street north to a point approximately 300 feet south of the southwest corner of *Maple Hills*. The easement was conveyed “to each other, our successors and assigns” and obligates all such people to “deed the above described 60 foot strip to King County in the event that the County shall agree to receive the same and to maintain a county road over said strip.” (Exhibit 10a, sheets 2 – 10 {quotes from pp. 2 and 3}, being a copy of Instrument No. 4842412, Recorded in Vol. 3726 at Pages 555 - 563) Subsequently, portions of that original easement have been dedicated as right-of-way; other portions have been involved with short subdivisions where the conditions of approval also include a “dedicate upon demand” clause.<sup>4</sup> (Exhibits 10a and 10b)

204<sup>th</sup> Avenue SE, in its present condition, has historically been maintained first by King County and, since incorporation, by the City. (Argument by counsel)

14. The northerly 300 feet of the proposed right-of-way are not subject to the 1956 easement. The easterly 30 feet of the required 60 foot r/w is owned by the Covington Water District and is subject to an ingress/egress easement which does not include a dedicate-upon-demand clause. ECLI and the District are currently negotiating the terms under which the Covington Water District would dedicate that strip. (Exhibits 10c, 18, and 19)

The westerly 30 feet of that 300 foot stretch lies within Tract G in the recorded plat of *Shire Hills Division No. 1 (Shire Hills)*. (Exhibit 10c) *Shire Hills* was recorded in 1993. Tract G is a “Reserved area for future division of Shire Hills”. (Official notice of notations on the face of the recorded plat, a public document) ECLI either controls Tract G or has the ability to obtain right-of-way within Tract G from the party which controls it.

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<sup>4</sup> This right of the applicable municipality to demand dedication of the entirety of the 60 foot strip existed long before the *Maple Hills* application was filed in 1983. Why King County did not simply condition approval of the subdivision upon execution of the demand and consequent conversion of the strip into dedicated right-of-way is not disclosed in the record before this Examiner. The very same right to create a dedicated right-of-way existed in the 1980s as exists today.

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15. CDD opines that additional right-of-way will also need to be acquired from Puget Sound Energy (PSE), beyond the area of the 60-foot easement with the dedicate-on-demand requirement, to provide the requisite radius return in the northwesterly corner of the 204<sup>th</sup> Avenue SE/SE 272<sup>nd</sup> Street intersection. (Exhibit 1) ECLI disputes the need for additional radius return right-of-way at that location, submitting a drawing showing that the required road section with both the required radius return and a “far-side” bus stop area can be (just barely) accommodated within available right-of-way. (Exhibit 20) Nevertheless, ECLI is voluntarily negotiating with PSE to acquire this additional dedication. (Testimony)
16. CDD believes it likely that there are existing structures and encroachments within the 204<sup>th</sup> Avenue SE corridor. (Exhibit 1, p. 4, Finding 13) CDD’s belief was not refuted or challenged during the hearing.
17. As noted previously, the easterly connection to SE 259<sup>th</sup> Street is no longer available. ECLI proposes to provide the required second access through *Shire Hills* at the same standard (Urban Neighborhood Collector) as would have been the proposed SE 259<sup>th</sup> Street connection to Cedar Downs. The proposed *Shire Hills* connection will presumably run from near the southwest corner of *Maple Hills* to the intersection of SE 259<sup>th</sup> Street and 203<sup>rd</sup> Avenue SE in *Shire Hills*. (Exhibits 1 and 10c and testimony) The *Shire Hills* connection leads to 200<sup>th</sup> Avenue SE, which eventually reaches SE 272<sup>nd</sup> Street as 201<sup>st</sup> Avenue SE, the entrance to *Tall Timbers*. (Testimony and official notice)
18. The “A” Street right-of-way within *Maple Hills* would abut the private access easement known commonly as 208<sup>th</sup> Avenue SE, which in turn connects to another private access easement, SE 260<sup>th</sup> Street (a leg of the 1956 60 foot wide easement). (Exhibits 4, 10a, and 17 and testimony) The City will not require and ECLI does not intend that an actual street be constructed within the “A” Street right-of-way. (Testimony)
19. The Covington Comprehensive Plan, adopted December 16, 2003 (Plan), designates this corner of the City from SE 272<sup>nd</sup> Street on the south north to the City limits as “Low Density Residential 4du/ac”. The *Shire Hills* area to the west is designated “Medium Density residential 6du/ac”. An area around the west end of Pipe Lake, located essentially between SE 264<sup>th</sup> and SE 268<sup>th</sup> Streets on the east side of 204<sup>th</sup> Avenue SE is designated as “Public Use”.<sup>5</sup> The parcel adjacent to the southwest corner of *Maple Hills* owned by the Covington Water District is designated “Public Utility”. (Official notice, Plan, Fig. 2.1)

The current City zoning of the entire area designated Low density Residential, as well as the areas designated Public Use and Public utility described in the preceding paragraph, is R-4, 4 du/ac. The

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<sup>5</sup> This designation likely represents the “park” that some witnesses mentioned was planned for the area. If so, it is located a substantial distance south of *Maple Hills*.

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area described above as designated “Medium Density residential” is zoned R-6, 6 du/ac. (Official notice)

Neither the Plan nor the City’s zoning contain any “rural” designations or zones.

20. The Plan includes a 20 year (2004-2024) Capital Improvement Plan (CIP). In addition, it contains “a conceptual layout of additional future roads needed to accommodate the potential growth beyond the 20 year period. This area will be reviewed regularly and integrated into the land use forecast and 20-year CIP when the timing of redevelopment is more certain.” (Plan, p. 5.32) Exhibit 16 depicts projects on the current 20-year CIP (those with project numbers in the 10xx and 11xx series) as well as the possible future additions (those with project numbers in the 12xx series). Project 1201 envisions the connection of 204<sup>th</sup> Avenue SE from SE 272<sup>nd</sup> Street north along the west edge of the *Maple Hills* site to connect to another future project, the SE 240<sup>th</sup> Loop.

The Plan also identifies “Potential Annexation Areas” (PAA) and “Adjacent Areas of Concern” (AAC). PAA 1 lies immediately north of *Shire Hills* and diagonally northwest of *Maple Hills*; AAC 5 lies immediately north of *Maple Hills* and wraps around the east and north sides of PAA 1. (Plan, Fig. 2.2, as amended) “The City sees major long-term opportunities to convert [PAA 1] to urban uses after the interim resource extraction activities cease.” (Plan, p. 2.10) With respect to AAC 5, “the City supports the concept of ‘transfer of development rights’ from AAC 5 into the urban area, and proposes to pursue the necessary inter-local agreements with the County as an additional tool to protect rural character and environmentally sensitive systems.” (Plan, p. 2.9)

21. Service purveyors have changed since the time *Maple Hills* was considered by King County: Public water service will be provided by the Covington Water District, not Water District 105; public sewer service will be provided by Soos Creek Water and Sewer District, not Cascade; and fire protection is provided by King County Fire Protection District No. 37 (District No. 37), not District No. 43. (Exhibit 5, Attachment, and testimony)
22. ECLI has entered into a Voluntary Mitigation Agreement with District No. 37 to pay \$672.00 per single family dwelling unit (or \$470.00 per each dwelling unit provided with a residential sprinkler system) as mitigation for impacts to fire protection services. The terms of the Agreement require the fee to be paid within three business days after final plat approval by the City. (Exhibit 21)
23. CDD concludes that ECLI

has demonstrated that sufficient right-of-way exists in the 204<sup>th</sup> Avenue SE corridor for construction of road improvements, consistent with Zoning and Subdivision Examiners [*sic*] Conditions, once right-of-way dedications are obtained from those properties encumbered by access easements or access tracts requiring such dedications, if adequate property is obtained from the Covington Water District and

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Puget Sound Energy, and if possible encroachments in this right-of-way are identified and removed.

CDD therefore recommends approval of *Maple Hills* subject to five conditions:

1. All conditions of approval contained in the Report and Recommendation to the King County Council from the Office of the Zoning and Subdivision Examiner, dated May 16, 1986, with the exception of the secondary access requirements stated in recommended condition No. 12, which required a second access to the east to Cedar Downs Subdivision, are hereby adopted as conditions of the preliminary plat approval.
2. In lieu of the secondary access requirements through the Cedar Downs neighborhood stated in condition No. 12 of the King County Zoning and Subdivision Examiner's Report, the applicant shall provide secondary access to the plat by means of a 60-foot wide dedicated right-of-way connecting the proposed plat to the existing developed street system in the Shire Hills neighborhood. The connection to the existing Shire Hills street system shall be located at the existing intersection of SE 259<sup>th</sup> Street and 203<sup>rd</sup> Avenue SE. Prior to receiving any construction approvals for the plat, the applicant shall dedicate a 60-foot wide right-of-way for this required second access, extending from the proposed preliminary plat to the intersection noted above, and shall develop this new connection to Urban Neighborhood Collector standards.
3. Prior to receiving any construction approvals for the plat, the applicant shall obtain the dedication of all access tracts and easements along the 204<sup>th</sup> Avenue SE corridor. The applicant shall assume all costs involved with obtaining these dedications. The applicant at its sole expense shall also resolve any encroachments in the right-of-way to be dedicated.
4. Prior to receiving any construction approvals for the plat, the applicant shall obtain the dedication of necessary property owned by the Covington Water District and Puget Sound Energy along the 204<sup>th</sup> Avenue SE corridor. The applicant shall assume all costs involved with obtaining these dedications.
5. Prior to receiving any construction approvals for the plat, the applicant shall construct 204<sup>th</sup> Avenue SE from the South property line of the proposal site to the Kent-Kangley Road, to the standards stated in the King County Zoning and Subdivision Examiner report, dated May 16, 1986, Finding No. 6: 60-foot right-of-way, developed with 22-foot pavement width (two 11-foot travel

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lanes) on a 38 foot minimum width roadway. Street improvements along 204<sup>th</sup> Avenue SE shall include a paved walk on the West side of the street.

(Exhibit 1, pp. 6 and 7)

24. ECLI objects to certain aspects of the CDD Recommended Conditions. ECLI's requested changes and CDD's responses are:

A. Recommended Conditions 2 – 5. ECLI objects to the “Prior to receiving any construction approvals for the plat” language in these conditions. ECLI believes that the Zoning and Subdivision Examiner's 1986 Recommendation controls all aspects of the case other than the question of right-of-way availability for 204<sup>th</sup> Avenue SE. Condition 12 in that Recommendation requires construction “coincidental with or prior to the development of the proposed plat.” (Exhibit 5, p. 7, Condition 12, ¶ 1) ECLI elects to construct the necessary improvements coincident with construction of the plat's internal street system to reduce impact on the neighborhood and to increase construction efficiency. (Testimony)

CDD opposes these changes, citing a concern that the plat could be finished before clear title to all of the necessary right-of-way had been received by the City. CDD does not want that situation to happen. (Testimony)

B. Recommended Conditions 3 and 4. ECLI requests that the “shall obtain the dedication” clauses in these conditions be revised to read “shall in the name of the City obtain the dedication”. ECLI points out that right-of-way would not be dedicated to it as a private entity, but to the City. It believes that the present wording could be misconstrued. (Testimony)

CDD expressed no objection to this request.<sup>6</sup>

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<sup>6</sup> At least one witness objected to this request, fearing that the requested change might be used by ECLI and the courts to avoid adequate compensation for the right-of-way. (Testimony)

This concern appears to be a clear misunderstanding of the “dedicate-on-demand” provisions of the original 1956 easement and subsequent short subdivisions. The current owners were committed by their predecessors back in 1956 to dedicate their portion of the 60 foot strip whenever requested by the County (City). Nothing in the language of the easement suggests that the County (City) was to pay for the property. In fact, the opposite is implied: The notion is expressed that if the County will take over 204<sup>th</sup> Avenue SE and maintain it, the owners will gladly give them the property to do so.

This question is not central to the Examiner's charge in this case, nor need the Examiner reach any formal conclusion regarding compensation for the right-of-way.

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- C. Recommended Condition 5. ECLI asks that the location of the required pedestrian walkway not be specified as “on the west side of” 204<sup>th</sup> Avenue SE. It would prefer that the phrase be changed to read “on one side of” to give it flexibility to determine the best side for the walkway based on engineering considerations. (Testimony)

CDD expressed no objection to this request.

- D. Recommended Condition 4. ECLI objects to the inclusion of the PSE property in this condition. As noted above, ECLI believes that sufficient right-of-way exists within the 60 foot wide corridor to provide the necessary return radius without any additional right-of-way acquisition from PSE. While it is continuing to negotiate with PSE for the additional right-of-way which the City seeks, it remains convinced that additional right-of-way is not necessary. (Testimony)

CDD expressed no objection to this request.

25. *Maple Hills* has been controversial from its beginning. (Exhibits 5, 6, and 8, among others) It remains controversial today. Citizens who live in the area along 204<sup>th</sup> Avenue SE and in *Cedar Downs* have numerous concerns about *Maple Hills*. (See Exhibits 11, 12, 14, and 22 and testimony) A number of their concerns are beyond the proper scope of this proceeding and will not be addressed.

Hearing participants who live along the 204<sup>th</sup> Avenue SE corridor support CDD’s position regarding the timing of the 204<sup>th</sup> Avenue SE improvements. They believe that the street needs to be completed before construction traffic associated with the subdivision *per se* begins traveling up and down the street. They cite the street’s narrow pavement width and use by school children as a major safety issue supporting their position.

Several witnesses believe that in addition to an east bound left turn lane on SE 272<sup>nd</sup> Street at 204<sup>th</sup> Avenue SE, there should also be a southbound left turn lane on 204<sup>th</sup> Avenue SE at that intersection. They indicate that traffic back-ups presently occur which will only be exacerbated by the additional traffic from *Maple Hills*.

People who live along SE 260<sup>th</sup> Street and 208<sup>th</sup> Avenue SE (both private roads) oppose “A” Street. They desire it to be permanently removed, as has been suggested for the SE 259<sup>th</sup> Street stub. CDD opposes elimination of the “A” Street right-of-way as it believes eventual redevelopment to a higher density of the area south of *Maple Hills* will need that connection for efficient traffic circulation.

*Cedar Downs* residents still worry about a possible connection to SE 259<sup>th</sup> Street through their neighborhood. They fear that a future Maple Valley Council could seek to reverse the right-of-way vacation and make a through connection. They want the right-of-way stub removed from *Maple Hills*

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to act as a further impediment to any such connection. Neither ECLI nor CDD object to removal of the SE 259<sup>th</sup> Street stub from the plat.

Without the SE 259<sup>th</sup> Street secondary access to the east, many see *Maple Hills* as a significantly changed proposal which should be required to start over: new application, new vesting date, new standards of development, new SEPA threshold determination.

Some residents to the south of *Maple Hills* view their area as rural and object to placement of an urban subdivision within a rural area.

26. Any Conclusion deemed to be a Finding of Fact is hereby adopted as such.

## PRINCIPLES OF LAW

### Authority

A preliminary subdivision is a Type 3 land use application which is subject to an open record hearing before the Examiner. The Examiner makes a final decision on the application which is subject to the right of reconsideration and appeal to Superior Court.. [CMC 14.30.020(1) and (1)(c)]

The Examiner's decision may be to grant or deny the application, or the Examiner may grant the application with such conditions, modifications and restrictions as the Examiner finds necessary to carry out applicable State laws and regulations, including Chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of the City. In case of any conflict between the comprehensive plan and a community, subarea or neighborhood plan, the comprehensive plan shall govern.

[CMC 14.35.090(2)]

### Review Criteria

The standard review criteria for a preliminary subdivision set forth at CMC 17.15.060(2) do not apply to this consideration of *Maple Hills*. The King County Zoning and Subdivision Examiner reviewed all of the standard criteria in 1986 and concluded that they were met. The King County Council's remand, which forms the basis for the current proceeding, did not challenge, question, object to, or alter the Zoning and Subdivision Examiner's conclusions of compliance with those criteria. Those prior decisions were not appealed. Therefore, they constitute the law of the case and cannot now be challenged.<sup>7</sup>

The Examiner's obligation here is to respond to the King County Council's remand order of May 11, 1987.

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<sup>7</sup> Those decisions and their conclusions have no effect on any other current applications.

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The Local Project Review Act [Chapter 36.70B RCW] establishes a mandatory “consistency” review for “project permits”, a term defined by the Act to include “building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan.” [RCW 36.70B.020(4)] That law was enacted after the vesting date of *Maple Hills* and, therefore, is not applicable. (See Vested Rights, below.)

### Vested Rights

Covington has enacted a vested rights provision.

(1) Applications for Type 1, 2, and 3 land use decisions, except those which seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The Department's issuance of a notice of complete application as provided in this chapter, or the failure of the Department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

(2) Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application.

(3) Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.

[CMC 14.30.070] Vested rights concepts apply to substantive regulations, not procedural regulations or facts.

*Maple Hills* was a complete application before the Zoning and Subdivision Examiner’s 1986 hearings: He would not have recommended approval of an incomplete application; nor would the Council have remained silent in its remand order had it believed the application to have been incomplete. Further, the BALD Preliminary Report to the Zoning & Subdivision Examiner for the May 1, 1986, hearing makes no mention of any incompleteness.<sup>8</sup>

### Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof.

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<sup>8</sup> The “completeness” process which is now used throughout most, if not all, of the state is based on a 1995 Legislative enactment, Chapter 36.70B RCW, the Regulatory Reform Act. The formal procedures required by that Act were not commonly found prior to its enactment. Thus, it is not at all unusual that this record does not contain a “completeness letter” or a “Notice of Application.”

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### Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

## CONCLUSIONS

1. The City's Hearing Examiner in 2001 made an observation with which this Examiner agrees fully:

The City argues that keeping the application in a "perpetual state of limbo" is an absurd result that should be avoided. It is unfortunate the King County Council did not hear and heed this argument. The remand was fashioned by the County Council; there was no objection to it at the time; and the Applicant has not moved to compel action on this application. The issue before the Examiner is whether the condition of the remand has been fulfilled. The Hearing Examiner's jurisdiction is limited. . . . The Hearing Examiner must adhere to the language of the remand as his jurisdiction is determined by Council action.

(Exhibit 8, p. 5, Footnote 4) It is a shame that an application filed more than 23 years ago is still in the approval process – and equally a shame, from a public interest perspective, that 23 year old standards must now be employed in its review. But that is the reality of *Maple Hills*, a reality which is based on statutory law and the law of the case.

2. The most significant aspect of the facts relating to the 204<sup>th</sup> Avenue SE right-of-way is that nothing really significant has changed in the legal status of that right-of-way since 1987 except with respect to the north 300 feet. The 1956 easement created a situation which would have allowed the County in 1987 to demand dedication of the entire 60 foot wide strip from SE 272<sup>nd</sup> Street all the way to the SE 260<sup>th</sup> Street alignment. It is certainly true, as the Zoning and Subdivision Examiner's reports and the King County Council's Remand state, that 204<sup>th</sup> Avenue SE was not physically up to handling traffic from 150 more lots and that it did not exist within a dedicated right-of-way. (It still is not and does not.) The 1986 – 87 County actions were based on facts. It is also true that dedications along the corridor have occurred in the intervening years, increasing the percentage of the corridor now dedicated to the public. And it is also true that short subdivisions have occurred in the intervening years, each with a dedicate-on-demand clause.

But the ability existed then as much as now to acquire the right-of-way up to SE 260<sup>th</sup> Street to fix the deficiencies. North of SE 260<sup>th</sup> Street the evidence shows changes: *Shire Hills* was recorded in 1993, (seven years before Maple Valley vacated the SE 259<sup>th</sup> Street stub cutting off possible access to the east) creating its Tract G for future development, thus (apparently) providing an opportunity that did not exist previously for a 30 foot strip to complete 204<sup>th</sup> Avenue SE into *Maple Hills* and a

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secondary access connection to the west. And the Covington Water District is willing to work with this applicant towards dedication of the 30 foot strip across its property.

We find ourselves now, 19 years later, looking at much the same evidence as was available in 1987 and wondering why no one exercised the authority to call in the dedicate-on-demand provisions to create a right-of-way which everyone in a decision making capacity said was needed in furtherance of the traffic circulation needs of the area.

3. With respect to the precise scope of the remand, ECLI cannot have it both ways. The version of Condition 12 which led to the remand was that contained in the Zoning and Subdivision Examiner's 1987 Recommendation. Like the 1986 version before it, that language specifically called for a secondary access to the east using SE 259<sup>th</sup> Street. If the remand is limited solely to the question of the adequacy of 204<sup>th</sup> Avenue SE, then the remaining portions of the 1987 version of Condition 12 remain beyond consideration and any approval would require SE 259<sup>th</sup> Street secondary access to the east. If the remand is broad enough to allow consideration of an alternative secondary access (as urged by ECLI), then it is broad enough to allow consideration of any access-related factor in the 1987 version of Condition 12.

The remand is "for further action at such time as adequate right-of-way is available" to properly build a primary access south to SE 272<sup>nd</sup> Street. All issues except primary and secondary access had been decided by the Zoning and Subdivision Examiner in 1986 and were not challenged or disturbed by the 1987 remand. The scope of the remand ("further action") is broad enough to allow consideration of access in general, including all terms and conditions of Condition 12. It would make little sense to base the current access decision on 1986 facts when an application does not vest to facts and when the facts have changed in the intervening years.

4. The 1987 version of Condition 12 would allow *Maple Hills* to go forward with only a "half street" improvement were the full right-of-way not obtained within a specified time period. (Exhibit 6, pp. 3 and 4, Condition 2, ¶ 2) The Examiner respectfully disagrees with the conclusion which supports that provision. The volume of traffic to be added, the number of walkers to be expected along the street, and the present condition of 204<sup>th</sup> Avenue SE all support a conclusion that a full street improvement is necessary if the public interest and public safety are to be served. That portion of the 1987 version of Condition 12 must be stricken.
5. ECLI has demonstrated that sufficient right-of-way exists in the 204<sup>th</sup> Avenue SE corridor for construction of full street improvements, consistent with the Zoning and Subdivision Examiner's Conditions, once right-of-way dedications are obtained from those properties encumbered by access easements and/or access tracts requiring dedication-on-demand, if adequate property is obtained from the Covington Water District and the owner(s) of *Shire Hills* Tract G.

The demand for dedication must officially come from the City, not from ECLI. The language of the 1956 easement says that dedication is required when "the County shall agree to receive the same".

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The short subdivision dedication clauses refer to a determination that the right-of-way is needed for public street purposes and calls for the dedications to “be delivered to King County upon demand.” (Exhibit 10a, unnumbered sheet 17)

As the municipal government successor to the County, the City must issue the demand and agree to accept the right-of-way dedications. The City may choose to authorize a party other than itself to handle all the paperwork and costs involved with obtaining the on-demand dedications, but that party would be acting on the City’s behalf. Any revision to Condition 12 must make that clear.

6. The right-of-way needed from the Covington Water District and from *Shire Hills*’ Tract G is not encumbered by a dedicate-on-demand clause. However, all evidence in this record indicates that ECLI is able to acquire dedication of the necessary property. This is best viewed as a “chicken and the egg” question: Which must come first: Acquisition and dedication of needed right-of-way or preliminary subdivision approval requiring such acquisition and dedication?

It would be unreasonable to conclude that ECLI has to complete the acquisition and dedication process before preliminary subdivision approval in order to comply with the remand requirement. ECLI (or any other developer) should not be put in the position of spending money to acquire and dedicate property for right-of-way before it even knows if the development for which the right-of-way is needed will be approved. Approval can be conditioned to require such actions. What needs to be known before preliminary subdivision approval is whether such actions appear feasible. They do in this case.

7. The only evidence in the record regarding the radius return at the 204<sup>th</sup> Avenue SE/SE 272<sup>nd</sup> Street intersection indicates that the required street section can be built within the 60 foot right-of-way strip. Construction would come very close – perhaps uncomfortably close – to the edge of the right-of-way, but the evidence shows it can be done. Therefore, no justification exists in this record to require ECLI to obtain right-of-way from PSE. The parties seem to agree that additional radius return right-of-way would be beneficial; ECLI has committed to pursue its acquisition. That offer may be memorialized within the conditions, but it should not be made mandatory in the absence of supporting evidence.
8. All parties presented good arguments concerning the timing of construction of 204<sup>th</sup> Avenue SE. The Examiner concludes that a combination of their views will best serve the public interest.

No plat construction should commence until all the required right-of-way has been dedicated to the City. The problems of allowing the plat to be constructed before the right-of-way has been acquired are many and obvious, not the least of which is the possibility (remote perhaps, but nevertheless real) that litigation could drag out the acquisition process, leaving the plat finished but unusable.

204<sup>th</sup> Avenue SE should be sufficiently upgraded to provide an adequately wide, safe, travel surface for two-way vehicular traffic and a walking surface for pedestrians prior to site construction. Neither

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of those conditions is present now. On the other hand, placement of the final lift of asphalt could be deferred until major construction within the subdivision has been completed so that construction vehicles would not “chew up” the brand new pavement. Plat developers frequently leave the last asphalt lift until just before the plat is granted final approval for just that reason.

9. The 1987 (and 1986) Condition 12 language calling for “a delineated walkway on one side of” 204<sup>th</sup> Avenue SE is preferable to the language in CDD’s Recommended Condition 5 requiring the walkway to be on the west side of 204<sup>th</sup> Avenue SE. Until preliminary engineering has been done, it is impossible to say on which side of the street the walkway would be best constructed. That decision is an engineering question which need not be resolved prior to preliminary subdivision approval.
10. The “school bus pull-off and loading zone” requirement of the 1987 version of Condition 12 will serve the public use and interest. (ECLI has included such a bus stop on Exhibit 20.) That requirement will be carried forward to this Decision. However, the request for a southbound left-turn lane on 204<sup>th</sup> Avenue SE at SE 272<sup>nd</sup> Street would change the applicable construction standards, is supported only by anecdotal testimony, and is beyond the scope of the Examiner’s limited jurisdiction.
11. Even though the current Plan is not legally applicable in the review of *Maple Hills*, it is the document that guides review of current and future land use applications. *Maple Hills* is vested to 1980s era regulations, but the reality is that this is 2006 and any new developments in the area will be reviewed against current plans and regulations. Therefore, to the extent not in conflict with its 1980s vested rights, discretionary aspects of *Maple Hills* should reinforce current plans, not thwart them.
12. This northeast corner of Covington is not destined to remain rural, even if some still see it as rural today. The area lies within an incorporated city; cities are an urban institution, not a rural institution. Urbanization of this area is inevitable. It is instructive to note, although not determinative of anything within the scope of the Examiner’s jurisdiction, that the zoning to which *Maple Hills* is vested from the 1980s (RS 9,600 which equates to approximately 4 du/ac) precisely matches both the current Covington Plan designation for the area and the present Covington zoning of the area: R-4, a zone in which the base density is also 4 du/ac. In fact, current zoning would allow densities up to 6 du/ac in the area under specified conditions. [CMC 18.30.030(A) and associated footnotes in (B)] *Maple Hills* does not represent a density any greater than would be allowed in the area for a new application.

As that urbanization occurs, Covington must continually look ahead to the needs of all its citizens and service agencies to ensure that an efficient infrastructure is developed. One aspect of an efficient infrastructure is a coherent street circulation system.

13. The distinction between PAA 1 and AAC 5 should be factored into any consideration of street systems. The City does not foresee annexation of AAC 5; rather it sees retention of its rural

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character. But PAA 1, immediately adjacent to the northwest corner of *Maple Hills* is envisioned for future urbanization. Therefore, the street system in *Maple Hills* should focus traffic towards the northwest, not due north.

Covington sees 204<sup>th</sup> Avenue SE as a major element of its future street system serving the northeast corner of the City. The long range goal is for 204<sup>th</sup> Avenue SE to provide a connection with the future SE 240<sup>th</sup> Loop, which is to be located northwest of *Shire Hills*. (See Exhibit 16.) The street system in *Maple Hills* should facilitate the concept of that future system, not thwart it.

Those two goals can guide the internal street realignment required by 1986 Conditions 13 and 14. 204<sup>th</sup> Avenue SE, which as proposed on Exhibit 4 would veer to the northeast as “F” Street to terminate against an area envisioned to remain rural, should be altered to focus urban traffic to the northwest. That alteration could be accomplished in two ways. 204<sup>th</sup> Avenue SE could follow the west property line towards the northwest corner of the site; proposed “F” Street could then form a “T” intersection with 204<sup>th</sup> Avenue SE within the plat. In the alternative, “F” Street could remain as proposed and “G” Street could be widened from the proposed 48 foot to a 56 foot wide right-of-way (matching “F” Street) and be extended to terminate at the northwest corner of the site to serve as a Collector, just as does 204<sup>th</sup> Avenue SE.

Either option would allow connection towards the northwest, but the latter course is preferable. It facilitates compliance with 1986 Condition 13 requiring that the “F” Street intersection with the north property line be shifted west. (The amount of shift desired is not specified or even hinted at in the Condition.) It fulfills the CIP’s future plan for collector connection to the northwest. It focuses urban traffic towards the northwest by routing the Collector in that direction. And it does so without lengthening the straight section of 204<sup>th</sup> Avenue SE, something which could prove undesirable from a traffic control perspective.

14. The Zoning and Subdivision Examiner’s conclusion that a secondary access is needed was not challenged. The Zoning and Subdivision Examiner concluded that

A single point of access to the subject property and the adjacent and nearby properties to the north would be detrimental to the public health, safety and welfare and not in the interest of the majority of the citizens of King County.

(Exhibit 5, p. 5, Conclusion 6, emphasis added) It was the notion of a single access point which bothered the Zoning and Subdivision Examiner.

The question now is what to do in light of Maple Valley’s vacation of the SE 259<sup>th</sup> Street stub. In the 1980s when the Zoning and Subdivision Examiner was reviewing *Maple Hills*, the only possibility for a secondary access lay to the east: *Cedar Downs* existed; *Shire Hills* did not yet exist. The Examiner concludes that the specification of SE 259<sup>th</sup> Street as the secondary access was the result of

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the fact that no other alternative existed, rather than as the result of a conscious decision among several alternatives.

The proposal for a secondary access westerly to SE 259<sup>th</sup> Street in *Shire Hills* fulfills the Zoning and Subdivision Examiner's concern for a second access. It will allow emergency vehicles to reach this area via either the 200<sup>th</sup> Avenue SE corridor or via 204<sup>th</sup> Avenue SE. Changing the secondary access is not a major change which would affect the vested rights of *Maple Hills*.

15. The right-of-way stubs within *Maple Hills* for SE 259<sup>th</sup> Street (the east end of "Bristol Drive") and "A" Street should not be removed from the preliminary plat. They should remain for the potential which they preserve. As the Zoning and Subdivision Examiner concluded in 1986:

Notwithstanding that the "dead-end" street and privacy advantages presently enjoyed by residents in the vicinity of the westerly terminus of S.E. 258<sup>th</sup> Street will be lost by the [then] proposed connection, a far larger number of citizens will be benefited by the improved traffic circulation system which can be provided by this proposed development ....

(Exhibit 5, p. 5, Conclusion 6) This Examiner declines to be the person who forever closes the door on the potential to interconnect these neighborhoods. Redevelopment of the large lots to the immediate south of *Maple Hills* will undoubtedly occur in the future, especially given Covington's Plan and area zoning. Future residents may desire interconnection with the *Maple Hills* street system. The possibility for a rational street system in the future should be preserved.

On the other hand, clearing and paving those two right-of-way stubs is completely unnecessary to the proper development of *Maple Hills*. Therefore, to assuage the concerns of the present residents, the Examiner will add a condition barring clearing or paving of those stubs.

16. CDD has recommended that the 1986 version of Condition 12 be adopted by reference, excluding the secondary access portions. A better, cleaner solution is to restate, with revisions, that entire Condition.
17. A preliminary plat is a specific development proposal. A preliminary plat evaluation is based upon the specific development proposal submitted by the applicant. It is appropriate, therefore, that the conditions of approval clearly identify the plat which is being approved. The preamble to the Zoning and Subdivision Examiner's 1986 Conditions references the April 1, 1986, plat as the approved plat. That plat is Exhibit 4 in this record. Exhibit 4 constitutes the plat which was reviewed both in 1986 and in 2006 and which should be approved. Given the age of this application and the several versions of the proposal which have existed over the years, a specific exhibit reference in a condition is preferable to the inference from the 1986 preamble. A new condition will be added to accomplish that purpose.

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18. The existence of ECLI's voluntary fire impact mitigation agreement should be memorialized in the conditions.
19. Other than with respect to the specific access requirements noted above, the King County Zoning and Subdivision Examiner's Conclusions and Recommendations adequately address compliance with all other development regulations applicable to this proposal. Those Conclusions and Recommendations are incorporated herein by reference as if set forth fully.
20. With the conditions recommended by the King County Zoning and Subdivision Examiner, together with the additional access-related conditions in this Decision, the proposal makes appropriate provision for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. The public use and interest will be served by the platting of such subdivision and dedication.
21. The Examiner lacks authority to even consider disturbing the SEPA threshold determination issued for *Maple Hills*.
22. Any Finding of Fact deemed to be a Conclusion is hereby adopted as such.

**DECISION**

Based upon the preceding Findings of Fact and Conclusions, the testimony and evidence submitted at the open record hearing, and the Examiner's site view, the Examiner **GRANTS** the requested preliminary subdivision approval for *Maple Hills* **SUBJECT TO THE ATTACHED CONDITIONS.**

Decision issued September 21, 2006.

\s\ John E. Galt (Signed original in official file)

John E. Galt  
Hearing Examiner

**PARTIES of RECORD**

David Nemens  
John Hempelmann

Don Vondran  
Paul Selland

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Dean Long  
 Sara Lundin  
 Tim Campbell  
 Patricia Smith  
 Duane Harper  
 Tanya & Eric Jorgenson  
 Kevin & Meg Holland  
 Charles Vision  
 Bob Nelson  
 William Vandender (sp?)  
 Abel Shaw  
 Bedney  
 Neil Guptill  
 Stacy Borland  
 Donna & Joe Selby  
 Robert & Leslie Spry  
 G. L. Cavanaugh  
 Kyli Rainier (sp?)  
 Patti Campbell  
 Sid H. Cirre (sp?)  
 David Caudle  
 Tim Goddard  
 David Olson  
 Jo Schadt  
 Fred Holstein  
 Bill Blair

Larry Andriesen  
 Brooke Dillon  
 Larry Rabel  
 David Kuntz  
 Linda Johnson  
 Michael Denbo  
 Duane Clampitt  
 Karen Coker  
 James E. King  
 Eric Franson  
 Tim Emmons  
 Renee Romberg  
 Dawn O'Brien  
 Denise Halstead (sp?)  
 Janice Strama  
 Ken & Donna Palmer  
 Claire Chapman  
 Amy Taylor  
 Frederick Kole (sp?)  
 Brent Clemson  
 Maridel Lessenger  
 Vali Bauer  
 Lance Nichotte (sp?)  
 Joan Posanke  
 Dan Shirley

### **NOTICE of RIGHT of RECONSIDERATION**

This Decision is final subject to the right of any party of record to file with the Examiner (in care of the City of Covington, ATTN: Rachele Griswold, 16720 SE 271<sup>st</sup> Street, Suite 100, Covington, Washington 98042) a written request for reconsideration within 14 days following the issuance of this Decision in accordance with the procedures of CMC 14.35.320 and Hearing Examiner Rule of Procedure (RoP) I.9.b. Any request for reconsideration shall specify the error which forms the basis of the request. See CMC 14.35.320 and RoP I.9.b for additional information and requirements regarding reconsideration.

A request for reconsideration is not a prerequisite to judicial review of this Decision, nor does filing a request for reconsideration stay the time limit for commencing judicial

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**NOTICE of RIGHT of JUDICIAL REVIEW**

This Decision is final and conclusive subject to the right of review by Superior Court in accordance with the procedures of Chapter 36.70C RCW, the Land Use Petition Act.. See Chapter 36.70 RCW and CMC 14.35.310 for additional information and requirements regarding judicial review.

The following statement is provided pursuant to RCW 36.70B.130: “Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.”

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**CONDITIONS OF APPROVAL**  
**PP99-004/1025**  
*Maple Hills*

This preliminary subdivision is subject to compliance with all applicable provisions, requirements, and standards of the Covington Municipal Code, standards adopted pursuant thereto, and the following special conditions:

1. Exhibit 4 shall be the approved preliminary plat SUBJECT TO the changes required by Conditions 2, 4, and 5, below. Revision of approved preliminary plats is subject to the provisions of CMC 17.20.030.<sup>9</sup>
2. All conditions of approval contained in the Report and Recommendation to the King County Council from the Office of the Zoning and Subdivision Examiner, dated May 16, 1986 (Exhibit 5 herein), with the exception of Recommended Conditions 12 and 13, are hereby adopted by reference as conditions of preliminary plat approval.
3. Condition 12 is revised to provide as follows:

Access to the subdivision shall be over full width City streets, dedicated and improved to County standards as the same existed in 1986 (unless the plat holder wishes to follow current standards to the extent they are equal or better), with the primary access to be by way of 204<sup>th</sup> Avenue SE and a secondary access as specified in additional Condition 21, below. The plat holder shall be responsible for construction of 204<sup>th</sup> Avenue SE from the subject property to SE 272<sup>nd</sup> Street. 204<sup>th</sup> Avenue SE shall include a delineated walkway on one side of the street (extruded curb, buttons, etc.), to be designed and constructed with the approval of the Department of Public Works.

- A. Prior to receiving any construction approvals for the plat, the plat holder shall have had the City demand and obtain dedication of all access tracts and easements along the 204<sup>th</sup> Avenue SE corridor encumbered with a “dedicate-on-demand” provisions. The City may empower the plat holder (or any other party) to act as its agent for this purpose to the extent allowed by law. The plat holder shall assume all costs involved with obtaining these dedications. The plat holder at its sole expense shall also resolve any encroachments in the right-of-way to be dedicated.
- B. Prior to receiving any construction approvals for the plat, the plat holder shall obtain dedication to the City of the westerly 30 feet of the property owned by the Covington Water District along the 204<sup>th</sup> Avenue SE corridor (Tax Parcel 2922069123). The plat holder shall assume all costs involved with obtaining this dedication.

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<sup>9</sup> This citation is to the current version of the CMC: Vesting does not extend to purely procedural regulations.

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- C. Prior to receiving any construction approvals for the plat, the platlor shall seek dedication to the City of an area in the southeast corner of the property owned by Puget Sound Energy at the 204<sup>th</sup> Avenue SE/SE 272<sup>nd</sup> Street intersection (Tax Parcel 2922069124) for the purpose of increasing the shy distance between the street improvements' radius return and the edge of the right-of-way. Inability to obtain such dedication shall not be an impediment to development of the subdivision. The platlor shall assume all costs involved with obtaining this dedication.
- D. Prior to receiving any construction approvals for the plat, the platlor shall construct 204<sup>th</sup> Avenue SE from the south property line of the subject property to SE 272<sup>nd</sup> Street to the standards stated in the King County Zoning and Subdivision Examiner report, dated May 16, 1986, Finding No. 6: 60-foot right-of-way, developed with 22-foot pavement width (two 11-foot travel lanes) on a 38 foot minimum width roadway; PROVIDED THAT, the final lift of asphalt does not have be placed until the platlor is installing the final lift of asphalt on the first streets to be fully completed within the subdivision, unless the Department of Public Works determines that the final lift of asphalt is required immediately in the interest of public safety. Manholes, monument covers, and similar features shall be installed so as to not constitute hazards between the time of the initial paving and placement of the final asphalt lift. Street improvements along 204<sup>th</sup> Avenue SE shall include a paved and delineated (extruded curb, buttons, etc.) walkway on one side of the street.
- E. A left turn lane and a school bus pull-off and loading zone shall be provided on SE 272<sup>nd</sup> Street at its intersection with 204<sup>th</sup> Avenue SE in a manner to be approved by the Washington State Department of Transportation.

The requirements of this condition do not preclude the platlor from obtaining partial reimbursement for these improvements, if such reimbursement becomes available pursuant to Chapter 35.72 RCW.

4. Condition 13 is revised to read as follows:

The "G" Street right-of-way shall be widened to 56 feet, shall be extended to the northwest corner of the plat on an alignment subject to review and approval by the Department of Public Works, and shall be constructed to collector standards.

5. A new Condition 21 is added to read as follows:

Prior to receiving any construction approvals for the plat, the platlor shall dedicate a secondary access to the plat by means of a 60-foot wide right-of-way connecting the proposed plat to the existing intersection of SE 259<sup>th</sup> Street and 203<sup>rd</sup> Avenue SE in the *Shire Hills* plat.

HEARING EXAMINER DECISION

RE: PP99-004/1025 (*Maple Hills*)

September 21, 2006

Page 27 of 27

Prior to final approval of any portion of the plat, the plattor shall develop this new connection to Urban Neighborhood Collector standards.

6. A new Condition 22 is added to read:

No street shall be constructed nor shall clearing occur during initial plat development (unless on a limited basis for installation of necessary utilities) within the "Bristol Drive" right-of-way east of "B" Street and within the "A" Street right-of-way. Construction of street improvements within those two right-of-way stubs is not necessary for final plat approval and recordation.

7. A new Condition 23 is added to read:

The Applicant has voluntarily entered into an Agreement, which runs with the land, which provides for the payment of certain fire service impact mitigation fees after recordation of the final plat. The Agreement provides for financial consideration in the event of late payment of the fees.

## Consent Agenda Item C-3

Covington City Council Meeting

Date: July 28, 2015

**SUBJECT:** AUTHORIZE THE CITY MANAGER TO SIGN AGREEMENTS FOR THE DEDICATION OF REAL PROPERTY, IN THE FORM OF PUBLIC RIGHT-OF-WAY, FOR THE FUTURE CONSTRUCTION OF SE WAX ROAD AND TRAIL EASEMENT FOR THE FUTURE EXTENSION OF THE JENKINS CREEK COMMUNITY TRAIL, IN ASSOCIATION WITH THE DEVELOPMENT OF THE APEX CENTER (LU09-0012/2118).

**RECOMMENDED BY:** Richard Hart, Community Development Director

**ATTACHMENT(S):**

1. Statutory Warranty Deed for dedication of right-of-way
2. Traffic Impact/Required ROW Dedication Evaluation Letter, dated June 14, 2011
3. Trail Easement Agreement

**PREPARED BY:** Salina Lyons, Principal Planner  
Nelson Ogren, Development Review Engineer

**EXPLANATION:**

Pursuant to the Director's Conditions of Approval ("Conditions") for the Apex Center Commercial Site Development Application, City File No. LU09-0012/2118, Berkshire Design, LLC ("Developer") is required to dedicate to the city 40 feet of right-of-way on SE Wax Road and grant the city an easement for a future trail connection for the Jenkins Creek Community Trail, CIP 1087.

**ROW Dedication**

The city's current policy is to obtain 40 feet of right-of-way dedication from properties located on the eastside of SE Wax Road and north of SE 275<sup>th</sup> St. This larger dedication is due to the location of the sidewalk and improvements on the west side of SE Wax Road and accounts for future right-of-way improvements for SE Wax Road per the City's Comprehensive Plan and Downtown Plan.

Since a 40 foot dedication is in excess of the general impacts of a project, which is approximately 20 feet of additional right-of-way to meet the future road design, the city is reimbursing the Developer for 20 feet of the required 40 feet. The fair market value for the 20 feet of right-of-way dedication is \$66,132.00 and is payable to the Developer upon recording of the Statutory Warranty Deed, in the form of a traffic impact fee reimbursement. (Attachments 1 & 2)

A portion of the walkway along the west façade of the building is located within the 40 foot right-of-way dedication area. Upon completion of future improvements to SE Wax Road, the building's frontage will connect to the city's future sidewalk, thus creating street frontage for the development, as required by the downtown design standards. Language is provided in the deed for dedication of right-of-way to address the current walkway's location within the dedication area.

**Trail Easement**

In lieu of constructing a portion of the Jenkins Creek Community Trail, the Developer paid a trail fee-in-lieu in the amount of \$440.00. The Developer is also required to provide an easement that allows the city to construct a portion of the trail within the on-site buffer to Jenkins Creek at such time the city is ready. (Attachment 3)

ALTERNATIVES: None.

FISCAL IMPACT: The Developer paid a traffic impact fee of \$75,748.00 at the time of building permit for the Apex Center in 2011. Upon recording of the Statutory Warranty Deed, the developer will receive a traffic impact fee reimbursement in the amount of \$66,132.00.

CITY COUNCIL ACTION: \_\_\_\_\_Ordinance \_\_\_\_\_Resolution  X Motion \_\_\_\_\_Other

1) Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to authorize the city manager to sign a Statutory Warranty Deed, in substantial form as that attached hereto, for the dedication of right-of-way to the city for the development of the Apex Center (LU09-0012/2118).

AND

2) Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to authorize the city manager to sign a trail easement in substantial form, as that attached hereto, for authorizing the city to perform future construction of Jenkins Creek Community Trail, CIP 1087, associated with the development of the Apex Center (LU09-0012/2118).

REVIEWED BY: Community Development Director, Finance Director, City Attorney, City Manager

**WHEN RECORDED RETURN TO:**

City of Covington  
16720 SE 271st St. Ste 100  
Covington, WA 98042  
Attn: Permit Services

**Grantor:** Berkshire Designs, LLC

**Grantee:** City of Covington

**Abbreviated Legal Description:** A portion of the west half of the Northeast quarter of Section 36, Township 22, Range 5E, W.M., in Covington, King County, WA.

**Assessor's Tax Parcel ID No.** 362205-9034

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**STATUTORY WARRANTY DEED**

THE Grantor, Berkshire Designs, LLC, a Washington Limited Liability Company, for and in consideration of mutual benefit and other good and valuable consideration, receipt of which is hereby acknowledged, conveys and warrants to the CITY OF COVINGTON, a Washington municipal corporation, and its successors and assigns, all of its right, title, and interest, and any after-acquired interest therein, in and to the following described real property situated in King County, Washington:

Full legal description of Property as Exhibit A, and as depicted in Exhibit B are attached hereto as and incorporated herein by this reference.

The Grantor hereby covenants that he/she/it is the owner in fee simple and the property is free of all liens and encumbrances, except any right, title, easement, or encumbrance of record,

he/she/it has good and legal right to convey the real property above-described and he/she/it will pay all taxes and assessments due and owing on the property.

Grantor also hereby reserves, for himself, his successors, heirs and assigns, within said conveyed property a six feet wide perpetual pedestrian walkway easement as described in Exhibit C, and as depicted in Exhibit B are attached hereto as and incorporated herein by this reference.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**GRANTOR**

\_\_\_\_\_  
Berkshire Designs, LLC

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed/printed Name)

\_\_\_\_\_  
(Title)

Accepted on behalf of the City of Covington this \_\_\_\_ day of \_\_\_\_\_, 2015

**CITY OF COVINGTON**

By: \_\_\_\_\_  
Regan Bolli, City Manager



**Exhibit A**

**Right-Of-Way Deed Description**

THE NORTHWESTERLY 40 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF CENTERLINE OF COUNTY ROAD NO. 962 (COMMONLY KNOWN AS WAX ROAD) AND THE EAST AND WEST CENTERLINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION;

THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID COUNTY ROAD, 400 FEET;

THENCE SOUTHWESTERLY PARALLEL TO SAID COUNTY ROAD, A DISTANCE OF 225 FEET TO THE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ON A LINE PARALLEL TO SAID COUNTY ROAD, 200.4 FEET;

THENCE NORTHWESTERLY AT RIGHT ANGLES TO LAST MENTIONED COURSE, 400 FEET;

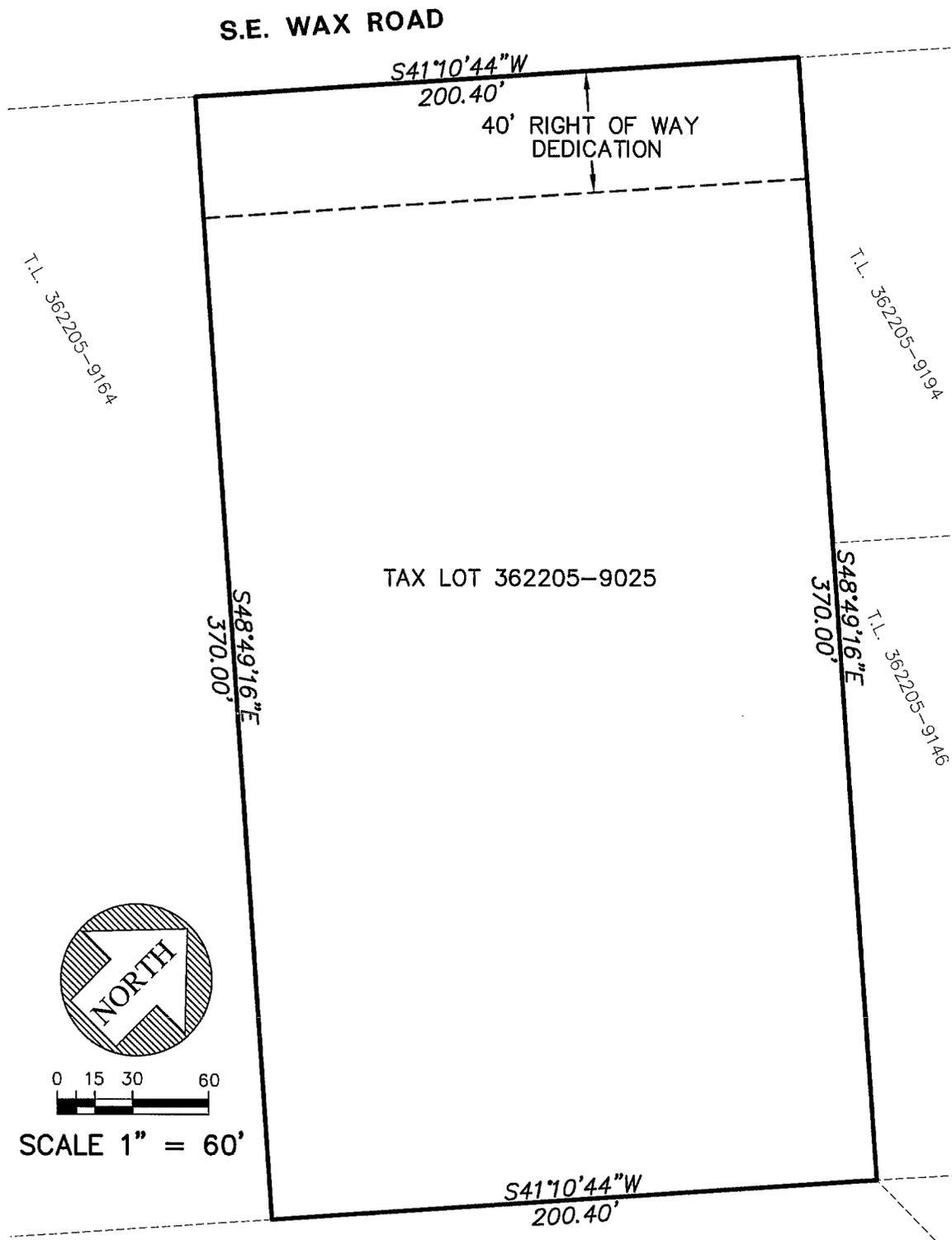
THENCE NORTHEASTERLY ALONG CENTERLINE OF SAID COUNTY ROAD, 200. FEET;

THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID COUNTY ROAD 400 .4 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN COUNTY ROAD NO. 962.

ABOVE DESCRIBED PARCEL ABUTTING AND ADJACENT TO WAX ROAD.

MAP EXHIBIT B



**Exhibit C**

**Pedestrian Walkway Easement Description**

THE SOUTHEASTERLY 6 FEET OF THE NORTHWESTERLY 40 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF CENTERLINE OF COUNTY ROAD NO. 962 (COMMONLY KNOWN AS WAX ROAD) AND THE EAST AND WEST CENTERLINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION;

THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID COUNTY ROAD, 400 FEET;

THENCE SOUTHWESTERLY PARALLEL TO SAID COUNTY ROAD, A DISTANCE OF 225 FEET TO THE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ON A LINE PARALLEL TO SAID COUNTY ROAD, 200.4 FEET;

THENCE NORTHWESTERLY AT RIGHT ANGLES TO LAST MENTIONED COURSE, 400 FEET;

THENCE NORTHEASTERLY ALONG CENTERLINE OF SAID COUNTY ROAD, 200. FEET;

THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID COUNTY ROAD 400 .4 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN COUNTY ROAD NO. 962.



## City of Covington

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16720 SE 271<sup>st</sup> Street, Suite 100 • Covington, WA 98042 • (253) 638-1110 • Fax (253) 638-

1122

June 14, 2011

**Via Electronic Version**

Baptista Kwok  
17265 SE Wax Road  
Covington, WA 98042

RE: **Apex Center, LU09-0012/2118**  
**Traffic Impact Fee/Required ROW Dedication Evaluation**

Dear Baptista,

The purpose of this letter is to inform you of the status of the Apex Center Traffic Impact Fees assessment and credit. The City's Real Estate Consultant evaluated the Summary Appraisal, prepared by John W. Arney MAI, dated September 28, 2010, to establish a market value of the Apex Center property on a square footage basis, pursuant to the requirements of the commercial site development approval.

Pursuant to the site plan approval, the developer is required to dedicate 40 feet of additional right-of-way on SE Wax Road. The 40 feet of right-of-way is based on the City's Comprehensive Plan and projected road improvements to SE Wax Road. Based on the evaluation of the project impacts, it was determined that the City will reimburse the Developer for 20 feet of the required 40 feet of dedication. The reimbursement will be in the form of a credit toward the Traffic Impact Fees and is based on fair market value.

Based upon the comparable information provide in the appraisal, it was determined that \$16.50 per square foot is an appropriate price for the right-of-way dedication on SE Wax Road. **(Attachment)**

Based on the approved Engineering Plans, approved May 7, 2007, the square footage of the area that is subject to reimbursement is 4,008 sq. ft (20 feet x 200.4 feet). Therefore, at a cost per square foot of \$16.50, the Developer would receive a Traffic Impact fee reimbursement of \$66,132.00 (\$16.50 x 4,008 sq. ft.). The developer paid a Traffic Impact Fee of \$75,748.00 (not including administrative and technology charge fees) on March 30, 2011. **(Attached)** The remaining \$9,616.00 will remain in the City's street funds.

Please note that the City will not issue the reimbursement to the developer until all documents required for right-of-way dedication are signed and recorded with King County. Please email me at [slyons@covingtonwa.gov](mailto:slyons@covingtonwa.gov) for the Statutory Warranty Deed, and Cross Easement document forms to be completed by the developer.

If you have any questions please call 253-683-1110 x 2239. I will be readily available to help you.

Sincerely,  
THE CITY OF COVINGTON



Salina Lyons  
Senior Planner

Encl: **Summary of Appraisal Review, by City.**  
**Apex Center TIF Receipt**

CC: *Richard Hart, Community Development Director (Via Electronic Version)*  
*Glenn Akramoff, Public Works Director (Via Electronic Version)*  
*Don Vondran, City Engineer (Via Electronic Version)*  
*Nelson Ogren, Dev. Review Engineer (Via Electronic Version)*  
*Casey Parker, Accountant (Via Electronic Version)*  
*Jeri Craney, City's Real Estate Consultant (Via Electronic Version)*  
*File LU09-0012/2118*

**WHEN RECORDED RETURN TO:**

City of Covington  
16720 SE 271st Street, Suite 100  
Covington, WA 98042

**TRAIL EASEMENT AGREEMENT**

**Grantor:** Berkshire Designs, LLC  
**Grantee:** City of Covington  
16720 SE 271st Street, Suite 100  
Covington, WA 98042

**Parcel Number:** 362205-9034

THIS EASEMENT AGREEMENT (“Agreement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between Berkshire Designs, LLC (“Grantor”) and the City of Covington, King County, Washington, a municipal corporation (“Grantee”).

WHEREAS, Grantor is the owner of a certain parcel of land legally described in Exhibit A attached hereto and incorporated by reference (“Property”) and Grantor warrants that it has title to the Property and is authorized to grant and convey the easement set forth in this Agreement; and

WHEREAS, Grantee requires permission to use portions of the Property for construction/installation, use, and maintenance of a public trail; and

WHEREAS, Grantor is willing to enter into this Agreement to grant Grantee and its invitees the easement as described herein;

NOW THEREFORE, in consideration of the foregoing recitals, the covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, conveys, and quitclaims to Grantee to following easement over the Property (“Easement”):

**A 20' wide, perpetual, non-exclusive easement of which a legal description and depiction is attached hereto in Exhibits B and C, and is incorporated herein by reference ("Easement Area").**

AND, Grantor and Grantee further covenant and agree as follows:

1. The Easement is for the purpose of Grantee and its employees, agents, assignees, and invitees, to construct, install, repair, operate, use, and maintain a public trail over the Easement Area and for the nonexclusive right of ingress and egress on the Property for the foregoing purposes.
2. All cost and expense of work undertaken in the Easement Area by or at the behest of Grantee (the "Work") shall be paid and borne exclusively by Grantee. Grantee shall keep Grantor's lands free and clear from any and all liens of whatever nature arising out of any Work performed, materials furnished, and/or obligations incurred by, on behalf of, or under the direction of, Grantee.
3. Upon completion of any Work in the Easement Area, Grantee shall repair and restore all surface conditions on the Property outside of the Easement Area that were disturbed or removed by Grantee in the course of use of the Easement Area to substantially the same condition as found immediately prior to the Work performed, all without cost or expense to Grantor.
4. Grantor shall retain the right to occupy, use, and cultivate the Property for all purposes not inconsistent with the rights granted herein and provided that such occupancy, use, and cultivation of the Property shall not interfere with the rights granted to Grantee herein.
5. Grantee shall indemnify and hold Grantor harmless from and against any and all loss, damage, or injury that may result from the use, construction, installation, replacement, and maintenance of the Easement Area; provided, however, that said loss, damage, or injury does not arise out of or result from the negligence or actions of Grantor, its agents, or employees.
6. In case suit or action is commenced by either party, or their successors and/or assigns, to enforce any rights under this Agreement, or regarding an encroachment on either of the Easement Area, in addition to costs provided by statute, the substantially prevailing party shall be entitled to an award of attorneys' fees in such sum as the court may adjudge just and reasonable.
7. The rights, conditions, and provisions of this Agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors, and assigns of the respective parties hereto.
8. Each of the undersigned hereby represents and warrants that it is authorized to execute this Agreement on behalf of the respective parties to this Agreement and that this Agreement,

when executed by said parties, shall become valid and binding obligations enforceable in accordance with its terms.

IN WITNESS WHEREOF, the parties hereto have executed this above and foregoing Agreement through their duly authorized representatives effective the date set forth above.

CITY OF COVINGTON

GRANTOR

\_\_\_\_\_  
Name  
Title

\_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Address: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Sara Springer, City Attorney

STATE OF WASHINGTON  
COUNTY OF KING

On this day, before me personally appeared \_\_\_\_\_ to me known to be the \_\_\_\_\_ for the City of Covington, and executed this instrument on behalf of the City of Covington in her/his capacity as \_\_\_\_\_ and acknowledged that s/he is authorized to do so at their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF WASHINGTON  
COUNTY OF KING

On this day, before me personally appeared \_\_\_\_\_ to me known to be the \_\_\_\_\_ for \_\_\_\_\_, and executed this instrument on behalf of \_\_\_\_\_ in her/his capacity as \_\_\_\_\_ and acknowledged that s/he is authorized to do so at their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**Exhibit A**

**Parcel  
Legal Description**

THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF CENTERLINE OF COUNTY ROAD NO. 962 (COMMONLY KNOWN AS WAX ROAD) AND THE EAST AND WEST CENTERLINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION;

THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID COUNTY ROAD, 400 FEET;

THENCE SOUTHWESTERLY PARALLEL TO SAID COUNTY ROAD, A DISTANCE OF 225 FEET TO THE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ON A LINE PARALLEL TO SAID COUNTY ROAD, 200.4 FEET;

THENCE NORTHWESTERLY AT RIGHT ANGLES TO LAST MENTIONED COURSE, 400 FEET;

THENCE NORTHEASTERLY ALONG CENTERLINE OF SAID COUNTY ROAD, 200. FEET;

THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID COUNTY ROAD 400 .4 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN COUNTY ROAD NO. 962.

**Exhibit B**

**Trail Easement Area  
Legal Description**

A 20 FEET WIDE TRAIL TO BE LOCATED WITHIN A PORTION OF THE PARCEL DESCRIBED IN EXHIBIT A, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY-MOST CORNER OF SAID PARCEL;

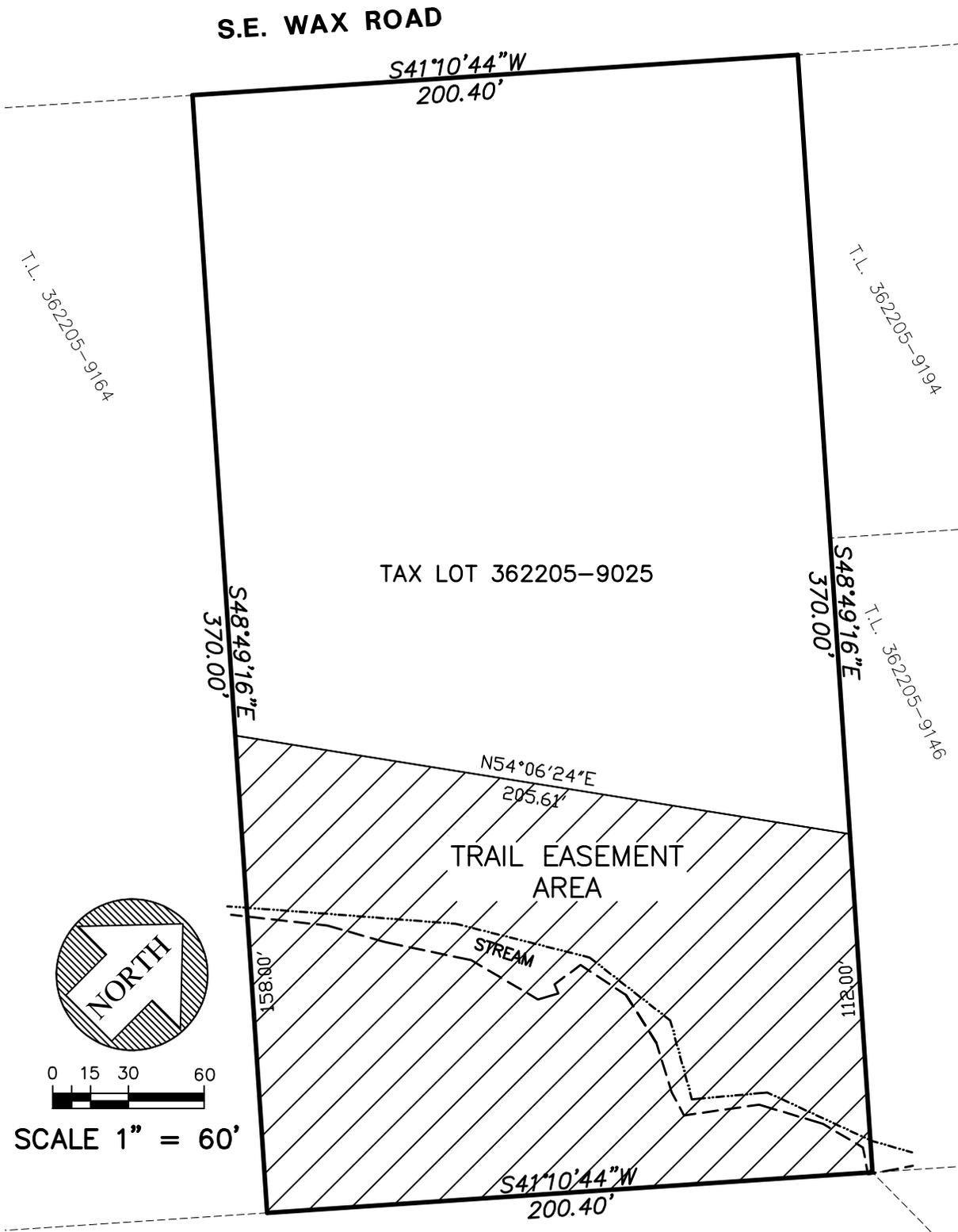
THENCE NORTH 41° 10' 44" EAST A DISTANCE OF 200.40 FEET ALONG THE NORTHEAST PROPERTY LINE OF SAID PARCEL TO THE EASTERLY-MOST CORNER OF SAID PARCEL;

THENCE NORTH 48° 49' 16" WEST A DISTANCE OF 112.00 FEET ALONG THE NORTHEAST PROPERTY LINE OF SAID PARCEL;

THENCE SOUTH 54° 06' 24" WEST A DISTANCE OF 205.61 FEET TO A POINT ALONG THE SOUTHWEST PROPERTY LINE OF SAID PARCEL;

THENCE SOUTH 48° 49' 16" EAST A DISTANCE OF 158.00 FEET ALONG THE SOUTHWEST PROPERTY LINE OF SAID PARCEL, RETURNING TO THE SOUTHERLY-MOST CORNER OF SAID PARCEL;

MAP EXHIBIT C



## **Consent Agenda Item C-4**

Covington City Council Meeting

Date: July 28, 2015

**SUBJECT: AUTHORIZE THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT AMENDMENT FOR GRANT ACCEPTANCE FROM KING COUNTY CONSERVATION FUTURES FOR THE SOCO PARK/JENKINS CREEK TRAIL PROJECT**

**RECOMMENDED BY: Scott Thomas, Parks and Recreation Director**

**ATTACHMENT(S):**

1. Proposed Amendment to the Conservation Futures Interlocal Cooperation Agreement between King County and the City of Covington for open space acquisition projects.
2. Existing Interlocal Cooperation Agreement with King County entered into on January 28, 2003.

**PREPARED BY: Scott Thomas, Parks and Recreation Director**

**EXPLANATION:**

In March 2014 the city submitted an application to the King County Conservation Futures grant program for acquisition of a parcel needed for SoCo Park and a portion of the Jenkins Creek trail. In November 2014 the King County Council passed Ordinance 17941 which appropriated \$450,000 in Conservation Futures Levy proceeds to the city of Covington for this project. In April 2015 the King County Council passed Ordinance 18023, authorizing the King County Executive to enter into an interlocal agreement with the city for the disbursement of Conservation Futures Funds appropriated in Ordinance 17941.

Approving this motion authorizes the City Manager to sign an amendment to the standing Interlocal Cooperation Agreement, thus providing \$450,000 toward the acquisition cost of SoCo Park and a portion of the Jenkins Creek trail corridor.

In signing this agreement the city is committing to acquiring property for the future SoCo Park, to provide a trail connection between the planned Covington Town Center and the city-wide trail system that connects with other Covington parks and open spaces, public access, and habitat protection along Jenkins Creek.

**ALTERNATIVES:**

The King County Conservation Futures grant is a necessary component of acquisition funding for SoCo Park. If the grant agreement is not approved, then there will be a significant negative impact on the city's ability to purchase the property. This grant provides matching funds for the state Washington Wildlife and Recreation Program (WWRP) grant that was awarded this year.

**FISCAL IMPACT:**

The total estimated cost of acquisition and public access is \$1,117,830. Revenue from this grant is \$450,000. An additional \$200,000 has already been awarded from the 2013 King County

Conservation Futures program and \$558,915 in matching funds were awarded this year from the state WWRP grant program. Currently awarded grants exceed the estimated cost of the project. If any grant funds remain unutilized at the end of the project they will be returned to the granting agencies.

CITY COUNCIL ACTION:    \_\_\_Ordinance    \_\_\_Resolution     X Motion    \_\_\_Other

**Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to authorize the City Manager to execute the Amendment, in substantial form as attached hereto, to the Conservation Futures Interlocal Cooperation Agreement with King County for acquisition of a parcel of land for the SoCo Park/Jenkins Creek Trail project.**

REVIEWED BY: Parks and Recreation Director, Finance Director, City Attorney, City Manager

**AMENDMENT TO THE CONSERVATION FUTURES  
INTERLOCAL COOPERATION AGREEMENT  
BETWEEN KING COUNTY AND THE CITY OF COVINGTON  
FOR OPEN SPACE ACQUISITION PROJECTS**

**Preamble**

The King County Council, through Ordinance 9128, has established a Conservation Futures Levy Fund and appropriated proceeds to King County, the City of Seattle and certain suburban cities. This amendment is entered into to provide for the allocation of additional funds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF COVINGTON and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 28<sup>th</sup> day of January, 2003.

The parties agree to the following amendments:

**Amendment 1: Article 1. Recitals**

A paragraph is hereby added to the Recitals Section to provide for a Conservation Futures Levy Fund allocation for the South Covington Park/Jenkins Creek acquisition Project, and hereafter reads:

- On November 17, 2014 the King County Council passed Ordinance 17941, which appropriated a total of Four Hundred and Fifty Thousand dollars (\$450,000) in Conservation Futures Levy proceeds to the City of Covington for the South Covington Park/Jenkins Creek acquisition Project. On April 20, 2015 The King County Council passed Ordinance 18023, authorizing the King County Executive to enter into an interlocal agreement with the City of Seattle and the suburban cities for the disbursement of Conservation Futures Funds appropriated in Ordinance 17941.

**Amendment 2: Article V. Conditions of Agreement**

Section 5.1 is amended to include reference to Attachment C, which lists a 2015 Conservation Futures Levy Allocation for the South Covington Park/Jenkins Creek acquisition Project.

**Amendment 3: Article VII. Responsibilities of County**

The first two sentences of this article are amended to include references to Attachment C, which lists a 2015 Conservation Futures Levy Allocation and for the South Covington Park/Jenkins Creek acquisition project as follows:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy Funds in the amounts shown in Attachments A through C to be used for the Projects listed in Attachments A through C. The City may request additional funds; however, the County has no obligation to provide funds to the City for the Projects in excess of the total amounts shown in Attachments A through C. The County assumes no obligation for the future support of the Projects described herein except as expressly set forth in this agreement.

**Amendment 4: Attachment C**

The attachments to the interlocal agreement are hereby amended by adding Attachment C, which is hereby attached to the interlocal agreement, incorporated therein and made a part thereof.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

This document shall be attached to the existing Interlocal Cooperation Agreement.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF COVINGTON

\_\_\_\_\_  
Dow Constantine  
King County Executive

\_\_\_\_\_  
Regan Bolli  
City Manager

Date: \_\_\_\_\_  
Acting under the authority of  
Ordinance 18023

Date \_\_\_\_\_  
Acting under the authority of a council  
motion

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Dan Satterberg  
King County Prosecuting Attorney

\_\_\_\_\_  
Sara Springer  
City Attorney

## ATTACHMENT C

**2015 CONSERVATION FUTURES LEVY  
CITY OF COVINGTON ALLOCATION**

<b>Jurisdiction</b>	<b>Project</b>	<b>Allocation</b>
Covington	South Covington Park/Jenkins Creek	\$ 450,000
TOTAL		<b>\$ 450,000</b>

**Project Description:**

(Ordinance 18023):

1122034 Covington – South Covington Park/Jenkins Creek Trail

This project consists of three parcels totaling 5.65 acres on SE Wax Road, in the Jenkins Creek corridor. There is a dual goal for the project: the first is creating a trail connection between the planned Covington Town Center, which is located nearby to the northeast, and a city-wide trail system that connects with other Covington parks and open spaces. The second goal is habitat protection along Jenkins Creek, which runs parallel to the future trail. The project site is critically located at a planned trail crossing on SE Wax Road.

2015: \$450,000 is added to this project to provide additional funding support for the property acquisitions. Funding is contingent on Covington removing any occupants from Conservation Futures-funded properties owned by the city.

**City of Covington - South Covington Park/Jenkins Creek** **\$ 450,000**

**Exhibit "A"**

Resolution 02/93

INTERLOCAL COOPERATION AGREEMENT BETWEEN KING COUNTY  
AND THE CITY OF COVINGTON FOR  
OPEN SPACE ACQUISITION PROJECTS

THIS INTERLOCAL COOPERATION AGREEMENT is entered into between  
the CITY OF COVINGTON ("City") and KING COUNTY ("County").

Article I. Recitals

On February 27, 1989, the King County Council passed Ordinance 8867, which established a process to allocate the proceeds of the Conservation Futures Fund, including matching contribution requirements for jurisdictions receiving funds.

On September 21, 1989, the King County Council passed Ordinance 9128, which established a Conservation Futures Levy Fund to provide for the receipt and disbursement of conservation future levy proceeds and established conditions for use of the Fund, including conditions covering allowable cost and expenses.

On May 12, 2000, the King County Council passed Ordinance 13717, authorizing funding allocation procedures for King County conservation futures tax levy collections and amending Ordinance 8867, Section 2, as amended, and K.C.C. 26.12.020, adding new sections to K.C.C. chapter 26.12 and recodifying K.C.C. 26.12.020.

The Conservation Futures Citizens Committee has recommended an allocation of Conservation Futures funds to specific projects from the Conservation Futures Levy fund following notification to the suburban cities that funds were available, provision of an

opportunity for the suburban cities to respond and receipt by the committee of requests for funding, all pursuant to Ordinance 8867, as amended by Ordinance 13717.

The King County Council, by ordinance 14485, has approved the recommendation for the allocation of Conservation Futures Levy funds to specific suburban city projects, and by Ordinance 14486 authorized the King County Executive to enter into interlocal cooperation agreements with the suburban cities in order to initiate the approved projects.

Pursuant to King County Ordinances 8867, 9128, 13717, Washington Statute Chapter 84.34 RCW and Washington Statute Chapter 39.34, the parties agree to follows:

#### Article II. Definitions

##### 1. Open Space

The term "open space" or "open space land" means: (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply; or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife reserves, natural reservations or sanctuaries or other open space, or (v) enhance recreational activities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land of not less than one acre situated in an urban area and open to public use on such conditions as may be

reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farms and agricultural conservation under subsection (8) of RCW 84.34.020. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b) (iii) of this subsection for the purpose of promoting conservation of wetlands.

2. Project

The term "Project" means specific projects which meet open space criteria as described in King County Ordinance 8867, as amended by Ordinance 13717, and RCW 84.34.020 and which are attached to and incorporated by reference in King County Ordinance 14485 or added to the list of approved projects by the County.

3. Conservation Futures

The term "Conservation Futures" means developmental rights which may be acquired by purchase, gift, grant, bequest, devise, lease or otherwise, except by eminent domain, and may consist of fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve restore, limit future use of, or otherwise converse open space land, all in accordance with the provisions of Washington Statute Chapter 84.34 RCW and King County Ordinance 8867.

Article III. Purpose of the Agreement

The purpose of this agreement is to create a cooperative arrangement between the City and the County relating to the Projects and to define the terms and conditions governing both parties' obligations created by this agreement.

Article IV. Term of Agreement

This agreement shall be continued in full force and effect and binding upon the parties hereto upon execution of the agreement by both parties. The term of the agreement shall be indefinite. The agreement will be terminated if the City is unable or unwilling: 1) to expend the funds provided through this agreement; 2) to satisfy the matching requirements contained in this agreement; and 3) to reimbursement the County of all unexpended funds provided by the County pursuant to this agreement in the manner and amounts described below.

Article V. Conditions of Agreement

Section 5.1 -- Project Descriptions. Funds available pursuant to this agreement may be used only for Projects listed in Attachment A, which is incorporated herein by reference, or such substituted Projects as may be approved by the County as set forth below. All County funded Projects must meet open space criteria as described in King County Ordinance 8867, as amended by Ordinance 13717, and Washington Statute Chapter 84.34.020 RCW.

Section 5.2 -- Use of Funds. Funds provided to the City pursuant to this agreement as well as funds provided by the City as match pursuant to this agreement may be used only for expenses related to property acquisition. Those expenses include appraisals, title searches, negotiations, administrative overhead, and the cost of actual acquisition or purchase options, all in accordance with the provisions of Section 3 of Ordinance 9128. Funds utilized pursuant to this agreement may not be used to purchase land obtained through the exercise of eminent domain.

Section 5.3 -- Substitution/Deletion of Projects. If the City does not proceed with the Projects described in Section 5.1 of this agreement, the City may reimburse the County all funds provided in good faith to acquire the property for open space, plus accrued interest earnings on the unexpended balance. Alternatively, the City may submit specific requests for project reprogramming to the County for its approval. All projects proposed for reprogramming must meet open space criteria as described in King County Ordinance 8867, Section 1, as amended by Ordinance 13717, and Washington Statute Chapter 84.34.020 RCW, be submitted for recommendation by the County's Citizens Oversight Committee or its successor and be approved by action of the King County Council. All reprogramming requests shall be submitted to the County's Department of Natural Resources Capital Projects and Open Space Acquisition Section or its successor.

Section 5.4 -- Eminent Domain. If any Project requires the exercise of eminent domain to acquire the property all funds provided pursuant to this agreement plus accrued

interest on such funds shall be reprogrammed as provided in this agreement or repaid to the County.

Article VI. Responsibilities of the City

Section 6.1 -- Matching Requirements. Any Project funded by Conservation Futures Levy proceeds shall be supported by the City that is sponsoring the Project with a matching contribution which is no less than the amount of Conservation Futures Levy funds allocated to the Project. This contribution may be in the form of cash, land trades with a valuation verified by an appraisal conducted by a MIA certified appraiser, or credits for other qualifying open space acquired on or after January 1, 1989. Any City match, other than cash, shall require County approval. County approval and County acceptance of the City's match will be transmitted in writing to the City by the County's Manager of Open Space & Resource Lands or their successor in functions.

If the Project involves two or more suburban cities, those cities shall determine the allocation of the contributions to the matching requirements of this agreement, so long as the total match is no less than the amount of Conservation Futures Levy funds provided by the County.

Such matching contribution must be available within two years of the City's application for County funds to support Projects identified herein or approved substitute Projects.

If such commitment is not timely made, the County shall be released from any obligation to fund the Project in question, and the City shall reimburse the County all funds provided to the City pursuant to this agreement plus accrued interest on such funds. All such moneys will be available to the County to reallocate to other approved Projects. By appropriate legislature action taken not more than 60 days following the effective date of this agreement, the City shall commit to contribute its required match.

Section 6.2 -- Project Description. As part of the application to receive Conservation Futures Levy funds from the County, the City shall submit the following information concerning each project: 1) a narrative description of the project; 2) a description of the specific uses for Conservation Futures Levy funds in the Project; and 3) a description of the means by which the City will satisfy the matching requirements contained in this agreement.

Section 6.3 -- Reporting. All funds received pursuant to this agreement and accrued interest therefrom will be accounted for separately from all other City funds, accounts and moneys. Until the property described in the Project is acquired and all funds provided pursuant to this agreement expended, the City shall provide semi-annual written reports to the County within 30 days of the end of each relevant time period. The semi-annual report shall contain the following information: a) an accounting of all cash expenditures and encumbrances for support of the Project; b) the status of each Project and any changes to the approved time line; and c) other relevant information requested by the County for the purpose of determining compliance with this agreement.

Following acquisition of the property and expenditure of all funds provided pursuant to this agreement, the City shall provide the County with a final report, within 90 days of the end of the calendar year in which all funds were expended. Said report shall contain a summary of all project expenditures, a description of the project status and accomplishments and other relevant information requested by the County for the purpose of verifying compliance with this agreement.

The City shall also provide the County, within 90 days of the end of each calendar, annual reports which specify any change in the status of the Project during the prior year and any change in the status of the Project which the City Reasonably anticipates during the ensuing year. Such reports shall be required only if a change has taken place or is anticipated, except as provided above for ongoing and final project reports. All such reports shall be submitted to the County's Department of Natural Resources, Open Space & Resource Lands, or its successor.

#### Section 6.4 -- Disposition of Remaining Funds.

If the City does not expend all funds provided through this agreement and no substitute project is requested or approved as to the excess funds, such funds shall be refunded to the County. For purposes of this section, "funds" shall include all moneys provided by the county plus interest accrued by the City on such moneys.

Section 6.5 -- Maintenance in Perpetuity. The City, and any successor in interest, agree to maintain properties acquired with funds provided pursuant to this agreement as open space in perpetuity. If the City changes the status or use of properties acquired with

funds provided pursuant to this agreement to any purpose, the City shall pay the County an amount in cash to be mutually determined or substitute other property acceptable to the County. In either case, the value of the property shall be established at the time of the change in status or use, based upon the changed status or use and not based on its value as open space.

Upon changes in status and/or use of the property acquired herein, at its own cost, the City will provide the County an independent MIA appraisal in accordance with this section. The value established by the appraisal will not be binding on the County. The City shall provide the County with written notice prior to the change of use and shall reimburse the County within 90 days of such notification. Reimbursement not received within 90 days will accrue interest at the then legal rate.

Article VII. Responsibilities of the County

Subject to the terms of this agreement, the County will provide Conservation Futures Levy funds in the amount shown in Attachment A. The City may request additional funds; however, the County has no obligation to provide funds to the City in excess of the amount shown in Attachment A. The County assumes no obligation for future support of the Projects described herein except as expressly set forth in this agreement.

Article VIII Other Provisions

Section 8.1 -- Hold Harmless and Indemnification.

A. The County assumes no responsibility for the payment of any compensation, fees, wages, benefits or taxes to or on behalf of the City, its employees, contractors or others

by reason of this agreement. The City shall protect, indemnify and save harmless the County, its officers, agents and employees from any and all claims, cost and whatsoever occurring or resulting from: 1) the City's failure to pay any compensation, fees, wages, benefits or taxes; and 2) the supplying to the City of works services, materials or supplies by City employees or agents or other contractors or suppliers in connection with or in support of performance of this agreement.

B. The City further agrees that it is financially responsible for and will repay the County all indicated amounts following an audit exception, which occurs due to the negligent or intentional acts of this agreement by the City, its officer, employees, agent or representatives.

C. The City shall protect, indemnify and save harmless the County from any and all costs, claims, judgments, or awards of damages, arising out of or in any way resulting from the negligent acts or omissions of the City, its officers, employees or agents. For purpose of this agreement only, the City agrees to waive the immunity granted it for industrial insurance claims pursuant to Washington Statute Chapter 51 to the extent necessary to extend its obligations under this paragraph to any claim, demand, or cause of action brought by or on behalf of any employee, including judgments, awards and costs arising therefrom including attorney's fees.

Section 8.2 -- Amendment. The parties reserve the right to amend or modify this agreement. Such amendments or modifications must be by written instrument signed by the parties and approved by the respective City and County Councils.

Section 8.3 -- Contract Waiver. No waiver by either party of any term or condition of this agreement shall be deemed or construed to be a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach whether of the same or different provision of this agreement. No waiver shall be effective unless made in writing.

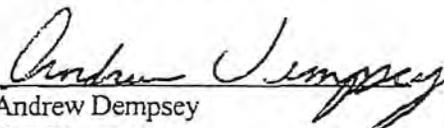
Section 8.4 -- Entirety. This agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated are excluded. This agreement merges and supersedes all prior negotiations, representations and agreements between the parties relating to the projects and constitutes the entire agreement between the parties. The parties recognize that time is of the essence in the performance of the provisions of this agreement.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces put forth below:

KING COUNTY

CITY OF COVINGTON

\_\_\_\_\_  
Ron Sims  
King County Executive

  
\_\_\_\_\_  
Andrew Dempsey  
City Manager

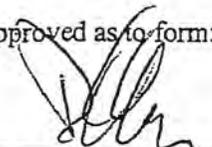
Date: \_\_\_\_\_  
Acting under the authority of  
Ordinance 14486

Date: 12/10/2007

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Norm Maleng  
King County Prosecuting Attorney

  
\_\_\_\_\_  
Covington City Attorney

**ATTACHMENT A**  
**2002 CONSERVATION FUTURES LEVY**  
**CITY OF COVINGTON**  
**ALLOCATION**

Jurisdiction	Project	Allocation
COVINGTON	Cedar Creek Park / Jenkins Creek	\$350,000
	<b>TOTAL</b>	<b>\$350,000</b>

**PROJECT DESCRIPTION:**

Cedar Creek Park/Jenkins Creek: This project consists of the wooded 30-acre Gardener parcel and the five-acre Munch parcel contain high quality habitat for an urban park. The Gardener parcel is located adjacent to Cedar Creek Park to the north and the Munch parcel is immediately to the east of the Gardener parcel. The value of the house or structures on the property are not included in the project and CFT funds will only be used to acquire the land portion of the property.

City of Covington – Cedar Creek Park / Jenkins Creek      \$350,000

## Consent Agenda Item C-5

Covington City Council Meeting

Date: July 28, 2015

**SUBJECT:** CONSIDER RESOLUTION DECLARING ONE VEHICLE AS SURPLUS PROPERTY AND AUTHORIZING REPLACEMENT FUNDS BE EXPENDED FOR ONE NEW VEHICLE.

**RECOMMENDED BY:** Don Vondran, Public Works Director

**ATTACHMENT(S):**

1. Proposed Resolution

**PREPARED BY:** Ross Junkin, Maintenance Supervisor

**EXPLANATION:**

Staff is seeking council's approval to surplus one vehicle per the city's Fleet Management Policy, Section 11.

The city currently owns the following vehicle:

- Asset #2900: 2003 Chevy Tahoe (VIN 1GNEK13V73J275545)

Staff is seeking council authorization to allow the disposal of this vehicle in the most cost effective manner possible and authorize budget authority to use the replacement funds to replace our current vehicle with a similar use vehicle immediately upon locating such vehicle.

**ALTERNATIVES:**

1. Not declare the vehicle surplus and continue to perform costly repairs.
2. Not replace the vehicle.

**FISCAL IMPACT:**

This vehicle will be replaced with the funds set aside each month during the last six years in the Equipment Replacement Fund.

- Asset #2900: 2003 Chevy Tahoe currently has \$27,732 (\$390 per month) set aside for replacement through July.

The replacement vehicle will be a 2015 Chevrolet Silverado, half-ton pickup, four-wheel drive, crew cab. The new vehicle will be purchased through a state joint purchasing contract for \$32,056.80. The difference in available replacement funds and the purchase cost will be covered by the 2015 Surface Water Management budget.

CITY COUNCIL ACTION: \_\_\_\_\_Ordinance  X Resolution \_\_\_\_\_Motion \_\_\_\_\_Other

**Councilmember \_\_\_\_\_ moves, Councilmember \_\_\_\_\_  
seconds, to pass a resolution in substantial form as that attached hereto,  
declaring the 2003 Chevy Tahoe, Asset #2900, as surplus property and  
authorizing replacement funds to be used to purchase a new vehicle.**

REVIEWED BY: City Manager, City Attorney, Finance Director

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DECLARING ONE VEHICLE AS SURPLUS PROPERTY AND AUTHORIZE PURCHASE OF A REPLACEMENT VEHICLE.**

**WHEREAS**, the City of Covington maintains a vehicle fleet to complete city business;  
and

**WHEREAS**, the city has a vehicle replacement program to replace vehicles on a scheduled basis to maintain a functioning fleet; and

**WHEREAS**, the city owns a 2003 Chevy Tahoe (Asset #2900) that is scheduled for replacement in 2015; and

**WHEREAS**, the city’s Financial Management Policies require that titled vehicles be surplused by City Council resolution; now, therefore

**BE IT RESOLVED** by the City Council of the City of Covington, King County, Washington, as follows:

**Section 1.** The City Council does hereby declare that the 2003 Chevy Tahoe, Asset #2900 (VIN 1GNEK13V73J275545) is surplus to the needs of the city, and authorizes disposal of the vehicle in the most cost effective manner. The City Council further authorizes the use of the vehicle replacement funds to purchase a replacement vehicle as needed.

**PASSED** in open and regular session on this 28<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Mayor Margaret Harto

ATTESTED:

\_\_\_\_\_  
Sharon Scott, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sara Springer, City Attorney

## Consent Agenda Item C-6

Covington City Council Meeting

Date: July 28, 2015

**SUBJECT:** CONSIDER REJECTING ALL BIDS FOR THE CITY WIDE SAFETY IMPROVEMENTS PROJECT (CIP 1029)

**RECOMMENDED BY:** Don Vondran, Public Works Director

**ATTACHMENT(S):**

1. City-Wide Safety Bid Tabs

**PREPARED BY:** Don Vondran, Public Works Director

**EXPLANATION:**

On May 22<sup>nd</sup>, the City advertised a call for bids for the City Wide Safety Improvements Project. At the bid opening on June 22<sup>nd</sup> we received one bid from CCT Construction in the amount of \$266,021.50. The Engineer's estimate was \$175,450. Based on only receiving one bid and it being significantly over the Engineer's estimate, staff recommends rejecting the bid. Staff is working with WSDOT to reduce some of the scope of the project and plan to re-advertise early next year.

The project was to construct safety improvements to nine locations throughout the city. These improvements vary at each location but may include rechannelization, and pavement markings; improving sight distance, and crosswalks; upgrading signs, sidewalks and ADA access points. The intersections were SE 272<sup>nd</sup> Street / 168<sup>th</sup> Place SE, 168<sup>th</sup> Place SE / 169<sup>th</sup> Place SE, SE 270<sup>th</sup> Place / 174<sup>th</sup> Avenue SE, SE 256<sup>th</sup> Street / 180<sup>th</sup> Avenue SE, SE 267<sup>th</sup> Street / 192<sup>nd</sup> Avenue SE, SE 261<sup>st</sup> Street / 180<sup>th</sup> Avenue SE, SE 268<sup>th</sup> Street / 164<sup>th</sup> Avenue SE, SE Wax Road / 180<sup>th</sup> Avenue SE and SE 256<sup>th</sup> Street / 170<sup>th</sup> Avenue SE. With the need to reduce scope, we are considering removing the modification at SE 272<sup>nd</sup> Street / 168<sup>th</sup> Place SE as it appears to be driving the costs of the project.

This project is programmed to be fully funded through Highway Safety Improvement Program funds from the Moving Ahead for Progress in the 21<sup>st</sup> Century Act, administered through the WSDOT City Safety Program.

**ALTERNATIVES:**

1. Award the project and allocate the additional funding to cover the cost difference.

**CITY COUNCIL ACTION:** \_\_\_\_\_ Ordinance \_\_\_\_\_ Resolution  X  Motion \_\_\_\_\_ Other

**Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to reject all bids for the City Wide Safety Improvements Project.**

**REVIEWED BY:** City Manager, Finance Director, City Attorney

	BIDDER			<b>ENGINEER'S ESTIMATE</b>	<b>CCT CONSTRUCTION, INC.</b>		
	BIDDER ADDRESS				<b>22308 SR 410 East</b>		
					<b>Bonney Lake, WA 98391</b>		
	WASHINGTON STATE WORKMAN'S COMP. ACCT. NO.				<b>203, 776-00</b>		
	WASHINGTON STATE CONTRACTOR'S REG. NUMBER				<b>CCTCOC1902P2</b>		
	BID BOND OR OTHER GOOD FAITH TOKEN				<b>5% BID BOND</b>		
NO.	ITEM	QUANTITY		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	SPCC Plan	1	LS	\$500.00	\$500.00	\$2,500.00	\$2,500.00
2	Unexpected Site Changes	1	CALC	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
3	Mobilization	1	LS	\$18,000.00	\$18,000.00	\$20,000.00	\$20,000.00
4	Roadway Surveying	1	LS	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00
5	Licensed Surveying	1	FA	\$500.00	\$500.00	\$500.00	\$500.00
6	Project Temporary Traffic Control	1	LS	\$25,000.00	\$25,000.00	\$8,000.00	\$8,000.00
7	Clearing and Grading	1	LS	\$1,200.00	\$1,200.00	\$16,880.00	\$16,880.00
8	Removal of Structure and Obstruction	1	LS	\$10,000.00	\$10,000.00	\$56,800.00	\$56,800.00
9	Crushed Surfacing Top Course	110	TN	\$32.00	\$3,520.00	\$75.00	\$8,250.00
10	HMA Cl. 1/2" PG 64-22	65	TN	\$110.00	\$7,150.00	\$500.00	\$32,500.00
11	Planing Bituminous Pavement	9	SY	\$10.00	\$90.00	\$320.00	\$2,880.00
12	Adjust Catch Basin	1	EA	\$500.00	\$500.00	\$500.00	\$500.00
13	Erosion/Water Pollution Control	1	LS	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
14	Cement Conc. Traffic Curb and Gutter	240	LF	\$40.00	\$9,600.00	\$30.00	\$7,200.00
15	Cement Conc. Pedestrian Curb	12	LF	\$35.00	\$420.00	\$30.00	\$360.00
16	Extruded Cement Concrete Curb	160	LF	\$28.00	\$4,480.00	\$30.00	\$4,800.00
17	Modified Extruded Cement Concrete Curb	340	LF	\$30.00	\$10,200.00	\$55.00	\$18,700.00
18	Cement Conc. Sidewalk	174	SY	\$55.00	\$9,570.00	\$35.00	\$6,090.00
19	Cement Conc. Sidewalk Ramp	7	EA	\$2,000.00	\$14,000.00	\$1,800.00	\$12,600.00
20	Detectable Warning Surface w/Concrete Landing	8	EA	\$1,300.00	\$10,400.00	\$1,400.00	\$11,200.00
21	Detectable Warning Surface on Asphalt Pavement	4	EA	\$400.00	\$1,600.00	\$1,000.00	\$4,000.00
22	Topsoil, Type A	2	CY	\$60.00	\$120.00	\$350.00	\$700.00
23	Seeding, Fertilizing and Mulching	60	SY	\$6.50	\$390.00	\$12.00	\$720.00
24	Traffic Detection Loops	1	LS	\$3,500.00	\$3,500.00	\$8,000.00	\$8,000.00
25	Permanent Signing	1	LS	\$10,000.00	\$10,000.00	\$10,600.00	\$10,600.00
26	Pavement Marking Removal	1	LS	\$4,500.00	\$4,500.00	\$3,500.00	\$3,500.00
27	Paint Line	810	LF	\$4.00	\$3,240.00	\$2.00	\$1,620.00
28	Painted Wide Line	190	LF	\$5.00	\$950.00	\$2.25	\$427.50
29	Plastic Stop Line	480	SF	\$10.00	\$4,800.00	\$12.00	\$5,760.00
30	Plastic Crosswalk Line	812	SF	\$10.00	\$8,120.00	\$12.00	\$9,744.00
31	Painted Bicycle Lane Symbol	2	EA	\$100.00	\$200.00	\$195.00	\$390.00
32	Tubular Markers	5	EA	\$60.00	\$300.00	\$200.00	\$1,000.00
33	Raised Pavement Marker	0.2	HD	\$500.00	\$100.00	\$1,500.00	\$300.00
	Subtotal:				\$175,450.00		\$266,021.50
	Sales Tax @ 0% (Per W.S. Revenue Rule No. 171)				\$0.00		\$0.00
	<b>TOTAL CONSTRUCTION COST</b>				\$175,450.00		\$266,021.50
Sealed bids were opened at the City of Covington, 16720 SE 271st Street, Suite 100, Covington, Washington 98042 on Monday, June 22, 2015, at 11:00 a.m. (local time).							
I hereby certify that, to the best of my knowledge, the above tabulations are true and correct transcriptions of the unit prices and total amounts bid.							
	<b>BRIAN SOURWINE, P.E.</b>						

DATE: 6/2015  
 DRAWN: SC  
 CHECKED: BS  
 APPROVED: BS

CITY OF COVINGTON, WA.  
 CITY-WIDE INTERSECTION AND  
 SAFETY IMPROVEMENTS  
 G&O #13504

GRAY & OSBORNE, INC.,  
 CONSULTING ENGINEERS

**Agenda Item 1**  
Covington City Council Meeting  
Date: July 28, 2015

SUBJECT: APPOINTMENTS TO OPENINGS ON THE COVINGTON ECONOMIC DEVELOPMENT COUNCIL (CEDC).

RECOMMENDED BY: Regan Bolli, City Manager

ATTACHMENT(S): See Interview Schedule and Applications provided separately.

PREPARED BY: Joan Michaud, Senior Deputy City Clerk

EXPLANATION:

Five CEDC terms will expire on July 31, 2015. Two of these terms are to be appointed by the City of Covington. Each term is for a period of two years. The city received two applications for appointment to CEDC as follows:

**Name of Applicant**

Kathy Fosjord

Steven Pand (currently serving on CEDC; term ends 07/31/2015)

ALTERNATIVES:

Not appoint at this time and direct staff to continue to advertise for additional applicants.

CITY COUNCIL ACTION: \_\_\_\_\_ Ordinance \_\_\_\_ Resolution  X  Motions \_\_\_\_\_ Other

**Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to appoint \_\_\_\_\_ to fill a position on the Covington Economic Development Council with a term expiring July 31, 2017.**

**Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to appoint \_\_\_\_\_ to fill a position on the Covington Economic Development Council with a term expiring July 31, 2017.**

REVIEWED BY: City Manager

SUBJECT: FUNDING PRIORITIES

PREPARED BY: Rob Hendrickson, Finance Director

RECOMMENDED BY: Regan Bolli, City Manager

ATTACHMENT(S):

EXPLANATION:

Continuation of study session discussion with council decision points added. (Please refer to study session blue sheet and related attachments.)

**Staff Recommendation:**

- 1) Fund ongoing expenditures with matching, ongoing revenues.
- 2) Select revenues that are:
  - a. councilmanic in nature, and
  - b. readily available.
- 3) Fund one-time expenditures with available fund balance when prudent and applicable.
- 4) Consider merging parks with the general fund. (Prior to 2006, this fund was part of general fund.)
  - a. Pros:
    - i. Streamlines the financial statements and audit process.
    - ii. Reduces audit costs.
    - iii. Keeps transparency through effective account numbering.
    - iv. Provides more a more effective and efficient accounting process through reduced transactions.
  - b. Cons:
    - i. Appearance of non-transparency.
    - ii. Perception of reduced responsibility.

Council decision points:

- 1) Establish a fund balance target for the general fund.
  - i. E.g. 10%, 20%, 30%, etc.
- 2) Determine which ongoing programs will be funded.
- 3) Determine which one-time items will be funded.
- 4) Determine revenue sources to fund ongoing items.

CITY COUNCIL ACTION:     Ordinance     Resolution     Motion     Other

**Ask questions of and provide direction to staff which would include the opportunity to consider action on spending and funding priorities.**

REVIEWED BY: City Manager, Community Development Director, Public Works Director, Parks Director

**DISCUSSION OF  
FUTURE AGENDA TOPICS:**

**7:00 p.m. Tuesday, August 11, 2015 Regular Meeting**

**(Draft Agenda Attached)**



**CITY OF COVINGTON  
CITY COUNCIL REGULAR MEETING AGENDA**  
[www.covingtonwa.gov](http://www.covingtonwa.gov)

**Tuesday, August 11, 2015  
7:00 p.m.**

**City Council Chambers  
16720 SE 271<sup>st</sup> Street, Suite 100, Covington**

*Note: The City Council will interview Planning Commission applicants prior to this meeting from 6:00 to 7:00 pm*

**CALL CITY COUNCIL REGULAR MEETING TO ORDER**

**ROLL CALL/PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**PUBLIC COMMUNICATION**

- Report on Drug Dependency Resources & Trends (Brad Finegood, Prevention and Treatment Coordinator, Mental Health, Chemical Abuse and Dependency Services Division, King County; Norman Johnson, Therapeutic Health Services and Detective Anthony Mullinax, Special Enforcement Team, KCSO)

**PUBLIC COMMENT** Speakers will state their name, address, and organization. Comments are directed to the City Council, not the audience or staff. Comments are not intended for conversation or debate and are limited to no more than four minutes per speaker. Speakers may request additional time on a future agenda as time allows.\*

**APPROVE CONSENT AGENDA**

- C-1. Vouchers (Hendrickson)
- C-2. Accept Victorian Meadows Final Plat (Lyons)
- C-3. Renew WRIA 9 Interlocal Agreement (Scott)

**PUBLIC HEARING**

- 1. Public Hearing and Consideration of an Ordinance Extending the Moratorium on Medical Marijuana Production and Processing Facilities, Dispensaries, and Collective Gardens for Six Months (Hart)

**NEW BUSINESS**

- 2. Consider Appointments to Planning Commission (Council)
- 3. Discuss Draft Permanent Land Use Regulations for Medical and Recreational Marijuana (Hart)

**COUNCIL/STAFF COMMENTS** - Future Agenda Topics

**PUBLIC COMMENT** \*See Guidelines on Public Comments above in First Public Comment Section

**EXECUTIVE SESSION – if needed**

**ADJOURN**

Americans with Disabilities Act – reasonable accommodations provided upon request a minimum of 24 hours in advance (253-480-2400).