



NOTICE OF DECISION
PRELIMINARY UNIT LOT SUBDIVISION File No.: ULS-22-0001
85 Degrees – Pulte Homes of Washington, LLC

Notice is hereby given that on January 12, 2023, the City of Carnation Hearing Examiner issued a decision of **Approval** on the above referenced application for preliminary unit lot subdivision permit, which was brought to public hearing on December 28, 2023, at 6:00 PM, conducted in person and remotely from the Council Chambers at the Carnation City Hall. The purpose of the hearing was to evaluate and receive public testimony regarding the following application:

Description of Proposal: A proposed mixed use development consisting of 43 unit lots for Live/Work and Townhouse residential units on 2.43 acres in the Mixed Use (MU) zone. The 43 units are spread over 14 buildings with 9 live/work units along Tolt Avenue and 34 townhouse residences throughout the remainder of the property. Associated development includes frontage improvements along all public streets, open space, parking, pedestrian infrastructure, and new interior access roads.

Project Location: The subject property is bordered by McKinley Avenue, E. Eugene Street, Tolt Avenue, and E. Myrtle Street. Addresses associated with the property include 4210 Tolt Avenue; 4240 Tolt Avenue; 4334 Tolt Avenue; 31803 E Eugene St; 4215 McKinley Avenue; and 31822 E Myrtle Street. The property is identified as Assessor's Parcel Number: 8657300226.

Property Owner: Pulte Homes of Washington, LLC
Applicant: Tyler Wilcox

Decision: The Hearing Examiner issued a decision of APPROVAL for the requested preliminary unit lot subdivision to subdivide 2.43 acres into 43 live/work and townhouse residential unit lots subject to conditions as provided in the Decision signed January 12, 2023.

Appeal Procedure: There is no administrative appeal for the preliminary unit lot subdivision approval decision or the SEPA MDNS. Pursuant to Chapter 36.70C RCW, RCW 58.17.180, and CMC 15.11.100 and CMC 14.04.170, as applicable, the preliminary approval decision and the SEPA MDNS may be appealed to the King County Superior Court within 21 days (February 3, 2023) of the issuance of the Hearing Examiner's decision by any person with standing. Any such appeal must comply with the standards and procedures set forth in the Land Use Petition Act, Chapter 36.70C RCW.

Further information: The complete project file is available for review on the City's "Development Projects" webpage at <https://tinyurl.com/CarnationProjects>, or at the Carnation City Hall, 4621 Tolt Avenue, Carnation, WA.

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

A copy of the decision is attached and incorporated by reference. For more information, contact Tim Woolett, City Planner, at 425-333-4192 or tim.woolett@carnationwa.gov.

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF CARNATION**

In the Matter of the Application of)	NO. ULS-22-0001
)	
)	
Pulte Homes of Washington, Inc.)	85 Degrees
)	
)	FINDINGS, CONCLUSIONS,
For a Preliminary Unit Lot Subdivision)	AND DECISION
_____)	

SUMMARY OF DECISIONS

The request for a preliminary unit lot subdivision to subdivide 2.43 acres into 43 live/work and townhouse residential unit lots is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

Tyler Wilcox of Pulte Homes of Washington, Inc. (Applicant) requested approval of a preliminary unit lot subdivision to subdivide 2.43 acres into 43 unit lots, including nine live/work units and 34 townhouse units. The subject property is located at 31822 E Myrtle Street, Carnation, Washington.

Hearing Date:

The Carnation Hearing Examiner conducted an open record hearing on the request on December 28, 2022. The record was held open through December 30, 2022 to allow members of the public who encountered technology or access barriers that prevented them from joining the virtual hearing to submit written comments, with time scheduled for written responses by the parties. No post-hearing comments were received, and the record closed on December 30, 2022.

No in-person site visit was conducted, but the Examiner viewed the property on Google Maps.

Testimony:

At the hearing the following individuals presented testimony under oath:

Tim Woolett, City of Carnation Planner

Becky Buelna, City of Carnation Permitting Coordinator

Jim Sprott, Vice President of Land Development and Entitlement, PulteGroup (on behalf of Applicant)

Exhibits:

At the open record hearing, the following exhibits were admitted in the record:

1. Staff Report, dated December 16, 2022

2. Preliminary Unit-Lot Subdivision Application, received November 4, 2022
3. Preliminary Unit-Lot Subdivision Plan Set
4. Title Report
5. Water and Sewer Availability Certificates
6. Notice of Complete Application, dated November 7, 2022
7. SEPA Threshold Determination, dated July 26, 2021
8. Notice of Decision Staff Report and exhibits for Site Development Review and Design Review, File Nos. SPR-20-0001 and DR-20-0001, dated January 31, 2022
9. Legal Notices/Affidavits: Notice of Application, SEPA Threshold Determination, and Public Hearing
10. Agency Comments:
 - a. Snoqualmie Tribe comments, dated November 22, 2022
 - b. City Engineer comments, dated December 2, 2022
 - c. Eastside Fire and Rescue comments, dated November 29, 2022
 - d. SafeBuilt comments, dated November 23, 2022¹
11. Tolt Villas Traffic Impact Analysis, dated June 2020
12. Drainage Report dated May 3, 2021

After considering the testimony and exhibits admitted, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. Tyler Wilcox of Pulte Homes of Washington, Inc. (Applicant) requested approval of a preliminary unit lot subdivision to subdivide 2.43 acres into 43 unit lots, including nine live/work units and 34 townhouse units. The subject property is located at 31822 E Myrtle Street, Carnation, Washington.² *Exhibits 1, 2, and 3.*
2. Applications for site development review and design review of the live/work unit and townhouse project (known at that time as Tolt Villas and under previous ownership) were submitted on June 17, 2020. The City conducted environmental review of the project pursuant to the State Environmental Policy Act and issued a mitigated determination of non-significance (MDNS) on July 26, 2021. The MDNS specified that the threshold determination would apply not only to the permits then under review but also to any future subdivision of the property. The City then administratively approved the site

¹ SafeBuilt is the City's contract Building Official. *Tim Woolett Testimony.*

² The legal description of the subject property is a portion of the S/W quarter of the S/E Quarter of Section 16, Township 25 North, Range 7 East, W.M.; also known as Assessor's parcel number 8657300226. The full legal description is found on the first sheet of the plan set. *Exhibits 1, 2, and 3.*

development review and design review applications on January 31, 2022 according to the Type II process applicable to those permits. The review process and resulting conditions of approval addressed Zoning Code and Comprehensive Plan compliance, impact fees, infrastructure improvements, erosion control, and common area maintenance. The Applicant, which purchased the subject property after the administrative approvals were granted, submitted a preliminary unit lot subdivision application for the project on November 4, 2022. The application was deemed complete on November 7, 2022. *Exhibits 1, 2, 8, and 9; Testimony of Tim Woolett and Jim Sprott.*

3. The subject property is comprised of a city block bounded by Tolt Avenue to the west, E. Eugene Street to the north, McKinley Avenue to the east, and Myrtle Street to the south. The subject property is currently vacant, but was previously occupied by four single-family residences, one commercial building, and one City Public Works Department shop building, all of which have been demolished. Surrounding land uses include vacant land to the north, single-family and multi-family dwellings to the east and south, and commercial uses (including a small shopping center and self-storage facility) and vacant land to the west. *Exhibits 1 and 3; Google Maps site view.*
4. The Comprehensive Plan designation of the subject property is Medium Intensity Commercial, a designation which allows both commercial and residential uses, and the zoning designation of the subject property is Mixed Use (MU). The purpose of the MU zone is as follows:

The mixed use district (MU) is designed to accommodate a mixture of certain, limited residential uses, office uses and commercial uses. It is intended that this zoning classification be applied primarily in areas adjacent to the central business district, or as a transition between commercial and residential uses.

Carnation Municipal Code (CMC) 15.36.02.E.

5. Townhouses are allowed in the MU zone, provided that for projects fronting Tolt Avenue, the ground floors must be constructed for potential future conversion to non-residential use, including having a minimum floor to ceiling height of 13 feet and building frontages that are at least 20 feet deep. *CMC 15.40, Table 1; Tim Woolett Testimony.* All proposed buildings fronting Tolt Avenue (proposed buildings A, B, and C) would be constructed for potential future conversion to non-residential use. These three buildings would contain the proposed live/work units, each with commercial storefronts on the ground floor meeting the dimensional requirements of CMC 15.40. *Exhibits 1, 3, and 8; Jim Sprott Testimony.*
6. The purpose of the unit lot subdivision process is to “allow an alternative method of subdividing cottages, duplex, and townhouse units on a parent site, while applying only those density and dimensional standards to the parent site as a whole, rather than to individual unit lots resulting from the subdivision.” *CMC 15.16.461.* Unit lot subdivisions of greater than four lots are processed as formal subdivisions pursuant to CMC 15.09. Formal subdivisions are Type IV applications that are decided by the Hearing Examiner. *CMC 15.16.465; Tim Woolett Testimony.*

7. The minimum residential density per net acre (i.e., net of right-of-way and open space tracts) in the MU zone is 12 dwelling units, and the maximum residential density per net acre is 24 dwelling units. *CMC 15.48, Table 1.* The proposed density would be 21.3 dwelling units per net acre. *Exhibit 1.*
8. The subject property, as the parent site for the unit lot subdivision, meets the lot dimensional standards of the MU zone. The minimum lot width is 25 feet, and the subject property is approximately 338 feet wide. *CMC 15.48, Table 1; Exhibit 1.*
9. The proposed building setbacks would comply with the requirements of the MU zone as modified through the unit lot subdivision process, including the requirement of CMC 15.16.467.D that detached buildings be located not less than 10 feet apart. Building setbacks and building separation were reviewed and approved during the previous site plan review process. For purposes of evaluating setbacks, Tolt Avenue was considered the “front” lot line, meaning that no setback from Tolt Avenue is required per MU standards, unless the structure is a garage. In this case all garages would face internal alleys and a setback is not required. Because all four parcel boundaries abut rights-of-way, all other lot lines were considered street side yard lot lines, including McKinley Avenue. Although no street side yard setback is required in the MU zone, the proposed setbacks would range from approximately six to 10 feet. *Exhibits 1 and 8.*
10. The impervious surface coverage limit of the underlying zone is applicable to unit lot subdivisions, except that it is applied to the buildings and hard surfaces in aggregate on the parent site. In this case the total impervious surface coverage would be approximately 76%, which is consistent with the maximum of 80% in the MU zone. *Exhibit 1; CMC 15.16.467.C; CMC 15.48, Table 1.*
11. The proposed buildings would range in height from approximately 25 feet to approximately 33 feet, consistent with the maximum building height of 35 feet for the MU zone. *Exhibit 1.*
12. Townhouse buildings within unit lot subdivisions must comply with the townhouse design standards of the Carnation Design Standards and Guidelines. *CMC 15.16.567.* Design review has already been completed for the project. The City issued design review approval on January 31, 2022. *Exhibit 8.*
13. Access to the proposed lots would be from an internal network of private alleys (collectively, Tract A), which would connect to Myrtle Street at one location and to McKinley Avenue at two locations. *Exhibit 3.*
14. The internal alleys and the open spaces surrounding the buildings and alleys would be placed within tracts to be owned and maintained by a homeowners association, consistent with CMC 15.16.467.B. *Exhibits 1 and 3.*
15. As recommended by the City Engineer and consistent with CMC 15.56.170.A, frontage improvements would be provided along all four street frontages. The Tolt Avenue

improvements would be designed consistent with the February 2013 City of Carnation Tolt Ave Action Plan and with planned improvements to the roadway. The street section would include a 10-foot-wide concrete shared-use path, a landscaping strip, illumination, drainage, and other features. For Eugene Street, McKinley Avenue, and Myrtle Street, half-street improvements to Collector standards would be provided, including parking lanes, sidewalks, ADA curb ramps, illumination, and drainage. *Exhibits 1 and 10.b.*

16. A professionally prepared traffic impact analysis (TIA) was prepared for the project in June of 2020. The TIA was based on the trip generation rates contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 10th Edition*. To account for the potential commercial use of the live/work units, two of the dwelling units were evaluated using the "shopping center" rate and 41 of the dwelling units were evaluated using the "single-family detached" rate. Based on these rates, and with credit given for the traffic generated by the former uses on the site, the project is expected to generate 350 net new average daily trips, including 23 AM peak hour trips and 38 PM peak hour trips. The TIA found that the traffic generated by the development, with planned street improvements by the City of Carnation, would not cause the level of service (LOS) of any of the affected intersections to fall below LOS D, which is an acceptable LOS under City standards. The traffic impacts of the development on the local road network generally would be mitigated through payment of traffic impact fees. Pursuant to CMC 3.50.110, the impact fees are calculated and assessed based on the fee schedule in effect at the time of building permit issuance. *Exhibits 1 and 1.11.*
17. On-site parking was evaluated during site plan review and, with the conditions established during that process, would be compliant with the standards of CMC 15.72. A total of 92 parking stalls would be provided, with townhouse units parking in enclosed private garages and the live/work units in shared surface parking areas within Tract B. *Exhibits 1 and 8; Jim Sprott Testimony.*
18. All proposed lots would connect to the City of Carnation water and sewer utilities, both of which have capacity to serve the project. Certificates of water and sewer availability were issued on March 17, 2020. The City engineer identified technical requirements related to the provision of water and sewer that have been incorporated into the recommended conditions of plat approval. *Exhibits 1, 5, and 10.b.*
19. The recommended conditions of approval include a requirement that all new and existing electrical and communication lines serving the project be installed underground for conformance with CMC 15.60.350. *Exhibits 1 and 10.b.*
20. The subject property is not within a floodplain, does not contain any other critical areas, and is not within 200 feet of a regulated shoreline. *Exhibit 1.*
21. Consistent with the stormwater management requirements of CMC 15.64, stormwater would be infiltrated on site through infiltration trenches located within the internal alleys. Runoff from pollution-generating surfaces would be treated with filtration cartridges located within the catch basins prior to discharge into the infiltration trenches. The site is

suitable for infiltration based on testing performed by a geotechnical engineer. *Exhibit 12; Jim Sprott Testimony.*

22. The project's compliance with the City's tree retention standards was evaluated during the site plan review process, and the applicable standards were determined to be satisfied. The Applicant proposes to retain three significant trees on site, including a 56-inch diameter giant sequoia, a 55-inch diameter English walnut, and a 21-inch diameter Douglas fir. For those portions of the site subject to the City tree retention standards (MU development along Tolt Avenue is exempt), removed significant trees would be replaced at a ratio exceeding the 1:1 ratio required by CMC 15.76.110. *Exhibits 1 and 8; Tim Woolett Testimony.*
23. Impacts to City parks would be mitigated through payment of park impact fees pursuant to CMC 3.70. *Exhibit 1.*
24. The school district was sent notice of the subdivision and prior site plan review and SEPA applications, but did not comment on the project. School impacts would be mitigated through payment of school impact fees at the time of building permit issuance pursuant to CMC 3.48. *Becky Buelna Testimony; CMC 3.48.050.*
25. The subject property is within an area considered by the Snoqualmie Tribe to have a moderate probability of containing unknown archaeological deposits. The Tribe requested that an archaeological study be performed on site. *Exhibit 10.a.* Potential impacts to cultural resources were considered during the SEPA environmental review process. The MDNS requires the Applicant to allow Snoqualmie Tribe Department of Archaeology and Historic Preservation staff to be on site during ground disturbing activities, and requires the Applicant to stop work and notify the City if cultural resources are discovered during development. These conditions were incorporated into the site plan review decision and the recommended conditions of the instant subdivision decision. *Exhibits 1, 7, and 8; Tim Woolett Testimony.*
26. The City of Carnation assumed the role of lead agency for review of the proposal's potential environmental impacts pursuant to the State Environmental Policy Act (SEPA). The SEPA Responsible Official reviewed documents submitted by the Applicant including the environmental checklist and concluded that compliance with applicable City development regulations and specified mitigation measures would ensure that the proposal would avoid probable, significant, adverse environmental impacts. A mitigated determination of non-significance (MDNS) was issued on July 26, 2021, imposing four mitigation measures addressing tree protection, cultural resource protection, and SR-203/Tolt Avenue improvements. The MDNS was not appealed. *Exhibits 1 and 7.*
27. Notice of the open record hearing was posted on the subject property on November 18, 2022, mailed to property owners within 300 feet of the subject property and parties of record on December 8, 2022, and published in *Snoqualmie Valley Record* on December 9, 2022. *Exhibits 1 and 9.* There was no public comment before or during the open record public hearing on the unit lot subdivision. *Tim Woolett Testimony.*

28. City Staff evaluated the project against the requirements of CMC 15.16 (unit lot subdivision standards), the City of Carnation Comprehensive Plan, CMC 15.36.020 (commercial districts established), CMC 15.40, Table 1 (table of permissible uses), CMC 15.48 (density and dimensional regulations), CMC 15.56 (streets and sidewalks), CMC 15.60 (utilities), CMC 15.64 (floodways, floodplains, drainage, and erosion), CMC 15.72 (parking), CMC 15.88 (critical areas), CMC 15.92 (shoreline management), CMC 14.01 (environmental policy), and RCW 58.17 (public health, safety, welfare, use and interest) and, having heard all testimony at hearing, maintained their recommendation for approval of the unit lot subdivision, subject to the conditions listed in the submitted Staff Report. *Exhibit 1; Tim Woolett Testimony.* The Applicant waived objection to the recommended conditions. *Jim Sprott Testimony.*

CONCLUSIONS

Jurisdiction:

The hearing examiner is granted authority to hold public hearings and make decisions on unit lot subdivisions pursuant to CMC 2.78.090, 2.78.110, 15.16.465, 15.09.020, and 15.10.010.

Criteria for Review:

Pursuant to CMC 15.16.465, unit lot subdivisions of greater than four lots shall be processed as formal subdivisions (CMC 15.09). CMC 15.09.300.B specifies that the hearing examiner shall review the preliminary plat and staff recommendation, and shall consider adoption or rejection of the recommendation to ensure conformance with the general purpose of the provisions of this title, Title 12, Streets, Sidewalks and Public Places, and other adopted administrative rules and regulations. The hearing examiner's decision shall include findings of facts and conclusions to support the decision.

In addition, all preliminary subdivisions must comply with the following requirements in the Revised Code of Washington.

RCW 58.17.110 - Approval or disapproval of subdivision and dedication

- (2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made 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 schoolgrounds 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; and (b) the public use and interest will be served by the platting of such subdivision and dedication. ...

Additional Applicable Code Provisions:

CMC 15.16.467 – General regulations (unit lot subdivisions)

- A. A unit lot subdivision shall satisfy:

1. Lot and density standards applicable to the underlying zoning district (as applied to the parent site and not to individual unit lots).
 2. CMC 15.96.060 for any duplexes.
 3. CMC 15.96.080 for any proposed cottage units.
 4. Townhouse design standards within the Carnation Design Standards and Guidelines for any townhouse buildings.
 5. Other provisions of this title as applicable to the development.
- B. Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots located within the parent site. A homeowners' association shall be created for the maintenance of any shared required outdoor area or other open space, shared parking areas, and other common use areas, buildings, and utilities within the development.
- C. Maximum impervious area of the aggregate buildings and other hard surfaces located upon the parent site shall not exceed the maximum impervious area permitted by the underlying zone.
- D. Individual unit lots are subject to applicable setback requirements in CMC Chapter 15.48 Table 1, except for interior side yard lot lines, provided that:
1. Detached buildings on separate individual unit lots shall be located no less than ten feet apart.
 2. Lots located on the perimeter of a unit lot subdivision are subject to the interior side yard lot lines set forth in CMC Chapter 15.48 Table 1.
- E. As applicable, access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Each unit-lot subdivision shall make adequate provisions for ingress, egress and utilities access to and from each individual unit lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying zoning district and consistent with the unit lot subdivision's approved development plan;
- F. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
1. Approval of the design and layout of the development plan was granted by the review of the development, as a whole, on the parent site (stating the subject project file number if applicable);

2. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved development plan;
3. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved development plan;
4. Additional development of the individual lots may be limited as a result of the application of applicable development standards to the parent site.

Conclusions Based on Findings:

1. As conditioned, the subdivision satisfies the purpose of the zoning ordinance, the applicable Title 15 development standards, including the regulations specific to unit lot subdivisions, the Title 12 street standards, and all other applicable regulations. Consistent with the purpose of the MU zone, the live/work units would provide a transition between the commercial uses on Tolt Avenue and surrounding residential uses. The ground floors of these units would be designed consistent with International Building Code requirements for storefronts to allow for future conversion to nonresidential use. The density and impervious surface coverage of the subdivision would comply with MU standards. The unit lots would comply with applicable setback standards. Common areas would be owned in common by the owners of the lots or by a homeowners association. The conditions of approval address easements and required plat notes. The building and site design has been approved. All street frontages would be improved to City standards, and utilities would be installed underground. Stormwater would be infiltrated onsite. Adequate parking would be provided. Trees would be retained/replaced consistent with City standards. Impact fees would be paid pursuant to CMC Title 3. Compliance with Title 12, which relates to street standards, is addressed through the infrastructure requirements identified by the City Engineer and incorporated into the conditions of this decision. The conditions of the instant approval include compliance with the mitigation measures identified during the SEPA environmental review process. *Findings 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 21, 22, 23, and 24.*
2. As conditioned, the subdivision satisfies the criteria of RCW 58.17.110. The subdivision makes appropriate provision for the public health, safety, and general welfare through its compliance with the Comprehensive Plan and with applicable Title 15 development standards. The live/work units would provide a transition between the commercial uses on Tolt Avenue and surrounding residential uses. The subdivision makes appropriate provision for drainage, streets, alleys, potable water, and sanitary sewer. Adequate provision for parks and schools would be made through payment of impact fees. Sidewalks would be provided on all four street frontages to assure safe walking conditions for students who walk to school. The conditions of approval incorporate the detailed infrastructure requirements identified by the City Engineer and the conditions of the MDNS, which address cultural resources protection. The design review process has been completed.

The traffic generated by the development would not cause the level of service of affected roads to fall below City standards, and impacts to the City's transportation network would be mitigated through payment of impact fees. For the reasons stated, the public use and interest would be served by the subdivision. *Findings 3, 4, 5, 12, 13, 14, 15, 16, 18, 19, 21, 23, 24, 25, 26, and 28.*

DECISION

Based on the preceding findings and conclusions, the requested preliminary unit lot subdivision to subdivide 2.43 acres into 43 live/work and townhouse residential unit lots is **GRANTED** subject to the following conditions:

1. This preliminary unit lot subdivision shall be valid for a period of five (5) years as specified by Chapter 58.17 RCW, including any future amendments thereto. If any condition is not satisfied and the final unit lot subdivision, hereinafter referenced as final plat, is not recorded within the approval period, the preliminary plat shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the approval period, the department may grant a single extension of up to ninety (90) days to obtain additional information for the processing and recording of the final plat documents.
2. The final plat shall be in substantial conformance with the submitted preliminary unit lot subdivision map as modified through preliminary approval [Exhibit 3]. The complete plat number and existing (parent) parcel numbers must appear at the top right corner of the final plat as follows:

FINAL PLAT NO. ULS 22-0001
ASSESSOR'S PARCEL NO. 865730-0226
3. The project development shall be in conformance with the approved development plan under Site Development Review Application No. SPR 20-0001 and Design Review Application No. DR 20-0001 [Exhibit 8]. The conditions of Site Development Review Application No. SPR 20-0001 and Design Review Application No. DR 20-0001 are hereby incorporated as conditions of this preliminary unit lot subdivision approval where applicable.
4. A final plat must be approved by the City prior to recording. An electronic version of the final plat shall be submitted to the City of Carnation.
5. After recordation of the final map with the King County Auditor, one copy of the recorded final plat shall be provided to the City of Carnation's City Planner.
6. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
 - 6.1. Approval of the design and layout of the development plan was granted by the review of the development, as a whole, on the parent site under City of Carnation land use files No. SPR 20-0001 and DR 20-0001. All future development shall be

in conformance with the approved development plan unless otherwise modified though a revised development plan in conformance with the requirements of Title 15 CMC.

- 6.2. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved development plan.
- 6.3. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved development plan.
- 6.4. Additional development of the individual lots may be limited as a result of the application of applicable development standards to the parent site.

City Engineer Conditions

7. Unless otherwise waived or modified by the City Engineer, the proponent shall satisfy the conditions set forth by the in his comments dated December 2, 2022 [Exhibit 10.b] as follows:

General:

- 7.1. A Public Utility Extension permit is required for the sewer and water main improvements which shall be constructed per the City of Carnation Utility Standards. [CMC 13.100.070]
- 7.2. A drainage permit is required for the stormwater management systems. [CMC 15.64.230]
- 7.3. Sanitary sewer facilities shall be constructed per City of Carnation Sewer Standards. Side sewer permits are required prior to commencing side sewer construction. [CMC 13.70.040]
- 7.4. A right-of-way permit is required for work within the City right-of-way [CMC 15.60.030]. An on-site pre-construction meeting shall be held before commencing work within the right-of-way.
- 7.5. An application for Clearing, Filling & Grading is required [CMC 15.40.070]. A spill prevention and control plan is also required. [CMC 15.64.230]
- 7.6. All existing and proposed electric, telephone, cable, and communication lines shall be placed underground, overhead extensions are not allowed [CMC 15.60.350]. The utility designs shall include a trench detail and continuous underground warning tapes installed 12-inches above each utility line.
- 7.7. A DOE Construction Stormwater General Permit is required. Conformance with the DOE Construction Stormwater General Permit shall be ensured with weekly monitoring and reporting of the site's best management practices for conformance of the Stormwater General Permit and SWPPP requirements including water sampling of stormwater discharged from the site. [DOE Stormwater Manual]
- 7.8. A geotechnical report is required and shall include recommendations for: earthwork, reuse of existing soils, compaction, temporary and permanent slopes,

utility construction, erosion and sediment control, wet weather work, hazardous material studies, groundwater levels at stormwater flow-control and water quality facilities, and stormwater infiltration capabilities including applicable correction factors for infiltration facilities as recommended in the DOE Manual. [DOE Stormwater Manual]

- 7.9. Construction performance and maintenance guarantees shall be provided in accordance with City of Carnation Street and Storm Sewer System Standards. Before utility extension and right-of-way permits are issued, the Applicant shall furnish the City a performance bond to guarantee the full and complete construction and installation of the right-of-way improvements. [CMC 15.16.740]
- 7.10. A topographic survey sealed by a licensed professional land surveyor is required. The survey shall include underground utilities and the adjacent city streets fronting the parcel. [CMC 15.16.350]

Roadway/Traffic:

- 7.11. Street and storm sewer system improvements shall be consistent with the City's 2018 Street and Storm Sewer System Standards and the 2019 DOE Stormwater Manual for Western Washington.
- 7.12. The proposed 24-foot wide internal streets shall have a pavement section consistent with the City's standard pavement section for a local access street 4" HMA, 4" CSTC, 4" CSBC.
- 7.13. Frontage improvements along Tolt Ave (SR-203) are required and shall be consistent with the recommendations of the City of Carnation Tolt Ave Action Plan, February 2013 and the planned Tolt Ave (SR-203) improvements. The Tolt Ave frontage improvements consist of but are not limited to half street improvements, grind and overlay 17-feet from the Tolt Ave centerline to the face of curb, channelization markings, signage, curb and gutter, storm drain facilities, illumination, grading, a minimum 2.5-foot wide landscaped planting strip and a 10-foot wide non-permeable concrete shared-use path (greenway) with a minimum two-foot graded area on the east side of the path. New pavement sections shall be consistent with city standards, full depth pavement section constructed by the City's Tolt Ave project does not need to be replaced. Existing overhead utility lines shall be undergrounded along the project's Tolt Avenue frontage. The developer shall be responsible for obtaining necessary permits from WSDOT including compliance with CMC 12.10.030.
- 7.14. Street lighting system shall be a complete system which is typically designed by Puget Sound Energy. All new wiring, conduit, and service connections shall be located underground. LED street illumination design shall be submitted conforming to City and PSE/Intolight requirements. Streetlights shall be provided at internal streets, street frontage and intersections, all street lighting fixtures shall meet standards to prevent light spill. Streetlight fixtures along Tolt Avenue shall be the same type as used for the Tolt Avenue improvement project. Streetlight fixtures along McKinley, Eugene and Myrtle shall be decorative type, per current

city street standards. Developer shall submit proposed street light locations and system design to the City for review and acceptance. Maintenance and payment for illumination along the internal streets shall be the responsibility of the HOA or jointly shared by the owners of the development. [CMC 15.60.300]

- 7.15. Eugene Street, McKinley Ave and Myrtle Street are classified as Collectors. Half-street improvements are required along the frontage of these streets and shall consist of but are not limited to grind and overlay 19-feet from the street centerline to the face of curb, channelization markings including 10-foot wide travel lane and 9-feet of parking, signage, curb and gutter, storm drain facilities, illumination, new 6-foot wide sidewalks and ADA curb ramps. Pavement sections shall be consistent with city street standards.
- 7.16. The two new access connections to McKinley Ave and the access connection to Myrtle Street shall be cement concrete driveway Type 1 consistent with WSDOT Standard Plan F-80.10-4. Driveway widths shall not exceed 22-feet or be less than 10-feet wide. [CMC 15.56.050].
- 7.17. Internal underground electrical and communication lines shall be installed in utility easements a minimum 10-feet wide.
- 7.18. Site distance triangles shall be provided showing site distance at all internal and access intersections. Areas within the triangles shall be clear of sight-line obstructions.
- 7.19. Placement of mailbox structures shall be in conformance with Postal Service requirements, Post Master's approval of mailbox type and locations is required prior to construction start.
- 7.20. Covenants, conditions, and restrictions shall be recorded requiring the Homeowners Association (HOA) responsibility to maintain the Developments private streets and common areas and landscaping.
- 7.21. Traffic mitigation fees shall be developed assuming current uses at the time the property was purchased. For the City's review and acceptance, analysis and assumptions shall be provided detailing how the proposed retail square footage was determined. [CMC 15.57.040, CMC 15.56.190]

Stormwater:

- 7.22. Stormwater quality and flow-control best management practices are required for the proposed subdivision. A Technical Information Report is required and shall comply with the 2014 DOE Stormwater Manual for Western Washington. [CMC 15.64.190.C]. Infiltration stormwater facilities shall be designed to infiltrate 100% of the 50-year developed runoff event.
- 7.23. Infiltration systems shall be located a minimum of 10-feet from building foundations and property lines. In-situ testing is required to determine the existing soils' infiltration capacity. [DOE Manual]. The infiltration rates shall include applicable correction factors for infiltration facilities as recommended in the DOE Manual but in no case shall the maintenance correction factor assume more than infiltration of 60% of its design capacity or a correction factor, CF_m of

- 0.6. Stormwater runoff from all adjacent street frontage shall be managed behind the sidewalks or on-site.
- 7.24. Temporary Sediment and Erosion Control and grading plans are required. Stormwater runoff from impervious surfaces shall not be directed towards City rights-of-way. [CMC 15.64.220]
- 7.25. The HOA shall be responsible to maintain the proposed stormwater facilities and for payment of all maintenance costs associated with the stormwater facilities. Covenants, conditions, and restrictions shall be recorded requiring the HOA to contract with the City of Carnation or the City's designees or agents to maintain the Development's stormwater facilities consistent with the Department of Ecology's Stormwater Manual for Western Washington and as recommended in the Development's stormwater facility maintenance standards. The City and its designees shall be granted a permanent easement to access the drainage facilities for maintenance of the facilities.

Sanitary Sewers:

- 7.26. The sanitary sewer improvements shall be designed by the Developer per the City of Carnation's Combined Water and Sanitary Sewer Utility Technical Standards and Aqseptence Group/Airvac's design manual. [CMC 13.100]
- 7.27. All buildings shall connect to the City of Carnation vacuum sewer system. The Developer shall acquire side sewer permits for each side sewer connected to the City sewer system. [CMC 13.50 & CMC 13.70]. Backflow valves shall be installed on all structures. [Carnation Utility Standards]
- 7.28. Proposed sewer mains and service lines shall maintain the required minimum separation from proposed and existing water lines. Proposed valve pits shall be located within right of way or 15-foot wide easements. [Carnation Utility Standards]
- 7.29. Existing septic system(s) shall be properly decommissioned in accordance with King County Health Department requirements.

Water Connections:

- 7.30. Water system improvements shall be consistent with the City's 2017 Combined Water and Sanitary Sewer Utility Technical Standards.
- 7.31. The existing water main less than 8-inch diameter between the intersections of Eugene and Myrtle shall be replaced with 8-inch ductile iron mains, a fire hydrant, associated valves, fittings and appurtenances. To provide water and fire services to the Development, a looped water system is required. The proposed eight-inch ductile iron main lines shall connect to the water mains on McKinley Ave and Tolt Ave. [CMC 15.60.200 & CMC 13.100]
- 7.32. A water main shall be installed within a minimum 15-foot wide easement along the proposed private streets.

- 7.33. Proposed water mains and service lines shall maintain the required minimum separation from proposed and existing sanitary sewer lines. [DOE, Carnation Utility Standards]
- 7.34. Metered water service shall be provided to landscaped tracts to provide a means of irrigation within the tracts and the frontage improvements. Maintenance and payment for landscaping and irrigation shall be the responsibility of the Homeowner's Association (HOA) or jointly shared by the owners of the development. Installation of backflow prevention devices is required and shall conform to the requirements established by the Department of Health and the City. [Carnation Utility Standards]
- 7.35. New fire hydrant spacing and locations shall be in accordance with the International Fire Code and as directed by the Fire Marshall. Each new fire hydrant shall be fitted with a storz adapter. [Carnation Utility Standards]
- 7.36. Existing well (if present) shall be properly decommissioned in accordance with King County Department of Health requirements.

Construction Activities:

- 7.37. The geotechnical engineer of record shall observe stormwater infiltration facility, street and utility construction and shall conduct on-site material sampling and compaction testing to verify compaction for roadway and utility trenching meets recommended compaction criteria. Stormwater infiltration facilities must be constructed over native gravelly soils.
- 7.38. Effective erosion control and sediment measures shall be designed, installed, and maintained to minimize the discharge of pollutants. A temporary sediment pond shall be designed and constructed as part of the sediment control measures.
- 7.39. Dust generated during construction activities shall be controlled by wetting the dust sources of exposed soils and washing truck wheels before trucks leave the site. Mud and dirt shall not be tracked onto public rights-of-way.

These requirements may change, or new requirements imposed with submittal of additional information.

Snoqualmie Tribe

- 8. The Applicant shall work with the Snoqualmie Tribe to determine the need for a cultural survey prior to site disturbing work. In the event any historical or archaeological artifacts are uncovered during development, the project proponent and/or their contractors shall stop work and immediately and notify the City of Carnation, the Snoqualmie Tribe, and the Washington State Office of Archaeology and Historic Preservation.

Public Facilities

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

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

General

12. All permit requests will be reviewed for compliance with applicable codes, ordinances, laws, rules and regulations prior to issuance of approval.
13. In the event that the US Postal Service will provide mail delivery to any of the proposed lots, mail boxes shall be provided in accordance with City of Carnation Street and Storm Sewer Standards. Location shall be approved by the US Postal Service and the City.
14. Prior to final plat approval, all existing, extended, and new electric power lines, telephone, gas distribution, cable television, and other communication lines in or adjacent to the proposed project shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the City's "Design and Construction Standards and Specification," or as otherwise specified by the City engineer. [CMC 15.60.350.A]
15. Where the developer installs or causes to be installed any utility line within the City, or connects to existing facilities within the City, the developer shall, as soon as practicable after installation is complete, and before acceptance of any utility line, furnish the City with a printed and an AutoCAD computer disk (or other format acceptable to the City engineer) copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider.
16. All easements shall be provided and graphically illustrated on the final plat for any utilities not within a public right-of-way and over property other than which the utility serves.
17. As applicable, access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the County auditor's office. Adequate provisions for ingress, egress and utilities access to and from each individual unit lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying Mixed Use zone and consistent with the unit lot subdivision's approved development plan shall be shown and noted on the final plat.
18. The CC&Rs document shall be provided with the final plat submittal. The City's review and approval of the CC&Rs document does not imply the City will assume any

responsibility for enforcing private covenants between the lot owners nor maintaining any roads or other amenities not specifically dedicated to the City on the public's behalf.

19. Responsibility for the maintenance and operation of any common facilities including, but not limited to roadside drainage facilities, shall be determined prior to final plat approval. Said facilities may be maintained and operated by the land divider, a lot owners' association, a public agency, or a private agency consistent with applicable state requirements. Any maintenance provisions including, but not limited to, maintenance schedule, technical details, specifications, and obligations shall be provided in the CC&Rs and referenced as a note on the final plat.
20. The above requirements and/or decision are subject to change if proposed unit lot sizes or any other information provided by the Applicant or their authorized representative proves inaccurate.
21. As provided in condition number 1 of this approval, a final plat that meets all the requirements of Sections 15.16.340 CMC and 15.16.350 CMC and of this decision shall be submitted to the City for processing and approval within five (5) years of the date of this preliminary unit lot subdivision approval. The final plat may be presented to the City at any time during the period of preliminary approval. The preliminary approval shall be null and void unless a final plat is approved and recorded during the original five (5) year approval period.
22. In addition to the above listed conditions of preliminary unit lot subdivision approval, the Applicant shall satisfy the conditions of the SEPA mitigated determination of non-significance issued July 26, 2022.

DECIDED January 12, 2022.



Sharon A. Rice
Carnation Hearing Examiner