

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

In the Matter of the Application of)	NO. 16413
)	
Frances Holdener)	Suntop PUD Divisions 4 and 5
)	Preliminary Plat
)	
For Preliminary Plat Approval)	
)	POST-HEARING ORDER
_____)	

An open record public hearing was convened by the City of Enumclaw Hearing Examiner on December 1, 2016 to consider the request of Frances Holdener for preliminary plat approval for construction of Divisions 4 and 5 of the Suntop PUD. The proposal would develop a total of 175 lots for single-family detached residences, reserve one tract for future park development, and reserve three tracts for future private development of multi-family and/or highway business/commercial uses.

The following exhibits were admitted during the proceedings:

1. Staff Report to the Hearing Examiner, with the following attachments:
 - A. Application received August 3, 2016
 - B. Project Narrative dated July 2016
 - C. Suntop PUD- Original Project Narrative dated October 2013
 - D. Staff Review comments dated August 30, 2016
 - E. Applicant Responses to Review Comments dated September 15, 2016
 - F. Revised Preliminary Plat Map(s) received September 15, 2016
 - G. Notice of Application/ Public Hearing issued November 9, 2016
 - H. SEPA Determination of Non-Significance for the original PUD issued July 30, 2014
 - I. Revised SEPA Initial Study Checklist received August 3, 2016
 - J. SEPA Addendum dated October 31, 2016
 - K. SEPA Adoption of Existing Environmental Document dated October 31, 2016
 - L. Original Transportation Impact Analysis, Heath & Associates (October 2013)
 - M. Trip Generation Comparison, Heath and Associates, dated October 6, 2016
 - N. Critical Areas Analysis- Fisheries dated January 17, 2014
 - O. Critical Areas Analysis- Wetlands dated October 3, 2013
 - P. Comments from Enumclaw City Engineer dated November 23, 2016
 - Q. Certificate of Water Availability
 - R. Certificate of Sewer Availability
 - S. Ordinance No. 2551
 - T. Ordinance No. 2552

- U. Enumclaw School District Mitigation Agreement dated December 22, 2015
 - V. Lot Line Adjustment #15-01
 - W. Plat Certificate and map
 - X. Letter from Enumclaw Fire Department received November 22, 2016
 - Y. Transpo Group review letter, dated August 9, 2016
 - Z. Email chain including correspondence between representatives of the City, the District, and traffic consultants, last email dated August 11, 2016, 9:32 am
2. Cultural Resources Assessment of the Suntop Farms Development, prepared by Northwest Archeological Associates, Inc., February 5, 2007
 3. City of Enumclaw Parks & Open Space System Site Plan/Current Parks and Recreation Resources, Figure 3.3 Enumclaw Parks & Trails Map, together with pages 79-80 of the Enumclaw Parks & Open Space Plan
 4. Preliminary Storm Drain Analysis Suntop Planned Unit Development Division 5, prepared by Rykels Engineering Group, Inc., July 25, 2016
 5. Suntop PUD Residential Design Guidelines Single Family Detached Homes, August 2014

Two issues were raised during testimony about which additional information is required to complete the record:

1. Whether safe walking conditions exist for school aged children along Warner Avenue between the site as public schools within one mile to which school aged children would be expected to walk; and
2. Whether or not recommended condition 18 correctly calls for construction of a roundabout at the intersection of State Route 410 and Suntop Boulevard.

During testimony, the Applicant representative challenged the need for off-site safe walking improvements and the requested roundabout based on earlier communications between the Applicant and the City and on the fact that previous Suntop PUD-related approvals did not affirmatively establish such requirements. Specifically, Mr. Kruger challenged recommended condition 18 as vague and difficult to implement as written and requested more explicit guidance than was provided during testimony.

In order to be able to make a recommendation to City Council on the Type IV application, the undersigned requested additional information explicitly stating Planning Staff's recommended conditions addressing safe walking and signalization of the intersection in question, and Applicant's response to Planning Staff's recommended conditions. The parties were invited to attempt to come to agreement and to submit a mutually agreeable conditions in place of condition 18 in the Staff Report and on the topic of safe walking. However, if agreement is not reached in the post-hearing timeframe, the parties were invited to submit individual positions and differing recommended conditions.

The record was not held open for comment from other parties on any topic.

It is **ORDERED**:

1. The record shall be held open until December 15, 2016 for submittal of written information from Planning Staff including the following:
 - A. Planning Staff's analysis of whether off-site improvements are required in order to ensure safe walking conditions for school aged children who would walk to public schools within one mile of the subject property. Staff's analysis should include such information as: which public schools would serve the plat; whether the school district would be expected to bus children residing in the plat to these schools or expecting children to walk; and if children are expected to walk, what is the condition of the route between the plat and the school in question; and whether the Applicant is required to make any improvements to that route in order to obtain approval of the instant plat. Written comments from the school district may be submitted.
 - B. City Staff's analysis of: what improvements are required at the intersection of Suntop Boulevard and SR410; what level of development in the instant proposal triggers what level of intersection improvements; and a process that could be imposed via plat condition of approval addressing the implementation of any required intersection improvements. Information submitted by the City on this subject may include letter/memoranda from Public Works and/or written comments from WSDOT.
2. The Applicant shall also have until December 15, 2016 to consider and respond to the City's response to item 1 above. The Applicant may likewise submit written school district comments, WSDOT comments, or analysis from the Applicant engineer with regard to proper traffic impact mitigation sequencing and intersection signalization.
3. The parties are required to coordinate and communicate in advance of December 15th in order to allow both to timely submit their positions on that date. Each party shall submit a letter or memo addressing their position, including recommended conditions addressing the above issues if agreement is not reached.
4. The record will close on December 15, 2016. The decision will issue within ten business days after the close of the record.
5. Should the parties determine that more time is needed to conclude their discussion, they may request extension of the December 15th deadline and shall propose an alternate timeline by which they could submit needed information.
6. All submittals may be in the form of correspondence or memoranda. Attachments necessary to support the arguments offered are allowed. All submittals should be accomplished by email, for the sake of expedience, and be directed to the Examiner via

Community Development Department staff member Cathy Burbank, at CBurbank@ci.enumclaw.wa.us, or her designee.

7. All items submitted in response to this order will be included on the City's hearing examiner webpage.
8. Any questions about this order shall be directed to the Examiner via Community Development Department staff member Cathy Burbank or her designee.

Ordered December 2, 2016.



Sharon A. Rice
City of Enumclaw Hearing Examiner