



DECISION ON REMAND FROM HEARING EXAMINER

Development Services Department
17301 133rd Avenue NE • Woodinville, WA 98072
425-489-2754 • www.ci.woodinville.wa.us

Project Name: Sjolin Short Plat
Project Nos.: SPA16001 / APP17002
Remand Issue: The Hearing Examiner, in the decision issued on August 11, 2017 regarding the two-lot Sjolin short plat application, remanded the decision to the City to properly apply Section 1-4.2.10 of the City's Transportation Infrastructure Standards and Specifications ("TISS").
Address: 17024 141st Place NE; Woodinville, WA 98072
Parcel No.: 1026059084
Staff Contact: Dave Kuhl, Development Services Director at davek@ci.woodinville.wa.us or 425-877-2271

SUMMARY OF DECISION

Craig and Jill Sjolin received preliminary approval from the City of Woodinville for a short plat application on April 24, 2017, which was subsequently appealed to the Hearing Examiner by Ahmed and Marlene Amiri on May 8, 2017. The Hearing Examiner remanded the short plat application to staff for further review, limiting the issue to application of TISS Section 1-4.2.10 regarding private streets. After further review and consideration of the information provided in the record, findings of fact made, and further review and consideration of the decision and remand by the Hearing Examiner, the application is hereby **DENIED**.

Notice of Decision Date:	Tuesday, September 5, 2017
End of Appeal Period:	Tuesday September 26, 2017
Project Decision:	Denied

APPEALS

A party of record may appeal this decision to the King County Superior Court by filing a land use petition pursuant to Chapter 36.70C RCW. The land use petition must be filed within twenty-one (21) days of the issuance of this decision.

Affected property owners may request a change in valuation with King County for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the King County Assessor's Office at (206) 296-7300.

FINDINGS OF FACT AND CONCLUSIONS OF LAW¹

PROCEDURAL:

1. Craig and Jill Sjolin received preliminary approval from the City of Woodinville for a short plat application on April 24, 2017 to divide a property located at 17024 141st Place NE into two

¹ Code citations included this decision reference codes adopted as of April 1, 2016, on the date of the notice of complete application. These code sections have been moved or repealed by the date of this decision.

lots. The approval was subsequently appealed to the Hearing Examiner by Ahmed and Marlene Amiri on May 8, 2017.

2. An open record appeal hearing was held on July 13, 2017 with City representatives, Craig and Jill Sjolín, and Ahmed and Marlene Amiri in attendance. The Hearing Examiner left the record open following the hearing to allow briefings from the respective parties in the following weeks. Following oral arguments and briefings, on August 11, 2017 the Hearing Examiner issued a decision remanding the short plat application to staff for further review, limiting the issue to application of TISS Section 1-4.2.10 regarding private streets.

REMAND ISSUE:

3. The Hearing Examiner, in the decision issued on August 11, 2017 regarding the two-lot Sjolín short plat, remanded the decision to the City to properly apply Section 1-4.2.10 of the Transportation Infrastructure Standards and Specifications. Specifically, the Hearing Examiner stated:

Based upon the Findings of Fact and Conclusions of Law of this Decision, the City decision to approve Short Plat File No. SPA16001 is remanded back to the City pursuant to Hearing Examiner Rule 2.12(D) to properly apply Section 1-4.2.10(i) as directed by Conclusion of Law No. 5 of this decision.

4. Proposed short plats on properties to which the access is proposed over private streets that do not meet the private street standards shall be denied pursuant to TISS Section 1-4.2.10:

The City of Woodinville will not accept private streets within short plats when the street providing access to the plat is currently private, and the street already has the potential to serve more than the number of lots, dwelling units, or commercial buildings specified in these standards. Proposed short plats on properties to which the access is proposed over private streets that do not meet these standards shall be denied.

5. The City has determined that under the plain language of TISS Section 1-4.2.10, TISS Section 1-1.8 does not grant the Public Works Director authority to approve alternatives that would deviate from TISS Section 1-4.2.10. As a result, the short plat application must satisfy TISS Section 1-4.2.10 to be approved.
6. Section 1-4.2.10(1)(i) of the Transportation Infrastructure Standards and Specifications concerns the maximum number of lots that may be served by a private street. Where the number of created lots exceed the maximum number that can be served by a private street, the street must be brought up to public road standards and dedicated as a public street to the City. TISS Section 1-4.2.10(1)(i) states that private streets:

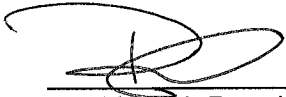
[a]re designed to serve a maximum potential of four residential lots or dwelling units or two commercial lots or buildings when the entire length of the private road and all adjacent parcels are considered. The maximum potential is the total number of lots, dwelling units, or commercial buildings that could possibly be served by the street when physical barriers, zoning, or other legal constraints are considered;

7. The infrastructure standards are silent on how to apply the maximum number of lots in a situation where a private street serves a combination of commercial and residential lots. In the Hearing Examiner's decision, the Hearing Examiner concludes "for a private road serving a combination of commercial and residential buildings, Section 1-4.2.10(i) [sic] should only be interpreted as authorizing two residences and one commercial building per private road."

8. 141st Place NE is a private street currently serving two residential lots and the Woodinville Heritage Museum, which is considered a commercial use for the purposes of TISS Section 1-4.2.10(1)(i). This private street is considered to be already serving the maximum capacity based on the Conclusion of Law No. 5 of the Hearing Examiner's decision. The application, as proposed, creates a third residential lot accessing 141st Place NE, exceeding the maximum capacity standard in conflict with TISS Section 1-4.2.10(1)(i).
9. The proposed short plat does not conform to the City of Woodinville Transportation Infrastructure Standards and Specifications and therefore the proposal is not consistent with the applicable criteria for approval under WMC 20.06.020(1) and (2). The Development Services Director has determined that the short plat application cannot be approved.

DECISION

Given the information provided in the record, the findings of fact made, and after further review and consideration of the final decision and remand by the Hearing Examiner, the Development Services Director hereby **DENIES** this short plat application, File Numbers SPA16001/APP17002.



David Kuhl, Development Services Director

9/5/17

Date