



February 4, 2008

Chaffey Homes  
3409 Carlton Street  
Silverdale, WA 98383

**RE: PRELIMINARY PLAT/PLANNED DEVELOPMENT  
DISTRICT: HEMMINGER/PDD, APPLICATION NO. 399456, 399757, 599442**

Dear Applicant:

Transmitted herewith is the Report and Decision of the Hearing Examiner regarding your request for the above-entitled matter.

Very truly yours,

TERRENCE F. McCARTHY  
Deputy Hearing Examiner

TFM/ca

- cc: Parties of Record
- PIERCE COUNTY PLANNING AND LAND SERVICES
- PIERCE COUNTY CODE ENFORCEMENT
- PIERCE COUNTY DEVELOPMENT ENGINEERING DEPARTMENT
- PIERCE COUNTY PUBLIC WORKS AND UTILITIES DEPARTMENT
- TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
- FIRE PREVENTION BUREAU
- PIERCE COUNTY PARKS AND RECREATION
- PIERCE COUNTY COUNCIL
- PIERCE COUNTY RESOURCE MANAGEMENT



**OFFICE OF THE HEARING EXAMINER**

**PIERCE COUNTY**

**REPORT AND DECISION**

**CASE NO.:** PRELIMINARY PLAT/PLANNED DEVELOPMENT  
DISTRICT: HEMMINGER/PDD, APPLICATION NO.  
399456, 399757, 599442

**APPLICANT:** Chaffey Homes  
3409 Carlton Street  
Silverdale, WA 98383

**AGENT:** Paul Cyr  
Barghausen Consulting Engineers, Inc  
18215 72<sup>nd</sup> Avenue South  
Kent, WA 98032

**PLANNER:** Terrence Belieu

**SUMMARY OF REQUEST:**

The applicant is requesting a Preliminary Plat/Planned Development District to subdivide a 7.26 acre parcel into a 31 single-family lot subdivision with a minimum lot size of 4,000 square feet, an average lot size of 5,406 square feet, a separate tract of wetlands consisting of approximately 1.13 acres of wetland and wetland buffer, and a 11,647 square foot active recreation tract with a Moderate Density zone classification at 20321 Church Lake Road East, in Bonney Lake, Washington.

**SUMMARY OF DECISION:**

Request granted, subject to conditions

**PUBLIC HEARING:**

After reviewing Planning and Land Services Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on November 1, 2007 at 9:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

- EXHIBIT "1" - Planning and Land Services Staff Report and Attachments**
- EXHIBIT "2" - Letter to Examiner from Heather Stinson dated November 6, 2007**
- EXHIBIT "3" - Letter to Examiner from Paul Cyr dated December 18, 2007**
- EXHIBIT "4" - Letter to Examiner from Heather Stinson dated December 20, 2007**
- EXHIBIT "5" - Interlocal Agreement between City of Bonney Lake and Pierce County**
- EXHIBIT "6" - Email to Paul Cyr from Terry Belieu dated November 1, 2007**
- EXHIBIT "7" - Letter to Terrence Belieu, Heather Stinson, and Paul Cyr from Examiner dated December 5, 2007**
- EXHIBIT "8" - Letter to Heather Stinson and Paul Cyr from Examiner dated January 3, 2008**
- EXHIBIT "9" - Email to Paul Cyr, Trish Byers, and Mark Randolph from Shannon Mayfield dated January 9, 2007**

Appearing was TERRENCE BELIEU who briefly summarized the Staff Report, which with its attachments were marked as Exhibit "1" and admitted into evidence. The applicant submitted a completed application on January 21, 2005, and is vested in accordance with the laws in effect on that date. On January 1, 2007, the City of Bonney Lake annexed this area. The site is located in the MSF zone classification and the PDD consists of reduced setbacks and reduced lot sizes. In exchange for the reduced lot sizes, there will be architectural features including garages to be set back from the main portion of the residence and garages will not be the main feature of the structure. The site consists of a park, which will be in excess of 11,000 square feet. The roads will be built to public road standards as set out in the Bonny Lake Municipal Code. Final plan approval will be by the City of Bonney Lake. The remaining provisions concerning the development will be those standards as set out by the Pierce County Code.

Appearing was HEATHER STINSON from the City of Bonney Lake. Ms Stinson stressed that the road standards would be those as set out in the Bonney Lake Municipal Code, which will include vertical curbs and gutters. She was concerned about Condition 28 and asked that it be modified to reflect that the "final plat for this proposal will be submitted to the City of Bonney Lake Planning and Community Development Department for approval. The staff of the Community Development Department will submit it to the City Council for final approval. She had several other recommended changes to conditions. The Examiner asked that she reduce her requested changes to writing and submit them. The record will be left open for ten days for purposes of the City of Bonney Lake's submitting suggested changes to conditions. The record will be left open for an additional five days for purposes of the applicant responding to the suggested changes and either one has the ability to request an additional hearing if necessary.

Appearing was PAUL CYR a representative of Chaffey Homes. He is concerned about the inter-local agreement and does not want this project to get lost in process. He stressed that it was very important that the provisions of the inter-local agreement be followed. Terrence Beileu indicated that he would submit a copy of the inter-local agreement to the Examiner. That copy will be made part of the record. Mr. Cyr encouraged the Examiner to read the agreement and make sure that his decision included recognition of the same. Discussion followed regarding the street signal and storm water system.

Appearing was JEFF KIDSTON from Pierce County Engineering who explained the intent of the DNS with reference to the traffic signal.

Reappearing was PAUL CYR who indicated that the City had agreed to the County's storm water system and wanted to make sure that all recognized that the Examiner included that recognition within the decision.

Appearing was CAROL WHEELER who owns property adjacent to the southeast corner of the site. There was definitely an issue with reference to ownership and the easement to her property. The Examiner recommended that she seek the counsel of a land use attorney.

Reappearing was HEATHER STINSON from the City of Bonney Lake who wished to stress that the City Impact Fees would be imposed upon the site and they will be collected by the City.

The record was left open for ten days for purposes of the City submitting suggested changes to recommendations. The applicant was then given an additional five days for purposes of reviewing and responding to the suggested changes and if there was disagreement amongst the parties either could request an additional hearing.

During the time period that the record is open, Mr. Belieu will submit a copy of the inter-local agreement to the Examiner. The Examiner explained that his vacation starts November 5<sup>th</sup> and he will not be available to start to consider this case until November 20, 2007.

A copy of the interlocal agreement was finally submitted to the hearing examiner on December 27, 2007, by Paul Cyr.

No one spoke further in this matter and the Examiner took the matter under advisement. The hearing was concluded at 9:35 a.m.

**NOTE:** A complete record of this hearing is available in the office of Pierce County Planning and Land Services.

## **FINDINGS, CONCLUSIONS AND DECISION:**

### **FINDINGS:**

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.
2. Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations (Pierce County Code, Chapter 17.08), Title 18D. – Environmental Regulations, The Pierce County Environmental Official designate has reviewed this project and issued a Mitigated Determination of Nonsignificance on September 14, 2007, with a comment period ending date of October 1, 2007. No appeals were filed from the same.
3. Notice of this request was advertised in accordance with Section 16.08.010 of the Pierce Subdivision Code. Notice of the date and time of hearing was published two (2) weeks prior to hearing in the official County newspaper. Property owners within 300 feet of the site were sent written notice. The site has been posted with a public notice sign.
4. The applicant has a possessory ownership interest in a 7.26 acre, "L" shaped parcel of property located on the north side of Church Lake Road East within the City of Bonney Lake. The site was annexed into the City of Bonney Lake on January 1, 2007. While the City annexed property surrounding the plat, Pierce County continues to have jurisdiction over property to the south. The applicant is requesting preliminary plat and planned development district (PDD) approval to allow subdivision of the site into 30 single family residential lots and four separate tracts.
5. The parcel abuts Church Lake Road East for 375 feet and measures 647 feet in depth. The east side of the site measures 457 feet due to the "L" shape. The site plan shows the western portion of the site proposed for drainage facilities, wetlands and buffers, and park tracts. The site plan shows access provided via a single internal plat road extending north from Church Lake Road East. A looped road system will provide access to all internal plat lots within the plat. The applicant will also provide connectivity to future development to the north by providing a stubbed road.
6. The developable portion of the site is relatively flat with a gentle slope to the west. An existing single family residence and out buildings are located on the south central portion of the site and will remain. The parcel is partially wooded on the western portion which will be set aside with four tracts for open space, wetlands and wetland buffer areas, and storm drainage facilities. Tract "A" and "B" totaling 49,196 square feet or 1.13 acres will be provided for wetland and wetland buffer areas in the southwest corner of the parcel. Tract "C" is proposed for an 11,647 square foot

active recreation area. Storm drainage facilities will be contained on Tract "E" which is proposed for 22,732 square feet. Said tract is located on the northwest portion of the site. The plat proposes a minimum lot size of 4,000 square feet, an average lot size of 5,406 square feet, with a density of 5.59 dwelling units per acre.

7. The applicant submitted a completed application for preliminary plat approval on January 21, 2005, and a completed application for PDD approval on May 9, 2007, and in accordance with RCW 58.17.033 vested the project for consideration under the comprehensive plan, zoning regulations, and land use ordinances in effect on said date. The plat was annexed to the City of Bonney Lake on January 1, 2007, prior to submittal of a completed application for PDD approval. However, the applicant, Pierce County Planning and Land Services (PALS), and the City of Bonney staff have agreed to process the proposed plat in accordance with Pierce County Regulations in effect at the time development application was submitted (January 21, 2005). The project is therefore subject to the July 18, 2004, Development Regulations – Zoning; January 1, 1995, Comprehensive Plan; and the 2004 Design Guidelines.
8. The site is located within the Moderate Density Single Family (MSF) designation of the Pierce County Comprehensive Plan. LU-MSF 11.5 requires development of MSF areas with moderate to low density single family and two family projects. LU-RE Objective 34 requires densities of between four and six dwelling units per acre where sanitary sewer service is provided. The proposed single family subdivision meets the required density as it proposes 5.59 dwellings units per acre and will be served by sanitary sewers. The project complies with the comprehensive plan and zoning code density requirements.
9. The applicant will comply with Title 18H of the Pierce County Code by retaining 100 to 145 foot wide strip of trees along the western side of the project in the open space, wetland and wetland buffer, park, and storm drainage tracts.
10. The project satisfies objectives of the comprehensive plan related to the Urban Growth Area, open space areas, and the need to provide improvements with concurrency management. Chapter 18J.15 PCC sets forth the Countywide Urban Design Standards and Guidelines. The guidelines require installation of sidewalks, curbs, gutters, street trees, and streetlighting. Section 18J.15.020(D) requires the applicant to provide a minimum of 342 square feet of on-site recreational area per dwelling unit for a subdivision of 20 dwellings units or more. The applicant is therefore required to provide 10,260 square feet of open space. As previously found, Tract "C" is proposed to provide 11,647 square feet of active recreational open space area, which, therefore, exceeds the requirement. The applicant is also providing 49,196 square feet of passive recreation and open space areas. The plat makes appropriate provision for open spaces, parks and recreation, and playgrounds.

11. The applicant will direct all stormwater runoff to the 22,732 square foot Tract "E" storm drainage facilities located in northwest portion of the plat. A condition of approval requires that all stormwater be pretreated prior to its release into a natural wetland system. The storm drainage facilities abut the Tract "B" wetland and buffer area and the applicant shall ensure that all stormwater facilities remain outside of Tract "B" area. The plat makes appropriate provision for drainage ways.
12. The applicant will construct the internal plat road to Pierce County Road public standards and all lots will access directly on the internal looped road system. The site plan shows a stub road in the northern portion of the project to accommodate connectivity with future development. The applicant commissioned Heath and Associates, a qualified traffic engineer, to prepare a Traffic Impact Analysis (TIA). Based upon the TIA, a mitigating measure in the MDNS requires the applicant to pay for installation of a fully-actuated traffic signal at the intersection of 214<sup>th</sup> Avenue E. and Kelly Road East. Installation of the traffic signal is required based upon a determination that the plat will cause significant adverse impacts to said intersection. The applicant shall install the signal prior to issuance of any residential building permit in any phase of the plat. Installation will adequately mitigate the identified probable significant adverse traffic impacts. The plat makes appropriate provision for streets, roads, alleys, and other public ways.
13. Pierce Transit has required no improvements and the City of Bonney Lake will provide both domestic water and fire flow to the site. Sanitary sewer service will be provided to each lot by the City of Bonney Lake. The plat makes appropriate provision for transit stops, potable water supplies, and sanitary waste.
14. The applicant must comply with the Pierce County School Impact Fee Ordinance and make a per lot payment to the Sumner School District to offset impacts on the district of school aged children residing in the plat. The Sumner School District has indicated that students residing in the plat will walk to and from a bus stop and therefore requested paved pedestrian pathways/sidewalks be provided along internal plat roads as well as along the plat frontage on Church Lake Road. The district has also requested streetlighting be installed. The applicant is required to provide sidewalks and streetlights. Therefore, compliance with said regulations and ordinance requirements the plat makes appropriate provision for schools and school grounds.
15. As previously found, the applicant will construct sidewalks on both sides of the internal looped road system which will provide safe walking conditions for students who will walk to Church Lake Road East to wait for a school bus. The plat makes appropriate provision for safe walking conditions. Pursuant to the interlocal agreement governing this project, sidewalks will be required to meet County standards (See Exhibit "5").
16. As previously found, the applicant requests a PDD to reduce the minimum lot width

on 21 of the 31 lots below the 50 foot requirement. The applicant also requests a PDD to reduce front yard setbacks to 20 feet for garages and 12 feet for porches. Prior to obtaining such reductions, the applicant must show that the request satisfies the criteria set forth in Section 18A.75.050(I) PCC. Findings on each criteria are hereby made as follows:

- A. The proposed development substantially conforms with the Pierce County Comprehensive Plan and is not within the jurisdiction of a community plan. The site and surrounding properties are located within the MSF zone classification. The MSF classification prohibits single family development of six dwelling units per acre unless served by sewers. The proposed development meets said density requirements and thus complies with uses in the existing area and the zoning.
  - B. According to staff, the exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
  - C. As previously found, the proposal is in harmony with the surrounding area and its existing and potential future uses.
  - D. The system of ownership and means of developing, preserving, and maintaining open space in a natural condition with undivided ownership interest in the lot owners is suitable.
  - E. The approval will result in a beneficial affect upon the area which could not be achieved under other zoning districts. The applicant has provided a future road connection, significant open space areas, design features such as dominant porches in the front with garage areas being minimized, and a subdivision consistent with surrounding areas.
  - F. No evidence was provided that indicates the applicant would not pursue and complete the project in a conscientious and diligent manner.
  - G. As previously found, the plat makes appropriate provision for sidewalks, curbs, gutters, and streetlighting.
17. Section 18J.10.050 PCC sets forth the requirements for administrative design review. The site plan must meet requirements in Section 18J.10.055A.3. For the reasons set forth above, the project satisfies all criteria set forth in Section 18J.10 PCC according to staff.

## CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The applicant has demonstrated that the proposed preliminary plat is consistent with the MSF designation of the Pierce County Comprehensive Plan and meets the bulk regulations of the MSF zone classification of the Pierce County Code.
3. The request for a PDD satisfies all criteria set forth in Section 18A.75.050(I) PCC and therefore should be approved.
4. The proposed preliminary plat satisfies all Residential Design Standards and Guidelines set forth in Title 18J PCC to include the requirements for administrative design review.
5. The proposed preliminary plat makes appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, schools and school grounds, and safe walking conditions.
6. The proposed preliminary plat will serve the public use and interest by providing an attractive location for a moderately priced single family residential subdivision. Therefore, the plat/PDD should be approved subject to the following conditions:
  1. The SEPA mitigating measures set forth in the Mitigated Determination of Nonsignificance issued by the Pierce County Environmental Official on September 14, 2007, are hereby made conditions of approval as set forth hereinafter. Provided, however, that said mitigating conditions are not subject to change by the major amendment process, but must be changed by the Environmental Official through the SEPA process.
  2. The final plat for this proposal shall be submitted to the City of Bonney Lake Planning and Community Development Department for approval and signature within five (5) years of the effective date of the Hearing Examiner's decision on the Preliminary Plat, subject to the conditions for time extensions as outlined in Sections 16.08.040. of the Pierce County Code.
  3. All requirements of the Bonney Lake Building Department must be met prior to the issuance of building permits for this proposal.
  4. The applicant proposes to connect the subject plat to the City of Bonney Lake public sanitary sewer system. All on-site and off-site sanitary sewer improvements required by the City of Bonney Lake to provide sanitary sewer service for this plat shall be designed and constructed in accordance with the

regulations and sanitary sewer standards prescribed by the City of Bonney Lake. Final plat approval shall not be granted by the City until such time as the City of Bonney Lake provides written notification that the required sanitary sewer improvements have been installed to the satisfaction of the City of BonneyLake and that all applicable fees and connection charges have been paid.

5. Fire flow requirements for one- and two-family dwellings are 750 gpm at 20 psi for 45 minutes, except that 1,000 gpm at 20 psi for 60 minutes is required when the total floor area, including attached garages, covered porches, and upper story decks is 3,600 square feet or more. A hydrant shall be located within 350 feet of the middle of the street frontage of each lot, except that no hydrant is required on a dead-end street not exceeding 600 feet in length when a hydrant is installed at the intersection of the cross street. Spacing between hydrants shall not exceed 700 feet. Preliminary water plans shall be approved by the Pierce County Fire Prevention Bureau. Three sets of plants shall be submitted directly to the Bureau.
6. Hydrant flow test results and water system "as built" plans shall be submitted to and approved by the Fire Prevention Bureau prior to final plat approval. This requirement can be waived if a bond or other approved form of security in the amount of 125% of the estimated water system installation cost is posted.
7. Prior to the issuance of any permits on this site (site development) or the initiation of any grading, clearing, filling, or vegetation removal, the project shall complete the requirements necessary to obtain approval and shall obtain a final wetland approval. In issuing building permits it will be incumbent on staff to ensure that a wide variety of home designs is being proposed. The design should de-emphasize the appearance of garages which should be set back from the main entry of the home.
8. The stormwater facilities for this development shall be designed to minimize impacts to water quality and quantity, and wetland and buffer habitat. All stormwater shall be pretreated prior to its release into a natural system (wetland) and all stormwater facilities shall be located outside of wetlands and wetland buffers. A copy of the stormwater plans and calculations shall be submitted to and reviewed by the Development Engineer in conjunction with an Environmental Biologist prior to the issuance of the Site Development Permit or Final Wetland Approval. The system shall conform with Pierce County stormwater regulations.
9. As is allowed per Section 18E.20.020.D., in order to provide permanent protection of the on-site wetlands and associated buffers, as well as the off-site wetlands and associated buffers, a 2- or 3-rail, split rail, wood fence or

Bonney Lake approved substitute fence, is required to be installed around the perimeter of the wetland buffers. This is being required to distinguish the wetland buffers from intrusion and other human impacts. Photographs of the installed fences shall be submitted to the Pierce County Environmental Biologist upon completion.

10. The applicant must comply with all other local, state, and federal regulations and obtain relevant permits. This includes the U.S. Army Corps of Engineers and the Washington State Department of Ecology (DOE). If the Corps of Engineers determines that on-site Wetland A is isolated and therefore outside of their jurisdiction, approval will/may still be required from the DOE, subject to RCW 90.48 (The State Water Pollution Act), in order to place any fill in the isolated Category III wetland area. It is recommended that you contact both the U.S. Army Corps of Engineers and DEO. **It is the sole responsibility of the applicant to contact the other jurisdictions and secure any and all other permits required for this proposed project.**

11. The following notes shall be included on the face of the final plat:

“Notice: This site lies within a Critical Area—Wetlands and Fish and Wildlife Habitat Areas, as defined within Title 18E Pierce County Code. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulations.

“The wetland approval for this formal plat was recorded at the Pierce County Auditor’s Office on \_\_\_\_\_(date), recording number \_\_\_\_\_.

“The on-site wetlands and streams were delineated by \_\_\_\_\_ and survey located by \_\_\_\_\_.

12. All grading and filling of land must utilize only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste and permit approval must be obtained through the TPCHD prior to filling.
13. Should this project not be served by sanitary sewer, the TPCHD will require a review of potential adverse environmental impacts and justification for utilization of on-site sewage treatment and disposal. The TPCHD is in receipt of a plat subdivision review application and will forward the results of its review of that application to the environmental official once the review has been completed.
14. Prior to approval of the water supply for this development, a Certificate of Water

Availability and Washington Department of Health approval of the water system facilities are required per WAC 246-290 and Pierce County Ordinance 96-91S. The water facilities to serve this development must be constructed or bonded for construction prior to final subdivision approval.

15. A storm drainage plan must be submitted to the Development Engineering Section as part of the site development plans. The drainage plans shall be in accordance with Ordinance 2004-56S, Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage.
16. All work associated with stabilizing slopes and other disturbed areas shall be in accordance with Ordinance 2004-56S, Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage.
17. All public roads within and providing access to this plat must conform to Ordinance 2004-56S, Title 17B, Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards.
18. Water service to developments, short plats, or any project other than a single-family residence within UGA but outside the city limits will not be served with water until the area is annexed. Service to a single-family residence on a single parcel within the UGA but outside the city limits will be granted water service, if commitment to support annexation is signed.
19. Given the likelihood that the plat will be annexed prior to preliminary plat approval and that Churchlake Road East will become a city maintained road, City Development standards shall apply to the extent possible. Specifically, the City requests that the following road standards apply:
  - Minimum R.O.W. width – 55 feet with a 10 foot easement and for cul-de-sac roads.
  - The intersection curb radius for a collector road (Churchlake Drive East) is 30 feet.
  - Minimum pavement width – 26 feet.
  - Vertical curb, gutter, and sidewalks (5 foot wide) required on both sides of internal plat roads.
  - Local access roads – 50 foot minimum with 10 foot easements on both sides.
  - Frontage Improvements that include curb, gutter, and sidewalk along Churchlake Drive East for the project frontage.
20. Utility easements shall be provided on the face of the final plat which are necessary to the provision of water, power, sewer, natural gas and mail delivery to the lots within the subdivision. The affected purveyors should be contacted

prior to development of the final plat for their specific easement requirements.

21. A landscaping plan shall be submitted to the City of Bonney Lake for review and approval prior the final plat approval.

22. A note shall be placed on the final plat Mylar which states:

The residents of ..... for the life of the project shall maintain the landscaping tract. All plant materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent limb failure. The landscaping tract shall be kept free of trash. Any plant material shall be replaced within the spring or fall growing season following plant loss but not greater than 180 days from time of loss.

23. All stormwater from this proposal should be treated to the maximum extent possible, particularly for pollutants commonly associated with residential development (i.e. chemicals, fertilizers, metals, etc.), then this treated stormwater should be infiltrated on the plat site if suitable soils exist. The checklist for this project indicates that Alderwood series soils are available on site; therefore, it may not be possible to infiltrate all stormwater generated from the site. However, it may be possible to treat some of the stormwater generated from the site by amending the soil throughout the site with compost.

24. Full water quality treatment and infiltration of stormwater that drains to Lake Tapps, and ultimately the White and Puyallup Rivers, is necessary too minimize impacts to water quantity and quality that salmonids and other aquatic life in these river systems need. Infiltration of stormwater is also the preferred option of treatment according to the Department of Ecology's Western Washington Stormwater Manual Volume 1 (WDOE 2001, page 1-5). These recommended measures would also reduce the potential contribution of phosphorus from the developed plat to Lake Tapps.

25. Bonney Lake should require an analysis of the potential for this project to infiltrate 100% of the generated stormwater. If infiltration is not possible, then an analysis of the potential impacts to Lake Tapps and downstream areas of the White and Puyallup Rivers prior to approval of this plat is necessary.

26. Phosphorus and other discharges from development should be regulated to insure no degradation of existing water quality.

27. This site is subject to the interlocal agreement signed by the City of Bonney

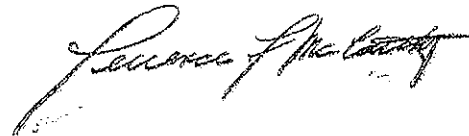
Lake and Pierce County. If there is a conflict between the City and the County conditions, the provisions of the interlocal agreement shall control.

28. No building permits shall be issued for homes that do not emphasize the entry to the home as the main feature and that do not de-emphasize the appearance of garages. The Examiner interprets that most of the individual homes will feature front porches.
29. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.
30. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

**DECISION:**

The request for preliminary plat/PDD and administrative design review approval for the Hemminger subdivision is hereby granted subject to the conditions contained in the conclusions above.

**ORDERED** this 4<sup>th</sup> day of February, 2008.



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**TERRENCE F. McCARTHY**  
Deputy Hearing Examiner

**TRANSMITTED** this 4<sup>th</sup> day of February, 2008, to the following:

**APPLICANT:** Chaffey Homes  
3409 Carlton Street  
Silverdale, WA 98383

**AGENT:**

Paul Cyr  
Barghausen Consulting Engineers, Inc  
18215 72<sup>nd</sup> Avenue South  
Kent, WA 98032

**OTHERS:**

Heather Stinson  
8720 184<sup>th</sup> Avenue E.  
Bonney Lake, WA 98391

Doc Hansen  
33915 1<sup>st</sup> Way S.  
Federal Way, WA 98001

Craig and Carol Wheeler  
20329 Church Lake Road E.  
Bonney Lake, WA 98391

PIERCE COUNTY PLANNING AND LAND SERVICES  
PIERCE COUNTY BUILDING DIVISION  
PIERCE COUNTY DEVELOPMENT ENGINEERING DEPARTMENT  
PIERCE COUNTY PUBLIC WORKS AND UTILITIES DEPARTMENT  
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**CASE NO: PRELIMINARY PLAT/PLANNED DEVELOPMENT  
DISTRICT: HEMMINGER/PDD, APPLICATION NO. 399456, 399757, 599442**

**NOTICE**

1. **RECONSIDERATION:** Any aggrieved party or person affected by the decision of the Examiner may file with the Department of Planning and Land Services a written request for reconsideration including appropriate filing fees within seven (7) working days in accordance with the requirements set forth in Section 1.22.130 of the Pierce County Code.

2. **APPEAL OF EXAMINER'S DECISION:** The final decision by the Examiner may be appealed in accordance with Ch. 36.70C RCW.

**NOTE:** In an effort to avoid confusion at the time of filing a request for reconsideration, please attach this page to the request for reconsideration.