

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

In the Matter of the Application of)	
)	NO. LAND 2013-0275/PR 2013-00104
)	
Betrozoff Jones LLC)	
)	
)	
For approval of a Preliminary Plat)	FINDINGS, CONCLUSIONS,
)	AND DECISION
_____)	

SUMMARY OF DECISION

The request for approval of a preliminary plat subdividing 8.04 acres into 31 single-family lots with associated infrastructure is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Betrozoff Jones LLC (Applicant) requested approval of a preliminary plat subdividing 8.04 acres into 31 single-family lots. The subject property, addressed as 11818 and 11845 Redwood Road NE, Redmond, WA 98052, is located in the North Redmond Wedge Neighborhood and has an R-4 zoning designation.

Hearing Date

The Redmond Hearing Examiner conducted an open record hearing on the request on December 2, 2013.

Testimony

At the open record hearing, the following individuals presented testimony under oath:

- Thara Johnson, Associate Planner, City of Redmond
- Steven Fischer, Senior Planner, City of Redmond
- Jeff Dendy, Public Works Senior Engineer, City of Redmond
- Kurt Seemann, Senior Engineer, City of Redmond
- Eric LaBrie, Applicant Representative
- Todd Sherman, Applicant
- Martin Stoddart
- Joshua Schnoll

Exhibits

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

1. Technical Committee Report to the Hearing Examiner, with the following attachments:
 1. Vicinity Map
 2. Zoning Map
 3. General Application Form
 4. Project Contact Form
 5. SEPA Application Form
 6. Completeness Letter
 7. Notice of Application and Certificate of Posting
 8. Notice of Application Public Comment Letters
 9. SEPA Determination of Non-Significance, & Environmental Checklist
 10. SEPA Public Comment Letter
 11. Notice of Public Hearing and Certificates of Posting
 12. Preliminary Plat Plan set
 13. Computation Sheet
 14. Critical Area Report – Habitat
 15. Critical Area Report – Wetland
 16. Cut and Fill Plan
 17. Landmark Trees
 18. Entering Sight Distance & Stopping Sight Distance
 19. Native Soil Preservation
 20. Native Vegetation Preservation
 21. Off Site Access
 22. Open Space Plan
 23. Vector Truck Access
 24. Geotechnical Report
 25. Grading Plan
 26. Grading Relief Request
 27. Greenhouse Gas Emissions Worksheet
 28. Landmark Tree Exception Request
 29. Significant Tree Exception Request
 30. Tree Exception Approval Letter
 31. Off-Site Easement Letter
 32. Ownership Information
 33. Plat Certificate
 34. Storm Drainage Report
 35. Title Report
 36. Traffic Study
 37. Transportation Certificate of Concurrency Application
 38. Tree Health Assessment
 39. Water and Sewer Plan Comprehensive Plan Analysis
 40. Comprehensive Plan Policies
 41. Neighborhood Meeting Notice

2. Staff PowerPoint presentation
3. Revised Report To Hearing Examiner (Revisions in track changes), dated
4. Steep Slopes Stability
5. Karen Yuen comment
6. Revised Utility Plan Sheet PP-04
7. Signed application, dated May 14, 2013
8. Revised Geotechnical Report, dated December 2, 2013
9. Plan showing location of steep slopes
10. Sustainable Redmond graphic
11. Applicant's school walking route analysis

Upon consideration of the testimony and exhibits submitted, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

Procedural Background

1. The Applicant submitted applications dated May 14, 2013 requesting approval of a preliminary plat subdividing 8.04 acres into 31 single-family lots. The subject property is currently addressed as 11818 and 11845 Redwood Road NE, Redmond, WA 98052.¹ *Exhibit 3, page 1; Exhibit 1, Attachment 3.*
2. The application was determined to be complete on September 5, 2013. Notice of Application for this proposal was published, posted, and mailed to property owners within 500 feet of the site on September 13, 2013. During the notice of application public period, the City received 16 public comments concerning: congestion on Redmond Woodinville Road; site access and whether there would be left turn lanes; overcrowding at Normal Rockwell Elementary; and tree retention. *Exhibit 3, page 6; Exhibit 1, Attachment 8.*
3. The City of Redmond was designated lead agency for review of the proposal's compliance with the requirements of the State Environmental Policy Act (SEPA). Upon review of the complete application materials, including the SEPA application and environmental checklist, the Responsible Official determined that the requirements of environmental analysis, protection, and mitigation would be adequately addressed through the City's regulations, the City of Redmond Comprehensive Plan, and applicable state and federal laws. Concluding that the proposal would not result in probable significant adverse impacts on the environment, the City issued a determination of non-significance (DNS) on October 7, 2013. No appeal was filed and the environmental determination became final. *Exhibit 3, page 8; Exhibit 3, Attachment 9; Johnson Testimony.*
4. The Applicant conducted a public meeting to discuss the proposal with neighboring property owners on August 26, 2013. Six members of the public attended the meeting

¹ The subject property is comprised of three parcels known as Tax Assessor parcels 942850-0065, -0071, and 0070. *Exhibit 3, Attachment 3.*

and discussed the following issues with Applicant and City representatives: access and traffic on Redmond Woodinville Road; tree retention policy; and school impacts. The Applicant conducted a second public meeting on October 28, 2013. New issues that arose included stormwater runoff to the property to the north and maintenance of the existing drainage ditch in 154th Place. *Exhibit 3, pages 7-8; Johnson Testimony.*

5. Notice of the December 2, 2013 open record hearing on the application was posted on-site and at City Hall, published, and mailed to surrounding property owners within 500 feet of the site on November 8, 2013. *Exhibit 3, page 8; Exhibit 3, Attachment 11.*

Subject Property, Surroundings, and Zoning Controls

6. The subject property consists of three three lots currently developed with two single-family residences, which would be removed. The site abuts the city limits and King County to the north and Redmond Woodinville Road to the east. Surrounding development consists of medium density single-family development, which within the City shares the sites R-4 zoning designation. *Exhibit 3, Attachments 4, 16; Exhibit 13.*
7. The subject property contains many mature deciduous and evergreen trees. The southern portion of the site is owned by the Betrozoff Family Trust. It contains single-family residence and accessory structures, along with areas of typical residential landscaping and less developed vegetated areas containing mature trees. The northern parcel is owned by Adam Jones. It contains a residence, associated infrastructure, and residential landscaping in addition to a barn and horse pasture. Topographically, the combined site contains some relatively flat areas amongst slopes that range from zero to 15 to 30%. There is a mound in the center of the site. The areas of steep slopes are shown on the graphic at Exhibit 4. A pasture in the northwestern portion of the site has compacted soils in the upper several inches of soil, resulting in decreased permeability and wet areas; however, a professionally prepared critical areas report indicates there are not wetlands on-site. There is a manmade depression (a farm pond) and drainage ditch in the northeast corner of the site. These manmade features do not contain wetland vegetation and are not wetlands. The site's steep slopes were studied by geotechnical professionals, as addressed in subsequent findings in more detail. *Exhibit 3, Attachment 15; Exhibit 3, pages 13-16; Exhibit 4.*
8. The subject property is located in the Wedge Sub Area of the North Redmond Neighborhood and has an R-4 zoning designation. The purpose of the R-4 zone is:

[to provide] for primarily single-family residential neighborhoods on lands suitable for residential development with an allowed base density of four dwellings per gross acre. This designation provides for stable and attractive suburban residential neighborhoods that have a full range of public services and facilities. To complement the primarily residential nature of these zones, some nonresidential uses are allowed.

Redmond Zoning Code (RZC) 21.08.060.A.

Proposed Improvements

9. The plat would create 31 lots to be developed with detached single-family residences. Tracts A, B, and C would provide open space and Tract C would also contain stormwater management facilities. Additional areas of mature vegetation would be retained in native growth protection easements within various lots. Tracts A, B, and C would be owned in common by lot owners within the plat and maintained by a homeowners association. *Exhibit 3, Attachment 12; LaBrie Testimony.*
10. The R-4 zone requires an average lot size of 7,000 square feet and a minimum lot width circle of 40 feet. Each lot must have at least 20 feet of frontage. Maximum lot coverage by structure is 35%, and maximum impervious surface area per lot is 60%. At least 20% of the site must be set aside in open space. Structures must be setback 15 feet from the front and from side streets, 10 feet from the rear, and five or 10 feet from side or interior lot lines. *RZC 21.08.170.B.* Four dwelling units per gross acre is the maximum density allowed. *RZC 21.08.060.B.*
11. All proposed lots were designed to satisfy all bulk dimensional standards of the R-4 zone, including minimum lot width circle, front/side/side street/rear setbacks, minimum building separation, minimum lot coverage by structure, and maximum impervious surface area. The minimum required density for the proposal is 26 lots, and the maximum base density allowed is 32 lots. With affordable housing and other bonus density programs, the site could contain up to 35 dwelling units. The proposal would create 31 single-family detached lots. Planning Staff determined that the project complies with all of the residential development, architectural, and site design regulations for the R-4 zone. *Exhibit 3, pages 4-6; Johnson Testimony; Exhibit 3, Attachment 12.*
12. The site is within the Wedge Sub Area of the North Redmond Neighborhood. Planning Staff reviewed the proposal for compliance with neighborhood-specific design regulations. Planning Staff determined that, as conditioned, the project would comply with arterial setbacks, building height, low impact development, tree preservation, common area landscaping, street trees, vegetated treatments, access to the Wedge Subarea, multiplex housing, density, minimum lot size and lot division, design, affordable housing, and location criteria of the North Redmond Neighborhood. *Exhibit 3, pages 8-9; Johnson Testimony.*
13. Per RZC 21.20, the project must provide at least 10% of the total units developed in compliance with the City's affordable housing provisions. In the instant plat, three affordable housing units are required. Planning Staff recommended a condition of plat approval to ensure the requirement is met. The Applicant has indicated that duplexes may be used to satisfy this requirement. The use of duplexes would not alter the proposed number of total dwellings. *Exhibit 3, page 16; Johnson Testimony.*
14. The plat would access public roads at a single site access on Redmond Woodinville Road on the site's eastern frontage. The property subject to the instant application does not

front any other roads.² Direct vehicle access from the lots to Redmond Woodinville Road is prohibited. The Applicant would be required to dedicate a 20-foot strip of right-of-way to the City for development as public road. Required frontage improvements on Redmond Woodinville Road would include paving, concrete curb and gutter, a five-foot-wide planter strip, a six-foot-wide concrete sidewalk, storm drainage, street lights, street trees, street signs, and underground utilities. New internal public roads would be developed consistent with the City's current standards, which include 28-foot asphalt paving, concrete curb and gutter, five-foot planter strips, five-foot-wide concrete sidewalks, storm drainage, street lights, street trees, street signs, and underground utilities. City Staff recommended conditions of approval to ensure the new access improvements would comply with applicable City road standards. *Exhibit 3, Attachment 12; Exhibit 3, pages 17, 20-21.*

15. Each lot would be connected to municipal water and sewer service. Water service would require installation of water meters and a new eight-inch ductile iron water mains. Sewer service would require developer extension of an existing eight-inch sewer main, with side sewers connecting each lot to the new mains. Easements would be required to allow future maintenance. *Exhibit 3, pages 18, 23.*
16. Plats in the R-4 zone are required to set aside a minimum of 20% net site area as usable open space for passive or active recreational purposes and 10% of total lot area as individual open space. Proposed 37,875 square foot Tract C would contain stormwater facilities and also provide open space for recreation. Landscaped Tract B on the southeast boundary would provide 6,124 square feet of open space. Tract A on the west boundary would provide 3,620 square feet. Together with the minimum of 10% open space on each lot, the plat would provide 46% open space, satisfying the minimum requirement. The open space tracts would contain amenities including a four-foot-wide asphalt path connecting to the public sidewalk, benches, picnic tables, and play equipment. *Exhibit 3, pages 5, 10; Exhibit 3, Attachment 12; Johnson Testimony.*
17. The Applicant submitted a professionally prepared traffic impact analysis which included future potential development of adjacent parcels in its calculations. Considering the 31 proposed lots, potential adjacent development, and giving credit for the two residences that would be demolished, the TIA concluded that 35 new lots would generate 396 net new daily trips³, including 34 AM peak hour trips and 41 PM peak hour trips. In order to address traffic impacts of vehicles turning into and out of the new site access, the project would be required to build a continuous two-way left turn lane along the entire project frontage with appropriate tapers on each end. The study determined that, with the two-

² An earlier application included additional parcels to the west, which fronted 154th Place NE. In review of that earlier application, City Staff had indicated that access would be required to be taken via 154th. However, a purchase and sale agreement which included the additional parcels to the west expired and the parcels were not available to the Applicant at the time the instant application was submitted. Access via 154th Place is not possible from the property subject to the current application; only Redmond Woodinville Road is available. *LaBrie Testimony; Johnson Testimony.*

³ The project receives credit for the two existing dwelling units that would be replaced.

way left turn lane, the additional trips generated would not result in significant additional congestion on Redmond Woodinville Road. The proposal meets transportation concurrency requirements. Transportation impact fees consistent with RMC Chapter 3.10 would be payable on a per-lot basis at the time of building permit approval. *Exhibit 3, Attachments 36 and 37; Exhibit 3, pages 7, 21; Johnson Testimony; RMC 3.10.*

18. The Applicant submitted a professionally prepared stormwater management report and plan. In its current, pre-project condition, the site is comprised of two natural drainage basins created by existing topography. As proposed, stormwater runoff from new impervious surfaces would be collected via catch basins and conveyed in a piped system towards a stormwater quality and detention vault to be built in Tract C in the northeastern corner of the site. The proposed detention pond is 150 feet long, 50 feet wide and ten feet in depth. Discharge release rates from the vault would be designed to match the pre-developed forested condition rates. Treated, discharged runoff would be conveyed to the existing ditch along 154th Place in an easement. The proposal incorporates the use of compost-amended soils in the landscaping as a low impact development feature; infiltration is not feasible on-site, and thus dispersion, rain gardens, and other LID practices are not possible. *Exhibit 3, Attachment 34.*
19. In order to address the landscaping requirements applicable to R-4 parcels and those within the Wedge Sub Area, the Applicant proposed site landscaping as follows. A five-foot landscaped buffer would be provided along the north and a portion of the east boundary with Type II landscaping in a native vegetation easement. A 15-foot landscaped buffer would be provided along Redmond Woodinville Road with multi-story vegetation that is canopy-forming and preserved within a tract. Landscape strips would be provided along the front of each lot, with street trees and other appropriate plantings. *Exhibit 3, Attachment 12, Landscape Plan; Exhibit 3, page 10.*
20. On the Applicant's request, the Technical Committee granted relief for the design standards for topographic change by permitting cuts and fills in excess of eight feet, due to significant variations in site topography, consistent with the authority conferred to the Committee via Redmond Municipal Code (RMC) 15.24.090. *Exhibit 3, page 17.*

Compliance with Other Applicable City Development Standards

21. Redmond Zoning Code Title 21.72 requires that all healthy landmark trees and 35 percent of all healthy significant trees be retained.⁴ The health of the existing trees on the subject property was assessed by a professional arborist, who prepared a report dated September 19, 2013. According to the report, the arborist evaluated 294 trees on the site. Of these, 32 trees were determined not to meet the City's definition of significant trees. Of the 262 significant, healthy trees on-site, 31 were identified as landmark trees. The remaining 231 are significant trees. The City counts the total number of significant *and* landmark trees in calculating the number of significant trees that must be retained. The 262 significant and landmark trees on-site require retention of 92 trees, or 35%. Due to site

⁴ Pursuant to RZC 21.78, landmark trees are those that are greater than 30 inches in diameter at breast height and significant trees are those that are between six and 30 inches in diameter at breast height.

topography and the resulting need to grade the site to provide stormwater control, City water and sewer connections, and roads that meet City standards, the Applicant indicated that it is not possible to retain 92 trees and initially proposed to retain only 44 trees. After consideration of strong neighborhood sentiment in favor of retaining trees, the proposed improvements were redesigned and six additional trees were proposed for retention, bringing the number of to 50, 42 fewer than 35%. *Exhibit 3, pages 10-11; Exhibit 3, Attachment 38; LaBrie Testimony; Johnson Testimony; Dendy Testimony.*

22. The Applicant submitted a landmark tree exception request to allow removal of 19 landmark trees. The request, in the record at Attachment 28, identifies each landmark tree proposed for removal and provides detailed explanation of the reason each landmark tree cannot be retained. The Applicant also submitted a request for exception from the requirement to save 35% of all significant trees. This request, in the record at Attachment 29, argued that retaining the required 35% of trees would reduce the possible dwelling units below the four unit per acre threshold identified in the Growth Management Act as the minimum for urban areas. *Exhibit 3, Attachments 28 and 29; LaBrie Testimony.*
23. The City code requires replacement of any significant tree that is removed at a one to one ratio. Landmark trees must be replaced at a three to one ratio. *RZC 21.72.080.B.* The City code states that if an exception is granted below the required minimum retention standard of 35%, tree replacement shall be at a minimum of three trees for each significant tree removed, meaning those removed below the 35% threshold are replaced at a three to one ratio. *RZC 21.72.090.B.2; Johnson Testimony.*
24. The land mark tree exception request and significant tree retention exception request were administratively approved on November 6, 2013. The exception request approval required the 19 landmark trees and the 42 significant trees removed below the 35% retention threshold⁵ to be replaced by 126 total replacement trees. *Exhibit 3, Attachments 28, 29, and 30.* The 170 additional significant trees removed must be replaced at a one to one ratio. A total of 296 replacement trees are required. The Applicant proposes to provide 298 replacement trees. Every attempt would be made to replace those trees on-site within the native growth protection easements and other landscaped areas. Should grading and utilities construction prohibit planting 296 trees (excluding street trees) on-site, the Applicant and the City would come to an agreement as to whether the excess trees would be planted at an off-site location or whether the Applicant would pay a fee in lieu to the City tree fund. *LaBrie Testimony; Johnson Testimony; Exhibit 3, Attachment 12, Tree Replacement Plan.*
25. RZC Section 21.64.020 requires applicants to assess development sites for the presence of quality habitat areas. The Applicant submitted a professionally prepared habitat assessment report. The report noted that the site is located at the north end of Redmond, where relatively undisturbed areas are narrow or isolated and that all runoff from the site ultimately drains to the Sammamish River. The subject property is included on a general

habitat protection map; however, the study indicated that database searches and fieldwork suggested that the site has only moderate habitat value. No priority habitats or species are likely to be present on-site. On the Habitat Assessment Form, the subject property scored 13 out of 27 possible points. Despite the many large trees, the lawn and pasture areas and introduced plants provide moderate habitat for native species. The report stated that site wildlife is dominated by animals that are common in suburban residential environments, none of which species require protection under any applicable regulations. *Exhibit 3, pages 11-13; Exhibit 3, Attachment 14.*

26. The primary purpose of the RZC's wetland regulations is to avoid wetland impacts and achieve a goal of no net loss of wetland function, value, and acreage, and where possible, to enhance and restore wetlands. The Applicant submitted a professional wetland study, which assessed the site for potential presence of regulated wetlands. The north half of the site contains historic horse pasture with compacted soils that hold water during wet seasons. However, the report concluded that in this location, the wetland hydrology indications were not present despite wet soils. In the northeast corner of the site, a manmade depression and drainage ditch positively show all three indicators of wetland presence (wetland vegetation, hydric soils, and saturation by water for at least part of the growing season). However, because the depression is an historic farm pond (used by livestock until approximately 1999) and the drainage ditch is a manmade conveyance for surface runoff, both are excluded from the definition of wetlands regulated by the City's critical areas ordinance. The southern portion of the overall site shows potential wetland characteristics in only one place: the property line adjacent to Redmond Woodinville Road, which contains a drainage ditch partially in the right-of-way and partially on private property, that has not been maintained for the past 10 to 20 years. Again, as a drainage ditch, the area is exempt from wetlands regulated in Redmond regardless of hydrology and vegetation. One additional area just west of the drainage ditch fronting the Betrozoff parcel contains a narrow trough with saturated soils just beneath ground surface. Although wetland hydrology and hydric soils (2 of the 3 wetland criteria) appear to exist in the trough, it is not regulated as a wetland because hydrophytic vegetation is not present. The area contains Douglas fir, laurel hedge, and rhododendrons, which are indicators of a non-wetland area. There are no wetlands on-site. *Exhibit 3, Attachment 15; Exhibit 3, pages 13-15.*
27. Because the subject property contains slopes that meet the City's definition of landslide and erosion hazard areas, a geotechnical engineering report was submitted. The geotechnical consultants confirmed that site slopes range from 15 to 30% in the steepest areas on-site. The report indicates that the steeper slope area on the property west of the site may not be stable with respect to deep seated slope failures and potential surficial sloughing. Recommendations of the geotechnical analysis included a 35-foot setback from the slope face to the footings of the planned residences on proposed Lots 20 to 26. Additional recommendations included guidelines for site preparation and stable construction slopes that do not exceed 2H:1V. The site's soils have erosion hazard potential. To address this, the report recommended adequate ground cover be required throughout the plat, the use of best management practices during construction including erosion control matting, plastic sheeting, straw mulch, or mature hydroseed, and

permanent flow-control measures for collecting and controlling runoff. If built and operated in conformance with these recommendations, the geotechnical consultants submitted the position that the site can be safely developed with the proposed residential structures. The report concluded that the proposed building sites contain geologically stable soils. *Exhibit 3, pages 15-16; Exhibit 8; Johnson Testimony.*

28. Redmond-Woodinville Road NE carries traffic volumes of approximately 18,627 average daily trips (ADT). Because the proposal fronts an arterial with volumes of less than 20,000 ADT, no noise study or sound attenuation measures are required per RMC Section 6.36.060. *Exhibit 3, page 16.*
29. Students residing in the project would attend Lake Washington School District (District) schools, including Norman Rockwell Elementary. Despite having been notified of application and receiving notice of the SEPA determination, the District did not comment on the proposal. The developer would pay a per-lot school impact fee at time of building permit issuance for each lot. In order to satisfy the requirements of the Redmond Zoning Code for safe pedestrian linkages to be provided between new developments and schools for students that walk to and from school or to connect to public improvements within 350 feet, and consistent with Revised Code of Washington (RCW) 58.17.110, the Applicant analyzed existing routes to the nearest elementary, middle, and high schools. Only the elementary school is within one mile (approximately 4,700 linear feet along road frontages). Redmond High School is more than 1.5 miles southeast of the site by walking route, and Redmond Junior High School is just over two miles southeast of the site. The District considers students living more than one mile from a given school to be outside of the safe walking zone and anticipates that those kids would be bused to school. Elementary school students would have City standard sidewalks within the plat and outside the plat along Redmond Woodinville Road to 116th Street, beyond which the Applicant would be required to construct an interim walkway along the road where no sidewalk exists all the way to Rockwell Elementary. The Applicant waived objection to the safe walking condition proposed in Exhibit 3. *Exhibit 11; Johnson Testimony; LaBrie Testimony; Exhibit 3, page 20.*
30. As identified in the Redmond Comprehensive Plan, Map N-1, the proposal is located within the North Redmond Neighborhood. The Comprehensive Plan contains the following policies applicable to the proposal:

Framework Policies

FW-12 Ensure that the land use pattern accommodates carefully planned levels of development, fits with existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land and provision of services and facilities, encourages an appropriate mix of housing and jobs, and helps maintain Redmond's sense of community and character.

Natural Environment Policies

NE-12 Conserve and protect environmentally critical areas from loss or degradation. Maintain as open space hazardous areas and significant areas of steep slopes, undeveloped shorelines and wetlands.

- NE -24 Encourage use of creative and appropriate site design and housing types to balance environmental protection and achievable density. Encourage Planned Residential Developments (PRDs), Planned Commercial Developments (PCDs), clustering, and density transfers for both commercial and residential development to help retain significant natural features and critical areas as open space.

Land Use Policies

- LU-3 Allow new development only where adequate public facilities and services can be provided.
- LU-6 Encourage infill development on suitable vacant parcels that may have been passed over and redevelopment of underutilized parcels. Ensure that the height, bulk, and design of infill and redevelopment projects are compatible with their surroundings.

Neighborhood Policies

- N-NR-4 Conserve and strive to enhance existing significant natural features, including steep slopes, wetlands, streams, creeks, trees, and fish and wildlife habitat conservation areas.
- N-NR-5 Encourage innovative development techniques that provide for a variety of lot sizes, housing types, styles, and sizes, and a variety of affordability levels within the neighborhood.
- N-NR-8 Promote the preservation of the area's important natural features through clustering and allowing innovative forms of housing that utilize less land area, particularly in the vicinity of critical areas as designated by the Critical Areas Ordinance.
- N-NR-11 Require that new development be designed in a manner that demonstrates respect of the natural features of the neighborhood, such as terraces, ravines, woodlands, streams and wetlands.
- N-NR-19 Require the use of compost-amended soils, consistent with the guidelines of the Washington State Department of Ecology, in the required landscaping for all developments.
- N-NR-20 Encourage the use of native and habitat plants in required landscaping.
- N-NR-41 Encourage the maintenance of pedestrian and bicycle connections on private streets and on public trails where vehicular access may otherwise be denied.
- N-NR-43 Require, within utility corridors and associated easements to off-site connections, the granting and/or improvement of pedestrian and other nonmotorized public access easements for all new development, when determined appropriate by the City's Technical Committee.

- N-NR-47 Encourage the design and building of size-limited and affordable dwellings, including accessory dwelling units and air space condominium design.
- N - NR - 49 Require a minimum of 10 percent of units in all new housing developments of 10 units or more in the North Redmond Neighborhood to be affordable, as defined in the Redmond Community Development Guide. Minimize development costs associated with this requirement by providing bonuses and incentives.
- N-NR-50 Promote the design of new single-family dwellings that maintain visual interest and provide a mix of home sizes and styles within new developments.
- N-NR-52 Ensure that new single-family dwellings are designed to have living space as the dominant feature of the street elevation to encourage active, engaging, and visually appealing streetscapes with landscaping and design features that bring the living space toward the front street. Minimize the garage feature at the street elevation, unless the home is located on an arterial and design options to minimize the appearance of the garage are limited.
- N-NR-78 Require the undergrounding of all new utilities in North Redmond and as older utility lines are updated, with the exception of the Puget Sound Energy high voltage transmission lines. Coordinate the undergrounding of existing overhead utilities as street construction or maintenance occurs in these service areas.

Exhibit 3, Attachment 40.

31. Several members of the public expressed disapproval of how apparently easily the City approves landmark and significant tree exception requests, arguing that the City's ordinances and Comprehensive Plan require more strenuous protection of the City's existing forested areas including the subject property because of its proximity to the Sammamish Trail. On this basis they asserted that fewer lots should be approved in order to retain more trees, and that the minimum allowed number of lots (26) should be the target when tree retention requirements cannot be met. One member of the public offered tree retention statistics from Redmond subdivisions prepared by Sustainable Redmond showing that other projects in the City have retained greater than 35% of significant trees and arguing that the instant project should be held to this same standard. On the topic of school impacts, members of the public argued that Rockwell Elementary is already overcrowded and that it lacks capacity to handle the students from the new lots; they argued that the levies that will come up for vote in February may be voted down as they were last time. They asserted that the question of school overcrowding must be answered before this plat (or presumably any other plat in the service area) can be approved. Some members of the public took exception to the findings of the habitat study, contending they'd seen bald eagles and other raptors on and near the site. Several public comments focused on congestion on Redmond Woodinville Road and argued that the site entrance intersection would amplify existing delays. They asserted that site access from 154th

Place should be required. *Stoddart Testimony; Schnoll Testimony; Exhibit 10; Exhibit 3, Attachments 8 and 10.*

32. Planning Staff offered responded to public comment as follows. Regarding the tree exceptions requests, Planning Staff noted that the RZC contemplates and includes provisions that allow less than 35% of significant trees to be retained on a given site, to be decided on a case by case basis at the discretion of the Director. In this case, the Director approved the exception requests based on site constraints largely related to topography, utility design and placement, and site access entering sight distance requirements. Staff noted that while maximum base density is 32 lots, with Affordable Housing density bonuses, 35 units would have been approvable. With the use of cottage design, more units could have been approved on-site. The Applicant elected not to use the various bonus density programs. In Staff's opinion, the instant proposal strikes an appropriate balance between optimal development and tree retention. Staff submitted the position that approval of the instant exception requests was not out of line with previous decisions or inconsistent with the intent of the tree preservation regulations. Further, the exception request approval was decided in November and the appeal period has expired. Regarding traffic congestion arising as a result of plat construction, City Transportation Staff noted that a traffic control plan would have to be submitted and approved prior to issuance of permits authorizing ground disturbance. Regarding congestion resulting from the plat once built, Staff noted that the two-way left turn lane would facilitate site access and reduce delays. Regarding the assertions in written comments that the instant process has been a "rush to approval", Staff noted that the pre-application process began at least 1.5 years ago and that all timelines have comported with City Code requirements for comment periods and other public participation opportunities. Regarding doubts expressed about the habitat study, Staff noted that the SEPA process includes notice to state wildlife agencies and that Washington Department of Fish and Wildlife did not comment on the proposal, as well as that the submitted study comports with applicable requirements of the City code. Staff also noted that the SEPA determination was not appealed. Regarding school crowding, Staff again noted that the School District was notified of the proposal twice, as well as of the public hearing, and did not comment. Staff stated that the District is in communication with the City every few months to obtain estimates on upcoming proposed developments. Finally, Staff noted that the Applicant held two public meetings, both of which were relatively well attended.

Johnson Testimony; Dendy Testimony.

33. In response to public comment, the Applicant offered the following testimony. Regarding change in the overall site dimensions that resulted in not allowing access from 154th Place, the Applicant representative testified that a pending purchase and sale agreement expired and the owner of the western parcels decided to retain them, effectively cutting off access from 154thPlace. The owner of those western parcels, despite sharing the Betrozoff name, is a legally distinct entity comprised of different individuals than are owners and Applicant in the current application. Regarding the tree exception request approvals, the Applicant testified that based on neighborhood concerns, the site plan was revised, six additional trees were saved, and one lot was sacrificed. Regarding Exhibit 10, the Sustainable Redmond graphic showing retained tree

percentages for previously approved plats, the graphic does not address topographic and other constraints facing those projects nor specify how close the projects came to maximum densities. Regarding school impacts, the Applicant noted that the District has the ability to redraw boundaries of specific schools as well as other means to address crowding at any one school, and that the District did not comment. Regarding the habitat study, the Applicant noted that regardless of whether raptors have been seen visiting the site, the report indicated that the site does not contain nesting habitat of any priority or endangered species. *LaBrie Testimony*.

34. The Technical Committee, which is comprised of staff from the Planning, Public Works, and Fire Departments, reviewed the Applicant's submittals for compliance with City codes and regulations and the Comprehensive Plan including: the preliminary plan set; the SEPA checklist; conceptual landscaping and lighting plans; tree retention plan; a traffic impact assessment; a preliminary storm drainage report, a habitat assessment, a wetland assessment, an arborist report, and a geotechnical engineering report. Professional consultants retained by the Applicant prepared each report. The accepted plan set is dated September 9, 2013. Considering the application materials, public comment, and the proposed conditions, the Technical Committee recommended project approval subject to conditions. *Exhibit 3, pages 17-28; Johnson Testimony; Exhibit 3, Attachments 9, 12, 14, 15, 24, 36, and 38.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is authorized to conduct open record hearings and issue decisions on Type III permits, including preliminary plat permit applications, pursuant to RZC 21.76.050.C, Table 21.76.050B, and RZC 21.76.060.F.

Subdivision Criteria for Review

Pursuant to RZC 21.74.030.B.1, the Examiner shall approve an application for subdivision if findings can be entered showing the following criteria are satisfied:

- a. The proposal complies with the general criteria applicable to all land use permits set forth in RZC 21.76.070.B, Criteria Applicable to All Land Use Permits;
- b. The proposal conforms to the site requirements for the zoning district in which the property is located;
- c. The proposal conforms to the requirements of this chapter;
- d. The proposed short subdivision, binding site plan, unit lot subdivision, or preliminary subdivision:
 - i. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required by this chapter; and the proposed street system conforms to the City of Redmond Transportation Master Plan and Neighborhood Street Plan, and is laid out in such a manner as to provide for the safe, orderly, and efficient circulation of traffic;
 - ii. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision or short subdivision;

- iii. Makes adequate provision for parks, recreation, and playgrounds, as required by this chapter;
 - iv. Makes adequate provision for schools and school grounds;
 - v. Makes adequate provisions for sidewalks and other planning features that meet the requirements of this chapter and that provide safe walking conditions for students who walk to and from school;
 - vi. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- e. Geotechnical considerations have been identified, and all hazards and limitations to development have been considered in the design of streets and lot layout to assure streets and building sites are on geologically stable soil, considering the stress and loads to which the soil may be subjected.

RZC 21.74.030.B.2 states that lack of compliance with the criteria set forth in subsection (1) of this section shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

Conclusions Based on Findings

1. The application materials demonstrated compliance with the applicable policies of the North Redmond Neighborhood, including those applicable in the Wedge Sub Area. Additionally, the project would satisfy the affordable housing policies of the City by providing three affordable housing units. *Findings 6, 8, 9, 10, 11, 12, 13, 19, and 30.*
2. The 31-lot plat comports with allowable densities on the eight-acre parcel. As conditioned, the proposed lots, open space, and impervious coverage comply with the requirements of the R-4 zone. *Findings 9, 10, 11, and 34.*
3. When the subdivision application was deemed complete on September 5, 2013, it fulfilled all applicable submittal requirements. Notice of application, of SEPA determination, and of public hearing were provided consistent with the RZC requirements. The Applicant conducted two well-attended public meetings. *Findings 2, 3, 4, and 5.*
4. As conditioned, the proposed site access and street system would safely serve the lots of the plat. The proposal conforms to the North Redmond Neighborhood Plan in the Comprehensive Plan and the proposed street system conforms to the City of Redmond Arterial Street Plan and North Redmond neighborhood plan street plan. The new interior local access roads would be built in conformance to the City road standards. The project would improve the site frontage along Redmond-Woodinville Road, including 20 feet of right-of-way dedication, a two-way left turn lane, and six-foot sidewalk for the length of the frontage, among other improvements. The submitted TIA indicated that the project would not result in excessive congestion on the surrounding road network. The proposed sidewalks would connect to the existing sidewalk system on NE 116th Street and Redmond-Woodinville Road. *Findings 14, 17, 30, 32, 33, and 34.*

5. Municipal water and sewer is available to serve the proposed lots and would be extended to each lot by the developer. Per conditions, all utilities would be undergrounded, including existing utilities along the site frontage. Stormwater would be collected, treated, and discharged along the pre-development discharge route consistent with City and state requirements. *Findings 15 and 18.*
6. The plat would provide passive and active recreation in open space tracts. *Finding 16.*
7. As conditioned, the plat would mitigate school impacts through the payment of per-lot fees paid at the time of building permit issuance. A condition of approval would ensure that safe walking to local schools is provided prior to residential construction. Despite the assertions of overcrowding at Rockwell Elementary from members of the public, the Lake Washington School District was specifically notified of this project on at least three occasions and did not comment. The record as a whole demonstrates that payment of school impact fees is adequate mitigation of the impacts the proposed 31 lots would have on impacted school facilities. *Findings 29, 30, 32, 33, and 34.*
8. Due to topography, any development of the site including municipal utilities would require substantial grading and site alteration. The Applicant redesigned the plat to preserve as many existing significant trees and native soils as possible. Due to constraints relating to site access and utility placement, the Applicant elected not to maximize the number of allowed units within the project. Significant natural vegetation would be retained within native growth protection easements and Tracts A, B, and C, which would also be enhanced through on-site tree replacement and landscaping. The approved landmark and significant tree exception requests comport with the requirements of RZC 21.72. *Findings 7, 19, 20, 21, 22, 23, 24, 30, 32, 33, and 34.*
9. The record includes professionally prepared reports addressing potential geotechnical hazards and critical area-related limitations to development including possible wetlands and steep slopes both on and off-site. As proposed, the project would provide adequate setbacks from the unstable slopes to the west to assure the safe development of the plat. Conditions would ensure that erosion control measures are implemented during construction and in the landscaping of the site sufficient to address the potential for erosion. *Findings 25, 26, and 27.*

DECISION

Based on the preceding findings and conclusions, the request for approval of a preliminary plat subdividing 8.04 acres into 31 single-family lots with associated infrastructure is **GRANTED**, subject to the conditions below.

A. Site Specific Conditions of Approval

The following table identifies those materials that are approved with conditions as part of this decision.

Item	Date Received	Notes
Plan Set	09/05/13	<i>and as conditioned herein.</i>
SEPA Checklist	09/05/13	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on October 7, 2013.</i>
Conceptual Landscaping Plan	09/05/13	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	09/05/13	<i>and as conditioned herein.</i>
Traffic Mitigation Plan	09/05/13	<i>and as conditioned herein.</i>
Stormwater Design	09/05/13	<i>and as conditioned herein.</i>

The following conditions shall be reflected on the Civil Construction Drawings, unless otherwise noted:

1.Development Engineering - Transportation Engineering

Reviewer: Kurt Seemann, Senior Engineer

Phone: 425-556-2881

Email: kseemann@redmond.gov

- a. Easements and Dedications.** Easements and dedications shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit. The existing and proposed easements and right-of-way shall be shown on the civil plans. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.
- i. Easements are required as follows:
- (a) 10 feet wide sidewalk easement, granted to the City of Redmond, along all right-of-way including Redmond Woodinville Road, and plat roads A, B, and C.
 - (b) 10 feet wide utility easement, granted to the City of Redmond, along all right-of-way including Redmond Woodinville Road, and plat road A, B, and C.
 - (b) At the time of construction, additional easements may be required to accommodate the improvements as constructed.
- ii. Dedications for right-of-way are required as follows:
- (a) A strip of land 20 feet wide abutting the existing Redmond Woodinville Road right-of- way.
- (Code Authority: RZC 21.52.030 (G); RMC 12.12)
- b. Construction Restoration.** In order to mitigate damage due to trenching and other work on Redmond Woodinville Road, the asphalt street shall be planed, overlaid,

and/or patched, as determined by the Development Engineering Division.
(Code Authority: RMC 12.08; Redmond Standard Specifications and Details)

c. Street Frontage Improvements

i. The frontage along Redmond Woodinville Road must meet current City Standards which include asphalt paving 24 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5 feet wide planter strips, 6 feet wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- 4 inches HMA Class ½” PG 64-22
- 5 inches HMA Class 1” PG 64-22
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Street crown 2% sloped to drain system

This project will require construction of a continuous two-way left turn lane along the entire project frontage with appropriate tapers on each end. Provide a complete channelization plan for Redwood Woodinville Road that shows how this work will be accomplished.

(Code Authority: RZC 21.52.030; 21.17.010 (F); RMC 12.12; RZC Appendix 3)

ii. The frontage along plat roads A, B, and C must meet current City Standards which include asphalt paving 28 feet from face of curb to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5’ wide planter strips, 6’ 5’ wide concrete sidewalks, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- 7 inches HMA Class ½” PG 64-22
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Street crown 2% sloped to drain system

(Code Authority: RZC 21.52.030; 21.17.010 (F); RMC 12.12; RZC Appendix 3)

iv. A separate 40-scale channelization plan may be required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual. The project is located along a state route, therefore WSDOT approval of the channelization plan is also required.

(Code Authority: RZC 21.52.030 (F); RZC Appendix 3; Standard Specifications and Details Manual; RCW 47.24.020)

d. Access Improvements

- i. The type and location of the proposed site accesses are approved as shown on the Betrozoff Jones site plan prepared by ESM Consulting Engineers.

(Code Authority: RZC 21.52.030 (E); Appendix 3)

- ii. No lot will be permitted direct access to Redwood Woodinville Road. This restriction shall be indicated on the face of the civil plans and other final documents.

(Code Authority: RZC 21.52.030 (E))

- e. Underground Utilities.** All existing aerial utilities shall be converted to underground along the street frontages and within the development. All new utilities serving the development shall be placed underground.

(Code Authority: RZC 21.17.020)

- f. Street Lighting.** Illumination of the street along the property frontage must be analyzed to determine if it conforms to current City standards. Streetlights may be required to illuminate the property frontage. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Paul Cho, Transportation Operations at 425. 556.2751 with questions. The street lighting shall be designed using the criteria found in the City's Illumination Design Manual which can be accessed at:

<http://www.redmond.gov/ConnectingRedmond/resources/IllumManual.asp>

Street lighting within the North Redmond Wedge subarea, west of the Redmond-Woodinville right-of-way, shall be selected and configured to minimize light pollution, minimize light trespass as viewed from the Sammamish Valley, and ensure no light trespass at water bodies.

Code Authority: RZC 21.20.080(G)(h)

(Code Authority: RZC 21.52.030 (F); RZC 21.20.080(G)(h); Appendix 3)

Condition Applies: Civil Construction

- g. Safe Walking Route(s).** The Redmond Zoning Code requires that safe pedestrian linkages be provided between new developments and existing neighborhoods and public facilities. The proposed plat is within a 1-mile walking radius of the Rockwell Elementary. Current conditions on Redwood Woodinville Road do not provide safe walking conditions for students or other pedestrians. An interim walkway shall be constructed of concrete curb, gutter and a 5-foot sidewalk if adjacent to the street. The curb face shall be located at least 12-feet from the centerline. The interim walkway shall be 4 feet wide, constructed of asphalt or concrete, and located a minimum of 10 feet from the street edge of traveled way

where no curb and gutter exists. A safety railing or fencing will be required when (1) the interim walkway is located at the top of a slope or wall that is 2:1 or steeper and (2) the walkway elevation is 30-inches or higher than the toe of the slope or wall.

Code Authority: RCW 58.17; RZC 21.52.030, RZC 21.17.010(F)(2); RZC 21.74.020(I)

Condition Applies: Civil Construction

2. **Development Engineering – Water and Sewer**

Reviewer: Jim Streit, P.E., Sr. Utility Engineer

Phone: 425-556-2844

Email: jstreit@redmond.gov

- a. **Water Service.** Water service will require a developer extension of the City of Redmond water system as follows: Install 8-inch diameter ductile iron water mains as shown on the plans prepared by ESM Consulting Engineers in Roads “A” and “B” connections to the existing water main in Redwood Road requires a cut in tee with three gate valves at each location. Water meters will be installed off the new 8-inch ductile iron main and will be sized large enough to provide combined residential fire supply and potable demands to each lot. A new water meter will be installed to serve parcel number 9428500066 downhill to the west to replace the well abandoned by the construction of the uphill development. Redevelopment of parcel number 9428500066 will require future water and sanitary system improvements.
(Code Authority: RZC 21.17)
- b. **Sewer Service.** Sewer service will require a developer extension of the City of Redmond sewer system as follows: Install 8-inch diameter PVC sanitary sewer as shown on the drawings prepared by ESM Consulting Engineers. Side sewers from each of the proposed new lots will connect to the new sanitary mains. No sewer service to the adjacent parcel downhill to the west is to be provided. (Code Authority: RZC 21.17)
- c. **Easements.** Easements shall be provided for all water and sewer improvements as required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing approval. Offsite easements must be recorded prior to construction drawing approval.
(Code Authority: RZC Appendix 3)
- h. **Backflow Preventors:** Backflow preventors shall be used in the water supply system in accordance with City, State, and Federal requirements. (Code Authority: RMC 13.10)

- i. **Permit Applications.** Water meter and side sewer applications shall be submitted for approval to the Development Engineering Utility Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. Various additional guarantees or requirements may be imposed as determined by the Utilities Division for issuance of meters and permits prior to improvements or administrative requirements being completed. All reimbursement fees shall be paid prior to sale of water and side sewer permits. (Code Authority: RMC 13.08.010, 13.12)

3. Development Engineering – Stormwater/Clearing and Grading

Reviewer: Jeff Dendy, Senior Engineer

Phone: 425-556-2890

Email: jdendy@redmond.gov

- a. **Water Quantity Control:**
 - i. Stormwater discharges shall match the developed discharge duration to the pre-developed duration for the range of pre-developed discharge rates from 50% of the 2-year peak flow up to the full 50-year flow for both primary drainage sub-basins delineated onsite. Detention shall be provided in a publicly maintained vault.
 - ii. The project site has a historic drainage divide that sheds runoff to the north and to the west. As an option, the project may divert all flows to the roadside ditch in 154th Place NE as the downstream basins combine within ¼ mile downstream from the site.
 - iii. Provide for overflow routes through the site for the 100 year storm.

(Code Authority: RMC 15.24.080)

- b. **Water Quality Control**
 - i. Basic water quality treatment shall be provided in a publicly maintained wet vault. Treatment is required for the 6-month, 24 hour return period storm.

(Code Authority: RMC 15.24.080(2)(d))

- c. **Easements.** Easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit or issuance of water meter or side sewer permits. The existing and proposed easements shall be shown on the civil plans. Prior to acceptance of the easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated. The western drainage sub-basin discharges through an off-site easement to 154th Place NE. The standard 20-foot wide public drainage easement may cross either parcel to the west of Betrozoff-Jones, provided

maintenance access is provided to storm structures.
(Code Authority: RMC 15.24.080(2)(i))

- d. Clearing and Grading.** The project geotechnical report will be followed concerning safe slope set-backs.
(Code Authority: RMC 15.24.080)
- e. Temporary Erosion and Sediment Control (TESC).**
 - i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.
(Code Authority: RMC 15.24.080)
- f. Floodplain Management.** The project does not lie in a designated flood plain.
(Code Authority: RZC 21.64.010 and 20D.140.40)
- g. Landscaping.** No project specific conditions.
(Code Authority: RZC 21.64.060 (C))
- h. Department of Ecology Notice of Intent Construction Stormwater General Permit.** Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at:
www.ecy.wa.gov/pubs/0710044.pdf.
(Code Authority: Department of Ecology Rule)

4. Fire Department

Reviewer: Barry Nilson, Deputy Fire Marshal

Phone: 425-556-2245

Email: bnilson@redmond.gov

The current submittal is generally adequate for LAND-2013-00275 Approval, but does not fully represent compliance with all requirements. The following conditions are integral to the approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

- a. Site Plan Condition: Hydrant spacing shall be determined in the coordinated civil review process, along with the fire lane markings, and the radii for all of the roads.
- b. Fire Protection Plan: All houses shall have a 13D fire sprinkler system installed. All private access for emergency vehicles shall be in an easement.

5. Planning Department

Reviewer: Thara Johnson, Associate Planner

Phone: 425-556-2470

Email: tmjohnson@redmond.gov

- a. **Street Trees.** The following street trees are required to be installed in accordance with RZC Section 21.32.090. The minimum size at installation is 2 ½ inch caliper.

Street	Species	Spacing
Redmond-Woodinville Road	Summer Shade Norway Maple	30' on center

(Code Authority: RZC 21.32.090)

- b. **Tree Preservation Plan.** A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil construction drawings. A plan showing the location of preserved trees and containing protection language approved by the City shall be shown on the face of the deed or similar document and shall be recorded with the King County Department of Records and Elections.

(Code Authority: RZC 21.72.060 (D) (2))

Tree Exception Request. The tree exception request for removal of 19 landmark trees and 193 significant trees (42 that fall below the 35% minimum retention requirement and 170 additional significant trees) from the site shall be implemented in conformance with the tree preservation plan.

Code Authority: RZC 21.72.090

Condition Applies: Civil Construction, Final Plat Document

Tree Replacement. Tree Replacement shall be implemented in conformance with the Landscape Plan which identifies 296 trees to be replaced either on-site, through fee-in lieu, or off-site tree replacement.

Code Authority: RZC 21.72.080

Condition Applies: Civil Construction, Final Plat Document

- c. **Affordable Housing.** The Betrozoff-Jones Preliminary Plat shall demonstrate conformance with the Affordable Housing Regulations in RZC 21.20. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing for the life of the development. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant. Prior to the issuance of any building permit, the owner shall sign any necessary agreements with the City to

implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of enabling the owner to obtain financing for development of the property, consistent with any applicable provision of the Redmond Zoning Code in effect at the time of the issuance of the development permit(s).

Code Authority: RZC 21.20.080

Condition Applies: Building Permit Issuance

- d. Open Space.** The proposal includes development-wide calculations to meet the open space requirements. Each lot shall include a minimum of 10 percent of total lot square footage in open space. Open space for the benefit of the entire development must be contiguous, designed for recreation, and not have a dimension less than 25 feet. Required open space shall be illustrated on the final plat document.

Code Authority: RZC 21.08.170.L

Condition Applies: Final Plat Document

- e. Setbacks.** Setback classifications (e.g. front, side, side street, rear) shall be noted

Code Authority: RZC 21.08.060

Condition Applies: Final Plat Document

- f. Planting Standards.** Landscaping shall be coordinated with water/sewer lines and fire hydrants/connections. Trees shall be planted a minimum of 8 feet from the centerline of any water/sewer lines. Shrubs shall be planted to maintain at least 4 feet of clearance from the center of all fire hydrants/connections.

Code Authority: RZC 21.32

Condition Applies: Civil Construction

- g. Multistory Vegetation Area Recording.** Multistory vegetation that is canopy-forming at maturity shall be provided and maintained within a 35' setback, at a depth no less than 15 feet measured east to west adjacent to the western edge of the Redmond-Woodinville Road right-of-way. The multistory vegetation shall be preserved within a tract. The location, purpose and limitation of this tract shall be designated on the face of the plat.

(Code Authority: RZC 21.08.180(D)(2)(iii),

Condition Applies: Final Plat Document

- h. Front yard landscaping.** Landscaping for the front yard shall be provided for all new residential development. A landscape plan shall be prepared or approved by a Washington-licensed landscape architect, certified nurseryman, or certified landscape technician.

Code Authority: RZC 21.08.180(F)(2)(a)(i)&(ii)

Condition Applies: Building Permit Issuance

i. Building Setback. All residential buildings and accessory structures greater than 30 inches above the grade, on the west side of Redmond-Woodinville Road (SR 202), within the Wedge subarea, shall be set back a minimum of 35 feet. This setback shall be measured from the edge of the proposed right-of-way.

Code Authority: RZC 21.08.0180(D)(2)(a)(iii)

Condition Applies: Building Permit Issuance

j. Green Building Certification. All homes within the Betrozoff-Jones Preliminary Plat shall be constructed to meet Green Building Certification – 3-star/LEED Certification minimum;

Code Authority: RZC 21.08.0180(E)(2)(e)(i)

Condition Applies: Building Permit Issuance

k. Low Impact Development Techniques. The following techniques shall be complied with during construction as shown on submitted exhibits –

1. Native Vegetation Retention
2. Native soil preservation
3. Native soil restoration
4. Impervious surface area reduction

Code Authority: RZC 21.08.0180(E)(2)(e)(i)

Condition Applies: Building Permit Issuance

B. Compliance with City of Redmond Codes and Standards

This approval is subject to all applicable City of Redmond codes and standards, including the following:

Transportation and Engineering

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RZC 21.40.010(E):	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC 21.76.100(F)(9)(c)	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020(G):	Site Construction Drawing Review

RZC 21.76.020(H)(6):	Preconstruction Conference
RZC 21.76.020(H)(7):	Performance Assurance
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Record Drawing Requirements, Version 10-2005 (2005)
City of Redmond:	Standard Specifications and Details (current edition)

Water and Sewer

RMC 13.04:	Sewage and Drainage
RMC 13.08:	Installing and Connecting Water Service
RMC 13.10:	Cross-Connection and Backflow Prevention
RZC 21.17.010:	Adequate Public Facilities and Services Required
RZC Appendix 4:	Design Requirements for Water and Wastewater System Extensions
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Design Requirements: Water and Wastewater System Extensions - January 2000.

Stormwater/Clearing and Grading

RMC 15.24:	Clearing, Grading, and Storm Water Management
RZC21.64.060 (C):	Planting Standards
RZC 21.64.010:	Critical Areas
RZC 21.64.040:	Frequently Flooded Areas
RZC 21.64.050:	Critical Aquifer Recharge Areas
RZC 21.64.060:	Geologically Hazardous Areas
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Stormwater Technical Notebook, Issue No. 5 (2007)
Department of Ecology:	Stormwater Management Manual for Western Washington (revised 2005)

Fire

RMC 15.06:	Fire Code
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Fire Department Design and Construction Guide 5/6/97
City of Redmond:	Fire Department Standards

Planning

RZC 21.08:	Residential Regulations
RMC 3.10	Impact Fees
RZC 21.32, 21.72:	Landscaping and Tree Protection

RZC 21.34:	Exterior Lighting Standards
RMC 6.36:	Noise Standards
RZC 21.38:	Outdoor Storage and Service Areas
RZC 21.40:	Parking Standards
RCZ 21.64:	Critical Areas
RZC 21.44:	Signs
RZC Appendix 1:	Critical Areas Reporting Requirements

Building

2012 International Building Codes (IBCs)
 2012 Uniform Plumbing Code
 2012 International Residential Code (IRC)

DECIDED December 16, 2013.

By:



Sharon A. Rice
 City of Redmond Hearing Examiner

Note: Type III decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided in RZC 21.76.060.M. Any party with standing (detailed at RZC 21.76.060.M.2.a) may appeal this decision by filing the appropriate appeal form along with the required fee no later than 5:00 pm on the tenth business day following the expiration of the reconsideration period. See RZC 21.76.060.M for further detail on appeal requirements.