

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

In the Matter of the Application of)	
)	NO. L120508/L120509 (PPL/SEPA)
)	
Quadrant Homes)	
)	
)	
For approval of a Preliminary Plat)	FINDINGS, CONCLUSIONS,
)	AND DECISION
_____)	

SUMMARY OF DECISION

The request for approval of a preliminary plat subdividing 3.8 acres into 12 single-family lots, three open space tracts, a stormwater tract, and one private access tract in the North Redmond Neighborhood is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Pete Lymberis, on behalf of Quadrant Homes (Applicant) requested approval of a preliminary plat subdividing 3.8 acres into 12 single-family lots, three open space tracts, a stormwater tract, and one private access tract in the North Redmond Neighborhood.

Hearing Date

The Redmond Hearing Examiner conducted an open record hearing on the request on April 1, 2013.

Testimony

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

- Thara Johnson, Associate Planner, City of Redmond
- Judd Black, Planning Manager, City of Redmond
- Jeff Dendy, Public Works Senior Engineer, City of Redmond
- Kurt Seemann, Senior Engineer, City of Redmond
- Jim Lymberis, Quadrant Homes, Applicant
- Lafe Hermanson, CORE Design, Applicant Representative
- Jim Olson, CORE Design, Applicant Representative
- Corey Weathers, Northstar Homeowners Association
- Shai Hinitz, Northstar Homeowners Association
- Tom Hinman, Sustainable Redmond
- Stephen Williams
- Zhongyi Gu

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. SEPA Application Form
 5. Completeness Letter
 6. Notice of Application and Certificate of Publishing
 7. Notice of Application Public Comment Letters
 8. SEPA Determination of Non-Significance, & Environmental Checklist
 9. SEPA Public Comment Letters
 10. Notice of Public Hearing and Certificates of Posting
 11. Preliminary Plat Plan set
 12. Title Survey
 13. Critical Areas Exhibit
 14. Arborist Report
 15. Landmark Tree Removal Exception Request Letter
 16. Landmark Tree Removal Exception Approval Letter
 17. Tree Replacement Proposal
 18. Alternative Compliance - Affordable Housing Request
 19. Critical Areas Assessment and Wetland Data Forms
 20. Geotechnical Report
 21. Preliminary Storm Drainage Report
 22. Infiltration Feasibility
 23. Traffic Impact Analysis
 24. Application of Transportation Concurrency
 25. Comprehensive Planning Policies
 26. Deviation Requests
 27. Title Report
 28. Preliminary Lot Closure
2. Planning Staff's PowerPoint presentation (13 slides)
3. Proposed revisions to recommended conditions of approval, submitted by Planning Staff
4. Letter from Northstar Homeowners' Association, dated April 1, 2013
5. Photographs of trees on property line, submitted by Shai Hinitz, and labeled a, b, and c
6. Written comments of Tom Hinman, dated April 1, 2013
7. Photographs submitted by CORE Design, labeled a, b, c, and d
8. Tree Survey, submitted by CORE Design

9. Applicant Memorandum re: diameter of trees on shared boundary bordering the Northstar HOA property¹

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

FINDINGS

Procedural Background

1. The Applicant requested approval of a preliminary plat subdividing 3.8 acres into 12 single-family lots, three open space tracts, a stormwater tract, and one private access tract. The subject property is presently addressed as 16423 NE 122nd Street in the North Redmond Neighborhood.² *Exhibit 1, page 1; Exhibit 1, Attachment 2.*
2. The application was determined to be complete on December 18, 2012. Notice of application was published on December 31, 2012, posted at City Hall and the Redmond Regional Library, and notice signs were posted on-site. Notice was mailed to property owners within 500 feet of the site. *Exhibit 1, pages 2, 6; Exhibit 1, Attachment 6.*
3. The proposal was reviewed for compliance with the State Environmental Policy Act (SEPA). Acting as SEPA Responsible Official, the Technical Committee issued a determination of non-significance (DNS) on February 8, 2013 concluding that compliance with City ordinances would reduce any probable adverse environmental impacts below the threshold of significance. After receiving two comments regarding tree protection during the DNS comment period, the City incorporated additional information from the Applicant in its review and reissued the DNS on February 19, 2013. The revised DNS was not appealed and became final on March 19, 2013. *Exhibit 1, pages 2, 6-7; Exhibit 1, Attachments 8 and 9; Johnson Testimony.*
4. Notice of the April 1, 2013 open record hearing on the application was posted on the site, at City Hall, and at the Redmond Regional Library on March 11, 2013. Notice of hearing was mailed to property owners within 500 feet of the site and to individuals who submitted written comments on the application to the City on the same date. The notice was included in a one-time newspaper publication. *Exhibit 1, page 6; Exhibit 1, Attachment 10.*

Subject Property, Surroundings, and Zoning Controls

5. The subject property is surrounded by low density single-family development with R-4 and R-4C zoning designations. The site is developed with a residence and accessory structures. The majority of the site contains undeveloped forest and grassland. The Applicant submitted a professionally prepared critical areas assessment that identified the

¹ At the conclusion of the hearing, the record was held open to enable the Applicant to submit specific information regarding the diameter of the trunks on the multi-trunked tree that members of the public commented on in their testimony. The item was identified on the record, timely submitted, and admitted at Exhibit 9.

² The legal description of the subject property is a portion of Section 25, Township 26 North, Range 5 East, W.M.; also known as Tax Assessor 2526059179. *Exhibit 1, Attachments 3 and 11.*

site's upland forest as dominated by Douglas Fir and western red cedar with a well-developed, patchy understory. Site soils showed no positive indicators of hydric soil. The critical areas report noted that a review of the WDFW Priority Habitat Species database showed no occurrences of priority species or habitats on the site or immediate vicinity. A site visit revealed large, oblong excavations in standing trees indicative of pileated woodpecker presence but no excavations consistent with nesting or roosting activities. *Exhibit 1, pages 4, 9; Exhibit 1, Attachment 20.*

6. A wetland is located in the southwest portion of the site. The Applicant's critical areas assessment classified the waterbody as a Category III wetland requiring an 80-foot buffer from adjacent high impact land uses such as the proposed development. The Applicant also submitted a professionally prepared geotechnical report identifying on-site slope inclinations that vary from five to 35 % with slopes over 40% in two areas. Such slopes satisfy the City's definitions of landslide hazard and erosion hazard areas. The submitted grading plans demonstrate that the landslide hazard areas would be located at least 25 feet away from proposed development. Planning Staff submitted the opinion that as designed and with a condition ensuring compliance with steep slope setbacks, the proposal would avoid impacts to the existing on-site critical areas. *Exhibit 1, pages 4, 9; Exhibit 1, Attachments 13, 19, and 20.*
7. The site is comprised of 2.75-acres zoned R-4 and 1.05 acres within the R-4C or Residential Development & Conservation Overlay designation. *Exhibit 1, page 4; Exhibit 1, Attachment 3.*
8. Residential development in the R-4 and R-4C zone requires an average lot size of 7,000 square feet with a minimum lot width circle of 40 feet and at least 20 feet of frontage for each lot. Setbacks required include 15 feet to the front, five/ten feet for sides/interiors, 15 feet from abutting streets, and 10 feet from rear lot lines. Buildings must be separated at least 15 feet. Structures are limited to 35 feet in height. Lot coverage by structure is allowed up to 35% and by impervious surfaces up to 60%. At least 20% of the underlying parcel must be set aside as open space. *Redmond Zoning Code (RZC) 21.08.170.B.*

Proposed Improvements

9. The proposal would cluster the residential lots in the eastern portion of the site in order to preserve a large, contiguous open space in the site's southwestern corner. Lots would range from 5,107 to 9,906 square feet, with an average lot size of 7,043 square feet. Two landscaped open space tracts, Tract A (6,103 square feet) and Tract C (2,934 square feet) would screen the proposed clustered lots from adjacent parcels. Stormwater management would be provided in Tract D (10,766 square feet), north and east of the large native growth open space parcel, Tract B (40,971 square feet). Tract B would contain all on-site portions of the Class III wetland and the majority of steep slopes and associated buffers. The rear portions of proposed Lots 11 and 12 would contain areas of regulated steep slopes and associated setbacks. Planning Staff recommended a condition of approval to ensure no construction occurs within 25 feet of the toe of any steep slope. *Exhibit 1, Attachment 11, Sheet P3 of 12.*

10. The proposed 12 lots would result in a residential density of 3.15 dwelling units per acre. A total of 2.1 acres of impervious area are proposed, below the 60% maximum for the R-4 zone. The 3.8-acre site requires a total of 33,143 square feet of open space to be provided.³ The project would provide 60,774 square feet of open space. All of Tract B would be retained in a native vegetated state in perpetuity through a legally recorded native growth protection area (NGPA). *Exhibit 1, Attachment 11, Sheet P1; Johnson Testimony.*
11. In its pre-development condition, stormwater runoff from the property sheetflows across adjacent properties to the west into an unnamed creek and from there into an existing ditch system on the south side of NE 124th Street. The proposal would result in 2.1 acres of impervious surfacing. Runoff would be collected and conveyed to a detention vault in Tract D. Discharge rates from the facility would mimic rates from the pre-development condition for the 100-year return period. Detained flows would be conveyed north to NE 122nd Street and west into the ditch system. All stormwater facilities on-site would be designed and constructed to the Department of Ecology's 2005 Stormwater Management Manual for Western Washington and the Redmond Stormwater Management Technical Notebook. Stormwater Tract D would provide active recreational opportunities. *Exhibit 1, Attachment 21; Johnson Testimony.*
12. The site abuts NE 122nd Street at its north boundary. Access to all lots would be from a single point on that public right-of-way in approximately the location of the existing site driveway. No lots would access from NE 122nd Street. According to the Applicant's limited scope traffic impact analysis, stopping sight distance standards are satisfied in both directions; however, entering sight distance at the plat entrance would be 500 feet to the east and only 350 feet to the west, falling below the minimum standard of 390 feet for a road with a design speed of 35 miles per hour (actual speed limit is 25 MPH). The Applicant requested an administrative variance from the entering sight distance design standard, discussed in the finding below. Lots 1 through 7 would access from the internal public right-of-way, and Lots 8 through 12 would access by a private access tract (Tract E) that would connect to the end of the public road within the site. The proposal would be required to install frontage improvements on NE 122nd Street. The 11 proposed lots would generate 110 new average daily trips, including 11 total PM peak hour trips. The proposal is not anticipated to significantly affect any intersections in the project vicinity. To mitigate area-wide impacts of the new trips, the proposal would be required to pay per-lot transportation impact fees. *Exhibit 1, pages 7, 10-11; Exhibit 1, Attachment 23.*
13. Each lot would be connected to municipal water and sewer service. *Exhibit 1, Attachment 11, Sheet P1; Exhibit 1, page 17.*

³ The Examiner notes that although the R-4 zone requires 20% open space, the Applicant's plan set states that 25% open space is required. *RZC 21.08.170.B; Exhibit 1, Attachment 11, Sheet P1.*

Compliance with Other Applicable City Development Standards

14. Redmond Zoning Code Title 21.72 requires that all healthy landmark trees and 35 percent of all healthy significant trees be retained.⁴ The Applicant submitted a professionally prepared arborist's that evaluated a total of 349 trees on the site. Of this total, 248 of the trees satisfied the City's definition of significant trees, four of which met the definition of landmark trees. The proposal would retain 89 significant trees and two landmark trees, for a total tree retention of 36.7%. The majority of preserved trees would be located in the NGPA in Tract B. The two landmark trees to be removed (both Western red cedars) are located in areas where road infrastructure or building pads must be placed, precluding the ability to save them. Redmond's Planning Director reviewed and administratively approved the Applicant's landmark tree retention exemption request. *Exhibit 1, page 8; Exhibit 1, Attachments 14, 15, and 16.*
15. Removal of the proposed significant and landmark trees requires replacement with 161 trees. The Applicant submitted a tree replacement proposal that would place approximately 91 of the 161 trees on-site in the landscaped open space Tracts A and C and on the lots; the remaining 70 trees were proposed to be placed within Tract B's native growth protection easement. *Exhibit 1, Attachment 17.*
16. The North Redmond Neighborhood requires affordable housing to be developed with all new single-family residential projects. Ten percent of the total number of units would be required to satisfy the City's affordable housing standards. In the instant application, that equates to one unit. Pursuant to RZC 21.20.050 Alternative Compliance Methods, the Applicant proposed to provide the affordable housing unit in another development in the North Redmond Neighborhood and would post a bond to ensure that construction of the affordable housing unit would occur within a three-year time frame. *Exhibit 1, pages 7, 10; Exhibit 1, Attachment 18.*
17. Students residing in the project would attend Lake Washington School District schools. The school district received notice of the application and did not indicate there were any concerns about capacity. Impacts of the students from the proposed lots would be mitigated through the payment of school impact fees. At the time of hearing, continuous sidewalks did not exist on NE 122nd Street between the plat and the District schools that would serve them. Staff recommended a condition of approval that would require construction of an interim walkway if, by the time of lot construction, sidewalks do not connect the plat to the schools from 122nd Street to 172nd Street and then to 116th Street. *Exhibit 3; Johnson Testimony; Seemann Testimony.*
18. Two deviations from City design standards were granted administratively by the Technical Committee. Since the entering sight distance to the west is constrained both horizontally and vertically, a deviation was necessary to approve the proposed site access roadway. The first deviation reduced by 40 feet the required entering sight distance to the west at the plat entrance intersection. The second code deviation granted allowed the

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.

project to provide a five-foot sidewalk only on the east side of the internal public street. A sidewalk on the west side of that street would serve only one lot on the west side of the street - Lot 8. In approving the deviation request, the City required that sidewalk be constructed along the west side of the plat road from Tract D to the south end of the driveway and cross the plat road to connect with the sidewalk along the east side of the plat road. *Exhibit 1, pages 12-13.*

19. The North Redmond Neighborhood property has a Low-Moderate Density Residential/Large Lot Residential land use designation pursuant to the City of Redmond Comprehensive Plan. Planning Staff indicated that the proposal would be consistent with the following goals and policies of the Plan:

Citywide Policies

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-21 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

General Land Use 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.

Neighborhood Character and Design Policies

- 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.

Environmental Protection Policies

- 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.

Parks, Recreation and Open Space Policies

- 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.

Housing Policies

- 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.

Utilities Policies

- 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 1, Attachment 25; Exhibit 1, page 10; Johnson Testimony.

20. Planning Staff accepted and reviewed: the preliminary plan set; the SEPA checklist; the conceptual landscaping plan; the tree retention plan; and a preliminary stormwater management design. Professional consultants retained by the Applicant prepared each report. The accepted plan set is dated December 18, 2012. *Exhibit 1, page 14.*
21. During the public comment period on the notice of application, the City received three written comments from persons concerning the proposal's tree and whether the project satisfied the City's tree retention standards. *Exhibit 1, Attachment 7.* At hearing, neighboring property owners provided public comment. The president of the adjacent Northstar subdivision's homeowners association (Northstar HOA) testified that the group voted in November to return an 11,000 square foot tract of its property to a native condition; the tract borders the subject property's southern boundary. The HOA proposed to accept some of the project's replacement trees on its parcel, and also proposed that some of the replacement trees be planted on a City-owned stormwater parcel east of the subject property. Several members of the Northstar HOA testified about concerns for a group of trees on or near the shared property boundary between the HOA's tract and the development envelope of the subject property, specifically a multi-trunked broadleaf maple. The tree is adjacent to the HOA's parcel and contains a rope swing used by residents of the Northstar plat. [The three main trunks of the tree are identified on Exhibit 8 as the three trees within the black outlined area adjacent to the Northstar HOA parcel.] One person claimed that this tree's trunks are greater than 30 inches in diameter and that the trees roots extend into the Northstar plat. A member of an organization called Sustainable Redmond provided testimony challenging the tree retention calculations and the City's willingness to grant the landmark tree exemption. A neighbor to the west of the site also testified about concerns for trees on the boundary and about his well, which has a protective radius that enters the subject site. Some public comment consisted of praise for a high level of community involvement in the proposal by members of the community and compliments to Staff for development and use of a tree protection matrix in the SEPA review process. *Exhibit 1, Attachment 9; Weathers Testimony; Hinitz Testimony; Hinman Testimony; Williams Testimony; Gu Testimony; Exhibit 4; Exhibit 5a, 5b, and 5c; Exhibit 8.*
22. The City indicated in response to public comment that although it agrees with the proposal captured in Exhibit 4, at the time of hearing Staff did not know and could not commit to whether the project's tree replacement could be located at the City stormwater facility to the east. Staff noted that such a proposal is not precluded from consideration as civil engineering plans are developed. Staff reiterated that the tree retention proposal satisfies the City's current standards and indicated that the proposal's large, contiguous native vegetation to be maintained in an NGPA is encouraged by the City Code, plans, and policies. *Johnson Testimony.*

23. In response to public comment, the Applicant representative noted that the placement of replacement trees would be decided during civil review, and that it is possible nearly all the trees would be located on the subject property and the adjacent Northstar HOA parcel. Additionally, the surveyor in the instant case also happened to be the surveyor for the Northstar plat; the Applicant representative submitted photographs depicting the property boundary between the Northstar HOA parcel and the subject property in the vicinity of the multi-trunk maple tree of interest. The Applicant asserted that photos, the tree survey, and the critical areas maps all show the trunks of the maple in question to be located wholly within the subject property. Further, the three trunks were measured in the arborist's report as being 16, 18, and 20 inches in diameter at breast height and therefore not classified as landmark trees. The Applicant further indicated:

The Northstar Homeowners Association (NHA) stated to the applicant and at the hearing that they planned to return this tract back to its native state through application of a grant, and abandon its use as an active open space that requires maintenance. The homeowners association mentioned this would help return natural vegetative cover, allowing better stormwater infiltration, and provide erosion control benefits. The NHA's planned action would convert the area from an active recreation space to a passive use in the future. Use of the existing swing in the event of a return to a natural state would be eliminated as the Tract would be used in a more passive state, and the new trees would prohibit room to swing.

Hermansen Testimony; Exhibits 7, 8, and 9.

24. 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. The Technical Committee recommended project approval subject to conditions. *Exhibit 1, pages 1, 12-25; Exhibit 3; Johnson Testimony.*
25. At hearing, the Applicant waived objection to the recommended revised conditions of approval. *Lymberis Testimony.*

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.

Criteria for Review

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

- A. The proposal conforms to the goals, policies and plans set forth in Redmond Comprehensive Plan.

- B. The proposal conforms to the site requirements set forth in RZC 21.08.170(B) (Residential Zone Summaries).
- C. The proposal conforms to the requirements of this section and those set forth in RZC 21.74, RZC 21.76, and submittal requirements on file in the Planning Department.
- D. The proposed street system conforms to the City of Redmond Arterial Street Plan and Neighborhood Street Plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic.
- E. The proposed preliminary subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the short subdivision.
- F. The proposed preliminary subdivision will be adequately served with parks, recreation and playgrounds appropriate to the nature of the short subdivision.
- G. The proposed preliminary subdivision will be adequately served with City approved schools and school grounds appropriate to the nature of the short subdivision.
- H. The proposed preliminary subdivision will be adequately served with City approved sidewalks and safe walking conditions for students who walk to and from school appropriate to the nature of the short subdivision.
- I. The layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots.
- J. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street 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. With conditions, the proposal would comport with the applicable City-wide and North Redmond Neighborhood specific Comprehensive Plan. Proposed tree retention and replacement comport with the requirements of the RZC. The proposal to provide the required affordable housing unit off-site with payment of a surety is consistent with City standards. *Findings 14, 15, 16, 19, 21, 22, 23, and 24.*
2. As conditioned, the proposed lots, open space, and impervious coverage comply with the requirements of the R-4 zone. *Findings 7, 8, 9, 10, 11, and 24.*

3. When the subdivision application was deemed complete on December 18, 2012, it fulfilled all applicable submittal requirements. Notice of application, of SEPA determination, and of public hearing were provided consistent with the RZC requirements. *Findings 2, 3, and 4.*
4. With conditions, the proposed site access and street system would safely serve the lots and tracts of the plat. The project would install frontage improvements along the site's NE 122nd Street boundary. With the approved sidewalk deviation, the project would provide adequate pedestrian access to the lots and tracts of the plat and to public roads outside the plat. *Findings 12, 18, and 24.*
5. Municipal water and sewer would serve the proposed lots. As conditioned, all utilities would be undergrounded. Stormwater would be collected, discharged, and conveyed consistent with City and state requirements. *Findings 11, 13, and 24.*
6. The plat would provide passive and active recreation in its open space tracts. *Findings 10 and 11.*
7. As conditioned, the preliminary subdivision would mitigate school impacts through the payment of fees prior to building permit issuance. A condition of approval would ensure that safe walking to local schools is provided prior to residential construction. *Findings 17 and 24.*
8. The proposed lots have been clustered to preserve a large 1.5-acre native growth protection tract and avoid steep slopes, associated buffers, and the wetland. Lot sizes have been reduced to accommodate existing topography and vegetation while satisfying zoning densities. *Findings 5, 6, 9, 10, and 24.*
9. The record includes professionally prepared reports that address potential hazards and limitations to development including the wetland and steep slopes. Lots 11 and 12 would contain steep slopes, but as conditioned, no development would occur within 25 feet of the toe of any slope. *Findings 5, 6, 9, 10, 20, and 24.*

DECISION

Based on the preceding findings and conclusions, the request for approval of a preliminary plat subdividing 3.8 acres into 12 single-family lots, three open space tracts, a stormwater tract, and one private access tract in the North Redmond Neighborhood 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. The "Date Received" is the date that is stamped as "Received" by the Development Services Center.

Item	Date Received	Notes
Plan Set, [pages P1-P12]	12/18/12	<i>and as conditioned herein.</i>
SEPA Checklist	12/18/12	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on [insert SEPA issuance date].</i>
Conceptual Landscaping Plan	12/18/12	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	12/18/12	<i>and as conditioned herein.</i>
Stormwater Design	12/18/12	<i>and as conditioned herein.</i>

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

1. Public Works Transportation and 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 civil drawing approval and finalized prior to recording of the final short plat. The existing and proposed easements and right-of-way shall be shown on the civil drawings and short plat documents. 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' wide sidewalk easement, granted to the City of Redmond, along all right-of-way including NE 122nd Avenue and the east side of 164th Court NE.
- (b) 10' wide utility easement, granted to the City of Redmond, along all right-of-way including NE 122nd Avenue and the east side of 164th Court NE.
- (c) At the time of construction, additional easements may be required to accommodate the improvements as constructed.

Code Authority RZC 21.52.030(F); RMC 12.12

Condition Applies: Civil Construction, Final Plat Document

b. Construction Restoration. In order to mitigate damage due to trenching and other work on NE 122nd Street, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Public Works Department.

Code Authority: RMC 12.08, Redmond Standard Specifications and Details

Condition Applies: Civil Construction

c. Street Frontage Improvements

i. The frontage along NE 122nd must meet current City Standards which include asphalt paving 10.5' from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5' wide planter strip, 6' 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:

- 7 inches HMA Class ½" PG64-22
- 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; RZC 21.54.020(B); RMC 12.12; RZC Appendix 2

Condition Applies: Civil Construction

ii. The frontage along 164th Court NE 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 strip along the east side and along the east side of the sidewalk described below, 5' wide concrete sidewalk along the east side and a portion of the west side as described below 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; RZC 21.54.020(B); RMC 12.12; RZC Appendix 2

Condition Applies: Civil Construction

iii. The frontage across Lots 8, 9, and 10 must meet current City Standards which include asphalt paving 20' wide across Tract E as shown on the Federspiel Property site plan prepared by Core Design.

v. Sidewalks constructed to City standards are required at the following locations:

- Construct sidewalks as shown on the approved Federspiel Property submitted by Core Design. Sidewalk shall be constructed along the west side of 164th Court NE from Lot 8 to the North boundary of Tract D. Provide an ADA compliant crossing of 164th Court NE to connect to the east side sidewalk along 164th Court NE.

Code Authority: RZC 21.52.030; Appendix 2; RMC 12.12
Condition Applies: Civil Construction

d. Access Improvements

- i. The type and location of the proposed site accesses are approved as shown on the Federspiel Property site plan prepared by Core Design.

Code Authority: RZC 21.52.030(E); Appendix 2
Condition Applies: Civil Construction, Final Plat Document

- ii. Direct vehicle access from lots to NE 122nd Street will not be permitted. This restriction shall be indicated on the face of the civil plans and other final documents.

Code Authority: RZC 21.52.030(E)
Condition Applies: Civil Construction

- iii. The following driveways are required to be improved as specified below:

-

Code Authority: RZC Appendix 2
Condition Applies: Civil Construction

- 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 21.54.020(B)
Condition Applies: Civil Construction

- f. Street Lighting.** Illumination of the street(s) 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>

Code Authority: RZC 21.52.030(G); Appendix 2

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. If current conditions on NE 122nd Street do not provide safe walking conditions for students or other pedestrians, then 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 21.17; RZC 21.52; RZC 21.74.020(I)

Condition Applies: Civil Construction

2. Public Works – 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 water mains as shown on the drawings prepared by CORE Engineers date stamped December 6, 2012. Water meters for each lot will also be installed as shown on the drawings prepared by CORE Engineers date stamped December 6, 2012. (Code Authority: RZC 21.54.010(B))
- b. **Sewer Service.** Sewer service will require a developer extension of the City of Redmond sewer system as follows: Install sanitary sewer mains and side sewers as shown on the drawings prepared by CORE Engineers date stamped December 6, 2012. (Code Authority: RZC 21.54.010(B))
- 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 review. All easements must be recorded prior to final plat approval. (Code Authority: RZC Appendix 3)

- d. **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) WAC 246-290-490 specifically addresses Cross-connection control devices and their specific use of premise isolation; reference Table 8 for the appropriate backflow isolation devices and Table 9 to determine if your proposed use is a high health cross-connection hazard.
- e. **Permit Applications.** Water meter and side sewer applications shall be submitted for approval to the Public Works Development Services. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. In certain limited circumstances, at the sole determination of the City of Redmond, water meter and/or side sewer permits may be issued prior to completion of improvements and/or administrative requirements. In such cases, various additional guarantees or requirements may be imposed as determined by the Development Services Division. All reimbursement fees shall be paid prior to sale of water and side sewer permits. (Code Authority: RMC 13.08.010, 13.12)

3. Public Works – 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 predeveloped duration for the range of predeveloped discharge rates from 50% of the 2-year peak flow up to the full 50-year flow. Detention shall be provided in a publicly maintained vault.
- ii. Provide for overflow routes through the site for the 50-year storm.
- iii. The project is approved to collect stormwater runoff and discharge it to the NE 122nd Street conveyance system after providing on-site detention and treatment.

(Code Authority: RMC 15.24.080)

b. Water Quality Control

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

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

- c. **Public Stormwater Easements.** Public easements will be required for any public stormwater conveyance systems on private property. No public storm easements are expected on this project. Easements shall be provided for City of Redmond review at the time of construction drawing approval. 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 to encumber the property to be dedicated. Prior to final plat approval, fully executed and recorded off-site easements shall be provided to the Public Works Development Services Division.

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

- d. Private Stormwater Easements.** Private stormwater easements will be required where drainage systems are located across adjacent properties and will remain under private ownership. Maintenance of private drainage systems will be the responsibility of the property owners benefiting from the easement. Prior to final plat approval, fully executed and recorded easements shall be provided to the Public Works Development Services Division.

(Code Authority: RZC 21.54.010(D) and (E), Appendix 3)

- e. Clearing and Grading.** The City of Redmond Technical Committee has approved cuts and fills exceeding 8-feet for Lot 9 with the following two conditions:

1. Provide a letter from a geotechnical engineer that provides a professional opinion on the impact of the added cover material over the public sanitary sewer pipe crossing Lot 9. The letter must discuss whether the pipe will be compromised by the added fill.
2. Future work on the public sanitary sewer pipe shall not impact the proposed house on Lot 9. Demonstrate that a future excavation to access the sewer pipe will not destabilize the house foundation.

(Code Authority: RMC 15.24.080)

- f. Temporary Erosion and Sediment Control (TESC).**

- i. Limited rainy season work may be permitted October 1st through April 30th with an approved Wet Weather Plan.

(Code Authority: RMC 15.24.080)

- g. Floodplain Management.** Project does not lie in a designated flood hazard area.

(Code Authority: RZC 21.64.010; RZC 21.64.040)

- h. Landscaping.** No project specific conditions.

(Code Authority: RZC 21.32)

- i. Wellhead Protection.** Project lies in well head protection zone 4.

(Code Authority: RZC 21.64.010; RZC 21.64.050) RMC 13.07.100)

- j. 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)

- k. Regional Capital Facilities Charge:** The project does not lie within a regional stormwater treatment area.
- l. Critical Landslide Hazard Areas.** In order to mitigate potential impacts to critical landslide hazard areas, all buildings shall be set back from the top/bottom of slope areas a minimum distance of 25 feet from the developed area as recommended by Terra Associates, Inc. in their slope stability analysis dated 12/05/2012. The top/bottom of the slope and slope setback shall be field surveyed and verified (located by bearing and distance) on the plat document.

Code Authority: RZC 21.64.060

Condition Applies: Civil Construction, Final Plat Document

4. Fire Department

Reviewer: Rich Gieseke, Deputy Fire Marshal

Phone: 425-556-2204

Email: rgieseke@redmond.gov

The current submittal is generally adequate for Site Plan Entitlement Approval, but does not fully represent compliance with all requirements. The following conditions are integral to Entitlement 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**
All required fire access roads shall be in place and capable of supporting fire apparatus, prior to the start of combustible construction.
- b. Fire Protection Plan**
All required fire lines supplying on site fire hydrants shall be in place and be capable of supplying required fire flow prior to start of combustible construction.
- c. Comment**
All homes shall be equipped with residential fire sprinkler systems conforming to NFPA 13D and local Standards.
(Code Authority: RMC 15.06; RZC Appendix 2, RFD Standards, RFDD&CG)

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 21.32.090. The minimum size at installation is 2 ½ inch caliper.

Street	Species	Spacing
NE 122 nd Street	TBD	30' on center

(Code Authority: RZC 21.32.090)

- b. Residential Regulations.** The Federspiel Preliminary plat shall demonstrate compliance with the Residential Development and Architectural, Site, and Landscape Design Regulations.

Code Authority: RZC 21.08.180

Condition Applies: Building Permit Application

- c. 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 21.72.060D

Condition Applies: Civil Construction, Final Plat Document

- d. Tree Exception Request.** The tree exception request for removal of two (2) landmark 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

- e. Tree Replacement.** Tree Replacement shall be implemented in conformance with the Landscape Plan which identifies 77 trees to be replaced on-site and the remainder to be planted through fee-in lieu or off-site tree replacement.

Code Authority: RZC 21.72.080

Condition Applies: Civil Construction, 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. Critical Areas Recording.** The regulated critical area and its associated buffer(s) must be protected by an NGPE or placed in a separate tract where development is

prohibited. Proof of recording must be submitted to the City prior to issuance of a Certificate of Occupancy on the site. The NGPE shall be shown on the final plat with the following corresponding language:

NATIVE GROWTH & STREAM PROTECTION EASEMENT (N.G.S.P.E.)

The owner(s) of the land described hereon does hereby grant and convey to the public, City of Redmond and its assigns, a perpetual native growth and stream protection easement. This easement is for the preservation of the values and functions of the wetland, stream and their associated buffers. This easement and conditions shall be a covenant running with the land and shall be binding on the successors, heirs and assigns of the owners of the land. Disturbance of any kind is strictly prohibited except as follows. The City of Redmond and its assigns shall have the right without prior institution of any suit or proceeding of law, at such time as may be necessary, to enter upon said easement for the purpose of protecting and preserving the native growth area, making stream corridor improvements, protecting water quality, controlling erosion, and other actions deemed necessary by the Grantee to achieve the adopted purpose and intent of the Grantee's Critical Areas Ordinance. This includes, but is not limited to, realignment of the stream channel; and construction, installation, maintenance and monitoring of channel improvements, water flow devices or other facilities; and replanting and restocking of plants or animal habitat.

This easement is binding on all present and future owners and occupiers of the land subject to this easement and the easement is enforceable on behalf of the public by the City of Redmond, to leave undisturbed all trees and other vegetation within the easement. The vegetation within the easement may not be cut, pruned, covered by fill, removed or damaged in any way without the express written permission from the City of Redmond Technical Committee. While the City has permission to enter the easement for the above purposes, this shall not constitute an obligation or special duty on the City's part to perform any or all of the above actions. The easement granted herein is identified and graphically depicted hereon.

Code Authority: (Code Authority: RZC 21.64.010(R)(4))

Condition Applies: Civil Construction, Final Plat Document

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

Code Authority: RZC 21.08.060

Condition Applies: Final Plat Document

- i. 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

- j. Affordable Housing.** The proposal includes compliance with Affordable Housing requirements through Alternative Compliance criteria and a final agreement agreeable to the City relating to providing Affordable Housing via off-site compliance or fee in lieu shall be signed by Quadrant.

Code Authority: RZC 21.20.050
Condition Applies: Building Permit

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

RZC 21.10.150	Downtown Pedestrian System
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(G)(3)	Preconstruction Conference
RZC 21.76.090(F)	Performance Assurance
RZC Appendix 2	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 21.54.010	Adequate Public Facilities and Services Required

RZC Appendix 3	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
RZC 21.32.080	Types of Planting
RZC 21.64	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 2	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:	Landscaping
RZC 21.64:	Critical Areas Regulations
RZC 21.38	Outdoor Storage and Service Areas
RZC 21.40	Parking Standards
RZC 21.44	Signs
RZC Appendix 1	Critical Areas Reporting Requirements

Building

RMC 15.08	Building Code
RMC 15.12	Electrical Code
RMC 15.14	Mechanical Code
RMC 15.16	Plumbing Code
RMC 15.18	Energy Code
RMC 15.20	Ventilation and Indoor Air Quality Code

DECIDED April 15, 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.