

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

In the Matter of the Application of)	
)	NO. LAND-2015-00496
)	
Eric LaBrie)	Duke's Landing Preliminary Plat
)	
For Approval of a Preliminary Plat)	FINDINGS, CONCLUSIONS,
and Right-Of-Way Vacation)	DECISION, AND RECOMMENDATION
_____)	

SUMMARY OF DECISION AND RECOMMENDATION

The request for approval of a preliminary plat to subdivide 4.27 acres of land into 17 single-family residential lots and one duplex multi-family residential lot is **APPROVED** subject to conditions.

The Hearing Examiner recommends to the Redmond City Council that the requested right-of-way vacation detailed herein **should be APPROVED**.

SUMMARY OF RECORD

Request

Eric LaBrie (Applicant) requested approval of a preliminary plat to subdivide 4.27 acres of land into 17 single-family residential lots and one multi-family duplex residential lot. The subject property is located at 16410 NE 47th Street, Redmond, Washington. Associated with the proposed plat is a request for the City to vacate an unopened portion of adjacent right-of-way and revert it to the subject property.

Hearing Date

The Redmond Hearing Examiner conducted an open record hearing on the request on November 9, 2015.

Testimony

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

- Sarah Vanags, Associate Planner, City of Redmond
- Steven Fischer, Redmond Development Review Manager
- Paulette Norman, City of Redmond Transportation and Engineering
- Andy Chow, City of Redmond Transportation and Engineering
- Eric LaBrie, Applicant Representative
- Khurram Rehman
- Judy Salzer
- Merianne White

Barbara Costello
Andrew Sims
Brian Trubee
Hilah Selleck
Judy Salzer
Michelle Quan
Jason Hunter
Amy Shaftel
Merianne White

The Applicant was represented by attorney Charles Klinge.

Exhibits

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

1. Revised Technical Committee Report to the Hearing Examiner, with the following attachments:
 1. Vicinity Map
 2. Notice of Application and Certificate of Publishing
 3. Public Comment
 4. Notice of Public Hearing and Certificate of Posting
 5. SEPA Documents
 6. Right-of-Way (ROW) Vacation Staff Report
 - a. Plat Vacation legal description
 - b. Vicinity Map
 - c. ROW Proposed for Vacation
 - d. Subject Right-of-Way Strip
 - e. Ridgemont East
 - f. Open Space Track A
 - g. Final Plat Vacation Request
 7. Tree Health Assessment
 8. Plan Set
 9. Critical Area Report
 10. General Application Form
 11. Completeness Letter
 12. SEPA Application Form 2
 13. Neighborhood Meeting Notice
 14. Public Notice Site Plan

15. Public Notice Tree Preservation Plan
16. Geotechnical Report – Offsite Steep Slope
17. Geotechnical Report
18. Stormwater Report
19. Traffic Study Phase One
20. Traffic Study Phase Two
21. Transportation Concurrency Certificate
22. Marymoor Division II Staff Report
23. Zoning Map
2. Additional Public Comment and Staff Response
3. Updated Traffic Study
4. Preliminary Plat PowerPoint
5. Resolution No. 1430
6. Right-of-Way Vacation PowerPoint
7. Preliminary Plat Approval of Marymoor Hill Phase II
8. Charles Klinge email
9. Certificate of Posting
10. Michelle and William Quan comment letter, received November 9, 2015

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

FINDINGS

1. The Applicant requested approval of a preliminary plat to subdivide 4.27 acres of land into 17 single-family residential lots, one multi-family duplex residential lot, and two open space tracts. The subject property is located at 16410 NE 47th Street, in the Overlake Neighborhood of Redmond, Washington.¹ The property subject to the application includes and therefore necessitates vacation of an adjacent unopened right-of-way measuring 30 by 312 feet.² *Exhibit 1, Attachments 1, 6, and 10.*
2. The preliminary plat application was deemed complete on August 4, 2015. *Exhibit 1.*
3. The subject property, comprised of three tax parcels plus the unopened right-of-way, is currently developed with one residence that would be removed. There are no critical

¹ The legal description of the subject property is a portion of the Section 13, Township 25 North, range 5 East, King County; the site is comprised of Tax Parcels 555630-0067, 0068, and 0069. *Exhibit 1, Attachment 8.*

² Findings specifically addressing the requested right-of-way vacation are at the end of these findings.

areas on-site. Topographically, the site slopes down to the east. According to a geotechnical assessment in the record, an off-site steep slope to the southwest requires a 15-foot buffer that encumbers the southwest portion of the subject property; the off-site slope was found to be stable. The Applicant commissioned a professional wetland assessment, which concluded that there are no wetlands on-site. The Applicant also commissioned a geotechnical report of the subject property, which concluded there are no geologic hazard areas or significant geotechnical constraints on-site. *Exhibit 1; Exhibit 1, Attachments 9, 16, and 17.*

4. The subject property is zoned R-4. *Exhibit 1.* 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.

5. Adjacent properties in all directions are developed with medium density single-family residential development on parcels sharing the site's R-4 zoning. *Exhibit 1; Exhibit 1, Attachment 1.*
6. The base density for the 4.27-acre site would be a maximum of 17 units and a minimum of 9.6 dwelling units. However, all new residential development in the Overlake Neighborhood is required to comply with the affordable housing requirements established in Redmond Zoning Code (RZC) 21.20.020-.030. Consistent with these requirements, the Applicant proposes to develop two affordable housing units. These would be developed as a duplex on Lots 13A and 13B, which would have a zero lot line at the shared wall. The affordable housing provisions allow at least one bonus market-rate unit for each affordable housing unit up to 15% above the maximum allowed density. The proposal would develop these two bonus units for a total of 19 units, consistent with applicable code regulating density of residential development. *Exhibit 1; Exhibit 1, Attachment 8.*
7. The proposed lots would range from 5,236 to 13,155 square feet in area, with an average area of 7,298 square feet. Each lot provides the minimum 40-foot lot width circle and minimum 20-foot street frontage required for R-4 zoned lots. Compliance with zoning standards such as building height, lot coverage by impervious surface, setbacks, and building separation would be reviewed at time of building permit application; however, as proposed, the lots are capable of complying with all R-4 standards. *Exhibit 1; Exhibit 1, Attachment 8; Vanags Testimony.*
8. Pursuant to 21.08.170(B), the proposal is required to set aside a minimum of 20% of the site as open space. The project would create two open space tracts: proposed 8,648

square foot Tract A at the northeastern corner and 14,039 square foot Tract B in the northwestern corner. Tract A would serve primarily as tree retention and passive recreation, while Tract B would serve primarily as stormwater detention and active recreation. The open space tracts total 12% of the overall site area. In addition, the proposal calls out lot-by-lot open space a minimum of 15 feet in width along the rear of each lot, totaling 16,787 square feet or nine percent of the overall site. The open space provided totals 21% for the project. In addition, the project would be required to pay park impact fees consistent with Redmond Municipal Code Chapter 3.10. *Exhibit 1; Exhibit 1, Attachment 8, see Sheet OS-01.*

9. At hearing, there was a difference in understanding between the City and the Applicant with regard to proposed Lot 4. The City requested that open space Tract A be required to continue for the entire length of the project's west boundary in a strip of land 20 feet wide, occupying the west 20 feet of proposed Lot 4 for the purpose of providing better long term protection of retained and replacement trees in Tract A. Also, the City believed that the significant trees in the southwest corner of the site had to be removed to accommodate construction access. The Applicant indicated that, as proposed, Tract A would have its southern boundary in approximately the location of the centerline of Road A, consistent with the solid black line on the site plan, and proposed Lot 4 would occupy the southwest corner of the site. The Applicant also indicated that the large significant tree in the southwest corner would be retained and worked around unless this is not possible. The Applicant noted that as proposed the project already exceeds the minimum open space requirement and that plat notes could be used to require retention of specific significant trees and vegetation. If extension of Tract A is approved to the southern site boundary, the Applicant requested that it be only ten feet wide in order to retain the required rockery entirely within Lot 4 to avoid maintenance and liability conflicts in the future. *Exhibit 1, Attachment 8, Sheet CSP-01; Vanags Testimony; LaBrie Testimony.*
10. The proposed plat would take access from NE 48th Street by a new internal residential road that would connect to the north at 164th Court NE. The new road would also connect to the east at NE 47th Street; however, with construction of the plat the existing access via NE 47th Street from West Lake Sammamish Parkway NE would be closed to all but emergency services vehicles consistent with conditions of approval of several previous plats. Residences on NE 47th Street currently accessing directly to West Lake Sammamish Parkway would access via the new internal road instead. After construction of Road A, NE 47th Street would be blocked off by a manually operated gate with a standard padlock and chain that can be opened only by emergency personnel. The new internal road (Road A on site plan) would be developed to current City of Redmond road standards including curb, gutter, sidewalk, stormwater, planter strips, and street lighting. The proposed roadway conforms to the Overlake Neighborhood Plan of the Redmond Comprehensive Plan. *Exhibit 1, Attachment 8; Exhibit 1.*
11. The Applicant submitted professionally prepared traffic assessments, which projected a total of 203 net new average daily trips, with 13 new AM and 20 new PM peak hour trips. In reviewing trip distribution, the traffic assessments added in the trips from the 15 existing lots that would be required to take access by the new internal road when access

to West Lake Sammamish Parkway is closed off at NE 47th Street. All studied intersections are projected to operate at level of service (LOS) D or better with and without project traffic. No improvements to intersection or road capacity were recommended as a result of the project traffic. Traffic information submitted included a transportation concurrency application and mobility unit calculations. The project would be subject to City transportation impact fees. *Exhibit 1, Attachments 19 and 20; Exhibits 1 and 3.*

12. According to the professionally prepared stormwater site plan, site soils are not suitable for infiltration. Stormwater runoff from the proposed impervious surfaces including roadways, sidewalks, driveways, roofs, and yards is proposed be collected and conveyed by catch basins and pipes to a combination detention/wet vault in proposed Tract B. The combination detention/ wet vault would provide water quality and detention for the stormwater runoff. Discharge from the vault would be routed by pipe in NE 47th Street to the west to a new catch basin installed on an existing stormwater pipe located in West Lake Sammamish Parkway. Outflow rates from the vault would be controlled and designed to minimize erosion potential and downstream impacts. The project proposed to capture and route runoff from approximately 2.4 acres of property upstream of the site, which runoff previously flowed through the site and onto the adjacent property to the north, around the site in a proposed ditch, into the proposed pipe in NE 47th Street, discharging it to the municipal storm sewer in West Lake Sammamish Parkway. This should reduce historic drainage problems for parcels to the north. Recreational uses of Tract B would not be allowed to interfere with city maintenance access to the stormwater facilities. *Exhibit 1; Exhibit 1, Attachment 18; Exhibit 1, Attachment 8 Sheet UT-01.*
13. A substantial amount of grading would be required to create level building envelopes on the proposed lots due to site slopes. The resulting lots are proposed to be supported by retaining walls not more than four feet in height, to be maintained by the owner of the lot supported. The geotechnical report for the subject property included grading, foundation, drainage, and stormwater vault recommendations, which if implemented would result in stable parcels. Planning Staff noted that the proposed grading would not exceed any threshold triggering mitigation and that stormwater management as proposed and conditioned would be adequate to ensure safely buildable lots. *Exhibit 1; Exhibit 1, Attachments 8 (Sheet Gr-01) and 17; Vanags Testimony.*
14. The proposed lots would connect to municipal water and sewer service. The Applicant would be required to extend the water and sewer mains to each lot, connecting to an existing system in 164th Court NE and NE 47th Street. The water main provides the minimum 1,500 GPM fire flow required for single-family residences. Two new fire hydrants would be installed. All utilities would be installed underground. *Exhibit 1; Exhibit 1, Attachment 8 Sheet UT-02.*
15. Pursuant to RZC 21.08.180, new subdivisions are required to provide landscaping along the perimeter of the site incorporating native vegetation to soften the transition between proposed and existing adjacent development. The proposal includes perimeter and interior landscaping, specifically providing a five-foot landscape buffer along the site's

north, east, and south boundaries, which are adjacent to existing single-family homes. The project would retain existing mature native vegetation along the west boundary in Tract A, to be supplemented with additional plantings where existing vegetation must be removed for construction access. Tract B would be developed with an open lawn area. The open space tracts would be held in common and maintained by the HOA. *Exhibit 1; Exhibit 1, Attachment 8, Sheet LS-01.*

16. Redmond Zoning Code Chapter 21.72 requires that all healthy landmark trees and 35 percent of all healthy significant trees be retained.³ The health of the existing trees on-site was assessed by a professional arborist, who determined there are a total of 60 significant trees on the property, none of which are landmark trees. The proposal identified 21 healthy significant trees for retention, most of which are in proposed Tract A, which would be 35% of the significant trees on-site. *Exhibit 1, Attachments 7 and 8 (see Sheet TP-01).*
17. Students residing in the plat would be served by Redmond Elementary (2.26 miles away), Redmond Middle School (3.5 miles away) and Redmond High School (3.96 miles away). Bus transportation would be provided to all schools at bus stops between 0.01 and 0.30 miles from the development. A safe walk route is required by the state to schools within one mile of all new developments; however, there are no schools within one mile of the site. The plat would be required to pay per-lot school impact fees consistent with the requirements of Redmond Municipal Code Chapter 3.10. The City of Redmond sent the Lake Washington School District notice of application and the School District did not comment on the proposal. The Applicant would be required to pay school impact fees in accordance with Redmond Municipal Code (RMC) 3.10. *Exhibit 1; Vanags Testimony.*
18. The proposal was reviewed for compliance with Fire Code requirements by the Fire Department. The Fire Department recommended project approval subject to conditions that require each dwelling unit to be sprinklered. *Exhibit 1, page 18; Exhibit 1, Attachment 8, Sheet FI-01.*
19. Planning Staff submitted the position that the proposal would be consistent with applicable City-wide and Neighborhood-specific Comprehensive Plan policies including those addressing the following: incentives for affordable housing; sustainable site standards, landscaping requirements, building design guidelines; promotion of infill development on suitable vacant parcels and redevelopment of underutilized parcels; allowing new development only where adequate public facilities and services can be provided; and policies promoting attractive, friendly, safe, quiet, and diverse residential neighborhoods throughout the city, including moderate density single-family neighborhoods. *Exhibit 1; Vanags Testimony; Exhibit 4.*

³ 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.

20. Notice of application, together with notice of anticipated determination of non-significance, was published, posted at City Hall and the Redmond Regional Library, posted on the subject property, and mailed to owners of property within 500 feet of the site on August 14, 2015. *Exhibit 1, Attachment 2.*
21. The City of Redmond acted as lead agency for review of the project's environmental impacts under the State Environmental Policy Act (SEPA). The City's SEPA Responsible Official determined that City of Redmond codes and regulations, including the zoning, streets and sidewalks, water and sewer, and building and construction codes, would adequately address the project's anticipated environmental impacts to a point of non-significance and issued an optional determination of non-significance (ODNS) for this proposal on August 14, 2015. *Exhibit 1, Attachment 5.*
22. The City received six timely public comments in response to notice of application expressing the following concerns: increased traffic; the closure of an existing access from West Lake Sammamish Parkway; requests for signage and speed bumps to help mitigate the increase in traffic; opposition to removal of 63% of site trees; concerns that the unopened right-of-way proposed to be vacated could be cleared of all trees and vegetation; disapproval of the number and width of proposed lots; concerns that development would worsen existing drainage problems in the vicinity; and concern about the grading and retaining walls needed to accomplish the proposed design. *Exhibit 1; Exhibit 1, Attachment 3.*
23. Notice of public hearing for this project was posted on-site, at City Hall, and at the Redmond Regional Library, included in a one-time newspaper publication, and mailed to owners of property within 500 feet of the site and individuals who provided written comments on October 19, 2015. *Exhibit 1, Attachment 4.*
24. At the public hearing, eleven neighboring residents provided public comment on the following topics:

Density - Four residents stated they feel the proposed development is of too high a density, one suggesting there should be no more than 13 new homes. Another expressed concern regarding whether there would be adequate frontage for garbage service, noting three garbage bins per home. *Testimony of Khurram Rehman, Judy Salzer, Merianne White, and Barbara Costello.*

Stormwater / Drainage - Two neighbors expressed concerns regarding impacts to drainage, inquiring about the location of an overflow detention vault and whether it would overflow onto 47th Street, with specific concern regarding water on roadways. Another expressed concern that stormdrains could become blocked causing new drainage problems should city street sweepers be unable to get to the end of NE 47th Street. *Testimony of Shinying Lee and Andrew Sims.*

Traffic - concerns include signage, safety/hazards, parking - Several neighbors requested that existing residences be allowed to continue to connect to West Lake

Sammamish Parkway via NE 47th Street. Their concerns were that several of the routes in the vicinity contain steep segments that are difficult to access during icy conditions. One mentioned a previous school bus crash resulting from icy roads. They also complained of inadequate sight distance at the intersection of NE 48th Street and the parkway and contended that the new traffic would make this turn less safe and more of a delay. One neighbor testified that there is a lot of cut through traffic to avoid 40th; she requested additional speed bumps to deter cut through and reduce speeds. Another requested at 48th Street, noting it has a bus stop. *Testimony of Brian Trubee, Hilah Selleck, Judy Salzer, Michelle Quan, Jason Hunter, Amy Shaftel, Merianne White, Andrew Simms, Barbara Costello, and Khurram Rehman; Exhibits 2 and 10.*

25. In response to public comment, City Transportation Engineering Staff noted that NE 47th Street was not designed for permanent access, and that per previous subdivision approvals, it was planned to be closed when a through connection was developed through the subject property connecting to 164th Court NE. She noted that NE 47th Street is also steep. The Applicant's trip generation study reviewed routing all traffic from the new lots plus the existing 15 lots to NE 48th Street, considered impacts to delays, and found that the intersection would continue to operate consistent with City standards (at LOS D or better). She testified that while no signal warrant analysis was done, the projected volumes are not likely to trigger one. She did not personally review sight distance at the intersection; however, after hearing public comment, she remained satisfied that the proposed routing of traffic through NE 48th Street is a safe traffic operation. *Norman Testimony.*
26. Regarding questions of drainage and overflow for the proposed storm vault, City Stormwater Engineering staff testified that the vault would be designed consistent with the Department of Ecology Stormwater Management Manual for Western Washington and the City's technical notebook. The vault would be publicly owned and maintained. *Dendy Testimony.*
27. Regarding density concerns, Planning Staff noted that the proposed 19 lots are consistent with the density allowed by code. Staff also noted that driveways average 25 feet wide and that most of the proposed lots would at least 50 ft wide, providing ample room for garbage and other services. She indicated that the lots would each have at least four off street parking spaces, two in the attached garages and two in each driveway. *Vanags Testimony.*
28. In response to public comment regarding capacity of the local storm drain system, the Applicant representatives noted that the existing system serving the immediate vicinity is over capacity. Runoff from the proposed improvements would be directed to the west, where the system has capacity to accept the additional runoff. Representatives also noted that each lot would provide at least on street parking space in addition to the four off-street spaces. Regarding density, they indicated that the maximum density allowed with bonuses would be 20 units, while the project proposes only 19. With regard to testimony opposing rerouting existing traffic to NE 48th Street, Applicant Representatives testified

that the issues of steep road segments, cut through traffic, hazardous weather impacts, and sight distance are existing issues inherent in the roadways that would not be created or worsened by the proposed plat. The anticipated minor increase in traffic from the 19 units would not affect these existing concerns. They noted the City has options for improving sight distance and safety along the entire route by such methods as reducing the speed limit and better maintaining vegetation at the NE 48th Street intersection. Regarding opposing to the closure of the NE 47th Street/West Lake Sammamish Parkway intersection, the Applicant took no position, but noted that the traffic revision has been called out in multiple previous plat approvals including the Marymoor Meadows Plat, the Marymoor Vista Plat, and the short plats creating the properties subject to those two subdivisions. Notice of the impending change was available in the general notes on the faces of those plat and in title reports of the various lots subdivided. While conceding that the plat notes and title reports are not exactly easy for lay persons to navigate, the Applicant representatives noted that road closure is not requested by the project. Regarding the suggestion to allow existing residences to keep their current access and place the emergency vehicle gate at the existing terminus of NE 48th Street so that the new lots would access by the proposed route, the Applicant took exception to this. *LaBrie Testimony; Klinge Testimony and argument; Exhibit 8.*

29. The Applicant requested that recommended condition 3.b.ii on page 19 of the Technical Committee Report be revised to require a paved access road for the vector truck within Tract B only "if necessary", by adding those two words to the condition. Applicant representatives asserted that the underground detention vault would be built of structural concrete capable of supporting a vector truck and that a paved access turnaround would not be necessary if the truck could back out into traffic on the low volume roadway. *LaBrie Testimony.* City's Stormwater Engineering Staff objected to the requested revision to the condition, noting that it would indeed be necessary to comply with standards. *Dendy Testimony.*
30. The Technical Committee, comprised of staff from the Planning, Public Works, and Fire Departments, reviewed the complete application and supporting materials for compliance with City regulations and the Comprehensive Plan. Considering testimony at hearing, City Staff h recommended project approval subject to conditions. *Exhibit 1; Vanags Testimony; Norman Testimony; Dendy Testimony.*

Right-of-Way Vacation

31. The proposal would vacation a portion of unopened, landlocked right-of-way measuring 30 by 312 feet.⁴ The undeveloped strip of right-of-way was dedicated for public use by the owner of the abutting property to the east (the remainder of the subject property) of with the Plat of Miravista in February 1926. *Exhibit 6.d.* In 1978, the land to the west and north of proposed Lot 1 was subdivided with the Plat of Hampton Place, which developed residential lots to the north and west. South of the subject property, the Plat of Ridgemont East subdivided Lots 2 and 3 of Miravista. In November 1973, the City vacated the right-of-way south of the proposed Plat of Duke's Landing for inclusion in

⁴ The requested vacation area's legal description is in the record at Exhibit 6.a and depicted at Exhibit 6.c.

the development of residential in the plat of Ridgmont East. *Exhibit 1, Attachment 6.e; Exhibits 5 and 6.*

32. As a result, the subject strip of right-of-way is landlocked and connects to no public roadway. The strip proposed for vacation is not needed for public infrastructure including sewer, water, storm drainage, or roadways. Staff identified no adverse impacts to public safety, health, or welfare from approval because the area would remain largely in its existing condition. The subject right-of-way was dedication in 1926 at no cost to the City and no maintenance cost of the unopened right-of-way has been incurred by the City. *Exhibit 1, Attachment 6; Exhibit 6.*
33. Notice of the right-of-way vacation hearing was posted at City Hall, the Redmond City Library, and at the intersection of Bel-Red Road/NE 47th Street. Notice was also published in the Seattle Times and mailed to the owners of all lots, tracts, or parcels abutting the right-of-way for which vacation is sought. *Exhibit 1, Attachment 6; Exhibit 6.*
34. In public comment submitted on the project as a whole, neighboring residents expressed concerns that the existing stands of trees within the proposed vacation area would be removed. As noted in the plat findings above, the majority of the trees in the proposed vacation would be retained and protected in an open space tract to be held in common by the future homeowners association. *Exhibit 1, Attachment 6; Exhibit 1, Attachment 8.*
35. Based on the history above, the Applicant contended that if the vacation is approved, title to the entirety of the vacated right-of-way would by operation of law remain vested in Kellie Lynn Caffey (the Applicant). The City does not dispute this. City Transportation Engineering Staff recommended approval of the vacation. *Exhibit 1, Attachment 6; Exhibit 6; Norman 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.

Consistent with Revised Code of Washington (RCW) 35.79.030 and pursuant to City of Redmond Resolution No. 1430, the hearing Examiner is authorized to conduct a fact finding hearing and make a recommendation to City Council regarding the requested right-of-way vacation.

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.

Right-of-Way Vacation Criteria

Pursuant to RCW 35.79.030, in a right-of-way vacation hearing before a hearing examiner, the hearing examiner shall, following the hearing, report its recommendation on the petition to the legislative authority, which may adopt or reject the recommendation: PROVIDED, That the hearing examiner must include in its report to the legislative authority an explanation of the facts and reasoning underlying a recommendation to deny a petition. ... If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated.

Conclusions Based on Findings

1. As conditioned, the proposal complies with the general criteria applicable to all land use permits, which include in relevant part consistency with the City's development regulations, the Comprehensive Plan, and with environmental review, tree retention, and

housing density requirements. The proposal would satisfy the City's tree retention/replacement standards, critical areas standards, and affordable housing requirements. A SEPA determination of non-significance was issued for the project. The proposal is consistent with Comprehensive Plan policies to provide for affordability and diversity of housing, to promote infill development, and to focus residential development where utilities are available, among others. *Findings 3, 6, 8, 9, 10, 11, 12, 15, 16, 19, 21, 24, 27, 28, and 30.*

2. As conditioned, the proposal conforms to the requirements of the R-4 zone. The proposed housing density would be within the allowed range utilizing available affordable housing incentives. The lots are consistent with the dimensional standards of the zone without modification. Perimeter landscaping is included consistent with code requirements. Open space exceeding the minimum requirement would be provided in proposed Tracts A and B, with Tract B providing active recreation opportunities; however, the City's request to extend Tract A to the southern plat boundary for further tree protection has merit and as conditioned Tract A would be extended to the southern site boundary in a 10-foot wide strip south of the proposed southern boundary of Tract A on Exhibit 1, Attachment A, Sheet OS-01. This would further increase plat-wide open space provided and maintained by the homeowner association. *Findings 6, 7, 8, 9, and 15.*
3. As conditioned, the proposal is consistent with the requirements of RZC 21.74, including requirements for easements, utilities, and streets. *Findings 10, 12, and 14.*
4. As conditioned, the proposal makes adequate provision for streets. The required closure of the existing access to NE 47th Street from the parkway would coincide with construction of the instant plat; however, it was decided as long ago as the Marymoor Meadows Plat, or before, and is consistent with the road plan for the area. *Findings 10, 11, 25, and 28.*
5. As conditioned, the proposed subdivision would be adequately served by water, sewer, and stormwater utilities. The project would improve existing drainage problems by collecting and discharging sheetflow from off-site properties that have historically caused flooding north of the subject property. The storm sewer system west of the site to which flows would be released has capacity to serve the proposed stormwater system, including these off-site flows. *Findings 12, 26, 28, and 29.*
6. As conditioned, the proposal will make adequate provision for parks, recreation, and playgrounds. The open space in Tract B would provide on-site recreational opportunities. The Applicant would be required to comply with the City's impact fee ordinance (RMC 3.10) with regard to park impact fees. *Findings 8 and 11.*
7. As conditioned, the proposal makes adequate provision for schools and school grounds. The proposed plat would be subject to a per-lot school impact fee. The school district did not identify the need for any additional mitigation measures. *Finding 17.*

8. As conditioned, the proposal makes adequate provisions for sidewalks and safe walking conditions for students. The frontage improvements required by this decision would provide sidewalks. There are no schools within walking distance of the property and students would be bussed. *Findings 10 and 17.*
9. As conditioned, the proposal serves the public interest and makes appropriate provisions for the public health, safety, and welfare. The residences would contain fire sprinklers in accordance with Fire Department requirements, and would be sited to off-site avoid geologic hazards. The Applicant would be required to pay fire, park, school, and transportation impact fees per RMC 3.10. *Findings 10, 12, 18, and 25; RMC 3.10.*
10. Geotechnical considerations were reviewed, and all hazards and limitations to development were considered in the design of streets and lot layout. There are no geologic hazards on-site. The recommended 15-foot buffer for the off-site steep slope would be kept free of structures. *Findings 3, 4, and 13.*
11. The record submitted shows that vacation of the right-of-way would be consistent with the procedural and other requirements of RCW 35.79.030. Notice was provided as required by state law. The right-of-way is unopened and landlocked and should be reverted to the owner of the subject property without compensation as the City expended no public funds in acquiring or maintaining it. The Applicant's required road improvements adequately address road and utility infrastructure to serve the proposed plat and surrounding development. *Findings 1, 11, 14, 31, 32, 33, 34, and 35.*

DECISION AND RECOMMENDATION

Based on the findings made on the evidence provided, the requested right-of-way vacation **should be APPROVED**.

Assuming right-of-way vacation approval and based on the preceding findings and conclusions, the requested preliminary plat subdividing 4.27 acres of land into 17 single-family residential lots and one multi-family (duplex) residential lot 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, [pages 1-17]	08/04/2015	<i>and as conditioned herein.</i>
SEPA Checklist	08/04/2015	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on 08/14/2015 using OPDNS.</i>
Conceptual Landscaping Plan	08/04/2015	<i>and as conditioned herein.</i>

Conceptual Lighting Plan	08/04/2015	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	08/04/2015	<i>and as conditioned herein.</i>
Traffic Mitigation Plan	08/04/2015	<i>and as conditioned herein.</i>
Stormwater Design	08/04/2015	<i>and as conditioned herein.</i>

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

Development Engineering - Transportation and Engineering

Reviewer: Andy Chow, Engineer

Phone: 425-556-2740

Email: kachow@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 and utility easement, granted to the City of Redmond, along all right-of-way including 164th CT NE and Road A.
 - (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) New right-of-way lines joining at the intersection of 164th CT NE and Road A shall connect with a 25-foot radius, or with a chord that encompasses an equivalent area. The area formed by this radius or chord shall also be dedicated as right-of-way.
 - (b) A strip of land 50 feet wide showing as 164th CT NE in the Transportation Plan prepared by ESM Consulting Engineers, dated August 3, 2015.
 - (c) A strip of land 50 feet wide showing as Road A (East of 164th CT NE) in the Transportation Plan prepared by ESM Consulting Engineers, dated August 3, 2015.
 - (d) A strip of land 44 feet wide showing as Road A (West of 164th CT NE) in the Transportation Plan prepared by ESM Consulting Engineers, dated August 3, 2015.
- (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 164th CT NE and NE 47th Street, the asphalt streets 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 164th CT NE must meet current City Standards which include asphalt paving 14 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, five feet wide planter strips, five 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:

- 7 inches HMA Class ½" PG 64-22
- 4 inches of 1-1/4 inch minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- 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 2)

ii. The frontage along Road A (East of 164th CT NE) must meet current City Standards which include asphalt paving 14 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, five feet wide planter strips, five feet 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
- 4 inches of 1-1/4 inch minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- 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 2)

iii. The frontage along Road A (West of 164th CT NE) must meet current City Standards which include asphalt paving 14 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, five feet wide planter strip (southside), five feet wide concrete sidewalks (southside), four and one-half feet wide planter strip (northside), 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
- 4 inches of 1-1/4 inch minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)

- 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 2)

- v. 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 2; Standard Specifications and Details Manual; RCW 47.24.020)

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

- 164th CT NE
- Road A

(Code Authority: RZC 21.10.150; 21.17.010 (F); 21.17.010; RMC 12.12)

d. Access Improvements

- i. The type and location of the proposed site accesses are approved as shown on the Duke's Landing Transportation Plan prepared by ESM Consulting Engineers, dated August 3, 2015.

(Code Authority: RZC 21.52.030 (E); Appendix 2)

- 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(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 (F); Appendix 2)

2. Development Engineering – Water and Sewer**Reviewer: Zheng Lu, P.E., Sr. Utility Engineer****Phone: 425-556-2844****Email: Zlu@redmond.gov**

- a. **Water Service.** Water service will require a developer extension of the City of Redmond water system as follows: install new eight-inch diameter ductile iron water mains in 164th Court NE and Road “A” as shown on the plans prepared by ESM Consulting Engineers, dated June 18, 2015. 1-inch water meter are to be installed to provide water service for each new lot as shown on the plans prepared by ESM Consulting Engineers, dated June 18, 2015. Two new fire hydrants will also be installed.

(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 new eight-inch diameter PVC sanitary sewer mains in 164th Court NE and Road “A” as shown on the plans prepared by ESM Consulting Engineers, dated June 18, 2015. Side sewers from each new lot will also be installed as shown on the plans prepared by ESM Consulting Engineers, dated June 18, 2015 and connect to the new sanitary mains.

(Code Authority: RZC 21.17)

- c. **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)

- d. **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 predeveloped duration for the range of predeveloped discharge rates from 50% of the two-year peak flow up to the full 50-year flow. Detention shall be provided in a publicly maintained combination detention/wetvault.
- ii. Provide for overflow routes through the site for the 100-year storm.
- iii. Recreational uses of Tract B, the stormwater vault site, must not interfere with city maintenance access to the stormwater facilities.

(Code Authority: RMC 15.24.080)

b. Water Quality Control

- i. Basic water quality treatment shall be provided in a publicly maintained combination detention/wet vault. Treatment is required for the 6-month, 24 hour return period storm.
- ii. Provide a paved access road with turn-around for the city's vector truck within Tract B.

(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.

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

d. Clearing and Grading.

- i. Rockery walls are not permitted on fill slopes over four feet high.

(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. Landscaping.

- i. All new landscaped areas within the project site are required to have compost amended soils. See City of Redmond Standard Detail 632 for

requirements.

- ii. Plant no deep rooted vegetation over the concrete stormwater vault

(Code Authority: RZC 21.64.060 (C))

- g. **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: Scott Turner, Assistant Fire Marshal

Phone: 425-556-2273

Email: sturner@redmond.gov

The current submittal is generally adequate for LAND-2015-00496 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 – Road A will be named and addresses assigned in the civil review process.
The gate to be installed at the east end of NE 47th is not required fire department access.
- b. Fire Protection Plan – All homes shall be equipped with an NFPA 13D Multipurpose sprinkler system.
- c. Change or Modification
- d. Fire Code Permit
- e. Comment

(Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG)

5. Planning Department

Reviewer: Sarah Vanags, Associate Planner

Phone: 425-556-2426

Email: svanags@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
Extension of NE 47th	Tilia Cordata 'DeGroot'	30' on avg

Extension of NE 47th	Acer Rubrum 'Red Sunset'	30' on avg
Extension of NE 47th	Prunus Serrulata 'Kwanzan'	30' on avg
Extension of NE 47th	Pyrus Calleryana 'Chanticleer'	30' on avg

(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))

- c. Open Space.** Tract A and Tract B shall be maintained as open space tracts for recreation and tree preservation. Upon recording of the final plat, Tract A and Tract B shall be maintained and held in common by the Duke's Landing HOA.
- d. Tract A.** The plan set shows Tract A's boundary concluding at the centerline of the new right-of-way. **As a condition of approval**, Tract A shall be extended the length of the parcel C and will be 10 feet in width beyond the boundary currently shown within the plan set.

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 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 21.17.010: 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. 6 (2012)
 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 21.58-21.62 Design Standards
 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 21.40: Parking Standards
 RCZ 21.64: Critical Areas

Building

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

DECIDED November 25, 2015.

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.