

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

| | | |
|-------------------------------------|---|--|
| In the Matter of the Application of |) | |
| |) | NO. LAND 2013-01788 |
| |) | |
| Burnstead Construction, LLC |) | Strom Property Preliminary Plat |
| |) | |
| For Approval of a Preliminary Plat |) | FINDINGS, CONCLUSIONS, |
| |) | AND DECISION |
| _____ |) | |

SUMMARY OF DECISION

The request for approval of a preliminary plat to subdivide 5.74 acres of land into 13 single-family residential lots is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Burnstead Construction, LLC (Applicant) requested approval of a preliminary plat to subdivide 5.74 acres of land into 13 single-family residential lots. The subject property is located at 1900 159th Ave NE, Redmond, Washington.

Hearing Date

The Redmond Hearing Examiner conducted an open record hearing on the request on July 20, 2015. Consistent with a July 21, 2015 post-hearing order, the record closed on July 31, 2015.

Testimony

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

- Sarah Vanags, Associate Planner, City of Redmond
- Lindsey Solorio, CORE Design, Applicant Representative
- Gina Brooks, CORE Design, Applicant Representative
- Charles Klinge, representing Fermi Wang

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. General Application Form
 2. Project Contact Form
 3. Vicinity Map

4. Zoning Map
 5. SEPA Application Form
 6. Completeness Letter
 7. Public Notice Site Plan
 8. Public Notice Tree Preservation Plan
 9. Notice of Application and Certificate of Publishing
 10. SEPA Determination of Non-Significance, Addendum & Environmental Checklist
 11. Notice of Public Hearing and Certificate of Posting
 12. Plan Set
 13. Critical Area Report
 14. Geotechnical Report
 15. Green House Gas Emissions Worksheet
 16. Tree Health Assessment Attachment 17- Landmark Tree Exception Request
 17. Tree Exception Approval Letter Attachment 19- Title Report
 18. Traffic Study Transportation Concurrency
 19. Stormwater Report
 20. Computation Worksheet
 21. Neighborhood Meeting Notice
2. Updates/Revisions to Strom Staff Report as of July 20, 2015
 3. Comment letter from Charles Klinge (representing Fermi Wang) received July 20, 2015
 4. Planning Staff's PowerPoint presentation
 5. Revised Technical Committee Report to the Hearing Examiner (revised post-hearing)
 6. Revised PowerPoint presentation
 7. Memorandum from Andy Chow dated July 28, 2015 (Re: Response to Hearing Examiner, Safe School Route)
 8. Memorandum from Jim Streit, Senior Utilities Engineer dated July 28, 2015 (Re: Response to Hearing Examiner, Wang Property Utility Connections)
 9. Memorandum from Tiffany Brown, Burnstead Construction LLC dated July 30, 2015 (Re: Response to Staff Memorandums Addressing Hearing Examiner Comments)

Also included in the record of this matter is the July 21, 2015 Post-Hearing Order.

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 5.74 acres of land into 13 single-family residential lots. The subject property is located at 1900 159th Ave NE, Redmond, Washington.¹ *Exhibit 1, Attachments 1 and 3.*
2. The preliminary plat application was deemed complete on October 15, 2013. *Exhibit 1, Attachment 6.*
3. The subject property is located within the North Redmond Neighborhood. The Comprehensive Plan's land use policies for the North Redmond Neighborhood include preserving the residential character of the neighborhood, conserving and enhancing natural areas, encouraging a variety of affordability levels, and encouraging coordinated development. *Exhibit 1, page 5; Comprehensive Plan, page 13-64.*
4. The subject property is zoned R-4. *Exhibit 1, page 3.* 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. The subject property is currently undeveloped. Adjacent properties to the west and south are developed with single-family residences located within the Kensington subdivision. The recently developed Greystone subdivision is east of the subject property. Residentially-zoned land north of the subject property (the Wang property) contains one single-family residence. *Exhibit 1, page 3; Exhibit 1, Attachment 12, Site Plan; Exhibit 3.*
6. The central and western portions of the property contain moderate to steep slopes with gradients ranging from 40 to 100%. The proposed development area is in the eastern portion of the property, on a gently sloped plateau. *Exhibit 1, Attachments 12, Boundary/Topographic Survey; Exhibit 1, Attachment 14, page 4.*
7. The minimum required density for the 5.74-acre site is eight dwelling units and the maximum base density (not including bonus units) is 22 dwelling units. The Applicant proposes to provide 13 dwelling units. *Exhibit 1, page 3; Exhibit 1, Attachment 12.*
8. Pursuant to RZC 21.20.020-.030, all new single-family residential developments in the North Redmond Neighborhood are required to provide ten percent of their proposed units as affordable housing. Consistent with this requirement the Applicant proposes to

¹ The subject property is known as Tax Parcel No. 2626059014. *Exhibit 1.*

develop one of the 13 dwelling units as an affordable housing unit. Although 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, in this case the Applicant is unable to utilize the density bonus due to development constraints. *Exhibit 1, pages 3 and 9; RZC 21.20.020 et seq.*

9. The Green Building and Green Infrastructure incentive program established at RZC 21.08.330 provides incentives to implement green building and infrastructure development techniques in residential developments to reduce development impacts. The incentive program establishes a list of sustainable development techniques for which points are awarded, as well as the incentives toward which points may be utilized. The instant proposal would provide native vegetation retention of at least 50% and would provide drought-tolerant landscaping, earning a total of four incentive points. The Applicant proposed to apply those four points towards the lot size reduction incentive, reducing the required minimum lot size for all lots by 30%. *Exhibit 1, page 6.* With the lot reduction incentive the required average lot area is reduced from 7,000 square feet to 4,900 square feet. The lots proposed would range in area from 4,619 to 6,500 square feet, and would average 5,165 square feet. *Exhibit 1, Attachments 12 and 22.*
10. The proposed lots have been designed to satisfy all bulk dimensional standards of the R-4 zone as modified by the green building incentives program (including minimum lot size, lot width circle, setbacks, minimum building separation, etc.). Compliance with the City's architectural, minimum setback, and maximum height standards would be determined at the time of building permit review for each parcel. *Exhibit 1, pages 4-5.*
11. The subject property contains features that are classified as Geologically Hazardous Areas by the City of Redmond's Critical Areas Code (RZC 21.64), including Erosion Hazard Areas and Landslide Hazard Areas. These are located outside of the proposed development area. The Geotechnical Report/Geologically Hazardous Areas Assessment that was prepared for the project identified one mitigation measure (buffering) to address landslide hazards associated with the steep slopes in the central portion of the property, and in particular, a curved headwall feature - possibly an ancient landslide feature - located below proposed Lots 7 and 8. The recommendation was that a 50-foot buffer be established from the top of the slope for Lots 7 and 8, and a 25-foot buffer be established from the top of the slope for the remaining lots and the stormwater vault. These recommendations are consistent with the buffering requirements specified in RZC 21.64.060(B) and have been incorporated into the project plans. The proposed building envelopes satisfy, and in some places significantly exceed, the recommended setbacks. *Exhibit 1, Attachments 12 and 14.*
12. The subject property contains three regulated streams and three regulated wetlands. A Class II stream (i.e., meeting criteria for fish habitat) runs through the western portion of the subject property. Two Class III intermittent streams drain into the Class II stream. Two Category III wetlands and one Category IV wetland are adjacent to these stream corridors. *Exhibit 1, Attachment 13.*

13. The Category III wetlands require 150-foot buffers and the Category IV wetland requires a 50-foot buffer when adjacent to high-intensity land uses such as the proposed residential development. The Class II stream requires a 100-foot inner buffer plus a 50-foot outer buffer, and the Class III streams require 100-foot buffers. These buffers extend into the proposed development area in the eastern portion of the subject property. *Exhibit 1, Attachment 13.*
14. In order to achieve the development proposed, the Applicant proposes to reduce the 150-foot wetland buffers to 100 feet as described in RZC 21.64.030(B)(6), designate portions of the on-site wetlands as buffer (i.e., "paper fill"), temporarily disturb a portion of the on-site buffer, and average a portion of a Type III stream buffer as described in RZC 21.64.020(B)(6). As mitigation for these activities, the Applicant proposes to protect the on-site critical areas with a Native Growth Protection Area (Tract C) and privacy fencing, enhance 15,380 square feet of wetland for the 3,165 square feet of wetland affected by the paper fill, and restore temporarily disturbed areas. Because the on-site critical areas are in good condition, the Applicant proposes to enhance a wetland off-site to the south within a Native Growth Protection Easement in the Kensington subdivision in order to produce the required environmental improvements necessary to satisfy enhancement standards. The off-site wetland, which is connected to the Class II stream flowing through the subject property, is currently dominated by invasive species. The Applicant's Critical Area Study and Mitigation Plan details the project's compliance with the relevant mitigation criteria. *Exhibit 1, Attachments 12 and 13.*
15. Redmond Zoning Code 21.72 requires that all healthy landmark trees and 35 percent of all healthy significant trees be retained.² The health of existing trees on the subject property was assessed by a professional arborist, who prepared a report dated March 10, 2015.³ According to the report, there are 505 trees six inches in diameter breast height (dbh) or greater which classifies them as significant, 48 of which are larger than 30 inches dbh, classifying these as landmark. Seventy-nine of the total (none of which are classified as landmark) are in non-viable or poor condition. Of the net 426 viable trees, the Applicant proposes to retain 243 (218 significant and 25 landmark), for a total retention of 57% of the healthy, significant trees on site. The retained trees would be located within the Native Growth Protection Area (Tract C) occupying the central and western portions of the subject property. The Applicant applied for and obtained Department of Planning and Community Development approval of landmark tree exception requests for the 23 landmark trees proposed to be removed consistent with RZC 21.72.090. The tree replacement requirement for the landmark trees is three replacement trees for each tree removed, and the tree replacement requirement for the other significant trees is one replacement tree for each tree removed. The Applicant proposes to plant 92 replacement trees and pay a fee in lieu of replacing the remaining 137 trees. *Exhibit 1, page 8; Exhibit 1, Attachments 12, 16, 17, and 18.*

² 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.

³ The March 10, 2015 report was an update of an assessment conducted in November of 2010. *Exhibit 1, Attachment 16.*

16. Approximately 70% of the subject property would be set aside as open space within Tract A (stormwater detention) and Tract C (Native Growth Protection Area), an amount that exceeds the minimum required in the R-4 zone. Tract A may provide active recreation opportunities for residents, unless all potential recreation space ends up being occupied by the required emergency access over the stormwater vault. *Exhibit 1, pages 4 and 11; Exhibit 1, Attachment 12; Brooks Testimony.*
17. The zoning code requires that new subdivisions provide landscaping along the perimeter of the site to soften the transition between new and existing dwelling units when the new dwellings are directly adjacent to developed lots or can be viewed from public streets or park areas. *RZC 21.08.180.* The proposal includes perimeter landscaping along the site's northern and southern boundaries adjacent to existing single-family development. The western boundary would be comprised of heavily forested Tract C. *Exhibit 1, page 7; Exhibit 1, Attachment 12.*
18. Access to the plat would be from a northerly extension of NE 159th Street (a Local Street) along the eastern property boundary. The extension of NE 159th Street is consistent with the North Redmond Neighborhood Circulation Plan. Lots 4 through 13 would take direct access from NE 159th Street, and Lots 1 through 3 would access from Tract B, a 20-foot-wide private street. Required improvements to NE 159th Street include a five-foot wide sidewalk and landscape strip along the subject property frontage, as well as street lighting and underground utilities.⁴ *Exhibit 1, pages 10 and 14; Exhibit 1, Attachment 12.*
19. Each proposed lot would be connected to municipal water and sewer service, each of which would be placed in appropriate utility easements. All new utilities would be required to be installed underground. *Exhibit 1, pages 11 and 16; Exhibit 1, Attachment 12.*
20. The owner of the adjacent property to the north (Mr. Wang) expressed concern that the proposed utilities would not extend all the way to the north property line, so as to provide connection to his property for future development. Although the project plans depict that the 159th Avenue NE right-of-way would extend to the northern property boundary, certain utilities (including sewer, power, gas, telephone, and cable) would extend only as far north as the intersection of 159th Avenue NE and Tract B, which is as far north as is necessary to serve the northernmost lots (Lots 1, 2, and 3) of the instant plat. The concern was that extending these utilities at a later date would require disturbing the sidewalk along the property frontage. Mr. Wang requested that all utilities be required to stub at the north property line and argued that that the condition is required by *RZC 21.17.010.* *Exhibit 3; Exhibit 1, Attachment 12, Grading, Transportation, and Utility Plan; Klinge Testimony.*

⁴ The adjacent Greystone development is responsible for most of the improvements associated with the road extension, as shown in the construction plans. *Exhibit 1, page 14; Exhibit 1, Attachment 12.*

21. In response to Mr. Wang's request with respect to utilities, the City submitted that, due to the lower elevation of Mr. Wang's property, connection to the sewer in NE 159th Street would not be feasible without grinder pumps with force mains uphill to the gravity system. Alternatively, a new gravity system could be designed and constructed downhill to NE 124th Street (Mr. Wang's property has frontage on NE 124th Street). With respect to water, a connection to the water main in NE 159th Street would be feasible. With respect to the other utilities, the City submitted that these utilities are not operated by the City of Redmond and that Mr. Wang would need to contact the providers to establish connections. Applicant representatives noted that dedicated right-of-way would extend to the northern site boundary. Because sewer and storm are down the steep slope, they contended that utility stubs to the north would be very difficult, requiring extensive engineering in order to provide utility connection to the Wang property. They stated that joint trenching, water line, and dry utilities are things they would be willing to look at with the neighbor to the north but that they are not interested in being required to commit at this time. If required to extend utilities to the north site boundary, they stated that a construction easement on the adjoining property would be necessary. *Exhibit 8; Streit Testimony; Brown Testimony; Brooks Testimony.*
22. Stormwater runoff from the developed portion of the site would be collected, detained, and treated in a stormwater vault to be developed in Tract A at the northern site boundary. The vault must be designed in accordance with the requirements of the Washington State Department of Ecology's Stormwater Management Manual for Western Washington and the City of Redmond Technical Notebook. Treated stormwater is proposed to be released into the downstream system via an above-ground pipe anchored to the slope. The pipe would discharge onto a riprap pad located near the wetland/stream corridor to reduce the energy gained by water conveyance over the steep slope. From that point the discharge would flow north from the site and eventually join the NE 124th Street drainage system. Wetland hydrology elsewhere on the site is proposed to be preserved through dispersed lawn runoff from Lots 4 through 13. *Exhibit 1, Attachment 21.*
23. 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 and appropriate fire lane markings to be provided. *Exhibit 1, page 18; Exhibit 1, Attachment 12, Fire Plan.*
24. Norman Rockwell Elementary School is the only school within a one-mile radius of the subject property. There is a paved sidewalk along the entire walking route between the subject property and the school. Beyond the sidewalks requires for the new streets within the instant plat, no additional improvements are needed to create a safe walking route for students. *Exhibit 7.*
25. The City of Redmond sent the Lake Washington School District a copy of the SEPA DNS on June 6, 2014 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, pages 6 and 11; Exhibit 1, Attachment 10; Exhibit 7.*

26. 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. The Technical Committee recommended project approval subject to conditions. *Exhibit 1, pages 12-23.*
27. The City of Redmond acted as lead agency for review of the project's environmental impacts under the State Environmental Policy Act (SEPA) and issued a determination of non-significance (DNS) on June 6, 2014. No comments were filed with the City during the 14-day comment period. *Exhibit 1, page 6; Exhibit 1, Attachment 10.*
28. Notice of the July 20, 2015 open record public hearing on the application was posted on-site and at City Hall and the Redmond Library, published in the *Seattle Times*, and mailed to surrounding property owners within 500 feet of the site on June 29, 2015. *Exhibit 1, page 7; Exhibit 1, Attachment 11.* Aside from Mr. Wang's representative, no other party submitted comments on the application. *Klinge Testimony; Exhibit 3; Vanags 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.

Subdivision Criteria for Review

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

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

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

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

Conclusions Based on Findings

1. 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 SEPA. 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 protect natural areas, retain the residential character of the North Redmond Neighborhood, and provide for affordability. The extension of NE 159th Street is consistent with the North Redmond Neighborhood Circulation Plan. At the hearing, an issue was raised relating to the coordination of development. This issue is addressed in Conclusion 5 below. *Findings 3, 11, 12, 13, 14, 15, 18, 20, 26, and 27.*
2. As conditioned, the proposal conforms to the requirements of the R-4 zone. The proposed housing density would be within the allowed range. The lots are consistent with the dimensional standards of the zone as modified through the Green Building and Green Infrastructure Incentive Program. Open space in excess of the minimum requirements would be provided in Tracts A and C. Tract A would include open space usable for recreation. Perimeter landscaping is included consistent with code requirements. *Findings 7, 8, 9, 10, 16 and 17.*
3. As conditioned, the proposal is consistent with the requirements of RZC 21.74, including the Green Building and Green Infrastructure Incentive Program and requirements for easements, utilities, and streets. At the hearing, an issue was raised relating to utilities. This issue is addressed in Conclusion 5 below. *Findings 9, 18, 19, 20, 22, and 26.*
4. As conditioned, the proposal makes adequate provision for streets. *Finding 18.*
5. As conditioned, the proposed subdivision would be adequately served by utilities. The requirements for adequate public facilities (including sewage disposal, water, surface

water management, streets, and fire protection) are described in RZC 21.17.010. All improvements required pursuant to RZC 21.17.010 must satisfy the following criteria:

- A. The impacts of the development must contribute to the need for the required improvement, dedication, or transfer.
- B. The required improvement, dedication, or transfer must alleviate or mitigate the need created by the development.
- C. The required improvement, dedication, or transfer must be related in nature and extent to the impact of the development; i.e., it must be roughly proportional to the impact of the development. *RZC 21.17.010(B)(2).*

A water system is adequate if the proposed development can be connected to the City's water supply system, the water supply system can supply sufficient flows, and the water supply system has sufficient storage capacity. To ensure these requirements are met, the decision maker can condition approval to, among other things, construct "mains through the development to adjacent properties to provide for a well-gridded water system, and allow adjacent properties to connect to and extend the water system." *RZC 21.17.010(D)(2).*

A sewer system is adequate for a development if the site can be connected to the City's sewage collection system, and if the system is consistent with applicable policies, regulations, design and operating guidelines. To ensure these requirements are met, the decision maker can condition approval to, among other things, construct "mains through the development to serve the lots and buildings within the development and to adjacent parcels to allow adjacent properties to connect to and extend the sewer system." *RZC 21.17.010(D)(3).*

The City apparently declined to answer the express question in the Post-Hearing Order regarding whether according to the City's interpretation RZC 21.17.010 (and/or other applicable provisions) requires the Applicant to extend utilities including water, sewer, and power/gas/phone/cable to the shared property line. *Exhibit 8.* Therefore, the following conclusion is entered without the benefit of the City's input on how the Code has been applied on this question in the past.

As currently proposed, the dedicated right-of-way for 159th Avenue NE extends across the entire property frontage to the northern property line, which would allow a corridor for future utility extension. The City provided credible evidence that Mr. Wang's property cannot be connected to the proposed gravity sewer system in 159th Avenue NE, at least not without significant additional improvements. Further, the property has frontage on NE 124th Street and could connect to sewer in that right-of-way. For these reasons, to require the Applicant to stub the sewer main at the north property line would not serve to enhance connectivity to future development and is not necessary to provide the Wang parcel with a sewer connection. Finally, the requirement would not mitigate any impact created by the proposed development as stipulated in RZC 21.17.010(B)(2). *Finding 21.*

With respect to water, it appears from the plans that the water main would extend close to the north property line. It does not appear that a further northward extension of the water main is needed for the water system to comply with the criteria of RZC 21.17.010(D)(2), which are related to system capacity. It would also be difficult for the Applicant to accomplish such construction fully within the confines of the subject property boundaries. The proposed development adequately provides for utilities without a condition requiring all utilities to stub at the northern property line. That said, nothing prevents the Applicant from seeking the construction easement necessary to extend water to the north property boundary in response to the request of Mr. Wang. *Findings 19, 20, 21, 22, and 23.*

6. As conditioned, the proposal will make adequate provision for parks, recreation, and playgrounds. The open space in Tract A could potentially provide on-site recreational space. The Applicant would be required to comply with the City's impact fee ordinance (RMC 3.10) with regard to park impact fees. *Finding 16.*
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 25.*
8. As conditioned, the proposal makes adequate provisions for sidewalks and safe walking conditions for students. The frontage improvements required by this decision, along with the existing improvements between the subject property and Norman Rockwell Elementary, would provide a continuous safe walking route for students. There are no other schools within walking distance of the property. *Findings 18 and 24.*
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 avoid geologic hazards. The Applicant would be required to pay fire, park, school, and transportation impact fees per RMC 3.10. *Findings 6, 11, 23 and 25; RMC 3.10.*
10. Geotechnical considerations have been identified, and all hazards and limitations to development have been considered in the design of streets and lot layout. The steeply sloped areas of the property would be contained within an undeveloped Native Growth Protection Area in which significant vegetation would be retained. All building envelopes proposed satisfy the minimum buffering requirements identified in the Geologically Hazardous Areas Assessment. *Findings 6 and 11.*

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DECISION

Based on the preceding findings and conclusions, the request for approval of a preliminary plat to subdivide 5.74 acres of land into 13 single-family residential lots 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 | 05/05/2015 | <i>and as conditioned herein.</i> |
| SEPA Checklist | 10/15/2013 | <i>and as conditioned herein and as conditioned by the SEPA threshold determination.</i> |
| Conceptual Landscaping Plan | 05/05/2015 | <i>and as conditioned herein.</i> |
| Conceptual Lighting Plan | 05/05/2015 | <i>and as conditioned herein.</i> |
| Proposed Tree Retention Plan | 05/05/2015 | <i>and as conditioned herein.</i> |
| Conceptual Wetland Mitigation Plan | 02/08/2015 | <i>and as conditioned herein.</i> |
| | | |
| Stormwater Design | 05/05/2015 | <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) 14 feet wide sidewalk easement, granted to the City of Redmond, along all right-of-way including 159th Avenue NE.
 - (b) 14 feet wide utility easement, granted to the City of Redmond, along all right-of-way including 159th Avenue NE.
 - (c) 10 feet wide utility easement, granted to the City of Redmond, along Tract

Road B.

- (d) At the time of construction, additional easements may be required to accommodate the improvements as constructed.

(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 159th Avenue NE, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Development Engineering Division.

(Code Authority: RMC 12.08; Redmond Standard Specifications and Details)

c. Street Frontage Improvements

- i. The frontage along 159th Avenue 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 feet wide planter strips, 5 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:
- Seven 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

Note: Road improvements are to be completed by the Greystone Project. In the event Greystone improvements have not been made by the time these lots develop, the road improvements will be required to be completed as part of the Strom project. If Greystone improvements have been completed, this development is only required to construct a 5 feet wide planter strip and 5 feet wide sidewalk across the Strom side of the project as shown on the Strom Property plans developed by Core Design.

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

- ii. The private road across Tract B must meet current City Standards which include asphalt paving 20 feet wide with appropriate tapers, The minimum pavement section for the streets shall consist of:
- 3” HMA Class ½” PG 64-22
 - Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
 - Inverted street crown 2% sloped to drain system

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

- iv. A separate 40-scale channelization plan may be required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to

the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual.

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

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

- Along 159th Avenue NE as shown on the Strom Property plans submitted by Core Design.

(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 Strom Property site plan prepared by Core Design.

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

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 3)

2. Development Engineering – Water and Sewer

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

Phone: 425-556-2844

Email: jstreit@redmond.gov

a. Water Service. Water service requires the installation of 1-inch water meters as shown on the drawings prepared by CORE Engineers dated October 3, 2013 to provide domestic and residential fire flow to the lots shown. Some of the water meter locations may need to be modified to provide 5-foot minimum separation between the water meters and the existing luminaries installed by the Greystone PRD. (Code Authority: RZC 21.17)

- b. **Sewer Service.** Sewer service requires the installation of side sewers as shown on the drawings prepared by CORE Engineers dated October 3, 2013. Some of the side sewer locations may need to be modified to provide 5-foot minimum separation between the side sewer and the existing luminaries installed by the Greystone PRD. (Code Authority: RZC 21.17)
- c. **Easements.** Easements shall be provided for all water and sewer improvements as required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing approval. Offsite easements must be recorded prior to construction drawing approval. (Code Authority: RZC Appendix 3)
- h. **Backflow Preventors:** Backflow preventors shall be used in the water supply system in accordance with City, State, and Federal requirements. (Code Authority: RMC 13.10)
- i. **Permit Applications.** Water meter and side sewer applications shall be submitted for approval to the Development Engineering Utility Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. Various additional guarantees or requirements may be imposed as determined by the Utilities Division for issuance of meters and permits prior to improvements or administrative requirements being completed. All reimbursement fees shall be paid prior to sale of water and side sewer permits. (Code Authority: RMC 13.08.010, 13.12)

3. Development Engineering – Stormwater/Clearing and Grading

Reviewer: Jeff Dendy, Senior Engineer

Phone: 425-556-2890

Email: jdendy@redmond.gov

- a. **Water Quantity Control:**
 - i. Stormwater discharges shall match the developed discharge duration to the 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 privately maintained vault.
 - ii. Provide for overflow routes through the site for the 100-year storm.
 - iii. The storm vault discharge will be by butt fused HDPE pipe stacked to surface across the steep slope, so as to not disturb the sensitive area.

(Code Authority: RMC 15.24.080)

- b. Water Quality Control**
- i. Basic water quality treatment shall be provided in a privately maintained wet vault. Treatment is required for the 6-month, 24 hour return period storm. (Code Authority: RMC 15.24.080(2)(d))
- c. Easements.** Easements will be required for any public stormwater conveyance systems on private property. No public easements are anticipated for this project. (Code Authority: RMC 15.24.080(2)(i))
- d. Clearing and Grading.** Provide a turn-around on the storm vault tract for maintenance vehicles. Provide an asphalt paved access road to the storm vault that complies with the 2005 Department of Ecology Stormwater Management Manual for Western Washington dimension guidelines for maintenance access roads. Access road shall have a minimum interior radius of 25 feet and minimum exterior radius of 40 feet. These dimensions are per 2005 Washington Department of Ecology Manual section 3.2 (Design of Access Roads).
- The project geotechnical engineer shall provide a review of the final engineering plan to confirm the geotechnical recommendations have been met.
- Steep Slope Setbacks: A 50-foot setback is required from the crest of the designated steep slope by Lots 7 and 8. A 25-foot setback is required for the remainder of the project from the designed steep slope. No filling is permitted within the steep slope setbacks.
- (Code Authority: RMC 15.24.080)
- e. Temporary Erosion and Sediment Control (TESC).**
- i. Limited rainy season work conducted between October 1st through April 30th may be approved with a robust Wet Weather Plan. No work is allowed within the stream or steep slope buffers during the rainy season.
- (Code Authority: RMC 15.24.080)
- f. Floodplain Management.** Project site does not lie within a designated floodplain. (Code Authority: RZC 21.64.010 and 20D.140.40)
- g. Landscaping.** No project specific conditions. (Code Authority: RZC 21.64.060 (C))
- h. Department of Ecology Notice of Intent Construction Stormwater General Permit.** Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at: www.ecy.wa.gov/pubs/0710044.pdf. (Code Authority: Department of Ecology Rule)

4. Fire Department**Reviewer: Barry Nilson****Phone: 425-556-2245****Email: bnilson@redmond.gov**

The current submittal is generally adequate for LAND-2013-01788 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. **Fire Protection Plan:** All houses shall have a fire sprinkler system installed to NFPA 13D and RFDS #5 standards. No parking fire lane signs and the painting of the curbs to yellow shall be according to RFDS #2. All signs will not be blocked by trees. The entire length of "Tract B" shall be a fire department easement called "EMERGENCY VEHICLE ACCESS EASEMENT" or EVAE. This easement will include the radii onto tract B.
- b. **Comment:** Lot addresses shall be assigned during the civil review process. (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 |
|-----------------------------|---|-------------------|
| NE 159 th Street | Goldenrain, Pacific Sunset Maple, Raywood Ash | 30 feet on center |

(Code Authority: RZC 21.32.090)

- b. **Residential Regulations.** The Strom 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 21.72.060 (D) (2))
- d. Tree Replacement.** Tree Replacement shall be implemented in conformance with the Landscape Plan and Tree Preservation Plan with identifies 92 trees to be replaced on-site and the remaining 137 trees to be Fee-in-Lieu of replacement.
(Code Authority: RZC 21.72.080)
Condition Applies: Civil Construction, Final Plat Document
- e. Tree Exception Request.** The tree exception request for the removal of 23 landmark trees from the site shall be implemented in conformance with the Tree Preservation and Landscape plans.

(Code Authority: RZC 21.72.090)
Condition Applies: Civil Construction, Final Plat Document
- f. Setbacks.** Setback classifications (e.g. front, side, side street, rear) shall be noted

Code Authority: RZC 21.08.060
Condition Applies: Final Plat Document
- g. 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

- h. Affordable Housing.** The Strom Preliminary Plat shall demonstrate conformance with the Affordable Housing Regulations in RZC 21.20.050. The plat shall provide one affordable unit for the Strom plat. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing for the life of the development. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant. Prior to the issuance of any building permit, the owner shall sign any necessary agreements with the City to implement these requirements.

Code Authority: RZC 21.20.050

Condition Applies: Building Permit

- i. 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 21.32.080

Condition Applies: Civil Construction

The recommendations of the applicant's arborist, International Forestry Consultants Inc., shall be implemented in all situations where there is encroachment into the drip line of a tree that has been determined to be saved.

Code Authority: RZC 21.62.060

Condition Applies: Civil Construction

- j. Green Infrastructure Incentive Program:** As part of the Strom Preliminary Plat, the following code provision shall be modified as recommended by the Technical Committee:
- i. Lot Size. The average lot size requirement shall be 4,900 square feet granted through 30% lot size reduction incentive.
 - ii. 50% Native Vegetation Retention. At least 50 percent of the native vegetation area shall be retained in native vegetation and set aside in Native Growth Protection Areas.

Code Authority: RZC 21.67.050

Condition Applies: Civil Construction, Final Plat Document, Building Permit

- g. Final Critical Areas Report and Enhancement Mitigation Plan.** A final Critical Areas Report must be submitted with the civil construction drawings or building permit if civil construction drawings are not required. All required enhancement and mitigation must be shown on the civil construction drawings. This includes

any required planting, signage, fencing, wetland or stream enhancement, etc. that is required in the report.

(Code Authority: RZC 21.63, Appendix 1)

Condition Applies: Civil Construction, Final Plat Document

- h. 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.

(Code Authority: RZC 21.64.010(L), 21.64.010(J); RMC 15.24.080(2)(i))

- i. Monitoring Program and Contingency Plan.** A monitoring program shall be prepared and implemented to determine the success of the mitigation project and any necessary corrective actions. A contingency plan shall be established for indemnity in the event that the mitigation project is inadequate or fails.

(Code Authority: RZC 21.64.010(P))

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

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| RMC 6.36: | Noise Standards |
| RZC 21.52: | Transportation Standards |
| RZC 21.40.010(E): | Design Requirements for Parking Facilities |
| RZC 21.54: | Utility Standards |
| RMC 12.08: | Street Repairs, Improvements & Alterations |
| RMC 12.12: | Required Improvements for Buildings and Development |
| RMC 12.16: | Highway Access Management |
| RZC 21.76.100(F)(9)(c) | Nonconforming Landscaping and Pedestrian System Area |
| RZC 21.76.020(G): | Site Construction Drawing Review |
| RZC 21.76.020(H)(6): | Preconstruction Conference |
| RZC 21.76.020(H)(7): | Performance Assurance |
| RZC Appendix 3: | Construction Specification and Design Standards for Streets and Access |
| City of Redmond: | Record Drawing Requirements, Version 10-2005 (2005) |
| City of Redmond: | Standard Specifications and Details (current edition) |

Water and Sewer

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| RMC 13.04: | Sewage and Drainage |
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| 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

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

Fire

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| 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

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|-------------------|---------------------------------|
| RZC 21.58-21.62 | Design Standards |
| RMC 3.10 | Impact Fees |
| RZC 21.32, 21.72: | Landscaping and Tree Protection |

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| RMC 6.36: | Noise Standards |
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| RCZ 21.64: | Critical Areas |
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| RZC Appendix 1: | Critical Areas Reporting Requirements |
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Building

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| 2012 International Building Codes (IBCs) |
| 2012 Uniform Plumbing Code |

2012 International Residential Code (IRC)

DECIDED August 14, 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.