AM NO. 10-190 (C4)

MEMO TO: City Council

FROM: John Marchione, Mayor

DATE: September 21, 2010

SUBJECT: ORDINANCE: FINAL PLAT APPROVAL - Cooper PRD (a.k.a

Woodlands Ridge), L070491 AND L070492

I. RECOMMENDED ACTION:

Approve the Ordinance (Attachment B) for the final plat of Cooper PRD.

II. DEPARTMENT CONTACT PERSONS:

Bill Campbell, Director of Public Works	425-556-2733
Ron Grant, Assistant Public Works Director/City Engineer	425-556-2742
David Almond, Development Services Manager	425-556-2861

III. DESCRIPTION:

The Cooper PRD is a residential subdivision consisting of 23 detached single-family and two attached single-family residential lots on a 6.29 acre site located on 16424 NE 122nd Street, on the northeast corner of 162nd Place NE and NE 122nd Street (Attachment A).

Preliminary plat approval was granted by the Hearing Examiner on August 20, 2009. The City of Redmond's Public Works Department filed an appeal of the Hearing Examiner's decision to approve the Cooper preliminary plat with conditions. Subsequently, the City's Public Works Department and the applicant arrived at modified conditions regarding the appeal. These modifications were presented and approved by Council on October 1, 2009.

The applicant, CamWest Development, Inc., applied for the Type V – Final Plat on July 14, 2010. A Notice of Final Plat Application was posted on August 31, 2010. Staff has reviewed the list of conditions outlined in the Hearing Examiner's decision, along with the subsequent modifications the City and applicant agreed to (Attachment C), and determined that the final plat of Cooper PRD conforms to the conditions.

All engineering plans have been approved for the site improvements and significant construction has occurred. Approval of the final plat will allow the applicant to record the plat with King County and thus create the new lots. This approval does not imply

City Council September 21, 2010

Ordinance: Final Plat Approval - Cooper PRD,

L070491 & L070492

Page 2

final acceptance of the plat construction. Latecomer agreements recorded against the property will be paid and a Performance Guarantee for any incomplete work will be posted with the City prior to recording of the plat to insure all conditions are fulfilled.

IV. IMPACT:

- A. <u>Service/Delivery:</u> The City will provide maintenance of the public utilities and the public streets that serve the plat.
- B. <u>Fiscal:</u> Maintenance funding for the utilities (water, sewer, and storm) will be provided from the Utility Fund. Maintenance funding for the public streets will be provided from the General Fund.

V. ALTERNATIVES:

- A. Approve the Ordinance and authorize the Mayor to inscribe and execute the written approval on the face of the plat map.
- B. Disapprove the plat and return it to the applicant with reasons for denial and conditions for compliance (RCDG 20F.40.150-060(4)(b)).

VI. TIME CONSTRAINTS:

The subdivision developer is interested in recording the plat as soon as possible. Along with the completion of site construction improvements, this final plat approval and subsequent recording of the plat are necessary prerequisites to obtaining building permits within this subdivision.

VII. LIST OF ATTACHMENTS:

A.	Vicinity	Map

B. Ordinance

C. Hearing Examiner Decision

/s/		9/8/2010
William J. Campbell, Director of	Public Works	Date
Approved for Council Agenda	/s/	9/9/2010
	John Marchione, Mayor	Date



CITY OF REDMOND ORDINANCE NO.

ANORDINANCE OF THECITY OF REDMOND, WASHINGTON, APPROVING THEFINAL PLAT COOPER PLANNED RESIDENTIAL DEVELOPMENT (PRD) TO RCW 58.17.170 AND 20F.40.150, CITY FILE NO. L070491 AND L070492, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Redmond has received an application for approval of the final plat of Cooper PRD (a.k.a. Woodlands Ridge); and

WHEREAS, final plat approval is a Type V application under RCDG 20F.30.50, which requires that the Redmond City Council adopt findings in support of its decision and approve the final plat by ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings adopted. The Redmond City Council adopts the following findings in support of its approval of the Cooper PRD final plat:

- 1. The Redmond Hearing Examiner approved the preliminary plat of Cooper PRD on August 20, 2009. The Hearing Examiner's decision contains conditions incorporated as Attachment B to the decision.
- The developer of Cooper PRD, CamWest Development, Inc., filed an application for final plat approval on July 14, 2010.
- 3. Under RCDG 20F.30.50 and RCW 58.17.170, final plat approvals follow the Type V approval process and require City Council approval.

- 4. Under RCW 58.17.170 and RCDG 20F.40.150, the criteria to be used by the City Council in determining whether to grant final plat approval are:
 - A. whether the final plat conforms to all terms and conditions of the preliminary plat; and
 - B. whether the final plat meets the requirements of the state subdivision laws, other applicable state laws, and city ordinances.
 - 5. The City staff has reviewed the final plat of Cooper PRD and has advised the Council that the final plat conforms to all terms and conditions of preliminary plat approval, along with the approved modified conditions. Based on the staff review, the Council finds that the final plat meets the first criteria for approval.
- 6. At the time of preliminary plat approval, the Redmond Hearing Examiner determined that, as conditioned, the preliminary plat met the requirements of the state subdivision laws, the State Environmental Policy Act, and the subdivision approval requirements of the RCDG. No evidence has been presented to change this determination. The City Council therefore finds that the final plat meets the second criteria for approval.
- Section 2. Approval of final plat. The final plat of Cooper PRD, City File No. L070491 and L070492, is hereby approved, subject to fulfilling any late-comer agreements and posting of any performance guarantees as determined by the Director of Public Works.
- Section 3. Effective date. This ordinance shall take effect and be in full force five days after its passage and publication of a summary as provided by law.

	ADOPTED	by	the	Redmond	City	Coun	cil	this		day	of
		2010	•								
					C:	ITY OI	F REI	OMOND			
					J(OHN MA	ARCHI	ONE,	MAYOR		
ATTES	ST:										
							(SEAL)		
MICHE	CLLE M. N	MCGEH	EE, C	CMC, CITY	CLERK			•	,		
Appro	oved As T	Го Го	rm:								
JAMES	S E. HANE	EY, C	ITY A	ATTORNEY							
PASSE	WITH THE CONTROL OF T										
	יידעד האיז מת אעדייי	rr:									

ORDINANCE NO:



1 BEFORE THE HEARING EXAMINER 2 FOR THE CITY OF REDMOND 3 4 In the Matter of the Application of NOS. L070492/L070491 5 CamWest Development, Inc. FINDINGS, CONCLUSIONS, DECISION AND RECOMMENDATION 6 For a Planned Residential Development and Preliminary Plat. 7 8 SUMMARY OF DECISION AND RECOMMENDATION 9 The request for a preliminary plat to divide 6.29 acres of land into 25 single-family residential lots is **GRANTED**, subject to planned residential development approval and other conditions 10 as set forth in this Decision. 11 The Hearing Examiner recommends that City Council GRANT the planned residential 12 development, subject to conditions. 13 SUMMARY OF RECORD 14 Request: 15 CamWest Development, Inc. (Applicant) requested a planned residential development (PRD) and preliminary plat to divide 6.29 acres of land into 25 single-family residential lots. The 16 subject property is located at 16424 NE 122nd Street, Redmond, Washington (Assessor Parcel 17 Nos. 2526059135 and 2526059031). 18 Hearing Date: 19 An open record hearing on the request was held before the Hearing Examiner of the City of 20 Redmond on August 3, 2009. The record closed on August 5, 2009. The Hearing Examiner reopened the record on August 17, 2009 to obtain information from the parties on a procedural 21 issue, and closed the record upon receipt of the information on August 19, 2009. 22 23 Testimony: At the open record hearing the following individuals presented testimony under oath: 24 Thara Johnson, Associate Planner, City of Redmond 25 David Almond, Development Services Manager, City of Redmond Public Works 2. 26 3. Judd Black, Planning Manager, City of Redmond Robert Franklin, City of Redmond Public Works 4. 27 Aaron Hollingbery, CamWest 5. Philip Henderson 28 29

30

1	Attor	Attorney Marsha Martin presented legal argument on behalf of the Applicant.				
2	Exhibits:					
3			record hearing the following exhibits were admitted into the record:			
4	A.	Techn	ical Committee Report, with the following attachments:			
5		1.	General Conditions of Approval			
		2.	Fees and Bonds			
6		3.	Vicinity Map			
7		4.	Zoning Map			
0		5.	General Application Forms			
8		6.	SEPA Application Form			
9		7.	Notice of Application and Certificate of Publishing			
		8.	Notice of Application Public Comment Letters			
10		9.	Neighborhood Meeting Notice			
11		10.	SEPA DNS			
		11.	SEPA Public Comment Letters			
12		12.	Notice of Public Hearing and Certificates of Posting			
13		13.	Environmental Checklist			
		14.	Preliminary Plat/Planned Residential Development Plans (including Tree			
14			Retention Plans)			
15		15.	Architectural Elevations			
		16.	North Redmond Neighborhood Compliance Worksheet			
16		17.	Arborist Report			
17		18.	Landmark Tree Removal Exemption Request Letter			
		19.	Landmark Tree Removal Exception Approval Letter			
18		20.	Wetland Study and Stream Reconnaissance			
19		21. 22.	Wildlife Report Groundwater Recharge Report			
,		23.	Revised Subsurface Exploration, Geologic Hazard, and Geotechnical			
20		23.	Engineering Report			
21		24.	Limited Slope Stability Assessment			
22		25.	Preliminary Storm Drainage Report			
22		26.	Request for Relief from Grading			
23		27.	Approval for Relief from Grading Standards			
24		28.	Transportation Improvement Agreement			
		29.	Letter from Lake Washington School District			
25		30.	Traffic Analysis Letter			
26		31.	Sight Distance Deviation Documentation			
		32.	Comprehensive Planning Policies			
27	B.	City P	owerPoint Presentation dated August 3, 2009			
28	C.	Ordina	ance No. 1901, with attached pages R-39 - R-46; and Ordinance No. 2308, with			
		Exhibi	its 1 and 2			
29	D.	Modif	ications to technical committee analysis and recommended conditions of approval			
30	agreed to by City and Applicant					
	E.	City's	recommended modification of Condition VIII(B)(2), not agreed to by Applicant			

1 F. Letter from Philip Henderson dated August 3, 2009 G. Ordinance No. 2468 2 **Applicant PowerPoint Presentation** H. 3 I. Applicant's proposed fence condition Applicant's proposed off-site tree protection condition J. 4 Second Geotechnical Peer Review by CDM dated October 16, 2008 K. L. Geotechnical Peer Review by CDM dated September 17, 2008 5 M. [withdrawn] 6 N. Excerpts from City of Redmond Water System Plan 2000-2010, including pages 2-29, 2-45, 5-3, and 5-4, and Figure 8-1 7 Letter from Rick the Plumber & Co. dated August 3, 2009 O. 8 P. Applicant's proposed modification of Condition VIII(B)(2) August 25, 2008 CamWest response to City of Redmond Request for Additional Q. 9 Information dated November 29, 2007 10 R. June 2, 2009 CamWest response to City of Redmond Request for Additional Information dated September 10, 2008 11 July 9, 2009 CamWest letter to Technical Committee objecting to recommended S. 12 Conditions VIII(B)(2)(a) and VIII(B)(1) Applicant's proposed modification of Condition VIII(C)(3)(d) T. 13 Excerpts from RCDG, including pages 318.1, 350.2, and 350.3, and excerpt from Water U. 14 System Plan, including page 5-4 (2002 draft) and excerpt from pressure zone map V. Memorandum from David Almond dated August 3, 2009 re: Safe Walk Route 15 City and Applicant agreed modification of Condition VIII(C)(3)(d) W. Memo to Hearing Examiner from James Roberts dated August 18, 2009 (City response X. 16 to Hearing Examiner's Request for Information) 17 CamWest's Response to Request for Information dated August 19, 2009 Y. 18 Upon consideration of the testimony and exhibits submitted at the open record hearing, the 19 Hearing Examiner enters the following Findings and Conclusions: 20 **FINDINGS** 21 The Applicant requested a PRD and preliminary plat to divide 6.29 acres of land into 25 single-family residential lots. The subject property is located at 16424 NE 122nd Street, 22 Redmond, Washington (Assessor Parcel Nos. 2526059135 and 2526059031). Exhibit A, 23 Attachment 5. 24 The City determined the applications to be complete on October 22, 2007. Exhibit A, 25 Attachment 7, Notice of Application; Testimony of Ms. Johnson. The applications are 26 subject to the PRD regulations effective July 29, 1996 (Ordinance 1901) and the North Redmond Neighborhood regulations effective November 18, 2006 (Ordinance 2308). 27 Exhibit B; Testimony of Ms. Johnson; Exhibit C. 28 29 3. The subject property is located within the North Redmond Neighborhood as identified in the Comprehensive Plan. The North Redmond Neighborhood policies encourage a 30 variety of lot sizes and housing types; require the preservation of natural features, and

 developer funding of public facility improvements necessary to serve growth; and limit the width of new local and neighborhood collector streets. *Exhibit A, Attachment 32*.

- 4. The majority of the subject property (4.8 acres) is zoned Low-Moderate Density Residential, four dwelling units per acre (R-4). The remainder of the subject property (1.5 acres) is zoned Residential Development and Conservation Overlay (R-4C), a designation that allows residential development at a rate of four dwelling units per acre for those areas that are determined to be developable (i.e., not constrained by critical areas and buffers), and that allows residential density to be transferred from critical areas and buffers to developable areas at a rate of one dwelling unit per acre. In addition, the PRD regulations (Ordinance 1901) allow a density bonus equal to ten percent of the base density, and the affordable housing regulations (Ordinance 2308) allow a density bonus of one market rate dwelling unit for every affordable housing unit provided. *RCDG* 20C.70.30-020 (Ord. 2308, Exhibit C); Exhibit A, Attachment 4.
- 5. The subject property contains three Category IV wetlands (Wetlands A, B, and C) and two Class IV streams (Streams I and II). The City's critical areas regulations require a 50-foot buffer for each of the Category IV wetlands and a 36-foot buffer for each of the Class IV streams. All of the wetlands, streams, and required buffers will be preserved within Tract A, a Native Growth Protection Easement. The Applicant does not propose any modification of the wetlands, streams, or buffers, which comprise 1.06 acres of the site area. *Exhibit A, Attachment 20, pages 10 and 12; Exhibit A, Attachment 14, Sheets P1 and P3*.
- 6. The subject property slopes down to the west and north with an overall vertical relief of approximately 140 feet. The western portion of the subject property contains slopes that satisfy City criteria for Landslide Hazard Areas and Erosion Hazard Areas. The City's critical areas regulations require a minimum 50-foot buffer from the top and toe of Landslide Hazard Areas, but allow the buffer to be reduced to a minimum of 15 feet if technical studies show that the reduced buffer would adequately protect the proposed and surrounding development (RCDG 20D.140.60-020). The Applicant's geotechnical engineer performed slope stability modeling and concluded that adequate factors of safety can be achieved with 15-foot buffers. This conclusion was confirmed in a peer review of the geotechnical reports. The Applicant proposes to preserve the critical slopes and 15-foot buffers within Tract A. No alteration of the critical slopes is proposed. The critical slopes and buffers total 0.44 acres. Exhibit A, Attachments 14 (Sheets P1 and P3), 23 and 24; Exhibit K; Testimony of Mr. Hollingbery.
- 7. The affordable housing regulations (Ordinance 2308) require new developments within the North Redmond Neighborhood to provide affordable housing equal to ten percent of the units within the development. Calculated from the base density of 21 dwelling units (the 4.8 acres of R-4 land contribute 19 dwelling units and the 1.5 acres of critical areas contribute two dwelling units), the affordable housing requirement is two units. The Applicant proposes to provide two affordable housing units, consisting of a duplex located on Lots 10 and 11. Exhibit A, Attachment 14, Sheets P1 and P4; Exhibit R, Section C(2)(e); Exhibit A, page 13.

9 10

11 12

13 14

15 16

17 18

19

20 21

22 23

24

25 26

27 28

29 30 8. The proposed density of 25 dwelling units complies with the R-4/R-4C standard with use of PRD and affordable housing density bonuses, calculated as follows:

> R-4: 19 units (4.8 acres x 4) R-4C: 2 units (1.5 acres x 1) 2 units (21 units x 0.10) PRD:

Affordable Housing: <u>2</u> units (1 per affordable housing unit provided)

Exhibit A, pages 7-8; Exhibit A, Attachment 14, Sheet P1.

- 9. Many of the site requirements for residential zones (RCDG 20.30.25-140), including density, average lot size, lot width circle, setbacks, building separation lot coverage, impervious surface area, and building height, may be modified through the PRD process. The chart in Section VI(A) of the Technical Committee Report (Exhibit A) compares the residential site requirements with the modifications allowed by the PRD ordinance and with the modifications proposed by the Applicant. All of the modifications proposed by the Applicant satisfy the minimum standards of the PRD ordinance. In some areas, the Applicant proposes to comply with the residential site requirements even though modifications are allowed. For example, no modification is requested of the maximum impervious surface area or maximum building height, and the proposed building separation exceeds the site requirements in order to comply with North Redmond Neighborhood PRD standards. To summarize the characteristics of the project, the Applicant proposes an average lot size of 4,869 square feet; a minimum lot width circle of 20 feet; minimum front, side street, and rear setbacks of 10 feet (except for a minimum garage front setback of 18 feet); a minimum side yard setback of 5 feet; a minimum building separation of 15 feet; and a maximum lot coverage of 45 percent. Exhibit A, page 6; Exhibit A, Attachment 14, Sheets P1 and P4; Exhibit C.
- 10. Consistent with the North Redmond Neighborhood regulations, the Applicant proposes features to ensure variety and visual interest in building and site design, and to ensure that living spaces are oriented to the street. The Applicant proposes different styles of houses, including a design that features a carriage accessory dwelling unit over the garage (see Lots 1, 2, 6, 9, and 21), and a duplex design (Lots 10 and 11). Shared driveways are proposed for some of the residences. On Lots 1 and 2 and 20 and 21, the driveway design will result in a shared courtyard. The submitted building elevations show variety in rooflines and building materials, façade modulation, recessed garages, and front porches of various sizes. Exhibit A, Attachment 15; Exhibit R; Exhibit B, page 5; Exhibit A, page 12.
- 11. Planning staff evaluated the proposed building and site design and determined that they comply with the North Redmond Neighborhood regulations. However, some of the detailed requirements have been incorporated into the recommended conditions of approval. Prior to building permit issuance, the design of each residence will be reviewed by the Department of Planning and Community Development for conformance with the approved plans. Exhibit A, pages 12, 28, and 29; Exhibit A, Attachment 16.

- 12. The Applicant proposes to preserve approximately 40 percent of the subject property as open space as open space, including NGPE Tract A (82,095 square feet), Open Space Tract B (4318 square feet), Open Space Tract E (1,507 square feet), Storm Drainage Tract G (6,164 square feet), and Open Space Tract H (18,147 square feet). Consistent with the applicable North Redmond Design Standards (Ordinance 2308), the open space will exceed 25 percent of the site area, will be interconnected within the development, and will include (in Tract B) play equipment, benches, and a picnic table. *Exhibit A, Attachment 14, Sheets P1, P4, and P12*.
- 13. In addition to providing on-site recreation space, the Applicant will be required to pay a Parks Impact Fee at the time of building permit issuance, which will be based on the fee ordinance in effect at that time. The current fee amount is \$2,812 per single-family dwelling unit. *Exhibit A, Attachment 2*.
- 14. Consistent with the North Redmond Neighborhood regulations, the Applicant proposes to landscape the yards and common areas, use at least six inches of compost in the planting areas, and preserve more than 50 percent of the native vegetation and native soils. *Exhibit A, Attachment 14, Sheets P13 and P14; Exhibit D, page 2; Exhibit C (Ordinance 2308).*
- 15. The subject property contains 306 significant trees (six inches or more in diameter at breast height), including seven that are classified as "landmark" trees (over 30 inches in diameter at breast height). *Exhibit A, Attachment 14, Sheet P5; Exhibit A, Attachment 17; RCDG 20A.20.120*.
- 16. The City's tree retention standards require that 35 percent of all significant trees be retained in new developments, and prohibit the removal of landmark trees without approval of an exception. *RCDG 20D.80.20-070*. The Applicant proposes to retain 116 significant trees (37.9 percent), including four of the seven landmark trees. The retained trees will be located within the NGPE and open space tracts in the western portion of the subject property. The Applicant proposes to remove three of the landmark trees due to conflicts with proposed utility lines, home sites, and grading. On July 6, 2009, the Assistant Director of Planning and Community Development granted an exception authorizing removal of the trees, finding that strict compliance with the tree retention standard would jeopardize reasonable use of the property. The exception was conditioned on the Applicant planting replacement trees at a 3:1 ratio (nine trees total). *Exhibit A, Attachments 18 and 19; Exhibit A, Attachment 14, Sheet P5*.
- 17. Consistent with RCDG 20D.80.20-080, the Applicant proposes to plant replacement trees for the removed significant trees at a minimum 1:1 ratio. The preliminary landscape plan depicts that 203 replacement trees will be planted throughout the development, including 32 street trees, 58 trees within the open space tracts, and 113 trees on individual lots. The quantity of trees planted will be adequate to mitigate both the loss of non-landmark significant trees and the loss of landmark trees per the conditions of the tree exception. *Exhibit A, Attachment 14, Sheets P12-P14*.

- 18. The subject property contains two habitat types, including a Meadow-Shrub habitat that covers approximately 40 percent of the site, and a Conifer-Hardwood Forest habitat that covers approximately 60 percent of the site. The Meadow-Shrub habitat coincides with much of the proposed development area, and the Conifer-Hardwood Forest habitat coincides with the critical areas and open space tracts, the northernmost lots, and the site perimeter. The site provides potential habitat for up to 41 species of wildlife, most of which are primarily associated with the Meadow-Shrub habitat type. *Exhibit A*, *Attachment 21*.
- 19. The pileated woodpecker is the only priority species known to be present on site. It is a state candidate for listing as endangered, threatened, or sensitive. The black-tailed deer and band-tailed pigeon are priority game species that might be present on the site, although no signs have been observed. The pileated woodpecker is not primarily associated with either of the habitat types on the subject property, but is secondarily associated with the Conifer-Hardwood Forest habitat. Signs of woodpecker foraging have been observed on snags on site, most of which are located within proposed Tract A (NGPE). The Applicant proposes to retain the snags that do not pose a safety hazard or interfere with development. *Exhibit A, Attachment 21*.
- 20. The design of the project takes into account the topography of the subject property. No development is proposed on those slopes that constitute landslide or erosion hazard areas. Within the developed portion of the site, the road and access tracts will be generally oriented parallel to the grading contours, and daylight basements and other design features will be used to allow grade changes across the lots. *Exhibit A, Attachment 14, Sheets P4 P7; Exhibit A, Attachment 15; Testimony of Mr. Hollingbery.*
- 21. Even with the design features described above, there are some areas where the steepness of the topography will require vertical cuts or fills in excess of eight feet, which is the maximum allowed under City standards. One area is at the place where the cul-de-sac road turns west. Cuts in excess of eight feet are needed in that area to ensure that the road can meet the grade of the bulb of the cul-de-sac consistent with City road standards. Another area is within Lots 14, 15, and 16, where fill in excess of eight feet is needed due to east-west ravines located within those lots. On September 3, 2008, the Technical Committee approved the deviation from the grading limitation. *Exhibit A, Attachment 14, Sheets P4 P7; Exhibit A, Attachments 26 and 27; Exhibit A, page 15*.
- 22. The Applicant proposes to treat and detain stormwater in an underground vault located in the southwest corner of the subject property (Tract G). The treated stormwater will be released at a controlled rate into an existing drainage ditch along 162nd Place NE, which is the natural point of discharge. The stormwater facilities will be designed consistent with the Washington State Department of Ecology's Stormwater Management Manual for Western Washington and City of Redmond standards. *Exhibit A, Attachment 14, Sheets P3 and P8; Exhibit A, Attachment 25.* Use of Low Impact Development techniques such as bio-retention swales, dispersal, and infiltration is not feasible on the site due to the steep slopes and soil classification. *Exhibit Q, page 7.*

25

30

- 23. The Applicant's hydrogeologist evaluated the effect the development will have on groundwater recharge. He found that the development will not have significant adverse effects on existing surface water or ground water systems, and will not have any adverse effects on wells and drainfields in the vicinity. *Exhibit A, Attachment 22*.
- 24. Water and sewer is available to the subject property, although utility service will require the construction of certain improvements. The Applicant and the City Public Works Department are in agreement as to all of the required utility improvements except for one, and that is the City's request for a pressure-reducing valve (PRV) station within the NE 122nd Street right-of-way. Water pressure reduction is needed due to the topography of the neighborhood. As water travels west (downhill) along NE 122nd Street, it goes from a higher-pressure zone (zone 470) to a lower-pressure zone (zone 390) slightly east of the east boundary of the proposed development. There is no dispute that some type of PRV is needed to ensure that the water pressure at the proposed residences does not exceed the plumbing code standard of 80 pounds per square inch (PSI). The dispute is whether the Applicant must provide a system PRV (one that is on the water main within the public right-of-way) or install individual PRVs within each residence. From an engineering standpoint, either option would provide adequate pressure reduction. However, the difference in cost is significant – a system PRV would cost the Applicant approximately \$50,000 to install, whereas individual PRVs would cost the Applicant \$100 per residence (\$2,500 total). The Applicant argued that a condition requiring a system PRV would violate RCW 82.02.020, Washington case law, and constitutional limitations on off-site improvements. Testimony of Mr. Hollingbery; Testimony of Mr. Franklin; Argument of Ms. Martin; Exhibits E, O, P, and S.
- 25. The water facilities proposed by the Applicant comply with Washington State and City of Redmond minimum water pressure standards, which are described on page 5-3 of the 2000-2010 City of Redmond Water System Plan (Exhibit N). *Exhibit S; Exhibit N*. With respect to maximum service pressure, the Water System Plan states as follows:

Although WAC 246-290-230 does not establish maximum allowable system pressure requirements, new facilities are typically designed to limit maximum system pressures to 100 psi. This criteria helps minimize the need for individual pressure-reducing valves at customer taps, which the local plumbing code requires on new service lines with pressures greater than 80 psi. The City's policy is not to retrofit areas with current service pressures exceeding 80 psi. However, individual customers can install their own pressure-reducing valves if desired.

Exhibit N (Water System Plan, page 5-3).

26. The Water System Plan explains pressure zones and the placement of system PRVs as follows:

From an operations and system reliability standpoint, it is desirable to keep the number of pressure zones to a minimum and to combine zones wherever

30

possible. The number of PRV stations serving any given zone should be sufficient to meet firefighting requirements if any one station is out of service. For reliable service to the zone, at least two stations should serve each zone, where possible.

Exhibit N (Water System Plan, page 5-4).

- 27. The submitted water system maps show that the subject property is in an isolated segment of pressure zone 390. The requested PRV would be the only one serving the subject property. The Applicant argued that requiring a system PRV at the requested location would be like creating a new pressure zone within the City system, and would result in a system that is less reliable for residents because the PRV would not be available during maintenance. *Exhibit S; Exhibit H, Slide 9*.
- 28. The basis for the City's request for a system PRV is the Water System Plan and the City's subdivision and utility standards. The Water System Plan includes a map that shows a PRV in the requested location as a "developer improvement." *Exhibit U; Exhibit N, Figure 8-1*. In addition, the subdivision and utility standards include the following that are relevant to the issue:

20D.180.10-080 Water Supply.

All lots shall be served by a water system approved by the City of Redmond. Any common water system serving more than one lot shall be provided by the applicant and dedicated to the appropriate water purveyor. Such water supply systems shall be designed and constructed according to all applicable provisions of the Development Guide, the standard and specifications of the water purveyor and the applicable rules and regulations of the State. (Formerly 20C.20.242(40))

20D.220.20-050 Adequate Water Supply.

All uses or development shall be served by an adequate public water supply system. A public water system is adequate for a development proposal provided that:

- (1) For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate the following:
- (a) The proposed development can be connected to the City's water supply system or another system approved by the City.
- (b) The water supply system can supply sufficient flows to serve the proposed uses and their needed fire flows.
- (c) The water supply system has sufficient storage capacity to serve the proposed uses and their needed fire flows.
- (2) The Technical Committee shall review the proposed water supply system and if the system meets the requirements of this section, approve the water system. The Technical Committee can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met. These improvements include, but are not limited to:

- (c) The construction of off-site improvements needed to: ...
 - (ii) To provide the storage and flows needed to meet the level of service standards and the requirements of the Water System Plan....

(d) The construction of pressure-reducing valves and similar appurtenances to provide pressure zone separation in the distribution system.

Exhibit U.

- 29. Public Works Department staff argued that the Applicant must provide a PRV in the 122nd Street right-of-way in order to serve the development with a public water supply system, but acknowledged that proportionality (i.e., whether the improvement is proportional to the impacts of the development) might be an issue. Staff submitted that it would require any size development to install a system PRV, and argued that references to individual PRVs in the Water System Plan relate to existing development but not to new development. Testimony of Mr. Franklin.
- 30. The subject property is located within the Lake Washington School District. The School District has determined that it will provide school bus service to students within the development. The subject property is more than one mile from the elementary school. *Exhibit A, Attachment 29*.
- 31. School impact fees will be required at the time of drywall inspection for each of the residences, based on the fee ordinance in effect at that time. The current fee is \$2,750 per single-family unit. *Exhibit A, Attachment 2*.
- 32. Access to the PRD will be from NE 122nd Street via a new cul-de-sac street. All lots within the PRD will take access from the cul-de-sac street or from one of three private access tracts (Tracts C, D, and F). The street will satisfy City standards for pavement width and will include two travel lanes, sidewalks, planter strips, and easements for utilities. Per a deviation granted by the Technical Committee per the PRD ordinance, the right-of-way width will be 48 feet instead of 50 feet. *Exhibit A, Attachment 14, Sheet P8; Exhibit A, pages 14, 15, and 18.*
- 33. The subject property has frontage on the east side of 162nd Place NE and the north side of NE 122nd Street. Neither of these streets is improved to City standards. As agreed by the Public Works Department and the Applicant, the Applicant will provide frontage improvements on NE 122nd Street, including curb, gutter, sidewalk, and planter strip; will enter into a voluntary agreement for payment of mitigation fees of \$300,000.00 towards future construction of frontage improvements on 162nd Place NE; will waive refund of the voluntary mitigation fees (RCW 82.02.020 requires a refund of fees not spent within five years); and will waive transportation impact fee credits based on payment of the voluntary mitigation fees. *Exhibit A, Attachment 14, Sheet P2; Exhibit A, page 18 and Attachment 28.*
- 34. The stopping sight distance at the intersection of the new cul-de-sac road and NE 122nd Street will satisfy City standards, as will the entering sight distance to the east. The

¹ One reference is in Table 2-4, in which it is noted that in the Novelty Hill Service Area, individual pressurereducing valves will be required for customers in areas with static pressures greater than 80 psi. Another reference is on page 5-3, which is printed in full in Finding 25. *Exhibit N*.

entering sight distance to the west will be 240 feet due to geography and the gradient of 162^{nd} Place NE, whereas the standard is 390 feet. The Public Works Department has approved the deviation from the entering sight distance standard. *Exhibit A, page 15 and Attachment 31*.

- 35. The proposed development is expected to add 29 new PM peak hour trips to the local street system. The traffic is below the City's threshold for requiring preparation of a traffic impact analysis report. However, City of Redmond and King County transportation impact fees will be required at the time of drywall inspection for each of the residences, based on the fee ordinance in effect at that time. The current City fee is \$6,900.64 per single-family unit, and the current King County fee is \$1,400 per single-family unit. In addition, the Applicant will be required to pay a City Road Surface Impact Mitigation Fee. *Exhibit A, Attachments 30 and 2*.
- 36. The subject property is on a section NE 122nd Street that consists of two narrow travel lanes. Although there is a sidewalk on the south side of the street in the vicinity of the subject property, there are no shoulders or designated pedestrian facilities on the north side of the street. The lane edge is abrupt, and the adjacent right-of-way is sloped and contains obstructions such as mailboxes, signs, and drainage facilities. *Exhibit V; Exhibit H, Slide 13*.
- 37. The sidewalk on the south side of 122nd Street NE is in front of the Prescott Glen PRD, and it extends from the east boundary of the subject property to a point several hundred feet to the east. The sidewalk is depicted in light blue on Slide 14 of the Applicant's PowerPoint presentation (Exhibit H). *Exhibit H*.
- 38. In addition to providing a sidewalk along the property frontage, the Public Works Department requested that the Applicant be required to extend an interim walkway from the east property boundary to the intersection of 166th Place NE (opposite the entrance to Prescott Glen PRD), a distance of approximately 300 feet. The Public Works Department requested the improvement to ensure that there is a walkway along the north side of 122nd Street NE between the subject property and the nearest intersection, which could serve as an unmarked crosswalk. The interim walkway would not be required until building occupancy, and if prior to that time the developer of an intervening parcel developed a permanent sidewalk, the interim walkway would not be required in that area (the City is currently reviewing a development application for one of the intervening parcels). *Testimony of Mr. Almond*.
- 39. The Development Services Manager of the Public Works Development provided statistics generally indicating that residents of the PRD should be expected to want to walk for recreation and other purposes. He submitted that an interim sidewalk is imperative to provide pedestrians with a safe means of travel between the proposed development and the adjacent neighborhoods. As support for the request, he provided citations to Comprehensive Plan policies that support multi-modal transportation connections (see Policy FW-31), neighborhood connectivity (see Policy CC-23), completing "missing links" within the street system (see Policy TR-21), and considering

safety and security for pedestrians when reviewing development proposals (see Policy TR-34), and citations to City regulations that require developers to provide pedestrian facilities. *Exhibit V*.

- 40. No evidence was presented that the requested interim sidewalk along the north side of NE 122nd Street would ensure a continuous walking route to a school, park, or other public destination. Sidewalks are limited in the area. *See Exhibit H, Slide 14 and Argument of Ms. Martin.*
- 41. The Applicant objected to the interim sidewalk requirement because the City did not show that the off-site extension is the minimum needed to ensure safe movement of pedestrians pursuant to RCDG 20D.210.20-150(2), because students will be bussed to school, and because there is no nexus or proportionality between the improvement and the impacts of the development. *Argument of Ms. Martin*.
- 42. Consistent with the requirements identified by the Fire Department, the Applicant proposes to install sprinkler systems in each of the residences, sign or mark the internal street and access tracts as fire lanes, and install fire hydrants. The Applicant will also be required to pay a Fire Impact Fee at the time of drywall inspection. *Exhibit A, Attachment 14, Sheet P11; Exhibit A, Attachments 1 and 2*.
- 43. Public comment on the proposal related to impacts to the residential parcels to the east of the subject property, which are larger wooded lots. The concerns included the following:
 - Reduced privacy and increased risk of trespass
 - Damage to trees from rockery installation along the shared eastern property line and from wind throw
 - One neighbor (Mr. Henderson) requested a utility easement along the rear yard of Lots 9, 10, and 12 so that he might access the public sewer system within the development.

Exhibit A, Attachments 8 and 11; Exhibit F; Testimony of Mr. Henderson; see also Exhibit A, Attachment 14, Sheet P5 and Attachment 3.

- 44. In response to the public comment, the Applicant agreed to install a six-foot wood fence along the eastern property boundary, behind Lots 1-10, 12, 13, and Tract C (see Exhibit I); and agreed to protect off-site trees to east and north as described in Exhibit J. The proposed condition reads in relevant part as follows:
 - ...The applicant will consult with the project arborist during project engineering design and during project construction to address potential impacts of proposed improvements to off-site trees and reasonable mitigation measures for such impacts. When the project arborist deems it to be reasonably necessary to employ mitigation measures the applicant will do so. Potential mitigation

29

30

measures include, but are not limited to the following: adjustment of rockery locations, limitation of grading, and adjustment to location of homes.

Exhibit J. The Applicant did not agree to provide the utility easement requested by Mr. Henderson, but will provide a sewer stub for the property east of Tract C as recommended by the Public Works Department. Exhibit A, page 25; Testimony of Mr. Hollingbery.

- 45. The Applicant and City staff requested that the PRD and preliminary plat be valid for a period of seven years. Although normally preliminary plats are valid for five years, Ordinance No. 2468 extended the time period for submitting a final plat to seven years after preliminary plat approval. The PRD ordinance allows the decision-maker to specify the period of validity, as long as it is at least five years. In this case, a seven-year authorization would match the preliminary plat authorization. *Testimony of Ms. Johnson; Exhibit G; Exhibit C (RCDG 20C.30A.780, Ord. 1901)*.
- 46. The City evaluated the environmental impacts of the proposal as required by the State Environmental Policy Act (SEPA) and issued a Determination of Nonsignificance on June 15, 2009. *Exhibit A, Attachment 10*.
- 47. The Applicant held a neighborhood meeting on the PRD on July 8, 2009. *Exhibit A, Attachment 9*.
- 48. Notice of the open record hearing before the Hearing Examiner was mailed to parties of record and surrounding property owners on July 13, 2009; published in *Seattle Times* on July 13, 2009; and posted on site, at City Hall, and at the library on July 13, 2009. *Exhibit A, Attachment 12*.

CONCLUSIONS

Jurisdiction:

Pursuant to RCDG 20F.30.15-040 (Ord. 2180), the Hearing Examiner has jurisdiction to hold an open record hearing and make a recommendation to City Council on planned residential development applications, and to hold an open record hearing and make a final decision on preliminary plat applications.

Criteria for Review:

Planned Residential Development (Ordinance 2308)

RCDG 20C.30.105-040 Decision Criteria.

- (1) Design Criteria. The City may approve, or approve with modifications, a PRD or MPRD if the proposal meets the requirements of this chapter and the design of the proposed development achieves two or more of the following results:
 - (a) High quality architectural design, placement, relationship or orientation of structures;

- Achieving allowable densities for the subject property;
- Providing housing types that effectively serve the affordable housing needs of
- Improving circulation patterns or the screening of parking facilities;
- Minimizing the use of impervious surfacing materials;
- Increasing open space or recreational facilities on site;
- Landscaping, buffering, or screening in or around the proposed PRD or MPRD;
- Preserving, enhancing or rehabilitating natural features of the subject property such as significant woodlands, wildlife habitats or streams;
- Incorporating energy efficient site design or building features;
- Providing for an efficient use of infrastructure.
- Incorporating a historic structure(s) or a historic landmark in such a manner as preserves its historic integrity and encourages adaptive reuse.
- (2) Public Facilities. The PRD or MPRD shall be served by adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary
- (3) Perimeter Design. The perimeter of the PRD or MPRD shall be appropriate in design, character and appearance with the existing or intended character of development adjacent to the subject property and with the physical characteristics of the subject property.
- (4) Open Space and Recreation. Open space and recreation facilities shall be provided and effectively integrated into the overall development of a PRD or MPRD and surrounding uses.
- (5) Streets and Sidewalks. Existing and proposed streets and sidewalks within a PRD or MPRD shall be suitable and adequate to carry anticipated traffic within the proposed project and in the
- (7) Supplemental Requirements for the North Redmond Neighborhood. The design of PRDs in the North Redmond Neighborhood shall include the following:
 - Maintain a minimum building separation of 15' except for small structures ...
 - Low Impact Development techniques where applicable to the specific site....
 - Use of a minimum of 6 inches of compost in all planting areas, along with the compost-amended soils to establish the required depth.
 - Maintain a minimum of 50% of on-site native soils and a minimum of 50% of the on-site native vegetation as defined in the Redmond Community

20D.180.10-020 Review and Approval Criteria

30

28

29

30

- (1) Each proposed subdivision or short subdivision shall be reviewed to insure that:
 - a. The proposal conforms to the goals, policies and plans set forth in RCDG Title 20B;
 - b. The proposal conforms to the site requirements set forth in RCDG 20C.30.25-140, Site Requirements;
 - c. The proposal conforms to the requirements of this section and those set forth in RCDG Title 20F and submittal requirements on file in the Planning Department;
 - d. The proposed street system conforms to the City of Redmond Arterial Street Plan and Neighborhood Street Plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;
 - e. The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - f. The layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots;
 - g. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.
- (2) 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:

- A. With conditions of approval, the proposal satisfies the criteria for a PRD.
 - 1. The proposal achieves several of the PRD design criteria (only two are required), including:
 - High-quality architectural design, placement, and orientation of structures
 - Achieving allowable densities (the project utilizes the allowed base density and all available density bonuses)
 - Increasing open space and recreation facilities on site
 - Landscaping, buffering, or screening (the project includes a fence and landscaping between the proposed residences and the lower-density development to the east, and significant landscaping is proposed on the lots and within the open space tracts)
 - Preserving natural features

Findings 4, 5, 6, 8, 9, 10, 11, 12, 14, 43, and 44.

30

2. The PRD will be served by adequate public facilities, including streets, pedestrian facilities, fire protection, water, storm water control, sanitary sewer, and parks and recreation facilities. *Findings 12, 13, 22, 23, 24, 25, 32, 33, 34, and 42*.

With respect to water infrastructure, RCDG 20D.220.20-050 generally authorizes the City to require a developer to provide an off-site system PRV. *Finding 28.* However, the extent to which the City may exercise that authority is limited by RCDG 20D.220.20-020, which provides in relevant part as follows:

- (1) All new development proposals ... allowed by the Redmond Community Development Guide ... that requires City of Redmond approval shall be adequately served by the following facilities and services ...
 - (b) Water supply....
- (2) All improvements, dedications, or property transfers required under this division shall meet both of the following provisions:
 - (a) The impacts of the development shall contribute to the need for the required improvement, dedication, or transfer.
 - (b) The required improvement, dedication, or transfer shall be roughly proportional to the impact of the development. A requirement is roughly proportional if it is related in nature and extent to the impact of the proposed development.²

RCDG 20D.220.20-020.

The City's ability to require a system PRV is also limited by RCW 82.02.020, which reads in relevant part as follows:

Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect ... on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the ... city ... can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. ...

No ... city ... shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is <u>reasonably</u> necessary as a direct result of the proposed development or plat.

RCW 82.02.020 (*emphasis added*).

² The quoted language is similar to the constitutional criteria for dedications of land set forth in the Washington court decision *Burton v. Clark County*, 91 Wn. App. 505 (1998).

In this case the pressure reduction needs of the development can be satisfied by low-cost individual PRVs. The proposed development is relatively small in size, and is located in an isolated segment of the pressure zone. Under these circumstances a system PRV would be disproportionate to the impacts of the development, and would not be "reasonably necessary" as a result of the development. Consequently, this recommendation/decision adopts the version of Condition B(2)(a) that is shown in Exhibit P, which is the Applicant's proposed version of the water system condition. The Hearing Examiner has added language to the condition requiring individual PRVs. *Findings 24-27 and 29*.

The question as to whether the Applicant must provide an off-site interim walkway is more challenging. In addition to the policies of the Comprehensive Plan that support neighborhood connectivity, the RCDG contains the following relevant provisions:

Transportation Standards

20D.210.20-150 Required Off-Site Street Improvements.

It shall be a condition of approval for development permits that off-site street improvements including ... sidewalks ... shall be installed by the applicant prior to final approval or occupancy as follows: ...

- (1) Street improvements shall as a minimum include half the street abutting the property.... Additional construction may also be required beyond the property frontage to the minimum extent to ensure safe movement of vehicles, bicyclists or pedestrians and to connect with nearby improvements within 350 feet. These may include ... the construction of ... sidewalks
- (2) The Technical Committee may allow an exception to these requirements if the applicant demonstrates ...
 - (a) The impacts of the development do not contribute to the need for the required improvement or dedication; or
 - (b) The required improvement or dedication is not roughly proportional to the impact from the development. \dots

Adequate Public Facilities and Services Required 20D.220.20-020 General Requirements.

- (1) All new development proposals ... allowed by the Redmond Community Development Guide ... that requires City of Redmond approval shall be adequately served by the following facilities and services ...
 - (d) Streets, sidewalks, trails, and access....
- (2) All improvements, dedications, or property transfers required under this division shall meet both of the following provisions... [see discussion of water supply above for full quotation]

20D.220.20-070 Adequate Streets, Sidewalks, and Trails.

- (1) All new uses or development shall be served by adequate streets, sidewalks, and trails. Streets, sidewalks, and trails are adequate if all of the following conditions are met: ...
 - (c) The proposed development and the traffic, pedestrians, and bicyclists generated by or attracted to the development will not create safety hazards on nearby streets and sidewalks or those hazards will be corrected by the applicant....

30

- (e) All sidewalks and pedestrian improvements required by RCDG Title 20 are provided....
- (2) Location of sidewalks, walkways, trails, bikeways, bike lanes, and bicycle routes.
 - (a) Sidewalks, walkways, trails, bikeways, bike lanes, and bicycle routes shall be located in public rights-of-way or easements that guarantee public access.
 - (b) Trails, walkways, and bikeways shall follow the routes shown in the Comprehensive Plan, but may vary if connections between points are maintained. In determining the location of walkways, trails, bikeways, bike lanes, and bicycle routes, the following factors shall be considered:
 - (i) The locations shown on RCDG Title 20B, Comprehensive Plan.
 - (ii) The need to improve access to public facilities.
 - (iii) The need to connect a development with various ways, such as streets, trails, bikeways, and walkways.
 - (iv) The need to provide access between developments and uses.
 - (v) The feasibility of constructing the facility in the proposed route....

The cited code provisions support requiring the construction of off-site walkways under certain circumstances. In this case NE 122nd Street does not contain safe walking facilities on the north side of the street, and an interim walkway of less than 350 feet in length would provide a connection between the subject property and a potential safe street crossing into the Prescott Glen PRD. *Findings 36, 38, and 39.*

The issue with the interim walkway is proportionality. The subject property has significant street frontage relative to the number of lots proposed, and the Applicant will be responsible for paying for or constructing improvements on both roads. Even though RCW 82.02.020 requires voluntary mitigation fees to be refunded after five years if not used, the Applicant has waived refund of the fees, and has also waived transportation impact fee credits. Consequently, the mitigation imposed by the City and agreed to by the Applicant is quite high even without an interim walkway. Further, there is already a sidewalk on the south side of the street. Although crossing to the sidewalk from the subject property frontage might not be ideal from a sight distance perspective³, it cannot be said that the PRD has no connection to off-site destinations such as the Prescott Glen PRD. Findings 33, 34, 35, 37, and 41.

If through review of the PRD Council wishes to reinstate the interim walkway condition requested by the Public Works Department (Condition B (1)(e)), it must be noted that the version attached to the Technical Committee Report incorrectly identifies the east terminus of the improvement as the intersection of 167th Place NE. The correct intersection is 166th Place NE. In addition, because development is proposed on one of the parcels that would be crossed by the interim walkway, the Hearing Examiner would recommend that language be added to clarify that the east terminus of the improvement is 166th Place NE or the west terminus of sidewalk or walkway improvements constructed by others, whichever represents the shorter distance. Such clarification would ensure that

³ It should be noted that the Public Works Department did not allege any specific safety issues. The Hearing Examiner infers that sight distance might be a problem based on Finding 34.

the condition is the minimum needed to ensure safe movement of pedestrians. *Finding 38.*

- 3. The perimeter of the PRD will be appropriate considering the existing or intended character of adjacent development and the characteristics of the subject property. The western, southern and a portion of the northern perimeter of the PRD will consist of vegetated open spaces (Tracts A, H, and E). The eastern perimeter of the development and the portion of the northern perimeter that is adjacent to an existing residence will be fenced, and trees will be planted along the fence per the preliminary landscape plan (see Exhibit A, Attachment 14, Sheet P12). Due to the critical areas in the western portion of the site, all development must be clustered in the eastern portion of the site. Consequently, a condition that the Applicant provide a wide landscaped buffer along the eastern boundary would not be reasonable. However, the Applicant proposes measures to minimize construction-related damage to trees on the parcels to the east, which should help retain natural buffers on those parcels. *Findings 5, 6, 12, 14, 43, and 44.*
- 4. Open space and recreation facilities will be provided and will be effectively integrated into the PRD. The recreation space will be centrally located and accessible to all residents (see Exhibit A, Attachment 14, Sheet P12). The remaining open space tracts will be contiguous to each other, and will be connected to the recreation space via the internal road. *Finding 12*.
- 5. The proposed streets and sidewalks within the PRD will be suitable and adequate to carry anticipated traffic. *Findings 32, 33, and 35*.
- 6. The residences will be separated a minimum of 15 feet. *Finding 9*.
- 7. Low Impact Development techniques are not feasible on the site. *Finding 22*.
- 8. Compost will be used in the planting areas. *Finding 14*.
- 9. At least 50 percent of the on-site native soils and at least 50 percent of the on-site native vegetation will be maintained. *Finding 14*.
- B. With conditions of approval, the proposal satisfies the criteria for a preliminary plat.
 - 1. The proposal is consistent with the North Redmond Neighborhood policies of the Comprehensive Plan. The Applicant will provide a variety of housing types, preserve natural features, and fund public facility improvements through the payment of impact fees and voluntary mitigation fees. The internal road will be two lanes wide, consistent with the City's road standards. *Findings 3, 5, 6, 10, 13, 16, 31, 32, 33, 35, and 42*.

2. The proposal is consistent with the requirements of RCDG 20D.180 and RCDG 20F, as described in more detail as follows.

RCDG 20D.180 contains standards addressing lots, utility and native growth protection easements, water supply, sewage disposal, storm drainage, undergrounding of utilities, streets, streetlights, surveys, public accessways, clearing and grading, and financial guarantees. Although not all of these items are addressed in the Findings, the conditions of approval, including those set forth in Exhibit A, Attachments 1 and 2, address them. The City has already approved deviations from the road and grading standards to allow an internal road right-of-way width of 48 feet, reduced entering sight distance, and cuts and fills in excess of eight feet. As described in Conclusion A(2), the water system is adequate with individual PRVs as proposed by the Applicant. *Findings 5, 6, 21, 22, 23, 24, 25, 32, 33, and 34.*

It is the Hearing Examiner's opinion that the "public accessways" standard of RCDG 20D.180-10-180 refers to dedicating land on the project site for purposes of facilitating public access to public places, and does not refer to off-site sidewalk improvements such have been requested in this case. To the extent that the standard can be read as including off-site improvements, the requested interim walkway would not lead to schools, parks, or other public places. *Findings 38 and 40*.

With respect to the utility easement requirements of RCDG 20D.180.10-170, these refer to easements for construction and maintenance of utilities on the development site, but do not refer to easements for facilitating development on neighboring properties. The Hearing Examiner is not aware of any legal basis to require the Applicant to encumber three lots with a utility easement to benefit a neighboring property owner. The Applicant is providing a sewer stub in Tract C to allow for the future easterly extension of the sewer system. An easement on Lots 9, 10, and 12 is not required. *Findings 43 and 44*.

RCDG 20F contains procedural regulations regarding various types of development permits. Relevant to this case, Section 20F.40.150-050 contains a five-year limitation on preliminary plat approval. This limitation was increased to seven years pursuant to Ordinance No. 2468. The conditions of approval reflect a seven-year time period for both the plat and PRD. *Finding 45*.

- 3. The proposal conforms to the R-4 site requirements as modified through the PRD process. Approval of the PRD is essential for the lot configuration proposed. *Finding 9*.
- 4. The proposed street system will conform to the applicable plans and will provide for the safe, orderly and efficient circulation of traffic. The plat will be adequately served by a single cul-de-sac road from NE 122nd Street and private

access tracts. Steep slopes and other critical areas prevent additional street connections. *Findings 6 and 32*.

- 5. The layout of the lots, and their size and dimensions take into account the topography and vegetation on the site such that the buildings will be reasonably sited and disruption of the site, topography and vegetation will be minimized. Residential development will occur in the eastern portion of the site to avoid landslide and erosion hazard areas and other critical areas. Through the PRD, the lots will be smaller than R-4 standards to maximize density within the developable area. The lots and roads will be configured to minimize grading. Sufficient trees will be retained in the western portion of the site to comply with the City's tree preservation standards. *Findings 6, 14, 15, 16, 17, 18, 19, 20, and 21.*
- 6. The street and building sites will be on geologically stable soil. *Finding* 6.

DECISION AND RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner **GRANTS** the requested preliminary plat, subject to City Council approval of the PRD and the conditions that follow.⁴

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends that City Council **GRANT** the requested planned residential development, subject to the conditions that follow.

A. General Conditions of Approval

The conditions of approval in Sections B, C, and D are site-specific in nature and do not encompass all codes and regulations applicable to this project. This approval is subject to all general criteria of all applicable City of Redmond codes and regulations, including the following:

Redmond Community Development Guide Redmond Municipal Code, Title 12 – Street and Sidewalks Redmond Municipal Code, Title 13 – Water and Sewers Redmond Municipal Code, Title 15 – Building and Construction Stormwater Technical Notebook, Issue No. 4 (2007) Record Drawing Requirements, Version 10-2005 (2005)

Please see Exhibit A, Attachment 1 for more detailed information on General Conditions and submittal requirements for Civil Plan Review.

This approval is also subject to payment of the fees and bonds described in Exhibit A, Attachment 2, as amended by Exhibit D. $\frac{5}{}$

⁴ Please note that in some places the condition numbers do not match those listed in the Technical Committee Report and other exhibits due to deletions and corrections.

22

23

24

25

26

27

28

29

30

The following table identifies those materials that are approved with conditions as part of this decision. The "Date Received" is the date that is stamped as "Received" by the Development Services Center.

Item	Date Received	Notes
Plan Set, Sheets P1-P14	06/02/09	and as conditioned herein.
SEPA Checklist	06/02/09	and as conditioned herein and as conditioned by the SEPA threshold determination on 6/15/09.
Architectural Elevations	06/02/09	and as conditioned herein.
Proposed Tree Preservation Plan, Sheet P5	06/02/09	and as conditioned herein.
Stormwater Design	08/26/2008	and as conditioned herein.

B. CONDITIONS TO BE REFLECTED ON THE CIVIL DRAWINGS

1. Public Works - Transportation and Engineering

Reviewer: Kurt Seemann, P.E., Senior Engineer

Phone: 425-556-2881

Email: kseemann@redmond.gov

- a. **Street Frontage Improvements.** The frontage along NE 122nd Street must meet the design found in the City of Redmond's 172nd Ave NE Corridor Study, which includes asphalt paving 10.5 to 14 feet from the centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5-feet wide planter strip, 6-feet wide concrete sidewalk, street lights, street trees, and street signs and underground utilities including power and telecommunications. The minimum pavement section for the street shall consist of:
 - i. 7" HMA Class ½" PG 64-22
 - ii. Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
 - iii. Street crown 2% sloped to drain system

- Section A(2): The Road Surface Impact Mitigation Fee amount is \$40.00 per <u>1,000 cubic yards</u> of fill per city street mile traveled.
- Section B(4): Reimbursement fees for connection of water and/or sewer are required in the amount of \$52,203.95 subject to the expiration terms of the reimbursement agreement.

⁵ The approved amendments include the following:

The applicant and the City of Redmond have mutually developed the agreement titled **Voluntary Agreement for Payment of Funds for Transportation Improvements** (Exhibit A, Attachment 28). The applicant shall enter into and record this agreement, in which the applicant agrees to pay a fee in lieu of constructing improvements to $162^{\rm nd}$ Place NE along the frontage of the proposed Cooper P.R.D. and agrees to waive its rights to any refund of such fee. Also, the applicant agrees to pay all applicable Transportation Impact Fees per RCDG 20D.210.10-120 and agrees to waive its rights to any credits associated with such impact fees.

Code Authority: RCDG 20D.180.10-140, 20D.180.10-150, 20D.210.20-150; Appendix 20D-3

b. **Site Access.** The type and location of the proposed site access is approved as shown on the June 2, 2009 site plan prepared by Core Design.

Code Authority: RCDG 20D.210.20-080

c. **Street Overlay.** On NE 122nd Street and 162nd Pl NE the asphalt street must be planed, overlaid, and/or patched, as determined by the Public Works Department, for any construction related damage that occurs.

Code Authority: RMC 12.08

d. **Streetlights**. Streetlights are required on NE 122nd Street and Road A 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: RCDG 20D.180.10-160

- f. **Public Street Improvements within Project.** The public street within the plat (Road A) must meet current City Standards which include asphalt paving 28 feet wide; type A-1 concrete curb and gutter on both sides; 5-feet wide planter strip and 5-feet wide concrete sidewalks both sides; street lights, street trees; street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:
 - i. 7" HMA Class ½" PG 64-22
 - ii. Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
 - iii. Street crown 2% sloped to drain system

Code Authority: RCDG 20D.180.10-140, 20D.180.10-150, Appendix 20D-3

- g. **Private Access Improvements within Project.** Improvements within Tracts C, D and F shall include asphalt paving (20 feet-wide) and storm sewers. The minimum pavement section for the accesses shall consist of:
 - i. 3" HMA Class 1/2" PG 64-22
 - ii. 4" crushed surfacing base course
 - iii. Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)

Further, improvements within Tract F shall:

- be designed for HS-20 vehicle loading
- include provisions to prevent differential settling along the vault edge

Code Authority: RCDG 20D.180.10-140; 20D.180.10-150; Appendix 20D-3

h. **Underground Utilities.** All existing aerial utilities shall be converted to underground along the property street frontage on NE 122nd Street as shown on the plat submittal and within the development. Undergrounding of existing aerial utilities along the property street frontage on 162nd Place NE shall not be required pursuant to the applicant entering into the Voluntary Agreement for Payment of Funds for Transportation Improvements (Exhibit A, Attachment 28). All new utilities serving the plat shall be placed underground.

Code Authority: RCDG 20D.180.10-120; 20D.220.10

i. **Site Civil Drawing Review.** After City Council approval of the Planned Unit Development (PRD), site civil drawings are required to be submitted for review and approval, prior to issuance of a building permit or clearing and grading permit. The submittal requirements for site civil drawings are contained with in Appendices 20C-1, 20D-1, 20D-2, 20D-3, 20D-4 and 20D-5, as well as in the Preliminary Plat and PRD approval documents. Code Authority: RCDG 20F.20.50-030

2. Public Works – Sewer and Water

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

Phone: 425-556-2844

Email: jstreit@redmond.gov

a. Water Service. Water service shall require the extension of a 12-inch diameter ductile iron water main along the project frontage in NE 122nd Street as shown on the drawings dated May 29, 2009 prepared by CORE Design plus an additional 10' to the west. 8-inch diameter ductile iron water lines shall be routed through the site as necessary to serve the new lots, as shown on the May 29, 2009 drawings prepared by CORE Design. Applicant will work with the City to provide an easement to the City for the City's (or City's designee) installation of a pressure reducing valve between the 390 and 238 pressure zones as shown

on Figure 8-1 of the City of Redmond 2000-2010 Water System Plan along the project's $162^{\rm nd}$ Place NE frontage at a mutually accepted location. Individual pressure reducing valves shall be installed in the residences to ensure that water pressures do not exceed plumbing code standards. The individual pressure reducing valves shall not be required if a pressure reducing valve station is installed in the water main in NE $122^{\rm nd}$ Street between the 470 and 390 pressure zones.

Code Authority: RCDG 20D.180.10-080; RCDG 20D.180.10-130; Appendix 20D-4, Section III

b. **Sewer Service.** Sewer service shall require the extension of an 8-inch diameter sanitary collection system through the site as necessary to serve the new lots, as shown on the June 2, 2009 drawings prepared by CORE Design. Additionally, a sanitary sewer stub shall be provided for the property east of Tract "C".

Code Authority: RCDG 20D.180.10-090; RCDG 20D.180.10-130; Appendix 20D-4, Section IV

3. Public Works - Clearing/Grading and Stormwater Management

Reviewer: Jeff Dendy, Senior Engineer

Phone: 425-556-2890

Email: jdendy@redmond.gov

a. Quantity Control

- (1) Stormwater discharges shall match the developed condition discharge duration to the pre-developed condition duration for the range of pre-developed discharge rates from 50% of the 2-year peak flow up to the full 50-year peak flow. Detention shall be provided in a publicly maintained vault.
- (2) Provide for overflow routes through the site for the 100 year storm runoff (100 year flow may not impact any buildings).

Code Authority: RCDG 20D.180.10-100; RMC 15.24.080(2)(c)

b. Quality Control

(1) Stormwater quality shall be provided in a publicly maintained wet-vault by a permanent pool. Treatment is required for the project runoff from the 6-month 24-hour return period storm.

Code Authority: RCDG 20D.180.10-100; RMC 15.24.080(2)(d)

<u>Street</u> <u>Species</u> <u>Spacing</u>

Internal Street To be determined To be determined

Code Authority: RCDG Section 20D.80.10-140

b. **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: RCDG 20D.80.10-150(8)

The recommendations of the applicant's arborist, Arboricultural Consulting LLC, shall be implemented in all situations were there is encroachment into the dripline of a tree that has been determined to be saved.

Code Authority: RCDG 20D.80.20

The tree exception request for removal of 3 landmark trees from the site shall be implemented in conformance with the tree retention plan.

Code Authority: RCDG 20D.80.20-090

c. **Architectural Elevation Approval.** All single-family building permits associated with the Cooper PRD and Plat shall be reviewed by the Department of Planning and Community Development for conformance to the approved building elevations.

Code Authority: RCDG 20C.30.105-040

Restrictive covenants to be recorded against the property in conjunction with the final plat of the subdivision shall include a statement notifying property owners that all new construction of single-family homes in the Cooper PRD shall comply with the approved Architectural Plans for the Cooper PRD on file with the City of Redmond Planning Department.

Code Authority: RCDG 20C.30.105-040.

Front entries shall be well-emphasized and provided with way-finding elements to the front door, such as arches, columns, porches, stoops, etc. Entrances to the homes shall include at least 80 square feet of outdoor living space such as porches, landscaped patios, stone or brick walkways with arbor, trellises or other features that create a progression of spaces from the public way to the individual private residences. Porches or patios should be designed to encourage outdoor sitting in the front yard. The minimum depth of the porches should be 5 feet to accommodate outdoor furniture. Houses without 80 square foot front porches

shall provide landscaped patios of a minimum of 80 square feet to accommodate outdoor furniture and space for passive recreational activity.

Code Authority: RCDG 20C.30.105-040.

d. **Neighborhood Regulations**: The Cooper PRD and Plat shall demonstrate conformance with the following North Redmond Neighborhood Regulations

Code Authority: RCDG 20C.70.30-040(2)

Variety in Building Design. The same combination of building elements, features and treatments shall not be repeated for more than 20 percent of the total dwelling units in a residential development.

Code Authority: RCDG 20C.70.30-060(2)(b)(1)

Garages. Garages facing the front street shall be set back a minimum of five feet from the street elevation of the dwelling, or otherwise designed and placed in a manner that meets the intent of this section, such as recessing under a second story or a projecting roofline, or other treatment(s). The front street elevation of a side-loaded garage shall have a minimum of one opening (i.e., window or door). Garages that face another direction, i.e., side- and alley-loaded garages, are exempt from the five-foot setback requirement.

Code Authority: RCDG 20C.70.30-060(3)(b)(ii)(B)

Transition Area. Provide a minimum 80-square-foot area in the front yard that is oriented toward the front street and includes a porch (minimum dimension eight feet on all sides), patio, deck, garden with entry, walkway with arbor, or other feature(s) that meets the intent of this section.

Code Authority: RCDG 20C.70.30-060(3)(b)(iv)

- e. **Permits Required.** A Forest Practice Application (FPA) must be issued by the Washington State Department of Natural Resources if deemed applicable. Proof of issuance of this approval must be submitted to the Planning Department. This action must be completed prior to Civil Drawing approval and all changes necessitated by this approval must be incorporated into the final construction drawings.
- f. **PRD Modifications.** As part of the Cooper Planned Residential Development, the following code provision shall be modified as recommended by the Technical Committee:
 - i. The average lot size requirement shall be 4,869 square feet.
 - ii. The minimum lot width circle requirement shall be 20 feet.

- iii. The minimum front setback shall be 10 feet with the provision that garages be set back 18 feet.
- iv. The minimum side street setback shall be 10 feet.
- v. The minimum side/interior setback shall be 5 feet.
- vi. The minimum building separation shall be 15 feet.
- vii. The maximum lot coverage shall be 45 percent.
- viii. The maximum impervious surface area shall be 60 percent.

C. CONDITIONS TO BE REFLECTED ON THE FINAL PLAT MYLAR

1. Public Works - Transportation and Engineering

Reviewer: Kurt Seemann, P.E., Senior Engineer

Phone: 425-556-2881

Email: kseemann@redmond.gov

a. **Development Access.** No lots shall be permitted direct access to NE 122nd Street or 162nd Pl NE. This restriction shall be indicated on the face of the final plat mylar.

Code Authority: RCDG 20D.210.20-080

- b. **Easements and Right-of-Way.** The existing and proposed easements and right-of-way shall be shown on the final plat, civil plans and other documents. Prior to acceptance of the right(s) of way and/or easements 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.
 - (1) Easements are required as follows:
 - (a) A 10-feet wide public sidewalk easement granted to the City of Redmond, along the NE 122nd Street and Road A rights-of-way
 - (b) A 10-feet wide public sidewalk and slope easement granted to the City of Redmond, along the 162nd Place NE right-of-way.
 - (c) A 10-feet wide public utility easement granted to the City of Redmond, along all rights-of-way including NE 122nd Street, 162nd Pl NE, and Road A.
 - (d) A 10-foot wide public utility easement granted to the City of Redmond, along Tracts C, D, and F as shown on the Core Designs plans submitted June 2, 2009.
 - (e) At time of construction, additional easements may be required to accommodate the improvements as constructed.
 - (2) Dedications are required as follows and shall be reflected on the mylar:
 - (a) 48-feet wide for all new public streets within the plat.

30

- (b) Right of way for 162nd Pl NE of varying width as shown on the 172nd Ave NE Corridor Study Preferred Alternative.
- (c) New right-of-way lines joining at street intersections 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.

Code Authority: RCDG 20D.210.20-050, 20D.180.10-070, 20D.180.10-150

2. Public Works – Sewer and Water

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

Phone: 425-556-2844

Email: jstreit@redmond.gov

a. Utility Easements.

- (1) General: City of Redmond utility easements meeting city standards for proposed water and sewer improvements shall be shown on the face of the plat and granted through the final plat document. Offsite easements must be recorded prior to construction drawing approval.
- (2) Vehicular Access Easements to all new and existing manholes: Grant a 20-foot access easement(s) and have covenants advising property owners of their obligation to maintain the availability of the access by providing gates and not obstructing the access, and that the property owners maintain, repair and replace the access surfacing as needed.

Code Authority: RCDG Appendix 20D-4, Section VI

3. Public Works – Stormwater/Clearing and Grading

Reviewer: Jeff Dendy, Senior Engineer

Phone: 425-556-2890

Email: jdendy@redmond.gov

- a. **Critical Landslide Hazard Areas.** In order to mitigate potential impacts to critical landslide hazard areas, all buildings shall be set back from the top/bottom of slope areas a distance as recommended by a geotechnical engineer through a slope stability analysis, but no closer than 15 feet. The top/bottom of the slope and slope setback shall be field surveyed and verified (located by bearings and distance) on the mylar.
- b. The Technical Committee has granted relief from the General Design Standard by permitting cuts and fills in excess of 8 feet.
- c. In order to address the future maintenance of rockeries on the project site, the applicant shall include provisions in the Homeowner's Association (HOA) CC&Rs providing that all rockeries over 4 feet in height shall be the maintenance responsibility of the HOA. The HOA will be granted access/maintenance easements ten feet in width between homes to within 15 feet of all rockeries over 4 feet in height, the location of which will be determined at

engineering design. Easements will also be granted along all rear yards where rockeries are located as shown on the May 29, 2009 CORE drawings. Maintenance of rockeries 4 feet or less in height shall be the responsibility of the owners of the property on which such rockeries are located or the HOA as set out in the CC&Rs. As an alternative to providing the maintenance easements, a retaining wall (i.e.: block, MSE, concrete) can be specified on the construction drawings.

4. Fire Department

Reviewer: Stan Noble, Deputy Fire Marshall

Phone: 425-556-2239 Email: snoble@redmond.gov

a. **Emergency Vehicle Access Easement.** All portions of Emergency Vehicle Access Roadway not in a public right-of-way, including turnarounds and Emergency Vehicle Operations Areas shall be maintained in a dedicated Emergency Vehicle Access Easement.

Code Authority: RCDG Appendix 20D-3, Section III

5. Planning Department

Reviewer: Thara Johnson, Associate Planner

Phone: 425-556-2470

Email: tmjohnson@redmond.gov

a. **Tree Preservation Plan.** The final Tree Preservation Plan must be recorded with the King County Recorder's Office as part of the final plat mylar in a format approved by the City of Redmond. For each lot and tract requiring tree preservation, each tree required to be retained shall be represented on the mylar. Each tree shall be represented by a tree symbol in the appropriate location on the plan with the dripline of each tree shown. A table indicating the size and species of each tree must be included on the plan sheet. An example follows:

Key: Tree Preservation Required

Tree Number	Size/Species	Lot/Tract
1		
2		
3		
Etc.		

The following statement must also be included on the Tree Preservation Plan, "The trees identified on this plan are required to be retained in perpetuity. Clearing, grading or construction of any improvements is prohibited within 5-feet of the drip line of each tree identified on this plan. A City of Redmond Tree Removal Permit is

22

2526

2728

2930

required for removal of any tree designated to be preserved and approval is reserved only for those trees deemed to be diseased, dying, or dead by a certified arborist. Should any tree be removed without obtaining a Tree Removal Permit, the property owner shall be subject to remedial measures that may include tree replacement and/or monetary penalties."

Code Authority: RCDG 20D.80.20-070(4)(b)

b. **Native Growth Protection Easement (NGPE).** The regulated critical areas and its associated buffer must be protected by a Native Growth Protection Easement (NGPE) in a tract where development is prohibited. The NGPE shall be shown on the plat mylar with a note reading as follows:

"The owner(s) of the land described hereon do(es) hereby grant and convey to the public, City of Redmond and its assigns, a perpetual Native Growth Protection Easement. This easement is for the preservation of the values and functions of the critical areas and their associated buffers. This easement and conditions shall be a covenant running with the land and shall be binding on the successors, heirs and assigns of the owners of the land. Disturbance of any kind is strictly prohibited except as follows. The City of Redmond and its assigns shall have the right without prior institution of any suit or proceeding of law, at such time as may be necessary, to enter upon said easement for the purpose of protecting and preserving the native growth area. This easement is binding on all present and future owners and occupiers of the land subject to this easement and the easement is enforceable on behalf of the public by the City of Redmond, to leave undisturbed all trees and other vegetation within the easement. The vegetation within the easement may not be cut, pruned, covered by fill, removed or damaged in any way without the express written permission from the City of Redmond Technical Committee. While the City has permission to enter the easement for the above purposes, this shall not constitute an obligation or special duty on the City's part to perform any or all of the above actions. The easement granted herein is identified and graphically depicted hereon."

Code Authority: RCDG 20D.140.10-180

c. **Setbacks.** Setback classifications (e.g. front, side, side street, rear) shall be noted on each lot corresponding to the appropriate location for each setback. The setback dimensions shall not be included.

Code Authority: RCDG 20C.30.25-080(2)

D. OTHER CONDITIONS

1. The Applicant shall install a six-foot-high wood fence on Lots 1-10, 12, and 13 and Tract C along the project perimeter.

- 2. The Applicant shall address potential project impacts to offsite trees located along the common boundary with properties to the east and north of the project. The Applicant shall consult with the project arborist during project engineering design and during project construction to address potential impacts of proposed improvements to off-site trees and reasonable mitigation measures for such impacts. When the project arborist deems it to be reasonably necessary to employ mitigation measures the Applicant will do so. Potential mitigation measures include, but are not limited to the following: adjustment of rockery locations, limitation of grading, and adjustment to location of homes.
- 3. **Limitation on Preliminary Plat Approval.** Final Plat approval must be acquired within seven years of preliminary approval, after which time the preliminary subdivision approval is void. The Hearing Examiner may grant an extension for one year if the applicant has attempted in good faith to submit the final plat within the seven-year time period; provided, however, the applicant must file a written request with the Hearing Examiner requesting the extension at least 30 days before expiration of the seven-year period.
- 4. **Limitation on Planned Residential Development Approval.** The PRD shall be valid for seven years and the City may grant one renewal, if requested by the applicant before the approval expires, for not more than two years. The City may modify the approval or conditions of approval as a condition of any renewal.

Dated August 20, 2009.

Toweill Rice Taylor LLC, Hearing Examiners for the City of Redmond By:

LeAnna C. Toweill

PROCEDURE FOR RECONSIDERATION

Any Party of Record may file a written Request for Reconsideration with the Hearing Examiner. The Request for Reconsideration shall explicitly set forth alleged errors of procedure or fact. The final date for motion for reconsideration is **5:00 P.M. on September 3, 2009,** and should be sent to the **Office of the Hearing Examiner**, City of Redmond, MS: 3NFN 15670 NE 85th Street, PO Box 97010, Redmond, Washington, 98073-9710.

FURTHER PROCEEDINGS

The foregoing Findings of Fact, Conclusions of Law, Decision and Recommendation will be referred to the City Council. The City Council shall, at a closed record public meeting, consider and take final action on the application. The City Council will not accept new information, written or oral, on the application but shall consider only the complete record developed before the Hearing Examiner and her recommendation. The City Council shall either: approve the application, with or without modifications, remand the application to the Hearing Examiner for additional review limited to specific issues, or deny the application. RCDG 20F.30.45-110

This Notice of Decision is provided pursuant to RCW 36.70B.130.