

**BEFORE THE CITY OF REDMOND  
HEARING EXAMINER**

In the Matter of the Application of	)	
	)	NO. LAND 2014-00816
	)	
Quadrant Homes	)	<b>Beuca Preliminary Plat</b>
	)	
	)	
For approval of a Preliminary Plat	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
_____	)	

**SUMMARY OF DECISION**

The request for approval of a preliminary plat subdividing 3.59 acres into 14 single-family lots is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request**

Quadrant Homes (Applicant) requested approval of a preliminary plat subdividing 3.59 acres into 14 single-family lots, including one duplex, for a total of 15 dwellings. The subject property is currently addressed as 16628 NE 122nd Street, Redmond, WA.

**Hearing Date**

The Redmond Hearing Examiner conducted an open record hearing on the request on August 4, 2014.

**Testimony**

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

- Thara Johnson, Associate Planner, City of Redmond
- Kurt Seeman, Senior Engineer, City of Redmond Transportation and Engineering
- Lafe Hermansen, CORE Design, Applicant Representative
- Mona Renner
- Sanjay Bijawat
- Marie Franco
- Harish Krishnamurthy
- Hanif Khan
- Lenny Dayberry

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## Exhibits

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

1. Technical Committee Report to the Hearing Examiner, with the following attachments:
  1. Vicinity Map
  2. Zoning Map
  3. General Application Form
  4. SEPA Application Form
  5. Completeness Letter
  6. Notice of Application and Certificate of Publishing
  7. Notice of Application Public Comment Letters
  8. SEPA Exemption, & Environmental Checklist
  9. Greenhouse Gas Emissions Worksheet
  10. Notice of Public Hearing and Certificates of Posting
  11. Preliminary Plat Plan set
  12. Title Documents
  13. Critical Areas Memo
  14. Arborist Report
  15. Landmark Tree Removal Exception Request Letter
  16. Landmark Tree Removal Exception Approval Letter
  17. Geotechnical Report
  18. Preliminary Storm Drainage Report
  19. Traffic Impact Analysis
  20. Application for Transportation Concurrency
  21. Comprehensive Planning and Transportation Master Plan Policies
  22. Deviation Requests
  23. Project Summary Table
  24. North Redmond Supplemental Connections Map (N-NR-5)
  25. Computation Sheet
  26. Project Contact Form
  27. TMP Policy on Neighborhood Connectivity
2. Planning Staff's PowerPoint presentation
3. City of Redmond Ordinance 2310, approving the Wexford Glen PRD, effective December 2, 2006, with the following attachments:
  1. Findings, Conclusions, and Recommendation of the Redmond Hearing Examiner in the Wexford Plat/PRD, issued September 18, 2006
  2. Order on Reconsideration, Wexford Plat/PRD, issued October 23, 2006

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 subdividing 3.59 acres into 14 single-family lots, to include one duplex for a total of 15 dwellings. The subject property is currently addressed as 16628 NE 122nd Street, Redmond, WA.<sup>1</sup> *Exhibit 1; Exhibit 1, Attachment 3.*
  
2. The property subject to the application is comprised of two tax lots, each developed with a single-family residence and associated accessory structures. The site is bounded on the east by single-family residences in a planned residential development known as Wexford. To the north there is undeveloped forested land and a residential lot. To the west is an approved but not yet built subdivision known as Shadowcreek. Northeast 122nd Street forms the southern boundary of the site. *Exhibit 1, page 4; Exhibit 2; Exhibit 1, Attachments 1 and 2.*
  
3. Topographically, the majority of the site slopes at a grade of five to 10% down to the west. The northern portion of the site is forested, and the areas surrounding the residences contain grass and mature trees. Soils observed on the site are gravely sandy loams. No evidence of surface or near surface water, hydric soils, or wetland hydrology was seen during an April 11, 2012 site visit by the Applicant's environmental consultants. The consultants found no evidence of nesting on-site or in the vicinity by hawks, eagles, great blue herons, or other species of concern during field investigation or search of the online Priority Habitats and Species database of the Washington Department of Fish and Wildlife. The subject property contains no geologically hazardous areas or other sensitive areas regulated by the City of Redmond's critical areas ordinance. The Technical Committee identified no hazards or limitations to site development during application review. *Exhibit 1, Attachments 13 and 17 (Appendix 3-A); Exhibit 1, pages 9, 10, 13-21.*
  
4. The subject property is located in the North Redmond Neighborhood and has an R-4 zoning designation. *Exhibit 1, pages 4-5.* The purpose of the R-4 zone is:

[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. Base density allowed on the 3.59 acres is 14 lots. 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. The

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<sup>1</sup> The legal description of the subject property is a portion of Section 25, Township 26 North, Range 5 East, W.M.; also known as Tax Assessor parcels 2526059029 and 2526059151. *Exhibit 1, Attachment 11 Sheet 1.*

affordable housing provisions provide at least one bonus market-rate unit for each affordable housing unit up to 15% above the maximum allowed density. The proposal is required to provide one affordable housing unit; however, the proposal would also accommodate the one affordable housing unit required by the previously approved Federspiel plat located at NE 122<sup>nd</sup> Street and 164<sup>th</sup> Court NE. With two affordable housing units, the project qualifies for two bonus lots above the base density of 14. Only 14 lots with 15 dwelling units are proposed. *Exhibit 1, page 4; RZC 21.20.020 et seq.*

6. The North Redmond Neighborhood is a relatively recently annexed area of Redmond. The proposal was reviewed for compliance with neighborhood-specific design regulations. Planning Staff determined that the plat as conditioned would comply with arterial setbacks, building height, tree preservation, common area landscaping, street trees, vegetated treatments, density, minimum lot size and lot division, design, affordable housing, and location criteria of the North Redmond Neighborhood. *Exhibit 1, pages 7-8; Johnson Testimony.*
7. 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 program exists to:
  - Provide incentives to implement green building and green infrastructure development techniques in all types of development within the City;
  - Reduce the carbon footprint of existing and proposed developments by promoting energy efficient design and construction methods;
  - Reduce the negative impact of development on the natural environment by reducing impacts through green development techniques and mitigating environmental impacts;
  - Reduce development costs related to construction and the provision of utilities; and
  - Manage stormwater in a way that mimics natural stormwater management.

*RZC 21.67.010.A.* 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 comply with the EPA Water Sense Program (RZC 21.67.050.K), earning two points. The Applicant proposed to apply those two points towards the lot size reduction incentive (RZC 21.67.060.E), thereby reducing the required minimum lot size for all lots by 15%. *Exhibit 1, page 7; Johnson Testimony; RZC 21.67 et seq.*

8. The proposed plat would create 14 lots with 15 dwelling units. The average lot size required after application of the green building incentives program is 5,950 square feet. The project would provide an average lot size of 6,633 square feet, with the largest lot (Lot 11) at 8,231 and the smallest (Lot 3) at 5,468 square feet. Of the 3.59 acres, approximately 1.9 acres (33,674 square feet) would be developed with public right-of-

way and 2,291 square feet with private right-of-way (an access tract). Two acres would be occupied with impervious surfaces at completion. *Exhibit 1, Attachment 11.*

9. The proposed lots were 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, front/side/side street/rear setbacks, minimum building separation, minimum lot coverage by structure, maximum structure height, and maximum impervious surface area. Planning Staff determined that the project complies, or with conditions would comply, with all of the residential development, architectural, and site design regulations for the R-4 zone. *Exhibit 1, pages 4-6; Johnson Testimony; Exhibit 1, Attachment 11.*
10. The plat would access public roads from NE 122nd Street via a future public road (NE 166th Court) to be shared with and developed primarily by the Shadowcreek subdivision, approved to the west. A second public street connection is proposed at NE 123rd Way, an existing public right-of-way within the Wexford plat to the east, which connects to existing 168th Place and thence to 122nd Street. The new lots would not have direct access to 122nd Street or 166th Court; all would access from the proposed internal extension of 123rd Way except for Lots 12, 13, and 14, which would access by a proposed private access tract (Tract C). *Exhibit 1, Attachment 11, Sheet 3.* Frontage improvements would be required along NE 122nd Street. All new roads, including off-site NE 166th Court, would be required to provide curb and gutter, planter strips, sidewalks, and street lighting. The Technical Committee determined that the proposed street system would conform to the City of Redmond Arterial Street Plan. *Exhibit 1, pages 14-15.*
11. Each lot would be connected to municipal water and sewer service; the utilities have capacity to serve the proposed lots. Both water and sewer service would require developer extension agreements and appropriate utility easements. All new utilities would be installed underground. *Exhibit 1, pages 10, 16-17.*
12. Plats in the R-4 zone are required to set aside a minimum of 20% net site area as usable open space for passive or active recreational purposes and 10% of total lot area as individual open space. Proposed 10,182 square foot Tract A would contain stormwater facilities and also provide open space for recreation. Tree retention Tract B at the northeast corner of the site would provide 17,244 square feet of open space, primarily retaining existing vegetation but with some additional plantings. Together, the two tracts provide 27,426 square feet of common open space. The open space provided within each lot totals 9,253 square feet of lot by lot open space. These totals exceed the R-4 zone open space requirements by providing open space equaling 24% of the site area. *Exhibit 1, Attachment 11; Johnson Testimony.*
13. The Applicant submitted a professionally prepared limited scope traffic impact analysis (TIA). With credit for the two existing residences, the project is anticipated to generate approximately 117 new daily vehicle trips, including nine am peak hour and 12 pm peak hour trips. Based upon traffic volumes and patterns in the area, and existing access routes to the vicinity arterial system, project generated traffic volumes would be

generally distributed as follows: 25% east to the Avondale Road corridor; 30% west via NE 124th Street; 15% north via Redmond-Woodinville Road (SR 202); and 30% south via Redmond-Woodinville Road (SR 202). Available entering sight distance at the proposed plat roadway connection to NE 122nd Street was field-estimated at over 500 feet to the west and over 700 feet to the east, exceeding minimum requirements of 390 feet for a design speed of 35 mph. The traffic consultant determined that the proposed plat would not have significant adverse impacts to the City's transportation system. To mitigate proportional impacts to system-wide transportation facilities that serve new development with the City of Redmond, the project would be subject to per-lot traffic impact fees to be assessed at time of building permit. *Exhibit 1, Attachment 19.*

14. In the existing pre-developed condition, drainage from the subject property sheet flows across adjacent properties to the west and south into an existing ditch and culvert system on the north side of NE 122nd Street, before being conveyed west toward NE 124th Street. As proposed, a single detention vault designed per Redmond's design criteria would be located in Tract A near the southwest corner of the property. Detained stormwater flows would be conveyed either to the west into the existing ditch system located on the north side of NE 122nd Street or into the proposed tight line pipe system to be constructed as part of the Shadow Creek development. Basic water quality treatment would be provided through dead storage. Treatment is required for the 6-month, 24 hour return period storm. The detention vault would be dedicated to and maintained by the City. *Exhibit 1, page 17; Exhibit 1, Attachment 18.*
15. Redmond Zoning Code Title 21.72 requires that all healthy landmark trees and 35 percent of all healthy significant trees be retained.<sup>2</sup> The health of existing trees on the subject property was assessed by a professional arborist, who prepared a report dated February 11, 2014. According to the report, there are 163 trees six inches in diameter breast height (dbh) or greater which classifies them as significant, 19 of which are larger than 30 inches dbh, classifying them as landmark. Eleven of the total (five landmark and six significant) are in poor condition and/or possess significant defects (either dead, in an advanced state of decline with no hope for recovery, or otherwise pose a considerable hazard if retained); these trees do not meet the definition of significant trees. Of the net 152 trees, the Applicant proposes to retain 58 (58 significant and zero landmark), for a total retention of 38% of the total of healthy, significant trees on-site, slightly exceeding the minimum retention requirement. A majority of the trees would be retained in Tract B, the currently forested area. As demonstrated on the submitted tree retention plan, all of the retained trees are provided the required five-foot protection zone setback from the edge of their driplines. *Exhibit 1, page 9; Exhibit 1, Attachment 14; Exhibit 1, Attachment 11, Sheet P4.*
16. The Applicant submitted a landmark tree exception request to allow removal of all healthy/non-hazard landmark trees. *Exhibit 1, Attachment 15.* The Planning and

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<sup>2</sup> 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.

Community Development Director administratively approved the request on July 10, 2014. *Exhibit 1, Attachment 16.*

17. Replacement trees were proposed as follows: for the 15 landmark trees that must be removed, 45 replacement trees are required.<sup>3</sup> For the 79 significant trees that must be removed, 79 replacement trees are required. A total of 124 replacement trees are proposed to be planted on-site, largely within Tract B. *Exhibit 1, Attachment 11, Sheet P4.*
18. 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 and interior landscaping along the site's west and east boundaries adjacent to existing single-family development. The north boundary would be comprised of heavily forested Tract B, satisfying the screening requirement. Along the south boundary of the plat would be proposed Tract A, Lot 5's rear lot line, and the side lot line of Lot 6. The buildings on the two lots would be oriented towards the internal road and provide yard area along the street. Tract A would include active recreational open space that would be landscaped. The new subdivision screening requirements would be satisfied. *Exhibit 1, page 8; Exhibit 1, Attachment 11.*
19. The proposal provides active recreational amenities and passive recreational open space within Tracts A and B. Tract A would contain a bocce ball court, benches, picnic tables, and other features. Tract B would be available to the public for walking or passive enjoyment of the forested area. The project is subject to per-lot park impact fees consistent with Redmond Municipal Code Title 3.10. *Exhibit 1, pages 11-12; Exhibit 1, Attachment 11; Johnson Testimony.*
20. Students residing in the project would attend Lake Washington School District schools. The developer would pay a per-lot school impact fee at time of building permit issuance for each lot in order to address the new development's impacts on District facilities. Sidewalks provided on all proposed public streets developed within the project would connect to existing sidewalks that complete a safe walking route to District facilities within the walking radius of one mile. *Exhibit 1, page 12; Johnson Testimony.*
21. The proposal was reviewed for compliance with Fire Code requirements by the Fire Department. The Fire Department recommended project approval subject to

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<sup>3</sup> The Examiner notes that, as in many previous plats, the record is not clear on the accurate totals of trees to be removed and retained. The arborist's report indicates there are 19 landmark trees among the 163 trees six inches dba or greater on-site. Of the 163 trees, 11 are reported not to be significant trees due to health, condition, or hazard, "5 landmark and 6 significant". *Exhibit 1, Attachment 14, page 1.* That would leave only 14 landmark trees required to be retained. The Applicant requested permission to remove 15 healthy landmark trees, and the permission was granted. *Attachments 15 and 16.* This discrepancy is not clarified in the materials; however, because the Applicant would be replacing 15 removed landmark trees, the error, if any, would be providing more replacement trees than are required if it's correct there are only 14 landmark trees on-site.

conditions that required, among other things, each dwelling unit to be sprinklered and appropriate fire lane markings. *Exhibit 1, page 18.*

22. The Applicant requested and the Technical Committee granted a deviation from the City's development standards relating to horizontal curve design. The City's requirement for a minimum radius on local access streets with a typical cross slope of less than eight percent and a posted speed of 25 mph is 335 feet and a minimum tangent distance between horizontal curves is 100 feet. Proposed Road A includes a reverse curve with the first curve having a radius of 90 feet and second curve having a radius of 115 feet with no tangent in between proposed. The basis of the deviation request is the need to comply with the City's requirement to provide a road connection between NE 123<sup>rd</sup> Way within the Wexford plat and the entrance to 166<sup>th</sup> Place NE which connects the Beuca and Shadowcreek developments. The Technical Committee exercised its authority in RZC Appendix 2 in approving the deviation. *Exhibit 1, pages 12-13.*
23. The project is exempt from review for compliance with the requirements of the State Environmental Policy Act pursuant to the City's adopted categorical exemptions. *RZC 21.70.090.A.1; Exhibit 1, Attachment 8.*
24. Planning Staff identified the following as applicable Comprehensive Plan Policies with which the proposal would comply:

Framework Policies

FW-12

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

Natural Environment Policies

NE-21

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

NE-24:

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



Land Use Policies

LU-3

Allow new development only where adequate public facilities and services can be provided.

LU-6

Encourage infill development on suitable vacant parcels that may have been passed over and redevelopment of underutilized parcels. Ensure that the height, bulk, and design of infill and redevelopment projects are compatible with their surroundings.

Neighborhood General Land Use Policies

N-NR-4

Conserve and strive to enhance existing significant natural features, including steep slopes, wetlands, streams, creeks, trees, and fish and wildlife habitat conservation areas.

*Exhibit 1, Attachment 21; Johnson Testimony.*

25. Planning Staff reviewed and accepted: the preliminary plan set; the SEPA checklist; conceptual landscaping plans; tree retention plan; a traffic study; a geotechnical report; a critical areas assessment; an arborist's report; and a preliminary storm drainage report. The accepted plan set is dated May 6, 2014. Professional consultants retained by the Applicant prepared each document. *Exhibit 1, pages 13-14; Exhibit 1, Attachments 8, 11, 13, 14, 17, 18, and 19.*
26. The Applicant held a pre-application neighborhood meeting on December 12, 2012. The application was submitted on May 6, 2014 and determined to be complete on the same day. *Exhibit 1, Attachment 6.* Notice of application was published, posted, and mailed to property owners within 500 feet of the site on May 29, 2014. *Exhibit 1, page 6; Exhibit 1, Attachment 6.* During the public comment period, the City received comments concerned about the proposed street connection between the existing Wexford plat and the project. Wexford residents expressed opposition to the proposed street connection, citing safety concerns resulting from the alleged increase in traffic on their internal streets, and requested that the connection between plats be limited to a pedestrian connection. *Exhibit 1, page 7; Exhibit 1, Attachment 7.*
27. Notice of the August 4, 2014 open record public hearing on the application was posted on-site and at City Hall, published, and mailed to surrounding property owners within 500 feet of the site on July 14, 2014. *Exhibit 1, page 8; Exhibit 1, Attachment 10.*
28. At hearing, neighbors expressed appreciation for changes during project development that resulted in retaining more of the existing significant trees and shared the City's interest in connectivity between neighborhoods. They uniformly expressed concerns that opening NE 123rd Place to through traffic connecting the neighboring plats would result in undue impacts to safety for the children and other residents of Wexford. Neighbors testified that many small children play at the terminus of NE 123rd and that the

neighborhood has previously held block parties in that location. Citing the fact that other plats in the area were not required to provide similar vehicle connections, the neighbors requested that connectivity be achieved through provision of a pedestrian path closed to vehicle traffic. Another concern expressed was that if tree Tract B is fenced off, it would be a barrier to wildlife passage and prevent area residents from enjoying the open space. Other concerns were related to construction impacts, including construction vehicles in Wexford, vibration from soil compaction, and dust. *Testimony of Mona Renner, Sanjay Bijawat, Marie Franco, Harish Krishnamurthy, Hanif Khan, and Lenny Dayberry.*

29. City Transportation Staff responded to the comments about connecting NE 123rd Way. The City prioritizes safe and livable neighborhoods and acknowledges that traffic will increase in the vicinity even without the instant proposal because of the Shadowcreek project and several other subdivisions in the area. Shadowcreek and the instant project together would create 35 new lots, which Staff indicated can be expected to result in a total of 350 new trips per day from two projects that would be directly connected to Wexford. However, City Staff asserted that a large percentage of the new trips would enter NE 122nd Street through NE 166th Court rather than crossing through Wexford. Staff noted that the road connection contemplated is specifically called for by the City's Comprehensive Transportation Plan. It is also supported by the Transportation Master Plan's Five Key Strategies, which seek to ensure that Redmond's neighborhoods are connected to each other and are also internally well connected by all modes of travel. Finally, Staff indicated that the road connection is required because the ordinance passed by City Council that approved the Wexford Plat and Planned Residential Development expressly called for the road connection to the west when the subject property was developed. Planning Staff noted that since Wexford was built out, there has been a sign at the end of NE 123rd Way stating that the road would be extended in the future. *Seemann Testimony; Johnson Testimony; Exhibit 1, Attachments 21 and 24; Exhibit 3.*
30. The Applicant also responded to public comment. They indicated that the boundaries of lots abutting open space Tract B would be fenced to prevent encroachment by the adjacent homeowners into the preservation area; however, the fencing need not result in a barrier to wildlife passage, as they could use split rail or other open fencing. Humans would be able to access the tract by the two long stems along either side of the lots that would connect to the road, which would not be fenced. Regarding construction impacts, the Applicant representative indicated that they will have an on-site superintendent to whom complaints could be directed in person immediately. *Hermansen Testimony.*
31. The Technical Committee, comprised of staff from the Planning, Public Works, and Fire Departments, reviewed the complete application and supporting materials for compliance with City regulations and the Comprehensive Plan. Considering all public comment submitted before and at the public hearing, the Technical Committee recommended project approval subject to conditions. *Exhibit 1, pages 13-22; Johnson 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 project would comply with applicable Comprehensive Plan and North Redmond Neighborhood policies. The proposed single-family detached development with two affordable housing unit in the form of one duplex would be consistent with the envisioned mix of single-family residential opportunities in the

neighborhood plan and satisfy the neighborhood affordable housing requirements. North Redmond Neighborhood tree preservation requirements would be met, as conditioned. *Findings 5, 6, 8, 15, 16, 17, 18, 24, and 31.*

2. The proposed lots conform to the site requirements set forth in RZC 21.08.170(B) as modified through the green Building and Green Infrastructure incentive program. The Applicant conducted a public meeting and satisfied all submittal requirements as of May 6, 2014. The required open record hearing was held after notice consistent with Code requirements. *Findings 4, 5, 7, 8, 9, 12, 26, 27, and 31.*
3. With conditions, the proposed street system would comply with the City of Redmond Arterial Street Plan and North Redmond Neighborhood Plan. Frontage improvements along NE 122nd Street would bring the existing public road up to current City standards. Conditions would ensure that all road and infrastructure construction within rights-of-way are consistent with the final plans as approved during civil engineering review. *Findings 8, 10, 13, 22, 29, and 31.*
4. The project would be adequately served with municipal water, sewer, and stormdrainage utilities. All new utilities would be underground. Stormwater runoff would be collected, detained, and quality treated on-site and would discharge to the public storm drain system. Conditions would ensure that construction of the entire stormwater management system would comport with the requirements of the City of Redmond Stormwater Technical Notebook as well as the DOE's 2005 Stormwater Management Manual for Western Washington as adopted with modifications by the City. *Findings 8, 11, 14, and 31.*
5. The project would exceed the minimum amount of open space required on the site, providing Tracts A and B, in which active and/or passive recreation would be possible, as well as lot by lot open space. These features together with payment of park impact fees would adequately provide for park and recreational opportunities. *Findings 12, 18, 19, and 30.*
6. The project would include sidewalks on all new public rights-of-way that would connect to existing public sidewalks, in satisfaction of safe walking requirements for school aged residents. Impacts to affected schools would be mitigated through fee payment at time of building permit issuance. *Findings 8, 10, and 20.*
7. Site design was considered topography and retention of existing mature trees to the maximum extent feasible. The Applicant's request for exception to tree retention requirements was administratively approved. As proposed and conditioned, the project would comport with the purpose of the R-4 zone and of the Green Building/Green Infrastructure program. No hazardous conditions would affect development of the site. *Findings 3, 4, 7, 8, 9, 15, 16, 17, 21, 30, and 31.*

## DECISION

Based on the preceding findings and conclusions, the request for approval of a preliminary plat subdividing 3.59 acres into 14 single-family lots, including one duplex for a total of 15 dwellings, 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.

<b>Item</b>	<b>Date Received</b>	<b>Notes</b>
Plan Set,	05/06/14	<i>and as conditioned herein.</i>
SEPA Checklist	05/06/14	<i>and as conditioned herein and as conditioned by the SEPA exemption.</i>
Conceptual Landscaping Plan	05/06/14	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	05/06/14	<i>and as conditioned herein.</i>
Stormwater Design	05/06/14	<i>and as conditioned herein.</i>
Traffic Study	05/06/14	<i>and as conditioned herein.</i>

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

#### **1. Development Engineering - Transportation and Engineering**

**Reviewer: Kurt Seemann, Senior Engineer**

**Phone: 425-556-2881**

**Email: kseemann@redmond.gov**

- a. Easements and Dedications.** Easements and dedications shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit. The existing and proposed easements and right-of-way shall be shown on the civil plans. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.
  - i. Easements are required as follows:**
    - (a) 10' wide sidewalk easement, granted to the City of Redmond, along all right-of-way including Plat Roads A and B and 166<sup>th</sup> Court NE and NE 122<sup>nd</sup> Street.
    - (b) 10' wide utility easement, granted to the City of Redmond, along all right-of-way, including Plat Roads A and B and 166<sup>th</sup> Court NE and NE 122<sup>nd</sup> Street.
    - (b) At the time of construction, additional easements may be required to accommodate the improvements as constructed.

**b. Street Frontage Improvements**

i. The frontage along NE 122<sup>nd</sup> Street must meet current City Standards which include asphalt paving 10.5' from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5' wide planter strips, 6' wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

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

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

ii. The frontage along NE 166<sup>th</sup> Court must meet current City Standards which include asphalt paving 14' from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5' wide planter strips, 5' wide concrete sidewalks, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

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

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

iii. The frontage along Plat Roads A and B must meet current City Standards which include asphalt paving 28' from face of curb to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5' wide planter strips (both sides of the street), 5' wide concrete sidewalks (both sides of the street), storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

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

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

iv. A separate 40-scale channelization plan may be required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond

Standard Specifications and Details Manual.

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

**c. Access Improvements**

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

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

ii. Direct access to NE 122<sup>nd</sup> Street and 166 Court NE will not be permitted. This restriction shall be indicated on the face of the civil plans and other final documents.

(Code Authority: RZC 21.52.030 (E))

**d. 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)

**e. 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](mailto:jstreit@redmond.gov)**

**a. Water Service.** Water service requires a developer extension of the City of Redmond water system as follows: Install 8-inch and 6-inch ductile iron water mains as shown on the drawings prepared by CORE Design dated April 29, 2014. Water

services to each new lot will be provided by installing combination residential fire and potable meters as shown on the drawings prepared by CORE Design dated April 29, 2014.(Code Authority: RZC 21.17)

- b. Sewer Service.** Sewer service requires a developer extension of the City of Redmond sewer system as follows: Install new 8-inch diameter sanitary sewers as shown on the drawings prepared by CORE Design dated April 29, 2014. 6-inch side sewers will be connected to each of the new lots as shown on the drawings prepared by CORE Design dated April 29, 2014.(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)
- d. Backflow Preventors:** Backflow preventors shall be used in the water supply system in accordance with City, State, and Federal requirements. (Code Authority: RMC 13.10)
- e. Permit Applications.** Water meter and side sewer applications shall be submitted for approval to the Development Engineering 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 Development Engineering 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)
- f. Reimbursement Fees:** Reimbursement fees for connection of sewer are required in the amount of \$30,110.80. These fees are due prior to the sale of water and side sewer permits for this project.  
(Code Authority: RMC 13.12.120)

### **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 publicly maintained vault.

ii. Provide for overflow routes through the site for the 100-year storm.  
(Code Authority: RMC 15.24.080)

**b. Water Quality Control**

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

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

**c. Easements.** Easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit or issuance of water meter or side sewer permits. The existing and proposed easements shall be shown on the civil plans.  
(Code Authority: RMC 15.24.080(2)(i))

**d. Clearing and Grading.**

Connect the Beuca storm drain to the existing storm catch basin in NE 123rd Way. Provide an access drive to the storm vault for the city vector truck, allow for truck turn-around on-site.

(Code Authority: RMC 15.24.080)

**e. Temporary Erosion and Sediment Control (TESC).**

i. Rainy season work permitted October 1<sup>st</sup> through April 30<sup>th</sup> with an approved Wet Weather Plan.

(Code Authority: RMC 15.24.080)

**f. Floodplain Management.**

Project does not lie within a designated floodplain.

(Code Authority: RZC 21.64.010 and 20D.140.40)

**g. Landscaping.** Keep the publicly maintained storm vault free of surface obstructions.

(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](http://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](mailto:bnilson@redmond.gov)**

The current submittal is generally adequate for LAND-2014-00816 Approval, but does not fully represent compliance with all requirements. The following conditions are integral to the approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

- a. Site Plan Condition: Fire lane markings shall be according to RFDS #2.
- b. Fire Protection Plan: All houses shall be fire sprinklered to NFPA 13D standards. All hydrants shall have a 5” Storz adapter installed.
- c. Fire Code Permit

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

**5. Planning Department**

**Reviewer: Thara Johnson, Associate Planner**

**Phone: 425-556-2470**

**Email: [tmjohnson@redmond.gov](mailto:tmjohnson@redmond.gov)**

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

Street	Species	Spacing
NE 122 <sup>nd</sup> Street	TBD	30' on center

(Code Authority: RZC 21.32.090)

- b. **Residential Regulations.** The Beuca 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 Exception Request.** The tree exception request for removal of fifteen (15) landmark trees from the site shall be implemented in conformance with the tree preservation plan.

Code Authority: RZC 21.72.090  
Condition Applies: Civil Construction, Final Plat Document

- e. Tree Replacement.** Tree Replacement shall be implemented in conformance with the Landscape Plan which identifies 124 trees to be replaced on-site a.

Code Authority: RZC 21.72.080  
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 Beuca preliminary Plat shall demonstrate conformance with the Affordable Housing Regulations in RZC 21.20.050. The plat shall provide one affordable unit for the Beuca plat and will also accommodate one additional affordable unit that was required for the Federspiel Preliminary 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, Shoffner Consulting, shall be implemented in all situations where there is encroachment into the dripline 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 Beuca 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 5,950 square feet granted through 15% lot size reduction incentive.
  - ii. Water Sense Program. Construction of all new homes within the Beuca preliminary Plat shall comply with EPA Water Sense Program.

Code Authority: RZC 21.67.050

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

## **B. Compliance with City of Redmond Codes and Standards**

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

### **Transportation and Engineering**

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RZC 21.40.010(E):	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC 21.76.100(F)(9)(c)	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020(G):	Site Construction Drawing Review
RZC 21.76.020(H)(6):	Preconstruction Conference
RZC 21.76.020(H)(7):	Performance Assurance

RZC Appendix 3: Construction Specification and Design Standards for Streets and Access  
 City of Redmond: Record Drawing Requirements, Version 10-2005 (2005)  
 City of Redmond: Standard Specifications and Details (current edition)

**Water and Sewer**

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

**Stormwater/Clearing and Grading**

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

**Fire**

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

**Planning**

RZC 21.08: Residential Regulations  
 RMC 3.10: Impact Fees  
 RZC 21.32, 21.72: Landscaping and Tree Protection  
 RZC 21.34: Exterior Lighting Standards  
 RMC 6.36: Noise Standards  
 RZC 21.38: Outdoor Storage and Service Areas  
 RZC 21.40: Parking Standards  
 RCZ 21.64: Critical Areas

RZC 21.44: Signs  
RZC Appendix 1: Critical Areas Reporting Requirements  
**Building**

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

**DECIDED** August 18, 2014.

By:



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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.