

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

In the Matter of the Application of	)	
	)	NO. LAND 2013-00814
	)	
Kevin O'Brien	)	Benjamin Estates
	)	
	)	
For approval of a Preliminary Plat	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
_____	)	

SUMMARY OF DECISION

The request for approval of a preliminary plat subdividing 2.66 acres into 14 single-family lots is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Kevin O'Brien (Applicant) requested approval of a preliminary plat subdividing 2.66 acres into 14 single-family lots, including three size-limited dwellings. The subject property, currently addressed as 13640 NE 100th Street, Redmond, WA 98052, is located in the Willows Rose Hill Neighborhood and has an RIN zoning designation.

Hearing Date

The Redmond Hearing Examiner conducted an open record hearing on the request on May 5, 2014. At adjournment, the record was held open for additional information through May 9, 2014; however, the required information was submitted May 7th, on which date the record closed.

Testimony

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

Thara Johnson, Associate Planner, City of Redmond
Jeff Dendy, Public Works Senior Engineer, City of Redmond
Kevin O'Brien, Applicant
Patrick Mullaney, Applicant Attorney
Mark Villwolk, LDC Civil Engineering Group, Applicant Representative
Tim McGruder

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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
 9. Notice of Public Hearing and Certificates of Posting
 10. Preliminary Plat Plan set
 11. Arborist Report
 12. Tree Removal Exception Request Letter
 13. Tree Removal Exception Approval Letter
 14. Deviation Request for Storm catch basin separation
 15. Deviation Request for frontage
 16. Geotechnical Documents
 17. Greenhouse Gas Emissions Worksheet
 18. Offsite Downstream Analysis
 19. Offsite Storm Plans
 20. Neighborhood Meeting Sign in Sheet
 21. Preliminary Storm Drainage Report
 22. Computation Sheet
 23. Application of Transportation Concurrency
 24. Comprehensive Planning Policies
 25. Title Report
2. Staff PowerPoint presentation slides
3. Engineered drawing (Sheet RD-06) offered to show the off-site walk way, submitted by Applicant
4. Aerial depiction of off-site walkway, submitted by City of Redmond
5. Roadway and stormdrainage plan (Sheet RD-01), submitted by the Applicant
6. Applicant corrections to Technical Committee Report, submitted by the Applicant
7. Mutually agreed language for revised recommended condition 1.e, timely submitted May 7, 2014

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

FINDINGS

Procedural Background

1. The Applicant submitted an application requesting approval of a preliminary plat subdividing 2.66 acres into 14 single-family lots including three size limited dwellings. The subject property is currently addressed as 13640 NE 100th Street, in Redmond, WA 98052.¹ *Exhibit 1; Exhibit 1, Attachment 3.*
2. The Applicant held a public meeting to discuss the proposal with neighboring property owners on October 15, 2013. More than 20 members of the public signed in at the meeting, expressing concerns relating to off-site sewer connection, landscaping, tree retention, and off-site storm drainage improvements. *Exhibit 2; Johnson Testimony.*
3. The application was submitted on January 30, 2014 and determined to be complete on the same day. *Exhibit 1, Attachment 5.* Notice of application was published, posted, and mailed to property owners within 500 feet of the site on February 18, 2014. *Exhibit 1, page 6; Exhibit 1, Attachment 6.* During the notice of application comment period, the City received four written comments expressing concerns primarily regarding the need for sidewalks and safe walking conditions for children and other pedestrians. *Exhibit 1, page 6; Exhibit 1, Attachment 7.*
4. Pursuant to Redmond Zoning Code (RZC) 21.70.090.A.1, which adopted the thresholds established in the Washington Administrative Code, the proposal is exempt from review for compliance with the State Environmental Policy Act (SEPA). A notice of SEPA exemption was issued on April 2, 2014. *Exhibit 1, Attachment 8; WAC 197-11-800.1.d.*
5. Notice of the May 5, 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 April 14, 2014. *Exhibit 1, page 6; Exhibit 1, Attachment 9.*

Subject Property, Surroundings, and Zoning Controls

6. The subject property consists of one tax parcel containing one single-family home and several outbuildings, which will be removed. Located in a newly annexed area of Redmond, the site abuts the north edge of NE 100th Street and is situated a short distance west of 136th Avenue NE. It is surrounded by low density single-family development in all directions on parcels with Residential Innovative (RIN) zoning designations. *Exhibit 1, page 4; Exhibit 1, Exhibit 2; Exhibit 1, Attachment 16.*
7. Topographically, the site is primarily flat and slopes down from west to east at gradients of five to 12 percent. It is vegetated with trees, grass, and invasive Himalayan blackberry. Although there are steep slopes off-site to the east, the subject property contains no geologically hazardous areas or other sensitive areas regulated by the City of

¹ The legal description of the subject property is a portion of Section 34, Township 26 North, Range 5 East, W.M.; also known as Tax Assessor parcel 124670-0339. *Exhibit 1, Attachments 3 and 10.*

Redmond's critical areas ordinance. The site is not located in a designated flood plain and is within Well Head Protection Zone 4. The Technical Committee identified no hazards or limitations to site development during application review. *Exhibit 1, Attachments 8, 11, 16, and 21 (Appendix 3-A); Exhibit 1, pages 6, 10, 17-18.*

8. The subject property is located in the Willows Rose Hill Neighborhood and has an RIN zoning designation. *Exhibit 1, page 4.* The purpose of the RIN zone is:

to promote single-family housing consisting of smaller dwelling units to respond to changing household sizes and ages. It will provide opportunities for households of various sizes, ages, and incomes to live in a neighborhood by promoting diversity in the size, type, and price of new single-family homes. Also, this zone will blend new development with existing residential development to help maintain neighborhood character, particularly in neighborhoods with a predominance of small to moderately sized homes. The zone will help to provide appealing and active streetscapes that promote a more walkable and enjoyable neighborhood experience. The density allowed within the zone shall be four to five dwelling units per gross acre depending on the size of the site and the size of dwellings proposed.

Redmond Zoning Code (RZC) 21.08.070.A.

9. Base density allowed on the 2.66 acres is 13 lots. Pursuant to RZC 21.20.020-.030, all new single-family residential developments in the Willows Rose Hill Neighborhood are required to provide ten percent of their proposed units as affordable housing; the required number of affordable housing units for the instant project is one. The 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 would add one bonus unit above the base density of 13 units. *Exhibit 1, page 4; RZC 21.20.020 et seq.*
10. The Willows Rose Hill Neighborhood is a newly annexed area of Redmond. The proposal was reviewed for compliance with neighborhood-specific design regulations. Planning Staff determined that the plat as proposed would comply with arterial setbacks, building height, tree preservation, common area landscaping, street trees, vegetated treatments, multiplex housing, density, minimum lot size and lot division, design, affordable housing, and location criteria of the Willows Rose Hill Neighborhood. *Exhibit 1, page 7; Johnson Testimony.*

Proposed Improvements

11. The project would create 14 lots, two to be developed with attached single-family residences (one duplex) and the rest containing detached residences. The underlying zoning requires 20%, or three, of the lots to be developed with size limited dwellings. The average size of the proposed lots would be 4,580 square feet. Proposed Lot 9 would be the largest at 7,071 square feet, and Lot 2 would be smallest at 3,017 square feet. Of the 2.66 acres, approximately 1.9 acres (82,789 square feet) would be developed with road/utility infrastructure and homesites. Approximately half an acre (21,342 square

feet) would be occupied by stormwater detention facilities. Common open space would occupy the remaining 11,837 square feet (just over one quarter acre). Lots 1, 2, and 3 would contain the size limited dwellings.² *Exhibit 1, Attachment 10.*

12. The proposed lots were designed to satisfy all bulk dimensional standards of the zone, including minimum 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. The project would exceed two of the RIN standards: proposed average lot size is 4,580 (4,000 required) and open space provided is 21 percent (20% required). 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 RIN zone. *Exhibit 1, pages 4-6; Johnson Testimony; Exhibit 1, Attachment 10; Exhibit 5; Exhibit 6.*
13. The plat would access public roads from NE 100th Street east of 136th Avenue NE. Direct vehicle access from NE 100th Street would not be permitted for any lot. Two new 28-foot wide public streets within 6-foot wide rights-of-way would provide access to each lot: Road A would connect to NE 100th Street and Road B would be contained entirely within the plat. Both Roads A and B would be developed to the City's rustic road standards including open roadside swales for stormwater conveyance. Lots 7, 8, and 9 and open space Tract C would be accessed by a private access tract. The project would require street frontage improvements along NE 100th Street consistent with the construction requirements in RZC Appendix 2. The Technical Committee determined that the proposed street system would conform to the City of Redmond Arterial Street Plan. *Exhibit 1, pages 10, 13 - 15; Exhibit 1, Attachments 10 and 21; Exhibit 6.*
14. Each lot would be connected to municipal water and sewer service. Both water and sewer service would require developer extension agreements. Water service would require installation of water meters. *Exhibit 1, pages 10, 16.*
15. Plats in the RIN 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 21,342 square foot Tract A would contain stormwater facilities and also provide open space for recreation. Landscaped Tract B at the northeast corner of the site would provide 5,949 square feet of open space. Tract C on the southwest site boundary would provide 5,888 square feet of open space. Together, Tracts B and C would provide 11,837 square feet of common open space solely dedicated to active and/or passive recreation, or 11% of the overall site. An additional 10% of the site would be provided as lot by lot open space. *Exhibit 1, pages 5, 8; Exhibit 1, Attachment 10.*

² Pursuant to RZC definitions, "a size-limited dwelling is a single-family detached unit that does not exceed 1,900 square feet. The determination of total square footage includes attached garages. A size-limited dwelling will be so identified and legally binding on the title of the home; enlarging the home will not be permitted above the maximum size limit."

16. Project traffic was included in the traffic impact assessment prepared for the Kirkmond Plat by the same developer, which received preliminary plat approval in August 2013. The Technical Committee determined that adequate traffic review for the instant application had already been conducted and that the instant project's traffic impacts have been adequately addressed. *Johnson Testimony*.
17. Runoff from existing impervious surfaces currently exits the subject property by overland flow to two culverts that cross under a private road abutting the eastern site boundary. Runoff continues east down a steep grade where it enters the City's storm drain network in an office complex at the base of the slope, from where flows eventually reach the Sammamish River. As proposed, runoff from the new impervious surfaces would be collected in a publicly maintained, lined (impermeable) detention pond in Tract A. The pond would be sized to serve the instant plat and another project ("the Willow Hill property") and discharged at a rate to match the range of pre-developed discharge rates from 50% of the two-year peak flow up to the full 50-year flow. Discharge from the proposed pond would reach the existing conveyance system in Willows Commerce Park off-site and down slope to the east via an enclosed stormdrain pipe and would be treated to satisfy water quality standards with a Contech storm filter system. Flow control has been calculated to comply with Redmond's 2012 Stormwater Management Technical Notebook and the 2005 Department of Ecology Manual. The project would be required to provide for overflow routes through the site for 100-year storm events. *Exhibit 1, page 17; Exhibit 1, Attachment 21*.

Compliance with Other Applicable City Development Standards

18. Pursuant to RZC Title 21.20, new single-family attached and detached residential developments are subject to the City's affordable housing standards, which require at least 10 percent of all new units to satisfy affordable housing criteria. For the instant plat, the required number of affordable housing units is one. The proposal includes provision of one dwelling that satisfies these criteria. *Exhibit 1, page 9*.
19. Redmond Zoning Code Title 21.72 requires that all healthy landmark trees and 35 percent of all healthy significant trees be retained.³ The health of existing trees on the subject property was assessed by a professional arborist, who prepared a report dated May 2, 2013 and revised November 12, 2013. According to the report, 85 trees were assessed on the subject property. Of these, 73 are of a size that triggers the City's tree retention standards. Of the 73 trees, 17 are landmark trees and 56 are significant. Due to the small size of the site and the required placement of various road and utility infrastructure, as well as homesite placement, 35% of significant trees and 100% of landmark trees are not able to be retained. According to the arborist's report, 13 of the landmark trees and 40 significant trees must be removed. Further, it is known that an additional three landmark and nine significant trees may be impacted to the point of needing to be removed; the future of the impacted trees (whether each can be retained or must be removed) won't be known until after infrastructure near each tree is built. At the outset, the impacted trees

³ Pursuant to RZC 21.78, landmark trees are those that are greater than 30 inches in diameter at breast height and significant trees are those that are between six and 30 inches in diameter at breast height.

would be retained. Thus, the Applicant plans to initially retain four landmark and 16 significant trees. *Exhibit 1, pages 8-9; Villwolk Testimony; Johnson Testimony; Exhibit 1, Attachment 11.*

20. The Applicant submitted a landmark tree exception request to allow removal of 13 landmark trees and to remove more significant trees than the 35% retention regulation requires. *Exhibit 1, Attachment 12.* The Planning and Community Development Director administratively approved the request to remove the 13 landmark and 40 significant trees on April 7, 2013. *Exhibit 1, Attachment 13.*
21. Replacement trees were proposed as follows: for the 13 landmark trees that must be removed, 39 replacement trees are required. For the five significant trees that must be removed below the 35% minimum retention requirement, 15 replacement trees are required, and for the other 35 significant trees that must be removed, 35 replacement trees are required. Thus, initially 89 replacement trees are proposed. Should any of the three landmark trees that will be impacted need to be removed as a result of construction, each must be replaced at a 3:1 ratio. If any of the nine significant trees that will be impacted require removal, each would be replaced at 1:1 ratio. All replacement trees would be planted in the open space tracts throughout the site. *Exhibit 1, Attachment 11; Villwolk Testimony; Johnson Testimony.*
22. Material submitted with the application included a conceptual landscape plan. The project would provide perimeter and interior landscaping to include a 10-foot landscaped buffer along the west and north site boundaries. Mature vegetation in the southeast portion of the site would be retained within Tract A. Street trees and replacement trees would be provided throughout the plat. Planning Staff indicated that as proposed the landscape concept satisfies City Code requirements. *Exhibit 1, page 8; Johnson Testimony.*
23. 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. Pursuant to RZC 21.17.010(F) and Revised Code of Washington (RCW) 58.17.110, the City has required and the Applicant has agreed to construct a safe pedestrian linkage between the site and adjacent development for students who walk to and from school. The Applicant would install a safe walking path along NE 100th Street from the west edge of the project frontage along the north side of NE 100th street to the eastern property line of 13426 NE 100th Street or to other interim walkway improvements. The walkway would be four feet wide, constructed of asphalt or concrete, located in the City right-of-way to the extent possible, and separated as appropriate from the street edge of the traveled way. The interim walkway would be constructed prior to occupancy of any house. *Exhibit 1, pages 10, 15-16, 23; Exhibit 3 and 4.*
24. The proposal is subject to per-lot park impact fees consistent with Redmond Municipal Code Title 3.10. *Exhibit 1, page 23.*

25. The proposal was reviewed for compliance with Fire Code requirements by the Assistant Fire Marshall. The Fire Department recommended project approval subject to conditions that required, among other things, each dwelling unit to be sprinklered and all portions of emergency vehicle access roadway not located in a public road to be placed in an emergency vehicle access easement. *Exhibit 1, page 20.*
26. The Technical Committee granted two deviations to development standards pursuant to the authority conferred in RZC Appendix 2. The first deviation allowed the proposal to reduce the required internal right-of-way (ROW) width from 52 feet to 50 feet and granted relief from the requirement to provide sidewalk on both sides of the street. The second deviation granted relief from maximum structure spacing standards relating to the offsite stormwater extension. The slopes on the bluff to the east vary from 4 to 37%. The length of stormwater conveyance pipe that would be inaccessible due to topographic limitations is approximately 643 feet. The approved deviation allows the Applicant to use HDPE pipe to span the 643 gap with no intermediate access structures. The storm pipe would be buried at a minimum depth of four feet and would follow easement/ ROW topography. *Exhibit 1, pages 11-12; Exhibit 1, Attachments 14 and 15.*
27. Planning Staff accepted and reviewed: the preliminary plan set; the SEPA checklist; conceptual landscaping and lighting plans; tree retention plan; and a preliminary storm drainage report. The accepted plan set is dated January 30, 2014. Professional consultants retained by the Applicant prepared each document. *Exhibit 1, pages 12-13; Exhibit 1, Attachments 8, 10, and 21.*
28. One member of the public testified regarding the fact that on the proposed site plan, all homes appear to be parallel to the street, which is not consistent with the design guidelines for RIN zoned parcels in the Willows Rose Hill Neighborhood. *Tim McGruder Testimony.*
29. Planning Staff responded to public comment noting that the site plan depicts building envelopes rather than proposed construction and that City staff would meet with Applicant after land use approval is issued to develop architectural schemes consistent with applicable design guidelines during the design review process. *Johnson Testimony.*
30. The Applicant contested recommended condition of approval 1.e, which as submitted in the Technical Committee report would require all new utilities to be installed underground and all existing utilities to be undergrounded. The Applicant's engineer testified that undergrounding one existing power pole near the southeast corner of the site would not be feasible, and if required, would necessitate the addition of at least one and maybe two new above ground power poles in the vicinity to maintain the power grid for existing surrounding development. The Applicant and City representatives agreed to amend the condition by adding language that allows for the possibility that the City

would agree to a deviation from the undergrounding requirement. *Villwolk Testimony; Exhibit 5; Exhibit 7.*

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 public comment and the mutually agreed revised undergrounded utility condition 1.e in the record at Exhibit 7, the Technical Committee recommended project approval subject to conditions. *Exhibit 1, pages 12-24; Exhibit 1, Attachment 24; Johnson Testimony; Exhibit 7.*

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 Willows Rose Hill Neighborhood policies. The proposed single-family attached and detached development with three size limited lots, one affordable housing unit, and one duplex would be consistent with the envisioned mix of single-family residential opportunities in the neighborhood plan. *Findings 8, 9, 10, 11, and 18.*
2. The proposed lots conform to the site requirements set forth in RZC 21.08.170(B). The Applicant conducted a public meeting and satisfied all submittal requirements as of January 30, 2014. The required open record hearing was held after notice consistent with Code requirements. *Findings 2, 3, 5, 11, and 12.*
3. With conditions, the proposed street system would comply with the City of Redmond Arterial Street Plan and Willows Rose Hill Neighborhood Plan. Frontage improvements along NE 100th 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 10, 11, 13, and 26.*
4. The project would be adequately served with municipal water, sewer, and stormdrainage utilities. All new utilities would be underground, and all existing utilities on the site would be undergrounded, unless a deviation is granted during civil construction review. Stormwater runoff would be collected and detained on-site and would discharge to the public storm drain system downslope to the east. 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 14, 17, and 26.*
5. The project would exceed the minimum amount of common open space required on the site, providing Tracts A, B, and C in which active and/or passive recreation would be possible. These together with payment of park impact fees would adequately provide for park and recreational opportunities. *Findings 15 and 24.*
6. The project would include internal sidewalks and an off-site interim walking path connected to improvements installed by other new development on NE 100th Street, 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 13, 23, and 26.*

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 to allow design consistent with the vision for development in the Willows Rose Hill Neighborhood. As proposed and conditioned, the project would comport with the purpose of the RIN zone. No hazardous conditions would affect development of the site. *Findings 7, 8, 19, 20, and 21.*

DECISION

Based on the preceding findings and conclusions, the request for approval of a preliminary plat subdividing 2.66 acres into 14 single-family lots is **GRANTED**, subject to the conditions below.

A. Site Specific Conditions of Approval

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

Item	Date Received	Notes
Plan Set	01/30/2014	<i>and as conditioned herein.</i>
SEPA Checklist	01/30/2014	<i>and as conditioned herein and as conditioned by the SEPA exemption on April 2, 2014.</i>
Conceptual Landscaping Plan	01/30/2014	<i>and as conditioned herein.</i>
Conceptual Lighting Plan	01/30/2014	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	01/30/2014	<i>and as conditioned herein.</i>
Stormwater Design	01/30/2014	<i>and as conditioned herein.</i>

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

1. Public Works Transportation and Engineering

Reviewer: Kurt Seemann, Senior Engineer

Phone: 425-556-2881

Email: kseemann@redmond.gov

a.	Easements and Dedications. On-site easements and dedications shall be provided for City of Redmond review at the time of civil drawing approval and <u>finalized upon recording of the final short subdivision</u> . Off-site easements must be finalized prior to civil drawing approval. The existing and proposed easements and right-of-way shall be shown on the civil drawings and short subdivision documents. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.
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	i. Easements are required as follows:
	(a) 10' wide sidewalk easement, granted to the City of Redmond, along all right-of-way including NE 100th Street and Plat Roads A and B. (b) 10' wide utility easement, granted to the City of Redmond, along all right-of-way including NE 100th Street and Plat Roads A and B.
	(b) At the time of construction, additional easements may be required to accommodate the improvements as constructed.
	<u>Code Authority:</u> RZC 21.74.020(C), 21.74.020(G), 21.74.020(I), 21.52.030(H); RMC 12.12 <u>Condition Applies:</u> Civil Construction, Final Subdivision Document
b.	Construction Restoration. In order to mitigate damage due to trenching and other work on NE 100th Street, the asphalt street shall be planed, overlaid, and/or patched, as determined by Public Works. <u>Code Authority:</u> RMC 12.08, Redmond Standard Specifications and Details
c.	Street Frontage Improvements
	i. The frontage along NE 100th Street must meet current City Standards which include asphalt paving 12' from centerline to front edge of shiner, a 3' side concrete shiner, 10' wide drainage swale, 5' wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of: • 7 inches HMA Class ½" PG64-22 • Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557) • Street crown 2% sloped to drain system <u>Code Authority:</u> RZC 21.52.030, 21.17.010(F); RMC 12.12; RZC Appendix 2 <u>Condition Applies:</u> Civil Construction
	ii. The frontage along Plat Road A must meet current City Standards which include asphalt paving 22' from front of shiner to front edge of shiner, a 3' concrete shiner on both sides of the street, a 5' side concrete sidewalk on the east side 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 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 <u>Code Authority:</u> RZC 21.52.030, 21.17.010(F); RMC 12.12; RZC Appendix 2

	<u>Condition Applies:</u> Civil Construction
	ii. The frontage along Plat Road B must meet current City Standards which include asphalt paving 22' from front of shiner to front edge of shiner, a 3' concrete shiner on both sides of the street, a 5' side concrete sidewalk on the north side 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 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 <u>Code Authority:</u> RZC 21.52.030, 21.17.010(F); RMC 12.12; RZC Appendix 2 <u>Condition Applies:</u> Civil Construction
	<u>Code Authority:</u> RZC 21.10.150, 21.74.020(I), 21.17.010(F), 21.52.050; RMC 12.12 <u>Condition Applies:</u> Civil Construction
d.	Access Improvements
	i. The type and location of the proposed site accesses are approved as shown on the Benjamin Estates site plan prepared by LDC. <u>Code Authority:</u> RZC 21.52.030(E); Appendix 2 <u>Condition Applies:</u> Civil Construction, Final Subdivision Document
	ii. Direct vehicle access from lots to NE 100th Street will not be permitted. This restriction shall be indicated on the face of the civil plans and other final documents. <u>Code Authority:</u> RZC 21.52.030(E) <u>Condition Applies:</u> Civil Construction
	iii. The following driveways are required to be improved as specified below: • All driveways shall be constructed as shown on the Willow Hill Short Plat site plan prepared by LDC. <u>Code Authority:</u> RZC Appendix 2 <u>Condition Applies:</u> Civil Construction
e.	Underground Utilities. All existing aerial utilities shall be converted to underground along the street frontages and within the development unless a

	deviation is approved by the City of Redmond. All new utilities serving the development shall be placed underground. <u>Code Authority:</u> RZC 21.74.020(F), 21.17.020 <u>Condition Applies:</u> Civil Construction
f.	Street Lighting. Illumination of the street 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. Contract 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/workspaces/one.aspx?objectid=25473&contextId=22451 <u>Code Authority:</u> RZC 21.74.020(G), 21.54.020, 21.52.030(G), Appendix 2 <u>Condition Applies:</u> Civil Construction
g.	Safe Walking Route(s). The Redmond Zoning Code requires that safe pedestrian linkages be provided between new developments and existing neighborhoods and public facilities. The proposed short subdivision is within a 1-mile walking radius of the Mark Twain Elementary. Current conditions on NE 100th Street do not provide safe walking conditions for students or other pedestrians. An interim walkway shall be constructed from the west edge of the project frontage along the north side of NE 100th street to <u>the eastern property line of 13426 NE 100th Street</u> or to other interim walkway improvements as shown on Sheet RD-06. The interim walkway shall be 4 feet wide, constructed of asphalt or concrete, and located a minimum of 2 feet from the edge of the street. A safety railing or fencing will be required when (1) the interim walkway is located at the top of a slope or wall that is 2:1 or steeper and (2) the walkway elevation is 30-inches or higher than the toe of the slope or wall. The interim walkway must be constructed prior to occupancy of any house. <u>Code Authority:</u> RCW 58.17; RZC 21.52.030, 21.17.010(F); RZC 21.74.020(I) <u>Condition Applies:</u> Civil Construction

2. Development Engineering – Water and Sewer

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

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a.	Water Service. Water service will require a developer extension of the City of Redmond water system as follows: install 4-inch and 8-inch ductile iron water in Roads "A" and "B" as shown on the drawing prepared by LDC Civil Engineering Group, air/vacs will be installed at high points along the water main and blowoff or fire hydrants will be installed at dead
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	ends or low points. Water meters will be installed as shown on the drawing prepared by LDC Civil Engineering Group. The water meters will provide residential sprinklers and potable demands for each new home. <u>Code Authority:</u> RZC 21.74.020(D), 21.54.010 <u>Condition Applies:</u> Civil Construction
b.	Sewer Service. Sewer service will require a developer extension of the City of Redmond sewer system as follows: install 8-inch diameter PVC sanitary sewer in Road “B” connecting to the new collection system in NE 100th Street as shown on the drawings prepared by LDC Civil Engineering Group. Side sewers from each proposed new home will be connected to the new sanitary main in Road “B” as shown on the drawings prepared by LDC Civil Engineering Group <u>Code Authority:</u> RZC 21.74.020(D), 21.54.010 <u>Condition Applies:</u> Civil Construction
c.	Backflow Preventors: Backflow preventors shall be used in the water supply system in accordance with City, State, and Federal requirements. (Code Authority: RMC 13.10) WAC 246-290-490 specifically addresses Cross-connection control devices and their specific use of premise isolation; reference Table 8 for the appropriate backflow isolation devices and Table 9 to determine if your proposed use is a high health cross-connection hazard. <u>Code Authority:</u> RMC 13.10 <u>Condition Applies:</u> Civil Construction
d.	Permit Application. Water meter and sewer service applications shall be submitted for approval to the Development Engineering Division. Permits and meters will not be issued until all improvements are constructed and approved for use, and administrative requirements are completed. In certain limited circumstances, as determined solely by the City of Redmond, water meter and/or side sewer permits may be issued prior to completion of improvements and administrative requirements. In such cases, various additional guarantees or requirements may be imposed as determined by the Development Engineering Division. All reimbursement and stub fees shall be paid prior to sale of water and side sewer permits. <u>Code Authority:</u> RMC 13.08.010, 13.12

	Condition Applies: Prior to Permit Purchase
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3. **Development Engineering – Stormwater / Grading**

Reviewer: Jeff Dendy P. E., Senior Engineer

Phone: 425-556-2890

Email: jdendy@redmond.gov

a.	Water Quantity Control: i. Stormwater discharge shall match the developed discharge duration to the pre-developed duration for the range of pre-developed discharge rates from 50% of the 2-year peak flow up to the full 50-year flow. Detention shall be provided in an on-site, publicly maintained, pond.
	ii. The stormwater pond shall be designed in accordance with City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook, Issue Number 6, section 3.2.1 – Detention Ponds. “Detention ponds in infiltrative soils shall be lined, unless otherwise approved as infiltration facilities.” “Lining may consist of an impermeable till layer 18 inches or thicker, bentonite or synthetic liners approved by the Stormwater Engineer.” Liner type as directed by the project geotechnical engineer. The project geotechnical engineer is required during pond construction to verify impermeability.
	iii. Provide for overflow routes through the site for the 100-year storm.
	Code Authority: RZC 21.74.020(D); RMC 15.24.080 Condition Applies: Civil Construction
b.	Water Quality Treatment
	i. Basic water quality treatment shall be provided in a publicly maintained filter canister vault. Treatment is required for the 6-month, 24 hour return period storm. The canister vault will be located on-site.
	The offsite storm pipe connecting the Benjamin Estates erosion control / detention pond to the existing conveyance system in Willows Commerce Park will be operational prior to construction of houses within Benjamin Estates.
	Code Authority: RZC 21.74.020(D); RMC 15.24.080(2)(d) Condition Applies: Civil Construction
c.	Public Stormwater Easements. Public easements (if any) shall be created at time of final plat. The preliminary plans do not indicate that public stormwater easements will be necessary.

	Code Authority: RZC 21.74.020(H); RMC 15.24.080(2)(i) Condition Applies: Civil Construction, Final Subdivision Document
d.	Private Stormwater Easements. Private stormwater easements will be required where drainage systems are located across adjacent properties and will remain under private ownership. Maintenance of private drainage systems will be the responsibility of the property owners benefiting from the easement. Code Authority: RZC 21.54.010(D), 21.74.020(C), 21.54.010(E), Appendix 3 Condition Applies: Civil Construction, Final Subdivision Document
e.	Clearing and Grading. [] The project may use eight-inch driveway culverts where necessary instead of the standard 12-inch pipe diameter due to low cover restrictions. Offsite Stormwater Extension - Relief from maximum structure spacing: The existing slopes on the bluff vary from 4% to 37%. The length of pipe which is inaccessible due to existing slope/topographic limitation is approximately 643 feet. A deviation has been approved to utilize HDPE pipe material within the 643 gap-length with no intermediate access structures. The HDPE storm pipe will have a 4-foot minimum bury depth, and follow easement/ ROW topography. Code Authority: RZC 21.74.020(J); RMC 15.24.080 Condition Applies: Civil Construction
f.	Temporary Erosion and Sediment Control (TESC). Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.
	Code Authority: RMC 15.24.080 Condition Applies: Civil Construction
g.	Floodplain Management. The site does not lie in a designated flood plain. Code Authority: RZC 21.64.010, 21.64.040 Condition Applies: Civil Construction, Final Subdivision Document, Other
h.	Landscaping. Deep rooted plantings must not be place closer than eight feet from stormwater pipes unless a root barrier is used.

	Code Authority: RZC 21.32.30 Condition Applies: Civil Construction
i.	Wellhead Protection. Site lies in Wellhead Protection Zone 4. Code Authority: RMC 13.07.100 Condition Applies: Civil Construction
j.	Department of Ecology Notice of Intent Construction Stormwater General Permit. Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at: www.ecy.wa.gov/pubs/0710044.pdf . Code Authority: Department of Ecology Rule Condition Applies: Prior to Commencement of Construction
k.	Regional Capital Facilities Charge. No Regional Capital Facilities Charge applies to this project. Code Authority: RMC 13.20.045 (Downtown); RMC 13.20.047 (Overlake) Condition Applies: Building Permit Issuance
l.	Critical Landslide Hazard Areas. No critical hazard areas exist on this site. Code Authority: RZC 21.64.060(B) Condition Applies: Civil Construction, Final Subdivision Document

4. Fire Department

Reviewer: Rich Gieseke, Assistant Fire Marshal

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rgieseke@redmond.gov

a.	The current submittal is generally adequate for Preliminary Subdivision Approval, but does not fully represent compliance with all requirements. The following conditions are integral to the Preliminary Subdivision Approval and shall be complied with in Civil Drawings, the Final Short Subdivision, Building Permit submittals, Fire Code Permit submittals, and/or other applicable processes:
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b.	Preliminary Subdivision Condition All lots shall be addressed off of the internal streets. Address and street names to be determined and approved prior to the approval of Civil construction drawings.
c.	Fire Protection Permit Hydrant spacing, meter size and available fire flow shall comply with Redmond Fire Standards.
d.	Fire Code Permit All new homes to be equipped throughout with fire sprinklers conforming to the requirements of NFPA 13D and Redmond Fire Standards.
	Code Authority: RMC 15.06; RZC Appendix 2; RFD Standards, RFDD&CG Condition Applies: Civil Construction, Final Subdivision Document
e.	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. Specific required easements shall be identified in the civil construction drawings. Code Authority: RZC Appendix 2, Section III Condition Applies: Civil Construction, Final Subdivision Document

5. Planning Department

Reviewer: Thara Johnson, Associate Planner

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Email: tmjohnson@redmond.gov

a.	Street Trees. The following street trees are required to be installed in accordance with RZC 21.32.090. The minimum size at installation is 2 ½ inch caliper.		
	Street	Species	Spacing
	NE 100 th Street	TBD	30’ on center
	Code Authority: RZC 21.32.090 Condition Applies: Civil Construction		
b.	Tree Preservation Plan. A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil drawings. A plan showing the location of preserved trees and containing protection language approved by the City shall be recorded with the short subdivision.		

	Code Authority: RZC 21.72.060 Condition Applies: Civil Construction, Final Subdivision Document
c.	Tree Replacement. Tree Replacement shall be implemented in conformance with the Landscape Plan. Code Authority: RZC 21.72.080 Condition Applies: Civil Construction, Final Subdivision Document
d.	Planting Standards. Landscaping shall be coordinated with water/sewer lines and fire hydrants/connections. Trees shall be planted a minimum of 8 feet from the centerline of any water/sewer lines. Shrubs shall be planted to maintain at least 4 feet of clearance from the center of all fire hydrants/connections. Code Authority: RZC 21.32 Condition Applies: Civil Construction
e.	Residential Regulations. The Benjamin Estates 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
f.	Setbacks. Setback classifications (e.g. front, side, side street, rear) shall be noted shall be noted on each lot corresponding to the appropriate location for each setback. The setback dimensions shall not be included. Code Authority: RZC 21.08.170(H) Condition Applies: Final Subdivision 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 subdivision document. Code Authority: RZC 21.08.170(L)(2)(a) Condition Applies: Final Subdivision Document

B. Compliance with City of Redmond Codes and Standards

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

Transportation and Engineering

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RZC 21.40.010(E):	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC 21.76.100(F)(9)(c)	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020(G):	Site Construction Drawing Review
RZC 21.76.020(H)(6):	Preconstruction Conference
RZC 21.76.020(H)(7):	Performance Assurance
RZC Appendix 2:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Record Drawing Requirements, Version 10-2005 (2005)
City of Redmond:	Standard Specifications and Details (current edition)

Water and Sewer

RMC 13.04:	Sewage and Drainage
RMC 13.08:	Installing and Connecting Water Service
RMC 13.10:	Cross-Connection and Backflow Prevention
RZC 21.17.010:	Adequate Public Facilities and Services Required
RZC Appendix 3:	Design Requirements for Water and Wastewater System Extensions
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Design Requirements: Water and Wastewater System Extensions - January 2000.

Stormwater/Clearing and Grading

RMC 15.24:	Clearing, Grading, and Storm Water Management
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 2:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Fire Department Design and Construction Guide 5/6/97
City of Redmond:	Fire Department Standards

Planning

RZC 21.08:	Residential Regulations
RZC 21.20:	Affordable Housing
RZC 21.58-21.62	Design Standards
RMC 3.10	Impact Fees
RZC 21.32, 21.72:	Landscaping and Tree Protection
RZC 21.34:	Exterior Lighting Standards
RMC 6.36:	Noise Standards
RZC 21.38:	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 May 21, 2014.

By:



Sharon A. Rice
City of Redmond Hearing Examiner

Note: Type III decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided in RZC 21.76.060.M. Any party with standing (detailed at RZC 21.76.060.M.2.a) may appeal this decision by filing the appropriate appeal form along with the required fee no later than 5:00 pm on the tenth business day following the expiration of the reconsideration period. See RZC 21.76.060.M for further detail on appeal requirements.