

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

In the Matter of the Application of)	
)	NO. LAND 2014-01424
)	
The Quadrant Corporation)	Edgewood East Preliminary Plat
)	
)	
For Approval of a Preliminary Plat)	FINDINGS, CONCLUSIONS,
)	AND DECISION
_____)	

SUMMARY OF DECISION

The request for approval of a preliminary plat to subdivide 6.89 acres of land into 25 single-family residential lots is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

The Quadrant Corporation (Applicant) requested approval of a preliminary plat to subdivide 6.89 acres of land into 25 single-family residential lots. The subject property is located on the north side of NE 122nd Street at its intersection with 178th Place NE in Redmond, Washington.

Hearing Date

The Redmond Hearing Examiner conducted an open record hearing on the application on August 3, 2015. On the record at hearing, arrangements were made for the submission of additional information from Planning Staff after adjournment, which was timely submitted as Exhibits 2 and 6. The record was held open for Applicant response to Exhibits 2 and 6, but the Applicant timely indicated there was no response. The record closed on August 10, 2015, rendering a decision date of August 24, 2015.

Testimony

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

- Sarah Vanags, Associate Planner, City of Redmond
- Steven Fischer, Redmond Development Review Planning Manager
- Jeff Dendy, Public Works Senior Engineer, City of Redmond
- Paulette Norman, City of Redmond Transportation and Engineering
- Geoff Tamble, Engineer for the Applicant
- Matt Perkins, Applicant Representative
- Tom Cossette
- David Kester
- Brian Lee
- Shrikant Saitawdekav

Exhibits

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

1. Revised Technical Committee Report to the Hearing Examiner, with the following attachments:
 1. General Application Form
 2. Project Contact Form
 3. Vicinity Map
 4. Zoning Map
 5. SEPA Application Form
 6. Completeness Letter
 7. Public Notice Site Plan
 8. Public Notice Tree Preservation Plan
 9. Notice of Application and Certificate of Publishing
 10. SEPA Environmental Checklist
 11. Notice of Public Hearing and Certificate of Posting
 12. Plan Set
 13. Critical Aquifer Recharge Areas Report by Associated Earth Sciences, dated Revised December 9, 2014
 14. Subsurface Exploration and Geotechnical Engineering Assessment by Associated Earth Sciences, dated March 3, 2014
 15. Green House Gas Emissions Worksheet
 16. Tree Health Assessment
 17. Landmark Tree Exception Request
 18. Tree Exception Approval Letter
 19. Title Report
 20. Level 1 Traffic Analysis by TENW, dated August 28, 2014
 21. Preliminary Storm Drainage Report by Blueline, dated October 24, 2014
 22. Computation Worksheet
 23. Neighborhood Meeting Notice
 24. Public Comment
 25. Coversheet
 26. Fire Plan
 27. Grading Plan
 28. Landscape Plan
 29. Open Space Plan
 30. Transportation Plan
 31. Utility Plan
 32. Applicable Polices from the Comprehensive Plan
2. Memorandum from Sarah Vanags regarding school capacity information from the Lake Washington School District website, dated August 5, 2015
3. Planning Staff's PowerPoint Presentation
4. Critical Areas Report by Raedeke Associates, Inc., dated November 3, 2014
5. Kester email, dated August 3, 2015

6. Information submitted by Staff on August 5, 2015 regarding transportation, connectivity, and pedestrian facilities:
 - a. Transportation Dashboard, from the Redmond Transportation Master Plan, page 4
 - b. Map N-NR-5, North Redmond Supplemental Connections

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

FINDINGS

1. The Applicant requested approval of a preliminary plat to subdivide 6.89 acres of land into 25 single-family residential lots. The subject property is located on the north side of NE 122nd Street at its intersection with 178th Place NE in Redmond, Washington.¹ *Exhibit 1, Attachment 1; Exhibit 1, Attachment 12.*
2. The preliminary plat application was complete on June 2, 2014. *Exhibit 1, Attachment 9.*
3. The subject property is located in the North Redmond Neighborhood. Comprehensive Plan policies applicable to the proposal: allow new development where there are adequate public facilities and services; encourage sustainable development; provide flexibility through development regulations to promote efficient use of buildable land; promote a mix of housing for all income levels; provide incentives to minimize costs to the developer to provide affordable housing; require development to be designed to respect the natural features of the neighborhood; and ensure that new single-family dwellings have living space as the dominant feature of the street elevation. *Exhibit 1, page 5; Exhibit 1, Attachment 32.*
4. The subject property is zoned R-4. *Exhibit 1, page 4.* The purpose of the R-4 zone is to:

[Provide] for primarily single-family residential neighborhoods on lands suitable for residential development with an allowed base density of four dwellings per gross acre. This designation provides for stable and attractive suburban residential neighborhoods that have a full range of public services and facilities. To complement the primarily residential nature of these zones, some nonresidential uses are allowed.

Redmond Zoning Code (RZC) 21.08.060.A.
5. The subject property is undeveloped and is surrounded by existing single-family residential development. The properties to the south, east, and west are within the Redmond city limits and are zoned R-4. The property to the north is within unincorporated King County. *Exhibit 1, page 3; Exhibit 1, Attachment 3; Exhibit 1, Attachment 12.*

¹ The property is known as Tax Parcel No. 2526059023. *Exhibit 1, Attachment 1.*

6. The minimum required density for the 6.89-acre site is 11 dwelling units and the maximum base density (not including bonus units) is 28 dwelling units. The proposed 25 dwelling units falls within this permitted range. *Exhibit 1, page 3; Exhibit 1, Attachment 12.*
7. Pursuant to RZC 21.20.020-.030, all new single-family residential developments of ten units or greater in the North Redmond Neighborhood are required to provide ten percent of proposed units as affordable housing. Consistent with this requirement, the Applicant proposes to develop two affordable housing units. These would be developed as a duplex on Lots 1 and 2, which would have a zero lot line at the shared wall. Although the affordable housing provisions allow at least one bonus market-rate unit for each affordable housing unit up to 15% above the maximum allowed density, the proposal does not utilize the density bonus. *Exhibit 1, page 9; Exhibit 1, Attachment 12; RZC 21.20.020 et seq.*
8. 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 for the purpose of reducing development impacts. The incentive program establishes a list of sustainable development techniques for which points are awarded, as well as the incentives toward which points may be utilized. The instant proposal would provide native vegetation retention of at least 30% and would provide drought-tolerant landscaping, earning a total of three points. The Applicant proposed to apply those three points towards the lot size reduction incentive, thereby reducing the required minimum lot size for all lots by 25%. *Exhibit 1, page 6.* With the lot reduction incentive the required average lot area is reduced from 7,000 square feet to 5,250 square feet. The proposed lots would range in area from 3,732 to 7,717 square feet and would average 5,859 square feet, meeting the incentive-reduced lot size average required. *Exhibit 1, Attachment 12, Cover Sheet and Site Plan.*
9. The proposed lots have been designed to satisfy all bulk dimensional standards of the R-4 zone as modified by the green building incentives program (including minimum lot size, lot width circle, setbacks, minimum building separation, etc.). Compliance with the City's architectural standards would be determined at the time of building permit review. *Exhibit 1, pages 4-5; Exhibit 1, Attachment 12.*
10. The subject property contains one Class II stream (e.g., meeting criteria for fish habitat) that crosses the northeast portion of the subject property. The City's critical areas regulations require Class II streams to be protected by a 100-foot inner buffer plus a 50-foot outer buffer. The stream and required buffers occupy the eastern one-third to one-half of the subject property. *Exhibit 4; Exhibit 1, Attachment 12.*
11. The Applicant proposes to average a small portion of a stream buffer as described in RZC 21.64.020(B)(6) and (7). These regulations allow the inner buffer of a Class II stream to be reduced by a maximum of 25 percent (in this case, to 75 feet, for a total buffer width of 125 feet). The Applicant proposes to reduce the width of the buffer to a minimum of

125 feet in the northern portion of the stream corridor, resulting in 5,554 square feet of buffer encroachment, and increase the buffer in the southern portion of the stream buffer, resulting in 5,720 square feet of additional buffer. The averaged buffer and stream would be permanently preserved in a 107,273 square foot sensitive areas tract (Tract C). No additional mitigation for buffer impacts is required in order to achieve compliance with the City's critical areas regulations. *Exhibit 1, page 9; Exhibit 1, Attachment 12; Exhibit 4.*

12. No geologic hazards were identified on the subject property. Based on the conclusions of a professionally prepared geotechnical engineering assessment, the subject property is suitable for development. *Exhibit 1, Attachment 14.*
13. During the critical areas evaluation, no listed endangered, threatened, or sensitive species were observed on the subject property. However, some of the trees/snags on the property show evidence of foraging by pileated woodpecker, a state candidate species. The City recommended as a condition of approval that if signs of foraging are observed on any trees planned for removal within the proposed development area, that they be snagged and relocated to Tract C. *Exhibit 4; Exhibit 1, pages 9 and 19; Exhibit 1, Attachment 16.*
14. Redmond Zoning Code 21.72 requires that all healthy landmark trees and 35 percent of all healthy significant trees be retained.² The health of existing trees on the subject property was assessed by a professional arborist, who prepared a report dated May 11, 2015. According to the report, there are 217 trees six inches in diameter breast height (dbh) or greater which classifies them as significant, three of which are larger than 30 inches dbh, classifying them as landmark. One hundred and seventeen of the significant trees are in non-viable or poor condition. Of the net 100 trees, the Applicant proposes to retain 37 (35 significant and 2 landmark), for a total retention of 37% of the healthy, significant trees on site. The retained trees would be located within Tract C and along the western property boundary. The Applicant applied for, and obtained Department of Planning and Community Development approval of, a landmark tree exception request for the one landmark trees proposed to be removed (RZC 21.72.090). The City's tree preservation ordinance requires three replacement trees for the landmark tree proposed for removal, and one replacement tree for each significant (non-landmark) tree removed, for a total of 65³ replacement trees. The Applicant submitted a landscaping plan that incorporates replacement trees in the design. *Exhibit 1, page 8; Exhibit 1, Attachments 8, 16, 17, 18, and 28.*
15. The City's open space requirements (RZC 21.08.170.L) may be satisfied on a lot-by-lot basis or on a combined development-wide and lot-by-lot basis. If provided on a lot-by-lot basis, the minimum required open space in the R-4 zone is 20% of the total lot area. If common open space is provided, the open space on individual lots may be reduced to

² Pursuant to RZC 21.78, landmark trees are those that are greater than 30 inches in diameter at breast height and significant trees are those that are between six and 30 inches in diameter at breast height.

³ The table on page 32 of Exhibit 1, Attachment 16 (showing the need for 63 replacement trees) appears to contain a calculation error.

10% of the lot area, provided the remaining required open space is provided in common areas, with at least 25% of the required open space outside of critical areas. As proposed, 139,126 square feet, or approximately 46% of the subject property, would be set aside as open space within Tract B (stormwater detention/open space tract), Tract C (sensitive areas tract), and within individual lots. The amount of open space outside of Tract C would be approximately 43% of the minimum total open space requirement. The proposed open space on each lot exceeds 10% of the lot area. Tract B would include a children's play area. *Exhibit 1, Attachments 12, 28, and 29; RZC 21.08.170.*

16. 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 Type II landscaping along the site's northern, southern, and western boundaries adjacent to existing single-family development, and plantings between the lots and the critical area. The eastern boundary would be comprised of forested Tract C. *Exhibit 1, page 7; Exhibit 1, Attachment 28.*
17. Access to the plat would be from a northerly extension of 178th Place NE from NE 122nd Street. Lots 1 and 2 (the duplex) are proposed to take direct access from NE 122nd Street, and the remaining lots would access from the extension of 178th Place NE, to be developed as an internal cul-de-sac street. Proposed improvements to the NE 122nd Street frontage and to 178th Place NE include five-foot wide sidewalks and planter strips. The Technical Committee determined that the proposed street system complies with the Redmond Neighborhood Plan in the Comprehensive Plan; they recommended conditions to ensure the constructed road improvements comply with the City's street standards. *Exhibit 1, pages 10, 13, and 14; Exhibit 1, Attachment 30.*
18. The plat is expected to generate 278 weekday daily trips, including 28 weekday PM peak hour trips. The Applicant submitted a transportation concurrency application to the City of Redmond and would be required to pay transportation impact fees for each lot at time of building permit. The purpose of these fees is to fund a portion of the City's Transportation Facility Plan, which is intended to maintain, provide, and improve mobility in Redmond. *Exhibit 1, Attachment 20; RZC 21.52.010; RMC 3.10.*
19. Each lot would connect to municipal water and sewer service. Both services require appropriate utility easements. All new utilities would be installed underground. *Exhibit 1, pages 11, 14, and 15; Exhibit 1, Attachment 31.*
20. Stormwater runoff from the developed portion of the site is to be collected, detained, and treated in a stormwater vault developed in Tract B. After treatment and storage, flows from the on-site stormwater system would eventually be released in the pre-construction discharge location into the stream, mimicking pre-development flows and hydrology patterns. The stormwater system is required to be designed in accordance with the requirements of the Washington State Department of Ecology's Stormwater Management Manual for Western Washington and the City of Redmond Technical Notebook. *Exhibit 1, Attachment 21; Tamble Testimony.*

21. There are seven wells within 1,300 feet of the subject property. The subject property is not within the 100-foot sanitary control radius of any of the off-site wells. Based on a critical aquifer recharge areas report prepared for the project, the proposed development would not have an adverse impact on the off-site wells due to the stormwater improvements proposed. An existing well on the subject property must be decommissioned. *Exhibit 1, Attachment 13.*
22. The proposal was reviewed for compliance with Fire Code requirements by the Fire Department. The Fire Department recommended project approval subject to conditions that require each dwelling unit to be sprinklered, provision of appropriate fire lane markings, and emergency vehicle access easements. *Exhibit 1, page 18; Exhibit 1, Attachment 26.*
23. There is an existing safe walking route between the subject property and schools within a one-mile radius of the subject property. *Exhibit 1, page 11.*
24. Although in general the Lake Washington School District has capacity to serve additional students, the schools in the North Redmond area are overcrowded. As a consequence, the School District has announced a plan to reassign students to schools with capacity. The plan takes into account students from the proposed development and addresses capacity through 2018. In addition, the plat is subject to per lot school impact fees in accordance with Redmond Municipal Code (RMC) 3.10. *Exhibit 1, page 11; Exhibit 2.*
25. The City of Redmond Technical Committee acted as lead agency for review of the project's environmental impacts under the State Environmental Policy Act (SEPA), and issued a determination of non-significance (DNS) through the Optional DNS process on July 16, 2015. The SEPA comment period ended July 7, 2015. *Exhibit 1, Attachment 9.*
26. The Technical Committee, comprised of staff from the Planning, Public Works, and Fire Departments, reviewed the complete application and supporting materials for compliance with City regulations and the Comprehensive Plan. The Technical Committee recommended project approval subject to conditions. *Exhibit 1, pages 12-20.*
27. Notice of the August 3, 2015 open record public hearing on the application was posted on-site and at City Hall and the Redmond Library, published in the *Seattle Times*, and mailed to surrounding property owners within 500 feet of the site on July 13, 2015. *Exhibit 1, page 7; Exhibit 1, page 11.*
28. In public comment on the application, residents of the subdivision located to the south of the subject property (south side of NE 122nd Street) objected to the location of the duplex on the perimeter of the proposed plat and its direct access from NE 122nd Street. The concern was that the duplex would lower property values, and that as proposed the impacts of these lower cost units would be borne by existing adjacent properties outside the proposed plat due to the placement of the duplex on its own on NE 122nd Street, while all other proposed lots would access 178th Place NE. One member of the public stated at hearing that the multiple maps circulated appeared to show the duplex in

different locations on the site plan, specifically the plat map attached to hearing notice which showed a heavily outlined two-area adjoined space. This individual stated this item on the notice map made it look like the duplex had been moved in response to public comment, and he was disappointed to learn instead it represented the location of the stormwater vault. Additionally, neighbors raised concern regarding the impacts of increased traffic on the residents of the existing neighborhood, especially with regard to speeding cars and children. A request was made that project not be approved until 172nd Avenue NE (off-site and west of the subject property) is extended. *Exhibit 1, Attachment 24; Exhibit 5; Cossette Testimony; Kester Testimony; Lee Testimony.*

29. One member of the public testified that there was confusion regarding time of the hearing. He stated that notice of hearing was mailed July 16th indicating a 7:00 pm start time, but on the same date, posted notice indicated the hearing would start at 6:00 pm. This person was told by the Clerk's Office that a corrected notice with a 6:00 pm start time was mailed that same day; however, the individual stated that he did not receive a corrected notice of hearing in the mail. He expressed concern that others did not receive corrected notice. *Cossette Testimony.*
30. The notice of hearing in the record contains the word "Amended" in the bolded headline across the top and gives a start time of 6:00 pm; the mailing list for this notice is attached and indicates all properties to which it was mailed. *Exhibit 1, Attachment 11.* Planning Staff noted that Mr. Cossette had first contacted her on July 16th regarding notice, and he had cc'd multiple parties of record. Staff's understanding was that the Clerk's Office mailed the amended notice of hearing. *Vanags Testimony.*⁴
31. Regarding concern with the placement of the proposed duplex and alleged impacts to property values, Planning Staff noted that the City is not in a position to regulate affordable housing units beyond items expressly included in the City code. Neither placement of the units within the proposed plat nor the location of access to affordable housing units is addressed in the applicable regulations.⁵ Regarding the confusion of multiple maps, Planning Staff identified the double-chambered feature pointed out in public comment was in fact the stormwater vault, and that it is on a map labeled as the tree retention plan and shows the location of the vault and trees to be retained around it. *Vanags Testimony.* In response to concerns regarding traffic congestion and safety,

⁴ The Examiner notes that the hearing in the above-captioned application did not end until after 7:00 pm, that public comment was taken towards the end of the hearing, and there were two later hearings, meaning any late arrivals would have had the opportunity to raise their concerns during the course of the evening.

⁵ Pursuant to RZC 21.20.010, the purpose of the City's affordable housing regulations is to accomplish the following: implement the responsibility of the City under the state Growth Management Act to provide for housing opportunities for all economic segments of the community; help address the shortage of housing in the City for persons of low and moderate incomes, helping to provide opportunities for low- and moderate-income persons who work in the City to live here, rather than in locations distant from employment that contribute to increased length and number of vehicle trips; help facilitate an adequate affordable housing supply in the City by offsetting the pressure on housing costs resulting from high job growth and construction of high-end housing; preserve and create opportunities for affordable housing as the City continues to grow; and encourage the construction of housing that is affordable to senior citizens of Redmond.

Public Works Staff testified that the proposed plat would in fact generate more trips in the vicinity; however, the proposed new roads and proposed frontage improvements on existing NE 122nd Street are intended to improve trip distribution and traffic safety. Improvements would include two travel lanes, landscape strips, and sidewalk along NE 122nd Street. The instant plat would complete the intersection, converting the existing 90 degree turn into a "T" intersection, which should improve safety generally. *Norman Testimony; Exhibit 6a.*

32. The Applicant indicated that in planning the project layout, alternative placements for the affordable housing units were considered, but that given topography, the stream and buffer, and other site planning constraints, the current proposal was selected as the most suitable placement for the duplex. He also noted that the City has design guidelines applicable to all units and the proposed duplex would be a quality product, well designed and built, that would not detract from the neighborhood. *Perkins Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is authorized to conduct open record hearings and issue decisions on Type III permits, including preliminary plat permit applications, pursuant to RZC 21.76.050.C, Table 21.76.050B, and RZC 21.76.060.F.

Subdivision Criteria for Review

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

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

- vi. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- e. Geotechnical considerations have been identified, and all hazards and limitations to development have been considered in the design of streets and lot layout to assure streets and building sites are on geologically stable soil, considering the stress and loads to which the soil may be subjected.

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

Conclusions Based on Findings

1. As conditioned, the proposal complies with the general criteria applicable to all land use permits, which include in relevant part consistency with the City's development regulations, the Comprehensive Plan, and SEPA. The proposal would satisfy the City's tree retention/replacement, critical areas, and affordable housing requirements.⁶ A SEPA determination of non-significance was issued for the project. *Findings 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 25.*
2. As conditioned, the proposal conforms to the requirements of the R-4 zone. The housing density proposed is within the allowed range. The proposed lots satisfy the dimensional standards of the zone as modified through the Green Building and Green Infrastructure Incentive Program. Open space in excess of minimum requirements is provided in Tracts B and C, as well as on individual lots. Perimeter landscaping is provided consistent with code. *Findings 4, 6, 7, 8, 9, 15, and 16.*
3. As conditioned, the proposal is consistent with the requirements of RZC 21.74, which include the Green Building and Green Infrastructure Incentive Program, and requirements for easements, utilities, and streets. *Findings 8, 17, 19, 20, 22, and 25.*
4. As conditioned, the proposal makes adequate provision for streets. Based on the evidence presented, the project's compliance with the City's concurrency requirements and payment of transportation impact fees would adequately mitigate the traffic impacts of the development. In addition, street frontage and intersection improvements can be expected to positively affect traffic safety relative to current conditions. *Findings 17, 18, 25, and 28.*
5. As conditioned, the proposed subdivision would be adequately served by utilities. *Findings 19 and 20.*
6. As conditioned, the proposal makes adequate provision for parks, recreation, and playgrounds. The open space in Tract B would provide recreational opportunities. The

⁶ Pursuant to RZC 21.20.050.B, developers may develop the required affordable housing units off-site, and preference in approving off-site affordable housing units is given when they are proposed in the same neighborhood planning area.

proposal is subject to the City's impact fee ordinance (RMC 3.10), which establishes a park impact fee among others. *Finding 15.*

7. As conditioned, the proposal makes adequate provision for schools and school grounds. The Applicant would be required to pay school impact fees. *Finding 24.*
8. As conditioned, the proposal makes adequate provisions for sidewalks and safe walking conditions for students. In addition to the existing off-site walking route, the project would provide sidewalks on the NE 122nd Street frontage and on the extension of 178th Place NE. *Findings 17 and 23.*
9. As conditioned, the proposal serves the public interest and makes appropriate provisions for the public health, safety, and welfare. The residences would be required to contain fire sprinklers in accordance with Fire Code. There would be no impacts to off-site wells in the vicinity. The project is subject to fire, park, school, and transportation impact fees per RMC 3.10. *Findings 6, 11, 23 and 25; RMC 3.10.*
10. With respect to the primary objection raised at the public hearing, insufficient evidence was presented that the proposed location of the affordable housing (which consists only of a single duplex, with each half on its own lot) is inconsistent with City ordinances or contrary to the public interest. All new subdivisions creating ten or more lots are required to provide affordable housing; the proposed affordable housing is mandated by City code. Land use decisions cannot be based on generalized fears, such as the fear that there will be a reduction in property values. This is a relatively small project in which half of the residences would be on the perimeter of the development adjacent to existing development; there is nothing unique about the proposed placement of the duplex on the perimeter of the development. City regulations (RZC 21.20.040) require the exterior quality of required affordable housing units to be comparable to the other dwelling units in the development. Compliance with these standards should adequately mitigate the potential for adverse effects on the surrounding area. There is no authority in the Redmond Zoning Code that empowers the City to compel specific placement of affordable housing units, or that establishes required mitigation for alleged impacts to property values from the development of affordable housing. To the extent that the proposed lots and affordable housing units are consistent with code, or with conditions can be made to comply, the City is obligated to approve them. *Findings 7 and 28.*
11. Geotechnical considerations have been identified, and all hazards and limitations to development have been considered in the design of streets and lot layout. In this case, the only limitation to development is the Class II stream. The stream and its averaged buffer would be permanently protected in Tract C, which, as conditioned, would also provide habitat for pileated woodpecker. *Findings 10, 11, 12, and 13.*

/

/

/

DECISION

Based on the preceding findings and conclusions, the request for approval of a preliminary plat to subdivide 6.89 acres of land into 25 single-family residential lots is **GRANTED**, subject to the conditions below.

Site Specific Conditions of Approval

The following table identifies those materials that are approved with conditions as part of this decision.

Item	Date Received	Notes
Plan Set	06/02/2015	<i>and as conditioned herein.</i>
SEPA Checklist	06/02/2015	<i>and as conditioned herein.</i>
Conceptual Landscaping Plan	06/02/2015	<i>and as conditioned herein.</i>
Conceptual Lighting Plan	06/02/2015	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	06/02/2015	<i>and as conditioned herein.</i>
Stormwater Design	06/02/2015	<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: Andy Chow, P.E., Engineer

Phone: 425-556-2740

Email: kachow@redmond.gov

- a. Easements and Dedications.** Easements and dedications shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit. The existing and proposed easements and right-of-way shall be shown on the civil plans. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.
 - i. Easements are required as follows:
 - (a) 10-foot wide sidewalk and utilities easement, granted to the City of Redmond, along all right-of-way including NE 122nd Street.
 - (b) 10-foot wide sidewalk and utilities easement, granted to the City of Redmond, along all right-of-way including 178th PL NE.
 - (b) At the time of construction, additional easements may be required to accommodate the improvements as constructed.
 - ii. Dedications for right-of-way are required as follows:
 - (a) New right-of-way lines joining at the intersection of NE 122nd Street and 178th PL NE shall connect with a 25-foot radius, or with a chord that encompasses an equivalent area. The area formed by this radius or chord shall also be dedicated as right-of-way.

(b) A strip of land 50 feet and cul-de-sac showing as 178th PL NE in Transportation Plan prepared by Blueline dated on 5/4/2015.
(Code Authority: RZC 21.52.030 (G); RMC 12.12)

b. Construction Restoration. In order to mitigate damage due to trenching and other work on NE 122nd Street and 178th PL NE, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Development Engineering Division.
(Code Authority: RMC 12.08; Redmond Standard Specifications and Details)

c. Street Frontage Improvements

i. The frontage along NE 122nd Street must meet current City Standards which include asphalt paving 14 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5 feet wide planter strips, 5 feet wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- 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 178th PL NE must meet current City Standards which include asphalt paving 14 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5 feet wide planter strips, 5 feet wide concrete sidewalks, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- 7 inches HMA Class ½” PG 64-22
- 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. A separate 40-scale channelization plan may be required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual. The project is located along a state route, therefore WSDOT approval of the channelization plan is also required.

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

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

- NE 122nd Street at 178th PL NE intersection
 - 178th PL NE on both sides
- (Code Authority: RZC 21.10.150; 21.17.010 (F); 21.17.010; RMC 12.12)

d. Access Improvements

- i. The type and location of the proposed site accesses are approved as shown on the Edgewood East site plan prepared by Blueline.

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

- ii. Direct access to NE 122nd Street from the duplex lots No.1 and 2 with a shared driveway will be permitted.

(Code Authority: RZC 21.52.030 (E))

- e. Underground Utilities.** All existing aerial utilities shall be converted to underground along the street frontages and within the development. All new utilities serving the development shall be placed underground.

(Code Authority: RZC 21.17.020)

- f. Street Lighting.** Illumination of the street(s) along the property frontage must be analyzed to determine if it conforms to current City standards. Streetlights may be required to illuminate the property frontage. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Paul Cho, Transportation Operations at (425) 556-2751 with questions. The street lighting shall be designed using the criteria found in the City's Illumination Design Manual which can be accessed at:

<http://www.redmond.gov/ConnectingRedmond/resources/IllumManual.asp>

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

2. Development Engineering – Water and Sewer

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

Phone: 425-556-2844

Email: jstreit@redmond.gov

- a. Water Service.** Water service requires a developer extension of the City of Redmond water system as follows: install a new 8-inch diameter ductile iron water main in 178th Place NE as shown on the drawings prepared by the Blueline Group dated May 4, 2015. Water meters, fire hydrants and service lines will also be installed as shown on the drawings prepared by the Blueline Group dated May 4, 2015. (Code Authority: RZC 21.17)

- b. Sewer Service.** Sewer service requires a developer extension of the City of Redmond sewer system as follows: install a new 8-inch PVC sanitary sewer main in 178th Place NE as shown on the drawings prepared by the Blueline Group dated May 4, 2015. Side sewer from each new lot to the new sanitary main will also be

installed as shown on the drawings prepared by the Blueline Group dated May 4, 2015. (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 Utility Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. Various additional guarantees or requirements may be imposed as determined by the Utilities Division for issuance of meters and permits prior to improvements or administrative requirements being completed. All reimbursement fees shall be paid prior to sale of water and side sewer permits.
(Code Authority: RMC 13.08.010, 13.12)
- f. **Reimbursement Fees:** Reimbursement fees for connection of sewer are required in the amount of \$3,235.18. 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: Cindy Wellborn, P.E., Senior Stormwater Engineer

Phone: 425-556-2495

Email: cwellborn@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 combined detention/wetvault
 - ii. Provide for overflow routes through the site for the 100-year storm
 - iii. The rear yard area of Lots 17-23 shall be fully dispersed
 - iv. The roof areas of Lots 18, 21, and 23 shall be fully dispersed
(Code Authority: RMC 15.24.080)

- b. Water Quality Control**
- i. Basic water quality treatment shall be provided in a publicly maintained combined detention/wetvault. Treatment is required for the 6-month, 24 hour return period storm.
(Code Authority: RMC 15.24.080(2)(d))
- c. Easements.** Easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit or issuance of water meter or side sewer permits. The existing and proposed easements shall be shown on the civil plans. Prior to acceptance of the easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated. (Code Authority: RMC 15.24.080(2)(i))
- d. Clearing and Grading.**
- i. Vehicle Maintenance access for the combined detention/wetvault shall be provided pursuant to City of Redmond Clearing, Grading, and Stormwater Management Technical Notebook 8.6.9.1
 - ii. The combined detention/wetvault shall discharge to a gabion outfall and dissipator near the east property line as shown on UT-01 of the plans
 - iii. Cut or fill slopes may not exceed 33 percent (3H:1V)
 - iv. All retaining walls must have wall drains connected to conveyance system with catch basin or cleanout
- (Code Authority: RMC 15.24.080)
- e. Temporary Erosion and Sediment Control (TESC).**
- i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan
(Code Authority: RMC 15.24.080)
- f. Floodplain Management.** No conditions.
(Code Authority: RZC 21.64.010 and 20D.140.40)
- g. Landscaping.** All new landscaped areas within the project site are required to have compost amended soils. See City of Redmond Standard Detail 632 for requirements.
(Code Authority: RZC 21.64.060 (C))
- h. Department of Ecology Notice of Intent Construction Stormwater General Permit.** Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at:
www.ecy.wa.gov/pubs/0710044.pdf.
(Code Authority: Department of Ecology Rule)
- i. Regional Capital Facilities Charge:** A Regional Capital Facilities Charge does not apply to this project.

4. Fire Department

Reviewer: Barry Nilson

Phone: 425-556-2245

Email: bnilson@redmond.gov

The current submittal is generally adequate for LAND-2014-01424 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: Tracts A, D, and E shall have an EVAE written and ready for recording prior to signing of the Mylar’s.
- b. Fire Protection Plan: “Fire Lane No Parking” signs shall not be blocked by trees and keep the signs about 50'-75' o.c., and the curb shall be painted yellow. The new fire lanes shall be on the same side of the road as the existing fire lanes.
- c. Fire Code Permit: All houses shall have fire sprinklers installed according to NFPA 13D.

(Code Authority: RMC 15.06; RZC Appendix 2, RFD Standards, RFDD&CG)

5. Planning Department

Reviewer: Sarah Vanags, Associate Planner

Phone: 425-556-2426

Email: svanags@redmond.gov

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

Street	Species	Spacing
178 th PI NE/ NE 122 nd St	Red Oak	30’ on avg.
178 th PI NE/ NE 122 nd St	Red Maple	30’ on avg.

(Code Authority: RZC 21.32.090)

- b. **Tree Preservation Plan.** A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil construction drawings. A plan showing the location of preserved trees and containing protection language approved by the City shall be shown on the face of the deed or similar document and shall be recorded with the King County Department of Records and Elections.

(Code Authority: RZC 21.72.060 (D) (2))

- c. **Final Critical Areas Report.** A final Critical Areas Report must be submitted with the civil construction drawings or building permit if civil construction

drawings are not required. This includes any required planting, signage, fencing, wetland or stream enhancement, etc. that is required in the report.
(Code Authority: RZC 21.63, Appendix 1)

- d. Critical Areas Recording.** The regulated critical area and its associated buffer(s) must be protected by an NGPE or placed in a separate tract where development is prohibited. Proof of recording must be submitted to the City prior to issuance of a Certificate of Occupancy on the site.
(Code Authority: RZC 21.64.010(L), 21.64.010(J); RMC 15.24.080(2)(i))
- e. Trees with Evidence of Past or Present Foraging.** Any tree proposed for removal from the developable site area showing evidence of foraging during the construction of the proposed Edgewood East subdivision shall be snagged and placed into the protected Tract C as “wildlife trees” or “hard snags” to ensure no foraging habitat is lost as a result of development activities.

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 21.58-21.62	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 August 24, 2015.

By:



Sharon A. Rice
City of Redmond Hearing Examiner

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