

1 **BEFORE THE HEARING EXAMINER FOR THE CITY OF REDMOND**

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3
4 **IN THE MATTER OF APPLICATION**)
5 **FOR A PRELIMINARY PLAT FOR**)
6 **MARYMOOR HILL PHASE II**)
7)
8)

FILE NO: L030103
DECISION

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11 **DECISION**

12 The Preliminary Plat of Marymoor Hill Phase II is **APPROVED**, subject to conditions.

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15 **INTRODUCTION**

16 The application of Lakeville Construction, Inc. for approval of the Preliminary Plat of Marymoor
17 Hill Phase II came on for hearing before Gordon F. Crandall, Hearing Examiner on June 9, 2003
18 at 7:00 PM. Geoffrey Thomas, Senior Environmental Planner, presented the Technical
19 Committee Report.
20

21 Testifying under oath were:

- 22 Geoffrey Thomas, Senior Environmental Planner
- 23 Susan Ho, for Applicant
- 24 Richard Dickman, Surveyor
- 25 Richard Barthol, Developmental Services Division Manager
- 26

27 The following exhibit was offered and admitted:

- 28 Exhibit A: Technical Committee Report, dated June 9, 2003
- 29

30 The hearing adjourned at about 7:30 PM.

1 From the foregoing, the Hearing Examiner makes the following:
2

3 **FINDINGS OF FACT**
4

5 1. *Proposal.* Applicant is the owner of Lot 8 of short plat SPL 99-003. The short plat was
6 approved less than five years ago, and RCDG 20F.40.150-040(5) prohibits another short
7 plat of the same property within five years. This prohibition is required by RCW
8 58.17.060. Accordingly, a preliminary plat is required.
9

10 SPL 99-003 contained nine lots. Seven of the lots are under development, and Lots 8 & 9
11 were tracts reserved for future development. The owner of Lot 9 across the road from Lot
12 8 has not indicated any intent to subdivide his Lot at this time.
13

14 Applicant proposes to subdivide Lot 8 into five lots for single-family residential
15 development. The proposal includes roads, sidewalks, stormwater facilities, sewer and
16 water lines and landscaping. A site plan is attached as Attachment A. Lot 8 has 1.2 acres
17 in area.
18

19 2. *Site.* The site is in the Overlake Neighborhood and is on a steep slope uphill from of West
20 Lake Sammamish Parkway. It is zoned R-4. Uses on all sides are likewise zoned R-4 and
21 developed with single-family residences. The zoning is consistent with the Redmond
22 Comprehensive Plan.
23

24 3. *Access.* Access to the site will be from NE 47th Street, which connects with West Lake
25 Sammamish Parkway. The road has no other outlet, and will serve the seven lots
26 developed under SPL 99-003; the five lots created here and two other residences to the
27 west on very large lots. NE 47th Street is steep with a grade exceeding 10%. This requires
28 that all residences be equipped with approved fire sprinkler systems. In addition, single-
29 station smoke detector systems will be required in all residences.
30

1 NE 47th Street will be extended to the west through the Hampton Place subdivision in the
2 future. When this occurs, access to West Lake Sammamish Parkway will become for
3 emergency use only.

4
5 4. *SEPA*. A Determination of Non-Significance (DNS) was issued for the proposal on May
6 26, 2003. No appeal was filed and the DNS became final on May 29, 2003.

7
8 5. *Impact Fees*. The proposal will be subject to impact fees in amounts in effect when
9 building permits are issued. Current rates are:

11	Fire	\$94.00 per single-family
12	Transportation	\$3,218.54 per single-family
13	Parks	\$1,611.00 per single-family

14
15 6. *Utilities/Stormwater*. The site will be served by all utilities. Stormwater will be collected
16 in catchbasins and routed to an existing detention pond at West Lake Sammamish
17 Parkway. There was expert testimony that the existing detention pond will be adequate to
18 serve this improvement.

19
20 7. *Trees*. There are 30 significant trees on the site. Applicant proposes to preserve 27 trees
21 or 90%, and to retain three trees.

22
23 8. *Public Notice/Input*. Notice of the application and the preliminary plat was given as
24 provided by ordinance. There was no opposition to the proposal either in writing or at the
25 public hearing.

26
27 9. Any conclusion of law deemed to be a finding of fact is hereby adopted as such.

28
29 From these findings of fact the Hearing Examiner makes the following:
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1 **CONCLUSIONS OF LAW**

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3 1. The Hearing Examiner is authorized to conduct a hearing and make a decision on an
4 application for a preliminary plat. RCDG 20C.90

5

6 2. RCDG 20D.180.10-020 sets forth the criteria for approval of a subdivision or short
7 subdivision:

8 (1) Each proposed subdivision or short subdivision shall be reviewed to insure that:

9 (a) The proposal conforms to the goals, policies and plans set forth in RCDG Title
10 20B;

11 (b) The proposal conforms to the site requirements set forth in RCDG 20C.30.25-140,
12 Site Requirements;

13 (c) The proposal conforms to the requirements of this section and those set forth in
14 RCDG Title 20F and submittal requirements on file in the Planning Department;

15 (d) The proposed street system conforms to the City of Redmond Arterial Street Plan
16 and Neighborhood Street Plans, and is laid out in such a manner as to provide for
17 the safe, orderly and efficient circulation of traffic;

18 (e) The proposed subdivision or short subdivision will be adequately served with City
19 approved water and sewer, and other utilities appropriate to the nature of the
20 subdivision or short subdivision;

21 (f) The layout of lots and their size and dimensions take into account topography and
22 vegetation on the site in order that buildings may be reasonably sited and that the
23 least disruption of the site, topography and vegetation will result from
24 development of the lots;

25 (g) Identified hazards and limitations to development have been considered in the
26 design of streets and lot layout to assure street and building sites are on
27 geologically stable soil considering the stress and loads to which the soil may be
28 subjected.

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30

1 In addition, each subdivision or short subdivision must be consistent with the City's
2 development regulations, Comprehensive Plan's policy, and the City's SEPA
3 ordinance.

4 3. In the Technical Committee Report, staff has analyzed the criteria and concluded that
5 the proposal conforms to the regulations and policies of the City of Redmond,
6 adequately addresses probable adverse environmental impacts, and provides adequate
7 infrastructure to serve the lots created. The Hearing Examiner concurs. The plat
8 should be approved.

9
10 4. Any finding of fact deemed to be a conclusion of law is hereby adopted as such.

11
12 **DECISION**

13
14 The preliminary plat of Marymoor Hill Phase II is **APPROVED**, subject to conditions.

15
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17 Done this 23rd Day of June 2003.

18
19
20 /s/ Gordon F. Crandall

21 **GORDON F. CRANDALL**
22 **HEARING EXAMINER**

23
24 Attachment A: Site Plan
25 Attachment B: Conditions of Approval

1 **PROCEDURE FOR RECONSIDERATION**

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3 Any interested person (party of record) may file a written request for reconsideration with the
4 Hearing Examiner. The request for reconsideration shall explicitly set forth alleged errors of
5 procedure or fact. The final date for motion for reconsideration is **5:00 P.M. on July 8, 2003**,
6 and should be sent to the **Office of the Hearing Examiner**, City of Redmond, MS: PSFHE,
7 8701 160th Avenue N.E., PO Box 97010, Redmond, Washington, 98073-9710.
8

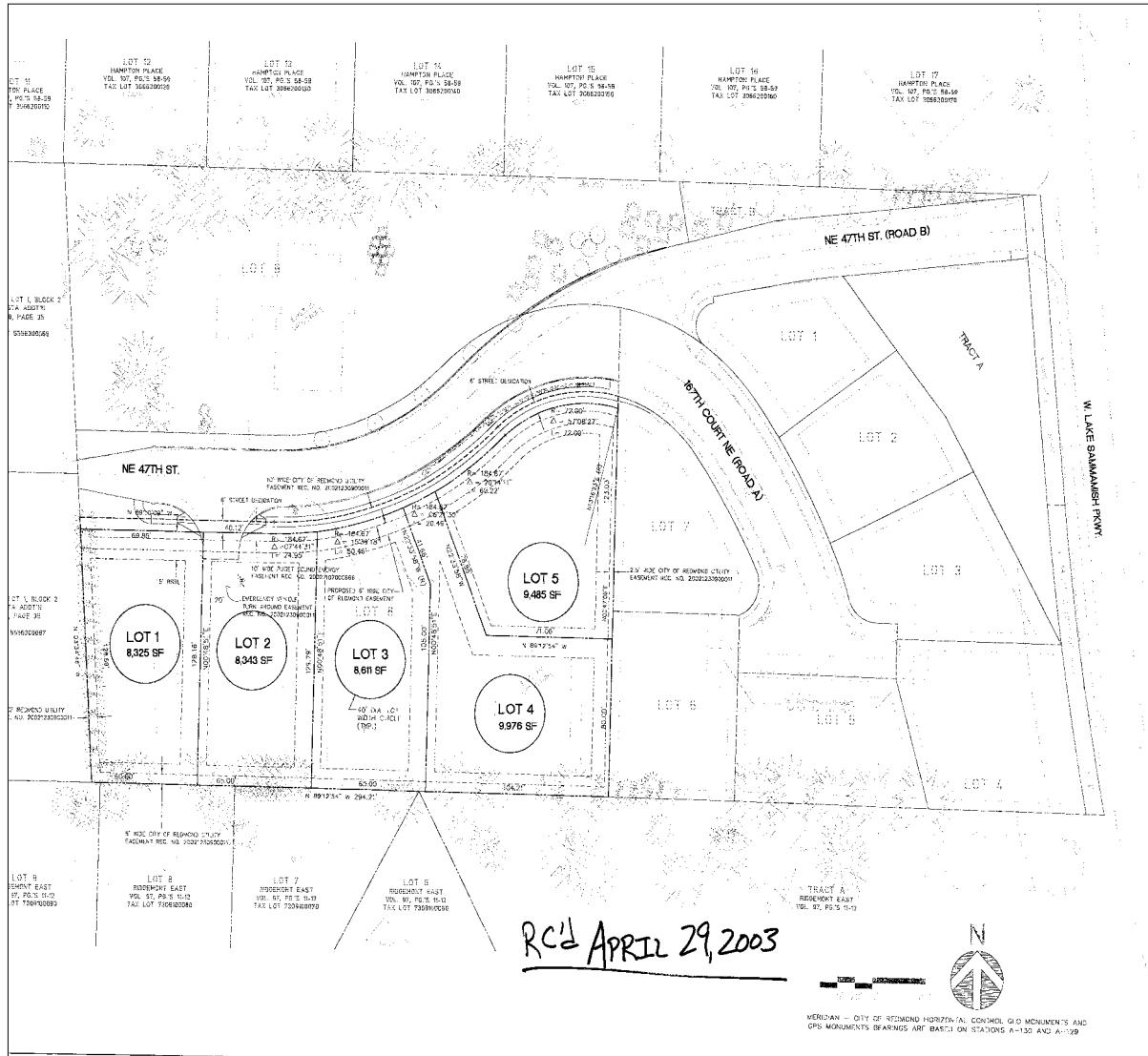
9 **NOTICE OF RIGHT OF APPEAL**

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11 You are hereby notified that the foregoing Findings of Fact, Conclusions, and Recommendations
12 are the final action on this application subject to the right of appeal to the Redmond City
13 Council. Appeal procedures are governed by RCDG 20F.30.40-110 (Ordinance 2118) to which
14 the reader is referred for detailed instructions. The written appeal must be received by the
15 **Redmond Permit Center** no later than **5:00 P.M. on July 8, 2003, or within 10 business days**
16 **following final action by the Hearing Examiner if a request for reconsideration is filed.**
17 Please include the application number on any correspondence regarding this case.
18
19

20 The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners
21 may request a change in valuation for property tax purposes notwithstanding any program of
22 revaluation."
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ATTACHMENT A SITE PLAN

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**Marymoor Hill Phase II - 7 of 14
6/23/2003**

**City of Redmond
Office of the Hearing Examiner
P.O. Box 97010
Redmond, WA 98073-9710**

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ATTACHMENT B
CONDITIONS OF APPROVAL

I. **PLANNING REQUIREMENTS**

A. Site Plan Approved: This approval pertains to the site plan dated as received on April 29, 2003 by the City of Redmond's Permit Center. Development and use of the lots in this plat shall conform with the R-4 zoning district, as described under Chapter RCDG 20C.30.25.

B. SEPA: A Determination of Non-Significance was issued for this project on May 15, 2003. Mitigating measures were not identified.

C. General Planning Requirements:

1. This approval is subject to all general criteria of the Redmond Community Development Guide and Redmond Municipal Code. Refer to Attachment VI.A, General Planning Approval Conditions, for a checklist of drawing, bond, and general planning requirements. The checklist does not substitute for the code; it is intended to be used as a guide in preparing your final construction drawing/building permit submittal. Refer to the Redmond Community Development Guide and Redmond Municipal Code for detailed information on each requirement.

2. To ensure compliance with residential site standards, at the time that construction drawings are submitted for Public Works review, the applicant shall provide two (2) copies of the construction drawings, clearing/grading plan and tree retention plan at a scale of 1" = 20' to the Planning Department.

3. A sign permit application must be submitted separately to the Planning Department for review and approval prior to installation of any proposed signs (RCDG Section 20D.160.10-020).

4. Transportation, parks, and fire impact fees shall be assessed at the time of building permit issuance for each residence. The fee in effect at the time of complete building permit application shall apply.

D. Specific Planning Requirements:

1. Landscaping:

a. Landscaping shall be coordinated with water/sewer lines and fire hydrants/connections. Trees shall be planted no closer than 8 feet from the centerline of any water/sewer lines. Shrubs shall be planted to maintain at least 4 feet of clearance from the outside edge of the shrub to the center of all fire hydrants/connections. Ground cover may be planted within this radius. (RCDG Section 20D.80.10-150(8)).

b. Planting shall meet the City requirements for site clearance at intersections as identified in Section 20D.210.25 of the Redmond Community Development Guide. (20D.80.10-150(2))

1 2. Tree Protection Measures:

- 2 a. Existing Significant Trees to Remain, as designated on the proposed Tree
3 Preservation Plan, dated April 29, 2003, shall be saved. The tree preservation
4 plan shall be recorded with the final plat documents.
- 5 b. Tree preservation measures for trees designated to be saved must at a minimum
6 comply with required tree protection in RCDG Section 20D.80.20-100(1). These
7 measures include but are not limited to the following requirements:
- 8 i. All construction activities, including staging and traffic areas, shall be
9 prohibited within five feet of the dripline of protected trees.
 - 10 ii. Tree protection barriers shall be installed along the outer edge and
11 completely surround the area 5' from the dripline of significant trees to be
12 protected prior to any land disturbance.
 - 13 iii. Tree protection barriers shall be a minimum of four feet high, constructed
14 of chain link, or polyethylene laminar safety fencing or similar material.
15 "Tree Protection Area" signs shall be posted visibly on all sides of the
16 fenced areas. Signs requesting subcontractor cooperation and compliance
17 with tree protection standards may also be required to be posted at site
18 entrances.
 - 19 iv. Where tree protection areas are remote from areas of land disturbance, and
20 where approved by the Planning Department, alternative forms of tree
21 protection may be used in lieu of tree protection barriers, provided that
22 protected trees are completely surrounded with continuous rope or
23 flagging and are accompanied by "Tree Save Area-Keep Out" signs.
 - 24 v. Per RCDG Section 20D.80.20-080(1), each significant tree that is
25 removed on the site must be replaced by one new tree. The required
26 number of replacement trees must be identified on the Tree Replacement
27 Plan. The minimum size of replacement trees is 2-½ -inch caliper for
28 deciduous trees and six to eight feet in height for evergreen trees.
 - 29 vi. Two copies of the final Tree Preservation Plan, Landscape Plan and Tree
30 Replacement Plans at 1"=20' scale must be submitted with construction
drawings and approved prior to issuance of construction drawings. The
final plans shall be prepared or approved by a licensed landscape architect,
registered Washington certified nurseryman or registered Washington
certified landscaper (RCDG Section 20D.80.10-040). This certification
shall be noted on all landscape-related plans. A copy of the Tree
Preservation Plan shall be recorded with the Final Plat.
 - vii. Restrictive covenants shall include a statement notifying property owners
and the Homeowner's Association that significant and landmark trees on
individual lots may only be removed in accordance with the approved tree

1 retention plan. This language shall be reviewed and approved by the
2 Planning Department prior to recording of the restrictive covenants with
3 King County.

4 II. ENGINEERING REQUIREMENTS

5 A. NE 47th Street (Road A) will be extended through to the Hampton Place Subdivision in the
6 future. When NE 47th Street (Road A) is extended, the access to West Lake Sammamish
7 Parkway will become an emergency access only. This shall be indicated on the face of the final
8 plat and other documents.

9 B. ~~Easements & Dedications:~~ The existing and proposed easements and right-of-way shall be
10 shown on the final plat, civil plans and other documents. The existing easements for ingress,
11 egress, private utilities, etc. shall be modified to the City of Redmond's satisfaction or released
12 from both the plat certificate and the final plat prior to approval.

13 1. Easements are required as follows:

14 a) Public 10-foot wide utility easement across the entire frontage, granted to the
15 City of Redmond, along all rights of way including the south side of NE 47th
16 Street (Road A).

17 b) Dedications for right of way are required as follows: 6-foot dedication
18 adjacent to the existing right of way, across the entire frontage, along the south
19 side of NE 47th Street (Road A).

20 c) All lots are subject to an easement for utilities and drainage facilities over,
21 under and across a strip of land 2-1/2 feet wide along each side of the interior lot
22 lines within the development, together with a strip of land 5 feet wide along the
23 lot lines around the perimeter of the development.

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

26 C. Specific subdivision public street improvement conditions:

27 1. Street improvements within the 50-foot wide right-of-way (NE 47th Street) along the
28 south side shall include asphalt paving (28 feet curb to curb), with appropriate tapers,
29 type A-1 concrete curb and gutter (both sides), 5-foot planter strip, street trees, 5-foot
30 concrete sidewalk, storm sewers, streetlights, street signs, and underground utilities
including power and telecommunications. The minimum pavement section for the streets
shall consist of:

a) 3" Asphalt Pavement Cl. B

b) 4" Asphalt Treated Base

c) Subgrade compacted to 95% compacted maximum density as determined by
modified Proctor (ASTMD 1557)

d) Street crown 2% sloped to drain system

2. Installation of mailbox stand(s) shall be in accordance with City standards.

1 3. All power, telephone, streetlights, etc. shall be shown on the engineering drawings
2 and landscape plans submitted for construction permits.

3 4. A composite drawing that includes all utilities, landscaping including trees, etc., is
4 necessary to minimize the possibility of utilities/landscaping conflicts.

5 **D. CONVERSION OF AERIAL UTILITIES (POWER, TELEPHONE, T.V., ETC. TO
6 UNDERGROUND)**

7 1. All existing aerial utilities shall be converted to underground along all street frontages
8 and within the short plat according to 20D.220.10 "Underground Wiring" in the
9 Redmond Community Development Guide. All new utilities serving the plat shall be
10 placed underground.

11 2. Per the agreement dated December 12, 2002 the applicant is required to relocate the
12 existing power pole in the southeast corner of the NE 47th Street right of way to Lot 9,
13 convert the aerial utilities to this pole to underground, and work with PSE to release the
14 existing 5-foot easement on the east end of the NE 47th Street right of way.

15 E. The applicant shall meet the construction plan and construction requirements in [Attachment
16 B](#), "REQUIREMENTS FOR CONSTRUCTION DRAWINGS" and [Attachment C](#), "GENERAL
17 INFORMATION AND ADMINISTRATION REQUIREMENTS".

18 **III. UTILITIES REQUIREMENTS**

19 A. Sewer. Sewer service will require a developer extension of the City of Redmond sewer
20 system as follows:

21 1. Vehicular access to all new and existing manholes shall be provided. The access
22 easement shall be a minimum of 20 feet in width with asphalt concrete surfacing.
23 Alternative surfacing may be approved by the City depending upon the location. If
24 access passes through fencing then 14-foot minimum width gates shall be provided. The
25 plat or easement document shall (1) show and dedicate the 20-foot access easement, (2)
26 have covenants advising property owners of their obligation to maintain the availability
27 of the access by providing gates and not obstructing the access, and (3) that the property
28 owners maintain, repair and replace the access surfacing as needed.

29 2. Sewer service will be provided by constructing new side sewers off the existing main
30 which was constructed as part of the Marymoor Hill short plat improvements.

31 3. (The sewer main location shown on the site plan may not conform to City standard
32 location. Revisions to comply with City standard locations may be required.)

33 B. Water: Water service will require a developer extension of the City of Redmond water
34 system as follows:

35 a) If necessary, new fire hydrants shall be installed to meet city standards. New
36 water services and meters shall be installed off the existing main which was
37 constructed as a part of the Marymoor Hill short plat improvements.

38 b) (The water main location shown on the site plan may not conform to City
39 standard locations. Revisions to comply with City standard locations may be
40 required.)

1 IV. CLEARING/GRADING AND STORMWATER MANAGEMENT

2 A. Erosion control systems must be implemented throughout the construction process and until
3 the site is stabilized. Design of all systems must be in accordance with section 20E.90.10 of the
4 Community Development Guide and the most recent issue of the City of Redmond
5 STORMWATER MANAGEMENT AND EROSION CONTROL TECHNICAL NOTEBOOK
6 (notebook). Contact the Stormwater Division at 556-2890 for information about, or a copy of,
7 the notebook. Preferred methods for management and control are discussed in the notebook.

8 B. Stormwater Management

9 1. Stormwater detention and water quality is required when creating impervious areas
10 exceeding 5,000 square feet. The existing site must be considered as forested in the
11 existing condition. When determining the design capacity of the existing downstream
12 stormwater control pond, include the present land use of Marymoor Hill Short Plat
13 including Lot 9, and the proposed improvements to Lot 8.

14 2. Quantity Control

15 a) Provide detention for peak discharge control to match one half of the 2-year
16 and match the 10- and 100-year storms natural (prior to any development) runoff
17 peak rates.

18 b) Provide for overflow routes through the site for the 100-year storm runoff
19 (100 year flow may not impact any buildings).

20 3. Quality control

21 a) Provide water quality treatment for the runoff from the 6-month, 24-hour
22 design storm event. Use the developed condition land use when determining the
23 water quality storm flow rate and volume.

24 b) Site grading shall not exceed a slope of 3 horizontal to 1 vertical measure,
25 (3 to 1). Cut and fill cannot exceed 8 feet (vertical measure).

26 c) Either provide a geotechnical report for this project or provide a letter from
27 the Marymoor Hill Short Plat project geotechnical engineer stating that the
28 Marymoor Hill Short Plat report will also apply to Marymoor Hill Phase II.

29 d) Follow all of the site preparation guidance provided in the project
30 geotechnical report.

31 C. Miscellaneous

32 1. Construction activities may be limited or suspended during the rainy season (October
33 1 – April 30).

34 2. Stencil all on-site storm drainage inlets with “DUMP NO WASTE DRAINS TO
35 STREAM”. Stencils are available from the Stormwater Division located at the City
36 Annex (phone 556-2840). Design plans shall identify the requirement to stencil drainage
37 inlets. Easements will be required for any public conveyance systems.

38 3. Trees are not allowed within 8 feet of storm systems.

39 4. Ponds shall be lined in accordance with the Department of Ecology Stormwater
40 Management Manual for the Puget Sound Basin, (1992).

1 5. Designate private roads on the construction plans and plat drawings by adding
2 (Private) after the road name.

3 V. FIRE PROTECTION

4 A. EMERGENCY VEHICLE ACCESS ROADWAY REQUIREMENTS

5 1. Fire lanes shall be located wherever curbs, road edges, or loading areas are adjacent
6 to the 20 foot wide vehicle access roadway. Road grades accessing all lots exceeds 10%,
7 therefore, approved residential fire sprinkler systems shall be required throughout. This
8 is noted on the cover sheet note 5.

9 2. Fire lanes shall be included on the final civil drawings. Type 1, painted curb and type
10 two metal signs (at 150 on center) shall be used. Additional fire lanes and marking may
11 be required anytime during the life of the development upon evaluation by and direction
12 of the Fire Marshal.

13 3. Show the turnaround per City of Redmond standards on the civil drawing. Any
14 portion of the access or turnaround not within public right of way shall be included in an
15 emergency vehicle access easement.

16 B. ADDRESSING

17 1. Each building, including the existing residence, shall have the building address
18 numerals, as assigned by the City of Redmond, installed on the upper 25% of the building
19 face, which faces the street. Numeral color shall contrast with the background.

20 2. Temporary signs shall be used at the job site as soon as construction begins.
21 Numerals shall be high contrast in color, face the street fronting the property, and be a
22 minimum 6" high.

23 3. The new access street shall be designated 167th Court NE.

24 C. CITY APPROVED FIRE ALARM SYSTEM:

25 1. An approved fire sprinkler system per Redmond Fire Department Standards is
26 required for each structure in the plat. A permit must be obtained prior to work
27 beginning.

28 2. All underground sprinkler supply piping, water mains, and hydrants shall be included
29 on civil drawings and shall be approved by the water supplier and the Redmond Fire
30 Department.

3. DOH approved back flow prevention is required. Single station smoke detection is
required in all residential occupancies.

D. HYDRANTS

1. Show proposed hydrant locations and existing hydrant locations on civil drawings for
approval by the water purveyor and the Fire Marshal.

2. Hydrants must be in place and serviceable prior to combustible construction.

3. Planter islands or peninsulas for hydrants require a minimum diameter of 8 feet. Four
feet is to be maintained between face of curbs and fire protection equipment.

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E. OTHER:

1. This development will be assessed impact fees per the adopted fee schedule.
2. Single station smoke detection is required in all residential occupancies.

F. ADDITIONAL REQUIREMENTS MAY BE SET ON REVIEW OF CIVIL, ARCHITECTURAL, FIRE ALARM AND/OR FIRE SPRINKLER PLANS.