

# ATTACHMENT C

## BEFORE THE HEARING EXAMINER FOR THE CITY OF REDMOND

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4 In the Matter of the Application of ) NO. L060229 (PRD)  
5 ) NO. L060228 (PPL)  
6 **Greg Strong, on behalf of** )  
7 **Burnstead Construction Company** ) **Willomere Park Planned**  
8 For approval of a Planned Residential ) Residential Development  
9 Development and Preliminary Plat )  
10 ) FINDINGS, CONCLUSIONS,  
11 ) A DECISION, AND RECOMMENDATION

### SUMMARY OF DECISION

12 The request for approval of a planned residential development (PRD) on 13 acres with an R-4  
13 zoning designation located at the intersection of 172<sup>nd</sup> Avenue and 124<sup>th</sup> Street NE in  
14 Redmond, Washington, as further described herein, **should be GRANTED** with conditions.

15 The request for approval of a preliminary plat subdividing the subject property into 53 single-  
16 family residential lots and six open space tracts as proposed pursuant to the related PRD is  
17 **GRANTED**, subject to PRD approval by the Redmond City Council and to other conditions,  
18 enumerated below.

### SUMMARY OF RECORD

#### Request:

19 Greg Strong, on behalf of Burnstead Construction Company (Applicant), requested approval of  
20 a planned residential development and preliminary plat subdividing 13 acres into 53 single-  
21 family residential lots and six open space tracts to be located at the intersection of 172<sup>nd</sup>  
22 Avenue and 124<sup>th</sup> Street NE in Redmond, Washington.

#### Hearing Date:

23 The City of Redmond Hearing Examiner conducted an open record hearing on the request on  
24 November 17, 2008.

#### Testimony:

25 At the open record hearing, the following individuals presented testimony under oath:  
26

27 Thara Johnson, Associate Planner

28 David Almond, Public Works Development Services Manager

29 Judd Black, Development Review Planning Manager

30 Jeff Dendy, Public Works

1 Rob Stevens, CORE Design, Applicant Representative

2 Lafe Hermansen, CORE Design, Applicant Representative

3 Greg Strong, Applicant

4 Exhibits:

5 At the open record hearing the following exhibits were admitted into the record:

6 EXHIBIT 1 Technical Committee Report to Hearing Examiner, dated June 9, 2008, with the  
7 following attachments:

- 8
- 9 1 General Conditions of Approval
- 10 2 Fees and Bonds
- 11 3 General Application Form
- 12 4 Vicinity Map
- 13 5 Zoning Map
- 14 6 Notice of Application and Certificate of Publishing
- 15 7 Notice of Application Public Comment Letters
- 16 8 Neighborhood Meeting Notice
- 17 9 SEPA DNS
- 18 10 Notice of Public Hearing and Certificates of Posting
- 19 11 Environmental Checklist
- 20 12 Preliminary Plat/Planned Residential Development Plans (Full-scale  
21 plans)
- 22 13 Architectural Elevations
- 23 14 Arborist Report
- 24 15 Preliminary Tree Retention Plan (Full-scale plans)
- 25 16 Landmark Tree Removal Exemption Request Letter
- 26 17 Critical Area Study, Wildlife Study and Stream Buffer Mitigation  
27 Report
- 28 18 Conceptual Stream Buffer Mitigation
- 29 19 Geotechnical Report
- 30 20 Comprehensive Plan Policies
- 21 21 Ordinance 2308
- 22 22 Traffic Impact Analysis, prepared by TranspoGroup, dated October  
23 2007, Figure 6 subsequently revised
- 24 23 [withdrawn – repeated from Attachment 9, SEPA Agency distribution  
25 list]

28 EXHIBIT 2 Staff PowerPoint presentation

1 EXHIBIT 3 Correspondence (email) between Karen Walter on behalf of the Muckleshoot  
2 Indian Tribe Fisheries Division and Thara Johnson, Associate Planner, dated as  
3 follows:

- 4  
5 a) From K. Walter, dated October 24, 2008  
6 b) From T. Johnson, dated October 24, 2008  
7 c) From K. Walter, dated October 27, 2008  
8 d) From T. Johnson, dated October 29, 2008  
9 e) From T. Johnson, dated November 14, 2008

9 EXHIBIT 4 Memorandum to Examiner from Thara Johnson, dated November 17, 2008,  
10 regarding additional recommended condition of approval relating to location of  
11 proposed trail in Tract B  
12

13 Upon consideration of the testimony and exhibits submitted, the Hearing Examiner enters the  
14 following findings and conclusions in support of the decision and recommendation:

15 **FINDINGS**

- 16 1. The Applicant requested approval of a planned residential development and preliminary  
17 plat subdividing three parcels comprising 13 acres into 53 single-family residential lots  
18 and six open space tracts to be located at the intersection of 172<sup>nd</sup> Avenue and 124<sup>th</sup>  
19 Street NE in Redmond, Washington.<sup>1</sup> *Exhibit 1, page 1; Exhibit 1, Attachment 3;*  
20 *Testimony of Mr. Stevens.*
- 21 2. The subject property has a low-moderate residential zoning designation (R-4). *Exhibit*  
22 *1, page 1; Exhibit 1, Attachment 5.* The purpose of the R-4 zone is to provide for  
23 primarily single-family residential neighborhoods on lands suitable for residential  
24 development with allowed densities of four, five, or six dwellings per gross acre. The  
25 R-4 designation provides for stable and attractive suburban residential neighborhoods  
26 with a full range of public services and facilities. Some complementary nonresidential  
27 uses are allowed. *Redmond Community Development Guide (RCDG) 20C.30.15-050).*
- 28 3. Planned residential developments (PRDs) are allowed in the residential zoning districts.  
29 *RCDG 20C.30.105-020.* The intent of the Redmond's PRD process is to enhance the  
30 design of a residential development by allowing for flexibility and variation from the  
established site requirements and development standards, including the location and  
type of structures, the conservation of natural features, allowances for housing serving a  
range of incomes, the conservation of energy, and the efficient use of open space.  
*RCDG 20C.30.105-010(2).*

<sup>1</sup> The legal description of the subject property is a portion of Section 25, Township 26 North, Range 5 East, W.M., also known as Tax Parcel Numbers 2526059035 and 2526059087. *Exhibit 1, Attachments 3 and 12.*

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4. The northern boundary of subject property abuts NE 124<sup>th</sup> Street; properties north of the right-of-way are within unincorporated King County and have an R-6 zoning designation. Properties south of the site are developed with single-family residential development. Two PRDs, Glenshire I and II, have been approved on properties abutting the western site boundary. East of the subject property is the Northeast Redmond Neighborhood Park, owned by the City. *Exhibit 1, page 4; Exhibit 1, Attachment 4.*
  5. The subject property is located in the North Redmond Neighborhood. The application for preliminary plat and PRD was received on June 9, 2006 and deemed by the City to be complete on June 12, 2006, prior to the adoption of the current North Redmond Neighborhood Regulations under Ordinance 2308. Because of the vesting date of the application, affordable housing requirements of the North Redmond Neighborhood do not apply to the instant project. *Exhibit 1, pages 3, 8, 12; Exhibit 1, Attachments 3 and 21; Testimony of Ms. Johnson.*
  6. The undeveloped site is forested, with a mixture of mature conifer and deciduous tree species. Washington State Department of Fish and Wildlife (WDFW) has identified the subject property as known significant habitat for the pileated woodpecker, which is classified as a priority species in the state, as well as for many other species. No wetlands, streams, or other critical areas were identified on-site; however, two wetlands and one stream were identified within 100 feet of the project boundaries. A Class III stream travels through the adjacent park site to the northeast. Two off-site wetlands were identified south and west of the site. No structures or landmarks designated as historic are located on or near the subject property. *Exhibit 1, pages 4, 8, 10; Exhibit 1, Attachment 7; Testimony of Ms. Johnson; Exhibit 2, page 3.*
  7. The R-4 zoning district allows a maximum residential density of four units per acre, and requires a minimum density of 80% of that allowed. Required bulk dimensional standards include: an average lot size of 7,000 square feet; minimum lot width circle measuring 40 feet; minimum frontage of 20 feet; a minimum building separation of 15 feet; 35% maximum lot coverage by structure; 60% maximum impervious surface; a maximum structure height of 35 feet; and a minimum of 25% open space. Required setbacks in the R-4 zone include: 15 feet from front lot lines and from streets; 10 feet from rear lot lines; and five feet minimum side setbacks. *RCDG 20C.30.25-140.*
  8. Modifications to R-4 development standards allowed pursuant to the design flexibility of the PRD process include: a maximum density up to 110% of the base zoning density; no average or minimum lot size; a reduced minimum lot width circle of 20 feet; zero building separation; a maximum lot coverage by structure of up to 50%; a maximum impervious surface of up to 70%; and a maximum structure height of up to 45 feet for interior lots, 35 feet for perimeter lots. Required setbacks for PRDs include: 10 feet from front lot lines and from streets; 10 feet from rear lot lines; and zero minimum side setbacks. *RCDG 20C.30.105-050.*

1 9. The proposed PRD would create one lot more than is allowed under the R-4 zoning  
2 standards, well within the 110% base density allowed (up to 57 lots would be  
3 permitted). The average proposed lot size would be 4,805 square feet, with a minimum  
4 lot width circle of 20 feet, per PRD standards. The proposal would provide a minimum  
5 of seven feet between structures, with a maximum 45% lot coverage by structure.  
6 Proposed setbacks include 10-foot front, rear, and street setbacks, with 3.5-foot  
7 minimum side setbacks. No modification of the R-4 maximum structure height is  
proposed. The project would create only 54% impervious surface coverage, which is  
significantly less than the 70% coverage allowed pursuant to the PRD regulations.  
*Exhibit 1, pages 6-8; Exhibit 1, Attachment 12.*

8 10. The project would provide six open space tracts. Tract A (52,776 square feet) would  
9 include landscaping and stormwater detention facilities. Tract B (144,284 square feet)  
10 would contain retained mature vegetation and provide habitat preservation and passive  
11 recreation with a fenced trail. Tract D (3,244 square feet), Tract E (1,473 square feet),  
12 and Tract F (1,985 square feet) would be small landscaped common areas. Tract H  
13 (10,884) would provide additional landscaped stormwater facilities. The six open space  
14 tracts comprise 38% of the total site area, exceeding the open space requirements of the  
R-4 zoning district.<sup>2</sup> Additional open space would be provided within individual lots.  
*Exhibit 1, Attachment 12, Site Plan; Testimony of Mr. Stevens; Exhibit 1, pages 7, 10.*

15 11. The proposal would restrict the development area to 5.86 of the 13 acres of the subject  
16 property. One beneficial result of clustering the development envelope onto smaller  
17 lots, pursuant to the PRD process, is that it allows retention of a significant contiguous  
18 forested area, resulting in preservation of pileated woodpecker habitat. Tract B would  
19 be dedicated as a permanently protected native growth protection easement (NGPE) for  
habitat preservation, and a trail is proposed near its boundary to provide passive  
recreation for project residents. *Exhibit 1, pages 8-10.*

20 12. Access would be provided via a new public local street system extending east from  
21 172<sup>nd</sup> Avenue NE. Half-street frontage improvements along 172<sup>nd</sup> Avenue NE would be  
22 required. The new internal road would stub to the southern site boundary at two  
23 locations to provide for future connectivity and would end in a cul-de-sac at the eastern  
24 site boundary abutting the public park. The new internal streets would have a 28-foot  
25 pavement width within 50-foot rights of way, with curbs and gutters, five-foot wide  
26 sidewalks, and five-foot planter strips on both sides, consistent with Redmond  
27 Community Development Guide standards for residential development. All proposed  
28 lots would take access from the new public roads except for Lots 21, 22, 23, 24, 25, and  
29 26, which would access via a private road (access Tract C) and Lots 3, 4, and  
(potentially) 5, which would access via a second private road (access Tract G). No lots  
would access via 172<sup>nd</sup> Avenue NE. Lots 3 and 6 through 12 would not be allowed to  
access the proposed NE 124<sup>th</sup> Street right-of-way. All proposed public streets must be  
provided with streetlights. *Exhibit 1, Attachment 12; Exhibit 1, pages 9, 11, 20, 27.*

30 <sup>2</sup> Total site area is 566,439 square feet, and proposed open space would total 214,646 square feet, or 37.89%.  
*Exhibit 1, Attachment 12, Site Plan.*

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13. The Applicant submitted a professionally prepared traffic impact analysis (TIA), which studied three impacted off-site intersections. The TIA concluded that the project would result in 63 new PM peak hour trips. One reviewed intersection (162<sup>nd</sup> Place and NE 124<sup>th</sup> Street) is projected to experience delays with the instant project and other pipeline development that would result in a level of service (LOS) E. The TIA recommended that the project be required to pay appropriate traffic impact fees to Redmond and to King County. *Exhibit 1, Attachment 22.*
  14. The Applicant proposes to connect each new lot to the existing utility mains within 172<sup>nd</sup> Ave NE (constructed by the Glenshire 1 PRD) and connections to existing water and sewer mains at 176<sup>th</sup> Ave NE/NE 122<sup>nd</sup> Street to provide domestic water and sanitary sewer service. The municipal utilities have sufficient capacity to serve the proposed lots. The Technical Committee found the Applicant's proposed utility connections to satisfy requirements in RCDG 20D.220.20. *Exhibit 1, pages 16; Exhibit 1, Attachment 2; Exhibit 1, Attachment 12.*
  15. All new utilities must be installed underground, and any existing utility service would be required to be undergrounded. The Applicant would be required to construct a pedestrian path to City standards within the off-site utility easement between the cul-de-sac end of the project's proposed NE 23<sup>rd</sup> Way and off-site NE 122<sup>nd</sup> Street. *Exhibit 1, pages 19, 20, 27.*
  16. Stormwater runoff from roofs, roads, and other new impervious surfaces would be collected through a piped storm system to detention/water quality facilities in either Tract A in the northeast corner of the site or Tract H in the northwest corner of the site. The eastern basin would be a publicly maintained open storm pond, while the western basin would consist of a publicly maintained vault. The detention system would discharge to the storm drain in 172<sup>nd</sup> Avenue NE proposed in conjunction with the adjacent approved PRD known as Glenshire I. Therefore, no stormwater work would be possible in the instant project until the stormwater facilities for Glenshire I are completed. The proposed preliminary stormwater design would maintain predevelopment runoff levels, consistent with the requirements of the City of Redmond Stormwater Technical Notebook. Approval of the design specifics for the stormdrainage system would be established during civil engineering after preliminary plat approval. *Exhibit 1, pages 9, 21, 22; Exhibit 1, Attachment 12.*
  17. The Applicant submitted a set of submitted architectural elevations for the homes to be built, which include items such as: a variety of rooflines and exterior materials, façade modulation, recessed garages, and front porches. Staff requested changes to the submitted elevations, which the Applicant has agreed to implement. The requested changes to the elevations were recommended to be made conditions of approval, with no objection from the Applicant. Final City review during the building permit process would ensure that home design is consistent with the approved plan set. *Exhibit 1, page 7; Exhibit 1, Attachment 13; Testimony of Mr. Stevens.*

- 1 18. Pursuant to Redmond's tree protection ordinance at RCDG 20D.80.20, all healthy  
2 landmark trees and 35 % of all healthy significant trees must be retained. Landmark  
3 trees are defined as trees that are greater than 30 inches in diameter at breast height.  
4 Significant trees are defined as trees that are between 6 inches and 30 inches in  
5 diameter at breast height. The Applicant submitted a professional arborist's report that  
6 assessed the health of all trees on-site. The arborist evaluated a total of 1,236 trees and  
7 reported 558 significant trees on the property, of which 71 trees meet the definition of  
8 landmark trees. The Applicant proposes to retain 197 significant trees, or 35.3 %, most  
9 of which are located within Tract B (the NGPE). *Exhibit 1, page 12; Exhibit 1,*  
10 *Attachments 14 and 15.*
- 11 19. Pursuant to RCDG 20D.80.20-070(3)(c), all healthy landmark trees be retained unless  
12 the developer can demonstrate compliance with criteria for exception at 20D.80.20-090,  
13 subject to administrative review by the Director of Planning and Community  
14 Development. The Applicant proposed to retain 25 of the 71 landmark trees and  
15 requested permission to remove 46 landmark trees from areas where road infrastructure  
16 or building pad area are proposed. After reviewing each tree individually, the Director  
17 approved removal of 43 landmark trees but determined that three of those designated as  
18 trees to be removed must be retained. The proposal would include replacement of 465  
19 trees with native plantings. *Exhibit 1, pages 9, 13; Testimony of Ms. Johnson; Exhibit*  
20 *1, Attachment 16see also, Exhibit 1, Attachment 15, Tree Retention Plan.*
- 21 20. Pursuant to RCDG 20D.140.20, developers must assess project sites for the presence of  
22 quality habitat areas. The Applicant submitted a Critical Area Study, Wildlife Study &  
23 Stream Buffer Mitigation Plan (critical area report), which indicates that the site  
24 contains numerous snags, which provide excellent habitat for many bird and mammal  
25 species. Significant signs of pileated woodpecker activity were found on the site in the  
26 mixed upland forest habitat. The Washington Department of Fish and Wildlife  
27 (WDFW) received a copy of the proposal and submitted comments including  
28 recommendations that would require the Applicant to: maintain large snags for nesting  
29 and roosting; retain naturally formed stumps and numerous large logs in various stages  
30 of decay; and retain the largest possible contiguous forested area. Proposed Tract B in  
the northeast portion of the site would provide permanent habitat for the pileated  
woodpecker and other wildlife, consistent with WDFW recommendations. Department  
Staff requested that the WDFW recommendations be made conditions of project  
approval; the Applicant did not object. *Exhibit 1, page 14; Exhibit 1, Attachment 7,*  
*WDFW comments; Exhibit 1, Attachment 17, Critical Area Report; Testimony of Mr.*  
*Stevens.*
21. The critical area report revealed that the off-site wetland to the southwest is a Class III  
wetland, requiring a 60-foot buffer. The off-site wetland to the northeast is a Class II  
wetland, requiring a 75-foot buffer. Neither wetland buffer intrudes into the project  
site; the project would not result in wetland impacts. However, a portion of the 100-  
foot buffer associated with the off-site Class III stream encumbers the northeastern  
corner of the site. As proposed, excess stormwater from the proposed Tract A  
detention facility would discharge to the east, with eventual outfall to a point just

1 outside of the stream's ordinary high water mark. Construction of the proposed  
2 stormwater conveyance would temporarily impact 2,040 square feet of the 100-foot  
3 buffer. The Applicant submitted a buffer restoration plan to mitigate the temporary  
4 disturbance of the critical area. The proposed mitigation plan identifies the species to  
5 be planted, procedures for mitigation, and a monitoring program, consistent with the  
6 stream mitigation guidelines of RCDG Appendix 20 D-2. Split rail fencing would be  
7 required at the edge of the critical area open space tract, with interpretive signage.  
8 *Testimony of Ms. Johnson; Exhibit 1, Attachments 17 and 18; Exhibit 1, pages 14-15,*  
9 *25; Testimony of Mr. Stevens.*

10 22. The Applicant submitted landscape plans depicting placement of retained and  
11 replacement vegetation throughout the developed site. *Exhibit 1, Attachment 12.* The  
12 proposal would provide a 10-foot landscaped buffer along the northern site boundary  
13 and includes other interior and perimeter landscaping. Where buildings abut the  
14 perimeter, they would be oriented toward the internal road. In retaining 197 significant  
15 trees, many within the four-acre NGPE, the project preserves the forested feel of the  
16 pre-developed property and maintains existing habitat for the pileated woodpecker.  
17 *Exhibit 1, page 9; Testimony of Ms. Johnson.*

18 23. The proposed residences must be provided with sprinkler systems. *Exhibit 1, page 23.*

19 24. Planning Staff identified the following Comprehensive Plan policies as applicable to  
20 the proposal:

21 Framework Policies

22 FW-12: *Promote a development pattern and urban design that enable people to readily use*  
23 *alternative modes of transportation, including walking, bicycling, transit, and car pools.*

24 Land Use Policies

25 Policy LU-1: *Allow new development only where adequate public facilities and services*  
26 *can be provided.*

27 Policy LU-2: *Ensure that development regulations, including the allowed density, uses and*  
28 *site requirements, provide for achievement of Redmond's preferred land use pattern.*

29 Policy LU-4: *Provide an appropriate level of flexibility through development regulations to*  
30 *promote efficient use of land. Balance this flexibility with other community goals and the*  
*need for predictability in decision-making. Achieve this through measures such as planned*  
*unit developments, clustering, and administrative variances for minor variations.*



1 *Policy LU-5: Encourage infill development on suitable vacant parcels that may have been*  
2 *passed over and redevelopment of underutilized parcels. Ensure that the height, bulk, and*  
3 *design of infill and redevelopment projects are compatible with their surroundings.*  
4

5 North Redmond Neighborhood Policies

6 *Policy N-NR-1: The North Redmond area shall remain a primarily residential*  
7 *neighborhood.*  
8

9 *Policy N-NR-2: The City should encourage a variety of lot sizes and housing types within*  
10 *this neighborhood*  
11

12 *Policy N-NR-4: In order to create a cohesive and well designed neighborhood, owners of*  
13 *underdeveloped contiguous parcels should be encouraged to coordinate master planning.*  
14

15 *Policy N-NR-9: Future development shall preserve the area's important natural features.*  
16

17 *Policy N-NR-10: Trails in open space corridors and along setbacks should form a link to*  
18 *regional trails just beyond the neighborhood.*  
19

20 *Policy N-NR-27: Existing significant natural features shall be retained and enhanced.*  
21 *These include steep slopes, wetlands, streams and forested areas.*  
22

23 *Policy N-NR-34: Adequate rights-of-way should be provided for trail use in accordance*  
24 *with City plans when development of property occurs.*  
25

26 *Policy N-NR-43: New local and neighborhood collector streets shall be limited to two*  
27 *lanes with additional turn lanes where necessary.*  
28

29 *Policy N-NR-44: All new local and neighborhood collector streets shall be built at the*  
30 *minimum allowable width in order to preserve the area's character, protect sensitive areas*  
*and reduce stormwater runoff.*

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2 Policy N-NR-51: New development shall fund public facility improvements necessary to  
3 serve growth.

4  
5 Policy N-NR-53: The City shall require public sewers for wastewater collection in urban  
6 areas designated for one to four dwelling units per acre.

7  
8 *City of Redmond Comprehensive Plan, cited in Exhibit 1, Attachment 20.*

- 9  
10 25. Children residing in the project would be served by the Lake Washington School  
11 District. The District submitted no comments about school capacity. *Exhibit 1,*  
12 *Attachment 9, SEPA Agency distribution list; Testimony of Mr. Almond.* The Redmond  
13 Community Development Guide requires that safe pedestrian linkages be provided  
14 between new developments and existing neighborhoods and public facilities. The  
15 proposed development is within a one-mile walking radius of the Einstein Elementary  
16 and neighborhoods on Education Hill. Current conditions on 172<sup>nd</sup> Avenue NE do not  
17 provide safe walking conditions for students or other pedestrians. City Staff  
18 recommended a condition of approval requiring the Applicant to provide an interim  
19 pathway connecting the new lots to safe walking routes to the nearby schools. *Exhibit*  
20 *1, page 19.*
- 21 26. The Applicant would mitigate project impacts through payment of Fire, Parks,  
22 Transportation, and Schools impact fees, which would be assessed for each lot at the  
23 time of building permit issuance. *Exhibit 1, page 12; Exhibit 1, Attachment 2.*
- 24 27. A homeowners' association would be established for the maintenance of common  
25 private facilities and open space, including the landscaping strip along the site's 172<sup>nd</sup>  
26 Avenue NE frontage. *Exhibit 1, page 29.*
- 27 28. Pursuant to the State Environmental Policy Act (SEPA), the City of Redmond was  
28 designated lead agency for review of environmental impacts caused by the proposal.  
29 After reviewing the Applicant's environmental checklist and application materials, the  
30 City's Responsible Official determined that the requirements of environmental analysis  
and protection would be adequately addressed through application of City regulations,  
the Comprehensive Plan, and applicable state and federal laws. The Responsible  
Official determined that the project would not result in probable, significant, adverse  
environmental impacts and issued a Determination of Non-Significance (DNS) on  
October 10, 2008. No appeals were filed and the DNS became final on October 24,  
2008. *Exhibit 1, page 5; Exhibit 1, Attachment 9; Testimony of Ms. Johnson.*
- 29 29. The accepted plan set is dated June 2006, with final revisions dated September 2008.  
30 Planning Staff accepted and reviewed: an arborist report; tree retention and replacement  
plans; landmark tree removal exception request; a critical areas study; a conceptual

1 stream buffer mitigation plan; a geotechnical report; and a traffic impact assessment.  
2 Professional consultants retained by the Applicant prepared each report. The  
3 geotechnical study was conducted for review of potential hazards to development that  
4 could result from the plat and PRD. No adverse impacts to nearby wells or drainfields  
5 would be anticipated if the project is constructed in accordance with the approved site  
6 plan, consistent with applicable regulations. No hazardous conditions or limitations to  
development were identified during project review. *Exhibit 1, pages 16-1; Exhibit 1,  
Attachments 12, 14, 15, 16, 17, 18, 19, and 22.*

7 30. The Technical Committee, which is comprised of staff from Planning, Public Works,  
8 and Fire Prevention, reviewed the Applicant's submittals for compliance with City  
9 codes and regulations and recommended project approval subject to conditions.<sup>3</sup>  
10 *Exhibit 1, page 1; Testimony of Ms. Johnson.* The Applicant reviewed the  
recommended conditions of approval and waived objections. *Testimony of Mr. Stevens.*

11 31. Notice of application was posted, published, and mailed to property owners within 500  
12 feet in June 2006. The City received public comments on the notice. The Applicant  
13 held a public meeting on the proposal in August 2008. The City issued notice of the  
14 SEPA threshold determination in October 2008, receiving no comments. Notice of the  
15 open record hearing on the application was posted on-site and at City Hall, published,  
16 and mailed to surrounding property owners within 500 feet of the site on October 27,  
2008, more than 14 days in advance of the hearing. *Exhibit 1, page 5; Exhibit 1,  
Attachments 6, 7, 8, 9, and 10; Testimony of Ms. Johnson.*

17 32. The City received public comment from the Muckleshoot Tribe Fisheries Division,  
18 concerning the classification of the off-site stream as non-fish-bearing and questioning  
19 placement of the stormwater dispersion trench within the stream. City Planning Staff  
20 responded to the tribe, providing the grounds for stream classification and the basis of  
21 approval of the impacts the stream buffer, as well as the restoration proposal. *Exhibit 3.*  
22 At hearing, the Applicant's representative noted that the stormwater would discharge to  
23 energy dissipation pad, rather than to a dispersion trench, which would greatly reduce  
the potential for adverse impacts to the stream. *Testimony of Mr. Stevens.* Comments  
received from WDFW were incorporated into Staff's recommended conditions of  
approval. *Testimony of Ms. Johnson; Exhibit 1, Attachment 7.*

## 24 CONCLUSIONS

### 25 Jurisdiction: Plat

26 The Hearing Examiner is authorized to conduct open record hearings and issue decisions on  
27 Type III permits, including preliminary plat permit applications, pursuant to RCDG 20F.30.15-  
04 and -060 and 20F.30.40-015.

28 <sup>3</sup> This decision/recommendation includes amended conditions that exclude contact information and code citations to  
29 ordinance authority for each requirement specified in the site specific conditions for approval of both requested  
30 permits. For this additional information, the Applicant and all parties may refer to the Technical Committee Report  
to the Hearing Examiner at Exhibit 1, starting on page 17. For additional planning and engineering requirements,  
including information about fees and performance bonds, the Applicant and parties of interest should refer to Exhibit  
1, Attachments 1 and 2.

1 Preliminary Plat Criteria for Review:

2 Pursuant to RCDG 20D.180.10-020, the Examiner shall approve an application for preliminary  
3 plat if findings can be entered showing the following criteria are satisfied:

4  
5 20D.180.10-020 Review and Approval Criteria (for preliminary plats).

- 6 (1) Each proposed subdivision or short subdivision shall be reviewed to insure that:
- 7 (a) The proposal conforms to the goals, policies and plans set forth in RCDG Title  
8 20B;
  - 9 (b) The proposal conforms to the site requirements set forth in RCDG 20C.30.25-  
10 140, Site Requirements;
  - 11 (c) The proposal conforms to the requirements of this section and those set forth in  
12 RCDG Title 20F and submittal requirements on file in the Planning Department;
  - 13 (d) The proposed street system conforms to the City of Redmond Arterial Street  
14 Plan and Neighborhood Street Plans, and is laid out in such a manner as to  
15 provide for the safe, orderly and efficient circulation of traffic;
  - 16 (e) The proposed subdivision or short subdivision will be adequately served with  
17 City approved water and sewer, and other utilities appropriate to the nature of  
18 the subdivision or short subdivision;
  - 19 (f) The layout of lots, and their size and dimensions, take into account topography  
20 and vegetation on the site in order that buildings may be reasonably sited, and  
21 that the least disruption of the site, topography and vegetation will result from  
22 development of the lots;
  - 23 (g) Identified hazards and limitations to development have been considered in the  
24 design of streets and lot layout to assure street and building sites are on  
25 geologically stable soil considering the stress and loads to which the soil may be  
26 subjected.
- 27 (2) Lack of compliance with the criteria set forth in subsection (1) of this section shall  
28 be grounds for denial of a proposed subdivision or short subdivision, or for the  
29 issuance of conditions necessary to more fully satisfy the criteria.
- 30

1 Jurisdiction: PRD

2 The Hearing Examiner is authorized to conduct open record hearings and issue  
3 recommendations to City Council on applications for planned residential developments,  
4 pursuant to RCDG 20F.30.45-010.

5 PRD Criteria for Review:

6 Pursuant to RCDG 20C.30.105-040, the Examiner shall recommend approval of an application  
7 for planned residential development if findings can be entered showing that the proposal  
8 satisfies the following requirements:

9  
10 20C.30.105-040 Design Criteria (pertaining to PRDs)

- 11 (1) [Two or more of the following results are achieved]:
- 12 (a) High-quality architectural design, placement, relationship or orientation of  
13 structures;
  - 14 (b) Achieving allowable densities for the subject property;
  - 15 (c) [Not applicable. Application vested before this subsection was adopted.]<sup>4</sup>
  - 16 (d) Improving circulation patterns or the screening of parking facilities;
  - 17 (e) Minimizing the use of impervious surfacing materials.
  - 18 (f) Increasing open space or recreational facilities on site;
  - 19 (g) Landscaping, buffering, or screening in or around the proposed PRD;
  - 20 (h) Providing public facilities;
  - 21 (i) Preserving, enhancing or rehabilitating natural features of the subject property  
22 such as significant woodlands, wildlife habitats or streams;
  - 23 (j) Incorporating energy-efficient site design or building features;
  - 24 (k) Providing for an efficient use of infrastructure; and/or
  - 25 (l) Incorporating a historic structure(s) or a historic landmark in such a manner as  
26 preserves its historic integrity and encourages adaptive reuse.
- 27
- 28 (2) The PRD shall be served by adequate public facilities including streets, bicycle and  
29 pedestrian facilities, fire protection, water, stormwater control, sanitary sewer, and  
30 parks and recreation facilities.
- (3) The perimeter of the PRD shall be appropriate in design, character and appearance  
with the existing or intended character of development adjacent to the subject  
property and with the physical characteristics of the subject property.

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<sup>4</sup> See Finding No. 5, above.

1  
2 (4) Open space and recreation facilities shall be provided and effectively integrated into  
3 the overall development of a PRD and surrounding uses.

4  
5  
6 (5) Existing and proposed streets and sidewalks within a PRD shall be suitable and  
7 adequate to carry anticipated traffic within the proposed project and in the vicinity  
8 of the subject property.

9 Conclusions Based on Findings

10 1. With conditions, the project would comply with applicable Comprehensive Plan  
11 policies. Moderate density single-family residential development is the  
12 intended land use of the site considered by the Comprehensive Plan. Conditions  
13 would ensure that design and construction comport with all requirements of the  
14 North Redmond Neighborhood. The project would extend adequate public  
15 infrastructure into the site. Approximately 38% of the site would be  
16 permanently retained in open space. The project would be similar in nature to  
17 existing and approved single-family residential development in the area.  
18 *Findings Nos. 4, 10, 12, 14, and 24.*

19 2. As conditioned, the proposal would comply with applicable site requirements as  
20 modified by the City's PRD provisions. A condition of approval would ensure  
21 that the plat is only approved if the proposed PRD receives final approval from  
22 the City Council. *Findings Nos. 7, 8, and 9.*

23 3. The project complied with the administrative procedural requirements for  
24 preliminary plat applications. The Applicant satisfied all submittal  
25 requirements as of June 12, 2006 and continued to submit all required additional  
26 information up through November 2008. *Findings Nos. 5, 28, 29, and 30.*

27 4. As conditioned, the proposed street system would comply with the City of  
28 Redmond Arterial Street Plan and the 172<sup>nd</sup> Avenue NE Corridor Study.  
29 Conditions would ensure that all road and infrastructure construction within  
30 right-of-ways is consistent with the final plans as approved during civil  
engineering review. *Findings Nos. 11 and 12.*

Municipal water and sewer and other utilities would adequately serve the  
project. Conditions of approval would ensure that design details and  
construction of the stormwater management system would comport with the  
requirements of the City of Redmond Stormwater Technical Notebook.  
*Findings Nos. 14, 15, and 16.*

By utilizing the PRD process, the project layout, lot location, and open space  
plan make generous provisions for retention of natural features and vegetation,

1 including wildlife habitat. The project would retain 197 significant trees and  
2 would set aside more than four acres in permanently protected open space,  
3 exceeding the minimum PRD requirement. Conditions of approval would  
4 ensure that adequate measures are taken to preserve the important pileated  
5 woodpecker habitat on-site. Conditions would ensure that temporary impacts to  
6 the off-site stream are mitigated consistent with the City's critical area  
7 regulations. The project was reviewed for compliance with the requirements of  
8 SEPA and a DNS was issued. No hazards or limitations to development  
9 resulting from soils or critical areas have been identified on-site. *Findings Nos.*  
10 *7, 8, 9, 10, 11, 18, 20, 21, 28, and 29.*

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7. As conditioned, the proposal comports with the requirements of the PRD chapter of the RCDG. The project would bear the expense of extending public infrastructure (roads, stormwater, and utilizes) to serve the proposed lots, and would not create a demand for additional public services. As proposed, the clustered PRD lots would be adequately screened from adjacent uses through perimeter landscaping, open space retention, and careful lot layout. The PRD makes adequate provision for internal open space and would provide passive recreational opportunities within, while at the same time being immediately adjacent to public park facilities. The proposed street and sidewalk system would be consistent with City road standards. The tree retention and replacement plan comports with City requirements. With conditions, the temporary impacts to the off-site stream and associated buffer would be appropriately mitigated. The PRD as proposed satisfies density targets for its zoning and land use designation and significantly exceeds the minimum open space requirements. *Findings Nos. 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 22, and 30.*

## RECOMMENDATION AND DECISION

Based on the preceding findings and conclusions, the request for **PRD approval should be GRANTED** for a single-family residential development on 13 acres with an R-4 zoning designation located at the intersection of 172<sup>nd</sup> Avenue and 124<sup>th</sup> Street NE in Redmond, Washington, as modified by the conditions below.

The request for **preliminary plat approval is GRANTED**, subdividing the subject property into 53 single-family residential lots and six open space tracts, **subject to PRD approval by the Redmond City Council and to the following additional conditions:**

1  
2 **A. General Conditions of Approval**

3 This approval is subject to all general criteria of all applicable City of Redmond codes  
4 and regulations, including the following:

5  
6 Redmond Community Development Guide

7 Redmond Municipal Code, Title 12 – Street and Sidewalks

8 Redmond Municipal Code, Title 13 – Water and Sewers

9 Redmond Municipal Code, Title 15 – Building and Construction

10 Stormwater Technical Notebook, Issue No. 4 (2007)

11 Record Drawing Requirements, Version 10-2005 (2005)

12  
13 The Applicant, successors in interest, and agents shall refer to Exhibit 1, Attachments 1  
14 and 2 for more detailed information regarding General Conditions and submittal  
15 requirements for Civil Plan Review.

16  
17 **B. Conditions to be Reflected on the Face of the Civil Drawings**

18 1. Public Works: Transportation and Engineering Required Revisions:

19 a. Street Frontage Improvements. The frontage along 172<sup>nd</sup> Ave NE must meet  
20 current City of Redmond Standards which include asphalt paving 21-feet wide from  
21 the face of curb to face of curb with appropriate tapers, type A-1 concrete curb and  
22 gutter, minimum 5-feet wide planter strip, meandering 5-feet wide concrete  
23 sidewalk on the east side, street lights, street trees, and street signs and underground  
24 utilities including power and telecommunications. The street design shall conform  
25 to the approved plans for Glenshire I PRD (L050147) and include installation of an  
26 Opticom-controlled gate at the north end of 172<sup>nd</sup> Ave NE. The minimum  
27 pavement section for the street shall consist of:

28 i. 4" HMA Class ½" PG 64-22

29 ii. 5" HMA Class 1" PG 64-22

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

iv. Street crown 2% sloped to drain system

b. Site Access. The type and location of the proposed site access to 172<sup>nd</sup> Ave NE and  
street stubs to the properties (tax parcels 2526059078 and 2526059033) abutting the



1 plat south property line approved as shown on the site plans received on Sep 23,  
2 2008 and prepared by Core Design.

- 3
- 4 c. Street Overlay. Public streets impacted by infrastructure construction for the plat  
5 must be planed, overlaid, and/or patched, as determined by the Public Works  
6 Department.
- 7 d. Off-site Trail. A 5-foot wide concrete sidewalk or 6-foot wide gravel (4-inches of  
8 3/8-inch minus gravel) trail (City to make final determination on material during  
9 construction plan approval) constructed to City standards is required within the off-  
10 site utility easement between the cul-de-sac on NE 123<sup>rd</sup> Way and NE 122<sup>nd</sup> St.
- 11 e. Safe Walking Route(s). The Redmond Community Development Guide requires  
12 that safe pedestrian linkages be provided between new developments and existing  
13 neighborhoods and public facilities. The proposed development is within a 1-mile  
14 walking radius of the Einstein Elementary School and neighborhoods on Education  
15 Hill. Current conditions on 172<sup>nd</sup> Ave NE do not provide safe walking conditions  
16 for students or other pedestrians between the proposed plat destinations to the south.  
17 An interim walkway shall be constructed of concrete curb, gutter and a 5-foot wide  
18 sidewalk if adjacent to the street. The curb face shall be located at least 10.5 feet  
19 from the centerline. The interim walkway shall be 4 feet wide, constructed of  
20 asphalt or concrete, and located a minimum of 10 feet from the street edge of  
21 traveled way where no curb and gutter exists. A safety railing or fencing will be  
22 required when (1) the interim walkway is located at the top of a slope or wall that is  
23 2:1 or steeper and (2) the walkway elevation is 30-inches or higher than the toe of  
24 the slope or wall. The applicant shall provide a preliminary plan for the proposed  
25 interim walkway prior to civil drawing approval. The interim walkway must be  
26 constructed prior to occupancy of any new house.
- 27 f. Streetlights. Streetlights are required on 172<sup>nd</sup> Ave NE and public streets within the  
28 plat to illuminate the property frontage. Luminaire spacing should be designed to  
29 meet the specified criteria for the applicable lamp size, luminaire height and  
30 roadway width. 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>.
- g. Public Street Improvements within Project. The public streets within the plat must  
meet current City Standards which include asphalt paving 28-foot wide; type A-1  
concrete curb and gutter on both sides; 5-foot wide planter strips and 5-foot wide  
concrete sidewalks both sides; street lights, street trees; street signs and

1 underground utilities including power and telecommunications. The minimum  
2 pavement section for the streets shall consist of:

- 3
- 4 i. 7" HMA Class ½" PG 64-22
- 5 ii. Subgrade compacted to 95% compacted maximum density as  
6 determined by modified Proctor (ASTMD 1557)
- 7 iii. Street crown 2% sloped to drain system
- 8

9 i. Underground Utilities. All existing aerial utilities shall be converted to underground  
10 along the street frontages and within the development. All new utilities serving the  
11 plat shall be placed underground.

12

13 j. Site Civil Drawing Review. After City Council approval of the Planned Unit  
14 Development (PRD), site civil drawings are required to be submitted for review and  
15 approval, prior to issuance of a building permit or clearing and grading permit. The  
16 submittal requirements for site civil drawings are found on the City's web site at:  
17 <http://www.redmond.gov/insidacityhall/publicworks/civildrawings.asp> and contained  
18 with in Appendices 20C-1, 20D-1, 20D-2, 20D-3, 20D-4 and 20D-5, as well as in  
19 the Preliminary Plat and PRD approval documents.

20

21 2. Public Works – Sewer and Water Required Revisions:

22

23 a. Water Service. No water service shall be available for this project until the 12-inch  
24 diameter water main shown on the Glenshire 1 Project planned for 172<sup>nd</sup> Avenue  
25 NE is constructed, tested and accepted.

26

27 b. Water service will also require the extension of 8-inch diameter ductile iron water  
28 mains through the site as necessary to serve the new lots, as shown on the  
29 September 23, 2008 drawings prepared by CORE Design. The PRV shown on  
30 sheet P10 of 20 requires detailed drawings for construction completion.

1 c. Sanitary Service. Sanitary sewer service requires the installation of 8-inch diameter  
2 PVC collection mains through the side from the new lots, as shown on the  
3 September 23, 2008 drawings prepared by CORE Design. The sanitary system  
4 drains predominately to the east and connects to an existing sanitary sewer south  
5 and east of this project. A 30-foot wide easement corridor is required for the  
6 parallel utilities running north-south just east of this project, reference drawing P12  
7 of 20.

8  
9 3. Public Works - Clearing/Grading and Stormwater Management Requirements:

10  
11 a. Quantity Control

12 (1) Stormwater discharges from the east and west basins shall match the  
13 developed condition discharge durations to the pre-developed condition  
14 durations for the range of pre-developed discharge rates from 50% of the 2-  
15 year peak flow up to the full 50-year peak flow. Detention shall be provided  
16 in a publically maintained, open pond for the eastern basin, and a publicly  
17 maintained stormwater vault for the western basin.

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

20 b. Quality Control

21 (1) Erosion control systems must be implemented throughout the construction  
22 process and until the site is stabilized. Design of all systems must be in  
23 accordance with Chapter 15.24 of the Redmond Municipal Code and with  
24 the most recent issue of the City of Redmond CLEARING, GRADING,  
25 AND STORMWATER MANAGEMENT TECHNICAL NOTEBOOK  
(notebook). Contact the Stormwater Division at 556-2890 for information  
26 about, or a copy of, the notebook. Preferred methods for management and  
27 control are discussed in the notebook.

28 (2) Projects that disturb one or more acres through clearing, grading,  
29 excavating, or stockpiling shall apply for a Construction Stormwater  
30 General Permit through the Department of Ecology. Construction site  
operators must apply for the permit to the Washington Department of  
Ecology 60 days prior to discharging Stormwater. Additional information is  
available from the following link: <http://www.ecy.wa.gov/pubs/0710044.pdf> .  
You may download an application, also called a Notice of Intent (NOI) from  
Ecology's website [www.ecy.wa.gov/biblio/ecy02085.html](http://www.ecy.wa.gov/biblio/ecy02085.html).

1 (3) Stormwater quality treatment shall be provided in a publicly maintained  
2 open pond and stormwater vault. Treatment is required for the project  
3 runoff from the 6-month 24-hour return period storm.

4 c. Off-site Development

5 (1) The Willomere Park western drainage basin will discharge through the  
6 stormwater system approved for construction under the Glenshire I permits.  
7 No Willomere Park stormwater system work will be permissible until the  
8 Glenshire I pond, outlet control structure, and associated piping and catch  
9 basins serving the pond and approved frontage improvements within 172  
10 Avenue NE are built and approved by the City of Redmond.

11 4. Fire Department Requirements

12 a. Fire Sprinkler System. All residences are required to have residential fire sprinkler  
13 systems.

14 5. Planning Department Requirements

15 a. Street Trees. Street Trees are required as follows:

<u>Street</u>	<u>Species</u>	<u>Spacing</u>
172 <sup>nd</sup> Ave NE	Cleveland Norway Maple nursery grown for streets	30 feet on center
Internal Street	To be determined	To be determined

22 b. Planting Standards. Landscaping shall be coordinated with water/sewer lines and  
23 fire hydrants/connections. Trees shall be planted a minimum of 8 feet from the  
24 centerline of any water/sewer lines. Shrubs shall be planted to maintain at least 4  
25 feet of clearance from the center of all fire hydrants/connections.

26 c. The recommendations of the Applicant's arborist, Gilles Consulting, shall be  
27 implemented in all situations were there is encroachment into the dripline of a tree  
28 that has been determined to be saved.

29 d. The tree exception request for removal of 46 landmark trees from the site shall be  
30 implemented in conformance with the tree retention plan. This is subject to the  
recommendation from the Director of the Planning & Community Development

1 Department that 43 trees are to be removed and not 46 as the applicant has  
2 requested.

- 3  
4 e. Architectural Elevation Approval. All single-family building permits associated  
5 with the Willomere Park PRD and Plat shall be reviewed by the Department of  
6 Planning and Community Development for conformance to the approved building  
7 elevations.
- 8  
9 f. The architectural elevations for the homes shall have trim around all windows and  
10 doors (regardless of which elevation) and all windows must be consistent or similar  
11 in style as used on the front elevation.
- 12  
13 g. Front entries shall be well-emphasized and provided with way-finding elements to  
14 the front door, such as arches, columns, porches, stoops, etc. Entrances to the homes  
15 shall include at least 80 square feet of outdoor living space such as porches,  
16 landscaped patios, stone or brick walkways with arbor, trellises or other features  
17 that create a progression of spaces from the public way to the individual private  
18 residences. Porches or patios should be designed to encourage outdoor sitting in the  
19 front yard. The minimum depth of the porches should be 5 feet to accommodate  
20 outdoor furniture. Houses without 80 square foot front porches shall provide  
21 landscaped patios of a minimum of 80 square feet to accommodate outdoor  
22 furniture and space for passive recreational activity. The side and rear elevations  
23 should incorporate architectural treatments such as bellybands or similar treatments.
- 24  
25 h. The architectural floorplan for elevation K-30-2 shall include opaque glass for the  
26 half-bath window.
- 27  
28 i. The architectural elevations for plans K-35-2 and K35-7 shall incorporate additional  
29 windows along the side facades.
- 30  
31 j. Restrictive covenants to be recorded against the property in conjunction with the  
32 final plat of the subdivision shall include a statement notifying property owners that  
33 all new construction of single-family homes in the Willomere Park PRD shall  
34 comply with the approved Architectural Plans for the Willomere Park PRD on file  
35 with the City of Redmond Planning Department.
- 36  
37 k. PRD Modifications. As part of the Willomere Park Planned Residential  
38 Development, the following modifications to the Code required development  
39 standard shall be allowed as recommended by the Technical Committee:
- 40  
41 i. The average lot size requirement shall be 4,805 square feet.  
42 ii. The minimum lot width circle requirement shall be 20 feet.

- iii. The minimum front setback shall be 10 feet with the provision that garages be setback 18 feet.
- iv. The minimum side street setback shall be 10 feet.
- v. The minimum side/interior setback shall be 3.5 feet.
- vi. The minimum building separation shall be 7 feet.
- vii. The maximum lot coverage shall be 45 percent.
- viii. The maximum impervious surface area shall be 60 percent.

l. Critical Areas. Split rail fencing shall be placed at the edge of the critical areas buffers and open space. Interpretive signage shall be provided to indicate the presence of sensitive areas. Final locations shall be agreed upon by the applicant and the Planning Department prior to installation.

m. The Conceptual stream mitigation plan (see Attachment 18: Conceptual Stream Buffer Mitigation Plan) shall be the mitigation plan required for the Development. The final size and quantities of the plant species, downed woody material and nesting boxes will be approved by the City of Redmond during the civil plan review for compliance with the Critical Areas code.

n. Arborist Report: A revised arborist report with corresponding tree retention plan with at least 35% tree retention must be submitted at the time of construction review.

o. If any contamination is found on the site during construction the applicant must remove the contamination and remediate the area as appropriate.

p. Department of Fish and Wildlife Requirements: The following requirements have been identified by WDFW as required to ensure the protection of the existing habitat within the site:

1. Trees within the 4-acre tree retention open space area should be snagged to ensure the sustainability of both usable forage and potential roosting and nesting snag substrate at the site. Six trees of a size class equal to or greater than 20 inches with at least one out of the six trees with dimension greater than 30 inches, preferably 40 inches should be snagged. Also, three out of the five trees should be of deciduous species, and the remaining two trees should be coniferous.

2. A certified arborist with the International Society of Arboriculture (ISA), preferably specializing in wildlife tree creation should be obtained to perform the proposed snag enhancements. Any modifications would be based on the arborist's assessment and knowledge of site-specific conditions in order to better meet the snag alterations. A request by the applicant to alter this condition

1 would need to be reviewed by a qualified wildlife biologist and  
2 recommendations submitted to WDFW for approval.

3 3. Any present and future concern regarding hazards within the proposed tree  
4 retention open space should require an assessment by an ISA arborist. Any trees  
5 that, if snagged would no longer be considered a hazard should be managed so  
6 as to provide habitat.

7 4. A split-rail fence should be erected and maintained around the tree retention  
8 open space. This fence should provide adequate space in between the natural  
9 area and the fence to promote native landscaping which should provide a natural  
10 wildlife hedgerow separating the fence from the forest. The hedgerow should  
11 consist of plat species that will eventually fill-in and function as a natural barrier  
12 to potential intrusion into the opens space area by pedestrians or domestic pets.  
13 A landscape plan detailing the hedgerow plantings should be prepared and  
14 reviewed by a qualified biologist and recommendations submitted to WDFW  
15 for approval.

16 5. Signage should be placed outlining the purpose of the tree retention open space  
17 as a natural area in order to educate the local community of the value and  
18 purpose of the site, and reiterate that entry is not allowed.

19 q. The location of a trail within Tract B shall be determined upon consultation with the  
20 Department of Fish and Wildlife prior to approval of construction plans. The trail is  
21 to be generally located along the south perimeter of the tract. Signage surrounding  
22 the open space shall indicate that the trail is to be utilized for passive recreation  
23 with pets allowed on-leash.

24 **C. Conditions to be Reflected on the Final Plat Mylar**

25 1. Public Works – Transportation and Engineering

26 a. Development Access. Lot 1 shall not be permitted direct vehicle access to 172<sup>nd</sup>  
27 Ave NE. Lot 3 and Lots 6-12 will not be permitted direct vehicle access to the NE  
28 124<sup>th</sup> Street right of way. This restriction shall be indicated on the face of the final  
29 plat mylar.

30 b. Easements and Right-of-Way. The existing and proposed easements and right-of-  
way shall be shown on the final plat, civil plans and other documents. Prior to  
acceptance of the right(s) of way and/or easements by the City, the developer will  
be required to remove or subordinate any existing private easements or rights that  
encumber the property to be dedicated.

- 1 1. Easements are required as follows:
- 2 a. A 10-foot wide public sidewalk easement granted to the City of Redmond,
- 3 along the 172<sup>nd</sup> Ave NE right-of-way.
- 4 b. A 10-foot wide public utility easement granted to the City of Redmond,
- 5 along all rights-of-way including 172<sup>nd</sup> Ave NE and the public streets in the
- 6 plat.
- 7 c. A public pedestrian easement granted to the City of Redmond that coincides
- 8 with the proposed utility easement located at the east end of NE 123<sup>rd</sup> Way.
- 9 d. A public pedestrian easement granted to the City of Redmond over Tract A
- 10 and B. Trails shall be maintained by the underlying owner of the tracts.
- 11 e. At time of construction, additional easements may be required to
- 12 accommodate the improvements as constructed.
- 13
- 14 2. Dedications are required as follows and shall be reflected on the mylar:
- 15 a. 50-foot wide for all new public streets within the plat, including NE 123<sup>rd</sup>
- 16 Way, 173<sup>rd</sup> PI NE, 174<sup>th</sup> PI NE, and 175<sup>th</sup> PI NE.
- 17 b. New right-of-way lines joining at the intersections of the new plat streets
- 18 shall connect with a 25-foot radius. The area formed by this radius shall
- 19 also be dedicated as right-of-way.

20 2. Public Works – Sewer and Water

21 a. Utility Easements.

- 22 1. General: City of Redmond utility easements meeting city standards for
- 23 proposed water and sewer improvements shall be shown on the face of the plat
- 24 and granted through the final plat document. Offsite easements must be
- 25 recorded prior to construction drawing approval.
- 26 2. Vehicular Access Easements to all new and existing manholes: Grant a 20-foot
- 27 wide, single utility, or 30-foot wide, parallel water and sewer, access easement
- 28 and have covenants' advising property owners of their obligation to maintain
- 29 the availability of the access by providing gates and not obstructing the access,
- 30 and that the property owners maintain, repair and replace the access surfacing as
- needed.

3. Fire Department



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

5 4. Planning Department

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

13 Key: Tree Preservation Required

14

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

15  
16  
17  
18  
19

20 The following statement must also be included on the Tree Preservation Plan,  
21 "The trees identified on this plan are required to be retained in perpetuity. Clearing,  
22 grading or construction of any improvements is prohibited within 5-feet of the drip  
23 line of each tree identified on this plan. A City of Redmond Tree Removal Permit  
24 is required for removal of any tree designated to be preserved (including  
25 replacement trees) and approval is reserved only for those trees deemed to be  
26 diseased, dying, or dead by a certified arborist. Should any tree be removed without  
27 obtaining a Tree Removal Permit, the property owner shall be subject to remedial  
28 measures that may include tree replacement and/or monetary penalties."  
29  
30

- 1 b. An irrigation system within the planter strips along the internal streets shall be  
2 maintained by the Homeowners Association or by other means acceptable to the  
3 City of Redmond Parks Department.
- 4 c. Maintenance of landscaping installed within the street rights-of-way and  
5 landscape/open space tracts created by the Willomere Park PRD final plat shall be  
6 the responsibility of the Homeowners Association, including the landscaping  
7 installed within the public street right-of-way along the site's 172<sup>nd</sup> Street NE  
8 frontage, except that the City shall be responsible for maintenance of street trees  
9 along 172<sup>nd</sup> Street NE.
- 10 d. Native Growth Protection Easement (NGPE). The regulated critical areas and its  
11 associated buffer must be protected by a Native Growth Protection Easement  
12 (NGPE) in a tract where development is prohibited. The NGPE shall be shown on  
13 the plat mylar with a note reading as follows:

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

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

4 **D. Preliminary plat approval is contingent upon PRD approval by the City Council.**

5 DECIDED this 2<sup>nd</sup> of December 2008.

6  
7 By:

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9  
10 /s/ \_\_\_\_\_

11 Sharon A. Rice

12 Toweill Rice Taylor LLC

13 City of Redmond Hearing Examiner  
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1 **PROCEDURE FOR RECONSIDERATION**

2 Any Party of Record may file a written Request for Reconsideration with the Hearing  
3 Examiner. The Request for Reconsideration shall explicitly set forth alleged errors of  
4 procedure or fact. The final date for motion for reconsideration is **5:00 P.M. on December 16,**  
5 **2008,** and should be sent to the **Office of the Hearing Examiner,** City of Redmond, MS:  
6 3NFN 15670 NE 85<sup>th</sup> Street, PO Box 97010, Redmond, Washington, 98073-9710.

7 **FURTHER PROCEEDINGS**

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

16  
17 This Notice of Decision is provided pursuant to RCW 36.70B.130.