

ORDINANCE NO. 2303

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, ADOPTING THE HEARING EXAMINER'S
JUNE 1, 2006 RECOMMENDATION TO APPROVE WITH
CONDITIONS THE HANSON PLANNED RESIDENTIAL
DEVELOPMENT AND SEPTEMBER 12, 2006 STIPULATED
AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, D.R. Horton, herein referred to as applicant, submitted an application to develop a 24-lot, planned residential development (PRD) on 3.99 acres located at 13646 NE Redmond Way; and

WHEREAS, a planned residential development is a Type IV permit decision; and

WHEREAS, the Redmond Community Development Guide authorizes the Hearing Examiner to conduct an open record hearing for the preliminary plat and make findings of fact, conclusions of law, and conditions of approval for the preliminary plat; and

WHEREAS, the Redmond Community Development Guide authorizes the Hearing Examiner to conduct an open record hearing for the planned residential development and make a recommendation with findings of fact, conclusions of law and conditions of approval for the PRD to the City Council for consideration, and

WHEREAS, on May 8, 2006, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the Hanson Planned Residential Development (L050339) and Preliminary Plat (L050338), and

WHEREAS, on June 1, 2006 (and as amended on July 5, 2006), the Hearing Examiner conditionally approved the Hanson preliminary plat (L050338) and recommended approval of the Hanson PRD (L050339) subject to conditions, and

WHEREAS, a Stipulated Agreement Regarding Proposed PRD Plat Condition was signed by the City and Applicant on September 12, 2006 revising a Preliminary Plat condition of approval regarding frontage improvements on Redmond Way, and

WHEREAS, the City Council agreed to the terms of the Stipulated Agreement at their September 12, 2006 meeting, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Findings, Conclusions, and Conditions of Approval. After carefully reviewing the record and considering the evidence and arguments in the record and in the Hearing Examiner's recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Hearing Examiner's recommendation for the Hanson PRD dated June 1, 2006.

Section 2. Approval. The City Council hereby approves the Hanson Planned Residential Development, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated June 1, 2006 and the terms of the Stipulated Agreement dated September 12, 2006.

Section 3. Duties of Planning Director. The Planning Director is hereby authorized and directed to make any appropriate notations on the official zoning map of the city in order to reflect the approval of the PRD as provided in this ordinance.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City's legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND


ROSEMARIE IVES, MAYOR

ATTEST/AUTHENTICATED:


MALISA FILES, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 2303

September 7, 2006
September 12, 2006
September 26, 2006
September 26, 2006
October 1, 2006

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6 **COUNCIL FOR THE CITY OF REDMOND**
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9 Hanson Subdivision,

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11 Preliminary Plat Review.
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FILE NO. L060287 (Appeal file)
L050338, 39 (Application
file)

STIPULATED AGREEMENT
REGARDING PROPOSED PRD
PLAT CONDITION

14
15 The Applicant, DR Horton, and staff for the Public Works and Planning and
16 Community Development Departments hereby stipulate that the Hearing Examiner's
17 condition as set forth in his Order on Motions for Reconsideration on July 5, 2006 should be
18 revised as follows:

19 2. ~~Street improvements are required along the frontage of Redmond Way~~
20 ~~including constructing/modifying type A-1 concrete curb and gutter, 5-foot~~
21 ~~wide planter strip, 5-foot wide concrete sidewalk, storm drainage, street lights,~~
22 ~~and street trees to match the City's planned improvements for Redmond Way~~
23 ~~(project number 05-CI-72). In lieu of constructing the improvements, the~~
24 ~~applicant may pay a fee to have the improvements included in the City project.~~
25 ~~The minimum pavement section where needed for the street consist of:~~

~~4" Asphalt Pavement C1.B~~

~~5" Asphalt Treated Base~~

~~Subgrade compacted to 95% compacted maximum density as~~
~~determined by modified Proctor (ASTM D1557)~~


~~Street 2% sloped to drain system.~~

1 The owner of tax parcel number 3895100005 shall dedicate a 10-foot
2 wide sidewalk and utility easement along the property's common boundary
3 with Redmond Way (SR 908) no later than November 30, 2006. In addition,
staff shall process the engineering plans using the Coordinated Civils Process.

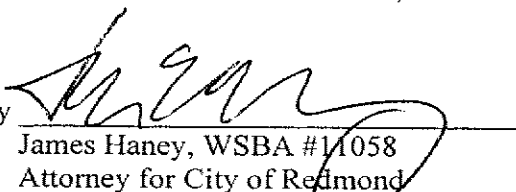
4 The parties further stipulate and agree that they will present this stipulation to the Redmond
5 City Council at the Council's meeting of September 12, 2006 and request that the above-
6 referenced condition be modified to read as set forth above. If the Redmond City Council
7 agrees to change the condition and the easement is conveyed to the City by November 30,
8 2006 as provided above, the parties stipulate that the Applicant's appeal of the Hearing
9 Examiner's decision and recommendation on the Hanson subdivision and PRD shall be
10 dismissed with prejudice, and further provided that, if the easement described in the
11 condition is not conveyed by the November 30, 2006 deadline, the parties stipulate and agree
12 that the City Council's approval of the preliminary plat and PRD shall be vacated and the
13 Applicant's appeal shall be reinstated and scheduled for Council decision at Council's
14 earliest available hearing date.

15 AGREED UPON this 12th day of September, 2006.

16
17 JOHNS MONROE MITSUNAGA, PLLC

18
19 By 
20 Duana Koloušková, WSBA #27532
Attorneys for DR Horton

21 OGDEN MURPHY WALLACE, PLLC

22
23 By 
24 James Haney, WSBA #11058
25 Attorney for City of Redmond

Stipulated agreement -Final 9-12-06

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

2
3 **APPLICATION OF DR HORTON FOR)**
4 **APPROVAL OF THE HANSON PRE-)**
5 **LIMINARY PLAT AND PLANNED)**
6 **RESIDENTIAL DEVELOPMENT; AND)**
7 **APPEAL OF LAKE WASHINGTON)**
8 **SCHOOL DISTRICT OF THE)**
9 **DETERMINATION OF NON-)**
10 **SIGNIFICANCE)**

File No: LO50338, L050339, L060095

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, DECISIONS, AND
RECOMMENDATION**

Hanson PRD/PPL and SEPA Appeal

11
12 **DECISION**

13 The appeal of Lake Washington School District is **GRANTED**. An impact fee for schools of
14 \$1,875 per dwelling unit is imposed on the development.
15

16 **DECISION**

17 The Hanson Preliminary Plat is **APPROVED** subject to conditions and subject to the approval of
18 the Planned Residential Development by the City Council.
19

20 **RECOMMENDATION**

21 The Hearing Examiner recommends that City Council **APPROVE** the Planned Residential
22 Development for the Hanson Preliminary Plat.
23

24 **INTRODUCTION**

25 The hearing on the application of DR Horton for approval of a preliminary plat and planned
26 residential development was combined with the hearing on the appeal of Lake Washington
27 School District of the determination of nonsignificance (DNS). Applicant was represented by
28 Duana T. Kolouskova of Johns Monroe Mitsunaga, PLLC. Lake Washington School District
29 (LWSD) was represented by David B. Johnston of Livengood, Fitzgerald & Alskog, PLLC.
30 Kerry Kriner, Associate Planner, presented the City of Redmond staff report.

1 Testifying under oath were:

2 Kerry Kriner, Associate Planner, City of Redmond

3 Barbara Heavey, Project Manager, King County Department of Development Services

4 Steve Cole, Capital Projects Program Manager, Lake Washington School District

5 Jon Nelson, DR Horton, Land Use Manager, Hanson Project

6 Jim Olsen, Civil Engineer, Core Engineering

7 Chris Forster, Traffic Engineer, Transportation Engineering Northwest

8 Richard Barthol, Development Services Division Manager, City of Redmond

9
10 The following exhibits were offered and admitted:

11 Exhibit A: Powerpoint Staff Presentation

12 Exhibit B: Technical Committee Report Administrative Appeal, dated April 24, 2006

13 Exhibit C: LWSD Hearing Brief dated May 1, 2006

14 Exhibit D: LWSD List of Legal Issues, Witnesses, and Exhibits dated May 1, 2006

15 Exhibit E: Applicant's Hearing Brief dated May 1, 2006

16 Exhibit F: Technical Committee Report Plat and Planned Residential Development

17 Exhibit G: DR Horton Hearing Brief Regarding Plat Conditions dated May 8, 2006

18 Exhibit H: Traffic Report dated August 4, 2005

19 Exhibit I: Affidavit of Publication

20 Exhibit J: Revised Conditions for Technical Committee Report dated April 24, 2006

21 At the conclusion of the hearing, Applicant presented a request to revise or eliminate two
22 conditions proposed by the City. The City was given one week to respond to the request, and on
23 May 15, 2006, responses were received from Richard Barthol and Dave Almond, P.E.
24 Transportation Engineer. Applicant filed a reply brief on May 22, 2006.

25 Exhibit K: Modification of the Bond Fee, Submitted by Staff (Dick Barthol)

26 Exhibit L: Staff Response to Applicant's Exhibit G (Dave Almond)

27 Exhibit M: Applicant DR Horton Reply Brief Regarding Plat Conditions

28 The record of the hearing was then closed.

29 **FINDINGS OF FACT**

- 30 1. *Proposal.* DR Horton (Applicant) proposes to subdivide a 3.99 acre tract at 13646 NE Redmond Way into 24 lots and construct 12 single-family attached structures. The site slopes from the southwest to the northeast and drops sharply at the west portion into a

1 Class III riparian corridor. A stream enters the site here which the City intends to put in a
2 pipe to stabilize the slope. A site plan is attached as Attachment A.

3
4 2. *Zoning*. The site is in a single-family urban land use designation and is zoned R-5. It is in
5 the Willows/Rose Hill Neighborhood and is surrounded by low to moderate density
6 single-family zoning and development.

7
8 3. *Access*. While the site fronts on NE Redmond Way, vehicular access will be permitted
9 only from NE 85th Street, via NE 139th Avenue NE. Redmond Way is a principal arterial
10 and NE 85th Street is a local access street. The site will generate fewer than 30 PM peak
11 hour vehicle trips, and a concurrency certificate was not required.

12
13 4. *Trees*. An arborist evaluated 304 trees on the site. Some 109 were determined to be non-
14 significant and 13 were identified as Landmark trees. Appellant proposes to save 102
15 trees, or 36.9% of the Significant trees. Most will be located in a Native Growth
16 Protection Area (NGPA). Applicant proposes to save five of the Landmark trees. The
17 remaining Landmark trees are located in areas where road infrastructure or building pads
18 will be located. The Technical Committee has granted an exemption from the
19 requirement that all healthy Landmark trees be saved.

20
21 5. *SEPA*. A Determination of Non-Significance (DNS) was issued for the proposal on
22 February 13, 2006. The Lake Washington School District (LWSD) appealed the DNS,
23 asserting that the DNS did not mitigate the adverse impacts of the proposal on schools.

24
25 6. *SEPA Checklist*. The SEPA Checklist submitted on behalf of Applicant states among
26 other things that “the impact to the schools and traffic will be mitigated through the
27 payment of impact fees.”

28
29 7. *Schools*. Children from the subdivision will attend Mark Twain Elementary School,
30 Redmond Middle School and Lake Washington High School in Kirkland. Mark Twain

1 Elementary School was designed for 483 students, but presently has an enrollment of
2 540. Two portables are used to serve as classrooms for the excess enrollment. The
3 Hanson project could generate as many as 24 elementary students.
4

5 8. *Portables.* Construction of an additional portable classroom would cost about \$90,000.
6

7 9. *Lake Washington School District Argument.* The LWSD has analyzed the impact of
8 private development on its schools throughout the district and through a complicated
9 process has established an impact fee of \$2,996 for each additional single-family
10 residence in unincorporated King County and in cities that have adopted the fee. Lesser
11 fees are imposed on multi-family units. This fee represents one-half (½) of the school
12 district's development costs per single-family residences. Redmond has not adopted an
13 impact fee ordinance and LWSD negotiates impact fees with developers in Redmond on
14 a case-by-case basis. If the LWSD determines that a development will have no impact on
15 its schools, no fee is sought from that development. LWSD seeks the imposition of an
16 impact fee here equal to its standard fee imposed by King County ordinance.
17

18 10. *Applicant's Argument.* Applicant objects to the imposition of an impact fee for schools. It
19 concedes that its SEPA Checklist stated that an impact fee for schools would be paid, but
20 states that this was based on an erroneous assumption that Redmond imposed such a fee
21 by ordinance. It now contends that the Redmond City Council made a legislative decision
22 many years ago that it would not impose school impact fees, and that the Hearing
23 Examiner has consistently enforced this direction. Imposition of an impact fee, it says,
24 would conflict with the City's codes, precedent and policy, and should be dealt with only
25 on the legislative level. Impact fees can be based on statute (RCW Ch. 82.02) or on
26 SEPA's substantive authority (WAC 197.11.660). In order to impose an impact fee using
27 SEPA substantive authority, the City must cite the specific SEPA policy relied upon.
28 SEPA based impact fees must be directly or specifically related to the impacts of the
29 proposed development.
30

1 11. *City's Argument.* The City takes the position that by representing in the environmental
2 checklist that it would pay impact fees for schools, Applicant was bound to pay such a
3 fee. The City cites RCDG 20F.20.40-090 (5)(A) which states that a representation made
4 in the SEPA Checklist shall be the foundation of any City decision or recommendation,
5 and unless specifically revised by the City or Applicant, those statements or
6 representations shall be considered material conditions of approval. It was therefore not
7 necessary for the City to issue a Mitigated Determination of Non-Significance (MDNS),
8 as the condition requiring an impact fee for schools was already in place. This also
9 satisfies RCDG 20D.220.20-090 which requires the City to ensure that school
10 concurrency standards are met, it says.

11
12 12. *Other Impact Fees.* Applicant will pay impact fees imposed by Redmond for
13 transportation, parks and fire at rates in effect when building permits are issued.
14

15 13. *Notice and Public Input.* Notice of the application, the SEPA threshold determination and
16 the public hearing was given as provided by ordinance. A public meeting was held on
17 March 16, 2006 at Mark Twain Elementary. Fourteen members of nearby Maplebrook
18 Lane attended and expressed concerns for additional traffic on 139th Avenue NE and NE
19 85th Street. They also suggested that the posted notices could have been improved.
20

21 14. Applicant asks that two conditions proposed by the Technical Committee in its report not
22 be imposed. The two conditions and Applicant's arguments are:

- 23
24 (a) That Applicant construct frontage improvements on N.E. Redmond Way which
25 include curb and gutter, 5-foot planting strip, 5-foot concrete sidewalk, storm
26 drainage, street lights, street trees, street signs and undergrounding of utilities.
27 See: Technical Committee Report, page 32, paragraph B (2). Applicant does not
28 object to the condition requiring it to dedicate a sidewalk, utility and slope
29 easement along NE Redmond Way, but contends that the condition is unlawful
30 under *Benchmark vs. City of Battle Ground*, 94 Wn. App. 537, 972 P. 2d 944
(1999) because (1) it is not directly related to or proportionate with the impacts of
the development; (2) there will be no vehicular access to the development from
NE Redmond Way; (3) the improvements are already contained in a City project
being funded by Sound Transit; and (4) a City may not impose a condition to

1 correct an existing deficiency, such as the substandard sidewalk found on NE
2 Redmond Way, citing *UDC vs. City of Mill Creek*, 106 Wn. App. 681, 972 P. 2d
3 944 (1999).

4 (b) That Applicant dedicate and construct a second pedestrian connection from NE
5 85th Street to NE Redmond Way along Tract B and the driveway to Lot 17. See:
6 Technical Committee Report, page 21, Section V (B). Applicant argues that this
7 condition will adversely affect the lot layout and marketability of certain lots in
8 the plat and fails to relate to any impacts of the proposed subdivision. It is not
9 required by any City code section, it says, and is redundant and unnecessary.

10 15. The City contends that RCW 58.17.110 supports both conditions. This statute reads:

11 (2) A proposed subdivision and dedications shall not be approved unless the
12 city, town or county legislative body makes written findings that (a)
13 Appropriate provisions are made for the public health, safety and
14 general welfare and for such open spaces, drainage ways, streets or
15 roads, alleys, other public ways, transit stops, potable water supplies,
16 sanitary waste, parks and recreation, playgrounds, schools and
17 schoolgrounds and all other relevant facts, including sidewalks and
18 other planning features that assure safe walking conditions for students
19 who only walk to and from school.

20 The development will be within a one-mile radius of Rose Hill Junior High School,
21 Grasslawn Park and other public facilities and existing neighborhoods. The development
22 will generate 190 daily trips on NE Redmond Way. One third of all pedestrian travel in
23 the United States is school-related, 88 % of residents walk for recreation or exercise, and
24 59% of persons responding to a 1990 poll said that they would walk more often if there
25 were safe designated paths or walkways. NE Redmond Way is a major arterial with a 40
26 mile an hour speed limit. The existing sidewalk is a 2 to 3-foot asphalt surface located at
27 the back of the curb, and does not meet ADA regulations. The City cites numerous
28 policies and codes in support of its position. See: Exhibit L.

29 16. Any conclusion of law deemed to be a finding of fact is adopted as such.
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on geologically stable soil considering the stress and loads to which the soil may be subjected.

3. The City Council may approve a PRD proposal if it meets the requirements of RCDG 20C.30.105 and the design of the development achieves two or more of a schedule of results listed in RCDG 20C.30.105-040 (Design Criteria). A PRD is permitted only in a residential zone, the primary use must be residential, and the process may not be applied to a single-family lot incapable of further subdivision so as to avoid its use when other processes are applicable. Development standards may be modified in a PRD.

4. Applicant proposes the following modifications of the site standards. (Technical Committee Report, pages 15-16).

	Standard	Proposed
Average lot size	5,500 square feet	3,588 square feet
Building Separation	10 feet	Zero if building and fire regulations are met
Setbacks:		
Front	15 feet	10 feet
Side	5 and 10 feet	5 and 0 feet*
Side street	15 feet	10 feet
Rear	10 feet	10 feet
Lot Coverage	40%	50%

(*no minimum interior setbacks)

5. The schedule of results for a Planned Residential Development is set forth in RCDG 20C.30.105-040:

- (a) High quality architectural design, placement, relationship or orientation of structures;
- (b) Achieving allowable densities for the subject property;
- (c) Providing housing types that effectively serve the affordable housing needs of the community;
- (d) Improving circulation patterns or the screening of parking facilities;
- (e) Minimizing the use of impervious surfacing materials;
- (f) Increasing open space or recreational facilities on-site;

- (g) Landscaping, buffering, or screening in or around the proposed PRD;
- (h) Providing public facilities;
- (i) Preserving, enhancing or rehabilitating natural features of the subject property such as significant woodlands, wildlife habitats or streams;
- (j) Incorporating energy efficient site design or building features;
- (k) Providing for an efficient use of infrastructure.

In addition, Applicant must show that it achieves two or more of these results. Staff has demonstrated that the proposal meets all but one of the design criteria for approval of a PRD. Staff has also demonstrated that the decision criteria for a preliminary plat have been satisfied. Both should be approved.

6. The appeal of LWSD should be granted. The City has established that Applicant represented in its environmental checklist that school impact fees would be paid. Unless specifically revised by the City or Applicant, that representation is conclusive and considered a material condition of approval. RCDG 20F.20.40-090(5)(A). While Applicant has agreed to pay an impact fee, no specific amount was stated. The evidence at the hearing indicated that proposals in unincorporated King County and in certain cities paid the sum of \$2,996 per single-family dwelling unit and a lesser amount for multiple family units. Impact fees were sought from development in cities where no impact fee was imposed by ordinance only when an actual need for additional facilities was shown. Here, LWSD has established that about 24 additional students can be expected from the development, that its elementary school was over capacity and would be adversely affected, and that an additional portable would accommodate the increase. A portable will cost the school district about \$90,000. Using King County's analysis that impact fees should account for one-half (1/2) of the district's direct costs, a total impact fee of \$45,000 should be imposed. This results in a fee of \$1,875 per dwelling unit, to be paid when a building permit is issued. Payment of these impact fees shall be imposed as a condition of approval of the Preliminary Plat and PRD.

1 7. Applicant's request to be relieved from construction of frontage improvements on NE
2 Redmond Way should be denied. The 24 residential units in the subdivision will bring
3 residents who will walk on NE Redmond Way, and the existing sidewalk is clearly
4 inadequate. Improvements such as are required here are routinely required of
5 subdivisions to provide safe and pleasant walking routes to schools, store and recreational
6 facilities. The project will generate 190 new daily vehicle trips on NE Redmond Way.
7 The improvements required are not out of proportion to the amount of anticipated use of
8 NE Redmond Way by residents and their guests and others. The fact that the
9 improvements are included in a planned City project does not prevent the City from
10 requiring them of the developer. That project is not under way, and anticipated funding
11 by another agency does not constitute "double-dipping". Finally, *UDC vs. City of Mill*
12 *Creek, supra*, cited by Applicant, does not preclude a City from requiring an applicant to
13 upgrade a substandard facility. There the condition imposed was to improve a facility
14 which was in no way impacted by the development. Here the sidewalk and street frontage
15 will be directly impacted by the Hanson subdivision.

16
17 8. The second pedestrian connection on Tract B and Lot 17 should not be cancelled.
18 Applicant proposes a pedestrian path along the Native Growth Protection Area (NGPA)
19 which will be west of and uphill from the residences. Those who would want to walk to
20 the east would not use that walkway. Nor would they want to walk along NE 85th Street
21 if they could access NE Redmond Way from the cul de sac. The additional pathway is in
22 a logical location and is necessary for efficient pedestrian access to NE Redmond Way.
23 It should be required, and the requirement is supported by RCW 58.17.110 which
24 requires the City to insist on appropriate provision of public ways, sidewalks and other
25 planning features that assure safe walking conditions for students.

26
27 9. Any finding of fact deemed to be a conclusion of law is hereby adopted as such.
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29
30

1 **DECISION**

2 The appeal of LWSD of the Determination of Non-Significance is **GRANTED**. An impact
3 fee of \$1,875 per dwelling unit will be required as a condition of approval of the preliminary
4 plat and PRD.

5
6 **DECISION**

7 The Hanson Preliminary Plat is **APPROVED**, subject to the conditions in Attachment B and
8 subject to the approval of the Planned Residential Development by the City Council.

9
10 **RECOMMENDATION**

11 The Hearing Examiner recommends that the Planned Residential Development for the
12 Hanson Preliminary Plat be **APPROVED**.

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15
16 **Dated this 1ST day of June, 2006**

17
18
19 /s/ Gordon F. Crandall
20 Gordon F. Crandall
21 Hearing Examiner
22
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26 Attachment A: Site Plan
27 Attachment B: Conditions of Approval
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30

PROCEDURE FOR RECONSIDERATION

Any interested person (party of record) may file a written request for reconsideration with the Hearing Examiner. The request for reconsideration shall explicitly set forth alleged errors of procedure or fact. The final date for motion for reconsideration is **5:00 P.M. on June 15, 2006**, and should be sent to the **Office of the Hearing Examiner**, City of Redmond, MS: 3NFN 15670 NE 85th Street, PO Box 97010, Redmond, Washington, 98073-9710.

NOTICE OF RIGHT OF APPEAL

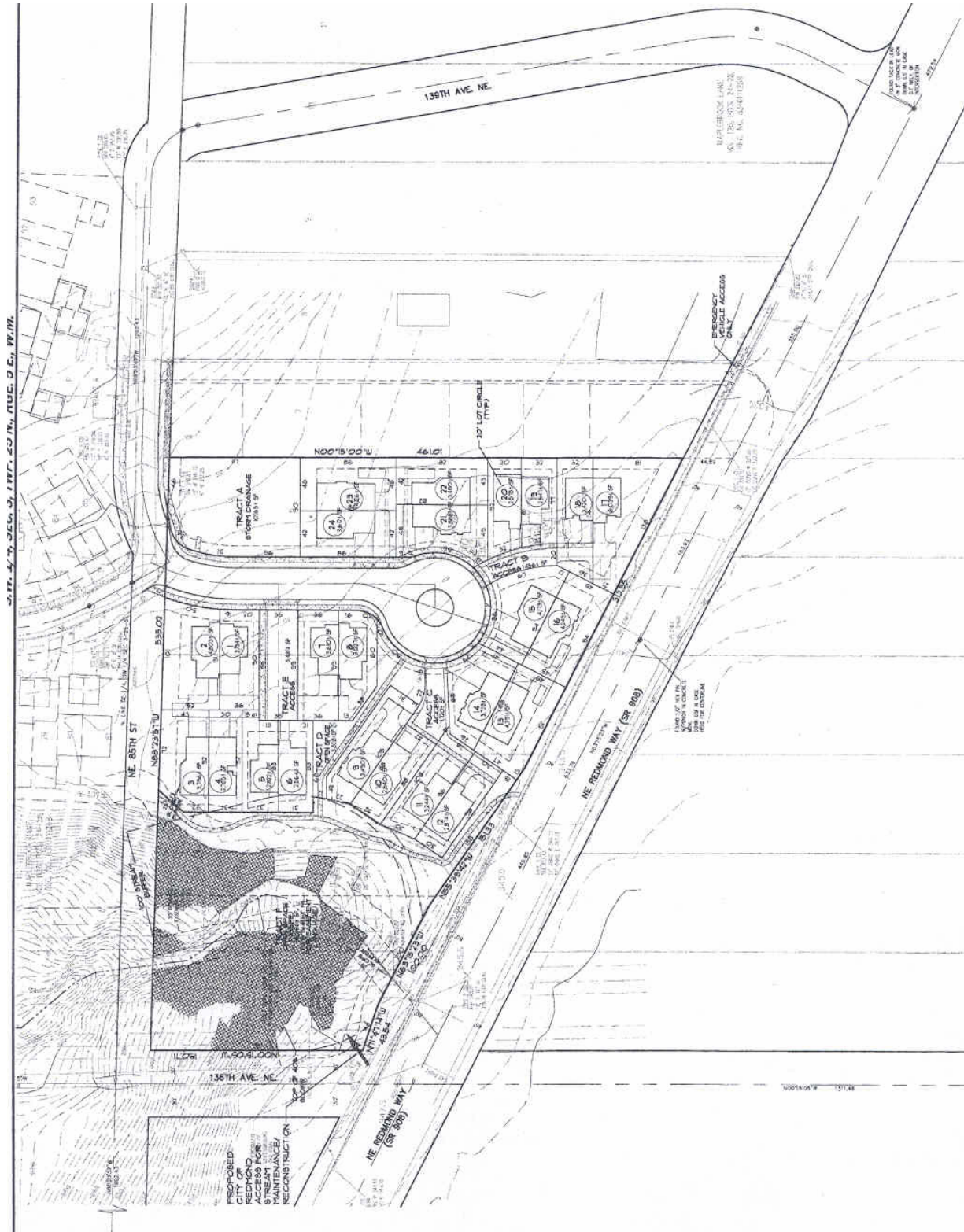
You are hereby notified that the foregoing Findings of Fact, Conclusions, Decisions and Recommendations are the final action on this application subject to the right of appeal to the Redmond City Council. Appeal procedures are governed by RCDG 20F.30.40-110 (Ordinance 2118) to which the reader is referred for detailed instructions. The written appeal must be received by the **Redmond Permit Center** no later than **5:00 P.M. on June 15, 2006, or within 10 business days following final action by the Hearing Examiner if a request for reconsideration is filed.** Please include the application number on any correspondence regarding this case.

FURTHER PROCEEDINGS

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

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

ATTACHMENT A SITE PLAN



ATTACHMENT B CONDITIONS OF APPROVAL

This attachment identifies the Conditions that must be met for the proposal. Please be advised that unless otherwise stated herein, the proposal shall comply with all applicable regulations, including, but not limited to, the Redmond Comprehensive Plan, the Redmond Community Development Guide, and any applicant-proposed or agency-imposed mitigating measures identified as part of the threshold determination under the State Environmental Policy Act. If you have questions regarding these conditions, please contact the staff person for that City department. The contact information is listed under each Department/Division title.

I. Approved Plan Set and Supporting Material

- A. The following table identifies those materials that are approved with conditions by this Notice of Decision. The "Date Received" is the date that is stamped as "Received" by the Redmond Permit Center.

<u>Item</u>	<u>Date Received</u>	<u>Notes</u>
Plan Set, Sheet P1-P11, L1-L2	12/5/2005	<i>and as conditioned herein.</i>
SEPA Checklist	9/6/2005	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on 2/13/06.</i>
Architectural Elevations	9/6/2005	<i>and as conditioned herein.</i>
Conceptual Landscaping Plan Sheets L-1 and L-2	12/5/2005	<i>and as conditioned herein.</i>
Proposed Preliminary Tree Retention Plan, Sheet P5	12/5/2005	<i>and as conditioned herein.</i>
Stormwater Design	12/5/2005	<i>and as conditioned herein.</i>

II. PLANNING REQUIREMENTS

A. General

1. **Approval.** This approval is subject to all general criteria of the Redmond Community Development Guide and Redmond Municipal Code. Please refer to Attachment 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. **Civil Plan Review.** To ensure compliance with residential site standards, at the time that construction drawings are submitted for Public Works Department 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. **Sign Permit.** A sign permit application must be submitted separately to the Planning Department for review and approval prior to installation of any proposed entry/monumentation signs for the subdivision (RCDG Section 20D.160.10-020).

B. Landscaping and Street Trees

1. **Street Trees.** Street trees are required as follows (RCDG Section 20D.80.10-140):

<u>Street</u>	<u>Species</u>	<u>Spacing</u>
Redmond Way	"Schwedeler" Norway Maple Acer Platanoides "Schwedeler"	30 feet on center

Internal Plat Street: Street trees shall be installed along the new internal plat street. The size, spacing, and species shall be approved by the City of Redmond Planning Department in accordance with applicable City Standards.

2. **Planting Standards.** Landscaping shall be coordinated with water/sewer lines and fire hydrants/connections. Trees shall be planted a minimum of 8 feet from the centerline of any water/sewer lines. Shrubs shall be planted to maintain at

1 least 4 feet of clearance from the center of all fire hydrants/connections (RCDG
2 Section 20D.80.10-150(8)).

- 3
- 4 3. **Tree Retention Plan.** The dripline of all significant trees to be retained and the
5 associated 5 foot dripline setback shall be shown on the face of a Tree Retention
6 Plan and shall be recorded with King County Department of Records and
7 Elections as part of the Hanson plat mylar documents. The recorded document
8 shall include the requirement that the retained trees shall not be removed or
9 altered without the written approval of the City of Redmond. Trees designated for
10 retention which are damaged or destroyed shall be replaced in accordance with
11 RCDG Section 20D.80.20. This language shall be reviewed and approved by the
12 Department of Planning and Community Development prior to recording (RCDG
13 20D.80.20-070(4)b).

14 C. Miscellaneous

- 15 1. **Architectural Elevation Approval.** All single-family building permits associated with
16 the Hanson PRD and Plat shall be reviewed by the Department of Planning and
17 Community Development for conformance to the approved building elevations. (RCDG
18 20C.30.105-040)
- 19 2. **Native Growth Protection Area on Plat.** The critical slope area and associated buffers
20 on the site shall be placed within a tract and designated as a Native Growth Protection
21 Area on the face of the final plat document. The NGPA shall impose upon all present
22 and future owners and occupiers of land within the plat (the Hanson PRD Homeowners
23 Association or its designee) the obligation, enforceable on behalf of the public by the
24 City of Redmond, to leave undisturbed all trees and other vegetation within the tract. The
25 vegetation within the tract may not be cut, pruned, covered by fill, removed, damaged or
26 enhanced without express written permission from the City of Redmond. Language to
27 this effect shall be reviewed and approved by the Department of Planning and
28 Community Development and recorded on the final plat document. (RCDG 20D.180.10-
29 070(4), 20D.140.10-180(4)).
- 30

1 **3. Native Growth Protection Area Fencing and Signage.** In order to delineate the
2 boundary of the Native Growth Protection Area and to discourage encroachment
3 into the critical area buffer, the developer shall install split-rail fencing or a similar
4 fencing approved by the Department of Planning and Community Development
5 along the boundary of the critical area. The fencing location and detail shall be
6 included on the civil engineering plans for review. (RCDG 20D.140.10-180(2)).

7
8 **4. Garage Orientation.** Lots 14, 15, 21 and 24 shall gain access from a common
9 joint use easement or tract and not directly from the new public plat street. Garages
10 on these units shall be oriented toward and gain vehicular access from the access
11 corridor and not towards the public street. (RCDG 20C.30.105-040(1)a,
12 20C.70.50-040)

13 **5. Noise Study.** A noise study providing for current and project noise levels and
14 proposed attenuation must be submitted as part of the civil engineering review for
15 this project. The Technical Committee shall approve appropriate methods for
16 reducing noise levels. (RCDG 20D.100.10-060)

17 **6. PRD Modifications.** As part of the Hanson Planned Residential Development, the
18 following code provision shall be modified as recommended by the Technical Committee:

- 19
20 a. The average lot size requirement shall be 3,554 square feet.
21 a. The minimum lot width requirement shall be 20 feet.
22 b. The minimum Front Setback shall be 10-feet with the provision that garages shall be
23 setback 18-feet.
24 c. The minimum Side Street Setback shall be 10 feet.
25 d. The minimum Side/Interior Setback shall be 0 feet for attached units and 5 feet for
26 detached side yards.
27 e. The minimum Building Separation shall be 0 feet.
28 f. The maximum Lot Coverage shall be 50 percent.
29 g. The maximum Impervious Surface Area shall be 60 percent.

30 **7. Applicant shall pay school impact fees to Lake Washington School District in the
amount of \$1,875.00 for each dwelling unit. School impact fees shall be paid at the
time of building permit issuance.**

III. ENGINEERING REQUIREMENTS

ATTACHMENT A

Conditions of Approval and Revisions Required on Mylar – Document to be Recorded with King County

A. Engineering/Transportation

1. Lots 12, 13, 16 and 17 shall not be permitted direct vehicle access to Redmond Way. This restriction shall be indicated on the face of the final plat and other documents.
2. Lots 21, 22, 23 and 24 shall gain access from the public street by means of a shared access tract.
3. Lots 13, 14, 15 and 16 shall gain access from the public street by means of a shared access tract.
4. Extend Tract B across Lot 18.
5. Extend Tract C across Lot 11.

6. Easements & Dedications:

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 easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated (RCDG 20D.210.20-050).

a. Easements are required as follows:

- Public 10-foot wide sidewalk, slope and utility easement granted to the City of Redmond, along all rights of way including Redmond Way, the new plat street and NE 85th St.
- Public sidewalk easement, granted to the City of Redmond, over Tracts B, D and F.
- Public 15-foot wide sidewalk easement, granted to the City of Redmond, over Lot 17.
- Private ingress/egress easements over Tracts B, C and E and the newly created tracts identified above.

b. Dedications for right of way and easements are required as follows: 48 feet wide for the new plat street, expanding to a 50-foot radius at the cul-de-sac.

c. New right-of-way lines joining at the intersection of the new plat street and NE 85th Street shall connect with a 25-foot radius, or with a chord that encompasses

1 an equivalent area. The area formed by this radius or chord shall also be dedicated
2 as right-of-way.

3 d. All lots are subject to an easement for utilities and drainage facilities over, under
4 and across a strip of land 2-1/2 feet wide along each side of the interior lot lines
5 within the development, together with a strip of land 5 feet wide along the lot
6 lines around the perimeter of the development, except as identified above in item
6.a. This condition may be modified by the City Storm Water Engineer.

7
8 e. At the time of construction, additional easements may be required to
9 accommodate the improvements as constructed.

10 **ATTACHMENT B**
11 **SPECIFIC REQUIREMENTS FOR CONSTRUCTION DRAWINGS**

12
13 **A. General Requirements:**

14
15 1. **Engineering Plans** for on-site and off-site drainage (storm water management),
16 clearing, grading, utility and street improvements are required. The plans shall be
17 prepared by a registered engineer and shall be reviewed and approved by the Public
18 Works Department prior to issuance of the building, foundation, clearing and grading
19 or street use permits. Plan size must be 22" x 34" at a scale of 1" = 20' unless
20 otherwise approved by the City. **The following design manuals should be obtained**
21 **to guide design work:**

- 22
23
 - Standard Specifications and Details
 - Clearing, Grading and Storm Water Management Redmond Technical
 - Design Requirements for Water and Sewer System Extensions
 - Community Development Guide24
25
26

27 These manuals reference a number of other commonly used engineering standards. It
28 is vital that the design professional performing this work be aware of the City and
29 other pertinent standards to reduce review time. ***The City will not accept designs that***
30 ***deviate from the standards without substantial justification. Standard Specifications***
and Details shall be referenced by the detail numbers. Do not include individual

1 *drawing details in the construction plans.* Early consultation between design
2 professionals and City staff is highly recommended if a design will propose deviations.

3
4 **All power, telephone, streetlights, etc. shall be shown on construction drawings to**
5 **facilitate identification and resolution of utility conflicts.**

6
7 The designer must be sensitive to the existence or creation of utility easements within
8 the project. Permanent structures not associated with the utility use – including
9 rockeries-**shall not be built within easements unless approved by the City of**
10 **Redmond.**

11
12 When construction drawings are submitted for review, eight (8) complete copies of the
13 civil plans and two (2) sets of drainage computations and studies are required for a
14 complete submittal. Only complete submittals will be accepted for review. (After the
15 initial submittal, fewer copies may be required. If desired, you may contact Public
16 Works at 425-556-2740 to determine the exact number required.)

17
18 At the time of construction drawing approval, a digital file of the drawings shall be
19 submitted to the city. File format shall conform to the requirements identified under
20 ‘Oct. 2005 Version Record Drawing Requirements’ (see below).

21
22 **2. Survey Control**

23 a. Vertical control:

24 Elevations must be referenced to City of Redmond Datum. This Datum is based on
25 the U.S.C. & G.S. benchmark B-385 (1927). The Surveyor must tie the project to
26 two numbered benchmarks. A publication of the benchmarks may be purchased
27 from the City’s Public Works service counter under the name City of Redmond
Vertical Control Survey February 1990.

28 b. Horizontal Control:

29 The surveyor shall tie the project to two City of Redmond horizontal control
30 monuments. The plans shall show NAD 83-91 coordinates on a minimum to two
points at exterior lot/boundary corners. A publication of the Redmond City
Horizontal Control Notebook dated 1993 can be purchased at the Public Works
service counter.

1 c. New and Existing Monumentation:

2 New survey monuments shall be installed at new street intersections, street
3 tangent points and center of cul-de-sacs in accordance with the City of Redmond
4 Standard Details. Existing monumentation must be identified on the construction
5 plans and maintained by the contractor throughout the construction period.

6 **3. Street Design:**

7 a. Civil plans for all public and private street construction must include existing and
8 proposed centerline profiles and curb/edge of pavement elevations. Cross sections
9 at regular stationing along the length of the project may be required.

10 b. Horizontal alignment shall indicate radius, length of tangent between curves, and
11 length of curve. Minimum curve radii shall comply with the requirements stated in
12 Appendix 20D-3 in the *Redmond Community Development Guide*.

13 c. Vertical curves shall indicate length of vertical curve, slopes, and length of tangent
14 between curves. Minimum stopping sight distance for design shall be 450 feet on
15 arterials and collectors, 225 feet on local public access, and 150 feet on private
16 streets.

17 d. Cross slopes and superelevation of roadways shall not exceed two (2) percent
18 unless approved by the City of Redmond Public Works Department.

19 e. On sloping approaches at intersections, landings are not to exceed 2 feet difference
20 in elevation for 30 feet approaching an arterial or 20 feet approaching a local
21 access street (measured from the back of sidewalk or the back of curb if no
22 sidewalk exists).

23 f. Curb radius shall be 25 feet for local access streets and 30 feet for arterial and
24 collector streets.

25 g. Street right-of-ways shall intersect at 80 and 90 degrees where possible.

26 h. Sight Distance

27 1) Adequate entering sight distance shall be maintained at all connections in
28 accordance with Section 20D.210.25 "Sight Clearance at Intersections" of the
29 Redmond Community Development Guide, pages 347 and 348. The
30 appropriate sight distance triangles shall be drawn on the civil and landscaping
plans.

2) Adequate stopping sight distance shall be maintained at all driveways and
intersections in accordance with Appendix 20D-3 in the *Redmond Community
Development Guide*. For the purpose of determining adequate sight distance,
provide plan and profile views of adjacent roadways. For local access streets,
provide drawings 225 feet on either side of all proposed driveways or
intersections. For arterials and neighborhood collector streets, the distance shall
be 450 feet.

i. Any pedestrian crossings at intersections, or across curb return type driveways
need to include handicap ramps. These ramps must be designed to meet the
most recent ADA standards.

- j. Joint use driveway and cooperative parking with adjacent developments is encouraged.

4. **Street Trees:**

- a. Street trees are required to be installed on principal, minor and collector arterials. See Section 20D.80.10-140 "Street Tree Program" in the Redmond Community Development Guide for further requirements.

5. **General Notes:** The following notes shall be included on the construction plans for this project:

- a. Safety railings shall be required when the bottom of a rock wall, retaining wall or slope is 30" or more below the finished elevation of a sidewalk or other pedestrian facility.
- b. WSDOT approved guard rails shall be required as directed by the City Inspector, subject to approval by the City Transportation Engineer.
- c. Contractor is responsible for installing all signs and channelization per City of Redmond standards. Contractor shall lay out all signs and channelization, and then contact Deby Canfield, Senior Transportation Technician, at (425) 556-2752 48 hours in advance of installation to verify layout.
- d. All necessary signs and markings on-site, along property frontage, and at specifically designated off-site locations shall be provided by the applicant as required by the Transportation Division whether or not these are indicated on the construction drawings.
- e. When requested by the City Inspector, the geotechnical engineer employed by the developer shall verify and subsequently advise the City of Redmond that the installation of the paving section(s) conforms to his/her design. The project will not be accepted until this written documentation is submitted.

6. **Site Access- Type and Location**

- a. The location of all existing and proposed driveways, access corridors, and intersections (both sides of the street) shall be shown along the property frontage and within 150 feet of the site property line.
- b. The existing and proposed channelization shall be shown on the site plan for all streets adjacent to the site and within 150 feet of the site property line. This should include the location of all fog lines, center stripes, stop bars and directional arrows.
- c. Driveways and access corridors shall be limited to one per lot per street frontage, or one per 150 feet of street frontage upon approval by the City of Redmond Public Works Department.
- d. Driveways and access corridors shall align with existing streets or driveways, or they shall be located a minimum of 150 feet from the nearside face of curb of an intersecting street or driveway. Separations less than these minimums shall obtain approval from the City of Redmond Public Works.

- e. Driveways and access corridors shall be designed to have a 90-degree angle with the street wherever possible. The City of Redmond Public Works Department must approve driveways and access corridors not meeting this standard.
- f. The maximum driveway grade shall be 10 percent. The Fire Department and Public Works Department must approve access corridors exceeding a grade of 10 percent.
- g. The civil plans need to include profiles of all site driveways extending from the centerline of the public street to a distance of 50 feet beyond the public right-of-way.

7. Signs, Striping, Street Lighting and Signals

- a. Separate 40 scale channelization plans are required for all public streets being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting for all streets adjacent to the site and within 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual. If the channelization is on a state route, WSDOT approval of the channelization plan is also required.
- b. All traffic control devices, including signs and pavement markings, shall conform to the MUTCD and the City of Redmond Standard Details. The Transportation Division shall approve all layouts prior to installation.

B. Public and Private Engineering/Transportation Improvements

- 1. Street improvements are required on NE 85th Street including modifying the concrete curb and gutter to tie in with the new plat street, constructing 5-foot wide planter strip, 5-foot wide concrete sidewalk, storm drainage, streetlights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the street shall consist of:
 - 3" Asphalt pavement C1.B
 - 4" Asphalt Treated Base
 - Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
 - Street crown 2% sloped to drain system
- 2. Street improvements are required along the plat frontage of Redmond Way including constructing/modifying type A-1 concrete curb and gutter, 5-foot wide planter strip, 5-foot wide concrete sidewalk, storm drainage, street lights, street trees, and street signs to match the City's planned improvements for Redmond Way (Project number 05-CI-72) and underground utilities including power and telecommunications. In lieu of constructing the improvements, the applicant may pay a fee to have the improvements included in the City project. The minimum pavement section for the street shall consist of:

4" Asphalt Pavement C1.B

5" Asphalt Pavement Cl. E

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

Street crown 2% sloped to drain system

3. The type and location of the proposed site vehicle access is approved as shown on the site plan received by the City on December 5, 2005 and prepared by Core Design.
4. On NE 85th Street and Redmond Way the ASPHALT STREET shall be planed, overlaid, and/or patched, as determined by the Development Services Division, to mitigate for work within the streets.
5. Redmond Community Development Guide (RCDG) 20D.220.20-070 *Adequate Streets, Sidewalks and Trails*, RCDG 20D.210.20-150 *Required Off-Site Street Improvements* and other City codes require safe pedestrian linkages be provided between new developments and existing neighborhoods and public facilities. The proposed plat is within the 1-mile walking radius of the Rose Hill Junior High and Grass Lawn Park. Current conditions on Redmond Way do not provide safe walking conditions for students or other pedestrians from the plat frontage to the existing sidewalk system at Redmond Way & 139th Ave NE. A permanent 5-foot wide sidewalk shall be constructed across Tract B and Lot 17 to connect from the new plat street to the new sidewalk on Redmond Way. An interim or permanent sidewalk system shall be constructed along Redmond Way, between the plat and 139th Avenue NE, prior to occupancy of any home within the proposed plat. The interim walkway shall be 5-foot sidewalk adjacent to the existing curb. A safety railing or fencing will be required when (1) the interim walkway is located at the top of a slope or wall that is 2:1 or steeper and (2) the walkway elevation is 30-inches or higher than the toe of the slope or wall.
6. All vehicle use areas including parking lots, service areas, driveways, private streets, etc. shall be paved.
7. Adequate streetlighting is required on Redmond Way, NE 85th Street and the new plat street to illuminate the property frontage. The street lighting shall be designed using the following criteria:

Roadway Ratio	Area Classification	Average Illuminance (Foot-candles)	Uniformity
<u>(Average/Minimum)</u>			
Principal Arterial	Commercial	1.2	3:1
	Residential	0.8	3:1
Collector & Local	Residential	0.6-0.4	6:1

8. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Paul Cho, Transportation Operations, at (425) 556-2851.
9. Specific subdivision public street improvements conditions:

- 1 a. Street improvements within the 48-foot wide dedicated right-of-way shall
2 include asphalt paving (28 feet curb to curb), with appropriate tapers, type A-1
3 concrete curb and gutter, planter strips, street trees, concrete sidewalks, storm
4 sewers, streetlights, street signs, and underground utilities including power
5 and telecommunications. The minimum pavement section for the street shall
6 consist of:

7 3" Asphalt Pavement C1.B

8 4" Asphalt Treated Based

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

11 Street crown 2% sloped to drain system

12 A planter island shall be provided in the center of cul-de-sacs to reduce, as
13 much as possible, the amount of asphalt. The maintenance of the landscape in
14 the island shall be the responsibility of the adjacent property owners. This
15 maintenance requirement shall be included on the face of the final plat.

16 10. Specific short subdivision private street improvement conditions.

- 17 a. Street improvements within the 35-foot wide street easement serving lots 1
18 through 8 shall include asphalt paving (28 feet), with appropriate tapers,
19 thickened asphalt edge or type A-1 concrete curb and gutter, 5-foot wide
20 concrete sidewalk (one side), storm sewers, street signs, and underground
21 utilities including power and telecommunications. The minimum pavement
22 section for the street shall consist of:

23 2" Asphalt Pavement Class B

24 4" Crushed Rock surfacing

25 Subgrade compacted to 95% compacted maximum density as determined
26 by modified Proctor (ASTM D 1557)

27 Street crown 2% sloped to drain system

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

29 12. All power, telephone, streetlights, etc. shall be shown on the engineering drawings
30 and landscape plans submitted for construction permits.

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

14. CONVERSION OF AERIAL UTILITIES (POWER, TELEPHONE, T.V., ETC. TO
UNDERGROUND)

- All existing aerial utilities shall be converted to underground along all street
frontages and within the short plat according to 20D.220.10 "Underground

1 Wiring” in the Redmond Community Development Guide. All new utilities
2 serving the plat shall be placed underground.

3 **ATTACHMENT C**
4 **GENERAL INFORMATION AND ADMINISTRATION REQUIREMENTS**

5 **A. Fees:**

6 1. Engineering/Transportation

7 a) A plan review fee shall be paid to both the water and sewer utility and the
8 storm water utility prior to construction drawing review. Inspection fees shall be
9 paid to the utilities prior to construction drawing approval. Plan review and
10 construction inspection fees are required and will be at the rate in effect when
11 plans are approved. Contact the respective utility for fee information.

12 b) Water and sewer connection fees for homes built on the proposed lots will be
13 paid at the rate in effect when water meter and side sewer permits are issued.
14 Contact the Utility Division of the Public Works Department at 425-556-2840 to
15 obtain information and/or an estimate of the fees that will apply.

16 c) Non-Utility Plan Review and Inspection fees are paid through the Engineering
17 Plan review and Inspection Fee (subject to annual revision.) The fees are (subject
18 to annual revision) and paid at the time of submitting the final plat documents:
19 Subdivision Fee = \$6,308*plus 4460*/lot.

20 d) Transportation Impact Fees: This project is subject to Redmond
21 Transportation impact fees. Transportation impact fees shall be collected at the
22 time of building permit issuance. The applicant is advised to review Section
23 20D.210.10-190 of the Community Development Guide in order to determine
24 eligibility for credits against impact fees.

25 e) The City has recently imposed other impact fees on development. Contact the
26 Permit Center to determine the extent to which these fees apply to this
27 development.

28 f) A Right of Way Use Permit will be required. Fees and bonds shall be
29 furnished prior to construction plan approval and include:

- 30
- A maximum of \$332* fee, subject to annual revision, for utility installation in the public right-of-way.
 - Hauling fee, if applicable.
 - Performance guarantee.
 - A posting of a \$1000 cash bond for street cleaning

* A 3% technology surcharge is applied as authorized by Ordinance No. 2090,
and extended by resolution No. 1162 on December 3, 2002.

1 **B. Easements/Agreements:**

2
3 1. Engineering/Transportation

- 4 a) A copy of all recorded easements pertaining to the property is required. Permanent
5 structures including rockeries cannot be built over easements.
- 6 b) Easements shall be provided for all water, sewer and storm water improvements (both
7 public and private) as required in the design requirements. **Off-site easements
8 needed to execute the proposed improvements must be recorded prior to
9 construction drawing approval.** On-site easements must be recorded prior to the
10 improvements being placed into operation.
- 11 c) Native Growth and Protection Easement(s) (NGPE) may be required for this site. The
12 specific wording of the NGPE is subject to review and approval by the City.
- 13 d) When clearing and grading involves excessive amounts of hauling, as determined by
14 the Public Works Department, a Road Surface Impact Mitigation item shall be
15 negotiated prior to approval of the Clearing and Grading Plans.
- 16 e) Any required landscape irrigation in the City of Redmond right-of-way necessitates
17 the execution of a Hold-Harmless Agreement and submittal of as-built construction
18 plans to the City.

19 **C. Approvals and Reports:**

20 1. Engineering/Transportation

- 21 a) In order to mitigate potential impacts to critical landslide hazard areas, all
22 buildings shall be set back from the top/bottom of slope areas a distance as
23 recommended by a geotechnical engineer through a slope stability analysis, but
24 no closer than 15 feet. The top/bottom of the slope shall be field surveyed and
25 verified (located by bearings and distances) on the final plat and construction
26 drawings.

27 **D. Bonds and Performance Guarantees:**

28 1. Engineering/Transportation

29 A performance guarantee shall be provided in a form acceptable to the City for
30 street, water, sewer and storm water improvements. An acceptable performance
31 guarantee includes a performance bond, irrevocable letter of credit, or cash. (In
32 some unusual circumstances assignment of loan proceeds may be acceptable.) The
33 amount of the bond shall be 125% of the estimated cost. **Only City of Redmond
34 security forms are acceptable.** The performance guarantee will not be released
35 until a letter from the Director of Public Works advises the developer that all
36 conditions of approval have been met. Circumstances that require performance
37 guarantee are as follows:

- Subdivision:

- a. The street and utility improvements within existing and new street right-of-way.
 - b. Off-site storm drainage, water and sanitary sewer installation.
 - Short Subdivision:
 - a. Street, driveway, water, sewer and storm drainage improvements and other lot improvements, i.e., driveway approaches, street restoration, etc., signs and mailboxes.
2. A maintenance guarantee shall be provided for all water, sewer, storm water and street improvements to be owned and operated by the City. Period of guarantee shall be 1 year from acceptance of all improvements by the City. (The City has authority to require a longer period where circumstances warrant.)
 3. **A cash deposit (refundable cash bond) in the amount of \$25,000.00 shall be posted at the time of Construction Drawing approval to ensure the completion of the Record Drawing set.**
 4. Prior to acceptance of any improvements, provide an Asset Summary for all street improvement construction in the public right of way. This submittal shall meet the requirements of GASB 34. Please contact John Wellman, Engineering Technician at (425) 556-2740 for further information on the submittal process.

E. Construction Requirements:

1. Engineering/Transportation
 - a) Installation of all street and utility improvements shall be to City of Redmond standards.
 - b) Prior to construction a pre-construction conference shall be held with the City.
 - **A minimum of one (1) week of advance notice is required** to arrange this meeting.
 - **Construction drawing approval and print distribution to the Construction Engineering Division must occur before the pre-construction conference is scheduled.**
 - c) Unless otherwise specified, hours of construction shall be limited from 7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday. No work is permitted on Sunday. This shall apply to plat construction improvements (street and utility improvements) and exterior home construction only. Residential home construction (i.e. painting, drywall, etc.) working hours may be different. All construction work is enforced by the Redmond Community Development Guide Section 20D. 100 (Noise Control). Any construction equipment that does not meet Redmond's Noise Control Shall have mufflers.

1 d) Haul Routes:

- 2 i) The applicant is required to complete and submit a construction
3 hauling form to the City of Redmond to calculate any haul fees for
4 this development. Please contact Dave Almond at (425) 556-2861
5 to obtain a copy of this form.
- 6 ii) Haul hours will be within the hours of 9 a.m. – 4 p.m. and 6 p.m. to
7 10 p.m. On Saturdays, hauling may be continuous between 9 a.m. –
8 10 p.m. as long as it is in compliance with the City's noise
9 ordinance.
- 10 iii) Traffic control shall be provided at all times when working in or
11 near the public rights of way, subject to the approval of the
12 Transportation Division and the Police Department.
- 13 iv) The applicant shall provide street sweeping at all times during
14 hauling.
- 15 v) The applicant shall repair and/or replace any traffic markings (i.e.,
16 buttons, arrows, etc.) damaged during the hauling operations.
- 17 vi) The Public Works Director shall retain the authority to stop or
18 reroute hauling or change hours of hauling if operating times are
19 unsatisfactory or inclement weather adversely affects City facilities.
- 20 e) In certain circumstances, a Clearing and Grading Permit (clearing prior to
21 having all final plans approved) may be granted prior to Building Permit
22 issuance.

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

25 **E. RECORD DRAWING REQUIREMENTS (Oct. 2005 Version)**

26 The City of Redmond currently maintains a Geographic Information System (GIS) to
27 track constructed features such as utilities and roadway improvements. This
28 information is used by city personnel, other government agency personnel, developers,
29 engineers, business owners/operators and citizens for planning, design and
30 maintenance purposes. One of the main sources of information for GIS is the
drawings of record supplied to the City after features are constructed. The City of
Redmond requires that persons constructing improvements in the City provide
accurate drawings (Record Drawings) documenting improvements. The following
outlines the requirements for preparing Record Drawings.

Record Drawing Preparer: Record drawings shall be prepared and certified by a
Professional Engineer and/or Professional Land Surveyor currently licensed in the
State of Washington.

I. APPROVED CONSTRUCTION DRAWING SUBMITTAL

1 Upon approval of the construction drawings by the City, a copy of the electronic
2 drawings in CAD format shall be submitted along with a completed digital checklist
3 meeting the requirements shown in (Appendix A – Checklist 1) together with the
4 required hard copy (paper) prints.

5 **II. CONSTRUCTION PHASE**

6 During the construction phase of the project, the Contractor/Developer for the
7 project shall maintain one set of full size plans for record drawings. The
8 Contractor's superintendent or authorized representative, together with the City's
9 construction inspector, shall update the plans with record information on a daily
10 basis. Record information includes the final locations of all new materials
11 incorporated into the work and all existing improvements encountered during
12 construction.

13 **III. RECORD DRAWING PREPARATION**

14 Upon completion of construction, the record information will be provided by the
15 Engineer/Surveyor and together with the survey of the as-built conditions, shall be
16 the basis for the record drawing submittal. As-built changes to text: invert
17 elevations, dimensions, notes, etc. will be lined out with the record drawing text
18 placed near it. Do not alter, modify or erase original approved construction
19 drawing text. Refer to Appendix B for specific record drawing requirements.

20 **IV. PRELIMINARY RECORD DRAWING SUBMITTAL AND REVIEW 21 PROCESS**

22 A record drawing submittal shall consist of the following:

23 **A. Record Drawings**

24 TWO full size sets of prints (22" x 34") which shall include all sheets of the
25 original city approved construction drawings. These drawings shall be
26 reviewed by City of Redmond staff where comments or recommendations for
27 change or correction shall be provided and returned to the Engineer/Surveyor.

28 **B. Digital Site Plan**

29 Once the city is satisfied with the record drawing prints, the
30 Engineer/Surveyor shall provide ONE full size set of prints and the digital
submittal completed in accordance with and together with digital submittal
checklist 2. This submittal shall be reviewed by City of Redmond GIS staff
where comments or recommendations for change or correction shall be
provided and returned to the Engineer/Surveyor.

1 The Engineer/Surveyor shall make all such corrections and resubmit the
2 digital submittal. This process shall continue until all comments or
3 recommendations have been satisfied.

4 **V. FINAL RECORD DRAWING SUBMITTAL PROCESS**

5 When the preliminary record drawing process is complete, the Engineer will be
6 notified that the record drawings are ready for final submittal. The final drawing
7 submittal includes the following:

8 One full size set of (22" x 34") OCE type mylars.

9 Two full size bond prints.

10 Five half size bond prints (11"x17").

11 **VI. RECORD DRAWING SUBMITTAL ADDRESS**

12 Public Works Development Services Division

13 2nd floor Redmond City Hall

14 15670 NE 85th Street

15 P.O. Box 97010

16 Redmond, WA 98073-9710

17 If you have any questions please call (425) 556-2740.
18
19

20 **IV. UTILITIES**

21 **A. WATER SERVICE**

- 22 1. Water service will require a developer extension of the City of Redmond water system
23 as follows:

24 Extend an 8-inch water main through the site from the existing main in NE 85th Street,
25 more or less as shown on the preliminary plat drawings date signed 12/02/05.

26 (The water main location shown on the site plan may not conform to City standard
27 locations. Revisions to comply with City standard locations may be required.)
28

29 **B. SEWER SERVICE**

30

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

Extend an 8-inch water main through the site from the existing main in NE 85th Street, more or less as shown on the preliminary plat drawings date signed 12/02/05.

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

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

C. **DEVELOPER EXTENSION ADMINISTRATIVE REQUIREMENTS**
WATER AND SEWER

1. Construction Drawings.

Construction drawings for water and sewer improvements shall be prepared in accordance with the Design Requirements for Water and Sewer System Extensions prepared by the Utilities Division of the Department of Public Works. A plan review fee shall be paid to the water and sewer utility prior to construction drawing review. An inspection fee shall be paid to the water and sewer utility prior to construction drawing approval. Contact this utility at 556-2840 for further information on fees and amounts.

2. Easements.

Easements shall be provided for all water and sewer improvements as required in the design requirements. Offsite easements must be recorded prior to construction drawing approval. Onsite easements must be recorded prior to the improvements being placed into operation.

3. Agency Approvals.

Construction drawings for sewer improvements shall be reviewed and approved by Metro and DOE prior to construction. Construction drawings for water improvements may need to be reviewed and approved by DSHS prior to construction.

4. Performance Guarantee.

A performance guarantee shall be provided in a form acceptable to the City for sewer and water improvements as follows:

- 1) All water and sewer improvements within City right-of-way or easement and any other portion of the improvements as required by the Utility Division.
- 2) For any improvements not completed at time of recording of the plat or short plat.

The amount of the performance guarantee shall be established by the City upon review of estimates prepared by the applicant and the guarantee shall be provided prior to plan approval.

5. Bill of Sale.

A Bill of Sale shall be provided for all water and sewer improvements to be owned and operated by the City.

6. Asset Summary.

A Developer Extension Asset Summary shall be provided for all water and sewer improvements to be owned and operated by the City.

7. Maintenance Guarantee.

A maintenance guarantee shall be provided in a form acceptable to the City for all water and sewer improvements to be owned and operated by the City. Period of guarantee shall be 1 year from acceptance of all improvements by the City.

8. As-built Drawings.

As-built utility drawings shall be submitted to the City prior to the improvements being placed in operation.

9. Permit Applications.

Water meter and side sewer permit applications shall be submitted for approval to the Utility Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are complete. Requests to install water meters or construct side sewers prior to completion of all water and sewer improvements and administrative requirements will only be approved on a case by case basis after review of the project specifics. Various additional guarantees or requirements may be imposed as determined by the Utilities Division for issuance of meters and permits prior to improvements or administrative requirements being completed.

D. MISCELLANEOUS REQUIREMENTS - WATER AND SEWER

1. Backflow Preventors.

Backflow preventors shall be used in the water supply system in accordance with City, State and Federal requirements.

1 **E. FEES**

2 Plan review and construction inspection fees are required and will be at the rate in
3 effect when plans are approved. Connection fees are at the rate in effect when water
4 meter and side sewer permits are issued. Contact the Utility Division of the Public
5 Works Department to obtain an estimate of the fees that will apply.

6 **V. CLEARING/GRADING AND STORMWATER MANAGEMENT**

7
8 **A. Site Specific Conditions**

9 i. Erosion control systems must be implemented throughout the
10 construction process and until the site is stabilized. Design of all
11 systems must be in accordance with section 20E.90.10 of the
12 Community Development Guide and the most recent issue of the City
13 of Redmond CLEARING, GRADING AND STORMWATER
14 MANAGEMENT TECHNICAL NOTEBOOK (notebook). Contact
the Stormwater Division at 556-2890 for information about, or a copy
of, the notebook. Preferred methods for management and control are
discussed in the notebook.

15 ii. Stormwater Management

16 1. Quantity Control

- 17 a. Stormwater discharges shall match the developed
18 condition discharge duration to the pre-developed
19 condition duration for the range of pre-developed
20 discharge rates from 50% of the 2-year peak flow up to
the full 50-year peak flow. Detention shall be provided
in a publicly maintained underground vault.
- 21 b. Provide for overflow routes through the site for the 100
22 year storm runoff (100 year flow may not impact any
buildings).

23 2. Quality control

- 24 a. Stormwater quality shall be provided in publicly
25 maintained biofiltration swale. Treatment is required
26 for the project runoff from the 6-month 24-hour return
period storm.
- 27 b. Install a high flow by-pass to protect the biofiltration
28 swale from storm flows exceeding the water quality
design storm event.

29 iii. Coordinate Civil and Landscape Plans, trees can not lie closer than 8
30 feet to storm pipes. Tree setbacks can be reduced to not less than 4
feet with approved root barriers.

- iv. No construction shall occur on Lots 3 through 12 until the steep slope has been stabilization has been accepted by the City.
 - v. Provide the City of Redmond standard 12-inches of vertical clearance between crossing sanitary sewer and storm drain pipes.
 - vi. Install a split rail fence along the western edge of the gravel pedestrian trail.
 - vii. Site grading shall not exceed a slope of 3 horizontal to one vertical measure, (3 to 1).
- c. General Conditions. This approval is subject to all general criteria of the Redmond Community Development Guide and Redmond Municipal Code. Please refer to the table below, General Stormwater/Clearing and Grading Approval Conditions, for a checklist of drawing and fee 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.

General Stormwater/Clearing and Grading Approval Conditions

Topic	Code Reference *	Brief Explanation
Drawing Submittal Requirements		
Rainy Season Restrictions		Construction activities will be limited or suspended during the rainy season (October 1 – April 30). Submit a Wet Weather Plan for consideration of rainy season work.
Stencil Drainage Inlets		Stencil all on-site storm drainage inlets with “DUMP NO WASTE DRAINS TO STREAM”. Stencils are available from the Stormwater Division located at the City Annex (phone 556-2840). Design plans shall identify the requirement to stencil drainage inlets.
Materials for a Complete Submittal		A copy of the conditions of approval (this letter), along with two complete copies of plans, computations, and studies are required for a complete submittal for stormwater/clear and grade review.
Easements		Easements will be required for any public stormwater conveyance systems on private property.
Private Roads		As applicable, designate private roads on the construction plans and plat drawings by adding (Private) after the road name.

Topic	Code Reference *	Brief Explanation
Bill of Sale and Asset Summary		Bill of Sale and Asset Summary shall be provided by the owner, and notarized, for all storm drainage improvements to be owned by the City.
Stormwater/Clear and Grade Fees		
Construction Drawing Review Fee		Based upon the plans presented, the construction drawing review fee is estimated to be \$1,659.00. A deposit equal to that amount is due and payable when construction drawings are presented for review. The construction drawing review fee will be adjusted to account for plan changes during review and will be determined prior to drawing approval. If the adjustments cause the fee to exceed the deposit, the balance due must be paid prior to approval of drawings. If adjustments result in a final figure less than the deposit, the overpayment may be credited against the subsequent fee below or will be refunded.
Construction Inspection Fee		The construction inspection fee is \$1,659.00, (the same amount as the final construction drawing review fee). The construction inspection fee is due and payable at the time a permit is issued. The Public Works, Storm Water Process Fee of \$320 paid at the time of application will be deducted from the Construction Inspection Fee. Total Outstanding Stormwater Fee \$2,998.00

VI. FIRE PROTECTION

A. Site Specific Conditions

1. The following **conditions** are integral to Entitlement Approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:
 - a. For Civil plan and record drawing plan submittals note that the cul de sac road shall be named 137th Place NE. Tract E shall be named NE 84th Court.
 - b. No secondary through access is provided as required for over 100 units. Therefore, approved residential fire sprinkler systems shall be required in all residential occupancies within this PRD.
 - c. Unless required as a blow-off, the hydrant proposed near building 15 is **not** required by the Fire Department.
 - d. Unless already existing, provide a Storz fitting for the existing fire hydrant on the north side of NE 85th Street, across from the entry.

B. General Conditions

This project is subject to all general criteria of the Redmond Community Development Guide and Redmond Municipal Code. Please refer to the table below, General Fire Department Approval Conditions, for a checklist of general Fire Department 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.

General Fire Department Approval Conditions

Topic	Code Reference *	Brief Explanation
Access		
Emergency Vehicle Access Roadway	RCDG 20E.100, Appendix 200-3,	Emergency vehicle access roadways are the approved combination of public streets, private streets, private access tracts, and site access roads, lanes, alleys, and designated structures

Topic	Code Reference *	Brief Explanation
Requirements	& RFDS	which provide access to Fire Department personnel, vehicles, and equipment for the purpose of providing emergency firefighting, physical and health hazard response, certain systems responses, and emergency medical response to built facilities under all circumstances. This section will provide a guideline to general emergency vehicle access roadway requirements. An emergency vehicle access roadway may be designated as a fire lane for marking purposes.
Width and height	RCDG 20E.100, Appendix 200-3, & RFDS	<ol style="list-style-type: none"> 1. Minimum unobstructed surface width shall be 20 feet. 2. Minimum unobstructed height shall be 13'6". 3. Minimum interior turning radii shall be 25 feet, and exterior radii shall be 45 feet. Portions of some turnaround designs shall have a minimum 28-foot interior radius. See CDG Appendix 200-3 for illustrations. 4. Where access exceeding 50 feet is needed to one or two dwelling units, a reduction to an unobstructed width of 14 feet is allowed if an approved 20' x 50' emergency vehicle operations area (EVOA) is provided.
Surface and support	RCDG 20E.100, Appendix 200-3, & RFDS	<ol style="list-style-type: none"> 1. The minimum load bearing surface of an access roadway shall meet the compaction and load bearing requirements of the Engineering Department for a 77,000 pound vehicle and adequate point loading characteristics for both wheel systems and outrigger systems 2. The surface shall be an approved all weather driving surface, typically asphalt or concrete. 3. The access surfaces shall be in place and able to support the weight of Fire Department vehicles prior to the delivery, use, or storage of combustible building materials to, or at the site except small amounts used for concrete forms.
Extent and turnarounds	RCDG 20 E.100, Appendix 200-3, & RFDS	<ol style="list-style-type: none"> 1. Roadways shall be within 150 feet of all portions of the exterior walls of a structure or a facility. 2. Roadways shall be within 50 feet of 25 % of the exterior.

Topic	Code Reference *	Brief Explanation
		3. Dead ends shall be no longer than 150 feet or provide a turnaround per City of Redmond standards. When three or more dwelling units are served by dead end access longer than 150' measured from the closest intersection or when one or two dwelling units are served by dead end access longer than 300' there shall be provided a turnaround per City of Redmond standards.
Designated fire lanes and grade	RCDG 20E.100, Appendix 200-3, & RFDS	1. Fire lanes must be marked per Redmond Fire Department standards. Fire lanes identified through site plan review shall be included on civil drawings. Additional fire lanes or marking may be required anytime during the life of the development upon evaluation by and direction of the Fire Marshal.
Road system access points	RCDG 20 E.100, Appendix 200-3, & RFDS	1. All portions of an emergency vehicle access roadway not in a public Right Of Way, including turnarounds and Emergency Vehicle Operations Areas, shall be maintained in a dedicated Emergency Vehicle Access Easement.
Addressing and Street Naming Convention		
Addressing	RCDG 20 E.100, & RFDS	Approved Address numbers and street names are essential for rapid emergency response. Approved names, numbers, and signage shall be provided for all structures and facilities. 1. One or more signs are required for all buildings and facilities. 2. The building address numerals (i.e. 15001), shall be situated so as to be clearly visible and easily legible from the street fronting the property. Numerals shall contrast to the background color. Numeral size shall be: 6" high
		3. Temporary signs shall be used at the job site as soon as construction begins. Numerals shall be high contrast in color, face the street fronting the property, and be a minimum 6" high 4. Both public and/or private streets, avenues or portions thereof shall have appropriate number designations. Name designations shall not be used. Numbers shall be designated by the Fire Marshal.

Topic	Code Reference *	Brief Explanation
Fire Sprinkler Systems	RCDG 20 E.100, & RFDS	<p>An approved sprinkler system may be required for one or more of the following reasons:</p> <ol style="list-style-type: none"> 1. Buildings with gross square footage of 6,000 square feet or more require an approved fire sprinkler system. 2. Access grades to or within a project site may require mitigation that will include a requirement for an approved fire sprinkler system in every building. 3. Where calculated fire flow demand for a non sprinklered building exceeds the available water then an approved fire sprinkler system is required. 4. In lieu of secondary through access where over 100 units, or in lieu of secondary emergency access where over 50 units.
Plan Submittal & Design	RCDG 20 E.100, & RFDS	<ol style="list-style-type: none"> 1. Three copies of plans, specifications, calculations, and a completed permit application form shall be submitted to the Redmond Fire Marshal for permit and approval. The permit must be obtained prior to work beginning. 2. Fire Sprinkler System Design shall include: All underground sprinkler supply piping, water mains, and hydrants shall be included on civil drawings and shall be approved by the water supplier and the Redmond Fire Department DOH approved back flow prevention is required. The check valve must be accessible.
City Approved Water Supply and Hydrants		
Water Supply	RCDG 20 E.100, RFDDCG, & RFDS	<p>Water System improvements shall be consistent with the City of Redmond Water plan.</p> <ol style="list-style-type: none"> 1. Residential areas shall be master planned to provide a minimum of 1500 gpm. 2. Hydrants must be capable of providing sufficient fire flow to meet the required flow of the project as calculated by the Fire Marshal.
Hydrants, Fire Department Connections(FDCs)& Post Indicator Valves(PIVs)	RCDG 20 E.100, RFDDCG, & RFDS	<p>Hydrants shall be located in relation to the building or area they serve. The Fire Marshal may consider existing hydrants within 300 feet of a single-family residential project as providing some portion of coverage.</p> <ol style="list-style-type: none"> 1. Maximum hydrant spacing is 600 feet on center for surface parking lots, and

Topic	Code Reference *	Brief Explanation
		<p>single-family residential (less than 6,000 square feet per building).</p> <p>2. Where structures on a dead end access are over 300 feet for SFR from a hydrant, an additional hydrant may be required within 150 feet and placed in relation to the overall development and existing hydrant layout.</p> <p>3. Final hydrant and F.D.C. locations and water mains must be shown on the civil drawings and approved by the water purveyor and Fire Marshal.</p> <p>4. Hydrants must be in place and serviceable prior to the delivery, use, or storage of combustible building materials.</p> <p>5. Hydrants shall be no closer than 12'0" to a carport, garage, or dumpsters. Planter islands or peninsulas for hydrants require a minimum diameter of 8 feet. Four feet is to be maintained between face of curbs hydrants.</p> <p>6. A 5", locking, Storz adapter is required for steamer ports on all hydrants including existing hydrants considered important by Redmond Fire Department in relation to a proposal.</p>
A. Fire Protection Plans		
Fire Protection Plans	RCDG 20 E.100, RFDDCG, & RFDS	In order to assist in the review of Fire Department requirements the following features of the proposed development, as applicable, shall be shown together on a minimal number of plan sheets. For consistent identification please label these sheets FP-1 (and following, as necessary). This plan shall also be included with the Civil Drawing set submitted to the City for final review. A minimal amount of other information shall be shown on this sheet (or sheets).

Topic	Code Reference *	Brief Explanation
		<ol style="list-style-type: none"> General (1:20 scale or as otherwise approved) site layout, showing property lines, adjacent Rights Of Way, access roadways, surface parking areas, loading/unloading/delivery zones, the location of fire lane signs and markings, gate systems., topography, designated fire lanes, turnarounds, and/or EVOAs. Radii shall be labeled and the driving area of the emergency vehicle access shall be shown in a half tone (This will coincide with the Emergency Vehicle Access Easement where other than in the ROW). A scaleable vicinity map showing the involved parcel(s) and their relation to adjoining parcels, and nearest Rights Of Way, overlaid with the accurate location of the King County Street grid in one block increments (i.e., 104th Ave. NE, 105th Ave. NE; NE 85th St., NE 86th St.). Water supply and Fire Protection features including all fire hydrant .

END OF CONDITIONS

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

2
3 **APPLICATION OF DR HORTON FOR**
4 **APPROVAL OF THE HANSON PRE-**
5 **LIMINARY PLAT AND PLANNED**
6 **RESIDENTIAL DEVELOPMENT; AND**
7 **APPEAL OF LAKE WASHINGTON**
8 **SCHOOL DISTRICT OF THE**
9 **DETERMINATION OF NON-**
10 **SIGNIFICANCE**

File No: LO50338, L050339, L060095

**ORDER ON MOTIONS FOR
RECONSIDERATION**

Hanson PRD/PPL and SEPA Appeal

11
12
13 **THE EXAMINER'S DECISION**

14 On June 1, 2006, the Hearing Examiner issued Findings of Fact, Conclusions of Law, Decisions
15 and Recommendation in the above matter. The Hanson Preliminary Plat was approved, subject to
16 conditions, and the Hearing Examiner recommended that City Council approve the Planned
17 Residential Development for the Hanson plat. The appeal of Lake Washington School District
18 (LWSD) of the City's Determination of Non-Significance (DNS) was granted. The Hearing
19 Examiner concluded that LWSD had established that about 24 additional students could be
20 expected from the development, that Mark Twain Elementary School was over capacity and
21 would be adversely affected, and that an additional portable costing \$90,000 would mitigate this
22 impact. The Hearing Examiner concluded that the Hanson Plat should pay one-half (½) of that
23 cost, resulting in impact fees of \$1,875 per dwelling unit. The Hearing Examiner also concluded
24 that applicant should perform or pay for frontage improvements on NE Redmond Way, even
25 though the plat would have no vehicular access to that street.

26
27 **MOTIONS FOR RECONSIDERATION**

28 LWSD moved for reconsideration of the decision, and asked that the Hearing Examiner order
29 payment of its standard impact fee of \$2,996 or the full cost of a portable, resulting in an impact
30 fee of \$3,750 per dwelling unit.

1 Applicant also moved for reconsideration of the decision, and asked the Hearing Examiner to
2 revisit the decision to impose a school impact fee and perform frontage improvements on NE
3 Redmond Way. Applicant contends that the testimony submitted in support of the impact on the
4 district was not credible and was in conflict with the District's own documents. Applicant
5 contends that those documents show that Mark Twain Elementary has sufficient capacity to
6 accommodate the students from the plat, and that 10, not 24 students could be expected from the
7 plat. Applicant also contends that it should not be required to make frontage improvements on
8 NE Redmond Way because it had no vehicular access to that road, it would be paying impact
9 fees for transportation improvements, and the improvements were already funded from other
10 sources. At a minimum Applicant asks that the condition requiring such improvements be
11 clarified.

12
13 The Hearing Examiner asked each participant to respond to the other's motions, and all,
14 including the City did so on June 28, 2006.

15
16 Applicant asserts that LWSD failed to sustain its burden of proof to demonstrate specific impacts
17 of the plat on affected schools, citing *City of Olympia v. Drebeck*, 156 Wn.2nd 289 (2006).
18 Applicant objects to being required to pay for any part of the cost of a portable, or for a
19 permanent classroom, citing the district's own documents which state: "...the district does not
20 anticipate the need to acquire additional relocatables during the next six year period."

21
22 LWSD argues first that the burden of proof is on the City to demonstrate that it fully considered
23 all environmental factors, citing *the City of Bellevue v. King County Boundary Review Board*,
24 90 Wn.2nd 856 (1978). In any event, it says, it fully met the burden of proof with the testimony of
25 Steve Cole, its Capital Projects Program Manager.

CITY'S RESPONSE

26
27
28 The City weighed in on the discussion with the Technical Committee's response. The Technical
29 Committee made the following points:

- 1 a. Redmond has not adopted a school impact fee ordinance;
- 2
- 3 b. The City must make a school concurrency determination whenever a development
- 4 such as a plat is approved. This is the only City policy on the subject;
- 5
- 6 c. Applicant stated in its environmental checklist that school impact fees would be
- 7 paid;
- 8
- 9 d. The Hearing Examiner was correct in using one student per dwelling unit in its
- 10 calculation of impacts;
- 11
- 12 e. The Technical Committee supports the Hearing Examiner's decision to assess a
- 13 school impact fee based on the direct cost of a portable at Mark Twain Elementary,
- 14 but does not support the reduction of the fee to 50% of such cost.
- 15

16 Richard H. Barthol, Manager of Transportation for the Development Services Division,

17 responded to Applicant's request for reconsideration of the conditions requiring frontage

18 improvements on NE Redmond Way. The City regards NE Redmond Way as a frontage street

19 because of pedestrian access to and along that corridor. He advises that undergrounding of power

20 and telecommunications would not be required as they do not exist on that side, and vehicle

21 lanes would not be modified nor would the crown of the road need to be modified. He advised

22 that the improvements were necessary for pedestrian safety, and that Applicant would be entitled

23 to a credit against impact fees for any system improvements that were included in the City's

24 Capital Facilities Improvement Plan. The project is not solely funding by Sound Transit, he said,

25 and needs other sources such as developer contributions.

26

27 Barthol agrees that the condition concerning the frontage improvements should be clarified, and

28 submitted in draft which eliminated undergrounding of utilities and street signs as well as re-

29 crowning the road.

30

1 **DECISION**

2 School impact fees can be based upon the Growth Management Act (GMA) (RCW Ch82.02) or
3 upon the substantive authority of SEPA (WAC 197-11-660). GMA impact fees are adopted by
4 ordinance and are generally based upon the cumulative impacts of area-wide development on
5 schools. Fees are exacted from developers at the same rate throughout the agency's jurisdiction.
6 *City of Olympia v. Drebeck*, 156 Wn.2nd 289 (2006). School impact fees imposed pursuant to
7 SEPA's substantive authority must be based upon the specific impacts of a development on the
8 schools. Thus, a fixed amount such as LWSD seeks here is not appropriate when a city has not
9 adopted a GMA school impact fee ordinance. Any fee should be based upon the specific impacts
10 of a development on schools. If there is no impact, no fees should be assessed. LWSD recognizes
11 this, and has not appealed DNS's in other cases in Redmond where there was no such impact.

12
13 Applicant will be required to pay a school impact fee here, as a condition of plat approval. The
14 Redmond Community Development Guide (RCDG) makes it clear that any commitment made in
15 an environmental checklist becomes a condition to approval. RCDG 20F. 20.40-090 (5)(A). In
16 addition, LWSD has established the impact of the plat on Mark Twain Elementary.

17
18 The Hearing Examiner is required to find that needed school facilities are in place at the time
19 impacts of development are expected to occur, or that necessary financial commitments are in
20 place to assure the completion of the needed improvements to meet the districts' level of service
21 standard within three years. RCDG 20D.220.20-090. Redmond has no school impact fee
22 ordinance, and each improvement must be evaluated separately. The City should utilize tax and
23 fee systems that are fair and equitable, stable, and not penalizing to specific businesses and that
24 provide sufficiently predictable funds to provide for local services to protect and enhance the
25 community. Redmond's Comprehensive Plan EV-14.

26
27 The Hearing Examiner assumed that 24 new students would be generated by the development.
28 This was the number estimated by Mr. Cole to occur about five years after the subdivision was
29 occupied. At first, it is more likely that 9 to 10 students would come from the plat, as Applicant
30 contends. Thus an additional portable may not be needed.

1 The need for frontage improvements on NE Redmond Way was fully explored in the Hearing
2 Examiner's decision, and should not be disturbed. Barthol's rationale for the requirements is
3 logical, and his proposal to narrow the requirements clarifies the situation. The Hearing
4 Examiner will adopt Barthol's amendment to Conditions of Approval III Engineering
5 Requirements B2 – Public and Private Engineering /Transportation Improvements, to read as
6 follows:

- 7
- 8 2. Street improvements are required along the frontage of Redmond Way including
9 constructing/modifying type A-1 concrete curb and gutter, 5-foot wide planter strip,
10 5-foot wide concrete sidewalk, storm drainage, street lights, and street trees to match
11 the City's planned improvements for Redmond Way (Project number 05-CI-72). In
12 lieu of constructing the improvements, the applicant may pay a fee to have the
13 improvements included in the City project. The minimum pavement section where
14 needed for the street consist of:

15 4" Asphalt Pavement C1.B

16 5" Asphalt Treated Base

17 Subgrade compacted to 95% compacted maximum density as
18 determined by modified Proctor (ASTMD1557)

19 Street 2% sloped to drain system.
20

21 The conditions attached to the Examiner's decision of June 1, 2006 are hereby amended to
22 reflect the above amendment.
23

24 The Hearing Examiner has considered the briefs and arguments of Counsel, including the City's
25 memorandum which recommends a fee equal to 100% of the cost of a portable. The Hearing
26 Examiner is still convinced that a contribution to pay for one-half (1/2) of the cost of a portable is
27 a fair and equitable contribution to the schools' facilities, given the modest impact of the
28 development on Mark Twain Elementary, and that the decision to such effect should not be
29 disturbed.
30

1 The motions for Reconsideration are **DENIED**. The conditions attached to the June 1, 2006
2 decision are amended as set forth herein.

3
4
5 Done this 5th day of July 2006
6

7
8 /s/ Gordon F. Crandall

9 **Gordon F. Crandall**
10 **Hearing Examiner**
11

12
13 **NOTICE OF RIGHT OF APPEAL**
14

15 You are hereby notified that the foregoing Order is the final action on the preliminary
16 subdivision application subject to the right of appeal to the Redmond City Council. Appeal
17 procedures are governed by RCDG 20F.30.40-110 to which the reader is referred for detailed
18 instructions. Please include the application file number on any correspondence regarding this
19 case.

20
21 You are further notified that the foregoing Order is the City's final action on the SEPA appeal
22 subject to the right of appeal to Superior Court. Superior Court appeal procedures are governed
23 by Chapter 36.70C RCW to which the reader is referred for detailed instructions. Please include
24 the appeal file number on any correspondence regarding this case.
25

26 The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may
27 request a change in valuation for property tax purposes notwithstanding any program of revaluation."
28
29
30