

### CITY OF REDMOND HEARING EXAMINER MINUTES

### December 19, 2011

Redmond City Council Chambers 15670 NE 85<sup>th</sup> Street, Redmond 7 p.m.

### Hearing Examiner

Sharon Rice, Offices of Sharon Rice, Hearing Examiner, PLLC

### <u>Staff</u>

Judd Black, Planning Manager David Almond, Engineering Manager, PW Jeff Dendy, Senior Engineer, PW Thara Johnson, Associate Planner Elizabeth Adkisson, CMC, Deputy City Clerk

Convened: 7 p.m.

Adjourned: 8:25 p.m.

## I. CALL TO ORDER

Hearing Examiner Sharon Rice convened the hearing at 7 p.m.

# II. DESCRIPTION OF HEARING SEQUENCE AND PROCEDURES

Ms. Rice introduced the matter under consideration, reviewed the sequence of the hearing for the evening, and explained the proceedings. Ms. Rice noted that she will issue a decision on the Hawthorne Lane Preliminary Plat application, and a written recommendation for the Hawthorne Lane Planned Residential Development application, within 21 days of the closing of the record.

Ms. Rice administered the swearing in of all those in attendance testifying on these matters, reminded the attendees that the proceedings were being recorded, and asked them to identify themselves for the record. The following staff and applicant representatives introduced themselves for the record:

Thara Johnson, Associate Planner, City of Redmond Judd Black, Planning Manager, City of Redmond David Almond, Public Works Engineering Manager, City of Redmond Rick Burnstead, Rick Burnstead Construction, Applicant Lafe Hermansen, Core Design, Applicant's Representative Rob Stevens, for the Applicant Curtis Kroger, for the Applicant

#### III. PUBLIC HEARING

#### A. HAWTHORNE LANE – Preliminary Plat and Planned Residential Development

L070570 L070571 L070572	Preliminary Plat (PPL) SEPA Planned Residential development (PRD)
Request:	36-lot Planned Residential Development and Preliminary Plat to subdivide an 8.10 acre site within the R-4 zoning district into 38 single-family detached and attached units.
Location:	17241, 17249 & 17257 NE 116 <sup>th</sup> St, Redmond, WA, 98052

Ms. Rice introduced the matter and assigned the Technical Committee Report as Exhibit 1, identifying the following submitted attachments:

#### **Attachments**

- 1. Vicinity Map
- 2. Zoning Map
- 3. General Application Form
- 4. SEPA Application Form
- 5. Notice of Application and Certificate of Publishing
- 6. Notice of Application Public Comment Letters
- 7. Neighborhood Meeting Notice and Sign in Sheet
- 8. SEPA Determination of Non-Significance and Environmental Checklist
- 9. SEPA Public Comment Letters
- 10. Notice of Public Hearing and Certificates of Posting
- 11. Preliminary Plat/Planned Residential Development (PRD) Plan set
- 12. Architectural Elevations
- 13. Design Review Board Minutes, packet and revised Triplex Elevations
- 14. Arborist Report & Addendum
- 15. Landmark Tree Removal Exception Request Letter
- 16. Landmark Tree Removal Exception Approval Letter
- 17. Wetland Report
- 18. Wetland Mitigation Plan
- 19. Letter from Altmann & Oliver regarding wetland impacts
- 20. Wildlife Report
- 21. Geotechnical Report
- 22. Geotechnical Peer Review Evaluation
- 23. Preliminary Storm Drainage Report and Addendum
- 24. Critical Aquifer Recharge Report
- 25. Ground Water Recharge Evaluation Analysis and Addendum
- 26. Grading Issues Analysis
- 27. Downspout Infiltration Drywell Analysis
- 28. Request for Relief from Infiltration Setback and City Response
- 29. Water Well Report, Waterline Easement and Water Use Agreement

- 30. King County Dept. of Health Well Determination
- 31. King County Dept. of Health Waiver
- 32. Off-site Sewer Agreement
- 33. Traffic Impact Analysis
- 34. Comprehensive Planning Policies
- 35. Planned Residential Development Ordinance 1901
- 36. Repealed Residential Development Ordinance 2447
- 37. Planned Residential Development Worksheet
- 38. SEPA Appeal Withdrawal Letter
- 39. Addendum to SEPA DNS
- 40. Documentation relating to Decommissioning on-site well

### **STAFF PRESENTATION:**

Ms. Thara Johnson, Associate Planner, reported on the Hawthorne Lane Preliminary Plat (PPL) and Planned Residential Development (PRD) application:

- Vicinity Map;
- Project Description:
  - o request for a PRD to vary development standards;
  - o 36 lot subdivision on 8.10 acres;
  - o single-family residential; 35 detached units and 1 triplex unit;
  - o density (exceeding minimum through):
    - PRD bonus 3 bonus units; and
    - affordable housing bonus 3 bonus units;
  - $\circ$  open space 27 percent;
- Property Description:
  - o property zoned R-4;
  - North Redmond Neighborhood;
  - critical areas on the site:
    - streams;
    - wildlife habitat;
    - wetland;
    - geologically hazardous areas; and
    - Critical Aquifer Recharge Area;
- Site Plan:
  - o pictorial representation;
  - o site data:
    - total site area: 8.10 acres;
    - base density (R-4): 32.4 units;
    - total units before bonuses: 32 units;
    - PRD bonus: 3 units;
    - affordable housing bonus: 3 units;
    - total units (including bonuses): 38 units; and
    - single-family units proposed: 38 units;
- Tree Preservation Plan New:
  - o pictorial representation;

summary of tree retention:  $\circ$ 

summary of the fetention.				
TREE TYPE:	<b>REMOVAL:</b>	<b>RETAINED</b> :	TOTAL:	
Landmark	1	1	2	
(over 30" DBH)	0.7 percent	0.7 percent	1.4 percent	
Significant	65	69	134	
(6"-30" DBH)	47.8 percent	50.8 percent	98.6 percent	
Total	66	70	136	
	42.5 percent	51.3 percent	100 percent	
Replacement trees	-	-	68	

Replacement trees

- o legend;
- Procedural Summary:
  - o Completeness:
    - 12/18/2007 letter of completeness issued and vested date;
  - Notice of Application: 0
    - 01/16/2008 comment period begins;
    - 02/06/2008 comment period ends;
  - SEPA: 0
    - 01/12/2011 - DNS issued;
    - 01/27/2011 comment period ends;
    - 01/28/2011 appeal period begins;
    - 02/11/2011 appeal filed;
    - 08/30/2011 appeal withdrawn;
  - Notice of Public Hearing:
    - 11/28/2011 issued;
- Vesting:
  - $\circ$  project submitted on 12/18/2007;
  - o project vested on 12/18/2007;
  - o Hawthorne Lane PRD required to comply with PRD regulation; effective on 07/29/1996 - Ordinance No. 1901;
  - o Hawthorne Lane also required to comply with North Redmond Neighborhood Regulations; effective on 11/182006 – Ordinance No. 2308;
- PRD Decision Criteria:
  - o high quality architectural design, placement, relationship, or orientation of structures;
    - architectural elevations meet this criteria through the use of:
      - $\blacktriangleright$  a variety of rooflines and exterior materials;
      - $\succ$  facade modulation;
      - $\succ$  recessed garages;
      - $\succ$  front porches;
      - $\succ$  triplex approved by DRB;
  - 0 achieving allowable densities for the subject property;
    - base density allows 32 units;
    - utilizes bonus incentives - PRD bonus and affordable housing bonus;
    - proposed density is 38 dwelling units;
  - providing housing types that effectively serve the affordable housing needs of the 0 community;

- project meets this criteria 10 percent or 3 affordable units are provided;
- improving circulation patterns of the screening of parking facilities;
  - access to the project is from NE 116<sup>th</sup> Street;
  - frontage improvements along NE 116<sup>th</sup> Street meet the City's requirements;
  - applicant may enter into an agreement with the City to pay for frontage improvements along NE 116<sup>th</sup> Street – CIP for roundabout at 116<sup>th</sup> Street and 172<sup>nd</sup> Avenue NE;
- minimizing the use of impervious surfacing materials;
  - base zoning allows 60 percent impervious coverage and PRD allows 70 percent coverage;
  - project proposes 60 percent;
- o increasing open space or recreational facilities on the site;
  - minimum open space required for PRD is 25 percent;
    - project includes 27 percent open space with preservation of critical areas with a Native Growth Protective Easement;
    - provision of recreational amenities picnic tables, park benches, and play equipment within other open space tracts;
- o landscaping, buffering, or screening in or around the proposed PRD;
  - 10-foot landscape buffer along the north and south boundary and adjacent to Lots 1-7 along the east boundary – adjacent to neighboring development;
  - 68 replacement trees and 80 retained trees on-site;
  - preservation of 57 percent of native vegetation and 66 percent of native soils;
- providing public facilities;
  - new local street extending south of NE 116<sup>th</sup> Street and frontage improvements along NE 116<sup>th</sup> Street;
  - new water main constructed south of NE 116<sup>th</sup> Street;
  - sewer connection provided through new sewer line in local street and drain easterly through Tract A;
  - stormwater runoff collected, treated, and detained in Tract F (located in the southwest corner of the project);
  - rain gardens for Lots 1-13 and 24-35 for treatment and infiltration of stormwater to maintain future groundwater recharge to within 5 percent of existing recharge rate;
- preserving, enhancing, or rehabilitating natural features of the subject property such as significant woodlands, wildlife habitats or streams;
  - critical areas protected within Tracts D and E in a Native Growth Protection Area;
  - 51.5 percent of all existing significant and landmark trees are to be retained;
  - preservation of 58 percent of native vegetation and 66 percent of native soils;
- o incorporating energy-efficient site design or building features;
  - houses will be required to meet energy code requirements during building permit review;

- providing for efficient use of infrastructure;
  - 36 lots proposed with 35 detached units and 1 triplex unit;
  - lots are accessed using a combination of common public streets and jointuse access tracts;
  - proposed roadway layout avoids major impact to critical areas while ensuring adequate access; portion of the wetland to be impacted for construction of a roadway connection;
- Public Facilities the PRD shall be served by adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, stormwater control, sanitary sewer, and parks and recreation facilities;
  - adequate public facilities: streets, fire protection, utilities, and pedestrian access;
  - new stormwater detention facility proposed;
  - informal recreational opportunities are available through the site;
- Perimeter Design the perimeter of the PRD shall be appropriate in design, character, and appearance with the existing or intended character of development adjacent to the subject property and with the physical characteristics of the subject property;
  - Hawthorne Lane is located adjacent to the Sequoia Ridge and Whistler Ridge developments and is consistent with their design, character, and appearance;
- Open Space and Recreation open space and recreation facilities shall be provided and effectively integrated into the overall development of a PRD and surrounding uses; and
  - project includes open space recreational amenities through individual lots, open space tracts, Native Growth Protection Area, tree retention, and preservation of native soils and vegetation;
- Streets and Sidewalks existing and proposed streets and sidewalks within a PRD shall be suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the subject property;
  - five-foot sidewalks to be provided along the new local street;
  - sidewalks to connect to NE 116<sup>th</sup> Street;
  - interim walkway to be constructed along the south side of NE 116<sup>th</sup> Street from 172<sup>nd</sup> Avenue NE to the existing sidewalk immediately east of Hawthorne Lane development.
- North Redmond Neighborhood Regulations;
  - o code citations/descriptions;
  - indication whether each citation Complies, Complies as Conditioned, or Applies at Building Permit;
- Public record;
  - o staff would like to enter revisions to documents in the record; and
    - Attachment 14: Arborist Addendum;
    - Attachment 17: Wetland Report; and
    - Attachment 20: Wildlife Report;
  - public comments from citizens;
- Conditions of Approval:

• staff recommends approval subject to conditions of approval contained in Technical Committee Report.

Ms. Johnson submitted the following exhibits to the record; Ms. Rice assigned them accordingly:

- staff's PowerPoint presentation; entered into the record as Exhibit 2;
- Tree Retention Evaluation, Shoffner Consulting, 10/30/2011; entered as Exhibit 3;
- Wetland Report, Altmann Oliver Associates, revised 11/28/2011; entered as Exhibit 4;
- Wildlife Study, Altmann Oliver Associates, revised 11/28/2011; entered as Exhibit 5; and
- comments from Jerry Creek, 12/19/2011; entered as Exhibit 6.

Ms. Rice stated that her copy of Exhibit 1, Attachment 24, was missing the even-numbered pages. Ms. Johnson stated she will submit a complete copy to the record following the hearing.

City Staff members provided the following information in response to Hearing Examiner queries:

- the Notice of Application was not resent; as it is not required;
- the redesigned features are still in compliance with the Design Review Board's recommendation;
- the City Code does not require mitigation for non-protected species of birds;
- the post project recharge has been complied to by the applicant; no applicable code citation or policy applies;
- the 12-foot additional right-of-way for NE 116<sup>th</sup> Street is required, and specific to that street;
- the Lake Washington School District was noticed of this project during the SEPA stage; no comments or concerns were voiced; the school district has been planning ahead for this expansion; and
- a Water Quality Study/ Water Balance was conducted; and will be monitored.

# **APPLICANT TESTIMONY:**

Mr. Lafe Hermanson, Applicant Representative, confirmed the Applicant's concurrence with the City's Report and Conditions. Mr. Hermanson provided the following information in response to Hearing Examiner queries:

- the current water well will be decommissioned after hook-up to city water/sewer system; easements are in order;
- proper buffers are in place;
- intent/purpose of rain gardens; tree replacement planned; maintenance to be done by individual lot owners (and documented in HOAs); and
- the connecting roads layout is on contained on plat map; no alternatives.

### **PUBLIC TESTIMONY:**

The following members of the public spoke regarding concerns with the project:

- Doug Boa concerns with water/sewer sources;
- Jerry Creek concerns with well water, sewer and rain gardens; and
- Jim Manis concerns with wetland, SE corner open space, and landscape plans.

Ms. Rice opened the hearing for public comment. As no members of the public in attendance wished to speak, Ms. Rice closed the public testimony portion of the hearing.

The Applicant responded to the public testimony with the following information:

- wells the applicant will work with the neighbors to test prior to, during (quarterly), and at the close of construction;
- neighborhood comments will be collected and addressed through-out the process;
- the drainage will be coordinated during construction, and the neighborhood will be included;
- water levels/quality will be continually monitored, and compared to the existing data of the past 7-8 years; the City has no code requirements for monitoring; a private agreement will be drawn up between the applicant and the neighbors in this matter;
- monitoring and maintenance of rain gardens will be included in the CC&Rs (Covenants, Conditions and Restrictions) of the Homeowner's Association;
- wetland issues and mitigation plans will be prepared; and
- regarding landscaping there is an extensive re-vegetation plan for the plat.

### **CONCLUSION:**

The Applicant and City reviewed additional items in discussion relating to construction.

Ms. Rice called for any further comments. Hearing none, Ms. Rice stated that the record was closed on the Hawthorne Lane Preliminary Plat (PPL) and Planned Residential Development (PRD) application, and a written decision (PPL) and recommendation (PRD) would be issued in no later than 21 days.

### IV. ADJOURNMENT

The public hearing closed at 8:25 p.m., and the meeting adjourned.