



QUASI JUDICIAL

DATE: November 22, 2021

MEMO TO: Parties of Record

FROM: Office of the Hearing Examiner, 425-556-2190, kbiegel@redmond.gov

SUBJECT: ROSEWOOD COURT PRELIMINARY PLAT LAND-2019-01105 & SEPA 2019-01129

Reconsideration of the Hearing Examiner's Decision

Enclosed is a copy of the Hearing Examiner's Findings, Conclusions, and Decision on the Rosewood Court Preliminary Plat LAND-2019-01105 and SEPA 2019-01129. Pursuant to the Redmond Zoning Code, any party of record may file a written request for reconsideration with the Hearing Examiner. To be considered, a request for reconsideration must explicitly set forth alleged errors of procedure or fact, and must be filed within ten business days of the Hearing Examiner's Decision in this matter. Reconsideration requests must be received by the Office of the Hearing Examiner of the City of Redmond and can be submitted by email prior to **5:00 p.m. on December 7, 2021.**

City of Redmond Office of the Hearing Examiner Contact Information:

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For your convenience, Request for Reconsideration forms are available online:

<https://www.redmond.gov/913/Request-for-Reconsideration-or-Appeal>

FURTHER PROCEEDINGS

Hearing Examiner decision may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040.

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

In the Matter of the Application of)	LAND-2019-01105/PR-2019-01534
)	
)	
SSHI, LLC dba DR Horton)	Rosewood Court
)	
)	
For a Preliminary Plat)	FINDINGS, CONCLUSIONS, AND DECISION
_____)	

SUMMARY OF DECISION

The request for approval of a preliminary plat to subdivide 10.53 acres into 51 single-family residential lots and six tracts is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

SSHI, LLC dba DR Horton (Applicant) requested approval of a preliminary plat to subdivide 10.53 acres into 51 single-family lots, including 10 lots for size-limited dwelling units, one for affordable housing, and two for low-cost housing, and six tracts for open space, native growth protection, a pedestrian trail, and access and utilities. The subject property is addressed as 10428 and 10612 134th Avenue NE in Redmond, Washington.

Hearing Date:

The Redmond Hearing Examiner conducted a virtual open record hearing on the request on November 1, 2021. The record was held open through November 3, 2021 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for written responses by the parties. Post-hearing public comment was timely submitted, and the Applicant and the City were provided until November 5, 2021 to submit a written response. The response was timely submitted, and the record closed on November 5, 2021.

Testimony:

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

- Scott Reynolds, Planner, City of Redmond
- Mark Villwock, Civil Engineer, Applicant representative
- Apurva Dalia
- Paul Sandoval
- Tim Kehrli
- Min Luo, Transportation Engineer, City of Redmond
- Heba Awad, Utility Engineer, City of Redmond
- Matt Palmer, P.E., Gibson Traffic

Exhibits:

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

1. Technical Committee Report, with the following attachments:
 1. Determination of Completeness
 2. General Application
 3. SEPA Application Form
 4. SEPA Determination of Non-Significance Certificate of Posting with Checklist
 5. Vicinity Map
 6. Plan Set
 7. Notice of Application, Certificate of Public Notice, and Public Notice
 8. Neighborhood Notice, Presentation and Notes
 9. Public Comments
 10. Stormwater Report
 11. Traffic Study
 12. Critical Area Report
 13. Geotechnical Report
 14. Notice of Public Hearing and Certificates of Posting
 15. Arborist Report
 16. Geological Hazard Area Exception Review
2. City PowerPoint Presentation
3. Public comment, including:
 - a. Email from Apurva Dalia, dated November 20, 2019, with responses from Heba Awad and Scott Reynolds
 - b. Email from Apurva Dalia, dated October 15, 2021, with response from Scott Reynolds
 - c. Email from Paul Sandoval, dated October 28, 2021, with response from Scott Reynolds
 - d. PowerPoint presentation from Tim and Katherine Kehrli
 - e. Email from Tim and Katherine Kehrli, dated October 12, 2021, with response from Scott Reynolds, and additional email correspondence between Tim Kehrli and Scott Reynolds through November 1, 2021
4. Post-hearing email from Mishra Prashant, dated November 1, 2021, with City/Applicant response, dated November 3, 2021

After considering the testimony and exhibits submitted, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. SSHI, LLC dba DR Horton (Applicant) requested approval of a preliminary plat to subdivide 10.53 acres into 51 single-family lots, including 10 lots for size-limited dwelling units, one for affordable housing, and two for low-cost housing, and six tracts for open space, native growth protection, a pedestrian trail, and access and utilities. The subject property is addressed as 10428 and 10612 134th Avenue NE in Redmond, Washington.¹ *Exhibits 1, 1.2, and 1.6.*
2. The preliminary plat application was submitted and determined to be complete on November 6, 2019. *Exhibits 1 and 1.1.*
3. The subject property is located in the Willows/Rose Hill Neighborhood and is zoned Residential Innovative (RIN) Single-Family Urban Residential. *Exhibit 1, page 3.* The purpose of the RIN zone is as follows:

The RIN Single-Family Urban Residential zone is intended to promote single-family housing consisting of smaller dwelling units to respond to changing household sizes and ages. It will provide opportunities for households of various sizes, ages, and incomes to live in a neighborhood by promoting diversity in the size, type, and price of new single-family homes. Also, this zone will blend new development with existing residential development to help maintain neighborhood character, particularly in neighborhoods with a predominance of small to moderately sized homes. The zone will help to provide appealing and active streetscapes that promote a more walkable and enjoyable neighborhood experience. The density allowed within the zone shall be four to five dwelling units per gross acre depending on the size of the site and the size of dwellings proposed.

Redmond Zoning Code (RZC) 21.08.070.A.

4. The City of Redmond Comprehensive Plan contains policies to allow new development only where adequate public facilities and services can be provided (LU-3), promote attractive, friendly, safe, quiet, and diverse residential neighborhoods (LU-28) designed to be consistent with sustainable design standards, landscaping requirements, and building design guidelines (HO-15), promote a mix of housing for all income levels (HO-34), and encourage the dispersal of affordable housing throughout the City (HO-36). Planning Staff submitted that the project would be consistent with applicable Comprehensive Plan goals and policies. *Exhibit 1, pages 17-19.*

¹ The legal description of the subject property is a portion of the northwest quarter of the southwest quarter of Section 34, Township 26 North, Range 5 East, W.M., King County, Washington; also known as Assessor Parcel Numbers 1246700090, 1246700100, and 1246700080. *Exhibits 1.2 and 1.6.*

5. The subject property consists of three undeveloped parcels, which are bordered by 134th Avenue NE to the west and 136th Avenue NE to the east. A hazardous liquid pipeline and electrical transmission lines cross the eastern portion of the property. Properties to the south and west are zoned RIN and are developed with single-family residences. Properties to the north are zoned R-1 (Single-Family Constrained) and RIN and include single-family residences and critical areas. The land to the east is zoned R-1 and consists of undisturbed critical areas. *Exhibits 1 and 1.6.*

6. There is a 2,096 square foot Category III wetland in the southeast corner of the subject property, within the easement occupied by the pipeline and the overhead electric transmission lines. Also, an isolated segment of an intermittent Class IV stream flows from the wetland to the right-of-way to the east of the subject property. The City's critical areas ordinance (CAO, RZC 21.64) requires an 80-foot wide buffer from the edge of the Category III wetland, but allows the buffer to be reduced to 60 feet with implementation of impact avoidance measures. The CAO requires a 25-foot buffer for the stream. The Applicant proposes to reduce the wetland buffer to 60 feet along the west side of the wetland (between the wetland and proposed development) and maintain the standard 80-foot buffer elsewhere. In support of the buffer reduction request, the Applicant provided documentation from a qualified wetland professional as to the project's compliance with the impact minimization measures of RZC Table 21.64.030.A.3, which address lighting, noise, toxic runoff, stormwater runoff, change in water regime, pets and human disturbance, and dust. Some of the strategies proposed include: installing a split-rail fence along the buffer edge and privacy fences along the perimeter of the new lots; establishing a covenant limiting use of pesticides within 150 feet of the wetland; and enhancing the buffer with native plantings. At present, the wetland and stream buffers are in a disturbed condition, with vegetation consisting largely of invasive species. RZC 21.64.010.Q.1 requires previously disturbed areas to be planted. The Applicant proposes to enhance the buffer in two zones, with Zone 1 plantings of native trees and shrubs within the 7,473 square feet of buffer to the west of the wetland and outside of the pipeline/overhead transmission line easement, and Zone 2 plantings of lower-growing native shrubs within the 13,910 square feet of buffer located within the easement, to ensure compatibility with the overhead transmission lines. The pipeline corridor would be maintained in grass, as it is presently. According to the Applicant's environmental consultant, the planting plan would significantly improve wetland buffer functions and values. The wetland, stream, and buffers would be preserved within a Native Growth Protection Area (Tract D). *Exhibit 1.12.*

7. There are steep slopes meeting the criteria for a landslide hazard area in the vicinity of the wetland in the southeast corner of the site and along the northern site boundary. RZC 21.64.060 requires a 50-foot buffer from the top of landslide hazard area slopes, but the buffer may be reduced to a minimum of 15 feet when a qualified professional demonstrates through technical studies that the reduction will adequately protect the proposed and surrounding development from the critical landslide hazard. The Applicant submitted a geotechnical report that included an evaluation of the landslide hazard slopes. The conclusion was that the slopes are stable and that the buffer could be reduced to 15 feet, plus a 10-foot building setback. With respect to the slopes in the northern portion of

the site, the slope and required buffer encroach into proposed Lots 27, 28, 29, 30, and 31. The slope and buffer, plus additional area to allow for tree retention, would be preserved within a native growth protection easement (NGPE). A split-rail fence would demarcate the NGPE boundaries. The slopes adjacent to the wetland in the southeast corner of the property with their buffers would be preserved within Tract D. *Exhibits 1, 1.6, 1.12, 1.13, and 1.16.*

8. According to development standards applicable to the RIN zone, the maximum base density (not including bonus units) is five dwelling units per acre, or 52.5 dwelling units for the 10.53-acre site. Although a density bonus is available for providing affordable housing, the proposed 51 dwelling units comply with the RIN density standard without the bonus. *Exhibit 1.6; RZC 21.08.070.*
9. Per RZC 21.20.030.C, at least 10% of the units in new housing developments of more than 10 dwelling units must be designated affordable housing units (i.e., affordable to households earning 80% of the area median income adjusted for household size, spending no more than 30% of income on housing expenses). If “low-cost” affordable housing is provided (i.e., affordable to households earning 50% of the area median income), each low-cost affordable housing unit counts as two affordable housing units for the purpose of satisfying RZC 21.20.030.C. In this case, five affordable housing units are required. The Applicant proposes to meet the requirement by providing two low-cost affordable units (counting as four affordable units) and one affordable unit. *Exhibits 1 and 1.6.*
10. RZC 21.08.360.C requires that subdivisions of more than 30,500 feet within the RIN zone provide an amount of smaller dwelling units equal to the greater of (1) 20% of the number of proposed dwelling units excluding bonuses, or (2) 20% of the net buildable area multiplied by the site’s allowed density. In this case, the first calculation yields the greater number of smaller dwelling units (10). The smaller dwelling unit requirement can be met by providing a size-limited dwelling (i.e., maximum 1,900 square feet in area), a two-unit attached dwelling unit, or a cottage. The Applicant proposes to provide 10 size-limited dwellings to comply with RZC 21.08.060.C. These would be distributed throughout the plat. *Exhibits 1 and 1.6.*
11. The proposed lots have been designed to satisfy the bulk dimensional standards of the RIN zone. The average lot size would be 5,360 square feet (a minimum of 4,000 square feet is required), and the lot width circle would be at least 35 feet (a minimum of 35 feet is required). The minimum lot frontage for each lot would be 20 feet (a minimum of 20 feet is required), with the exception of Lot 31, which would be a flag lot with 14 feet of frontage pursuant to the reduction authorized by RZC 21.08.170.G.2. Compliance with the setback, building separation, lot coverage, and building height standards applicable to the zone would be determined at the time of building permit application review. *Exhibits 1 and 1.6.*
12. The proposed subdivision is subject to the architectural, site, and landscape design standards of RZC 21.08.180. For many of the standards, such as variety in building design, garage placement, and modulation and articulation, compliance with the

standards would be determined at the time of building permit review. With respect to open space, landscaping, and street design, the Applicant has submitted plans demonstrating compliance with the requirements. *Exhibits 1 and 1.6.*

13. The Applicant has submitted an open space plan demonstrating compliance with the minimum 20% of lot area open space requirement of the RIN zone. For the proposed plat, the minimum required open space is 54,400 square feet, including 13,600 square feet (25% of the open space requirement) for active recreation. The Applicant proposes 131,046 square feet of open space, including 27,389 of open space on individual lots (at least 10% of the area of each lot) and 103,657 square feet of common open space within Tracts A, C, and D. Active open space of 22,528 square feet would be provided in Tract A. Open space amenities would include a sport court and walking trails.² *Exhibits 1 and 1.6 (sheet OSC-07, 66 of 70).*
14. Redmond Zoning Code 21.72 requires that all healthy landmark trees and 35% of all healthy significant trees be retained.³ The subject property contains one healthy landmark tree and 64 healthy significant trees. The Applicant proposes to retain the landmark tree and 23 of the significant trees, resulting in a significant tree retention rate of 36%. As required by RZC 21.72.090.B.2, the Applicant proposes to replace the removed significant trees at a 1:1 ratio. *Exhibits 1 and 1.15.*⁴
15. The zoning code requires that new subdivisions provide landscaping along the perimeter of the site to soften the transition between new and existing dwelling units when the proposed dwellings are directly adjacent to developed lots or can be viewed from public streets or parks. *RZC 21.08.180.* The proposal includes native tree retention and street trees along the northern site boundary and new trees along the southern site boundary, adjacent to existing residential development, and street trees along 134th Avenue NE along the western site boundary. The eastern portion of the property would consist of open space, with some areas of native tree retention, and the PSE transmission lines, with

² The factual record regarding open space calculations contains inconsistencies that were not explained in the materials or testimony. The open space compliance plan (Exhibit 1.6, Sheet 66 of 70) contains multiple differing numbers for total open space including lots, stating both 131,046 and 131,851 square feet without clarifying this discrepancy. The staff report calls out a total of 36% of the site area as open space, but it is not clear what figures that calculation is derived from. Using the smaller total open space, 103,657 square feet common open space is 38.1% of the total lot area. The per-lot open space equals 10.069% of the total lot area. Using the smaller figures, the total open space provided (common areas and within the lots) is 131,046 square feet, which is 48.17% of the total lot area and 28.6% of the gross site area. By any calculation, open space provided exceeds all minimum requirements.

³ Pursuant to RZC 21.78, landmark trees are those that are greater than 30 inches in diameter at breast height and significant trees are those that are between six and 30 inches in diameter at breast height.

⁴ The figures in this finding were taken from the arborist's report at Exhibit 1.15 (May 25, 2021); however, that report contains internally inconsistent information and information that also conflicts with the tree plan in the plan set at Exhibit 1.6 (Sheet TP-01, 51 of 70, October 17, 2019). The arborist's report was prepared more recently and is presumed to be more up to date. However, even if the smaller number of trees is saved (22 in the tree plan at Exhibit 1.6, versus 23 in Exhibit 1.15), that still satisfies the minimum 35% significant tree retention code requirement.

vegetated steep slopes behind them. City Staff have determined that the proposal meets the perimeter landscaping requirements. *Exhibits 1 and 1.6.*

16. RZC 21.26 contains setback requirements applicable to hazardous liquid pipelines. The required setback is 25 feet from the edge of the pipeline easement, but the Administrator may determine that the setback should be measured from the pipeline instead of the easement, or reduce the setback based on site-specific conditions. The setback from the pipeline should be at least 30 feet. In this case, there are two natural gas pipelines, which are situated within the westernmost part of the pipeline easement. Consistent with the setback standards, the Applicant proposes a 30-foot setback between the pipeline and adjacent development to the west. Lots 31 and 35 through 40 and Tracts A and D would be affected. With respect to the residential lots, the first 15 feet of the setback would be contained within an easement dedicated to the homeowners association for protection, and the easement boundary would be fenced and signed. Development proposed within Tract A, including a pedestrian trail, stormwater outfalls, and a maintenance road, are exempt from the setback requirement. *Exhibits 1 and 1.6.*
17. Access to the subdivision would be from 134th Avenue NE via two new public streets identified as Roads A and B on the preliminary plat map. *Exhibit 1.6.* Access to individual lots within the plat would be from an internal network of public streets and private access tracts, including Roads A, B, and C and Tracts B, E, and F. Road B would extend to the southern property line to allow connection to development to the south. The 134th Avenue NE frontage and the new streets would be improved to City standards, including sidewalks, ADA-accessible curb ramps, planter strips, and street lighting. A 10-foot wide sidewalk and utility easement would be provided along the east side of 134th Avenue NE and along the internal public streets. Easements would be provided for proposed public trails in Tracts A and C. *Exhibits 1 and 1.6.*
18. Access to and egress from the neighborhood as a whole (including the subject property and surrounding residences) is limited to 132nd Avenue NE via NE 104th Street or NE 100th Street to the south of the subject property (see Exhibit 1.11, Figure 1 for map depicting the street system in the vicinity). In the project vicinity, 132nd Avenue NE is within the Kirkland city limits. The intersections of 132nd Avenue NE / NE 104th Street / NE 100th Street are both unsignalized; only the eastern legs of these intersections are within the City of Redmond. All of the traffic generated by the development must use one of these two unsignalized intersections to enter or exit the neighborhood. In their written comments and testimony at the hearing, residents of the surrounding neighborhood described high volumes of traffic on 132nd Avenue NE, making it difficult to safely make left turns out of the neighborhood. Residents described having to wait minutes to make a left turn during peak hours, and having seen or been aware of accidents at the intersections. In addition, NE 104th Street is a substandard street, in that it is narrow and lacks sidewalks. *Exhibits 1, 1.9, 3a, 3c, 3d, and 1.11; Testimony of Min Luo, Apurva Dalia, Paul Sandoval Testimony, and Tim Kehrli.*
19. Based on the rates established in the Institute of Transportation Engineers' manual *Trip Generation, 10th Edition + Supplement (2020)*, the proposed subdivision is expected to

generate 481 new average daily vehicle trips, including 38 new AM peak hour trips and 51 new PM peak hour trips. It is further expected that 45% of the trips would travel to and from the north along 132nd Avenue NE, 45% of the trips would travel to and from the south on 132nd Avenue NE, and 10% of the trips would travel to and from the west from 132nd Avenue NE on NE 104th Street. *Exhibit 1.11.*

20. The Applicant's traffic engineer evaluated the proposal's impact on the four intersections most affected by the development, which would be 134th Avenue NE / NE 104th Street, 132nd Avenue NE / NE 104th Street, 132nd Avenue NE / NE 100th Street, and 134th Avenue NE / Road A. The analysis considered 2019 traffic count data (due to unreliability of traffic counts during the pandemic), a 2% annually compounding background growth rate, and pipeline projects in the vicinity. The study arrived at the following levels of service with project traffic. During the PM peak hour, the intersection of 134th Avenue NE / NE 104th Street is expected operate at level of service (LOS) A (9.5 seconds of delay) under projected 2022 baseline conditions, and at LOS B (10.4 seconds of delay) with the traffic generated by the development. The intersection of 132nd Avenue NE / NE 104th Street is expected to operate at LOS E (38.8 seconds of delay) under projected 2022 baseline conditions, and at LOS F (52.5 seconds of delay) with the traffic generated by the development. The intersection of 132nd Avenue NE / NE 100th Street is expected to operate at LOS F (570.8 seconds of delay) under projected 2022 baseline conditions, and at LOS F (617.7 seconds of delay) with the traffic generated by the development. Finally, the new intersection of 134th Avenue NE / Road A is expected to operate at LOS A (8.8 seconds) under projected 2022 baseline conditions with the traffic generated by the development. The Applicant's and the City's transportation engineers agreed that the calculated delay of 617 seconds for the NE 100th Street intersection is inaccurate (too high), in that traffic engineering principles generally assume for delays greater than 300 seconds drivers would seek an alternate route; however, alternatives are unavailable in this case. *Exhibit 1.11; Testimony of Matt Palmer and Min Luo.*
21. The Applicant's traffic engineer conducted a signal warrant analysis of the intersections of 132nd Avenue NE / NE 104th Street and 132nd Avenue / NE 100th Street based on the criteria of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices*. The four warrants that are relevant to the intersection – Warrant 1 (Eight-Hour Vehicular Volume), Warrant 2 (Four-Hour Vehicular Volume), Warrant 3 (Peak Hour), and Warrant 7 (Crash Experience) – were considered. Based on the analysis, none of the four signal warrants are met. The volume of traffic on the minor leg approaches is too low. With respect to collisions, the warrant requires five collisions involving personal injury or property damage within a 12-month period that could be corrected by a traffic signal. Although there have been collisions at the intersections, the number does not meet the warrant threshold. *Exhibit 1.11; Matt Palmer Testimony.* The City's Transportation Engineer concurred that the signal warrants are not met. *Min Luo Testimony.*
22. One resident questioned the traffic analysis, suggesting that the cumulative impact of new development in the neighborhood (both recently completed and pending construction)

warrants traffic mitigation, even though the individual project does not meet thresholds. *Tim Kehrli Testimony; Exhibit 3.d.* However, the City's Transportation Engineer submitted that the traffic impact analysis submitted by the Applicant meets City traffic study requirements. *Min Luo Testimony.* Traffic impacts would be mitigated through payment of mitigation fees assessed pursuant to Redmond Municipal Code (RMC) Chapter 3.10. *Exhibit 1; RMC 3.10; Min Luo Testimony.* The fee amount would be based on the schedule in place at the time of building permit issuance. At present, the fee is \$7,729.25 per dwelling unit or \$394,191.75 for the project as a whole. *Exhibit 1.11.* In addition, the City of Kirkland has placed signalization of the intersection of 132nd Avenue NE / NE 100th Street on its 2021-2026 Transportation Improvement Program, with construction planned in 2027. The City of Redmond is working with the City of Kirkland to develop a funding mechanism that would allow Redmond to contribute to the cost of the project. *Min Luo Testimony.*

23. NE 104th Street will not be widened until such time that adjacent parcels are redeveloped. At present it provides for two travel lanes. Sidewalks are available on 134th Avenue NE to NE 100th Street to address pedestrian needs. There is not a Redmond Transportation Improvement Program within the neighborhood. *Min Luo Testimony.*
24. The subject property is within the Lake Washington School District and is in fact currently owned by the District. Of the schools that would serve students within the subdivision, Mark Twain Elementary School is within one mile of the subject property. The safe walking route for students would be on the east side of 134th Avenue NE and the north side of NE 100th Street. Due to the distance between the subject property and the middle and high schools, it is expected that the School District would provide bus service to those schools. School impacts would be mitigated through payment of mitigation fees assessed pursuant to RMC Chapter 3.10. *Exhibit 1; RMC 3.10; Testimony of Min Luo, Mark Villwock, and Scott Reynolds.*
25. All lots within the subdivision would be connected to the municipal water and sewer systems. Eight-inch water and sewer mains would be installed through the development. The Applicant would extend the sewer from NE 100th Street along 136th Avenue NE and NE 104th Street to the site. *Exhibits 1 and 1.6.*
26. Under current conditions, surface water runoff from the subject property flows offsite to the east within two threshold discharge basins (one that includes the northern portion of the site, and one that includes the southern portion of the site). To provide flow control for the two threshold discharge areas, the Applicant proposes two concrete detention vaults (constructed as a single structure with a shared wall), both of which would provide water quality storage as a combined detention/wetvault system. The system would be designed to comply with the requirements of the City of Redmond 2019 Stormwater Management Technical Notebook and the 2014 Department of Ecology Stormwater Management Manual. The detention vaults would be constructed within Tract A in the eastern portion of the subject property, with each discharging to separate dispersal trenches to maintain natural drainage patterns. The vault for the northern basin would

discharge to a 50-foot long dispersal trench near the northeast corner of the subject property, and the vault for the southern basin would discharge to a 42-foot long dispersal trench in the southeast portion of the property, north of Tract D. To ensure continued hydration of the onsite wetland, runoff from a portion of the site would be routed towards the wetland. *Exhibits 1, 1.6 (Sheet SD-01, 32 of 70), and 1.10.*

27. The City reviewed the proposal under the State Environmental Policy Act and issued a determination of non-significance (DNS) on May 29, 2020. *Exhibits 1 and 1.4.*
28. Notice of the open record public hearing was posted on site, online, at City Hall, and at the library. Notice was also published in the *Seattle Times* and mailed to parties of record and owners of property within 500 feet of the site on or before October 11, 2021. *Exhibit 1.14.*
29. Public comment on the application, other than the traffic issues described previously, included concerns regarding the impact of construction traffic on neighborhood streets, impacts to wildlife, including species not protected in regulations that exist in the neighborhood such as bobcats, coyotes, and deer, and wildlife habitat, school impacts, and a request that the project facilitate sewer connectivity for existing residences on septic. *Exhibits 1.9, 3a, 3c, and 3d; Apurva Dalia Testimony; Paul Sandoval Testimony; Tim Kehrli Testimony.*
30. With respect to construction traffic, the City Inspector would require a parking plan for construction vehicles, which would not allow the streets to be blocked for fire or general access. *Min Luo Testimony.*
31. Based on the submitted critical areas report, the project site is heavily disturbed, with vegetation consisting mostly of invasive species that provide minimal wildlife habitat. Species expected to use the site are those that thrive in developed environments. There is a forested area to the east of the subject property that would provide habitat for species less suited for developed environments. No threatened or endangered species are known to inhabit the subject property on the vicinity. *Exhibit 1.12; Scott Reynolds Testimony.*
32. With respect to sewer connections, the proposed sewer corridor meets the City's utility standards and its comprehensive sewer plan for the 100th Street basin. The Applicant must direct the sewer to the east along NE 104th Street and then south along 136th Street to reach NE 100th Street. The resident requesting the ability to connect is to the west on NE 104th and in a different sewer service basin. *Heba Awad Testimony.*
33. The Technical Committee, comprised of staff from City of Redmond Planning, Public Works, and Fire Departments, reviewed the complete application and supporting materials for compliance with City regulations and the Comprehensive Plan. The Technical Committee recommended project approval subject to conditions. *Exhibit 1.* Having heard all comment and testimony at hearing, Planning Staff maintained the recommendation for approval. *Scott Reynolds Testimony.* The Applicant waived objection to the recommended conditions. *Mark Villwock Testimony.*

CONCLUSIONS

Jurisdiction:

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

Criteria Applicable to all Land Use Permits:

Pursuant to RZC 21.76.070.B.3.a, all land use permits must be reviewed to determine consistency between the proposed project and the applicable regulations and Comprehensive Plan provisions, based on the following criteria:

- i. A proposed project's consistency with the City's development regulations shall be determined by consideration of:
 - A. The type of land use;
 - B. The level of development, such as units per acre or other measures of density;
 - C. Availability of infrastructure, including public facilities and services needed to serve the development; and
 - D. The character of the development, such as development standards.
- ii. Upon review of a land use permit and accompanying site plan, the decision maker shall determine whether building design and/or site design complies with the following provisions:
 - A. The Comprehensive Plan, RZC 21.02, *Preface*, RZC Article I, *Zone-Based Regulations*, RZC Article II, *Citywide Regulations*, and the Appendices that carry out these titles;
 - B. The provisions of RMC Title 15, *Buildings and Construction*, that affect building location and general site design;
 - C. The Washington State Environmental Policy Act (SEPA) if not otherwise satisfied;
 - D. RZC Article VI, *Review Procedures*, to the extent it provides the procedures to ensure compliance with the requirements in subsections B.3.a.ii.B and B.3.a.ii.C of this section;
 - E. Both within and outside the Transition Overlays, decision makers authorized by the RZC to decide upon discretionary approvals may condition such approvals and development permits, including but not limited to site plan approvals, to minimize adverse impacts on other properties and uses, and to carry out the policies of the Comprehensive Plan.

Subdivision Criteria for Review:

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

- a. The proposal complies with the general criteria applicable to all land use permits set forth in RZC 21.76.070.B, *Criteria Applicable to All Land Use Permits*;

- b. The proposal conforms to the site requirements for the zoning district in which the property is located;
- c. The proposal conforms to the requirements of this chapter;
- d. The proposed short subdivision, binding site plan, unit lot subdivision, or preliminary subdivision:
 - i. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required by this chapter; and the proposed street system conforms to the City of Redmond Transportation Master Plan and Neighborhood Street Plan, and is laid out in such a manner as to provide for the safe, orderly, and efficient circulation of traffic;
 - ii. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - iii. Makes adequate provision for parks, recreation, and playgrounds, as required by this chapter;
 - iv. Makes adequate provision for schools and school grounds;
 - v. Makes adequate provisions for sidewalks and other planning features that meet the requirements of this chapter and that provide safe walking conditions for students who walk to and from school;
 - vi. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- e. Geotechnical considerations have been identified, and all hazards and limitations to development have been considered in the design of streets and lot layout to assure streets and building sites are on geologically stable soil, considering the stress and loads to which the soil may be subjected.

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

Conclusions Based on Findings:

- 1. As conditioned, the proposal complies with the general criteria applicable to all land use permits.
 - A. The proposal is consistent with the City’s development regulations, including with respect to the land use, density, availability of infrastructure, and character of development. Single-family residences are allowed in the RIN zone at the density proposed. City water and sewer are available to the site. The Applicant would install offsite sewer system improvements consistent with the comprehensive sewer plan for the area. Storm drainage would be treated and detained on site consistent with City and Department of Ecology standards. The 134th Avenue NE street frontage would be improved to City standards. Development standards with respect to lot dimensions, setbacks, critical areas protection, open space, landscaping, tree

- preservation, affordable housing, and smaller residences would be satisfied. *Findings 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 25, 26, and 32.*
- B. The proposal is consistent with the Comprehensive Plan in that adequate public facilities are available and would be provided to the site, individual residences would be subject to design standards, and perimeter landscaping, public walking trails, and affordable housing would be provided. Compliance with the building code would be determined at the time of building permit review for each lot. The proposal was reviewed pursuant to SEPA and a DNS was issued. The appropriate Type III review process was utilized for the application, and the hearing was noticed pursuant to City requirements. *Findings 4, 9, 12, 13, 15, 17, 27, and 28.*
2. As conditioned, the proposal complies with the subdivision criteria for review.
- A. As described in Conclusion 1, the proposal complies with the criteria applicable to all land use permits.
- B. The proposal conforms to the site requirements for the RIN zone. Lot size and width standards would be satisfied. Open space far exceeding the 20% minimum would be provided. *Findings 8, 11, 12, and 13.*
- C. As conditioned, the proposal is consistent with the requirements of RZC 21.74, including requirements for lot dimensions, easements (including Native Growth Protection Areas), utilities, and streets. *Findings 6, 7, 11, 17, 25, and 26.*
- D. As conditioned, the proposal makes adequate provision for streets and other public ways, and the street system is laid out to provide for the safe, orderly, and efficient circulation of traffic. Frontage improvements, including sidewalks, would be provided along the east side of 134th Avenue NE. The internal street system would include a connection to development to the south, providing for vehicle circulation within the neighborhood. The subdivision would be adequately served by water, sewer, and storm drainage. The subdivision would provide on-site recreation space, including public walking trails. Adequate provision for schools would be made through payment of school impact fees, and adequate provision for sidewalks to ensure safe walking conditions for students would be made. As conditioned, the subdivision would serve the public interest and make appropriate provisions for the public health, safety, and welfare. Specifically, the residences would be served by public utilities, and adequate setbacks from steep slopes and from the hazardous liquid pipeline would be provided and would be protected through easements. With respect to traffic and the difficult turning movements onto 132nd Avenue NE, the traffic analysis (which accounted for pipeline development projects) found that signal warrants are not met, including the signal warrant with respect to collisions. However, the City of Kirkland is planning intersection improvements at 132nd Avenue NE and NE 100th Street, which would address the traffic issue. In addition, significant traffic impact fees would be paid to the City of Redmond. *Findings 7, 13, 16, 17, 18, 20, 21, 22, 24, 25, 26, 32, and 33.*

- E. Geotechnical considerations were identified, and hazards and limitations to development were considered in the site design. Hazardous slopes and their buffers would be preserved within Native Growth Protection Areas. Native trees would be retained along the northern site slopes to provide for slope stability. *Finding 7.*
3. Several neighboring property owners expressed strong concern about the proposal's added dwellings and traffic with respect to the already congested intersections that provide connections for this plat within City of Kirkland. Based on City of Redmond responses in writing in the record and verbally at hearing, it is clear these concerns have not fallen on deaf ears; Redmond is well aware of the road network limitations and is attempting to work with Kirkland to resolve capacity issues. However, in the present context of review of land development applications, the project as conditioned satisfies the criteria for approval established in applicable regulations and therefore must be approved. Concerned neighbors are encouraged to direct their requests to slow or halt development until regional transportation issues are corrected to the bodies with authority to respond to such concerns - the elected officials of both cities.

DECISION

Based on the preceding findings and conclusions, the request for approval of a preliminary plat to subdivide 10.53 acres into 51 single-family residential lots and Native Growth Protection Area and open space tracts is **GRANTED** subject to the conditions below.

A. Site Specific Conditions of Approval

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

Item	Date Received	Notes
Plan Set, [pages CS-01-PSE Plan]	08/17/21	<i>and as conditioned herein.</i>
SEPA Checklist	04/28/21	<i>and as conditioned by the SEPA threshold determination on May 29, 2020.</i>
Conceptual Landscaping Plan	08/17/21	<i>and as conditioned herein.</i>
Conceptual Lighting Plan	08/17/21	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	08/17/21	<i>and as conditioned herein.</i>
Conceptual Wetland Mitigation Plan	08/17/21	<i>and as conditioned herein.</i>
Stormwater Design	08/17/21	<i>and as conditioned herein.</i>

The following conditions shall be reflected on the Civil Construction Drawings, unless otherwise noted:

1. Development Engineering - Transportation and Engineering

Reviewer: Min Luo, Senior Engineer

Phone: 425-556-2881

Email: mluo@redmond.gov

- a. Easements, Dedications and Vacations.** On-site easements, dedications and vacations shall be provided for City of Redmond review at the time of civil construction drawing approval and finalized upon recording of the final subdivision. Off-site easements must be finalized for recording prior to civil construction drawing approval. The existing and proposed easements and right-of-way shall be shown on the civil drawings and subdivision 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.
- i. Easements are required as follows:**
- (a) 10-foot wide sidewalk and utilities easement, granted to the City of Redmond, along all right-of-way on the east side of 134th Avenue NE along the development's frontage.
 - (b) 10-foot wide sidewalk and utilities easement, granted to the City of Redmond, along all right-of-way on both sides of Road A.
 - (c) 10-foot wide sidewalk and utilities easement, granted to the City of Redmond, along all right-of-way on the south side of Road B between station numbers 20+00 and 22+50.
 - (d) 10-foot wide sidewalk and utilities easement, granted to the City of Redmond, along all right-of-way on both sides of Road B between station numbers 22+50.00 and 29+20.20.
 - (e) 10-foot wide sidewalk and utilities easement, granted to the City of Redmond, along all right-of-way on both sides of Road C.
 - (f) 12-foot wide trail easement, granted to the City of Redmond for public trails outside of Puget Sound Energy (PSE) and Olympic Easement, including the east-west trail between Access Corridor B and 134th Avenue NE and north-south trail between the Maintenance Access Drive and the south limit, as shown in the Site Plan prepared by LDC, signed on August 11, 2021. The clauses including a liability insurance coverage limit not less than three million dollars (\$3,000,000) and the maintenance/indemnity requirements stated in the City's trail easement template shall be applied to this trail easement.
 - (g) 100-foot blanket trail easement, granted to the City of Redmond over the Puget Sound Energy (PSE) and Olympic Easement in the transmission line corridor, as shown in the Site Plan prepared by LDC, signed on August 11, 2021. The clauses including a liability insurance coverage limit not less than three million dollars (\$3,000,000) and the maintenance/indemnity

requirements stated in the City's trail easement template shall be applied to this trail easement.

- (h) At the time of construction, additional easements may be required to accommodate the improvements as constructed.

Code Authority: RZC 21.52.030.G; RMC 12.12

ii. Dedications for right-of-way are required as follows:

- (a) New right-of-way lines joining at the southeast of the intersection of 134th Avenue NE and Road B (the non full-street section) shall connect with a 25-foot radius, or with a chord that encompasses an equivalent area at the northwest and southwest corners. The area formed by this radius or chord shall also be dedicated as right-of-way.
- (b) New right-of-way lines joining at the northeast and southeast corners of the intersection of 134th Avenue NE and Road A shall connect with a 25-foot radius, or with a chord that encompasses an equivalent area at the northeast corner. The area formed by this radius or chord shall also be dedicated as right-of-way.
- (c) New right-of-way lines joining at the four corners of the intersection of Road B and Road C shall connect with a 25-foot radius, or with a chord that encompasses an equivalent area at the southwest and southeast corners. The area formed by this radius or chord shall also be dedicated as right-of-way.
- (d) New right-of-way lines joining at northwest and southwest corners of the intersection of Road A and Road B shall connect with a 25-foot radius, or with a chord that encompasses an equivalent area at the southwest and southeast corners. The area formed by this radius or chord shall also be dedicated as right-of-way.
- (e) A strip of land 53 feet wide shown as Road A in the Site Plan prepared by LDC, signed on August 11, 2021 shall be dedicated as right-of-way.
- (f) A strip of land 35 feet wide shown as Road B (the non full-street section) in the Site Plan prepared by LDC, signed on August 11, 2021 shall be dedicated as right-of-way.
- (g) A strip of land 53 feet wide shown as Road B in the Site Plan (the full-street section) prepared by LDC, signed on August 11, 2021 shall be dedicated as right-of-way.
- (h) A strip of land 53 feet wide shown as Road C in the Site Plan prepared by LDC, signed on August 11, 2021 shall be dedicated as right-of-way.

Code Authority: RZC 21.52.030.G; RMC 12.12

- b. Construction Restoration and Street Overlay.** The existing pavement damaged by trenching or other work on 134th Avenue NE shall be mitigated. If the pavement is

damaged, the asphalt street shall be planed, overlaid, and/or patched, per the City of Redmond (COR) Standard Specifications and Details (STD) 202 and 203. The Pavement Condition Index (PCI) of the existing pavement on 134th Avenue NE is below 40, the development shall be required to do full-depth reconstruction from the right-of-way centerline to the new concrete ribbon curb line along the entire project frontage. Contact Adnan Shabir at 425-556-2776 for additional questions.

Code Authority: RMC 12.08; Redmond Standard Specifications & Details

c. Streets, Access Corridors, Maintenance Access and Trails Improvements

- i. The frontage along 134th Avenue NE must meet current City Standards, which include asphalt paving 11 feet from centerline to the edge of the 3 feet wide concrete ribbon curb, 10 feet wide drainage swale, 5 feet wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- Seven inches HMA Class ½” PG 64-22
- Four inches of 1-1/4 inches minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Super elevated 2% sloped to drain system

Code Authority: RZC 21.52.030; RZC 21.17.010; RMC 12.12; RZC Appendix 2; Redmond Standard Specifications & Details

- ii. The new streets Road A, Road B (the full-street section) and Road C must meet current City Standards, which includes asphalt paving 22 feet, 3 feet wide concrete ribbon curb on each side, 10 feet wide drainage swale on one side and 5 feet wide planter on the other side, 5 feet wide concrete sidewalk on each side, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- Seven inches HMA Class ½” PG 64-22
- Four inches of 1-1/4 inches minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Super elevated 2% sloped to drain system

Code Authority: RZC 21.52.030; RZC 21.17.010; RMC 12.12; RZC Appendix 2; Redmond Standard Specifications & Details

- iii. The new street Road B (the non full-street section) must meet current City Standards, which includes asphalt paving 17 feet, 3 feet wide concrete ribbon curb

on the south side and 2 feet wide concrete thickened edge on the north side, 5 feet wide planter on the south side, 5 feet wide concrete sidewalk on the south side, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- Seven inches HMA Class ½” PG 64-22
- Four inches of 1-1/4 inches minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Super elevated 2% sloped to drain system

Code Authority: RZC 21.52.030; RZC 21.17.010; RMC 12.12; RZC Appendix 2; Redmond Standard Specifications & Details

- iv. The street section of the Access Corridors A, B, C, D, E, F and G must meet current City Standards, which include asphalt paving 20 feet and asphalt thickened edge on one side. The minimum pavement section for the Access Corridors shall consist of:

- Three inches HMA Class ½” PG 64-22
- Four inches of 1-1/4 inches minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Super elevated 2% sloped to drain system

Code Authority: RZC 21.52.030; RZC 21.17.010; RMC 12.12; RZC Appendix 2; Redmond Standard Specifications & Details

- v. The street section of the maintenance vault access must meet current City Standards COR STD DG 11, which include asphalt or concrete paving 14 feet, 2 feet wide gravel shoulder on each side, and asphalt or concrete thickened edge on one side. The minimum pavement section for the maintenance vault access shall consist of:

- Four and a half-inches HMA Class ½” PG 64-22 for the maintenance vault access grade equal to or less than 10 percent and six-inches portland cement for the maintenance vault access grade greater than 10 percent
- Four inches of 1-1/4 inches minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Super elevated 2% sloped to drain system

Code Authority: RZC 21.52.030; RZC 21.17.010; RMC 12.12; RZC Appendix 2; Redmond Standard Specifications & Details

- vi. Public trails outside of Puget Sound Energy (PSE) and Olympic Pipeline Easement must meet current City Standards, which include asphalt paving 6 feet, 1 foot wide crushed rock shoulder on each side, and 2 feet wide vegetated clear zone on each side. The minimum pavement section for the trails shall consist of:
- Four inches HMA Class ½” PG 64-22
 - Two inches of 1-1/4 inch minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
 - Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
 - Cross slope max 2%, target 1.5% to drain system

Code Authority: RZC 21.52.030; RZC 21.17.010; RMC 12.12; RZC Appendix 2; Redmond Standard Specifications & Details; COR Comprehensive Plan Map N-WR-3 NE Rose Hill Transportation Connections; Chapter 6 of the PARCC Plan

- vii. The north-south public trails within Puget Sound Energy (PSE) and Olympic Pipeline Easement must meet current City Standards, which include 6 feet wide local soft surface trail with 8 feet vertical clearance. A dirt or crushed gravel surface shall be acceptable.

Code Authority: RZC 21.52.030; RZC 21.17.010; RMC 12.12; RZC Appendix 2; Redmond Standard Specifications & Details; COR Comprehensive Plan Map N-WR-3 NE Rose Hill Transportation Connections; Chapter 6 of the PARCC Plan

- viii. A separate 20-scale or 40-scale channelization plan may be required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual.

Code Authority: RZC 21.52.030.F; RZC 21 Appendix 2; Redmond Standard Specifications & Details; RCW 47.24.020

- ix. Sidewalks constructed to City standards are required at the following locations:
- Five feet concrete sidewalks on the east side of 134th Avenue NE
 - Five feet concrete sidewalks on both sides of Road A
 - Five feet concrete sidewalks on the south side of Road B on the non full-street section
 - Five feet concrete sidewalks on both sides of Road B on the full-street section
 - Five feet concrete sidewalks on both sides of Road C

Code Authority: RZC 21.10.150; RZC 21.17.010; RZC 21.52.050; RMC 12.12

d. Access Improvements

- i. The types and locations of the proposed site accesses are approved as shown on the Rosewood Court Site Plan prepared by LDC on August 11, 2021.

Code Authority: RZC 21.52.030.E; RZC Appendix 2

- ii. Direct vehicular access from each dwelling unit to 134th Avenue NE shall not be permitted. This restriction shall be indicated on the civil construction plans and other final documents.

Code Authority: RZC 21.52.030.E; RZC Appendix 2

- e. Underground Utilities.** All existing aerial utilities, with the exception of the PSE transmission lines over the PSE and Olympic Pipeline Easement, shall be converted to underground along the street frontages and within the development. All new utilities serving the development shall be placed underground.

Code Authority: RZC 21.17.020; RZC Appendix 2 – A.11

- f. Street Lighting.** Illumination of the street(s) along the property frontage must be analyzed to determine if it conforms to current City standards. Streetlights may be required to illuminate the property frontage. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Andrew Scales, Transportation Operations at (425) 556-2882 with questions. The street lighting shall be designed using the criteria found in the City's Illumination Design Manual which can be accessed at: [Microsoft Word - Illumination Design Manual-Oct Revisions.doc \(redmond.gov\)](#)

Roads A, B and C shall meet lighting requirements for a local access road in a residential neighborhood. Lighting design will be updated to eliminate dark spots on Road B to bring average light level and uniformity ratio up to City target values.

Code Authority: RZC 21.52.030.F; RZC Appendix 2

- g. Safe Walking Route(s).** The Redmond Zoning Code requires that safe pedestrian linkages be provided between new developments and public facilities. The proposed subdivision is within a one-mile walking radius of the Mark Twain Elementary School. A safe walk route on the east side of 134th Avenue NE and north side of NE 100th Street is available to from the project site to Mark Twain Elementary School within one mile of the development.

Code Authority: RCW 58.17.060; RZC 21.17.010.F.2.; RZC Appendix 2; RZC 21.52.030; RZC 21.74.020.I

2. Development Engineering – Water and Sewer

Reviewer: Heba Awad, Senior Utility Engineer

Phone: 425-556-2861

Email: hawad@redmond.gov

- a. **Water Service.** Water service will require a developer extension of the City of Redmond water system as follows:

The developer shall install new eight-inch water mains along the Road A, Road B and Road C within the development to service the fifty-one new homes. The developer shall install new service lines and new water meters to service the fifty-one new homes. The developer shall also install six new fire hydrants.

To ensure the water main looping requirements are met, the developer shall connect the new eight-inch water mains within the development to the City of Redmond water system at the following locations:

- a. Intersection of 134th Avenue NE and western end of Road A.
- b. Intersection of 134th Avenue NE and western end of Road B.
- c. The south end of Road B and 135th Avenue NE connection.

Code Authority: RZC 21.74.020.D

- b. **Sewer Service.** Sewer service will require a developer extension of the City of Redmond sewer system as follows:

The developer shall install new eight-inch sewer mains along the Road A, Road B, Road C, Tract B, Tract E, Tract F, and part of Access Corridor A within the development to serve the 51 new homes. The developer shall install new sewer service lines and new cleanouts to service the 51 new homes. The developer shall also install 13 new manholes within the development.

To ensure the City of Redmond general sewer requirements are met, the developer shall connect the new eight-inch sewer main to the City of Redmond sewer system at existing manhole number 2D3SMH498 along 135th Avenue NE.

To ensure the City of Redmond general sewer requirements are met, the developer shall install offsite sewer main extension from the existing sewer manhole number 2D3DMH574 at the intersection of 136th Avenue NE and N.E 100th Street, north along 136th Ave NE to the intersection with NE 104th St, then west along NE 104th St to the east until existing SSMH 2D3SMH500 at the intersection of 135th Avenue NE. The offsite sewer design will be based on the "Minor Comprehensive Sewer Amendment-N.E. 100th Street Basin, issued by the City of Redmond on December 21, 2020.

Another developer "Croquet Club Cottages" (LAND-2019-00702) has also proposed to install the offsite sewer main along NE 104th Street and 136th Ave NE, to be part of their Coordinated Civil Review. The two developers agreed that the Croquet Club Cottages' developer will take the lead in the offsite sewer installation, due to the advanced approval of their permit. Rosewood Court may take the lead to build the offsite sewer if desired. The developer needs to clearly show the existing utilities along NE 104th St and 136th Ave NE in the Coordinated Civil Review utility plans. Utility conflict locations must be

identified to be added to the utility plans and profiles. The developer needs to clearly identify utilities to be protected in place including water services.

Code Authority: RZC 21.74.020.D

- c. **Easements.** Easements shall be provided for all water and sewer improvements as required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing approval. Offsite easements must be recorded prior to construction drawing approval.

Fire hydrants and water meters within the development shall be surrounded by ten-foot utility easements. Fire hydrants and water meters' easements to be included in the first submittal of Coordinated Civil Review.

The sewer mains and manholes located within Tract B, Tract E, Tract F, and Access Corridor A within the development shall be surrounded by ten-foot utility easements.

Code Authority: RZC 21.74.020.C, Appendix 3

Condition Applies: Civil Construction, Short Subdivision Document

- d. **Reimbursement Agreement.** Portions of this extension may benefit other properties and meet the criteria to be eligible for a reimbursement agreement. In order to be eligible for reimbursement, the City must have received a completed reimbursement agreement application prior to approval of civil drawings and the agreement must be fully executed, by the City, prior to commencement of construction of the facility.

Code Authority: RMC 13.12

Condition Applies: Prior to Pre-Construction Meeting

- e. **Permit Applications.** Water meter and side sewer applications shall be submitted for approval to the Development Engineering Utility Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. Various additional guarantees or requirements may be imposed as determined by the Utilities Division for issuance of meters and permits prior to improvements or administrative requirements being completed. All stub fees shall be paid prior to issuance of water and side sewer permits.

Code Authority: RMC 13.08.010, 13.12

Condition Applies: Prior to Permits' issuance of Water meters and side sewers

- f. **Reimbursement Fees:** Reimbursement fees in the amount of \$28,614.60 for connection of sewer are required. These fees are due prior to issuance of Coordinated Civil Review permit, which allows connection to any sewer facility.

Code Authority: RMC 13.12.120

Condition Applies: Prior to CCR Permit Issuance

- g. Potholing:** All existing utilities at the location of the proposed water/sewer mains, storm and service line crossings shall be potholed prior to submittal of first Civil Plan Review.

Potholing in the City right-of way requires a permit, approved traffic control plans, and a performance bond before commencing work. The developer shall include in the right-of-way permit, a list of potholing numbers along with the potholing information for each number, such as utility name, type of facility and the reason for potholing.

The developer shall do the following during and after potholing:

1. Follow City of Redmond Detail 203 for pothole restoration.
2. Protect existing traffic loops.
3. Survey all potholing locations.

Based on the final survey, a modified design of sewer, water and storm facilities may be necessary to avoid conflict with existing utilities.

All potholing information shall be included in the plans and profiles of water and sewer in first submittal of CCR review. The developer shall add clearance information on the water/sewer profiles at all crossings of existing and proposed utilities. Minimum clearance of one foot is required between the sewer/water mains and other utilities including storm sewer.

Code Authority: Water and Wastewater System Extensions Design Requirements Section IV. 3. M and Section V. 3. K

3. Development Engineering – Stormwater/Clearing and Grading

Reviewer: Janelle Hitch, Senior Engineer

Phone: 425-556-2488

Email: jhitch@redmond.gov

a. Water Quantity Control:

- i. Stormwater discharges shall match the developed discharge duration to the predeveloped duration for the range of predeveloped discharge rates from 50% of the 2-year peak flow up to the full 50-year flow. Detention shall be provided in a publicly maintained detention/wet-vault.
- ii. Provide for overflow routes through the site for the 100-year storm.

Code Authority: RZC 21.74.020.D; RMC 15.24.080.9

b. Water Quality Control

Basic water quality treatment shall be provided in a publicly maintained detention/wet-vault. Treatment is required for the 6-month, 24-hour return period storm.

Code Authority: RZC 21.74.020.D; RMC 15.24.080.8

- c. Easements.** Easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit or issuance of water meter or side sewer permits. The existing and proposed easements shall be shown on the civil plans. Prior to acceptance of the easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.

Code Authority: RMC 15.24.080.2.i

- d. Private Stormwater Easements.** Private stormwater easements will be required where drainage systems are located across adjacent properties and will remain under private ownership. Maintenance of private drainage systems will be the responsibility of the property owners benefiting from the easement. Prior to construction drawing approval and final subdivision recording, fully executed and recorded easements shall be provided to the Development Engineering Division.

Code Authority: RZC 21.54.010.D, 21.74.020.C, 21.54.010.E

- e. Clearing and Grading.**

- i. Show vertical clearances at all utility crossings
- ii. Show horizontal clearances at all utility crossings
- iii. Obtain easement for flow of stormwater from outfall onto City unimproved right-of-way.

Code Authority: RMC 15.24.080

- f. Temporary Erosion and Sediment Control (TESC).**

- i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.

Code Authority: RMC 15.24.080

- g. Landscaping.**

- i. All new landscaped areas within the project site are required to have compost amended soils. See City or Redmond Standard Detail 632.

Code Authority: RZC 21.32

- h. Department of Ecology Notice of Intent Construction Stormwater General Permit.**

Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at: www.ecy.wa.gov/pubs/0710044.pdf.

Code Authority: Department of Ecology Rule

Condition Applies: Prior to Commencement of Construction

- i. **Capital Facilities Charge:** A Citywide Capital Facilities Charge applies to this project. Please see the Development Engineering Fee schedule for current fee information.

Code Authority: RMC 13.20.040

- j. **Critical Landslide Hazard Areas.** To mitigate potential impacts to critical landslide hazard areas, all buildings and earth fill shall be set back from the top/bottom of steep slope buffer a minimum distance of 25 feet. These 25 feet are a combined 15-foot steep slope buffer and a 10-foot building setback as recommended by Carolyn S. Decker at Terra-Associates, Inc., in their geotechnical engineering study dated August 11, 2021. The top/bottom of the slope and slope setback shall be field surveyed and verified (located by bearing and distance) on the short subdivision document.

Code Authority: RZC 21.64.060.B

Condition Applies: Civil Construction, Short Subdivision Document

4. **Fire Department**

Reviewer: Scott Turner, Assistant Fire Marshal

Phone: 425.556.2273

Email: sturner@redmond.gov

The current submittal is generally adequate for LAND-2019-01105 approval, but does not fully represent compliance with all requirements. The following conditions are integral to the approval and compliance shall be demonstrated in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

a. **Site Plan Condition**

1. All portions of Emergency Vehicle Access Roadways not in a public right-of-way, including turnarounds and Emergency Vehicle Operations Areas shall be maintained in a dedicated Emergency Vehicle Access Easement. Specific required easements shall be identified in the civil construction drawings.
2. Required fire access roadways indicated on plans shall be marked per Redmond Fire Department Standard 2.0.
3. All required fire access roadways shall be in place and capable of supporting the weight of fire apparatus prior to combustible materials arriving on site.

Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG

b. **Fire Protection Plan**

1. All homes shall be equipped with a National Fire Protection Association (NFPA) 13D compliant fire sprinkler system.
2. Hydrant spacing, meter size and available fire flow shall comply with Redmond Fire Standards.

Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG

c. Change or Modification

1. The fire hydrant system serving this project shall be installed or modified to provide 1,500 gpm in residential areas.
2. In the future, the Fire Marshal may require the property owner(s) to maintain required fire access roadway markings or require additional fire lane markings.

Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG

d. Fire Code Permit

1. Fire sprinkler permits are required for each NFPA 13D fire sprinkler system.

Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG

5. Planning Department

Reviewer: Scott Reynolds, Planner

Phone: 425-556-2409

Email: sreynolds@redmond.gov

a. Site Specific Conditions

1. Critical area NGPA or Tract D on the south east part of the site shall be consistent between Attachment 6, Plan Set, Attachment 12, Critical Area Report and Attachment 13, Geotechnical Report to account for the steep slope buffer. NGPA shall be expanded from the Development wide Open Space to ensure full boundaries of critical areas and buffers are captured for code compliance with RZC 21.64.010.R.4
2. Critical Area Tree Protection fencing and signage shall be required to be updated to fully cover steep slope buffer at the rear of lots 27 – 31 in its entirety per RZC 21.64.010.R & 21.72.060.D.
3. Further clarity is needed between the landscaping, irrigation, mitigation plan and Geotech report on how landscaping and required irrigation will be added to the steep slope buffer to prevent slope failure. This is specific to the steep slopes on the south east portion of the site in compliance with both RZC 21.32.100 & RZC 21.64.060.

- b. Street Trees.** The following street trees are required to be installed in accordance with RZC 21.32.090 and Standard Detail 907 which requires structural soils. The minimum size at installation is 2 ½ inch caliper.

Street	Species	Spacing
Road "A"	Fraxinus p. "Marshall's Seedless"	30 feet on-center
Road "B"	Acer rubrum "Bowhall" and Fraxinus p. "Marshall's Seedless"	30 feet on-center
Road "C"	Fraxinus p. "Marshall's Seedless"	30 feet on-center

134th Avenue NE	Fraxinus p. "Marshall's Seedless"	30 feet on-center
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Code Authority: RZC 21.32.090

Condition Applies: Coordinated Civil Review and Construction

- c. **Tree Preservation Plan.** A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil construction drawings. A map of all retained and replacement trees shall be shown and recorded at the time of final plat.

Code Authority: RZC 21.72.060.D

- d. **Tree Health Assessment.** An updated tree health assessment shall be provided during the Civil review process.

Code Authority: RZC 21.32

- e. **Enhancement Mitigation Plan.** All required enhancement and mitigation must be shown on the civil drawings. This includes any required planting, signage, fencing, wetland or stream enhancement, etc. that is required in the report.

Code Authority: RZC Appendix 1

- f. **Monitoring Program and Contingency Plan.** A monitoring program shall be prepared and implemented to determine the success of the mitigation project and any necessary corrective actions. A contingency plan shall be established prior to civil drawing approval for indemnity in the event that the mitigation project is inadequate or fails.

Code Authority: RZC 21.64.010.P

- g. **Critical Areas Recording.** The regulated critical area and its associated buffers must be protected by an NGPE or placed in a separate tract where development is prohibited. Proof of recording must be submitted to the City prior to issuance of a Certificate of Occupancy on the site.

Code Authority: RZC 21.64.010.R.4

Condition Applies: Final Plat documents

- h. **Final Critical Areas Report.** A final Critical Areas Report must be submitted with the civil construction drawings. All required enhancement and mitigation must be shown on the civil construction drawings. This includes any required planting, signage, fencing, wetland or stream enhancement, etc. that is required in the report. If report is greater than two years old at time of CCRs, an updated report shall be submitted.

Code Authority: RZC Appendix 1, Section G.2

Condition Applies: Building Permits and Final Plat documents

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

Code Authority: RZC 21.08.170.H

Condition Applies: Building Permits and Final Plat documents

- j. Residential Architectural, Site, and Landscape Design.** All single-family building permits associated with the Plat shall be reviewed by the Department of Planning and Community Development for conformance with the Residential architectural, site and landscape design requirements. Adequate driveway length shall be maintained to ensure that cars do not overhang sidewalks and block accessible pathways. Please see Building Permit User Guide condition for additional information.

Code Authority: RZC 21.08.180.B , RMC 10.40.070, RZC 21.17.010.F.2. & RZC 21.17.010.F.3.

Condition Applies: Building Permits and Final Plat documents

- k. 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, unless otherwise approved and provisions provided. Shrubs shall be planted to maintain at least four (4) feet of clearance from the center of all fire hydrants/connections.

Code Authority: RZC 21.32.080

- l. Open Space.** The proposal includes development-wide calculations to meet the open space requirements. Each lot shall include a minimum of 10 percent of total lot square footage in open space. Open space for the benefit of the entire development must be contiguous, designed for recreation, and not have a dimension less than 25 feet. Required open space shall be illustrated on the final subdivision document.

Code Authority: RZC 21.08.170.L.2.a

Condition Applies: Building Permits and Final Plat Document

- m. Impact Fees.** For the Purpose of Impacts, the uses assigned for this project have been determined as the following: 51 units classified as single-family residence. There are currently no structures on the site, therefore no impact fee credits are applicable. If the proposed development is eligible for any additional credits including right-of-way dedication and system improvements, these additional credits will be assessed and provided after construction, dedication or implementation is completed and accepted by the City.

Code Authority: RMC 3.10

Condition Applies: Building Permit

- n. **Bonds.** Bonds for Landscaping, Tree Preservation, Tree Replacement and Mitigation shall be provided no less than 5 days prior to request for Mylar signatures. Drafts of the Bond Agreements, Bond quantity Worksheets and Bond Calculation Worksheets shall be submitted at time of Civil Construction Application. If not provided at the time of CCR submittal, the entire submittal will be rejected for intake.

Code Authority: RZC 21.76.090.F

- o. **Building Permit Submittal.** Items listed within the *Building Permit User Guide—Planning* shall be provided and remain code compliant at the time of building permit submittal. All tables, associated information, and submittal items shall be completed per the required formatting. The *Intake Requirements Overview and Signature Page*, Arborist Report (for in-fill lots), Tree Preservation Plan (for active plats), and a copy of the recorded final plat shall be provided no less than two business days prior to permit application submittal. If these requirements are not met and provided at the designated time per the building permit application submittal, your submittal will be rejected.
- p. **Affordable Housing.** The Rosewood Court Preliminary Plat shall demonstrate conformance with the Affordable Housing Regulations in RZC 21.20.050 comprising of two (2) low cost and one (1) affordable for a total of (5) affordable ownership housing units. An agreement in a form approved by the City must be recorded with the King County Recorder's Office to stipulate conditions under which the required affordable housing unit will remain as affordable housing for the life of the development. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant. Prior to the issuance of any building permit, the owner shall sign any necessary agreements with the City to implement these requirements. Applicant shall initiate contract by contacting Ian Lefcourte on Human Services and Long Range Planning staff at 425-556-2438 or at ilefcourte@redmond.gov.

Code Authority: RZC 21.20.050

Condition Applies: Building Permit

- q. **Critical Area Invasive Weed Removal.** Prior to transfer of ownership of Native Growth Protection Tract, all invasive weeds shall be removed to the satisfaction of City of Redmond Natural Resource Department within the tract. In compliance with condition s. below, the work shall be done in coordination with Olympic Pipeline removal standards and if necessary non-mechanical means.

Code Authority: RMC 6.12

Condition Applies: Final Plat documents

- r. **Archeological and Historical Preservation:** The City's standard Inadvertent Discovery Plan (IDP) shall be employed during all ground disturbing activities including but not limited to demolition of the existing residential structure(s), clearing, and grading. The IDP and example photographs of cultural resources shall be posted at the project site in an

easily accessible location. All project proponents and contractors shall be made aware of the purpose and location of the IDP and photographs. The City of Redmond standard Inadvertent Discovery Plan and example photographs are at <http://www.redmond.gov/crmp>:

Planning Your Project Early - Preparing for Inadvertent Discoveries

Planning in advance for the possible discovery of cultural resources helps you and your team prepare and, in the event of a discovery, take steps in accordance with federal, state, and local laws.

Implementation

Two resources provide information and laws. These shall be maintained at the project site and accessible to all participants of the project:

1. Inadvertent Discovery flyer and checklist
2. Cultural Resources photographs (courtesy of WSDOT)

Code Authority: RZC 21.30.070.D

Condition Applies: Civil Construction & Building Permit

- s. Hazardous Liquid Pipeline:** The applicant shall notified utilities through the one-call locator service prior to commencement of any of the permitted work for crossing the Hazardous Liquid Pipeline or for working within the pipeline easement.

Code Authority: RZC 21.26.050.C

Condition Applies: Site Construction

- t. Construction Parking Requirements and Contact Information.** A sign shall be posted on-site visible to the public throughout the duration of all construction activity per the Construction Contact Sign Handout. Construction activities consist of all site work including, but not limited to grading, landscaping, infrastructure and building permit related construction. Applicant and contractor shall work with city planner prior to mylar signing to determine location(s) of sign(s). Contact information shall remain up-to-date and visible at all times. The assigned city planner shall be notified within two business days when contact person has been changed and a picture of the updated sign shall be e-mailed. Construction Parking requirements for the project shall be denoted on the bottom portion of the sign per handout instructions.

Code Authority: RZC 21.76.070.B.3.a.ii.A; Comprehensive Plan TR-19

B. Compliance with City of Redmond Codes and Standards

This approval is subject to all applicable City of Redmond codes and standards, including the following:

Transportation and Engineering

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RZC 21.76.100.F.9.c	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020.G:	Site Construction Drawing Review
RZC 21.76.020.H.6:	Preconstruction Conference
RZC 21.76.020.H.7:	Performance Assurance
RZC Appendix 2:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Record Drawing Requirements (February 2021)
City of Redmond:	Standard Specifications and Details (current edition at the time of this approval letter issued)

Water and Sewer

RMC 13.04:	Sewage and Drainage
RMC 13.08:	Installing and Connecting Water Service
RMC 13.10:	Cross-Connection and Backflow Prevention
RZC 21.17.010:	Adequate Public Facilities and Services Required
RZC Appendix 4:	Design Requirements for Water and Wastewater System Extensions
City of Redmond:	Standard Specifications and Details (current edition at the time of this approval letter issued)
City of Redmond:	Design Requirements: Water and Wastewater System Extensions - April 2019.
RZC 21.54:	Utility Standards

Stormwater/Clearing and Grading

RMC 15.24:	Clearing, Grading, and Storm Water Management
RZC21.64.060.C:	Planting Standards
RZC 21.64.010:	Critical Areas
RZC 21.64.040:	Frequently Flooded Areas
RZC 21.64.050:	Critical Aquifer Recharge Areas
RZC 21.64.060:	Geologically Hazardous Areas
City of Redmond:	Standard Specifications and Details (current edition at the time of this approval letter issued)
City of Redmond:	Stormwater Technical Notebook, Issue No. 8, April 1st, 2019
Department of Ecology:	Stormwater Management Manual for Western Washington (amended December 2014)

Fire

RMC 15.06:	Fire Code
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Fire Department Design and Construction Guide 5/6/97
City of Redmond:	Fire Department Standards

Planning

RZC 21.08	Residential Regulations
RZC 21.20	Affordable Housing
RMC 3.10	Impact Fees
RZC 21.32, 21.72:	Landscaping and Tree Protection
RZC 21.24	Fences
RZC 21.26	Hazardous Liquid Pipelines
RMC 6.36:	Noise Standards
RZC 21.40:	Parking Standards
RCZ 21.64:	Critical Areas
RZC Appendix 1:	Critical Areas Reporting Requirements

Building

2015 International Building Codes (IBCs)
2015 Uniform Plumbing Code
2015 International Residential Code (IRC)

Decided November 19, 2021.

By:



Sharon A. Rice
City of Redmond Hearing Examiner

Note: Type III decisions of the Hearing Examiner may be appealed to the King County Superior Court as provided in RZC 21.76.060.J.

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

3
4 In the Matter of the Application of) NO. LAND-2019-01105 & SEPA 2019-01129
5)
6 **Rosewood Court**)
7) PRELIMINARY PLAT
8)
9) CERTIFICATE OF SERVICE

10 CERTIFICATE OF SERVICE

11
12 I HEREBY CERTIFY that on this 22nd day of November, 2021, a true and correct copy of the Findings,
13 Conclusions and Decision in the Matter of the Application of **ROSEWOOD COURT, LAND-2019-**
14 **01105 & SEPA 2019-01129** for approval of a Preliminary Plat was sent via email to the Staff Planner
15 and via United States Postal Service first class mail to the Parties of Record with adequate postage
16 prepaid.

17
18 November 22, 2021

19 _____
20 Date

21 *Cheryl Xanthos*

22 _____
23 Cheryl Xanthos
24 City Clerk, MMC
25 City of Redmond, Washington