

Exhibit 8

RZC 21.17 ADEQUATE PUBLIC FACILITIES AND UNDERGROUNDING OF UTILITIES

21.17.010 Adequate Public Facilities and Services Required

A. **Purpose.** The purpose of this section is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the Public Facilities and Services planning goal of the Washington State Growth Management Act, as amended, and the policies of the Redmond Comprehensive Plan by:

1. Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision before development.
2. Allocating the cost of those facilities and services based upon the extent to which the development contributes to the need for such facilities and services.
3. Providing a mechanism to relate development standards and other requirements of the RZC to:
 - a. Adopted service level standards for public facilities and services.
 - b. Procedural requirements for phasing development projects to ensure that services are provided as development occurs.
 - c. The review of development permit applications.

B. General Requirements.

1. All new development proposals, including any use, activity, structure, or division of land allowed by the RZC or the Redmond Municipal Code that requires City of Redmond approval, shall be adequately served by the following facilities and services prior to the time of occupancy, recording, or other land use approval, as further specified in this chapter:
 - a. Sewage disposal.
 - b. Water supply.
 - c. Surface water management.
 - d. Streets, sidewalks, trails, and access.
 - e. Fire protection service.
2. All improvements, dedications, or property transfers required under this chapter shall meet the following requirements:
 - a. The impacts of the development must contribute to the need for the required improvement, dedication, or transfer.
 - b. The required improvement, dedication, or transfer must alleviate or mitigate the need created by the development.
 - c. The required improvement, dedication, or transfer must be related in nature and extent to the impact of the development; i.e., it must be roughly proportional to the impact of the development.
3. The decision maker may waive required improvements, dedications or property transfers if it determines that any of the requirements in subsection 2.a, 2.b or 2.c above are not met or;
 - a. If constructed, the use or operation of the improvements would decrease public safety; or
 - b. The improvement is planned to be improved as a whole through a fully funded capital improvement project programmed by the City, County or State, and
 - i. The developer contributes to the cost of the improvement through payment of impact fees or other payment based on the impacts of the development; and

- ii. The property owner signs a covenant not to oppose formation of a Local Improvement District (LID) for the planned improvement.

C. Certificates of Water and Sewer Availability Outside City Limits. Whenever the City agrees to provide water or sewer service to development outside of the city limits, a certificate of water or sewer availability will be issued.

D. Adequate Water Supply and Sewage Disposal.

1. All uses and development shall be served by an adequate public water supply system, including both supply and distribution, and an adequate public sewage disposal system, including both collection and treatment facilities, that meet the requirements of this section.
2. A public water system is adequate for a use or development proposal if the following requirements are met:
 - a. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate the following:
 - i. The proposed development can be connected to the City's water supply system or another system approved by the City.
 - ii. The water supply system can supply sufficient flows to serve the proposed uses and their needed fire flows.
 - iii. The water supply system has sufficient storage capacity to serve the proposed uses and their needed fire flows.
 - b. The decision maker shall review the proposed water supply system and, if the system meets the requirements of this section, approve the water system. The decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met. These improvements include, but are not limited to:
 - i. The construction of mains in all public and private streets or utility easements within and adjacent to the proposed development.
 - ii. The construction of mains through the development to adjacent properties to provide for a well-gridded water system, and allow adjacent properties to connect to and extend the water system.
 - iii. The construction of off-site improvements needed to:
 - A. Connect to the existing system.
 - B. Provide the storage and flows needed to meet the level of service standards and the requirements of the Water System Plan.
 - C. Provide the storage and flows needed to meet the water demands generated by the proposed development.
 - D. Provide the storage and flows needed to supply the fire flows needed to serve the development.
 - iv. The construction of pressure-reducing valves and similar appurtenances to provide pressure zone separation in the distribution system.
 - v. The construction of pump stations needed to serve the development if it is in a special pressure zone. This will only be required or allowed in accordance with designated permanent pump stations listed or shown in the current Water System Plan.
 - vi. The construction of replacements or improvements to existing facilities in order to maintain an established level of service for water system demand and fire flow to the development.
 - vii. The construction of replacements or improvements to existing off-site facilities to the extent that the new development would cause the level of service for existing customers to drop below existing standards.
 - viii. The transfer or dedication of easements or land needed for the construction and maintenance of water system improvements.

3. A public sewage disposal system is adequate for a use or development if the following requirements are met:
 - a. For the issuance of a building permit for a new structure that requires sewage disposal, preliminary subdivision approval, short plat approval, binding site plan approval, site plan entitlement approval, or other land use approval:
 - i. The site shall be connected to the City's sewage collection system in compliance with the General Sewer Plan, or its successor.
 - ii. The disposal system has been approved by the decision maker as being consistent with applicable state and City policies, regulations, design and operating guidelines.
 - b. The decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met. These improvements include, but are not limited to:
 - i. The construction of mains in all public and private streets or utility easements within and adjacent to the proposed development.
 - ii. The construction of mains through the development to serve the lots and buildings within the development and to adjacent parcels to allow adjacent properties to connect to and extend the sewer system.
 - iii. The construction of off-site improvements needed to connect to the existing system and to provide collection capacity needed to meet the level of service standards and the anticipated demand from the service area.
 - iv. The construction of wastewater pump stations needed to serve the development because of topographical considerations. This will only be required in accordance with or allowed with designated wastewater pump stations listed or shown in the current General Sewer Plan, or its successor.
 - v. The construction of replacements or improvements to existing facilities in order to maintain established level of service for wastewater discharge from the service area.
 - vi. The construction of replacements or improvements to existing off-site facilities to the extent that the new development would cause the level of service for existing customers to drop below existing standards.
 - vii. The transfer or dedication of easements or land needed for the construction and maintenance of sewer system improvements.
4. A private sewage collection and disposal system meets the requirements of this subsection where all of the following requirements are met:
 - a. The system will serve one single-family residence developed at an average density of one dwelling unit per acre or less.
 - b. The zoning district in which the single-family residence will be located has a maximum density of one dwelling unit per acre or less.
 - c. The Seattle-King County Department of Public Health, or its successor, has approved the private sewage collection and disposal system as meeting all of the department's applicable requirements.
5. For final inspection approval for a building, the issuance of a certificate of occupancy for a building, or approval of a change of use; the approved connections to the City water system and any system improvements needed to adequately serve the proposed building or use and the approved sewage disposal system required in subsections D.1, D.2, and D.3 or D.4 of this section shall be installed to serve each building or lot.
6. Before recording a final plat, a short plat, or a binding site plan: either the approved connections to the City water system and any system improvements needed to adequately serve the proposed building or use and the approved public sewage disposal system required in subsections D.2 and D.3 or D.4 of this subsection shall be installed to serve each lot, or a performance guarantee complying with the requirements for

subdivisions, short subdivisions, or binding site plans shall be used to guarantee the future installation of the approved public sewage collection system. The performance guarantee may be assigned to the City to assure the construction of the required facilities if the system is not otherwise constructed to City standards as required by City performance guarantee requirements.

7. For the issuance of a building permit, site plan approval, or changes in use, any sewage pretreatment or treatment facilities required by any government agency shall be provided at occupancy. The property owner and occupant shall maintain and operate the pretreatment facility for the life of the use.

E. Surface Water Management. All new development shall be served by an adequate surface water management system complying with the policies of the Comprehensive Plan and meeting the requirements of RMC Chapter 15.24, Clearing, Grading, and Stormwater Management, and the Stormwater Technical Notebook. Such systems include facilities that first, reduce the volume of runoff from leaving developed sites by infiltrating stormwater. Most systems then also require flow control and treatment facilities to manage the remaining volume of stormwater runoff.

1. Areas for On-Site Stormwater Infiltration Facilities (Minimum Requirement #5): In accordance with RMC 15.24.080(5), the installation of on-site stormwater infiltration facilities is required where feasible for all sites Citywide. Early in the planning process, it is important to identify areas where this requirement may be met. For planning purposes, during preliminary site design and prior to site land entitlement, development projects shall identify potential areas for on-site stormwater management infiltration as required by Minimum Requirement #5 in RMC 15.24.080(5), and in accordance with standards found in the Stormwater Technical Notebook. Depending on site conditions and the type of facilities selected, the actual area required for infiltration facilities may be less or greater than these initial estimated areas. During land use entitlement, the applicant may use site-specific hydrologic modeling to provide more specific information detailing how the site will meet Minimum Requirement #5 requirements. If not determined during land use entitlement, the actual areas required for on-site infiltration facilities shall be determined by modeling and engineering information provided during coordinated civil review. Infiltration facilities may be co-located with building setbacks, landscaping areas, and open spaces. Structures that accommodate the infiltration of stormwater into the ground are allowed within infiltration areas. Infiltration facilities may be placed beneath impervious surfaces. Above-ground and below-ground structures that reduce the opportunity to infiltrate stormwater into the ground or prevent maintenance of infiltration facilities are prohibited within infiltration areas. Infiltration facilities may not be located within fish and wildlife habitat conservation areas, wetlands, geologically hazardous areas, or their buffers.

2. Areas for Stormwater Runoff Management Facilities (Minimum Requirements #6 and #7): Precipitation that does not infiltrate into the ground, flows overland and becomes stormwater runoff. In accordance with RMC 15.24.080(6) and RMC 15.24.080(7), stormwater runoff treatment and flow control is required in order to reduce erosion, flooding and water quality impacts. In addition to areas for on-site stormwater infiltration facilities, most development sites will require additional areas for the construction of runoff flow control and treatment facilities as described in the Stormwater Technical Notebook. Sites served by regional stormwater facilities (RMC 13.20) may meet these requirements by paying a fee in lieu of having to construct flow control and runoff treatment facilities.

3. Stormwater Management Requirements within Specific Locations in Redmond: The Stormwater Technical Notebook details information regarding the on-site stormwater infiltration, flow control, and treatment requirements that apply in specific areas of Redmond. This information should be consulted during preliminary site design.

F. Adequate Streets, Sidewalks, and Trails. Except as provided in RZC 21.17.010.B.3, it shall be a condition of approval for development permits that public improvements, including paving, curbs, sidewalks, storm drainage, street lights, and underground utilities (except as provided for in RZC 21.17.020), conforming to the standards adopted by the Technical Committee shall be installed by the applicant prior to final approval or occupancy as follows:

1. This subsection shall apply to:

- a. New commercial, industrial or residential construction (multifamily and new single-family on infill lot, except for accessory dwelling units)
 - b. New subdivisions
 - c. Dedication of private streets
 - d. Remodeling or additions to existing commercial, industrial, or multifamily residential buildings or conversions to these uses that increases gross floor area by 20 percent or greater, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure.
 - e. Remodeling or additions to existing single-family residential buildings that increases the gross floor area by 100 percent or more, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure. The decision maker may waive this requirement if any of the conditions set forth in subsection 21.17.010.B.3 are present.
2. All new uses or development shall be served by adequate streets, sidewalks, and trails. Street improvements shall as a minimum include half the street abutting the property, but may extend to full street improvements to ensure safe movement of vehicles, bicyclists, or pedestrians. Additional construction may also be required beyond the property frontage to the minimum extent to ensure safe movement of vehicles, bicyclists, or pedestrians, to ensure safe walking conditions for students who walk to and from school, or to connect with nearby improvements within one-tenth (1/10) of a mile. Streets, sidewalks, and trails are adequate if all of the following conditions are met:
- a. The development's traffic impacts on surrounding public streets are acceptable under the level-of-service standards and the compliance procedures in *RZC 21.52, Transportation Standards*.
 - b. The construction requirements of *RZC 21.52.030, Street and Access Standards*, are met.
 - c. The proposed development and the traffic, pedestrians, and bicyclists generated by or attracted to the development will not create safety hazards on nearby streets and sidewalks or those hazards will be corrected by the applicant.
 - d. All trails, bikeways, bicycle lanes, and bicycle routes shown in the Comprehensive Plan on or adjacent to the development are constructed and dedicated or transferred to the City.
 - e. All sidewalks and pedestrian improvements required by the RZC are provided.
 - f. Other public improvements may be required by the RZC as part of street improvements for development. These may include, but are not limited to, sidewalks, landscaping, street trees, pedestrian and equestrian paths, curb ramps, safety railings, guard rails, traffic calming measures, and transit and bicycle facilities.
 - g. The proposed circulation system of a proposed subdivision, short subdivision, or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the decision maker.
 - h. Every lot upon which one or more buildings are proposed to be erected, or a traffic-generating use is proposed to be established, shall establish safe access as follows:
 - i. Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the requirements of *RZC 21.60, Citywide Design Standards*.
 - ii. Direct access from the street right-of-way, fire lane, or a parking space to any part of the property as needed to provide public services in accordance with adopted standards (e.g., fire protection, emergency medical service, mail delivery, and trash collection).
 - iii. Direct access from the street right-of-way, driveway, alley, or other means of ingress and egress approved by the City of Redmond to all required off-street parking spaces on the premises.
3. Sidewalks, Walkways, Trails, Bikeways, Bike Lanes, Bicycle Routes, and other Nonmotorized Connections.
- a. Required location and installation. As development occurs, sidewalks, walkways, trails, bikeways, bike lanes, bicycle routes or other nonmotorized connections shall be provided and installed within public rights-of-way or easements that guarantee public access. Trails, walkways, and bikeways shall follow the

routes shown in the Comprehensive Plan, but may vary if connections between points are maintained. In determining the location of walkways, trails, bikeways, bike lanes, and bicycle routes, the following factors shall be considered in determining requirements for and locations of required improvements:

- i. Compliance with the Comprehensive Plan, including the Transportation Master Plan;
 - ii. The need to improve access to public facilities;
 - iii. The need to connect a development with various ways, such as streets, trails, bikeways, and walkways;
 - iv. The need to provide access between developments and uses;
 - v. Compliance with standards in RZC 21.17.010.F.2;
 - vi. Need for sidewalks on both sides of a street;
 - vii. The feasibility of constructing the facility in the proposed route;
 - viii. Compliance with Appendix 2, Standard Specifications and Details; and
 - ix. Compliance with RZC 21.10, *Downtown Regulations*, RZC 21.12, *Overlake Regulations*, and RZC 21.08, *Residential Regulations*.
4. The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal only if it will generate additional traffic above that currently generated by the use.
 5. The decision maker shall review the proposed transportation improvements and, if the improvements meet the requirements of this section, approve them. The decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met.

G. Adequate Fire Protection.

1. All new developments shall be served by adequate fire protection. This requirement shall be met if:
 - a. The site of the proposed development is served by a water supply system that provides the required minimum fire flow.
 - b. The site of the proposed development is served by a street system or fire lane system that provides life safety/rescue access.
 - c. The site of the proposed development and any proposed buildings meet the fire protection requirements for buildings in RMC Chapter 15.06, Fire Code.
 - d. Emergency access easements needed to maintain required emergency access and fire lane systems are created and recorded.
2. The decision maker shall review the proposed fire improvements and, if the improvements meet the requirements of this section, approve them. The decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met.

H. Construction Standards, Specifications, and Drawings.

1. The Public Works Department, or its successor, shall prepare and approve:
 - a. Design standards, construction specifications, and construction details for water systems, sewer systems, stormwater systems, streets, sidewalks, bikeways, and other ways.
 - b. Construction and as-built drawing formats and content requirements.
2. For any facilities to be dedicated or transferred to the City of Redmond or required under the RZC, the person constructing the facility shall submit construction drawings to the Public Works Department for approval before construction of the improvements.
3. For any facilities to be dedicated or transferred to the City of Redmond or required under the RZC, the person constructing the facility shall submit as-built construction drawings to the Public Works Department for

approval after the facilities are built and before the improvements are accepted.

(Ord. 2652; Ord. 2662; Ord. 2803, Ord. 2858)

Effective on: 12/17/2016

21.17.020 Electrical Equipment and Wiring

A. Purpose. The purpose of this section is to ensure the placement of utilities underground in order to:

1. Eliminate safety issues caused by damaged overhead lines;
2. Reduce the number of service interruptions caused by storms;
3. Remove utility poles which are a hazard along streets; and
4. Improve the appearance and aesthetics of the public ways.

B. Requirements for Wiring and Electrical Equipment.

1. Existing aerial wiring shall be relocated underground and new facilities installed underground within a property and within the public right-of-way abutting the property when one or more of the following occurs:
 - a. Subdivisions are developed;
 - b. Short subdivisions are developed;
 - c. Local improvement districts and utility local improvement districts are developed;
 - d. Street or utility improvements are undertaken;
 - e. Binding site plans are developed;
 - f. New commercial, industrial, or multifamily residential buildings are constructed;
 - g. Remodeling or additions to existing commercial or industrial buildings, or conversions to these uses that increase gross floor area by 50 percent or more, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure, and to multifamily residential buildings whenever any alterations or repairs exceed 100 percent of the value of the previously existing structure; or
 - h. Building complexes or other projects are developed and are of a size to warrant undergrounding.
2. Wiring for electrical, communication, and other purposes serving a building or property shall be relocated or placed underground from the point of primary distribution to within a property when one of the following occurs:
 - a. The overhead electrical, communication, and primary utility distribution facilities are relocated underground;
 - b. Remodeling or additions to existing commercial or industrial buildings or conversions to these uses takes place;
 - c. The electrical service panel within a structure, or the service lines to the structure, are upgraded or modified; or
 - d. Construction of new single-family residences or remodeling or additions to any type of existing residential building that increases gross floor area by 20 percent or more, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure.
3. All new equipment related to the provision of electrical service, communications, or other utilities, except transformers, switch cabinets, traffic signal cabinets, and street lighting cabinets, shall be installed in one of the following locations:
 - a. Underground;
 - b. Inside a building;
 - c. In a service alley;

d. Immediately adjacent to a building and screened from view; or

e. In a landscaped area and screened from view.

The decision maker may approve an alternate location if an applicant demonstrates that the equipment cannot be placed in any of the above locations.

4. All existing aboveground equipment related to the provision of electrical service, communications, or other utilities, except transformers, switch cabinets, traffic signal cabinets, and street lighting cabinets, shall be relocated and placed within one of the locations described in subsection B.3 whenever any of the conditions set forth in subsections B.1 or B.2 are present.
5. Traffic signal cabinets and street lighting cabinets shall be placed within the street furnishings zone where this zone exists or in a less conspicuous or other alternate location when all operational and maintenance needs of the City of Redmond and other utilities related to safety, access and visibility are met. The street furnishings zone is described in the Transportation Master Plan and consists of a hard surface area between the sidewalk and curb in which trees, benches, trash receptacles, and other street furniture serving pedestrian needs are placed.
6. Where the decision maker has determined that interim street improvements are adequate as provided in RZC 21.52.030, *Street and Access Standards*, the requirement to underground distribution facilities may be temporarily waived

C. Overhead Facilities Prohibited. As overhead communication, electrical, and utility facilities are relocated underground, persons and businesses served by such facilities shall relocate all overhead connections underground and connect to the new underground facilities within 90 days of the date of undergrounding completion.

D. Property Owner's Responsibility for Rewiring. The property owner is responsible for providing all labor and materials for any required rewiring and relocation of existing facilities between primary relocation and the point at which secondary service is received on the customer's premises. The property owner shall also provide necessary occupancy rights and easements for transmission facilities and maintenance.

E. Construction Specifications. The design and construction specifications for underground facilities covered by this section shall be subject to approval by the Director of Public Works.

F. Exemptions. The requirements of this section shall not apply to electrical distribution substations nor to electrical lines of greater than 50 kV capacity unless it can be shown that the undergrounding of these lines has become economically feasible. This section shall also not apply where the utility demonstrates that its facilities will not function properly if located underground or cannot be maintained properly if so located.

(Ord. 2652; Ord. 2662)

Effective on: 9/15/2012

21.17.030 Requests to Modify or Rescind Requirements

A. Requests to Modify or Rescind Requirements.

1. An applicant may request that the decision maker modify or rescind a required improvement, dedication, or transfer if the requirement does not meet all of the provisions of RZC 21.17.010.B.2.
2. The applicant shall explain what condition justifies the modification or rescission. The request shall be made in writing and be made no later than the end of the appeal period for the approval that imposes the required improvement, dedication, or transfer.
3. The decision maker shall adopt written findings and conclusions documenting its decision to approve or deny the request. The findings and conclusions shall document whether (i) the development contributes to the need for the required improvement or dedication and (ii) the required improvement or dedication is roughly

proportional to the impact from the development. The decision maker shall consider whether credits, latecomer's fees, or other measures can be used to modify the required improvement, dedication, or transfer so that it is roughly proportional to the impact from the development.

4. As a condition of approving an exception, the decision maker may require:

- a. Those dedications or improvements necessary to mitigate the impacts of the development; and
- b. The applicant to furnish and implement an interim improvement plan to mitigate the impacts of the development. Any interim improvement plan may include a covenant consenting to formation of a local improvement district and a plan for the installation of improvements that will bring the facility up to the adopted level of service standards. Any requirement to prepare an interim plan shall be proportionate to the scale of the proposed development.

(Ord. 2662)

Effective on: 9/15/2012