NOTICE OF DECISION

City of Woodinville

Development Services Department
425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072
Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

The City of Woodinville has issued a Notice of Hearing Examiner Decision for the following project:

Project Name: Slocum Subdivision

Proponent: Steve Calhoon of Pace Engineers, on behalf of Mark A. Slocum, Trustee of the Testamentary Trust of Lester T. Slocum

Project Number: PPA12002/SEP12003/DEC12011

Description of proposal: Preliminary plat application to subdivide an existing 4.45 acre parcel into twenty-three (23) single-family residential lots in the R-6 zoning district. Construction will include grading in quantities of approximately 45,000 cubic yards, erosion control, street frontage improvements, wetland mitigation, tree protection, and drainage improvements. SEPA is required for developments of five or more lots.

Project Decision: Approved with Conditions

Project Location: 194xx 136th Avenue NE, Woodinville, WA.

Notice of Decision Date: July 22, 2013

End of Appeal Period Date/Time: August 5, 2013 by 4:00 p.m.

Project Permit Expiration Date: July 22, 2020 (7 years per state law)

A public hearing was held before the Woodinville Hearing Examiner on June 25, 2013 for review of the Preliminary Plat application. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Woodinville Hearing Examiner, subject to the attached Findings of Fact, Conclusions and Decision.

The Preliminary Plat shall be valid for seven (7) years from the date of this Notice of Decision. If final plat approval is not obtained within this period, the Preliminary Plat shall become null and void, and a new application would need to be submitted.

The Preliminary Plat shall also be declared void if there is a failure to comply with the approved plans or conditions of approval.

The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133rd Avenue NE, Woodinville, WA 98072. Contact: Erin Martindale, Project Manager, at (425) 877-2283. Email address: erinm@ci.woodinville.wa.us.

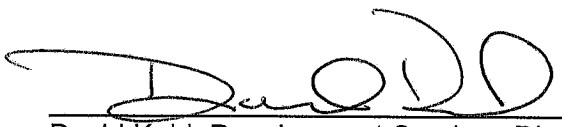
Appeals

A Party of Record must file an appeal of this decision within fourteen (14) days from date of this Notice of Decision. The final decision of the Hearing Examiner's Decision is appealable to the Woodinville City Council. Appeals must be delivered to the City of Woodinville and must be filed no later than Monday, August 5, 2013 by 4:00 p.m.

Appellants must be a party of record. To receive additional information on appeals for this application, please contact the Project Manager listed below.

Affected property owners may request a change in valuation with King County for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the King County Assessor's Office at 206-296-7300.

Contact person: Erin Martindale, Project Manager **(425) 877-2283**
Email address: erinm@ci.woodinville.wa.us

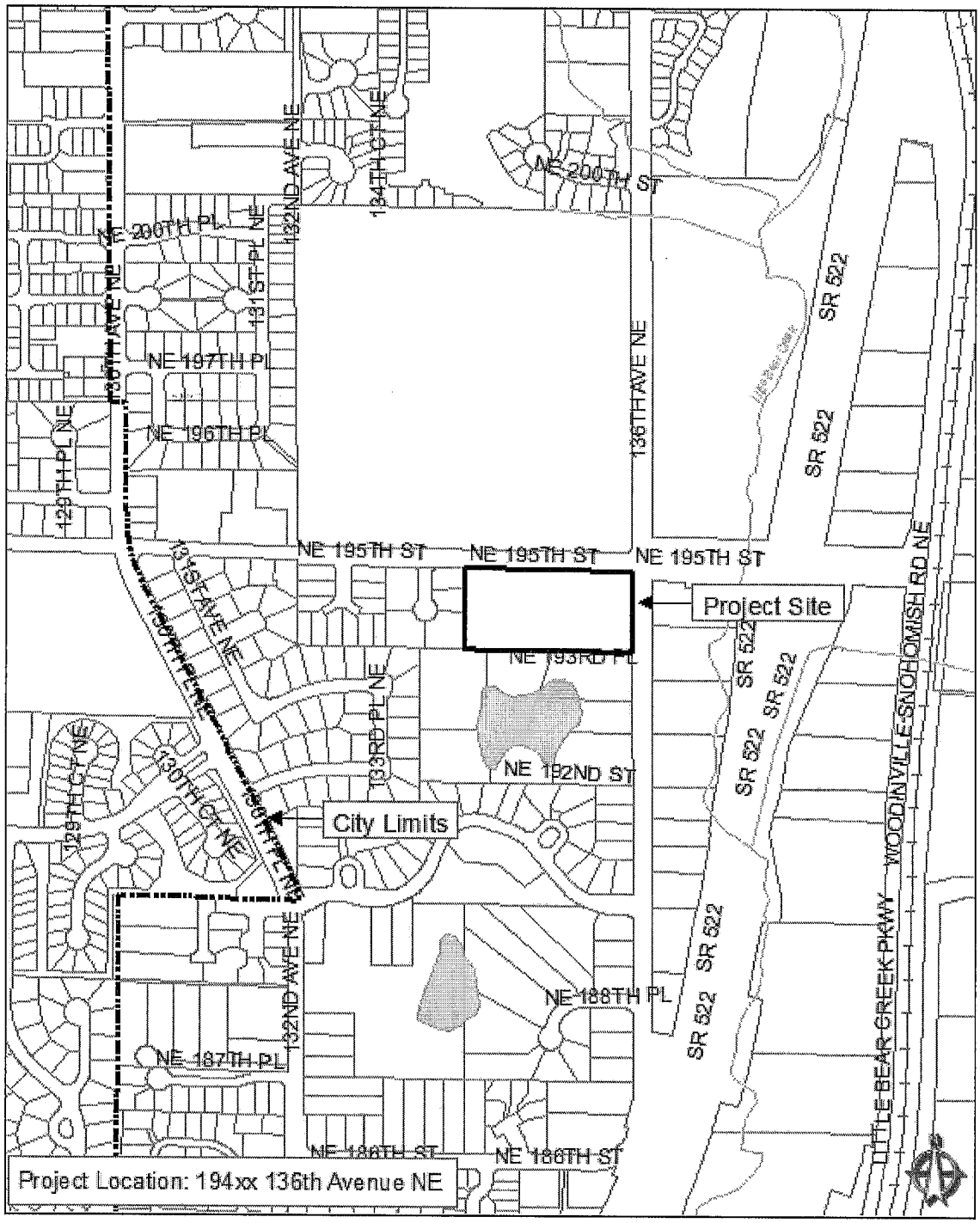


Date: July 22, 2013

David Kuhl, Development Services Director

Project Name: Slocum Subdivision
File Numbers: PPA12002/SEP12003/DEC12011

Location Map



BEFORE THE HEARING EXAMINER
FOR WOODINVILLE

In the Matter of Application of)	NO. PPA12002/SEP12033/DEC12011
Mark A. Slocum, Trustee of the Testamentary Trust)	
of Lester T. Slocum,)	FINDINGS, CONCLUSIONS AND
(Steve Calhoon of Pace Engineers-Representative;)	DECISION
)	
Applicant)	

SUMMARY OF DECISION

Based on the preceding Findings of Fact and Conclusions and the testimony and evidence provided in the administrative record at the open record hearing of the request it is hereby ordered that the preliminary plat to subdivide an existing 4.45 acre parcel at 194XX 136th Avenue NE into twenty-three (23) single-family residential lots, and the site plan and the requested deviations from certain development standards is granted subject to the conditions as listed:

SUMMARY OF RECORD

Request:
Steve Calhoon of Pace Engineers, on behalf of Trust of LT Slocum (Applicant), applied for a preliminary plat to subdivide an existing 4.45 acre parcel at 194XX 136th Avenue NE[1] into twenty-three (23) single-family residential lots. The property is in an R-6 zoning district.

Hearing Date:
A hearing on the request was held before the Hearing Examiner of Woodinville June 25th, 2013.

Testimony:
At the hearing, the following individuals presented testimony under oath:
Erin Martindale, City of Woodinville
Thomas Hansen, City of Woodinville
Pete Lymberis, Representative of Applicant

Exhibits of Evidence:
At the Hearing the following Exhibits were submitted and admitted as part of the record in this proceeding:

Ex. 1 Staff Report (includes recommendation of City)
Ex. 2 Application forms received November 21, 2012 and November 27, 2012
Ex. 3 Preliminary Plat Map, Preliminary Wetland Mitigation Plans, and Preliminary Civil Plans submitted May 1, 2013, prepared by Pace Engineers, Inc.

[1] Legally described as the east half of Lot 4, Block 3, Bear Creek Addition to Day City, According to the Plat thereof recorded in Volume 5 of Plats, Page 82, in King County, Washington, Woodinville, WA.

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City of Woodinville

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CITY OF WOODINVILLE
DEVELOPMENT SERVICES

Ex. 4	Certificate of Water Availability dated September 21, 2012
Ex. 5	Certificate of Sewer Availability dated September 25, 2012
Ex. 6	Northshore School District School Walk Safety Assessment dated November 1, 2012
Ex. 7	Letter of Complete Application issued December 19, 2012
Ex. 8	Published and Posted Notice of Application issued December 31, 2012
Ex. 9	Title Report dated November 13, 2012
Ex. 10	Technical Information Report dated November 21, 2012, prepared by Pace Engineers, Inc.
Ex. 11	Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Study dated November 19, 2012, prepared by Associated Earth Sciences, Inc.
Ex. 12	Subsurface Exploration and Infiltration Testing dated November 20, 2012, prepared by Associated Earth Sciences, Inc.
Ex. 13	Draft [Geotechnical] Comment Response Regarding Stormwater Treatment, dated March 11, 2013, prepared by Associated Earth Sciences, Inc.
Ex. 14	[Geotechnical] Plan Review Response #2 dated April 30, 2013, prepared by Associated Earth Sciences, Inc.
Ex. 15	Stopping Sight Distance Checks dated May 8, 2013, prepared by Pace Engineers, Inc.
Ex. 16	Critical Area Assessment revised date March 12, 2013, prepared by Raedeke Associates, Inc.
Ex. 17	Revised Tree Inventory Report dated April 30, 2013, prepared by Shoffner Consulting
Ex. 18	Cultural Resources Assessment for the Slocum Subdivision dated March 20, 2013, prepared by Tierra Right-of-Way
Ex. 19	Revised Transportation Impact Analysis dated March 2013, prepared by Transpo Group
Ex. 20	Deviation Requests and Approval
Ex. 21	Public Comments Received
Ex. 22	Agency Comments Received
Ex. 23	Comment Response Letters submitted March 14, 2013 and May 1, 2013, prepared by Pace Engineers, Inc.
Ex. 24	SEPA Determination of Nonsignificance issued May 6, 2013 and SEPA checklist dated November 21, 2012
Ex. 25	Public Hearing Notice Issued June 10, 2013
Ex. 26	Email Correspondence Between TM Gan and Quadrant Homes, Regarding Tree Impacts, dated June 3 to 5, 2013
Ex. 27	Sketch showing 96 foot cul-de-sac proposal
Ex. 28	Slocum Subdivision Lot Dimension Calculations
Ex. 29	Documentation of Fence Removal
Ex. 30	Revised conditions submitted by Development Services
Ex. 31	Letter dated June 19, 2013, from Richard C. Reed
Ex. 32	PowerPoint Public Hearing June 25, 2013
Ex. 33	Sign in sheet for public hearing

Based on the testimony and evidence submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions to support the final decision:

FINDINGS

1. The Applicant applied for a preliminary plat to subdivide a 4.45 acre parcel at 194XX 136th Avenue NE into twenty-three (23) single-family residential lots.[2] The property, located in the City's Wedge Neighborhood, is at the southwest corner of the intersection of NE 195th Street and 136th Avenue NE. and is zoned by the City of Woodinville with a Residential, 6 units per acre (R-6) zoning designation. It has a Comprehensive Plan designation of Moderate Density. *Exhibit 1, pg. 1; Exhibit 2; Testimony of Ms. Martindale*

2. While most of the 4.45 acre site is relatively flat, there are some isolated slopes (near the NE 195th Street and 136th Avenue NE intersection) that have slopes of over 40 percent. There is a Class 3 wetland along 136th Avenue NE that is proposed to be filled, with off-site mitigation provided. The property is vacant and contains vegetation of mature trees. *Exhibit 1,* pgs. 1 and 2; *Exhibit 3, pgs 3, 7 and 9; Exhibit 10, pg. 2*

3. The property to the north of the site is zoned Public/Institutional (P/I) and developed as Woodinville High School. The properties to the south, east and west of the site are zoned R-6 (6 units per acre) and developed with single family structures. *Exhibit 1; pg. 2; Testimony of Testimony of Ms. Martindale*

4. Pursuant to the Washington State Environmental Policy Act (RCW 43.21(C) (SEPA), the City of Woodinville was designated as the lead agency for identifying environmental impacts from the construction of the project. As the lead agency, the City of Woodinville reviewed the request, the Environmental checklist and other documents submitted by the Applicant, public comments and the applicable law related to the request. Subsequent to the review, on May 6th, 2013 the City issued a Determination of Nonsignificance (DNS) pursuant to RCW 43.21C and the Washington Administrative Code 197-11-340(2). No appeals were filed. *Exhibit 24; Exhibit 1, pg. 7; Testimony of Ms. Martindale.*

5. Adequate utility service is available to the proposed subdivision. It will include: water and sewer services from the Woodinville Water District; electricity service from Puget Sound Energy; natural gas service from Puget Sound Energy; and telephone and cable service from Frontier and Comcast. All new utilities are to be placed underground. *Exhibit 1, pg. 2 and 5; Testimony of Ms. Martindale; and Exhibit 3, page 1 of 9; Exhibits 4 and 5.*

6. Currently, there is no existing on-site storm drainage system. While the site has no obvious surface drainage patterns, there appears to be very well drained Everett soils that allow flow of stormwater to infiltrate the ground. In the northeastern part of the site there are areas that have groundwater near the surface. *Exhibit 10, pg. 4.* As part of the plat improvements, a detention pond is proposed on the northeast corner of the property in Tract D, with all impervious surfaces from the public and private roads being drained to

[2] At the time of hearing the exact street address of the proposed plat had not been determined. The description as listed in footnote 1 of this document accurately describes the property.

the pond. Infiltration trenches for drainage from impervious surfaces are proposed on each lot. While Tract D will be dedicated to and maintained by the City, the maintenance of the infiltration trench on each lot will be the responsibility of the private owner. *Testimony of Ms. Martindale,* Exhibit 1, pgs. 5 and 6; *Exhibit 10. Pg. 5*

7. The internal road of the plat will be Little Bear Creek Place, a cul-de-sac projected to have a 55 foot right-of-way with curbs gutters and sidewalks. The new street will access off 136th Avenue NE, and, the lots of the plat will ingress and egress off it. Pedestrian and street improvements will also be constructed along the property frontage of NE 195th Street and 136th Avenue NE. The access for lots 9-12 will be an interior road off the bulb of the cul-de-sac to Tract B, a private road; the access for lots 14-17 will also be an interior road off the same bulb to Tract A. Both of these access roads will be private. *Exhibit 1, pg. 2; Testimony of Ms. Martindale; and Exhibit 3*. Street lighting would be installed with a final plan submitted prior to issuance of any construction permit. Street lights must be installed, along with other frontage improvements, prior to the recording of the final plat. *Exhibit 1, pg. 5; Exhibit 22, pg. 7*

8. As established in the fire code, a cul-de-sac bulb must be designed to have a minimum diameter standard of 96 feet. While the cul-de-sac as shown on the plans has a diameter of 90 feet, the Applicant has provided the City with documentation that the 96 foot diameter is possible without impact to other City standards for the proposed lots. The bulb redesign would result in the removal of the landscape planter between the roadway and the sidewalk and the installation of a center island landscaping area within the cul-de-sac. A sketch of the redesign that was provided to the City by the Applicant and updated plans will be provided for review prior to site development permit issuance. *Exhibit 1, pg. 5; Testimony of Ms. Martindale; Testimony of Mr. Hansen; Exhibit 27*

9. The City of Woodinville Comprehensive Plan designates the subject property as Moderate Density Residential. The City Planning Department reviewed the project with the goals and policies of the Comprehensive Plan and determined that the proposed development will be consistent with the Plan and the designation. In particular, the City noted that the following sections of the Plan are satisfied for the public good:
   a) GOAL LU-1: To guide the City's population growth in a manner that maintains or improves Woodinville's quality of life, environmental attributes, and northwest woodland character.
   b) Policy LU-1.2 Encourage future development in areas:
      1. With the capacity to absorb development (i.e., areas with vacant or underdeveloped land and available utility, street, park, and school capacity, or where such facilities can be cost effectively provided), and
      2. Where adverse environmental impacts can be minimized; and where such development will enhance the area's appearance or vitality
   c) Policy LU-3.1 Encourage development that complements the existing residential development patterns in Woodinville's neighborhoods.

   Testimony of Ms. Martindale; Exhibit 1, pg 3

10. In an R-6 zone the maximum base density is 6 units per acre. The area of the subject property is 4.448 acres with no submerged land area on site. Applying the density standard to the area of the property, the maximum allowed density would be 27 lots.[3] The Applicant has designed the plat to take advantage of lot averaging allowed pursuant to Woodinville Municipal Code (WMC) 21.12.180. The Applicant proposed 20 lots which is 75% of the allowed density. *Testimony of Ms. Martindale; Exhibit 3, preliminary plat map.* The lot averaging calculations for the plat were prepared by the Applicant and reviewed by the City. Although the minimum lot size for R-6 zoned property is 6,000 square feet, a lot may be 0.85% of the minimum lot area upon certain conditions. *Exhibit 1, pg 3.* For the instant plat the average lot area is 6,080 square feet and the smallest lot size is 5,161 square feet (Lot 18). The requirements of WMC 21.12.180 are satisfied. *Testimony of Ms. Martindale; Exhibit 1, pg. 3, Exhibit 3, plat map*

11. The lots within the proposed subdivision will have minimum 2,500 square foot building pads consistent with the standards of WMC 21.12.100. All lots will satisfy the minimum 50 foot width standard as measured from lot width circle and lot width at the street. Development of the lots will require review for compliance at building permit submittal for the following standards: setbacks (10 feet from streets and 5 feet from adjoining properties), height (35 foot base), building coverage (maximum 50%) and the impervious surface coverage (maximum 70%). *Testimony of Ms. Martindale; Exhibit 1, pg.* 4

12. The required off-street parking standard for R-6 zoned properties is two spaces per unit. The proposed plat design calls driveways and individual garages being done in a manner that would satisfy this requirement. Final approval will be at the time of building permit submittal. *Testimony of Ms. Martindale; Exhibit 1, pg.* 4; *Exhibit 3*

13. The United States Fish and Wildlife Service (USFWS) aerial photo of the site indicates no wetlands on the site. Other than a wetland to the south of the property and Bear Creek to the east, there are no wetlands within at least 1000 feet of the site. *Exhibit 16, pgs. 11 and figure 2.* The USFWS database map shows no occurrences of endangered, threatened, sensitive or other priority species or habitat on or adjacent to the site. *Exhibit 16, pg. 11.*

14. Although the USFWS does not depict wetlands on the site, the Applicant identified a non-regulated existing 966 square foot wetland (Class III) at the northeast corner of the site. *Exhibit 3, pg.1-preliminary plat map.* The wetland will be filled in order to satisfy the required frontage improvements to 136th Avenue NE. As a mitigation plan for the fill of the non-regulated wetland, the Applicant proposed buffer enhancement along Little Bear Creek, a Type 1 stream approximately one block east of the site. The mitigation plan identifies wetland plantings, buffer plantings and removal of invasive species. *Exhibit 1,* pgs.4 and 5; Testimony *of Ms. Martindale*

[3] 26.68 residential lots. Woodinville allows rounding up the allowed density.

15. The subject property is in the Northshore School District. Children who reside in the proposed subdivision will attend Woodin Elementary School, Leota Junior High School and Woodinville High School. The high school students will have convenient and close pedestrian access to their school, while the elementary and junior high students will be bussed. The Applicant must enter into an agreement with the District for the location of the bus stops. *Testimony of Mr. Hansen; Exhibit 1, pgs. 1 and 6*

16. The comments of the District included a statement that a sidewalk is required to connect to an existing sidewalk on NE 195th Street. The Applicant's proposed improvements call for sidewalks along the property frontage on NE 195th Street and 136th Avenue NE. The new sidewalk will connect with existing sidewalks on NE 195th Street and an existing crosswalk at the NE 195th Street/136th Avenue NE intersection. *Testimony of Mr. Hansen; Exhibit 1, pgs.* 5 and 6

17. Street trees are proposed as part of the landscaping. In addition to the street trees and the installation of the center cul-de-sac island landscaping area (Finding 8), the Applicant is required to landscape the proposed drainage pond with Type II landscaping. *Exhibit 1, pg. 4; Testimony of Ms. Martindale.*

18. The Applicant will remove all trees on the property as part of the necessary grading. The City did object to this activity, but submitted that the property must be replanted with trees as part of the development. A tree inventory report of the property identified the trees currently on site and provided the City with details to support tree replanting requirements. Replanting of trees in areas to be developed with plat improvements is required prior to final plat approval. Also, trees are required to be planted within Tract D, the stormwater detention pond, as part of the landscaping of the site. *Exhibit 17; Exhibit 1, pg. 4*

19. In addressing the replanting of trees on individual lots, the City set forth its requirements. The recommended replanting includes 226 required tree credits that are to be used for the tree plantings for lots on the site. The lot trees will be planted at the time of single-family residence construction. All plantings will be subject to a recommendation from an arborist, who will determine the number of trees each lot can support without creating a nuisance. If additional tree credits are required, the Applicant must comply with the requirements of WMC 21.15 with payments to the City tree fund. *Exhibit 1, pg. 4*

20. The public street standards as described in 1999 Transportation Infrastructure Standards and Specifications (TISS)[4] are applicable for the development of the plat. Included in these standards are: a standard for 60 feet right-of-way width: a standard roadway width of 36 feet; and a cul-de-sac bulb standard of 96 foot diameter. The Applicant has requested deviations from these standards.

21. The requested deviation of the pavement width standard would reduce the width from the standard 36 feet to 28 feet. The reduced width would allow sufficient space for two

[4] The TISS has been adopted by the City.

travel lanes and on-street parking on one side of the street. Sidewalks and planters would be provided to satisfy the City's sidewalk width standards. According to the Applicant, the reduced payment would provide sufficient area for the public infrastructure. The Applicant also submitted that there would be a reduction in impervious surface area that would reduce runoff and stormwater pond size. Further, the Applicant contended that the reduced right-of-way allowed room for infiltration systems in front yards. *Exhibit 20, pg. 1.* The requested deviation was approved by the City staff. *Exhibit 20, pg. 2; Testimony of Mr. Hansen.*

22. In addition to the pavement reduction, the Applicant deviation from the right-of-way standard to allow a reduction of the right-of-way width from 60 feet to 55 feet. The Applicant submitted that the five feet of the 36 foot standard is not needed and with the reduction of the pavement width, the required improvements could be contained within the smaller right-of-way. *Exhibit 20, pg. 1.* The requested deviation was approved by the City staff. *Exhibit 20, pg. 2; Testimony of Mr. Hansen.*

23. Traffic and park impact mitigation fees are required and would be paid at the time of building permit issuance for each new home. A note is to be placed on the face of the final plat. The traffic generated by the proposed plat and the fees to mitigate the impacts were determined by the City, who considered traffic data provided by the Applicant's consultant, Transpo Group. Transpo Group authored the Revised Transportation Impact Analysis--dated March 2013, which included studies of the amount of traffic currently using the streets and roads near the proposed site. From this data the consultant determined that the Level of Service (LOS) for the current traffic satisfied the City's allowed standards. Applying an increase of 10 vehicle trips per day for each residence within the plat, the future LOS of the local streets would still meet City standards. The city indicated that it agreed with the data of the report. *Exhibit 1, pg. 6; Testimony of Ms. Martindale; Testimony of Mr. Hansen; Exhibit 19*

24. The data used for the traffic analysis included traffic counts for am peak hours and pm peak hours, which is the time that the traffic is the heaviest. The collected traffic data for the busiest time of the day was not significant enough to place the traffic below acceptable LOS standards of the City. *Testimony of Mr. Hansen*

25. The following public agencies submitted comments on the proposed plat: Woodinville Public Works Department; Woodinville Building Department; Woodinville Fire and Rescue; Woodinville Water District; and Stillaguamish Tribe of Indians
    a. Woodinville Public Works Departments-the comments of the Public Works have been addressed in the above findings and the conditions of this decision. *Exhibit 22 pg. 14*
    b. Woodinville Building and Fire Department-expressed a need the 96 foot turnaround of the bulb and a street plan that includes no-parking signs. *Exhibit 22, pg. 16*
    c. Woodinville Water District- an extension agreement for water and sewer services is required. *Exhibit 22, pg. 4*
    d. Stillaguamish Tribe of Indians-an archaeological survey is required, as well as an "Inadvertent Discover Plan". The Tribe further submitted that tribal monitors be present during ground disturbance. *Exhibit 22, pg.*

The Woodinville Police Department and Woodinville Parks and Recreation Department did not submit comments. *Exhibit 1, pg. 7*

26. Pursuant to RCW 36.70B.040 Determination of Consistency and WMC 17.13.100, and based on the exhibits of evidence and testimony at the public hearing, the proposed plat has been reviewed for consistency with Woodinville's development regulations. Included in the review were considerations of the following:
    a. Type of land use;
    b. Level of development, such as units per acre or other measures of density;
    c. Infrastructure, including public facilities and services needed to serve the development; and
    d. The characteristics of the development, such as development standards.
    Exhibits. 1-33 and Testimony of Ms. Martindale and Mr. Hansen

27. Notice of the plat application and the notice of public hearing have been provided in accordance with the provisions of WMC Title 17. *Exhibit 1,* pg. 7

28. The Applicant's representative testified that the City has done an excellent job reviewing the application and did not object to any conditions recommended by the City. *Testimony of Mr. Lymberis*

29. There was no public testimony submitted at the open record hearing. The following written comments were submitted:
    a. Richard C. Reed-The witness urged the City "to make maximum use under the law for the funding of a real sidewalk along the full length of 136th Avenue NE". He submitted that the full length sidewalk would benefit local residents and children who attend nearby schools. The witness also requested that the City be proactive in monitoring construction activity and make spot checks on the amount of noise generated from the site. He also urged the City to carefully scrutinize the traffic assessments used for the project. *Exhibit 31*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner is granted jurisdiction to hear and decide applications for preliminary plat permits pursuant to RCW 36.70B and Woodinville Municipal Code (WMC) 17.07.020.

Applicable Ordinances and Regulations:

17.13.010 Determination of consistency.
(1) Purpose. When the City receives a project permit application, consistency between the proposed project and the applicable regulations and Comprehensive Plan should be determined

through the process in this chapter and the City's adopted SEPA ordinance, Chapter 14.04 WMC.

(2) Consistency. During project permit application review, the City shall determine whether the proposed project is consistent with the applicable development regulations. In the absence of applicable development regulations, the City shall determine whether the City's adopted Comprehensive Plan contains policies which address the unregulated impacts. This determination of consistency shall include the following:

(a) The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;

(b) The level of development, such as units per acre, density of residential development in urban growth areas or other measures of density;

(c) Availability and adequacy of infrastructure, public facilities and services identified in the Comprehensive Plan and needed to serve the development; and

(d) Character of the development, such as development standards. (Ord. 496 § 2 (Att. B), 2010; Ord. 143 § 1, 1996)

The following sections of WMC have been reviewed and implemented for the review of the plat:

21.12 Development Standards – Density and Dimensions
21.14 Development Standards – Design Requirements
21.15 Development Standards – Tree Protection
21.16 Development Standards – Landscaping
21.18 Development Standards – Parking and Circulation
21.20 Development Standards – Signs
21.37 Development Agreement Procedure and Criteria
21.40 Application and Notice Requirements
21.42 Review Procedures

WMC 21.12.180-Lot size averaging.

Within the R-1 to R-8 zones, the lot areas in subdivisions and short plats may be reduced below the minimum lot size of the zone, provided:

(1) The total number of lots in the development shall not exceed the base density pursuant to WMC 21.12.030 for the zone.

(2) The average lot size shall not be less than that required in the zone. In computing the average lot size, no lot shall be credited with more than 1.15 times the minimum lot size. No lot shall be less than 0.85 times the minimum lot size.

(3) Corner lots shall not be smaller than the required minimum lot size allowed in that zone.

(4) The provisions of WMC 21.12.100 shall also apply.

(5) All other dimensional requirements of this code must be met.

(6) Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions. (Ord. 532 § 9, 2012)

Conclusions based on Findings:

1. The Applicant applied for a preliminary plat to subdivide a 4.45 acre parcel at 194XX 136th Avenue NE into twenty-three (23) single-family residential lots. The property, located in the City's Wedge Neighborhood, is at the southwest corner of the intersection of NE 195th Street and 136th Avenue NE. and is zoned by the City of Woodinville with a Residential, 6 units per acre (R-6) zoning designation. It has a Comprehensive Plan designation of Moderate Density. *Finding of Fact No. 1*

2. The proposed plat is a permitted use in an R-6 zoned district of Woodinville. The density and dimensions of the proposal are consistent with the allowed R-6 standards. The Applicant's proposed project is consistent with the applicable development regulations. *Findings of Fact Nos. 1, 6, 7, 8, 10-12, 16 and 20*

3. The requirements and criteria for lot size averaging (WMC 21-12-180) are satisfied. *Findings of Fact Nos. 10 and 11*

4. The protection of trees, including the removal of same for construction and the replanting during plat and private lot developments, is consistent with the standards of the City. *Findings of Fact Nos. 17, 18 and 19.* Wetland and mitigation review of the site has been completed. *Findings of Facts Nos. 13 and 14*

5. The internal roads have been reviewed. *Finding of Fact No. 7.* The City determined that deviations of right-of-way and roadway standards are permissible. *Findings of Fact No 20 and 21.* The City's standards for parking and circulation are satisfied with the proposal. *Finding of Fact No 12*

6. Infrastructure, public facilities and services identified in the Comprehensive Plan to serve the development are available and adequate. *Findings of Fact Nos.5-12, 16-17, 23, 25 and 26.*

7. Pursuant to the Washington State Environmental Policy Act (RCW 43.21(C) (SEPA) the City of Woodinville was designated as the lead agency for identifying environmental impacts from the construction of the project. As the lead agency, the City of Woodinville reviewed the request, the Environmental checklist and other documents submitted by the Applicant, public comments and the applicable law related to the request. A DNS was issued and no appeals were filed. A review of environmental impacts has occurred. *Finding of Fact No. 4*

8. The City of Woodinville has reviewed the public use and interest proposed to be served by the proposed subdivision. Based on the review, it has been determined that: (a) appropriate

provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds. *Findings of Fact Nos. 4-8, 10-25.* The City has also considered all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. *Findings of Fact Nos. 15 and 16.* The public interest will be served by the subdivision. *Finding of Fact No. 19*

9. The proposed project is consistent with the applicable zoning standards, development regulations, Woodinville Comprehensive Plan, environmental and wetland regulations, subdivision ordinances of the City of Woodinville and the subdivision statutes of the State of Washington. *Findings of Fact 1-26*

10. Notice and review procedures have been properly followed. *Finding of Fact No. 26*

DECISION

Based on the preceding Findings of Fact and Conclusions and the testimony and evidence provided in the administrative record at the open record hearing of the request, it is hereby ordered that the preliminary plat to subdivide an existing 4.45 acre parcel at 194___ 136th Avenue NE into twenty-three (23) single-family residential lots, and the site plan and the requested deviations from certain development standards is granted subject to the following conditions:

Final Plat/Site Plan

1. All improvements shall be constructed in accordance with the approved Preliminary Plat Map submitted May 1, 2013. The Planning Director has authority to approve minor modifications of the plans if the modifications are consistent with the Findings of Fact and Decision and the Conditions of Approval as stated herein.

2. The following notes and information shall appear on the face of the final plat map. All signature blocks shall be in accordance with City Standards.
   a. The use and development of the property of the plat shall be subject to the Conditions of Approval imposed through File Number PPA12002/SEP12033 and shall be binding upon the land until that approval is amended, revoked or expires.
   b. A free consent notarized statement in conformance with City of Woodinville and King County standards shall be acknowledged by property owners of the plat.
   c. "Building setbacks, driveway length, building height, building coverage, impervious surface coverage, and parking for this plat are subject to the applicable standards in place at the time of a complete application for single-family residential building permits. Those seeking building permits shall have their site plan verified for compliance with these standards prior to submitting plans for a building permit."
   d. All property owners of the plat shall maintain, in a uniform manner, the City right-of-way located between their property lines and the back of adjacent curbs or street lines to the

maintenance level or standard applied to City parks. In such cases where the City is required to perform such maintenance, the City shall bill the property owners for the cost of such maintenance, including administration costs.

e. A private road agreement for Tracts A and B must be designated on the face of the plat and must specify the use and maintenance of the private facilities.
f. The lot owner shall maintain the infiltration trench on lots that have individual infiltration trenches. The infiltration trench may not be removed and may only be relocated with the City's permission.
g. Lot 13 is a panhandle lot pursuant to WMC 21.12.030. All provisions and requirements for panhandle lots shall apply to this lot.
h. No lot shall have direct access to NE 195th Street or 136th Avenue NE.
i. For application for every building permit for lots within the plat, a tree planting plan shall be submitted that is consistent with the plat's approved planting plan. All required trees shall be planted prior to final inspection for the residence on each lot.

3. The following changes shall be made to the final plat map that is to be submitted:
   a. Remove trees and topography from the map.
   b. Remove setbacks, driveway lines, the street improvement details, and other items not relevant to the plat recording.
   c. Add the lot dimension for the line between lots 22 and 23.
   d. Add the bearings for the lot lines.
   e. Show all existing and proposed easements and tracts; show the easement and tract ownership and maintenance responsibilities.
   f. If any financial institutions appear in the title report at the time of final plat application, their signature must be added to the plat map.
   g. Revision to the turnaround, to show a 96-foot diameter cul-de-sac.
   h. Include the requirement that the homeowners association is responsible for maintaining the landscaping in the center island of the cul-de-sac and within the stormwater pond tract, and any irrigation systems in the planter strip, the center island, and the stormwater pond, including payment for any water usage.

4. A ten foot utility easement along the street frontage shall be dedicated as part of the plat.

5. The street identified as Little Bear Creek Place shall be dedicated to the public prior to, or as part of, the final plat approval.

6. The following items are to be included on the face of both the final plat map and supplemental map prior to final approval. The required language for these items may be obtained from the City:
   a. Surveyor Certificate;
   b. Correct legal description of all lots;
   c. Owners Statement;
   d. All new easement(s) over the property, their legal description(s) and associated dedication block(s);
   e. Recording block/Certification block for Planning Director and Public Works Director approval

f. Certification of Payment of Taxes and Assessments;
g. Auditor's Certificate;
h. North arrow;
i. The survey control scheme, monumentation and references.

7. The Applicant shall submit a copy of the covenants, conditions and restrictions with the application for final plat approval.

8. All improvements shall be constructed in accordance with the approved site development plans and installed prior to final plat approval.

9. As-builts shall include all public improvements with the application for final plat. The submitted as-builts shall be in the format as required by the City's Infrastructure Design Standards and Specifications. The Applicant shall have a licensed surveyor or engineer prepare and/or supervise the preparation of record drawings that are to be reviewed by the Public Works Director. Upon satisfactory installation of the constructed infrastructure improvements and site work, the drawings will be approved and signed by the Public Works Director. The City will require one (1) reproducible (mylar), one (1) signed blueline, one (1) 11" x 17" reduced copy, and one (1) electronic file in CAD format of the drawings shall be approved prior to final plat approval.

10. All permanent survey control monuments shall be in accordance with the City's Infrastructure Standards prior to final plat approval. Additional monumentation shall be installed as required by the Public Works Director.

11. Prior to acceptance of the improvements, a final inspection shall be completed by the Planning and Public Works Departments.

Site Development

12. All work within public right-of-way, including site, frontage and utility improvements, requires a right-of-way permit from the City. Right-of-way permits must include a traffic control plan, erosion control plan, and all frontage improvements proposed for the site.

13. All work on private property, including site, drainage, landscaping, mitigation and utility improvements, requires a site development permit. The site development permit application shall conform to the conditions of approval in this decision.

14. Final civil plans depicting the proposed improvements and erosion control methods shall be submitted to the City for review and approval prior to issuance of any permits. The improvements shall be designed in conformance with the City's Municipal Code and Infrastructure Standards. The civil plans must show the following improvements and/or revisions:
    a. Revise the cul-de-sac to reflect:
        i. A 96-foot diameter cul-de-sac, curb face to curb face.

ii. A center landscaping island with a diameter of 15 to 20 feet, depending on the fire engine turning radius requirements.
iii. 6 foot wide sidewalk.

15. All walls over four (4) feet in height or that carry a surcharge require a separate building permit. Such walls must be designed by a professional engineer licensed in the State of Washington. Permits for the walls shall be submitted, reviewed and approved prior to construction of the wall.

16. The stormwater detention pond shall be landscaped on all sides by Type II landscaping, as shown on the preliminary landscape plans. A final landscaping plan with detailed landscaping for this area shall be submitted to the City for review and approval prior to issuance of any permits. The landscaping shall be designed in conformance with the City's Municipal Code and Infrastructure Standards. A final irrigation plan shall also be provided for this landscaping.

17. The center island of the cul-de-sac shall be landscaped. A final landscaping plan with detailed landscaping for this area shall be submitted to the City for review and approval prior to issuance of any permits. The landscaping shall conform to the City's Municipal Code and Infrastructure Standards. A final irrigation plan shall also be provided for this landscaping.

18. A final tree retention, removal, and protection plan shall be submitted to the City for review and approval prior to issuance of any permits; a final replanting plan for the individual lots shall be submitted to the City for review and approval prior to final plat approval.

19. A Type III tree plan is required. The plan shall conform to the City's Municipal Code and Infrastructure Standards. The area of the plat, after right-of-way dedication, contains 164,062 square feet, or 3.77 acres. The site is required to have 159 tree credits, pursuant to Chapter 21.15 WMC. The Applicant proposes to remove all the trees on the site, due to grading requirements for the projects. To mitigate the loss of the trees, the Applicant shall replant 226 tree credits, or satisfy another requirement of 21.15.070(2) (e).

20. Trees will be planted in Tract D, the stormwater detention pond, as part of the required landscaping. Trees will be planted on individual lots at the time of single-family residence construction, based on a plan approved prior to final plat approval and a recommendation from the arborist on the number of trees each lot can support without creating a nuisance. If additional tree credits are required, the Applicant shall comply with WMC 21.15 with payments to the City tree fund for the credits, prior to final plat approval.

21. The final plans shall include the following revisions:
    a. A tree retention, removal, and protection plan:
        i. The tree credits that will be provided in the landscaping area in Tract D, and the remaining number of credits to be provided by the individual lots (or another method per WMC 21.15).
        ii. Tree protection details shall be shown on the civil plans, per WMC 21.15.080. Tree protection for the trees on neighboring properties shall be specifically called out.

iii. The identification of off-site trees on the plans that have potential to be impacted by construction. The source of said trees shall be the arborist report. Impacts to these trees during construction shall be evaluated by the arborist. For trees that are determined to no longer be viable, the Applicant shall work with the neighbor on an agreeable solution to the impact.

b. Replanting plan:
   i. The arborist shall provide a specific recommendation on the number of trees each lot can support. The replanting plan shall conform to this recommendation.
   ii. A final irrigation plan that includes details for temporary irrigation for all planted trees.

22. A minimum four (4) foot tall chain link fence, or other fence approved by the Planning Director pursuant to WMC 21.15.080, shall be installed around all trees designated on the Tree Plan to remain onsite. The fence shall be located five (5) feet beyond the drip lines of retained trees and shall surround the protected area of all retained trees, groups of trees, and their understory. A sign shall be installed every 15 feet along the entire fence and include the following information: "Tree Protection Area, Entrance Prohibited, call 425-489-2754 to Report Violations".

23. The stormwater detention design and stormwater discharge shall utilize the Best Management Practices of the 2009 King County Surface Water Design Manual and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES). Drainage facilities must be designed for maximum impervious surfaces allowed, or a note shall be placed on the final plat map stating the impervious surface maximums that will be permitted. All development must comply with the recommendations listed in the Technical Information Report dated November 21, 2012, prepared by Pace Engineers, Inc. and any addendums as accepted by the Public Works Director.

24. Pursuant to Chapter 15.39 WMC, all existing and proposed overhead utilities shall be placed underground prior to final plat approval.

25. A temporary erosion and sedimentation control plan, prepared in accordance with the 2009 King County Surface Water Design Manual, shall be submitted, reviewed and approved by the City. Temporary erosion and sedimentation control measures shall be installed and inspected prior to commencing construction. Temporary erosion and sedimentation control measures shall be maintained at all times during construction.

26. The clearing limits of the approved plans shall be clearly delineated in the field. Where such limits are in proximity to property boundaries or NGPE's, barrier fencing or siltation fencing shall be installed before site disturbance. Installation shall conform to an approved temporary erosion and sedimentation control plan.

27. All development shall be consistent with the recommendations listed in the following documents:
    - Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Study dated November 19, 2012, and prepared by Associated Earth Sciences, Inc;
    - Subsurface Exploration and Infiltration Testing dated November 20, 2012, prepared by Associated Earth Sciences, Inc.;
    - Draft [Geotechnical] Comment Response Regarding Stormwater Treatment, dated March 11, 2013, prepared by Associated Earth Sciences, Inc.;
    - [Geotechnical] Plan Review Response #2 dated April 30, 2013, prepared by Associated Earth Sciences, Inc;
    - And any further addendums as accepted by the Public Works Director.

    a. An addendum to the geotechnical report shall be submitted with the final stormwater design.
    b. All test results of individual infiltration trenches, including compliance with the design conditions, shall be submitted prior to final approval. The results shall be submitted for each lot.

28. All development shall conform to the recommendations of the revised Critical Area Assessment prepared by Raedeke Associates, Inc. dated March 12, 2013. If any addendums are required or accepted by the Planning Director, all development must comply with those recommendations.

29. Monitoring reports of the wetland mitigation shall begin with a baseline report that is due at the time mitigation work is inspected and approved by the City. Mitigation must conform to the recommendation of the reports prepared by Raedeke Associates, Inc.

30. Monitoring reports shall be submitted to the City on an annual basis after the date of initial approval by the City. The reports shall be submitted for five consecutive years. The Applicant shall be responsible for correcting any areas identified in those reports that are not in compliance with the goals and objectives stated in the mitigation plan.

31. All costs of any work, new or upgrade, to the existing utilities system and facilities that is required for this project shall be the responsibility of the Applicant.

32. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the Woodinville Water District. Written verification from the District stating that all required improvements have been installed shall be submitted with application for Final Plat.

33. Mailbox location shall be approved by the Woodinville postmaster and the City Engineer prior to installation to ensure there is no interference with traffic sight distances.

34. All construction shall proceed in conformance with the requirements of the International Fire Code, including water supply, hydrant, access, addressing, fire sprinkler, fire detection or alarms, and fire extinguishers. Additional fire protection conditions include the following:
    a. Notify the Woodinville Fire and Rescue Fire Marshal's Office twenty-four (24) hours in advance before closing a lane of traffic or any water shut off. They may be contacted at 425-483-2131.
    b. Fire turnarounds shall be in accordance with Appendix D of the 2009 International Fire Code.
    c. Hydrant markers shall be installed in the roadway to indicate each fire hydrant location. It shall be placed directly across from the hydrant location, offset one (1) foot from the roadway center toward the hydrant.

35. All construction equipment, building materials, and debris shall be stored on the Applicant's property, off the public right-of-way. The access to any private or public property shall not be blocked or impinged upon without prior consent from the affected property owners and a right-of-way permit issue by the City of Woodinville.

36. If at any time during clearing, grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.

37. The Applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting the project.

38. One week prior to starting construction on the site, the Applicant shall notify all neighboring property owners within 300 feet that the work will be occurring within the neighborhood.

39. A Heavy Hauling permit may be required if there are more than 5 truck loads per day that ingress or egress the site.

40. A National Pollutant Discharge and Elimination System permit may be required from the Washington State Department of Ecology. If required, the permit must be obtained prior to any site disturbance. All construction shall proceed in conformance with said permit. The Applicant shall contact the state directly to determine the requirements and whether a permit is required.

41. Construction noise is not permitted anytime on Sundays and holidays, and outside the hours of 7:00 a.m. through 7:00 p.m., Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday; or, from Memorial Day to Labor Day, anytime on Sundays and holidays and outside the hours of 7:00 a.m. through 9:00 p.m., Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday.

42. The Development Services Director and/or the Public Works Director shall have the authority to direct the developer or the developer's on-site representative to immediately cease activities and redirect their attention to resolving any problem, particularly any environmental degradation, which in the Director's opinion needs immediate resolution.

43. Failure of the developer or his representative to redirect such labor and equipment shall result in immediate project closure and resolution of the problem by the City.

44. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity should stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the City planning office, the affected Tribe(s) and the county coroner should be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required. Failure to comply with this requirement could constitute a Class C Felony.

45. Pursuant to WMC 21.15.100, prior to final plat approval, the Applicant shall provide and record, a tree preservation and maintenance agreement.

46. A performance guarantee, in the form of surety bond, an assignment of funds or cash deposit, for an amount of 150 percent of the total project (public and private improvements, landscaping, tree planting, and wetland mitigation) as determined by the City, shall be submitted by the Applicant prior to site development permit issuance.

47. A maintenance guarantee, in the form of surety bond, an assignment of funds or cash deposit, in the amount of 20 percent of the total project (public and private improvements, landscaping, tree planting, and wetland mitigation) as determined by the City, shall be submitted by the Applicant prior to City acceptance of the improvements and final plat recording.

48. Maintenance periods shall commence at the time the City accepts all required site improvements. The maintenance periods are as listed below, but may be extended by the City if on-site conditions warrant an extension:
    a. Site, frontage, and lighting improvements – Two (2) years
    b. Landscaping & Irrigation – Three (3) years
    c. Tree Protection – Five (5) years
    d. Wetland mitigation – Five (5) years

49. A critical area performance guarantee, in the form of a surety bond, assignment of funds or cash deposit, in the amount of 150 percent of the total mitigation cost as determined by the wetland biologist and accepted by the City, shall be submitted by the Applicant prior to site development permit issuance.

50. A five (5) year monitoring and maintenance period is required for all mitigation work. A critical area maintenance guarantee in the form of a surety bond, assignment of funds or cash deposit, in the amount of 20 percent of the total project as determined by the City, shall be submitted by the Applicant prior to City acceptance of the improvements and final plat recording.

51. The City shall inspect the infrastructure at the end of the identified maintenance periods. Any infrastructure that appears defective or has deteriorated beyond the norm for the period of the guarantee shall be repaired by the Applicant to the satisfaction of the City.

52. A separate sign permit shall be required for any new or altered signs.

Other

53. The Applicant shall pay park impact mitigation fees or other forms of negotiated impact mitigation for all lots in accordance with WMC 3.36. Payment of the park impact mitigation shall be made to the City of Woodinville at the time of building permit issuance. The total fee or mitigation amount shall be based on the mitigation fee established in WMC 3.36 in effect at the time of fee payment.

54. The Applicant shall pay transportation impact mitigation fees for each new average daily trip generated by the proposed development for all lots in accordance with WMC 3.39. Payment of the traffic impact mitigation shall be made to the City of Woodinville at the time of building permit issuance. The total fee or mitigation amount shall be based on the mitigation fee established in WMC 3.39 in effect at the time of fee payment.

Dated this 9th day of July, 2013

James M. Driscoll-Hearing Examiner