



## NOTICE OF DECISION City of Woodinville

### Development Services Department

425-489-2754 • 17301 133<sup>rd</sup> 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:** Vinterra Preliminary Plat Major Modification

**Project** MMA15001 / SEP15003

**Number(s):**

**Description of Proposal:** Plat Major Modification to remove Condition 24 of the Preliminary Plat decision and to re-vest the application under codes adopted through June 15, 2015. Minor plat changes are proposed.

**Location of Proposal:** 15025 124th Ave NE and 12825 NE 151st St; Woodinville, WA 98072

**Proponent:** Jennifer Reiner and Kyle Lublin of DR Horton  
12910 Totem Lake Blvd, Suite 220  
Kirkland, WA 98034  
Phone: 425-821-3400  
Email: [jreiner@drhorton.com](mailto:jreiner@drhorton.com)

**Project Decision:** Approved with Conditions

### SUMMARY OF PROJECT DECISION

A public hearing was held before the Woodinville Hearing Examiner on October 27, 2015 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 modified Preliminary Plat shall be valid for seven (7) years from the date of this Notice of Decision. If a final plat is not obtained within this period, the Preliminary Plat shall become null and void, and a new application would need to be submitted.

Notice of Decision Date: November 23, 2015

End of Appeal Period Date/Time: December 7, 2015 by 4:00 p.m.

Project Permit Expiration Date: November 23, 2022

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

### CONTACT INFORMATION

The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133<sup>rd</sup> Avenue NE, Woodinville, WA 98072. Contact: Jenny Ngo, Project Manager, at (425) 877-2283. Email address: [jennyn@ci.woodinville.wa.us](mailto:jennyn@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, December 7, 2015, 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 above.

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.



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David Kuhl, Development Services Director

Date: November 23, 2015



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**Testimony**

Jennifer Ngo presented a power point overview of the proposal. In response to examiner questions, Ms. Ngo confirmed that the plat as modified was consistent with all newly vested preliminary plat standards. Tom Hansen, public works director, clarified that a requested deviation on the sewer lift station was going to be addressed by staff after a decision was made on the subdivision application.

An applicant representative (name not found in sign-in sheet or exhibits) requested that the new staff recommended fence condition be revised to eliminate the requirement that it be made of wood so that the applicant has the flexibility to satisfy any fence material requirements of the Woodinville water district.

Howard Heflin, neighbor, inquired about what alternative to wood fencing the applicant was considering. The applicant representative responded that the alternative would probably be chain link with wood slating.

Ms. Ngo noted that the staff was amenable to removing the wood requirement, but that barbed wire fencing as referenced in Ex. 20 would not be acceptable.

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**Exhibits**

The 17 exhibits identified at page 8 of the October 20, 2014 Staff Report were admitted into the record during the October 27, 2015 hearing. During the hearing the staff power point presentation was admitted as Exhibit 18, the sign- in sheet as Exhibit 19 and an October 27, 2015 email string between Dee Lofstrom and Kyle Lublin as Exhibit 20.

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**FINDINGS OF FACT**

**Procedural:**

1. Applicant. Jennifer Reiner of DR Horton.
2. Hearing. A hearing was held on the subject application on October 27, 2015 at 7:00 pm in the Woodinville City Hall Council Chambers.

**Substantive:**

3. Project Description. The applicant requests approval of a major modification to a 157 lot preliminary plat approved on January 16, 2014. The primary purpose of the requested modification is to re-vest the plat to development standards in effect as of June 15, 2015 in order to take advantage of Woodinville Ordinance No. 602, adopted on May 5, 2015. The subject modification request was filed on June 15, 2015 and was subsequently found to be complete at the time of filing.

1 Ordinance No. 602 authorizes developers to place some utilities above-ground, which had  
2 previously been required to be built below ground. Taking advantage of this new regulation, the  
3 applicant seeks to further modify the preliminary plat by placing a sewer lift station, electrical  
4 transformers and electrical and gas meters above-ground with associated landscaping. The applicant  
5 proposes a new utility tract, Tract 986, for use by the Woodinville Water District for sewer. The  
6 modification also includes a modification to the size of 37 of the lots, but does not involve any  
7 change in the number of lots. The proposal also involves minor revisions to building pad elevations  
8 and to the location and heights of retaining walls as well as minor revisions to road profiles. Finally,  
9 the applicant asks that the entirety of its preliminary re-vest under the regulations applicable to its  
10 modification request.

11 4. Surrounding Area. The surrounding area is comprised of residentially zoned property and the  
12 Tolt Pipeline Trail.

13 5. Adverse Impacts. There are no significant adverse impacts associated with the project. The  
14 subdivision standards, Title 20 WMC, applicable to the preliminary plat application approved on  
15 January 20, 2014 have not changed under the subdivision standards that vested under this  
16 modification application. The most recent amendments to Title 20 WMC were made by Woodinville  
17 Ordinance No. 533, which had an effective date of April 2, 2012. The preliminary plat approved on  
18 January 20, 2014 was filed on August 27, 2013. Staff found all of the requested modifications to be  
19 compliant with newly vested development standards. Given that the requested modifications are  
20 relatively minor and fully mitigated and code compliant; that the original January 20, 2014  
21 preliminary plat was found to be compliant with applicable development standards and those  
22 standards for the most part have not changed (excluding Ordinance No. 602, which now authorizes  
23 above-ground utilities); it must be concluded that the proposal will not create any significant adverse  
24 impacts.

25 As to the finding above that the impacts of all modifications have been fully mitigated, the only  
26 impact of concern is the proposed placement of utilities above ground. The aesthetic impacts of this  
proposed modification are fully mitigated by a condition imposed by this decision requiring fencing  
around the proposed sewer lift station and the applicant's proposed landscaping around other above-  
ground utility fixtures.

The proposed modifications to lot size are of no consequence. As shown in Table 1 of the staff  
report, the greatest increase in lot size was 1,242 square feet and the greatest reduction is 1,657  
square feet. Staff found all of these changes in area to be consistent with newly vested zoning  
standards and nothing about these modifications suggests any newly created adverse impacts.  
Similarly, since the number of lots will not change and all road modifications have been reviewed  
and found code compliant by City public works staff, there is nothing to suggest that the proposed  
modifications will create any adverse traffic impacts or materially change the impact and demand on  
any public infrastructure or services necessary to serve the subdivision.

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## Conclusions of Law

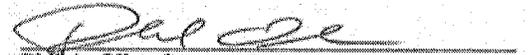
1. Authority. WMC 17.07.030 classifies major plat modifications as Type III processes. WMC 17.07.030 authorizes the hearing examiner to hold open record hearings on Type III permits and issue a final decision, subject to closed record appeal to the City Council.
2. Zoning/Comprehensive Plan Designations. The subject property is zoned R-4 and R-6. The comprehensive plan land use designation is low to moderate density residential.
3. Review Criteria. WMC 20.08.060 governs the criteria for approval of major alterations to subdivisions. For approval, WMC 20.08.060 provides that the hearing body “*may approve or deny the application for alteration of the subdivision after determining the public use and interest to be served*”. As determined in Finding of Fact No. 5, the proposed modification will not create any adverse impacts because the impacts of the proposed modifications are fully mitigated and the preliminary plat and its modifications are fully compliant with all applicable development standards. For these reasons it is determined that the proposed modifications serve the public use and interest and that the application should be approved.
4. Vesting. As noted in Finding of Fact No. 3, the applicant has requested that its entire preliminary plat re-vest to the development standards applicable to its major modification request. RCW 58.17.170 authorizes the vesting of preliminary plat applications to development standards for various periods of time depending upon the filing date of the application. Since the applicant has subjected its entire subdivision for review under conformance to all development standards applicable to subdivision review and the application is in fact in conformance with those regulations, the subdivision is found to vest under the laws in effect at the time a complete major modification application was made, which is June 15, 2015, the date of application as detailed in Finding of Fact No. 3.

## DECISION

21 Vinterra Plat Major Modification No. MMC 15001/SEP15003 is approved, subject to the following  
22 conditions:

- 23 A. The preliminary plat (PPA12003) is vested to the land use statutes and ordinances in  
24 effect on June 15, 2015  
25 B. Condition 24 of the preliminary plat is removed  
26 C. Condition 51 is added to the preliminary plat stating “The sewer lift station on Tract 986  
shall be screened through a six-foot tall fence and decorative landscaping. Fence  
materials and design are subject to approval of staff”

1 DATED this 11th day of November, 2015.

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4 Phil A. Olbrechts

5 City of Woodinville Hearing Examiner

6 **Appeal Right and Valuation Notice**

7 WMC 17.07.030 provides that the final decision of the Hearing Examiner is subject to appeal to  
8 the Woodinville City Council. WMC 17.17.040(1) requires appeals of the Hearing Examiner's  
9 decision to be filed within fourteen (14) calendar days from the date of the Hearing Examiner's  
10 decision.

11 Affected property owners may request a change in valuation for property tax purposes  
12 notwithstanding any program of revaluation.