# Staff Report to Hearing Examiner

Exhibit 1

**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

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| **PROJECT NAME:** | Vinterra Preliminary Subdivision |
| **FILE NUMBER:** | PPA12003/SEP12036 |
| **PROJECT DESCRIPTION:** | Preliminary Plat Application to subdivide two existing parcels totaling 33.35 acre into 157 single-family residential lots in the R-4 and R-6 zoning districts. Construction will include grading, erosion control, street frontage improvements, tree protection, and stormwater/drainage improvements. SEPA is required for developments of five or more lots. |
| **DATE OF REPORT:** | December 4, 2013 |
| **DATE OF HEARING:** | December 11, 2013 |
| **APPLICANT & CONTACT:** | Todd Oberg of Blueline Group<br>25 Central Way, Suite 400; Kirkland, WA 98033<br>425-216-4051<br>toberg@thebluelinegroup.com<br><br>SSHI LLC dba DR Horton<br>12910 Totem Lake Blvd NE, Suite 220, Kirkland, WA 98034<br>425-821-3400<br>jreiner@drhorton.com |
| **PROPERTY OWNER:** | Schuster Family Investments, LLC<br>PO Box 627; Woodinville, WA 98072<br><br>Estate of Henry Epp<br>12825 NE 151st Street, Woodinville, WA 98072 |
| **LOCATION OF PROPOSAL:** | 15025 124th Avenue NE (Parcel 'A') and 12825 NE 151st Street (Parcel 'B'); Woodinville, WA |
| **CURRENT USE:** | Commercial nursery and single-family residence |
| **PROPERTY SIZE:** | Total size is 33.35 acres<br>Parcel 'A' is 31.29 acres<br>Parcel 'B' is 2.07 acres |
| **CURRENT ZONING:** | Parcel 'A' is in the R-6 zoning district<br>Parcel 'B' is in the R-4 zoning district |
| **COMPREHENSIVE PLAN DESIGNATION:** | Low to moderate density residential |
| **SHORELINE DESIGNATION:** | N/A |
| **FIRE SERVICE:** | Woodinville Fire and Rescue |

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| **WATER & SEWER SERVICE:** | Woodinville Water District |
| **STAFF RECOMMENDATION:** | Staff recommends approval of the preliminary plat approval, subject to conditions. |
| **STAFF CONTACT:** | Jenny Ngo, Planner<br>425-739-7959; otak@ci.woodinville.wa.us<br><br>Thomas E. Hansen, PE, Public Works Director<br>425-877-2291; tomh@ci.woodinville.wa.us |

## PROJECT DESCRIPTION

**Location:**

The property is located in the Upper West Ridge neighborhood. The property is bounded by 124th Avenue NE on the west and 12000 block of the Tolt Pipeline Trail to the south, with NE 154th Street and NE 151st to the north.

The property consists of two legal parcels identified as 12825 NE 151st Street and 15025 124th Avenue NE. Legally described as:

Parcel No. 162605-9017: THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON; EXCEPT THE NORTH 10 ACRES THEREOF; EXCEPT PORTION CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 514489, FOR PIPE LINE RIGHT OF WAY "TOLT RIVER PIPELINE"; AND EXCEPT PORTION LYING WITHIN COUNTY ROAD "124TH AVENUE NORTHEAST" and Parcel No. 162605-9077: WEST 300 FEET OF SOUTH 300 FEET OF NORTHEAST QUARTER OFSOUTHEAST QUARTER

**Parcel Size:**
1,452,835 square feet (33.35 acres) total
Parcel 'A' is 31.29 acres and Parcel 'B' is 2.07 acres

**Site/Area Description:**
The site consists of two lots that are currently developed. Parcel 'A' is developed as the "Vibrants Plant" commercial nursery and Parcel 'B' as single-family residential. A small Type III wetland is located along the south property line adjacent to the Tolt Pipeline Trail. The site generally slopes east to west, with some steep slope areas. The site is vegetated with mature trees on the northern and eastern property lines.

**Available Utilities:**
Water: Woodinville Water District
Sewer: Northshore Utility District
Electricity: Puget Sound Energy
Natural Gas: Puget Sound Energy
Telephone/Cable: Frontier and Comcast

**Access/Street Improvements:** The subdivision will have access to the public road network by construction of a new intersection on 124th Avenue NE (Road A on the plat maps). All internal roads in the subdivision will connect to Road A. Another access point off NE 153rd Place will provide a connection to other subdivisions.

Frontage improvements will be made on the east side of 124th Avenue NE, including curb and sidewalks. The following lots will be accessed via private lanes: Lots 7-8 through Tract 987, Lots 33-35 through Tract 990, Lots 140-141 through Tract 996, Lots 51 through 54 through Tract 992, Lots 79 to 81 through Tract 993, and Lots 143-146 through Tract 997.

**Surrounding Land Uses/Zoning:** North: R-6, Single-Family Residential (6 units per acre)
South: Tolt Pipeline Trail; R-6, Single-Family Residential (6 units per acre)
East: R-4, Single-Family Residential (4 units per acre)
West: City of Kirkland RSA 6, Single-Family Residential (6 units per acre)

## BACKGROUND

The site consists of two parcels currently used as a garden nursery and single-family residence. Parcel 'A' is currently developed as the "Vibrant Plants" commercial nursery lot and is 1,362,790 square feet (31.29 acres) in size. The parcel is located in the R-6 zoning district adjacent to NE 124th Street and the Tolt Pipeline Trail. The site is currently developed as a garden nursery, with planting rows, several structures/buildings and an irrigation pond. The second parcel, Parcel 'B', is located to the southeast of Parcel 'A' and is currently developed with one single-family residence. The lot is 98,045 square feet (2.07 acres) is located in the R-4 zoning district.

The applicant wishes to obtain approval to subdivide the two parcels into 157 lots for single-family residences. The applicant is proposing infrastructure improvements, including frontage improvements and pedestrian crossing on 124th Avenue NE, construction of streets, sidewalks, utilities and lighting for the subdivision, stormwater detention facilities, and recreational areas.

The applicant submitted an application for preliminary plat approval on December 18, 2012. The application was reviewed and determined complete on December 20, 2012. A Notice of Application was issued on December 31, 2012, pursuant to WMC 17.11.010.1.b. A 15-day comment period was utilized, ending on January 15, 2013. Correction letters were sent on February 15, 2013 and June 27, 2013 requesting additional information, and revisions were received on April 16, 2013 and August 27, 2013.

The original December 18, 2012 submittal included creating 147 lots from the main commercial nursery property (referred to as Parcel 'A'). The August 27, 2013 resubmittal included the addition of 10 lots on Parcel 'B', for a total of 157 lots. A revised Notice of Application was issued on September 16, 2013. A final correction letter was sent to the applicant on October 10, 2013 and revisions were received on October 16, 2013.

A SEPA Determination of Nonsignificance was issued on October 14, 2013. The comment and appeal periods ended on October 28, 2013. No appeals were received and the decision was determined final.

## COMPREHENSIVE PLAN

This Preliminary Plat proposal, with conditions, complies with the Comprehensive Plan goals and policies. The following Comprehensive Plan goals and policies apply to the proposed project:

**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.**

**LU-1.1** Preserve the character of existing neighborhoods in Woodinville while accommodating the state's 20-year growth forecasts for Woodinville.

**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.

**LU-1.3** Phase development and supporting municipal services together in an organized, cost-effective manner.

**LU-1.4** Coordinate with adjacent jurisdictions to ensure compatible land uses in areas along contiguous boundaries.

Staff Comment: This plat is located on a property that has potential to support the single-family development. Utility providers have stated that utilities, including water, sewer and power, are available to support this development.

**GOAL LU-2: To establish land use patterns, densities, and site designs that encourage less reliance on single-occupant vehicle travel.**

**LU-2.2** Connect residential, open space, and recreation areas by an appropriately planned network of streets, walkways, bicycle paths, and utility corridors.

Staff Comment: The proposal includes construction of an internal street network within the subdivision that will include sidewalks and recreational spaces. The sidewalks will connect to new frontage improvements on 124th Avenue NE as well as adjacent developments and the Tolt Pipeline Trail.

**GOAL LU-3: To attain a wide range of residential patterns, densities, and site designs consistent with Woodinville's identified needs and preferences**.

**LU-3.1** Encourage development that complements the existing residential development patterns in Woodinville's neighborhoods.

**LU-3.2** Preserve the existing natural environment of Woodinville's neighborhoods.

**LU-3.3** Maintain each residential area as a safe, pleasant, and enjoyable place to live.

**LU-3.4** Provide controls to minimize encroachment by incompatible land uses within and between zoning districts.

**LU-3.6** Encourage moderate (5-8 d.u.) and medium (9-18 d.u.) density housing throughout the community where sufficient public facilities and services are available, where the land is capable of supporting such uses, and where compatible with adjacent land uses.

**LU-3.7** Permit a range of densities to encourage a variety of housing types that meet the housing needs of residents with a range of incomes.

Staff Comment: The proposal will support development of low- to moderately-dense housing consistent with the zoning of the surrounding community. The proposal meets the dimensional lot standards of the R-4 and R-6 zoning districts (discussed in the Analysis) and will be required to comply with bulk and height standards prior to issuance of construction permits. The proposal includes

installation of street frontage and infrastructure improvements along NE 124th Street as well as internal streets. Additionally, the applicant is required to meet the requirements for tree retention and mitigation, which will help to preserve the neighborhood character and natural environment.

**GOAL H -2: To promote safe, physically accessible, and clean residential environments with associated open spaces.**

**H-2.1** Require common, convenient, and usable open space in residential development, such as on-site pocket parks or trails.

Staff Comment: The plat includes two on-site recreation tracts and an open space tract for use by future residents. A connection to the Tolt Pipeline Trail between Lots 12 and 13 is provided.

## STAFF ANALYSIS

GENERAL:

1. The subject site is located at 15025 124th Avenue NE and 12825 NE 151st Street. According to the submitted permit application (Exhibit 2) and title report (Exhibit 3), SSHI LLC dba DR Horton is the applicant and the property owners are Schuster Family Investments, LLC and Estate of Henry Epp. Todd Oberg of Blueline Group is designated as the key contact for the project.
2. The site is comprised of two parcels (Lots 'A' and 'B') zoned as Residential R-4 and R-6, is rectangular in shape and contains a total of 1,452,835 square feet (33.35 acres) of land area. The property is bordered by 124th Avenue NE to the west, which is designated as a minor arterial pursuant to **WMC 12.12.020**. The Tolt Pipeline Trail is located to the south and single-family residences are located to the north and west. A Class 3 wetland, approximately 483 square feet in size is located on the south side of the property adjacent to the Tolt Pipeline Trail.
3. The applicant is proposing to subdivide the site into 157 lots. 149 lots will be located on Parcel 'A' in the R-6 zoning district and 8 lots will be located on Parcel 'B' in the R-4 zoning district. Proposed site work includes construction of a stormwater detention vault and pond, recreational space, street improvements on 124th Avenue NE, installation of internal streets, utilities and combined excavation and estimated fill to total 190,000 cubic yards. Pursuant to **WMC 20.06.200**, improvements are required to be constructed prior to final plat approval. A financial guarantee is required to guarantee the approval on final plat.
4. Pursuant to **WMC 17.07.030**, preliminary subdivisions are processed as a Type III decision. The Hearing Examiner is designated as the decision authority to decide preliminary subdivisions pursuant to **WMC 20.08.030**.
5. Pursuant to the consistency test outlined in **Growth Management Act (RCW 36.70B.040)**, prior to making a decision or recommendation on an application, the City must consider whether a project meets the adopted development regulations and Comprehensive Plan policies. Additionally, **WMC 20.06.020.1** requires that the proposal conforms to the Woodinville Comprehensive Plan and other adopted plans, zoning and subdivision regulations in Titles 20 and 21 WMC.
6. Pursuant to **WMC 21.04.080,** the Urban Residential (R) zoning districts are intended to implement Comprehensive Plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy.

ZONING CODE:

7. The property is located in the R-4 and R-6 zoning districts according to the Official Zoning Map. Pursuant to **WMC 20.06.040(1),** lots are required to be such a size or design that will not be detrimental to the health,

safety or sanitary needs of the subdivision. Furthermore, **WMC 20.06.040(3)** requires that no lot shall be established which is in violation of the Woodinville Municipal Code. The proposal will include the creation of lots that conform to the zoning code, including minimum size and configuration, as discussed in this section. Infrastructure and site improvements are proposed to serve the lots, including streets, sidewalks, stormwater, sewer, electricity, recreational space.

8. Pursuant to **WMC 20.06.040(5),** each lot is required to have sufficient width, area and frontage to comply with the minimum site requirements set forth in Chapter 21.12 WMC. The lots comply with this requirement (Analysis 10 through 16).

9. Pursuant to **WMC 21.12.030.A,** the standard minimum lot size in the R-4 and R-6 zone is 9,000 square feet and 6,000 square feet respectively. The minimum lot size may be reduced pursuant to **WMC 21.24.085** if the property is constrained up to 50 percent by a critical area. The property is impacted by a Class 3 wetland located at the south of the property, and qualifies for density transfer and reduced minimum lot sizes (see Analysis 17 to 20). Lots in the R-4 zone may be reduced to 7,200 square feet and lots in the R-6 zone may be reduced to 5,000 square feet if the following criteria are met:

   a. No additional density is allowed over the base density of the underlying zone.

      Staff Analysis: The base densities for the R-4 and R-6 zoning districts are 4 du/acre and 6 du/acre, respectively. The proposed densities are 3.9 du/acre and 4.8 du/acre, which do not exceed the base density. The proposal complies with this requirement.

   b. All other applicable dimensional requirements pursuant to WMC 21.12.030 shall be met.

      Staff Analysis: The proposal meets all other applicable dimensional requirements, discussed in Analysis 10.

   c. The area to which the density is transferred shall not be constrained by another critical area regulation.

      Staff Analysis: No other critical areas are present on site. The proposal meets this requirement.

   d. No portion of the critical area shall be included as part of the minimum lot size.

      Staff Analysis: The critical area and its buffer has been set aside as a Natural Growth Protection Area (NGPA) tract. The critical area is not included as part of the minimum lot size for the proposed lots.

   e. Lot averaging as described in WMC 21.12.180 is not permitted.

      Staff Analysis: No lot averaging is proposed for this application. This criterion does not apply.

   f. No panhandle lots are permitted.

      Staff Analysis: The proposed lot configurations do not have panhandles or appendages (See Analysis 12).

   g. Density credit can only be transferred within the development proposal site.

      Staff Analysis: No density credit is proposed off site.

10. **Table A of WMC 21.12.030** establishes density and dimensional requirements for properties in the R-4 and R-6 zoning districts. The following table lists the required zoning standards and the proposed dimensions in the respective zones.

| Standard | R-4 | Proposed | R-6 | Proposed |
|---|---|---|---|---|
| Base Density | 4 du/acre | 8 units<br>3.9 du/acre | 6 du/acre | 149 units<br>4.8 du/acre |
| Minimum Density: 75% of Base | 3 du/acre | | 4.5 du/acre | |

| Standard | R-4 | Proposed | R-6 | Proposed |
|---|---|---|---|---|
| Standard Minimum Lot Area | 9,000 sf | Smallest lot is 7,219 sf | 6,000 sf | Smallest lot is 5,000 sf |
| Reduced Minimum Lot Area for Critical Areas | 7,200 sf | | 5,000 sf | |
| Minimum Lot Width | 60 feet | 60 to 100 feet | 50 feet | 50 to 90 feet |
| Minimum Lot Width at Street | 60 feet | 60 to 80 feet | 50 feet | 50 to 85 feet |
| Minimum Street Setback | 10 feet | 10 feet | 10 feet | 10 feet |
| Interior Setback | 5 feet | 5 feet | 5 feet | 5 feet |
| Maximum Building Coverage | 35% | Established during building permit submittal | 50% | Established during building permit submittal |
| Maximum Impervious Surface | 45% | | 70% | |
| Maximum Building Height | 35 feet | | 35 feet | |
| Minimum Driveway Length | 20 feet | | 20 feet | |

11. A 10-foot building setback from the street is required. However, a garage or carport is required to be setback a minimum of 20 feet from the front of the property, including sidewalk, property line or street or drive pursuant to **WMC 21.12.030.B.8.** This will be confirmed during building permit review.
12. Pursuant to **WMC 20.06.040(4),** no lot shapes shall be designed to have awkward configuration or appendages. The proposed lots are generally rectangular with identifiable front, side, and rear property lines. Lot 8 is triangular and has the most unique configuration, however it has sufficient space and a relatively clear configuration for development of a single-family residence. No properties have appendages.
13. Pursuant to **WMC 20.06.040(6),** each lot should have an average depth between the front and rear lot lines of not less than one-foot depth for each one foot of width. With the exception of Lot 157, the proposed lots comply with the depth to width ratio. Due to the cul-de-sac and private road configuration off of Road G, Lot 157 has an average depth of .95 feet for each one foot of width.
14. Pursuant to **WMC 20.06.040(7),** corner lots, double frontage lots, and single frontage lots are required to have the front lot line be the property line(s) separating the lot from a street or vehicle access corridor. Lots 140 through 146 front 124th Avenue NE and a private lane and qualify as double frontage lots. Front lot lines will be considered on both streets for these lots; however vehicle access to the residences will be restricted to Road G and the private lane. Additionally, Lots 1, 36, 38-39, 48-49, 67-68, 82, 88-89, 95-96, 102-103, 109-110, 115-116, 120, 123-124, and 152-153 are corner lots. These corner lots will have the front lot line from both street fronts.
15. Pursuant to **WMC 20.06.040(8),** as much as possible, where topography and natural features permit, side lot lines should run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve. The lots are laid so that the side lot lines are relatively at right angles to the street.
16. Pursuant to **WMC 20.06.040(9),** where watercourses, topography, geology and soils, vegetation, utilities, lot configuration, or other unique circumstances dictate a different building envelope than that set by Chapter 21.12 WMC, building setback lines may be required to be shown on the final plat or short subdivision map and observed in the development of the lot. Building setbacks are shown on the preliminary plat map.

CRITICAL AREAS:

17. The site features a wetland on the south property line, which is designated as critical areas pursuant to Chapter 21.24 WMC. No alterations to the wetland are proposed. The wetland is approximately 483 square feet and is classified as a Class 3 wetland. Pursuant to **WMC 21.24.320**, the goal of the City of Woodinville is to maintain a standard of no net loss in functions and values of wetlands.

18. Development proposals that include a critical area or within a critical area buffer is required to submit a Critical Area Special Study pursuant to **WMC 21.24.120.** Wetland Resources, Inc. prepared a Critical Area Study and Buffer Mitigation Plan that evaluated the Class 3 wetland and its buffer (Exhibit 9). The report concludes that the wetland and its buffer have experienced significant degradation due to past clearing, grading and paving. No other critical areas were identified on the site.

19. Class 3 wetlands are required to have a 50-foot buffer, however it may be reduced to 25 feet if the existing buffer is significantly degraded and enhancement measures are implemented to provide net improvement. The applicant is proposing buffer enhancement through removal of nursery plants, invasive species and gravel; planting native trees and shrubs; installing a split rail fence; and five year monitoring plan. The report supports a reduced buffer of 25 feet surrounding the subject wetland. A 4,715 square foot critical area tract that includes the wetland and its buffer is delineated as a Natural Growth Protection Area on the plat to protect the critical area from future development impacts pursuant to **WMC 21.24.180**. The proposal includes restoration and mitigation that will enhance the wetland and will result in improved ecological function (Exhibit 9).

20. In order to preserve the critical areas and its buffers, **WMC 21.24.085** allows for a transfer of density for subdivisions with critical areas. For sites where up to 50 percent of the site is constrained by critical areas, up to 100 percent of the density that could be achieved on the constrained portion can be transferred to the nonsensitive area, not to exceed the base density. Up to 4,715 square feet (0.108 acres) of the constrained area may be transferred to the remainder of the property, which correlates to an addition of 0.43 dwelling units in the R-4 zone or 0.65 dwelling units in the R-6 zone. Parcel 'A', which is zoned R-6, is permitted a maximum base density up to 187.09 units exclusive of the critical area and buffer (31.182 acres x 6 units/acre). Parcel 'B', which is zoned R-4, is permitted a maximum base density of 8.28 dwelling units (2.07 acres x 4 units/acre). The applicant is proposing 149 units in Parcel 'A' and 8 units in Parcel 'B', which is below the base density and meets this requirement. Pursuant to **WMC 21.24.085(2)**, minimum lot sizes and dimensional requirements were reduced to accommodate this transfer (see Analysis 10).

TREES:

21. **WMC 20.06.175** requires a tree preservation and protection plan prior to approval of a preliminary plat approval in accordance with Chapter 21.15 WMC. Pursuant to **WMC 21.15.060**, new residential subdivisions are required to submit a Type III Tree Plan. The applicant prepared landscape plans and tree preservation plans that meet the requirements for a Type III Tree Plan (Exhibits 5 and 13). The submitted plans will provide adequate protection measures for existing trees, including installation of a tree protection zone, fencing, signage, and construction techniques to prevent root damage, in accordance with **WMC 21.15.080**.

22. Street trees are required on street frontages at a rate of 1 tree per 25 feet pursuant to **WMC 2.24.100**. The applicant is proposing to plant Bowhall red maple trees (Acer rubrum 'Bowhall') along 124th Avenue NE at a rate of 1 tree per 25 feet. On internal streets, street trees are proposed at a rate of 1 tree per 25 feet, with a combination of Japanese zelkova (Zelkova serrata 'Green Vase'), Bowhall red maples (Acer rubrum 'Bowhall'), and Capital flowering cherry (Pyrus calleryana 'Capital') trees.

23. A minimum of 60 tree credits per acre are required on the site pursuant to **WMC 21.15.070.2**. The site is 33.35 acres and requires a minimum of 2,001 tree credits. A Tree Inventory Report prepared by Shoffner Consulting was submitted evaluating existing trees on site. The report states that the site currently has 384 trees which equal 1,144 tree credits. After site preparation and grading, 131 trees (344 tree credits) will

remain on site. The landscaping plan (Exhibit 5, Sheet LA-01) identifies 452 trees ranging from 1 to 3 inch caliper trees will be planted on site, totaling 221 tree credits. The applicant will be required to mitigate for the remaining 1,476 tree credits through off-site mitigation or payment into the City Tree fund pursuant to **WMC 21.15.070.2.e.i.B and C.**

EASEMENTS:

24. **WMC 20.06.060.1** requires that public easements for the construction and maintenance of utilities and public facilities will be granted to provide and maintain adequate utility service to each lot. The widths of the public easements shall be the minimum necessary as determined by the utility. Pursuant to **WMC 20.06.060.5** the easements for utility mains or lines will be held to prohibit the placement of any building on or over the easement, but shall not preclude landscaping of an appropriate variety as determined by the City.

25. The preliminary plat identifies utility easements throughout the property. These easements range from 10 to 15 feet, and are generally located along the front of rights-of-way or on tracts shared for private access. **WMC 20.06.060.6** states that easements shall be granted by the terms and conditions of such easements being shown on the final plat or short subdivision or by separate instrument.

26. Tract 989 will be established as a native growth protection easement (NGPE) to preserve the Class III wetland. Pursuant to **WMC 20.06.060.4**, NGPEs are granted where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual and aural buffering, and protection of plant and animal habitat. A recommended condition of preliminary plat approval is that the NGPE will remain undisturbed by future property owners.

TRANSPORTATION/STREET IMPROVEMENTS:

27. Pursuant to **WMC 20.06.020.1.d**, the proposed street system is required to conform to City of Woodinville public infrastructure standards and specifications. The system should be laid out in a manner that provides for the safe, orderly and efficient circulation of traffic. The City of Woodinville adopts a Level of Service (LOS) E or better for adequate road capacity pursuant to **WMC 21.28.070**. LOS D or better is considered desirable, with average delays at unsignalized intersections at 25 to 35 seconds or better. LOS E is considered adequate and average delays at signalized intersections between 35 to 50 seconds, and LOS F is considered inadequate with delays greater than 50 seconds.

28. The applicant submitted a Traffic Impact Analysis prepared by Gibson Traffic Consultants, Inc. (Exhibit 11). The report evaluated whether the estimated trip generation resulting from the development will lower existing LOS on 124th Avenue NE. The report states that the proposed subdivision will generate 107 additional AM peak-hour trips, 133 PM peak-hour trips and a total of 1,068 average daily trips.

29. The report evaluated level of service impacts based on the new trips generated by the subdivision. The report reviewed existing, future, and future with project LOS conditions. The report evaluated conditions at three intersections on 124th Avenue NE, including NE 160th Street, NE 114th Street and NE 157th Street. The 2018 future baseline conditions for all three intersections are at LOS C to D, with delays ranging from 20.4 to 27.9 seconds. Based on a worst case scenario, the report indicates that the project will slightly increase signal delays to 21.3 to 29.3 seconds, however LOS will remain at C to D for all three intersections. The proposed site access off of 124th Avenue NE during AM peak-hours and PM peak-hours is predicted to be LOS B and LOS D respectively. 124th Avenue NE will continue to operate above the adopted level of service E **(WMC 21.28.070).** A traffic signal was not warranted based on the findings of the study.

30. The City of Woodinville Public Works Department conducted field visits to review traffic and signalization needs on 124th Avenue NE during peak daytime and evening hours. The Public Works Department confirmed the findings of the submitted Traffic Impact Analysis prepared by Gibson Traffic Consultants, Inc.

31. Street improvements are proposed along the east side of 124th Avenue NE, including a two-way left-turn lane, curbs, sidewalks, gutter, landscaping and crosswalk. The applicant is proposing two potential frontage

alternatives along a section of 124th Avenue NE at the Tolt Pipeline Trail, pending a decision from Seattle Public Utilities. The first alternative includes construction of a 6-foot curb and sidewalk within the east side of the 124th Avenue NE right-of-way. The second alternative includes a 5.5-foot planter and 8 foot sidewalk, which would require approximately 13 feet wide easement across the Tolt Pipeline Trail property from Seattle Public Utilities. Both alternatives have been found to be acceptable by the Public Works Department; however the second alternative is preferable for pedestrians and trail access.

32. Pursuant to **WMC 20.06.130.1 and WMC 20.06.140.1,** street improvements, grades and design in rights-of-way in or along the boundary of a subdivision will be required to comply with standard regulations and specifications set forth in Chapter 12.09 WMC, including the 1999 Transportation Infrastructure Standards and Specifications (TISS). The Public Works Department has reviewed the preliminary road plans and road profiles, and has found it to comply with TISS and other infrastructure standards. Final construction plans will be subject to review and approval prior to issuance of any development permits.

33. Pursuant to **WMC 20.06.130.2**, when required by the City to mitigate anticipated impacts of a new subdivision or short plat, the developer shall incorporate features into the layout of the street circulation system to minimize cut-through traffic of the proposed development and/or surrounding neighborhoods. The subdivision includes only one connection to an adjoining neighborhood, which will prevent cut-through traffic through this site and nearby. Additionally, the street network includes some traffic calming measures, such as bulb outs, that will help reduce traffic speeds.

34. Street lighting is required with the development of all new subdivisions in accordance with **WMC 20.06.020.3.d and WMC 21.14.110.** Street illumination is proposed throughout the subdivision and on the east side of 124th Avenue NE along the property frontage. The applicant is required to coordinate with Puget Sound Energy and the Public Works Department for design and installation of street lighting prior to final plat approval.

35. Pursuant to **WMC 20.06.130.4,** proposed single-access subdivision streets ending in cul-de-sacs, hammerheads or loop roads shall not exceed 990 lineal feet in length from the access point of the new subdivision and serve more than 75 proposed dwelling units unless a connection can be established to a second access right-of-way. The proposal includes 157 lots and requires two access right-of-way. The subdivision includes two connections, on 124th Avenue NE and NE 153rd Place, and meets this requirement. An emergency vehicle access will be provided off of NE 151st Street.

36. Pursuant to **WMC 20.06.170,** all subdivisions are required provide on-site recreation and trail corridors. The subdivision will feature two recreational tracts and an open space tract for residents as well as connection to the Tolt Pipeline Trail. The proposal meets this requirement.

37. **WMC 20.06.180** states that when necessary for public convenience or safety, the developer shall improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops, trails, or other community services. The subdivision will include several public accessways, including between Lots 52 and 53 for public/emergency access, between Lot 37 and 38 for potential future connection, and between Lot 12 and 13 for public trail connection.

38. The subdivision is served by Woodmoor Elementary, Northshore Junior High School, and Inglemoor High School. **WMC 20.06.020.1.h.** requires safe walk to school procedures to be followed for new subdivisions. A School Walk Safety Assessment completed by the applicant states that existing pedestrian infrastructure does not support safe walking conditions to/from the subdivision. Additional facilities will be provided with the subdivision, including sidewalk improvements on 124th Avenue NE and an additional crosswalk at the intersection of NE 154th Place and 124th Avenue NE.

UTILITIES:

39. **WMC 21.28.020** requires new development proposals to be adequately served by utility facilities including sewage disposal, water supply, surface water management, road and access, fire protection and schools. Utility service is available at the site from utility providers, including water, sewer, power, natural gas and telecommunications (Exhibits 15 and 21). Pursuant **WMC 20.06.110,** new utilities are required to be placed underground. The applicant is responsible for complying with the requirements of this section and making all necessary arrangements with the utility companies affected by installation. Staff has recommended this to be a condition of approval.

40. Pursuant to **WMC 20.06.080 and WMC 21.28.030,** all lots are required to be served by an existing disposal system consistent with the comprehensive sewer plan and approved by Woodinville Water District prior to preliminary plat approval. A certificate of sewer availability was submitted (Exhibit 16).

41. An adequate water supply is required for all new developments pursuant to **WMC 21.28.040**. The applicant obtained a certificate of water availability for the proposed lots (Exhibit 16). A water supply plan to serve each proposed lot is required to be approved by the Public Works Department and Woodinville Water District prior to final plat approval.

42. Pursuant to **WMC 20.06.090.1,** all lots shall be provided with adequate storm drainage connected to the storm drainage system of the City or other system approved by the City. The proposal includes two on-site stormwater detention ponds and vault, located on Tract 998 immediately east of 124th Avenue NE and on Tract 994 in the center of the property, consistent with **WMC 20.06.090.3** (Exhibit 4. Page 10)**.** All stormwater runoff from the individual lots and the public and private roads will be captured in storm drain conveyance pipes that will be routed to the stormwater ponds/vault. Final plans will be reviewed for consistency with **Chapter 14.09 WMC** and the **2009 King County Surface Water Design Manual.**

OTHER:

43. Pursuant to **Chapters 3.36 and 3.39 WMC**, park impact fees and traffic impacts fees are required for new single-family developments. Impact fees will be required based on the most current fee schedule in effect and collected prior to building permit issuance. Impact fee credits will be established based on the requirements in WMC 3.36.110 and 3.39.110. Based on the submitted traffic study (Exhibit 11), traffic impact fees are based off a net trip generation of 482 trips, which reflects predicted new trips minus existing trips.

44. The site has been used as a plant nursery since the 1960s. The site features an irrigation pond that collects a combination of stormwater and well water that is treated with fertilizers and pesticides prior to application throughout the property. Additionally, a leaking underground storage tank holding petroleum products was removed from the site and appropriate site cleanup was conducted. Due to the extended use of chemicals during regular nursery operations, Tetra Tech prepared a Phase I and Limited Phase II Environmental Site Assessment (ESA) for the property (Exhibit 12) that examined potential chemical concentrations on site.

45. 33 soil samples were taken across the site, including drainage areas, known petroleum tank locations and other locations, and analyzed for various pesticides, herbicides and metals. The ESA report indicates that an isolated area adjacent to a culvert on the southern area of the property has arsenic levels that exceed Washington Ecology MTCA Method B Cleanup Levels (acceptable cleanup level is 20 mg/kg, sample found was 44 mg/kg). The report states that the remainder of the site did not have chemicals of concern that exceed Washington Ecology standards. The report recommends that soils containing arsenic levels exceeding state standards should be excavated and adequately disposed off-site in connection to land development and that additional soil testing be conducted prior to excavation and removal off-site. Staff recommends as a condition of this plat approval that soils exceeding Washington Ecology standards for arsenic be properly removed and disposed per the report recommendations, and additional soil characterization should be performed prior to excavation and removal.

## AGENCY REVIEW

Environmental Review: A Determination of Non Significance (DNS) was issued by the City of Woodinville on October 14, 2013 pursuant to WAC 197-11-340(2). No appeals were received.

Notice: A Notice of Application was issued on December 18, 2012, pursuant to WMC 17.11.010.1.b. Pursuant to WMC 17.11.010.1.c, a 15-day comment period was utilized for the Notice of Application. Notice was provided in accordance with the provisions of WMC Title 17, including publishing in the Woodinville Weekly; mailing the Notice to property owners within 500 feet of the project and interested agencies; and posting the Notice at the site and at the official locations for City Notices.

A Notice of Revised Application was issued on September 16, 2013 due to additional area proposed for subdivision. The notice was advertised in the same manner as the Notice of Application.

A Notice of Public Hearing was issued on November 25, 2013, more than 15 days before the scheduled public hearing pursuant to WMC 17.11.030.3.a. The notice was mailed to property owners pursuant to WMC 17.11.040.4, interested parties, published in the Woodinville Weekly, posted on-site and other official public notice locations.

Agency Comments: The following agencies had comments regarding the proposal:

| AGENCY | SUMMARY OF COMMENTS | STAFF RESPONSE |
|---|---|---|
| City of Kirkland | No comments or concerns. | |
| King County 9/11/13 | The Tolt Pipeline Trail should be considered as a recreational feature in the SEPA checklist and considered in development review. | Staff considers the Tolt Pipeline Trail as an important recreational feature to this site and region. The review process has included connections and impacts to the trail resulting from the proposal. The subdivision will include a connection to the trail between Lots 12 and 13. The applicant is currently working with Seattle Public Utilities to obtain permission to include a sidewalk crossing the trail along 124th Avenue NE. |
| Snoqualmie Tribe 9/16/13 | Concerns about site disturbing activities and potential disruption of cultural resources. The Tribe is requesting a cultural resources report to be completed for the site and is asking to be kept up to date on ground disturbing activities. The Tribe also asks for a cumulative study to determine the environmental impacts of development, including water and air. | Staff recommends to the Hearing Examiner that a condition of approval be included in the preliminary plat approval that states that a cultural resources survey be conducted prior to construction permit issuance and be submitted to the City and DAHP. The applicant will be required to follow all recommendations of the report and on-site monitoring. |
| Department of Natural Resources | A Forest Practice Permit is required for the proposed work. | Staff recommends a condition of approval be included in the preliminary |

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| (DNR)<br>9/11/13 | | plat approval that states submittal of an approved Forest Practice Permit is required prior to construction. |
| Northshore School District<br>9/26/13 | The school district is requesting a raised sidewalk on the east side of 124th Avenue NE from NE 149th to NE 154th Place, sidewalk on frontage along the Tolt Pipeline Trail, and rapid flashing beacon with increased crossing time at the intersection of 124th Avenue NE and NE 160th Street. | Sidewalks are proposed along the east side of 124th Avenue NE from the Tolt Pipeline Trail at Tract 999 to the northern boundary of the property. A crosswalk is proposed at the intersection of NE 154th Place and 124th Avenue NE. Placement of the signal timing at NE 160th Street and 124th Avenue NE would result in an operational issue. |
| Woodinville Building Department | Fire hydrants are required to be spaced at a maximum of 500 feet apart | The plans have been revised so that fire hydrants are less than 500 feet apart |

Public Comment: Public comment letters were received during the public comment period (Exhibit 24). The primary concerns indicated in the letters were:

| CONCERN | SUMMARY OF COMMENTS | STAFF RESPONSE |
|---|---|---|
| Traffic impacts on 124th Avenue NE | Increased congestion on 124th Avenue NE will result from new development. Existing residents are expressing concerns over difficulty entering and exiting their neighborhoods onto 124th Avenue NE and anticipate increased traffic from the new development. Light signals are requested at the site entrance on 124th Avenue NE and at NE 157th Street. | Based on the results of the applicant's submitted Traffic Impact Analysis (Exhibit 11), future traffic patterns are expected to remain at an adequate Level of Service (LOS) of E or higher and a traffic signal is not warranted. No traffic signals have been proposed either intersection. A two-way left turn is proposed on 124th Avenue NE into the development to improve LOS conditions. |
| Tolt Pipeline Trail | A connection to the Tolt Pipeline Trail should be included.<br><br>The connection should be moved towards the southeast corner of the development. | A connection has been included between Lots 12 and 13. Access was not moved to the southeast corner due to grading concerns and location of the wetland. |
| Internal road connections | The City received several comments from residents in adjoining neighborhoods related to connecting the proposed subdivision to other neighborhoods. The following is a summary of concerns:<br><br>– No street connection (vehicular or pedestrian) should be permitted to other adjoining subdivisions | WMC 20.06.180 states that when necessary for public convenience or safety, the developer shall improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths. The subdivision will include several public accessways, including between Lots 52 and 53 for |

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| | – NE 151st Street should not be used for any type of access.<br><br>– NE 153rd Street stub should be open for access<br><br>– 127th Place NE stub should be open for access<br><br>– 127th Place NE stub should not be open for access<br><br>– No cut-through traffic should be permitted. Speeding through neighborhoods should be addressed | public/emergency access, between Lot 37 and 38 for potential future connection, and between Lot 12 and 13 for public trail connection. The future public right-of-way for NE 153rd will connect to the existing road stub between Lots 48 and 49. |
| Street conditions of other neighborhoods | Several comment letters included concerns related to lack of or poor sidewalks in other neighborhoods. Some commenters stated that no additional traffic should be allowed on neighboring streets and other commenters requested improvements on adjoining streets. | Infrastructure improvements in adjoining neighborhoods were not considered in this preliminary plat application. One access point to the east was provided on NE 153rd Place, however the potential for cut-through traffic appears to be fairly low based on the current street configuration. |
| School safety; Children safety | The City received comments regarding children safety. Street improvements should be made to ensure safety for children walking to school and playing in neighborhoods through:<br>– Reducing speed throughout surrounding neighborhoods through speed bumps and other traffic measures<br>– Pedestrian facility improvements on 124th Avenue NE, including improved sidewalks, crosswalks and lighting<br>– Not connecting proposed streets within the subdivision with the surrounding neighborhoods | The applicant will install a crosswalk on 124th Avenue NE to provide a street crossing, in addition to frontage improvements, including sidewalks, curbs and street lighting.<br><br>No infrastructure improvements in adjoining neighborhoods are part of this preliminary plat approval. |
| Tree and wildlife displacement | Trees and landscaping should be preserved in order to keep native habitat. | A majority of the trees on the property are located near property lines, with some trees located throughout. Trees on the eastern and northwestern property lines will generally be preserved, however trees on the north property line are being removed due to grading. Trees near the wetland will be preserved. The applicant will be required to provide a minimum tree density of 60 tree credits per acre or |

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| | | mitigate through other methods. |
| Privacy | Tall fencing, landscaping or other measures should be installed along the site boundaries in order to protect privacy. | Construction of fencing along property lines abutting other residences has been included as a condition of approval. |
| Construction impacts | Concerns regarding noise, traffic impacts and other disruptions during construction, due to significant grading and development required. Phasing and timing were also mentioned. | Construction is required to meet noise standards in the Woodinville Municipal Code. Traffic control during construction activities will be required to lessen traffic impacts. |
| Environmental clean-up required | Due to decades of nursery activity, there are unsuitable soils present on site. Several comments raised concerns over potential dust or contamination during construction. | An Environmental Site Assessment (ESA) was submitted for the project (Exhibit 12 and Analysis 43). Proper excavation and soil disposal methods are required. |
| Noticing concerns | Several comments stated concerns over how public noticing was conducted. The concerns are related to how the applicant submitted application materials in August 2012 and the Notice of Application was not issued until December 2012. | The City sent and posted public notices in accordance with noticing requirements in Chapter 17.11 WMC. The application was first submitted to the City on December 18, 2012 and was determined complete on December 20, 2012. A Notice of Application was issued on December 31, 2012, within 15 days of the determination of completeness pursuant to WMC 17.11.010. In addition, the applicant held a voluntary public meeting with the neighborhood on January 17, 2013. |

## DETERMINATION OF CONSISTENCY

RCW 36.70B.040 – Determination of Consistency and WMC 17.13.100 requires that a proposed project shall be reviewed for consistency with a local government's development regulations during project review by consideration of:

1. Type of land use;
2. Level of development;
3. Infrastructure, including public facilities and services needed to serve the development; and
4. The characteristics of the development, such as development standards.

Based on the above analysis, and with the proposed conditions listed below, staff finds that the Vinterra Preliminary Subdivision has met the requirements of the City of Woodinville Infrastructure Standards, 2009 Comprehensive Plan, and Woodinville Municipal Code. The Vinterra Preliminary Plat proposal has made appropriate provisions for the public health, safety, and general welfare by:

1. Providing stormwater drainage and treatment improvements;
2. Installing street improvements to meet the adopted transportation infrastructure standards;
3. Providing non-motorized transportation facilities, including sidewalks and crosswalks;
4. Protection of critical areas through site mitigation and ensuring no net loss of ecological function;
5. Providing adequate emergency and fire access.

## CRITERIA FOR APPROVAL

**WMC 20.06.020.1 and 2** states that each proposed subdivision must meet the following criteria:

1. The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville Comprehensive Plan, community urban forestry plan, and parks, recreation, and open space plan;
2. The proposal conforms to the development standards set forth in WMC Title 21, Zoning;
3. The proposal conforms to the requirements of this section and those set forth in this chapter and WMC 17.09.020;
4. The proposed street system conforms to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;
5. The proposed subdivision or short subdivision will be adequately served with City-approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
6. The layout of lots, and their size and dimensions, take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;
7. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;
8. Safe walk to school procedures, as established by the City, have been met;
9. Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.

## STAFF RECOMMENDATION

The proposed project was found to be consistent with and meet the intent of the Woodinville Comprehensive Plan, Shoreline Master Program and applicable development regulations; therefore, staff recommends **APPROVAL** of the Vinterra Preliminary Plat, subject to the following conditions:

FINAL PLAT/SITE PLAN

1. All improvements shall be constructed in accordance with the approved Preliminary Plat Map submitted October 16, 2013. The Planning Director and/or Public Works Director may approve minor modifications of the plans submitted if the modifications do not change the Findings of Fact or the Conditions of Approval.
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 included within this plat shall be governed by the Conditions of Approval imposed through File Number PPA12003/SEP12036 and shall be binding upon the land until that approval is amended, revoked or expires."
    b. A free consent statement in conformance with City of Woodinville standards shall be acknowledged by property owners and shall be notarized.
    c. "Building setbacks, driveway length, building height, building coverage, impervious surface coverage, and parking for this plat are subject to the standards in place at the time of a complete

application for the single-family residential building permits. Applicants should have their site plan verified for compliance with these standards prior to submitting plans for a building permit."

d. "All property owners 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 987, 990, 992, 993, 996, and 997 must be designated on the face of the plat and must specify the use and maintenance of the private facilities.
f. "No lot may take direct access to 124th Avenue NE."
g. "With application for each building permit, a tree planting plan shall be submitted, in conformance with the approved planting plan, prepared by _____, and approved by the City on _____. The required trees shall be planted prior to final inspection for the residence."

3. The following changes shall be made to the final plat map:
   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 bearings for the lot lines.
   d. Show all existing and proposed easements and tracts; show the easement and tract ownership and maintenance responsibilities.
   e. 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.
   f. Include the requirement that the homeowners association is responsible for maintaining the landscaping and irrigation systems in the recreation tracts, stormwater tract, and planter strips adjacent to the tracts, including payment for any water usage.
4. A ten foot utility easement along the public and private street frontage shall be dedicated as part of the plat.
5. The right-of-way and the improvements for NE 153rd Place and Roads A through G shall be dedicated to the public as part of the final plat approval.
6. The following items are required to be shown 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. Owners Statement;
   c. All new easement(s) over the property, their legal description(s) and associated dedication block(s);
   d. Recording block/Certification block for Planning Director and Public Works Director approval;
   e. Certification of Payment of Taxes and Assessments;
   f. Auditor's Certificate;
   g. North arrow;
   h. The survey control scheme, monumentation, monuments to be set, and references.
7. Submit a copy of the covenants, conditions and restrictions along with the application for final plat approval.
8. All improvements shall be constructed in accordance with the approved site development plans and right-of-way construction plans and shall be installed prior to final plat approval. A financial security may be posted for final asphalt lift and landscaping pursuant to WMC 20.06.210 as approved by the Planning and Public Works Directors.

9. As-builts shall be submitted showing all public improvements with application for final plat. The submitted as-builts shall be in the format 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 to be reviewed, approved and signed by the Public Works Director upon satisfactory installation of the constructed infrastructure improvements and site work. 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 provided 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.
12. The applicant is required to:
    a. Construct frontage on 124th Avenue for the length of the property including curb and gutter, road widening, enclosed stormwater drainage, sidewalks, planter strips, bicycle lanes, street trees, street illumination, and landscaping as shown on the preliminary plans dated October 16, 2013 or minor modifications as approved by the Public Works Director.
    b. Widen 124th Avenue to provide a two-way left turn lane the full length of the property frontage and with transitions that meet the existing street channelization on both ends in accordance with city standards. Minor modifications may be approved by the Public Works Director.

SITE DEVELOPMENT

1. All work within public right-of-way requires a right-of-way permit, including site, frontage and utility improvements. Right-of-way permits must include a traffic control plan, erosion control plan, and all frontage improvements proposed for the site.
2. All work on private property requires a site development permit, including site, drainage, landscaping, mitigation and utility improvements. The site development permit application shall conform to the conditions of approval in this decision.
3. The applicant must obtain all necessary state and federal permits and approvals, including a Forest Practice Permit, prior to starting of any construction activities.
4. A Heavy Hauling permit from the City of Woodinville will be required.
5. 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.
6. A separate sign permit shall be required for any new or altered signs.
7. The applicant must obtain updated water and sewer availability certificates prior to final plat approval.
8. The storm water detention pond shall be landscaped on all sides by Type II landscaping. 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. The Homeowners Association shall be responsible for maintaining the landscaping. The maintenance and function of the pond shall be the responsibility of the City of Woodinville.

9. 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 allowed. All development shall proceed in accordance with the recommendations listed in the Preliminary Technical Information Report dated August 27, 2013, prepared by Blueline Group and any further addendums as accepted by the Public Works Director.
10. Where feasible, the applicant will construct 6-foot high wood fencing along existing property boundaries that abut neighboring properties. The fencing will comply with the standards in WMC 21.14.260. Alternatives that provide similar sight-obscuring qualities may be approved by the Planning Director or Public Works Director.
11. The mailbox locations shall be approved by the Woodinville postmaster and the City Engineer prior to installation to ensure that the required intersection sight distances are complied with and that they do not interfere with traffic operations or pedestrian travel paths.
12. All new utilities and existing utilities shall be installed and/or relocated underground within the development, including electrical transformers, telephone pedestals, cable splice cabinets, and those in the 124th Avenue NE frontage prior to final plat approval per WMC 15.39.010.
13. The applicant shall install curb and gutter, sidewalks, planters, and street trees per City standards. The applicant will be required to construct new public roads, private access roads, and frontage improvements in reasonably close conformity with preliminary plans dated October 16, 2013 in accordance with City standards. Final construction drawings must be approved by the Public Works Director. Any revisions are to be approved by the Public Works Director.
14. Road F shall be required to have an emergency vehicle connection and at least one pedestrian connection with NE 127th Place. A 6-foot sidewalk will only be required on one side of Tract 992 connecting to NE 127th Place. The sidewalk can be located in the 10-foot utility easement. The applicant will also be required to install bollards across the roadway that can be removed by emergency personnel per City Infrastructure Standards.
15. There shall be a full street connection from Road F to NE 153rd Place on the east side of the property.
16. All existing and proposed overhead utilities shall be placed underground, prior to final plat approval, as At the east end of Road B the applicant shall install "No Parking" signs to keep the emergency vehicle turnaround clear of parked vehicles. Sign placement will be noted in final approval of construction drawings. The applicant will also install bollards at the end of the hammerhead, which can be removed for emergency personnel, to prevent traffic from entering onto the private roadway.
17. The applicant shall be required to install a marked crosswalk supplemented with rapid flashing beacons on 124th Avenue NE at NE 154th Street as shown on the preliminary plans as shown on GP-01 with a mid-street pedestrian refuge island.
    - West of the midblock crossing there shall be a 20'x10' pad.
    - The west shoulder of NE 124th Avenue NE adjacent to the crosswalk shall be widened to 10 feet for a length of 20 feet 10 feet on either side of the crosswalk.
    - The west shoulder of NE 124th Avenue NE shall be 5 feet wide from the crosswalk to the end of the sidewalk, which is located north of the driveway leading to Woodmoor Elementary School
18. A final tree preservation, maintenance agreement and replanting plan for the individual lots shall be submitted to the City for review and approval prior to final plat approval. The tree plan shall be designed in conformance with the City's Municipal Code and Infrastructure Standards. This project is subject to a Type III tree plan. The site is 33.35 acres and is required to have 2,001 tree credits, pursuant to Chapter

21.15 WMC. The applicant proposes to remove 77 trees, totaling 344 credits, due to site grading and preparation. The applicant shall replant 1,657 tree credits, or meet another requirement of 21.15.070(2)(e). Trees will be planted within Tracts 988, 989, 991, 994, 995, 998, and 999 as part of the landscaping required for this project. 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 there are remaining tree credits that are required, the applicant shall comply with the requirements of WMC 21.15 by paying in to the City tree fund for those credits, prior to final plat approval. The final plans shall include the following revisions:

- The tree credits that will be provided in the landscaping area in the NGPE, recreational and drainage (Tracts 988, 989, 991, 994, 995, 998 and 999) and the remaining number of credits to be provided by the individual lots (or another method per WMC 21.15).
- 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 called out specifically.
- Identify those off-site trees on the plans that have the potential to be impacted by construction, as identified in the arborist report. Impacts to these trees during construction shall be evaluated by the arborist, and for those that are determined to no longer be viable, the applicant shall work with the neighbor on an agreeable solution to the impact.
- The arborist shall provide a specific recommendation on the number of trees each lot can support. The replanting plan shall conform to this recommendation.
- A final irrigation plan, providing temporary irrigation for all planted trees.

19. The clearing limits of the approved plans shall be clearly delineated in the field. Where such limits are in proximity to property boundaries or NGPEs, barrier fencing or siltation fencing shall be installed before site disturbance in accordance with the approved temporary erosion and sedimentation control plan.

20. A minimum four (4) foot tall chainlink fence, or another fence as approved by the Planning Director pursuant to WMC 21.15.080, shall be installed around all trees designated to remain on the Tree Plan. The fence shall be located five (5) feet beyond the driplines 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 entirety of the fence that states "Tree Protection Area, Entrance Prohibited, call 425-489-2754 to Report Violations".

21. All development shall proceed in accordance with the recommendations listed in the Critical Area Assessment prepared by Wetland Resource, Inc. and any further addendums as accepted by the Planning Director. The monitoring reports for the wetland mitigation shall begin with a baseline report, due at the time that the mitigation work is inspected and approved by the City, in conformance with the recommendation of the reports. Five (5) years of monitoring reports shall be submitted to the City on an annual basis after that date. 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.

22. Remediation and/or disposal of the contaminated soil must be completed in accordance with the Phase I and Limited Phase II Environmental Site Assessment prepared by Tetra Tech, Inc., as well as state and federal law. The applicant shall provide documentation of the remediation and legal disposal of the contaminated soils or a letter to this effect with a concurrent approval letter from any regulatory agency. This letter shall confirm that all hazardous material and contaminants were removed from the site and disposed of in a legal manner.

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

24. All development shall proceed in accordance with the recommendations listed in the Geotechnical Report dated September 11, 2012, prepared by Terra Associates, Inc and any further addendums as accepted by the Public Works Director.

25. The applicant shall submit a supplement to the existing Technical Information Report for approval by the City of Woodinville. This report shall detail the design and construction of but not limited to:
    - Stormwater facilities
    - Outfall locations
    - Erosion control at outfall locations
        i. East Basin – 24" CMP outlet to channel
    - The relocation of the existing water service line in the east basin ravine
    - Offsite stormwater Integrated Management Practices (IMP's)
    - Additional requirements that the applicant will need to meet.

    The Woodinville Water District is currently planning on moving the water service line, located in the East Basin that regularly is exposed due to erosion. If this water service line is not moved by the time of final plat approval, the applicant will take responsibility for relocating this water service line.

26. 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, 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.

27. 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. 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.

28. 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.

29. 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 in accordance with the Woodinville Municipal Code.

30. 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.

31. 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.

32. All construction traffic shall take access off 124th Avenue NE. The applicant shall not use any other public road for construction access without a permit from the City of Woodinville Public Works Department. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and a right-of-way permit obtained from the City of Woodinville.

33. 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 fee or mitigation amount shall

be made to the City of Woodinville at the time of building permit issuance. The total fee shall be based on the mitigation fee established in WMC 3.36. Impact fee credits will be established based on the requirements in WMC 3.36.110.

34. 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 the fee payment. Impact fee credits will be established based on the requirements in WMC 3.39.110.
35. A performance guarantee, in the form of an assignment of funds or cash deposit, in the 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.
36. A maintenance guarantee, in the form of 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. The City shall inspect the infrastructure at the end of the maintenance period. Any infrastructure that appears defective or has deteriorated beyond normal wear for the period of the guarantee shall be repaired by the applicant to the satisfaction of the City.
37. Maintenance periods shall begin when the City has accepted all required site improvements. The maintenance periods are as follows, and may be extended by the City if on-site conditions warrant an extension:
    - Site, frontage, and lighting improvements – Two (2) years
    - Landscaping & Irrigation – Three (3) years
    - Tree Protection – Five (5) years
    - Wetland Mitigation – Five (5) years
38. 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.

## EXHIBIT LIST

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|---|---|
| Exhibit 1 | Staff Report |
| Exhibit 2 | Application materials, including application and project narrative, submitted August 27, 2013 |
| Exhibit 3 | Title Report, submitted August 27, 2013 |
| Exhibit 4 | Preliminary Plat Plans, prepared by Blueline Group, submitted October 16, 2013, including plat map, grading, utility, road, erosion control plans |
| Exhibit 5 | Landscape and Tree Retention Plans prepared by Cramer Design Consultants, Inc., submitted October 16, 2013 |
| Exhibit 6 | Survey, prepared by Axis Survey and Mapping, submitted October 16, 2013 |
| Exhibit 7 | SEPA Checklist, prepared by Jennifer Reiner of DR Horton, submitted August 27, 2013 |
| Exhibit 8 | Determination Report for King County Parcel #1626059077, prepared by Wetland Resources, Inc. dated August 5, 2013 |
| Exhibit 9 | Critical Area Study and Buffer Mitigation Plan, prepared by Wetland Resources, Inc. dated revised April 4, 2013 |
| Exhibit 10 | Geotechnical Report, prepared by Terra Associates, Inc., dated September 11, 2012 |

Exhibit 11 Traffic Impact Analysis, prepared by Gibson Traffic Consultants, dated April 2013

Exhibit 12 Phase I and Limited Phase II Environmental Site Assessment Report of Findings, prepared by Tetra Tech, Inc., dated June 17, 2013

Exhibit 13 Revised Tree Inventory Report for Vinterra, prepared by Schoffner Consultant, revised August 26, 2013

Exhibit 14 Preliminary Technical Information Report, prepared by Blueline Group, dated August 27, 2013

Exhibit 15 Draft Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Vinterra, submitted December 18, 2012

Exhibit 16 Certificates of Water and Sewer Availability, submitted December 18, 2012

Exhibit 17 Vinterra Subdivision – Additional Information Request, prepared by Blueline Group, dated October 16, 2013

Exhibit 18 Vinterra Subdivision – Additional Information Request, prepared by Blueline Group, dated August 27, 2013

Exhibit 19 Vinterra Subdivision – Additional Information Request, prepared by Blueline Group, dated April 16, 2013

Exhibit 20 SEPA Determination of Nonsignificance (DNS) issued October 14, 2013

Exhibit 21 Notice of Application issued December 31, 2012 and reissued September 9, 2013

Exhibit 22 Notice of Public Hearing issued November 25, 2013

Exhibit 23 Agency Comments

Exhibit 24 Public Comments