

subdivision. Because of this determination, additional improvements must 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. *Exhibit 1, pgs. 10 and 11; Testimony of Mr. Hansen.*

32. In its amended Staff Report the City recommended that the Applicant be required to install a single marked crosswalk with rectangular rapid flashing beacons on 124th Ave. NE and NE 149th St. at the vicinity where the Tolt water line crosses 124th NE. Ave. *Exhibit 25, pgs. 3 and 24.* The Applicant did not object to this recommendation but submitted that the record should reflect that it is not responsible for installation of sidewalks on the west side of 124th Ave. NE. *Exhibit 33, Page 3*
33. Pursuant to a requirement that new residential subdivisions must submit a Type III Tree Plan (WMC 21.15.060), the Applicant provided landscape plans and tree preservation plans. *Exhibit 5; Exhibit 13.* Implementation of the plans would provide protection measures for existing trees and would include installation of a tree protection zone, fencing, signage, and construction techniques to prevent root damage. *Exhibit 1, pg. 8; Testimony of Ms. Ngo.*
34. A Tree Inventory Report prepared by Shoffner Consulting was submitted evaluating existing trees on site⁸. *Exhibit 13.* The minimum required tree density for the site is 60 tree credits per acre. *Exhibit 13, pg. 3;* the 33.35 acre site requires a minimum of 2,001 tree credits. Based on a tree census it was determined that the site currently has 384 trees, the equivalent of 1,144 tree credits. After site preparation and grading, 131 trees (344 tree credits) will remain on site. *Exhibit 13, pg. 3.* A landscaping plan has identified 452 trees (221 tree credits) ranging from 1 to 3 inch caliper trees that are to be planted on site. Based on City calculations, the Applicant will be required to provide mitigation with 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. *Exhibit 1, pgs. 8 and 9.* Revisions to the Tree Inventory Report and planning plans will be required to satisfy the minimum tree credit requirements for the site. *Exhibit 25, pg. 2*
35. WMC 21.15.070(2)(a) establishes the minimum tree standard as 60 credits per acre. For the 33.35 acres on the subject property there are 2001 tree credits required. There are currently 1,145 tree credits on the property and 131 trees will be retained. Based on these figures, the development of the site will be required to replace 1,657 tree credits. The Applicant will have the option of achieving those credits through tree replacement on site, or contribution to the City's tree fund. *Exhibit 13, pg. 3*
36. The Applicant proposed 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. *Exhibit 5; Exhibit 13*
37. Two on-site stormwater detention ponds and vault would be developed as part of the subdivision. One would be located on Tract 998 immediately east of 124th Avenue NE,

⁸ Shoffner Consulting is currently preparing an updated tree inventory which will be submitted with construction plans. The tree calculations will be based on the amended report. *Exhibit 30*

and the other on Tract 994 in the center of the property. *Exhibit 4, Pg. 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. *Exhibit 1, pg. 11*

38. In the City of Woodinville park and traffic impacts fees are required for new subdivision development. The required fees are based on the current fee schedule of the city and they are collected prior to building permit issuance. The impact fee credits will be established based on the requirements of WMC 3.36.110 and WMC 3.39.110. *Exhibit 1, pg. 11*
39. The Applicant's plans include a parcel of land, Tract 989, which will be established as a native growth protection easement (NGPE) to preserve the Class III wetland. Pursuant to WMC 20.06.060.4, NGPE's 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 remain undisturbed by future property owners. *Exhibit 1, pgs. 9*
40. The City and the Applicant disagreed over the terms of Condition 2(c) that was included in the City's recommendation of approval. The condition read:

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.

- 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."

In an allowed post-hearing filing, the Applicant argued that while building regulations, such as those addressed in the International Building Code, vest at the time of building permit application, zoning and land use development standards vest at the time of complete plat application. The Applicant submitted that the standards called out in condition 2C of the City's recommendation vest at complete plat application and cannot be determined at the time of application of a building permit. *Exhibit 1, pgs. 16 and 17; Exhibit 33, Kolouskova attachment*

41. As part of the site development conditions the City recommended the following:
 16. All existing and proposed overhead utilities shall be placed underground, prior to final plat approval. 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.

The City in its corrections to the Staff Report added the requirement that all existing

and proposed overhead utilities shall be placed underground prior to final plat approval.
Exhibit 25, page 24.

42. A. Based on its plat review the Woodinville Planning Department determined that the proposed Preliminary Plat, with conditions, would comply with the Comprehensive Plan goals and policies. The property has potential to support the single-family development. Utilities, including water, sewer and power, are available to support this development. The project is consistent with Goal LU-1 of the City's Plan which is 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. The plat would include construction of an internal street network within the Subdivision. The network would include sidewalks and recreational spaces; the sidewalks would connect to new frontage improvements on 124th Avenue NE as well as adjacent developments and the Tolt Pipeline Trail. The project is consistent with Goal LU-2 of the City's Plan, which is to establish land use patterns, densities, and site designs that encourage less reliance on single-occupant vehicle travel.
- C. The plat would support development of low to moderately dense housing consistent with the zoning of the surrounding community. The design meets the dimensional lot standards of the R-4 and R-6 zoning districts and construction would comply with bulk and height standards prior to issuance of construction permits. It includes installation of street frontage and infrastructure improvements along NE 124th Street as well as internal streets. The Applicant would be required to meet the requirements for tree retention and mitigation, which will help to preserve the neighborhood character and natural environment. The project is consistent with Goal LU-3 of the City's Plan, which is to attain a wide range of residential patterns, densities, and site designs consistent with Woodinville's identified needs and preferences.
- D. The plat would include 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 would be provided. The project is consistent with goal H-2 of the City's Plan, which is promote safe, physically accessible, and clean residential environments with associated open spaces.

Testimony of Ms. Ngo; Exhibit 1, pgs. 2-4

43. Fire hydrants are required to be spaced at a maximum of 500 feet apart. The Applicant's plans call for the hydrants to be less than 500 feet apart. *Exhibit 1, pg. 13*
44. Public comment letters were received during the public comment period (*Exhibit 24*) and members of the public submitted testimony at the public hearings. The primary concerns indicated in the letters were:
 - A. Traffic impacts on 124th NE: Letters and testimony from the public voiced concern about the increased congestion on 124th Ave. NE, as it currently exists and the impact from the proposed development. The most commented upon issue was the ingress and egress of neighborhoods off and to the Avenue. Some witnesses

questioned the accuracy of the submitted traffic report and the calculations for traffic that would be present during p.m. peak hours. Also, the number of existing traffic credits onto 124th was questioned. Some witnesses argued that a cumulative LOS should be considered all streets that connect to 124th Avenue. None of the witnesses provided independent traffic reports. Common testimony was that the traffic on 124th Avenue NE currently causes significant waits and that the increased traffic from the proposed subdivision will exacerbate the problem. There was also testimony that the trip generation calculations are inaccurate. In response the City submitted that it uses the standard trip calculation system that is used throughout the country.

- B. Access to Tolt Trail: It was suggested that the connection to the Tolt Trail should be moved to the southeast portion of the site. Because of topography and grading concerns the access is between Lots 12 and 13.
- C. Internal road connections: Numerous comments were submitted concerning road connections to adjoining subdivisions and the flow of traffic. The plat map (Exhibit 4) depicts the public streets and the connections to streets that serve other subdivisions. The street design has been reviewed pursuant to WMC 20.06.180 to determine if the design meets the requirements of this ordinance.
- D. Rapid Flashing Light and School Safety: A crosswalk would be installed on 124th Ave. NE to provide a street crossing. Witnesses submitted testimony of the location of a flashing traffic light that would act as a traffic calming device and provide additional safe pedestrian conditions. It was suggested that the flashing light should be amber and not red.
- E. Infrastructure of other subdivisions: There were letters relating to the condition of the sidewalks and streets in adjoining neighborhood. The City submitted that the infrastructure of adjoining plats is not the responsibility of the Applicant and this issue was not considered in the City's review. *Exhibit 1, pg. 14.*
- F. Other Issues: Many of the letters and testimony related to issues that were addressed by the City in its review and recommendations. They include: Construction impacts; environmental clean-up requirements; privacy and tree replacement. Issues were raised in letters about notice; however notice as given by the City is consistent with local and state requirements. *Exhibit 21 and 22*

CONCLUSIONS

I. Jurisdiction:

WMC 17.07.030:

Pursuant to, 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.

II. Criteria for Review of Preliminary Plats and modifications:

WMC 20.06.020 Review and approval criteria.

- (1) Each proposed subdivision or short subdivision shall be reviewed to ensure that:
 - (a) 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;
 - (b) The proposal conforms to the development standards set forth in WMC Title 21, Zoning;
 - (c) The proposal conforms to the requirements of this section and those set forth in this chapter and WMC 17.09.020;
 - (d) 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;
 - (e) 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;
 - (f) 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;
 - (g) 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;
 - (h) Safe walk to school procedures, as established by the City, have been met;
 - (i) Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.

- (2) Lack of compliance with the criteria set forth in subsection (1) of this section shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria

Conclusions based on Findings of Fact

1. The Applicant requested preliminary plat approval for the subdivision of two existing (parcels totaling 33.35 acres) into 157 single-family residential lots in R-4 and R-6 zone districts in the City of Woodinville (City). The application was reviewed and determined complete on December 20, 2012. The property, generally located at 15025 124th Avenue NE (Parcel 'A') and 12825 NE 151st Street (Parcel 'B'), Woodinville, Washington, is owned by the Estate of Henry Epp and Schuster Family Investments, LLC. Construction of the plat will include grading, erosion control, street frontage improvements, tree protection, and stormwater/drainage improvements. RCW 43.21C, the State Environmental State Environmental Act, review is required for developments of five or more lots. *Findings of Fact Nos. 1 and 2*

2. The proposed plat 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. *Findings of Fact Nos. 8, 28, 33, 34, 37, and 42 A-D*
3. The proposed plat conforms to the requirements of WMC 20.06 and those set forth WMC 20.06 and WMC 17.09.020. *Findings of Fact Nos. 7-43*
4. The proposed street system conforms to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans the Design of the plat addresses safe, orderly and efficient circulation of traffic. *Findings of Fact Nos. 17-22*
5. The proposed subdivision will be adequately served with City approved Water, sewer, and other utilities appropriate to the nature of the subdivision. *Finding of Fact No. 7.*
6. The layout of lots, and their size and dimensions, has been designed with attention to topography and vegetation on the site in order that buildings may be reasonably sited, and the least disruption of the site, topography, trees and vegetation will result from development of the lots. *Findings of Fact Nos. 8-18, 23, 24 and 27-29.*
7. As a means of assuring that street and building sites of the plat are on geologically stable soil and that the stress and loads to which the soil may be subjected will not impact the development, the Applicant provided the City with a Geo-Tech Report that identified hazards and limitations to development. The designs of streets and lot layout have been based on the findings of said Report and the City has accepted its findings. An Environmental Assessment was also performed to address any contaminated soils. *Findings of Fact Nos. 16, 22-25*
8. Safe walkways to schools, and the process necessary to achieve this requirement, has been reviewed and determined by the City. *Findings of Fact No. 32*
9. Tree preservation has been considered in accordance with the community urban forestry plan. Tree preservation requirements have been established with conditions of this document. *Findings of Fact Nos. 32-35*
10. A wetland has been identified in the southern portion of the entire parcel and it includes a three to four foot deep ditch between a gas pipeline right-of-way and fill that has been used in the past by the previous use, a nursery. The wetland, which collects hydrology from uncollected irrigation, precipitation and seepage from the gas pipeline, is less than one acre, has no forest connected or on it and does not contain open water. It has been classified as a Class 3 wetland. It does however, allow for reduction of area of some lots. All review requirements, including buffer reduction and enhancements for reduction, have been included as conditions by the City and the all the requirements of chapter WMC 21.24 have been addressed. *Findings of Facts Nos. 15 and 16*
11. The zoning and land use standards for the plat vested as of the date of the complete plat

application. Washington law is well established that vesting occurs with a complete application. The complete application for the instant plat was December 20, 2012. *Finding of Fact No. 1*. The support of this conclusion is established in Washington law. In *Noble Manor Co. v. Pierce County*, 133 Wn.2d 269, 943 P.2d 1378 (1997). the Washington Supreme Court stated:

The purpose of the vested rights doctrine is to provide a measure of certainty to developers and to protect their expectations against fluctuating land use policy. *Friends*, 123 Wn.2d at 522 (citing *West Main Assocs. v. City of Bellevue*, 106 Wn.2d 47, 51, 720 P.2d 782 (1986)).

We conclude that when the Legislature extended the vested rights doctrine to plat applications, it intended to give the party filing an application a vested right to have that application processed *under the land use laws in effect at the time of the application*. Therefore, if the County requires an Applicant to apply for a use for the property in the subdivision application, and the Applicant discloses the requested use, then the Applicant has the right to have the application considered for that use *under the laws existing on the date of the application*. If all that the Legislature was vesting under the statute was the right to divide land into smaller parcels with no assurance that the land could be developed, no protection would be afforded to the landowner. (emphasis added)

The Noble Court reinforced previous land use decisions in which the Supreme Court determined that vesting of land use and zoning standards occur at the time of a complete plat application. In *Friends of the Law vs. King County*, 123 Wn.2d 518, 522 (1994) the Court held:

"Vesting" refers generally to the notion that a land use application, under the proper conditions, will be considered only under the land use statutes and ordinances in effect at the time of the application's submission. *West Main Assocs. v. Bellevue*, 106 Wn.2d 47, 50-51, 720 P.2d 782 (1986). The purpose of vesting is to provide a measure of certainty to developers, and to protect their expectations against fluctuating land use policy. *West Main*, at 51. Although the doctrine at common law was extended to a number of different types of permits, it was never extended to applications for preliminary plat approval. *Norco Constr., Inc. v. King Cy.*, 97 Wn.2d 680, 684, 649 P.2d 103 (1982).

12. The City of Woodinville's Level of Service for traffic flow standards are set forth in WMC 21.28.070, which reads:

- 21.28.070 Adequate roads – Road capacity level of service (LOS) standard.
- (1) A calculated LOS D or better shall be considered desirable.
 - (2) A calculated LOS E shall be considered adequate.
 - (3) A calculated LOS F shall be considered inadequate.

The traffic flows on the surrounding roads and intersections have been studied and the traffic to be projected by the proposed development has been considered. The LOS of traffic before and after the development meets the current City standards as set forth in WMC 21.28.070. *Findings of Fact Nos. 19-20*

13. Pursuant to RCW 36.70B.040 – Determination of Consistency and WMC 17.13.100 the proposed plat has been reviewed for consistency with Woodinville’s development regulations for a preliminary plat of 157 lots on a 33.35 acre plat. The infrastructure, including public facilities and services needed to serve the development has been considered. The design and characteristics of the proposed plat have been reviewed to determine consistence with Woodinville development standards. *Findings of Fact Nos. 1-43*

DECISION

Based on the above stated Findings and Conclusions and the administrative record developed in this matter, it is hereby ordered:

The subdivision of two existing parcels containing 33.35 acres into 157 single-family residential lots, generally located at 15025 124th Avenue NE (Parcel ‘A’) and 12825 NE 151st Street (Parcel ‘B’) Woodinville, Washington, is **approved, subject to conditions as set forth in this document.**

FINAL PLAT/SITE PLAN

1. All improvements of the plat must be constructed consistent 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 expired.”
 - b. A free consent statement in conformance with City of Woodinville standards shall be acknowledged by property owners and shall be notarized.
 - c. Zoning and land use standards vested with the complete application. All building permit standards will vest at the time of complete building permit applications.
 - d. As part of the Homeowners Association agreement there shall be a section that requires the following: “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. If 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 responsibilities 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 must 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. 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 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 the 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 blue-line, 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 shall:
 - 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

13. All work within public right-of-way shall be done with 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.
14. All work on private property shall be done with 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.
15. The Applicant must obtain all necessary state and federal permits and approvals, including a Forest Practice Permit, prior to starting of any construction activities.
16. A Heavy Hauling permit from the City of Woodinville is required.
17. All walls over four (4) feet in height or those that carry a surcharge shall have 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.
18. A separate sign permit shall be required for any new or altered signs.
19. The Applicant must obtain updated water and sewer availability certificates prior to final plat approval.
20. 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 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.

21. 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.
22. The Applicant is encouraged, but not required, to construct fencing, or other sight obscuring features, along existing property boundaries approved by the Development Services Director or Public Works Director. Fencing that is installed must comply with standards in WMC 21.14.260.
23. 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.
24. 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.
25. 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 that are consistent with preliminary plans dated October 16, 2013 and are 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.
26. Road F shall have an emergency vehicle connection and at least one pedestrian connection with NE 127th Place. A 6-foot sidewalk will 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.
27. There shall be a full street connection from Road F to NE 153rd Place on the east side of the property.
28. All existing and proposed overhead utilities shall be placed underground, prior to final plat Approval. 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.

29. The Applicant shall be required to install a single marked crosswalk supplemented with rectangular rapid flashing beacons (RRFB) on 124th Ave. NE. in the vicinity of the intersection of 124th Ave. NE. and NE. 149th St. to the vicinity of where the City of Seattle Tolt Water line crosses 124th Ave. NE. This area is shown on Sheet 10 of 16 of Exhibit 4. Preliminary Plat Plans at Station 1+00 to Station 6+00. The Applicant may be required to construct a mid-street pedestrian refuge island at this same marked crosswalk, with RRFB within its limits, if required by the Public Works Director. The marked crosswalk and the pedestrian refuge areas in the mid-street island and the sidewalks of each side of 124th Ave. NE. shall be constructed to ADA standards. The exact location of the marked crosswalk shall be determined by the Public Works Director at the time of construction plan approval with the right of way permit required for the project.

30. 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. The project is subject to a City of Woodinville Type III tree plan. The site, 33.35 acres, is required and the Applicant is required to provide a total of 2001 tree credits through replanting or other mitigation requirements consistent with WMC 21.15.070.2.e. The final tree density credits totals will be evaluated in the tree preservation plan, replanting plan and tree inventory report submitted at final plat approval. Trees shall be planted within Tracts 988, 989, 991, 994, 995, 998, and 999 as part of the landscaping required for this project. Trees shall be planted on individual lots at the time of single-family residence construction. Prior to final plat approval, the planting shall be based on (1) an approved plan; and (2) a recommendation from the arborist on the number of trees each lot can support without creating a nuisance. If remaining tree credits are required, the Applicant shall comply with the requirements of WMC 21.15 by contributing 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.

31. 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.

32. A minimum four (4) foot tall chain link 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".
33. 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.
34. Remediation and/or disposal of the contaminated soil and sediments, which exceed Washington State Department of Ecology MTCA Method B cleanup levels for unrestricted/residential use, must be completed in accordance with the Phase I and Limited Phase II Environmental Site Assessment prepared by Tetra Tech, Inc. dated June 17, 2013 (Exhibit 13), as well as all requirements as set forth in State of Washington and Federal law, including abandonment of wells and removal of septic systems. The Applicant shall also submit to the City copies of any correspondence sent to, or received, from any governmental agency, including approvals of determinations, concerning the removal or remediation of contaminated soils.
35. 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.
36. All development be 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.
37. The Applicant shall submit a supplement to the existing Technical Information Report for approval by the City of Woodinville. The supplement 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 must meet.

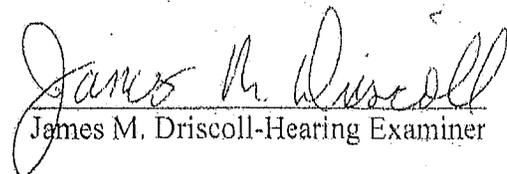
The Woodinville Water District is currently planning on moving the water service line located in the East Basin. If this water service line is not moved by the time of final plat approval, the Applicant will take responsibility for relocating it, provided that the Applicant is able to obtain the underlying property owner's consent to relocate such water service line.

38. Construction noise is not permitted anytime on Sundays and holidays, or 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.
39. The Development Services Director and/or the Public Works Director have the authority to direct the Applicant, or the Developer (if someone other than the Applicant develops the property), 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 Applicant or Developer or his representative to redirect such labor and equipment shall result in immediate project closure and resolution of the problem by the City.
40. 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 shall be contacted immediately 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.
41. 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.
42. Prior to starting any construction, the Applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit.
43. 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.
44. 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, off 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.
45. 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.

46. The Applicant shall pay transportation impact mitigation fees for each new average daily trip generated by the proposed development. Payment of the traffic impact mitigation fee shall be made to the City of Woodinville at the time of building permit issuance. There is a traffic impact trip credit of 482 daily trips for the site due to existing uses on the site as determined by the Traffic Impact Analysis (Exhibit 11). The Applicant shall determine when to apply the traffic impact trip credits when submitting the building permit applications. When the credits are depleted, the Applicant shall pay the traffic impact mitigation fee in effect at the time. The 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.
47. 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.
48. 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.
49. Maintenance periods shall begin when the City has accepted all required site improvements. The maintenance periods are listed below, but 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
50. 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.

Dated 16th day of January, 2014


James M. Driscoll-Hearing Examiner