



NOTICE OF DECISION City of Woodinville

Development Services Department

425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072

Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

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

Project Name: Woodinville 10 Subdivision

Project PPA15001 / SEP15005 / CAA15002

Number(s):

Description of Proposal: Preliminary plat application to divide a 1.69-acre property into 10 single-family residential lots in the R-6 zone. Construction includes grading and drainage improvements, street frontage improvements, tree removal and installation, landscaping, and critical area enhancements. SEPA review is required for subdivisions over four lots and sites that contain critical areas.

Location of Proposal: 13215 NE 205th Street, Woodinville, WA

Proponent: Southend Holdings, LLC
PO Box 430
Marysville, WA 98272

Contact: Brian Kalab;
Insight Engineering
PO Box 1478
Everett, WA 98206

Project Decision: Approved with Conditions

SUMMARY OF PROJECT DECISION

A public hearing was held before the Woodinville Hearing Examiner on April 14, 2016 for review of the Preliminary Plat application. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Woodinville Hearing Examiner, subject to the attached Findings of Fact, Conclusions, and Decision.

The Preliminary Plat shall be valid for five (5) years from the date of this Notice of Decision. If a final plat is not obtained within this period, the Preliminary Plat shall become null and void, and a new application would need to be submitted.

Notice of Decision Date: May 2, 2016

End of Appeal Period Date/Time: May 16, 2016 by 4:00 p.m.

Project Permit Expiration Date: May 2, 2021

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

CONTACT INFORMATION

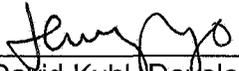
The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133rd Avenue NE, Woodinville, WA 98072. Contact: Agnes Kowacz, Project Manager, at (425) 877-2293. Email address: agnesk@ci.woodinville.wa.us.

APPEALS

A Party of Record must file an appeal of this decision within fourteen (14) days from date of this Notice of Decision. The final decision of the Hearing Examiner's Decision is appealable to the Woodinville City Council. Appeals must be delivered to the City of Woodinville and must be filed no later than Monday, May 16, 2016, by 4:00 p.m.

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

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

 SENIOR PLANNER for DPK
David Kuhl, Development Services Director

Date: May 2, 2016

1 of an intervening wetland. There is currently a bridge that crosses the wetland to get to her back
2 property. The bridge is only three [?] feet wide for pedestrian. If she wants to build on the east end
3 of her property there will be no way to get vehicles to that end if the applicant's subdivision is
4 developed as proposed. Ms. Mishina also noted that there's a vacant home on the applicant's
5 property and there's a lot of junk there. She's concerned that demolition of the home will create a rat
6 problem. She also wanted the trees along 132nd Ave be consistent with those already in place.

7 Doug Smith, neighbor to the southwest of the proposal, believed that the proposed density is too high.
8 He believes 6-7 homes is more consistent with surrounding neighborhood density. There isn't
9 enough room between the proposed homes on 132nd for cars to park between the homes.
10 Consequently, parking should be restricted along the west side of 132nd. Parking on 132nd will reduce
11 visibility. Stop signs should be placed on the intersection of 132nd and NE 203rd. He wanted to know
12 if 132nd would be widened and paved with curb and gutter and cut-off lighting and landscaping. He
13 also wanted to make sure that the proposal would not increase storm drainage to the west. There are a
14 lot of accidents at 132nd and 205th. There should be additional signage or stop signs. There appears
15 to be a natural spring and there is a concern that the impervious surface may interfere with on-site
16 hydrology. There are power outages and there should be upgrades to the transmission lines. In the
17 summers there are water pressure problems. Vermin control is a major concern of neighbors. Rats
18 and mice have been prevalent in the area. Construction noise, dust and odors is a common concern of
19 neighbors. On-going noise from air conditioners is also a concern of neighbors. Most existing homes
20 don't have air conditioning so they open their windows at night. Views will be adversely affected as
21 neighbors have views of the Cascades across the project site. Covenants also apply to the property.

22 In rebuttal, Ms. Kowacz noted that the City has no view protection ordinance except for height limit.
23 Each house will be required to have at least one on-site parking space. Sewer and water availability
24 certificates have been provided. Noise levels are regulated by the City's noise ordinance.

25 Rick Roberts, Assistant Public Works Director, testified that the utilities are responsible for light
26 shielding. The City can require the utilities to install light shields. Parking restrictions can be
evaluated after project approval. There will be a stop sign at the intersection of 132nd and 203rd.
The speed limit on 132nd is 25 mph. The intersection with 205th would require coordination with
Snohomish County. Street improvements are curb, gutter and sidewalk on east side of 132nd and
south side of 205th. Sidewalks and landscaping strips will be required. The proposed stormwater
system diverts stormwater to the private access tract that has an overflow capability to divert to a
catch basin. The city has a noise ordinance that limits the time of construction and it is referenced in
the recommended conditions of approval.

Exhibits

The twenty-two exhibits identified at page 17-18 of the April 7, 2016 staff report were admitted into
the record during the August 20, 2015 hearing. In addition, the following exhibits were also
admitted during the hearing:

- 1
2 Ex. 23: Email string from Karen Walter to Agnes Kowacz dated 4/7/16
3 Ex. 24: Staff's PowerPoint Presentation April 14, 2016
4 Ex. 25: Aerial photograph.

5 **FINDINGS OF FACT**

6 **Procedural:**

- 7
8 1. Applicant. Southend Holdings, LLC.
9 2. Hearing. The hearing on the subject application was held on April 14, 2015 in the
10 Woodinville City Hall Council Chambers.

11 **Substantive:**

12 3. Project Description. The applicant has applied for approval of a preliminary plat
13 composed of ten single-family residential lots on 1.69 acres located at 13215 NE 205th Street;
14 Woodinville, WA. Construction will include grading, erosion control, street frontage improvements,
15 tree protection, and stormwater/drainage improvements. The property is located in the Wedge
16 neighborhood along the north boundary of the city. The property is bounded by 132nd Avenue NE on
17 the west and NE 205th Street to the north. The site consists of one parcel that is developed with a
single family residence. A Class 3 wetland is located on the south property line, near the center of
the lot. The site is characterized as generally flat with slopes near and in the wetland, at the south
center of the site. The estimated combined excavation and fill is a total 6,500 cubic yards. The site is
vegetated with a few mature trees mostly along the northern and southern property lines.

18 4. Surrounding Area. The surrounding area is comprised of properties zoned and developed with
19 single-family homes. The properties to the south, east and west are all zoned R-6 as is the subject
20 property. The property adjoining to the north is in unincorporated Snohomish County where it is
zoned Single-Family Residential R-5.

21 5. Adverse Impacts. There are no significant adverse impacts associated with the project.
22 Adequacy of infrastructure is addressed in Finding of Fact ("FOF") No. 6. Remaining impacts of
note are specifically addressed as follows:

23 A. Critical Areas. The project site has no critical areas except for a Class 3 wetland. The
24 wetland mitigation proposed by the applicant in its critical areas report, in conjunction
25 with the proposed 25-35 foot buffer, is determined to prevent any adverse impacts to the
26 wetland and also to comply with the City's critical area regulations. The wetland is
located on the south property line, near the center of the lot and continues off-site onto the
property to the south (Exhibits 5 and 9). Class 3 wetlands are required by the City's

1 critical areas regulations to have a standard 50-foot buffer, which may be reduced to 25
2 feet if the existing buffer is significantly degraded and enhancement measures are
3 implemented to provide net improvement. Staff have determined that, based upon the
4 Critical Areas report prepared by the applicant, Ex. 9, the buffer qualifies for reduction as
5 proposed. The report states that the wetland and its buffer have experienced significant
6 degradation due to non-native and invasive species intruding in the buffer. A buffer
7 restoration and enhancement plan is proposed that includes the removal of all existing
8 invasive species in the buffer, planting of dense native trees and shrubs, installation a split
9 rail fence, and implementation of a five year monitoring plan.

10 B. Compatibility. The proposal is surrounded by single-family development and the
11 applicant proposes single-family development. The proposal is fully compatible with
12 surrounding uses. There was a public comment to the effect that the proposed density is
13 greater than the existing density of surrounding development. However, the City's zoning
14 standards constitute a legislative standard for what is an acceptable density in the project
15 area. Absent a significant disparity in density, which is not present in this case,
16 compliance with the legislative standard is sufficient to establish compatibility.

17 C. Trees. The proposal provides for adequate protection of trees as dictated by the City's
18 tree protection standards. The applicant has submitted landscape plans and a tree
19 preservation plan (Ex. 6 and 12) that staff have found to conform to applicable City
20 standards as detailed at p. 8-9 of the staff report.

21 D. Rodents. At least a couple people testified that rodents were a problem surrounding
22 the project area and there was a concern that the proposed demolition of the vacant home
23 on the property could displace more rodents onto surrounding properties. There was no
24 evidence to the contrary on this issue and it does appear to be a reasonably based concern.
25 The conditions of approval will require that the applicant exterminate any rodents at the
26 vacant home prior to demolition.

6. Adequacy of Infrastructure/Public Services. As conditioned, the project will be served by
adequate/appropriate infrastructure. The basis of this finding is based upon the following:

A. Water and Sewer Service. The Woodinville Water District provides both water and
sewer service to the project site. The District has issued certificates of water and sewer
availability for the project. For these reasons, it is determined that the proposal will be
served by adequate/appropriate water and sewer.

B. Police and Fire Protection. The proposal is within the service area of Woodinville Fire
and Rescue. As noted in the comprehensive plan, Woodinville provides police services

1 through a contract with the King County Sheriff's Office. City staff have reviewed the
2 proposal for consistency with Uniform Fire Code standards to the extent pertinent during
3 subdivision review (with more detailed review to be undertaken during building permit
4 review) and have found the project to be consistent, most notably determining that the
5 proposal is served by adequate fire access. For these reasons, it is determined that the
6 proposal is served by adequate/appropriate fire access.

6 C. Drainage. Staff have reviewed and found the applicant's preliminary drainage design to
7 be consistent with the 2009 King County Surface Water Design Manual and Chapter
8 14.09 WMC, with final drainage plans to be reviewed for consistency during final plat
9 review. The proposal includes a roof drain connecting to an on-site infiltration trenches
10 for each lot consistent with WMC 20.06.090(3) (Exhibit 13 and 14). All stormwater
11 runoff from the public and private roads will be captured in storm drain conveyance pipes
12 that will be routed to a large infiltration trench provided underneath the private access.
13 The runoff will infiltrate and disperse through the lawn and on-site vegetation.

12 D. Parks/Open Space. The proposal provides for all parks and open space required by
13 City regulations. Pursuant to WMC 20.06.170, all subdivisions are required provide
14 on-site recreation and trail corridors. The subdivision will provide a recreational area
15 for residents on Tract 998. The tract includes a wood chipped dog run and benches.
16 The proposal meets this requirement.

16 E. Streets. Public Works staff have determined that the proposed street improvements are
17 consistent with City of Woodinville public infrastructure standards and specifications and
18 that they provide for safe, orderly and efficient circulation of traffic. Given the absence of
19 any compelling evidence to the contrary and the traffic analysis and street improvements
20 identified below, it is concluded that the proposal provides for adequate/appropriate street
21 improvements, is served by adequate/appropriate transportation infrastructure and
22 provides for safe, orderly and efficient circulation of traffic.

21 The applicant submitted a Transportation Impact Analysis prepared by Gibson Traffic
22 Consultants, Inc. (Exhibit 11). The report concludes that the development does not
23 significantly impact any City of Woodinville intersections with ten or more PM peak-
24 hour trip. Therefore, the development does not have to contribute additional
25 improvements other than required frontage improvements and traffic impact fees. 29.
26 The report also states that with the frontage improvements there will be more than 350
feet of available sight distance along NE 205th Street and more than 250 feet of available
sight distance along 132nd Avenue NE. The required sight distance for NE 205th Street

1 is 325 feet and 200 feet for 132nd Avenue NE; therefore sight distance requirements are
2 met.

3 Street improvements are proposed along 132nd Avenue NE and NE 205th Street
4 consistent with the adopted roadway section for high density (zoning greater than R-4)
5 residential streets (TISS Standard 104A). Improvements on the east side of 132nd Avenue
6 NE and south side of NE 205th Street include 18 feet of pavement width, curbs, gutter, 6-
7 foot wide sidewalks and 5.5-foot wide (excluding curb) planter strip. A crosswalk will be
provided across 132nd Avenue NE at the intersection of NE 205th Street.

8 Lisa Mishina requested relief from the fact that the east end of her property could not be
9 accessed by vehicles due to a wetland that bisects her property. It appeared that one way
10 Ms. Mishina hoped that her access problem could be resolved would be by requiring
11 some type of access tract or road through the proposed subdivision. Ms. Mishina's access
12 problems are not caused by the proposed subdivision. The courts have repeatedly held
13 that it would constitute an unconstitutional taking of property without compensation to
14 require a developer to provide access to landlocked property. See, e.g., *Luxembourg*
Group v. Snohomish County, 76 Wn. App. 502, review denied, 127 Wn.2d 1005 (1995).
15 The City has no legal authority to require the applicant to remedy Ms. Mishina's access
16 problems.

17 Doug Smith requested that the City place parking restrictions on the west side of 132nd
18 Ave, because the proposed homes will be spaced to close together to provide for on-street
19 parking on the east side of 132nd Ave. As discussed during the hearing, the City
20 separately adopts parking restrictions in its parking regulations. In order to maintain
regulatory flexibility, it would be more appropriate and effective for Mr. Smith to request
relief from the City Council via parking regulation amendments if and when parking
becomes a problem along the east side of 132nd Ave.

21 F. Schools. Adequate/appropriate provision is made for schools. The subdivision is served
22 by Woodin Elementary, Leota Junior High School, and Woodinville High School.
23 School impact fees are imposed pursuant to Chapter WMC 22.20 to assure adequacy of
24 school capital facilities. The proposal also provides for adequate/appropriate walking
25 conditions to and from school. Staff determined that the frontage improvements provided
26 with the subdivision will connect to existing sidewalks to provide safe walking conditions
to and from the subdivision. There was no evidence to the contrary on the safe walking
conditions issue.

1 G. Lighting. Mr. Smith expressed concern over light spillage and trespass resulting from the
2 placement of street lights along the project frontage. There is no indication in the record
3 that the street lights required of the project would create any unusual or significantly
4 adverse lighting impacts. As noted by staff, if lighting does become a problem, staff can
5 request that the utility responsible for lighting install cut-offs and other measures to
6 reduce light impacts.

7 **Conclusions of Law**

8 1. Authority. WMC 17.07.030 classifies preliminary plat applications as Type III processes.
9 WMC 17.07.030 authorizes the hearing examiner to hold open record hearings on Type III permits
10 and issue a final decision, subject to closed record appeal to the City Council.

11 2. Zoning/Comprehensive Plan Designations. The subject property is Zoned R-6. The
12 comprehensive plan land use designation is moderate density residential.

13 3. Review Criteria. WMC 20.06.020(1) governs the criteria for preliminary plat review All
14 applicable criteria are quoted below in italics and applied through corresponding conclusions of law.

15 **WMC 22.06.020(1)(a):** *The proposal conforms to the goals, policies, criteria and plans set forth in*
16 *the City of Woodinville Comprehensive Plan, community urban forestry plan, and parks, recreation,*
and open space plan;

17 4. The proposal is consistent with the comprehensive plan for the reasons identified at Pages 3-5
18 of the staff report. The staff report notes at Page 13 that tree preservation has been considered in
19 accordance with the community urban forest plan. Consistency is found with the parks, recreation
20 and open space plan due to staff's finding of consistency (COL No. 1 in the staff report), the payment
21 of park impact fees that implements the plan and compliance with applicable park/open space
22 standards.

23 **WMC 22.06.020(1)(b):** *The proposal conforms to the development standards set forth in WMC*
24 *Title 21, Zoning;*

25 5. The proposal proposes single-family use in a single-family zoning district (R-6) at densities
26 authorized in that district. The staff report FOF No. 15 provides a more specific analysis of
consistency with applicable zoning standards. For the reasons identified in the staff report FOF No.
15, the proposal is found to conform to the development standards set forth in Tile 21 WMC.

1 **WMC 22.06.020(1)(c):** *The proposal conforms to the requirements of this section and those set*
2 *forth in this chapter and WMC 17.09.020;*

3 6. The criterion is met. This decision assess compliance with all of WMC 22.06.020 as it
4 pertains to preliminary plat hearing examiner review (specifically WMC 22.06.020(1)) and concludes
5 all criteria are met. The remaining subsections of WMC 22.06.020 apply to final plat review and will
6 be addressed by City staff during final plat review. WMC 17.09.020 requires the proposal to be
7 processed in conformance with City permit processing requirements. Given all the information
8 presented in the staff report, it is concluded that the proposal has been processed according to City
9 standards as required by WMC 17.09.020.

8 **WMC 22.06.020(1)(d):** *The proposed street system conforms to the City of Woodinville public*
9 *infrastructure standards and specifications and neighborhood street plans, and is laid out in such a*
10 *manner as to provide for the safe, orderly and efficient circulation of traffic;*

11 7. The criterion is met. As determined in FOF No. 6(E), the proposal provides for
12 adequate/appropriate transportation infrastructure. Much of this finding was based upon the analysis
13 of the City's public works department, which based its review on a finding of compliance with the
14 City's public infrastructure standards and street plans. As further determined in FOF No. 6(E), the
15 proposal provides for the safe, orderly and efficient circulation of traffic.

15 **WMC 22.06.020(1)(e):** *The proposed subdivision or short subdivision will be adequately*
16 *served with City-approved water and sewer, and other utilities appropriate to the nature of the*
17 *subdivision or short subdivision;*

17 8. The proposal will be served by adequate utilities and public infrastructure as determined in
18 FOF No. 6. The criterion is met.

19 **WMC 22.06.020(1)(f):** *The layout of lots, and their size and dimensions, take into account*
20 *topography and vegetation on the site in order that buildings may be reasonably sited, and that the*
21 *least disruption of the site, topography, trees and vegetation will result from development of the lots;*

21 9. The proposal involves only moderate disruption of topography because the project site is
22 relatively flat. Trees are adequately protected by conformance to the City's tree protection standards
23 as outlined in the staff report. Vegetation is otherwise adequately protected by the imposition of
24 buffers and enhancement conditions to the on-site wetland. For all these reasons, the criterion is met.

24 **WMC 22.06.020(1)(g):** *Identified hazards and limitations to development have been considered*
25 *in the design of streets and lot layout to assure street and building sites are on geologically stable*
26 *soil considering the stress and loads to which the soil may be subjected;*

1 10. There are no geological hazards on site and no other hazards are evident or reasonably
2 anticipated from the administrative record. The criterion is met.

3 **WMC 22.06.020(1)(h):** *Safe walk to school procedures, as established by the City, have been met;*

4 11. As determined in FOF No. 6(F), the proposal provides for safe walking conditions to and from
5 school as conditioned. The City has not adopted any additional safe way to school procedures.

6 **WMC 22.06.020(1)(i):** *Tree preservation has been considered in accordance with the community
7 urban forestry plan and tree preservation requirements have been adequately met.*

8 12. As determined in FOF No. 5 (C) and COL No. 4, the proposal provides for tree
9 preservation as required by the City's tree preservation standards and the community urban
10 forestry plan. The criterion is met.

10 **DECISION**

11 Pursuant to the findings of staff, the proposed preliminary plat, including its proposed wetland
12 buffers, is found to be consistent with the City's critical areas ordinance. Preliminary Plat
13 Application PPA15001 is also found to satisfy all preliminary plat criteria as determined in the
14 Conclusions of Law of this decision and is therefore approved subject to the following conditions:

14 FINAL PLAT/SITE PLAN

- 15 1. All improvements shall be constructed in accordance with the approved Preliminary Plat
16 Map submitted March 3, 2016. The Planning Director and/or Public Works Director may
17 approve minor modifications of the plans submitted if the modifications do not change
18 the Findings of Fact or the Conditions of Approval.
- 19 2. The following notes and information shall appear on the face of the final plat map. All
20 signature blocks shall be in accordance with City Standards.
 - 21 a. "The use and development of the property included within this plat shall be
22 governed by the Conditions of Approval imposed through File Number
23 PPA15001 / SEP15005 / CAA15002 and shall be binding upon the land until that
24 approval is amended, revoked or expires."
 - 25 b. A free consent statement in conformance with City of Woodinville standards shall
26 be acknowledged by property owners and shall be notarized.
 - 27 c. "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".
 - 28 d. A private road agreement for Tract 997 must be designated on the face of the plat
and must specify the use and maintenance of the private facilities.

- 1 e. Provisions for maintenance and protection of Tracts 998 and 999 and public
2 rights-of-way by the homeowner's association (lot owners) shall be designated on
3 the face of the plat.
4 f. "With application for each building permit, a tree planting plan shall be
5 submitted, in conformance with the approved planting plan, prepared by Insight
6 Engineering Co, and approved by the City on _____. The required trees shall
7 be planted prior to final inspection for the residence."
8 g. Vehicle access onto Tract 997 shall be limited to Lots 8, 9, and 10 only.
9 h. Vehicle access to Lots 6 and 7 will be restricted to NE 205th Street only.
- 10 3. The following changes shall be made to the final plat map:
11 a. Remove trees and topography from the map.
12 b. Remove setbacks, driveway lines, the street improvement details, and other items
13 not relevant to the plat recording.
14 c. Add the bearings for the lot lines.
15 d. Show all existing and proposed easements and tracts; show the easement and tract
16 ownership and maintenance responsibilities.
17 e. If any financial institutions appear in the title report at the time of final plat
18 application, their signature must be added to the plat map.
19 f. Include the requirement that the homeowners association is responsible for
20 maintaining the landscaping and irrigation systems in the recreation tracts,
21 stormwater tract, and planter strips adjacent to the tracts, including payment for
22 any water usage.
23 g. The NGPA will remain undisturbed by future property owners.
- 24 4. A ten foot utility easement along the public street frontage shall be dedicated as part of
25 the plat.
- 26 5. 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. Native growth protection area tract shall be maintained by the homeowners
association;
 - e. Recording block/Certification block for Planning Director and Public Works
Director approval;
 - f. Certification of Payment of Taxes and Assessments;
 - g. Auditor's Certificate;
 - h. North arrow;
 - i. The survey control scheme, monumentation, monuments to be set, and references.

- 1 6. Prior to final plat approval, a copy of the covenants, conditions and restrictions with the
2 final plat application shall be submitted for review and approval.
- 3 7. As-builts shall be submitted showing all public improvements with application for final
4 plat. The submitted as-builts shall be in the format required by the City's Infrastructure
5 Design Standards and Specifications. The applicant shall have a licensed surveyor or
6 engineer prepare and/or supervise the preparation of record drawings to be reviewed,
7 approved and signed by the Public Works Director upon satisfactory installation of the
8 constructed infrastructure improvements and site work. The City shall require one (1)
9 reproducible (mylar), one (1) signed blue-line, one (1) 11" x 17" reduced copy, and one
10 (1) electronic file in CAD format of the drawings shall be approved prior to final plat
11 approval.
- 12 8. All permanent survey control monuments shall be provided in accordance with the City's
13 Infrastructure Standards prior to final plat approval. Additional monumentation shall be
14 installed as required by the Public Works Director.
- 15 9. Prior to acceptance of the improvements, a final inspection shall be completed by the
16 Development Services and Public Works Departments.
- 17 10. The applicant shall be required to construct frontage improvements on 132nd Avenue NE
18 and NE 205th Street for the length of the property including curb and gutter, road
19 widening, enclosed stormwater drainage, sidewalks, planter strips, street trees, street
20 illumination, and landscaping as shown on the preliminary plans dated March 3, 2016 or
21 minor modifications as approved by the Public Works Director.

15 SITE DEVELOPMENT

- 17 11. All improvements shall be constructed in accordance with the conditions of this approval,
18 approved site development plans and right-of-way construction plans. The right-of-way
19 permit must include a traffic control plan, erosion control plan, and all frontage
20 improvements proposed for the site. The site development permit shall include site,
21 drainage, landscaping, mitigation and utility improvements. All improvements shall be
22 installed prior to final plat approval. A financial security may be posted for final asphalt
23 lift and landscaping pursuant to WMC 20.06.210 as approved by the Development
24 Services and Public Works Directors.
- 25 12. The applicant must obtain all necessary state and federal permits and approvals prior to
26 starting of any construction activities.
13. A Heavy Hauling permit from the City of Woodinville will be required.
14. 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.
15. A separate sign permit shall be required for any new signs.

- 1 16. The applicant must obtain updated water and sewer availability certificates prior to final plat
2 approval.
- 3 17. The stormwater detention design and stormwater discharge shall utilize the Best Management
4 Practices of the current adopted stormwater manual and the current Department of Ecology
5 National Pollutant Discharge Elimination System (NPDES). Drainage facilities must be
6 designed for maximum impervious surfaces allowed, or a note shall be placed on the final
7 plat map stating the impervious surface maximums allowed. All development shall proceed
8 in accordance with the recommendations listed in the Preliminary Technical Information
9 Report dated June 25, 2015, prepared by Insight Engineering Co. and any further addendums
10 as accepted by the Public Works Director.
- 11 18. All new utilities and existing utilities shall either be installed and/or relocated to an
12 underground location within the development including existing utilities in the 136th Avenue
13 NE and NE 205th Street rights of way that front this proposed subdivision prior to final plat
14 approval per WMC 15.39.010.
- 15 19. The applicant shall provide an updated plan showing street lighting at site development
16 permit. Lighting shall be installed according to the approved plan.
- 17 20. A final tree preservation, maintenance agreement and replanting plan for the individual lots
18 shall be submitted to the City for review and approval prior to final plat approval. The tree
19 plan shall be designed in conformance with the City's Municipal Code and Infrastructure
20 Standards. The lot and tracts are 1.69 acres and the applicant is required to provide a total of
21 50.7 tree credits through replanting or other mitigation requirements consistent with WMC
22 21.15.070(2)(e). The final tree density credits totals will be evaluated in the landscape plan
23 and tree inventory report submitted at final plat approval. The landscaping plan submitted by
24 the applicant provides 48.75 credits. The applicant shall comply with the requirements of
25 Chapter 21.15 WMC by planting additional trees or paying in to the City tree fund for the
26 1.95 tree credits, prior to final plat approval.
- 21 21. The clearing limits of the approved plans shall be clearly delineated in the field. Where such
22 limits are in proximity to property boundaries or NGPAs, barrier fencing or siltation fencing
23 shall be installed before site disturbance in accordance with the approved temporary erosion
24 and sedimentation control plan.
- 25 22. All development shall proceed in accordance with the recommendations listed in the Wetland
26 Delineation and Buffer Enhancement Plan prepared by Skagit Wetland & Critical Areas and
any further addendums as accepted by the Development Services Director.
- 23 23. The monitoring reports for the stream mitigation shall begin with a baseline report, due at the
24 time that the mitigation work is inspected and approved by the City, in conformance with the
25 recommendation of the reports. Five (5) years of monitoring reports shall be submitted to the
26 City on an annual basis after that date. The applicant shall be responsible for correcting any

1 areas identified in those reports that are not in compliance with the goals and objectives
2 stated in the mitigation plan.

3 24. All development shall proceed in accordance with the recommendations listed in the
4 Geotechnical Report dated May 5, 2015, prepared by LIU & Associates, Inc. and any further
addendums as accepted by the Public Works Director.

5 25. Construction noise is not permitted anytime on Sundays and holidays. Hours of construction
6 are limited to the hours of 7:00 AM through 7:00 PM Monday through Friday, and 9:00 AM
7 through 5:00 PM on Saturday; or, from Memorial Day to Labor Day, 7:00 AM through 9:00
8 PM Monday through Friday, and 9:00 AM through 5:00 PM on Saturday.

9 26. The Development Services Director and/or the Public Works Director shall have the
10 authority to direct the developer or the developer's on-site representative to immediately
11 cease activities and redirect their attention to resolving any problem, particularly any
12 environmental degradation, which in the Director's opinion needs immediate resolution.
13 Failure of the developer or his representative to redirect such labor and equipment shall result
14 in immediate project closure and resolution of the problem by the City.

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

23 28. If at any time during clearing, grading and construction the streets are not kept clean and
24 clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to
25 the Public Works Director in accordance with the Woodinville Municipal Code.

26 29. 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.

30. 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.

31. The applicant shall obtain a permit from the City of Woodinville Public Works Department
for the use of a public road for construction access. 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.

32. The applicant shall pay park and transportation impact mitigation fees or other forms of
negotiated impact mitigation for all lots in accordance with WMC 3.36 and 3.39. Payment of
the park and transportation 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

1 the mitigation fee established in WMC 3.36 and 3.39. Impact fee credits will be established
2 based on the requirements in WMC 3.36.110 and 3.39.110.

3 33. A performance guarantee, in the form acceptable to the City, in the amount of 150 percent of
4 the total project (public and private infrastructure improvements, landscaping, tree planting,
5 and stream mitigation) as determined by the City, shall be submitted by the applicant prior to
6 site development permit issuance.

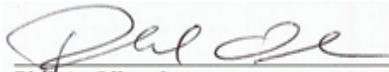
7 34. A maintenance guarantee, in the form acceptable to the City, in the amount of 20 percent of
8 the total project (public and private improvements, landscaping, tree planting, and stream
9 mitigation) as determined by the City, shall be submitted by the applicant prior to City
10 acceptance of the improvements and final plat recording. The City shall inspect the
11 infrastructure at the end of the maintenance period. Any infrastructure that appears defective
12 or has deteriorated beyond normal wear for the period of the guarantee shall be repaired by
13 the applicant to the satisfaction of the City.

14 35. Maintenance periods shall begin when the City has accepted all required site improvements.
15 The maintenance periods are as follows, and may be extended by the City if on-site
16 conditions warrant an extension:

- 17 ○ Site, frontage, and lighting improvements – Two (2) years
- 18 ○ Landscaping & Irrigation – Three (3) years
- 19 ○ Stream Mitigation – Five (5) years

20 36. The applicant shall prior to demolition of the home and clearing of refuse on the project site
21 either (1) submit proof to staff that all rodents at the vacant home and surrounding refuse have
22 been exterminated; or (2) submit proof to staff that there are no rodents in the vacant home and
23 surrounding refuse.

24 DATED this 28th day of April, 2016.

25 
26 Phil A. Olbrechts

Woodinville Hearing Examiner

Appeal Right and Valuation Notices

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

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

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