



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: Vine Valley Vista Preliminary Plat

Project PPA17001 / SEP17006 / CAA17001

Number(s):

Description of Proposal: Preliminary plat application to divide a 6.89-acre property into 16 single-family residential lots in the R-4 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: 15115 132nd Ave NE, Woodinville, WA

Proponent: Steve and Barbara Connelly **Contact:** Craig Krueger

Project Decision: Approved with Conditions

SUMMARY OF PROJECT DECISION

A public hearing was held before the Woodinville Hearing Examiner on April 9, 2018 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: April 30, 2018

End of Appeal Period Date/Time: May 21, 2018

Project Permit Expiration Date: April 30, 2023

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: Amanda Almgren, Project Manager, at (425) 877-2285. Email address: amandaa@ci.woodinville.wa.us.

APPEALS

A Party of Record must file an appeal of this decision within twenty-one (21) days from date of this Notice of Decision. The final decision of the Hearing Examiner's Decision is appealable to

the Superior Court. Judicial appeals shall be filed in King County Superior Court by filing a land use petition no later than Monday, May 21, 2018.

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.

Kellye Mazzoli, Interim
Kellye Mazzoli, Interim Development Services Director

Date: April 30, 2018

1 sidewalk with a planting strip. Additionally, included in the SEPA checklist a plan was provided for
2 safe walking conditions from the site to bus stop in the south. Mr. Kruger noted that the site will be a
3 great addition to the city and the applicants agree with the proposed conditions in the staff report.

4 Jay Patrick Mitchell, neighbor, has lived at 15124 130th Ave. NE Woodinville, WA 98072, adjacent
5 to the site, for 38 years. He works as a licensed architect in the state of Washington. Mr. Mitchell
6 stated that after consulting with the Connellys about the property and their plans he had a few
7 questions. He noted that he was the one to point out his NW access/utility Easement occurring on the
8 property because it wasn't included on the original plat. The project leaves a lot of open space for the
9 community and environment. He is very much in favor of the plan.

10 Adele Freedman, neighbor, owns a condo in the Hawthorne complex on 132nd Ave. NE. Mrs.
11 Freedman is unhappy with this development project. She thinks it will take away the "country" feel of
12 the area. She is worried that all the close development will displace wildlife. Additionally, she's
13 worried about drainage when the hill on site is covered in cement and hard surfaces. Mrs. Freedman
14 also has concerns regarding the impact additional families will have on the schools. She is not sure
15 about the effect these houses will have on property taxes in the area.

16 In applicant rebuttal, Mr. Kruger stated that his responses to the public letters are included in the staff
17 report. He noted the site is being developed at the minimum density requirement and the site will be a
18 positive addition to the neighborhood. Impacts will be mitigated through storm water facilities and
19 development of the site. The density for the site is much lower than the Hawthorne condominiums.

20 Exhibits

21 The twenty-nine exhibits identified at page 20-21 of the April 2, 2018 staff report were admitted
22 into the record during the August 9, 2018 hearing. In addition, the following exhibits were also
23 admitted during the hearing:

24 Ex. 29: Staff's PowerPoint Presentation

25 FINDINGS OF FACT

26 Procedural:

1. Applicant. Steve and Barbara Connelly, 15020 130th Avenue NE, Woodinville, WA 98072. Craig Krueger, 15506 NE 103rd Way, Redmond, WA 98052.

2. Hearing. The hearing on the subject application was held on April 9, 2018 in the Woodinville City Hall Council Chambers.

Substantive:

Preliminary Plat

1
2 3. Project Description. The applicant has applied for approval of a preliminary plat
3 composed of sixteen single-family lots in the Upper West Ridge Neighborhood. The site is 300,096
4 square feet (6.89 acres) in size and is currently developed with a single-family residence and an
5 accessory dwelling unit. The parcel is located in the R-4 zoning district and is bounded by 130th
6 Avenue NE (private road) to the west and 132nd Avenue NE to the east (public road). The site is
7 characterized as mild to moderately sloping from the southwest to the northeast, with some areas of
8 steep slopes.

9 4. Surrounding Area. The surrounding area is comprised of single-family residential
10 development.

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

14 A. Critical Areas. The project site is encumbered with four Class IV wetlands and/or
15 their buffers, a type Ns stream and steep slopes. As detailed below, all of these critical
16 areas have been mitigated in conformance with the City’s critical area regulations. In
17 total, 33.9% of the project site will be constrained by critical areas and their buffers. As
18 consistent with these regulations, the proposal is not found to adversely affect critical
19 areas.

20 Wetlands. Three Category IV wetlands are located onsite along with the buffer of a
21 fourth Category IV wetland that is located 40 feet off-site to the north. The northern two
22 wetlands are associated with a Ns stream on the north side of the property. Category IV
23 wetlands are required to have 40-foot buffers along with a 10-foot building setback. See
24 WMC 21.51.310. The buffers to the two northern wetlands will be maintained. The
25 applicant proposes encroachment into the buffers of the two southern wetlands via buffer
26 averaging. The applicant proposes 1,245 feet of encroachment. To offset this impact, the
proposal includes a buffer replacement area of 21,308 square feet that includes
preservation of approximately 80 trees and a replanting of the buffer area with a mix of
native evergreen and deciduous trees, shrubs, and groundcovers. As detailed in the staff
report, the applicant’s proposed buffer averaging is authorized as consistent with WMC
21.51.310(5).

Type Ns Stream. A small portion of an unnamed stream that qualifies as a Type Ns
stream under City regulations runs across the northeast corner of the site adjacent to a
wetland. The stream flows from the southwest to the northeast within a small ravine and
continues offsite (Exhibits 6 and 9). Streams are considered a fish and wildlife habitat
conservation area pursuant to WMC 21.51.400(1)(d). Type Ns streams are required to
have a standard 50-foot buffer pursuant to WMC Table 21.51.410(1)(b)(i) and a 10-foot

1 building setback from the edge of the buffer consistent with WMC 21.51.410(3). The
2 proposal does not include alteration or work in the stream or buffers.

3 Steep Slopes. Slopes greater than 40 percent over more than 10 feet of vertical relief
4 are designated as landslide hazard areas pursuant to WMC 21.51.250(2)(b)(vi). The site
5 includes five sections of slope greater than 40 percent (Exhibit 5, page 1). Three of these
6 steep slope sections are located in Tract OS1 outside of the proposed development area.
7 One section is located just north of the proposed Lot 14 and will not be altered. The fifth
8 section is along the eastern property line adjacent to 132nd Avenue NE just south of a
9 proposed detention vault. This section of slope was created during past grading of the
10 existing site and is proposed to be eliminated during the grading for the site. As detailed
11 in the staff report, all of the applicant's modifications and protection measures proposed
12 for the steep slopes are consistent with the City's critical area regulations and have been
13 addressed in a geotechnical report by a qualified geotechnical expert. See Ex. 11.

14 B. Compatibility. Concerns were raised about preservation of rural character, but the
15 proposal is developed at the minimum density allowed by City regulations (2.3 dwelling
16 units per acre as authorized by WMC 21.22.060(3). Further, the proposed lots are
17 clustered and surrounded by critical area open space that takes up 33.9% of the project
18 site, further maximizing rural character. Finally, the proposal is surrounded by residential
19 development. Given these circumstances, it is concluded that the proposal is compatible
20 with surrounding development.

21 C. Trees. The proposal provides for adequate protection of trees as dictated by the City's
22 tree protection standards. The applicant has submitted landscape plans and a tree
23 preservation plan (Ex. 6 and 13) that staff have found to conform to applicable City
24 standards as detailed at p. 8-9 of the staff report. The project site contains 345 trees and
25 176 of those trees will be retained, which significant exceeds minimum tree retention
26 standards.

6. Adequacy of Infrastructure/Public Services. As conditioned, the project will be served by
adequate/appropriate infrastructure. The basis of this finding is more particularly addressed
as follows:

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. Woodinville Fire and Rescue
2 have reviewed the proposal for consistency with Uniform Fire Code standards to the
3 extent pertinent during subdivision review (with more detailed review to be undertaken
4 during building permit review) and have found the project to be consistent, most notably
5 determining that the proposal is served by adequate fire access via the issuance of a fire
6 road access deviation. For these reasons, it is determined that the proposal is served by
adequate/appropriate fire access.

7 C. Drainage. Staff have reviewed and found the applicant's preliminary drainage design to
8 be consistent with the currently applicable King County Surface Water Design Manual
9 and Chapter 13.05 WMC, with final drainage plans to be reviewed for consistency during
10 final plat review. The proposal includes on-site stormwater detention for the majority of
11 the roads, building roof drains, and paved surfaces through an onsite combined
12 detention/water quality vault located in a dedicated storm tract on the northeast corner of
13 the property (Exhibits 5 and 14). Concerns were raised by the public on drainage impacts.
14 The stormwater standards adopted by the City require that post-development off-site
15 stormwater volumes not exceed pre-development conditions. The standards are highly
16 detailed and applied by engineers with considerable expertise in stormwater design. In
17 the absence of any expert testimony to the contrary, it must be concluded that the
18 proposal will not create any significant stormwater impacts.

19 D. Parks/Open Space. The proposal provides for all parks and open space required by
20 City regulations. Pursuant to WMC 21.60.180, all subdivisions are required to provide
21 on-site recreation and trail corridors. Curiously, WMC 21.60.180 doesn't identify any
22 specific amounts of open or recreational space that must be provided or identify any
23 corresponding evidentiary support for exacting any amount, so enforcement of such a
24 provision is questionable and compliance must be liberally construed. The subdivision is
25 located immediately adjacent to the Tolt Pipeline trail, which is a regional trail. The
26 proposal includes a 23,225-square foot storm drainage tract, which includes a walking
path. The development is also providing three open space tracts to protect critical areas
onsite. Given these circumstances and the nebulous nature of the City's park and open
space requirements, the proposal must be found to provide appropriate/adequate park and
open space.

E. Streets. Proposed street improvements and design are found to be adequate/appropriate.
Some neighbors expressed concern over traffic congestion within surrounding streets.
The City has adopted a level of service standard that sets acceptable levels of congestion.
That level of service, which measures delays at intersections, is set at Level of Service E.

1 The applicant submitted a Transportation Impact Analysis prepared by Gibson Traffic
2 Consultants, Inc. (Exhibit 12). The Traffic Impact Analysis measured level of service
3 under current conditions and after project completion. In both instances, the level of
4 service in affected intersections was measured as Level of Service D, which exceeds the
5 Level of Service E adopted by the City Council. Given these circumstances, it must be
6 concluded that the proposal does not significantly add to surrounding traffic congestion.

7 City of Woodinville public works staff have reviewed proposed internal street
8 improvements and frontage improvements along 132nd Ave NE for conformance with
9 City street design standards. The City's standards provide for detailed requirements on
10 the materials and designs of the City's street system, along with sidewalks and other
11 infrastructure associated with the City's street system. The standards also address site
12 distance and all other features the City Council has found pertinent to safe street design.
13 Public works staff found conformance with all applicable standards for the general design
14 proposed for preliminary plat review. More detailed review will occur during final plat
15 review. Given the absence of any evidence or suggestion that there are any compliance
16 issues with the City's street standards, it is determined that the proposal makes
17 appropriate provision for street design and safety.

18 At least one neighbor expressed concern over the lack of sidewalk improvements beyond
19 the project frontage on 132 Ave NE. Under the federal takings clause, the Applicant
20 cannot be required to mitigate impacts beyond its proportionate share and the City has the
21 burden of proof in establishing that any off-site improvements beyond street frontage are
22 necessitated by traffic impacts caused by the development. *See Sparks v. Douglas*
23 *County*, 127 Wn.2d 901 (1995); *Benchmark Land Co. v. City of Battleground*, 103 Wn.
24 *App.* 721 (2000), *affirmed on other grounds*, 146 Wash.2d 685 (2002). In practice,
25 requiring frontage improvements beyond street frontage is extraordinary and requires
26 compelling evidence for its requirement. No such evidence was presented in this case.
Public works staff testified that the grassy shoulder along 132nd Ave NE is sufficient for
safe pedestrian passage. Given these circumstances, the street improvements proposed by
the applicant are still found to be appropriate/adequate despite the lack of connectivity of
sidewalks along 132 Ave NE.

- 27 F. Schools. Adequate/appropriate provision is made for schools. The subdivision is served
28 by Woodmoor Elementary, Northshore Junior High School, and Inglemoor High School.
29 The City has adopted school impact fees, Chapter 22.20 WMC, to assure that schools in
30 need of additional funding for local growth are adequately mitigated. Based upon

1 Chapter 22.20 WMC and the location of the site within the service areas of the afore-
2 mentioned schools, it is concluded that the proposal makes adequate/appropriate
3 provisions for schools.

4 WMC 21.61.040(1)(g) requires safe walk to school procedures to be followed for new
5 subdivisions. None of the schools are within walking distance. The nearest school bus
6 will likely be located off-site and it doesn't appear that the bus stop location is connected
7 to the project site by a continuous network of sidewalks. However, public works testified
8 that the unimproved shoulders to the bus stop are sufficiently wide to provide for safe
9 pedestrian passage. Based upon the public works testimony, it is concluded that the
10 proposal provides for safe walking conditions to and from school.

11 **Conclusions of Law**

12 1. Authority. WMC 21.83.020(5) classifies preliminary plat applications as Type 3 processes.
13 WMC 21.83.020(5) authorizes the hearing examiner to hold open record hearings on Type 3 permits
14 and issue a final decision, subject to judicial appeal

15 2. Zoning/Comprehensive Plan Designations. The subject property is Zoned R-4. The
16 comprehensive plan land use designation is low density residential.

17 3. Review Criteria. WMC 21.61.040 governs the criteria for preliminary plat review. All
18 applicable criteria are quoted below in italics and applied through corresponding conclusions of law.
19 All applicable criteria are found to be met for the reasons identified in the conclusions of law.

20 **WMC 21.61.040(1)(a):** *The proposal is in conformance with the Comprehensive Plan, Shoreline*
21 *Master Program, and other City-adopted plans;*

22 4. The proposal is in conformance with the Comprehensive Plan. Pages 5-6 of the staff report
23 identify applicable comprehensive plan policies. As pertinent, these policies encourage compatibility
24 with surrounding residential use, protection of environmental resources and variety in housing types
25 and densities. The proposal meets all of these considerations by extensive protection of critical areas
26 as required by the City's critical area regulations and the clustering of lots at minimum density to
maximize critical area protection. The Shoreline Master Program does not apply as no part of the
proposal is within shoreline jurisdiction. The staff report notes that staff has determined that the
proposal complies with the community urban forestry plan. No other City-adopted plans appear to
apply.

1 **WMC 21.61.040(1)(b):** *The proposal conforms to the development standards set forth in this title;*

2 5. The proposal proposes single-family use in a single-family zoning district (R-4) at densities
3 authorized in that district. The staff report FOF No. 28-36 provides a more specific analysis of
4 consistency with applicable zoning standards. For the reasons identified in the staff report FOF No.
5 28-36, the proposal is found to conform to the development standards set forth in Tile 21 WMC.

6 **WMC 21.61.040(1)(c):** *The proposed street system conforms to the City of Woodinville public*
7 *infrastructure standards and specifications and neighborhood street plans, and is laid out in such a*
8 *manner as to provide for the safe, orderly and efficient circulation of traffic;*

9 6. The criterion is met. As outlined in Finding of Fact No. 6(E), the proposal is consistent with
10 the City's detailed street design standards and the proposal also complies with the City's level of
11 service standards, which collectively assure safe, orderly and efficient circulation of traffic.

12 **WMC 21.61.040(1)(d):** *The proposed subdivision or short subdivision will be adequately*
13 *served with City-approved water and sewer, and other utilities appropriate to the nature of the*
14 *subdivision or short subdivision;*

15 7. The criterion is met. The proposal will be served by adequate utilities and public
16 infrastructure as determined in FOF No. 6.

17 **WMC 21.61.040(1)(e):** *The layout of lots, and their size and dimensions, take into account*
18 *topography and vegetation on the site in order that buildings may be reasonably sited, and that the*
19 *least disruption of the site, topography, trees and vegetation will result from development of the lots;*

20 8. The criterion is met. Significant alterations to topography have been subject to geotechnical
21 review and the recommendations of that review have been made a condition of approval. The
22 recommendations assure safe construction. Disruption of topography is considered minimal, given
23 that the applicant is developing at the minimum density allowed and that 33.9% of the project site is
24 constrained by critical areas and their buffers.

25 **WMC 21.61.040(1)(f):** *Identified hazards and limitations to development have been considered*
26 *in the design of streets and lot layout to assure street and building sites are on geologically stable*
27 *soil considering the stress and loads to which the soil may be subjected;*

28 9. As noted in Conclusion of Law No. 8, the proposal has been subject to geotechnical review,
29 Ex. 11, that has considered slope stability and related safe development design. As the
30 recommendations of the geotechnical review are made conditions of approval, the criterion is met.

31 **WMC 21.61.040(1)(g):** *Safe walk to school procedures, as established by the City, have been*
32 *met;*

1 10. The criterion is met. As determined in FOF No. 6(F), the proposal provides for safe walking
2 conditions to and from school.

3 **WMC 21.61.040(1)(h):** *Tree preservation has been considered in accordance with the community*
4 *urban forestry plan and tree preservation requirements have been adequately met.*

5 11. As determined in FOF No. 5 (C) and COL No. 4, the proposal provides for tree preservation
6 as required by the City’s tree preservation standards and the community urban forestry plan. The
7 criterion is met.

8 **DECISION**

9 Pursuant to the findings of staff, the proposed preliminary plat is found to be consistent with the
10 City’s critical areas ordinance. Preliminary Plat Application PPA17001 is also found to satisfy all
11 preliminary plat criteria as determined in the Conclusions of Law of this decision and is therefore
12 approved subject to the following conditions:

13 FINAL PLAT/SITE PLAN

- 14 1. All improvements shall be constructed in accordance with the approved Preliminary Plat Map
15 submitted March 29, 2018. The Planning Director and/or Public Works Director may approve
16 minor modifications of the plans submitted if the modifications do not change the Findings of
17 Fact or the Conditions of Approval.
- 18 2. The following notes and information shall appear on the face of the final plat map. All signature
19 blocks shall be in accordance with City Standards.
 - 20 a. “The use and development of the property included within this plat shall be governed by
21 the Conditions of Approval imposed through File Number PPA17001 / SEP17006 /
22 CAA17001 and shall be binding upon the land until that approval is amended, revoked
23 or expires.”
 - 24 b. A free consent statement in conformance with City of Woodinville standards shall be
25 acknowledged by property owners and shall be notarized.
 - 26 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”.
 - d. A private road and utility tract agreement for PAT1 must be designated on the face of the
plat and must specify the use and maintenance of the private facilities.
 - e. Provisions for maintenance and protection of OS1, OS2 and OS3 and public rights-of-
way by the homeowner’s association (lot owners) shall be designated on the face of the
plat.
 - f. “With application for each building permit, a tree planting plan shall be submitted, in
conformance with the approved planting plan, prepared by Altmann Oliver Associates,
LLC, and approved by the City on _____. The required trees shall be planted prior to
final inspection for the residence.”

- 1 g. Building setbacks for all critical areas identified on the plans.
- 2
- 3 3. The following changes shall be made to the final plat map:
- 4 a. Remove trees and topography from the map.
- 5 b. Remove driveway lines, the street improvement details, and other items not relevant to
- 6 the plat recording.
- 7 c. Add the bearings for the lot lines.
- 8 d. Show all existing and proposed easements and tracts; show the easement and tract
- 9 ownership and maintenance responsibilities.
- 10 e. If any financial institutions appear in the title report at the time of final plat application,
- 11 their signature must be added to the plat map.
- 12 f. Include the requirement that the homeowners association is responsible for maintaining
- 13 the landscaping and irrigation systems in the recreation tracts, stormwater tract, and
- 14 planter strips adjacent to the tracts, including payment for any water usage.
- 15 g. The NGPA will remain undisturbed by future property owners.
- 16 4. A ten foot utility easement along the public street frontage shall be dedicated as part of the plat.
- 17 5. The following items are required to be shown on the face of both the final plat map and
- 18 supplemental map prior to final approval. The required language for these items may be
- 19 obtained from the City:
- 20 a. Surveyor Certificate;
- 21 b. Owners Statement;
- 22 c. All new easement(s) over the property, their description(s) and associated dedication
- 23 block(s);
- 24 d. Native growth protection area tracts shall be maintained by the homeowners association;
- 25 e. Recording block/Certification block for Planning Director and Public Works Director
- 26 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.
6. Prior to final plat approval, a copy of the covenants, conditions and restrictions with the final plat application shall be submitted for review and approval.
7. 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 shall require one (1) reproducible (mylar), 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.
8. 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.

- 1 9. Prior to acceptance of the improvements, a final inspection shall be completed by the
2 Development Services and Public Works Departments.
- 3 10. The applicant shall be required to construct frontage improvements on 132nd Avenue NE for the
4 length of the property including curb and gutter, road widening, enclosed stormwater drainage,
5 sidewalks, planter strips, street trees, street illumination, and landscaping as shown on the
6 preliminary plans dated March 7, 2018 or minor modifications as approved by the Public Works
7 Director.

8 SITE DEVELOPMENT

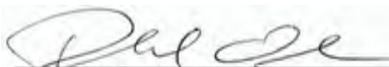
- 9 11. All improvements shall be constructed in accordance with the conditions of this approval,
10 approved site development plans and right-of-way construction plans. The right-of-way permit
11 must include a traffic control plan, erosion control plan, and all frontage improvements proposed
12 for the site. The site development permit shall include site, drainage, landscaping, mitigation and
13 utility improvements. All improvements shall be installed prior to final plat approval.
- 14 12. The applicant must obtain all necessary state and federal permits and approvals prior to starting
15 of any construction activities.
- 16 13. A Heavy Hauling permit from the City of Woodinville will be required.
- 17 14. All walls over four (4) feet in height or that carry a surcharge require a separate building permit.
18 Such walls must be designed by a professional engineer licensed in the State of Washington.
19 Permits for the walls shall be submitted, reviewed and approved prior to construction of the
20 wall.
- 21 15. A separate sign permit shall be required for any new signs.
- 22 16. The applicant must obtain updated water and sewer availability certificates prior to final plat
23 approval.
- 24 17. The stormwater detention design and stormwater discharge shall utilize the Best Management
25 Practices of the current adopted stormwater manual and the current Department of Ecology
26 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 October 25, 2017, prepared by CPH Consultants and any further addendums as accepted
by the Public Works Director.
18. All new utilities and existing utilities shall either be installed and/or relocated to an underground
location within the development including existing utilities in the 132nd Avenue NE street right
of way that fronts this proposed subdivision prior to final plat approval per WMC 15.39.010.
19. The applicant shall provide an updated plan showing street lighting at site development permit.
20. A final tree preservation and maintenance agreement for trees located in common areas,
including streets, drainage features and other jointly maintained spaces shall be recovered prior
to final plat approval. The tree plan shall be designed in conformance with the City's Municipal
Code and Infrastructure Standards. The lot and tracts are 7.2 acres and the applicant is required
to provide a total of 360 tree credits consistent with WMC 21.50.060 and the proposal provides

1 543.5 tree credits. The final tree density credits totals will be evaluated in the landscape plan and
2 tree inventory report submitted at final plat approval.

- 3 21. The clearing limits of the approved plans shall be clearly delineated in the field. Where such
4 limits are in proximity to property boundaries or NGPAs, barrier fencing or siltation fencing
5 shall be installed before site disturbance in accordance with the approved temporary erosion and
6 sedimentation control plan.
- 7 22. All development shall proceed in accordance with the recommendations listed in the Critical
8 Areas Study prepared by Altmann Oliver Associates, LLC and any further addendums as
9 accepted by the Development Services Director.
- 10 23. The monitoring reports for the wetland mitigation shall begin with a baseline report, due at the
11 time that the mitigation work is inspected and approved by the City, in conformance with the
12 recommendation of the reports. Five (5) years of monitoring reports shall be submitted to the
13 City on an annual basis after that date. The applicant shall be responsible for correcting any
14 areas identified in those reports that are not in compliance with the goals and objectives stated in
15 the mitigation plan.
- 16 24. All development shall proceed in accordance with the recommendations listed in the
17 Geotechnical Report revised October 30, 2017, prepared by Terra Associates, Inc. and any
18 further addendums as accepted by the Public Works Director. As recommended in the project's
19 geotechnical report, additional deeper explorations that extend to the depth of anticipated
20 excavations shall be required to adequately characterize subsurface soil and groundwater
21 conditions prior to site development.
- 22 25. Construction noise is not permitted anytime on Sundays and holidays. Hours of construction are
23 limited to the hours of 7:00 AM through 7:00 PM Monday through Friday, and 9:00 AM
24 through 5:00 PM on Saturday; or, from Memorial Day to Labor Day, 7:00 AM through 9:00 PM
25 Monday through Friday, and 9:00 AM through 5:00 PM on Saturday.
- 26 26. 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.
- 27 27. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles,
28 hearths, etc.) or human remains be observed during project activities, all work in the immediate
29 vicinity should stop. The State Department of Archaeology and Historic Preservation (360-586-
30 3065), the City planning office, the affected Tribe(s) and the county coroner should be contacted
31 immediately in order to help assess the situation and determine how to preserve the resource(s).
32 Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44
33 and WAC 25-48) is required. Failure to comply with this requirement could constitute a Class C
34 Felony.
- 35 28. If at any time during clearing, grading and construction the streets are not kept clean and clear,
36 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.

- 1 29. The applicant and contractor shall attend a pre-construction meeting with City staff to discuss
2 expectations and limitations of the project permit before starting the project.
- 3 30. One week prior to starting construction on the site, the applicant shall notify all neighboring
4 property owners within 300 feet that the work will be occurring within the neighborhood.
- 5 31. The applicant shall obtain a permit from the City of Woodinville Public Works Department for
6 the use of a public road for construction access. All construction equipment, building materials,
7 and debris shall be stored on the applicant's property, out of the public right-of-way. In no case
8 shall the access to any private or public property be blocked or impinged upon without prior
9 consent from the affected property owners and a right-of-way permit obtained from the City of
10 Woodinville.
- 11 32. The applicant shall pay park and transportation impact mitigation fees or other forms of
12 negotiated impact mitigation for all lots in accordance with WMC 3.36 and 3.39. Payment of
13 the park and transportation impact mitigation fee or mitigation amount shall be made to the City
14 of Woodinville at the time of building permit issuance. The total fee shall be based on the
15 mitigation fee established in WMC 3.36 and 3.39. Impact fee credits will be established based
16 on the requirements in WMC 3.36.110 and 3.39.110.
- 17 33. A performance guarantee, in the form acceptable to the City, in the amount of 150 percent of the
18 total project (public and private infrastructure improvements, landscaping, tree planting, and
19 wetland mitigation) as determined by the City, shall be submitted by the applicant prior to site
20 development permit issuance.
- 21 34. A maintenance guarantee, in the form acceptable to the City, in the amount of 20 percent of the
22 total project (public and private improvements, landscaping, tree planting, and wetland
23 mitigation) as determined by the City, shall be submitted by the applicant prior to City
24 acceptance of the improvements and final plat recording. The City shall inspect the
25 infrastructure at the end of the maintenance period. Any infrastructure that appears defective or
26 has deteriorated beyond normal wear for the period of the guarantee shall be repaired by the
applicant to the satisfaction of the City.
35. 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:
- o Site, frontage, and lighting improvements – Two (2) years
 - o Landscaping & Irrigation – Three (3) years
 - o Wetland Mitigation – Five (5) years

DATED this 23rd day of April, 2018.


Phil A. Olbrechts

Woodinville Hearing Examiner

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Appeal Right and Valuation Notices

WMC 21.83.020(5) provides that the final decision of the Hearing Examiner is subject to appeal to superior court. Appeals of final land use decisions to superior court are governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW. Appeal deadlines are short and complicated so careful reading of the state statute and/or consultation with a land use attorney are recommended for the filing of any appeal.

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