

**CITY OF WOOLDINVILLE STAFF REPORT
TO THE HEARING EXAMINER FOR
CITY OF WOODINVILLE/PARKS DEPARTMENT EXCEPTION APPLICATION
EXC2005-014**

To: Jim Driscoll, City of Woodinville Hearing Examiner
From: Dick Fredlund, Planner
Date: May 12, 2005
Subject: Staff Report for Georgian Heights Phase 4 Preliminary Subdivision Application and Exception PPA2004-104

I. INTRODUCTION

Mr. Randolph Cherewick of Lakewood Construction, submitted an application packet on December 29, 2004 (date received by the City of Woodinville) to subdivide a parcel of land totaling 19.22 acres in size, (Exhibit 2) into fifty-one (51) lots.

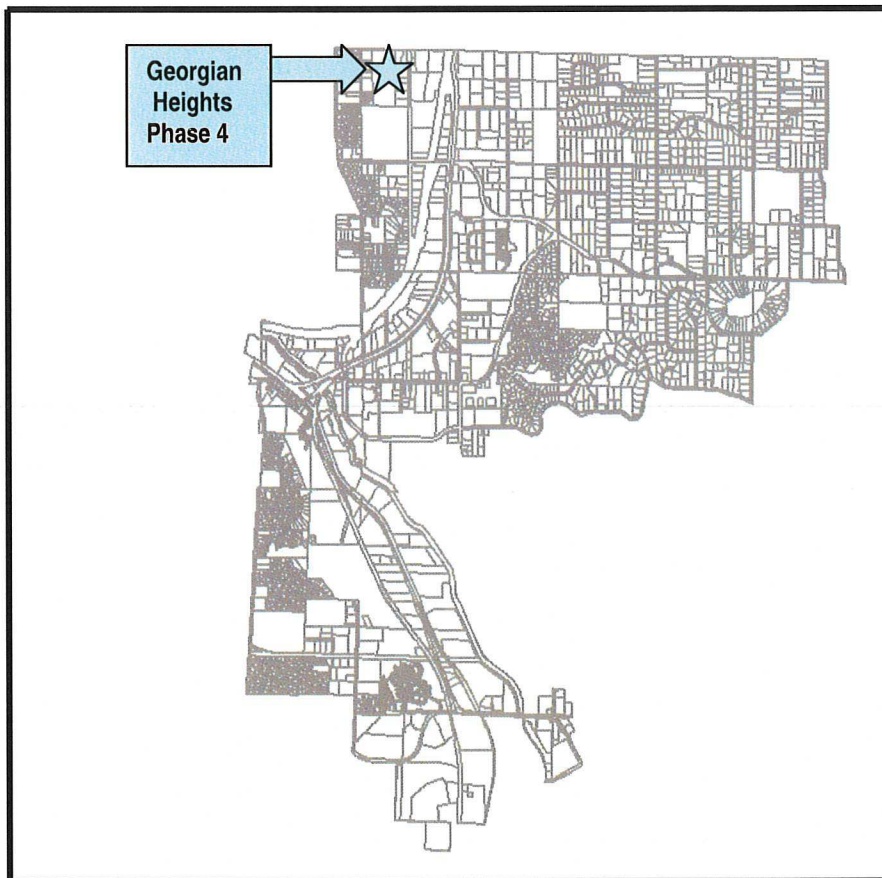


Figure 1. Vicinity Map for Georgian Heights Phase 4

The site is located (Figure 1) in the northwest quadrant of the City of Woodinville in the “Wedge Neighborhood”. The site is located on the south side of NE 205th Street and extends southward some four (4) blocks (1335+/- feet) to the Woodinville High School north property line (NE 200th Street extended). The east property line is the back property line of the lots fronting on 136th Avenue NE and the west property line is the back property line of the lots fronting on 132nd Avenue NE. Access to Georgian Heights Phase 4 will be from 136th Avenue NE via NE 200th Street

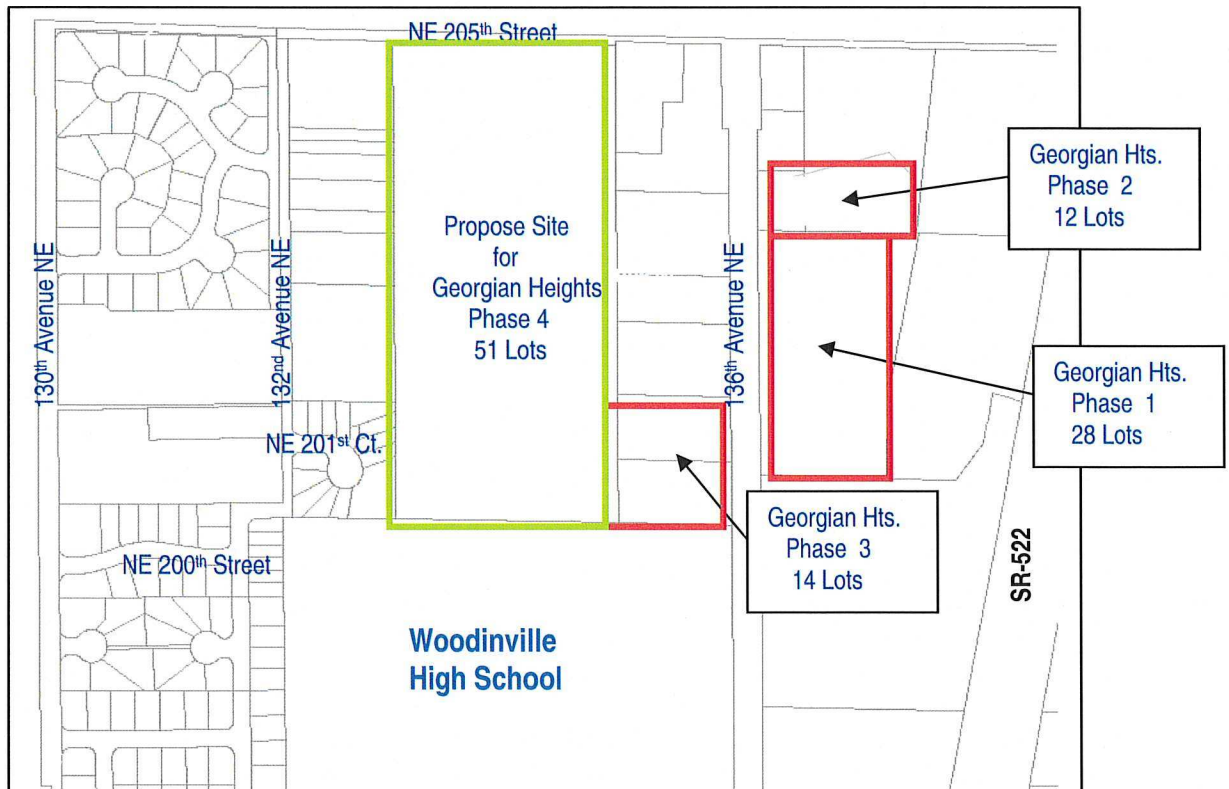


Figure 2. Georgian Heights Phase 4 Site Map

through Georgian Heights Phase 3 and from two access points on NE 205th Street; one near the west edge of the property and one along the east edge of the property.

The site was previously owned by the Northshore School District as a part of the Woodinville High School site. The District surplused the property in 2004 which was purchased by Mr. Cherewick, who then applied for a Comprehensive Plan Amendment from Public Institutional to Moderate Density Residential and for a rezone of the property from Public Institutional (P/I) to (R-6) Single Family Residential. The City Council amended the Comprehensive Plan and the Zoning Map in December of 2004 as requested by Mr. Cherewick.

The site is a very difficult site to develop because of the extensive wetlands running the length of, and through the center of the site (Figure 4). Future single family lots are proposed to be located along the length of the west side of the property with a cluster of six (6) lots to be located at the west end of a cul-de-sac street, NE 200th Street, which has access to 136th Avenue NE through

Georgian Heights Phase 3. A smaller cluster of four lots are to be located along the east edge of the plat with access to NE 205th Street via a private access road, 135th Avenue NE. Seven lots are located along the southwest property line accessing the 134th Avenue NE cul-de-sac via a private access easement.

Impact fees will be charged the proposed development for parks and for traffic under Ordinances 279 and 356 respectively. Density determination is subject to the Planning Directors Decision dated November 3, 2004 (Exhibit 28), based upon street design standards of the City of Woodinville Transportation Infrastructure Standards and Specifications.

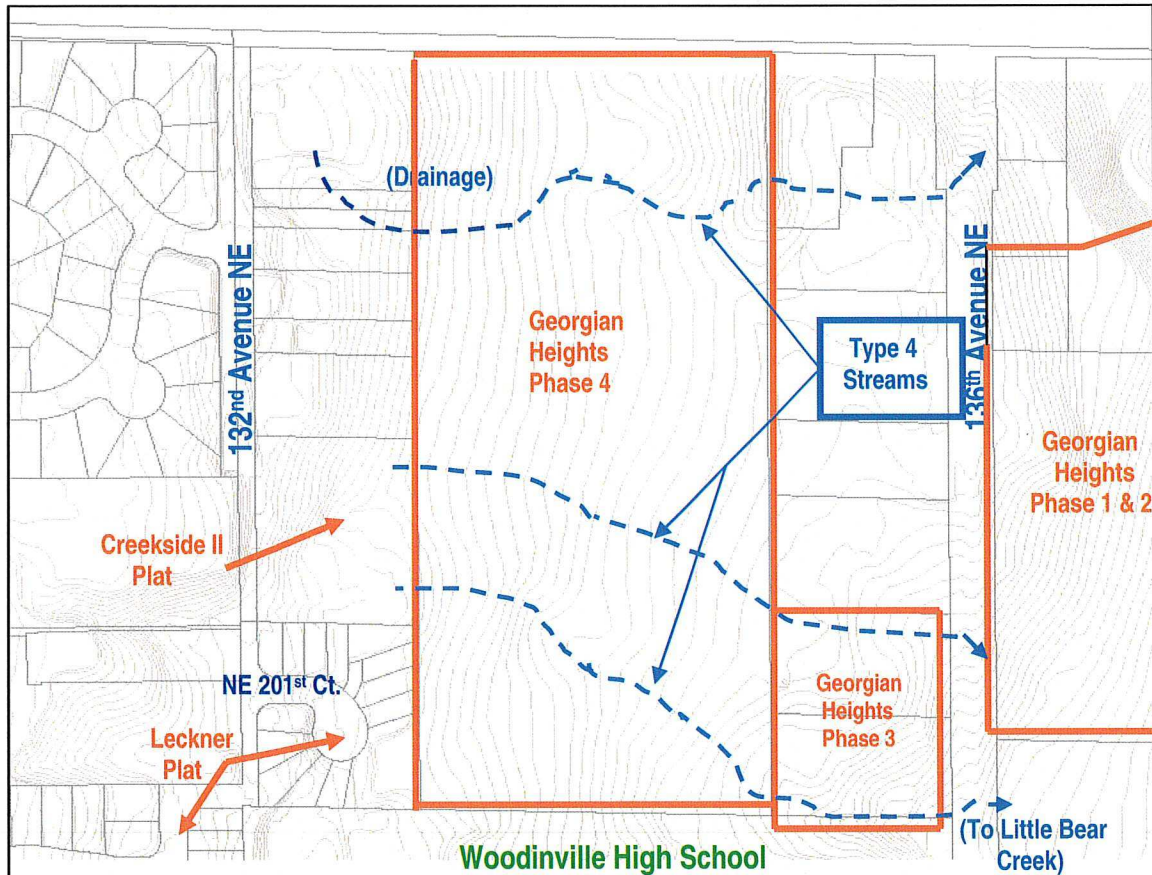


Figure 3. Georgian Heights Phase 4 Topography and Drainage Map (2' Contours)

II. BACKGROUND, DESCRIPTION & ANALYSIS

Ground Cover

The site is considered to be an open canopy palustrine forested area with wetlands (Exhibit 28 & 29). Some areas of the site are dominated by shrubs, including salmonberry, vine maple (on hummocks) and Himalayan blackberry near the wetland boundaries. Forested areas are dominated by red alder, western red cedar and Douglas fir (Figure 5). Dominant herbs include skunk cabbage, lady fern and youth-on-age. The area was previously logged, leaving stumps and felled trees which have provided growth sites for upland vegetation in the wetlands, vegetation which does not normally requiring wetland soils.

Tree Preservation

City code [WMC 21.16.130 (1)(a)], requires a minimum tree preservation of 30 tree credits per acre to be located in the buildable area of a subdivision (excluding rights of way, storm water detention, private streets, sensitive areas and their buffers). Credits may consist of existing and /or replacement trees as established under the tree credit table [WMC 21.16.130 (1)(a)(i)]. The net site area is 8.5 acres (Exhibit 11) and must therefore maintain a tree credit of 255 credits. The applicant has proposed to retain 163.34 tree credits meaning an additional 91.7 tree credits must be accounted for by either retaining more existing trees or by planting additional trees. A revised tree preservation plan will be required prior to issuance of a site development permit.

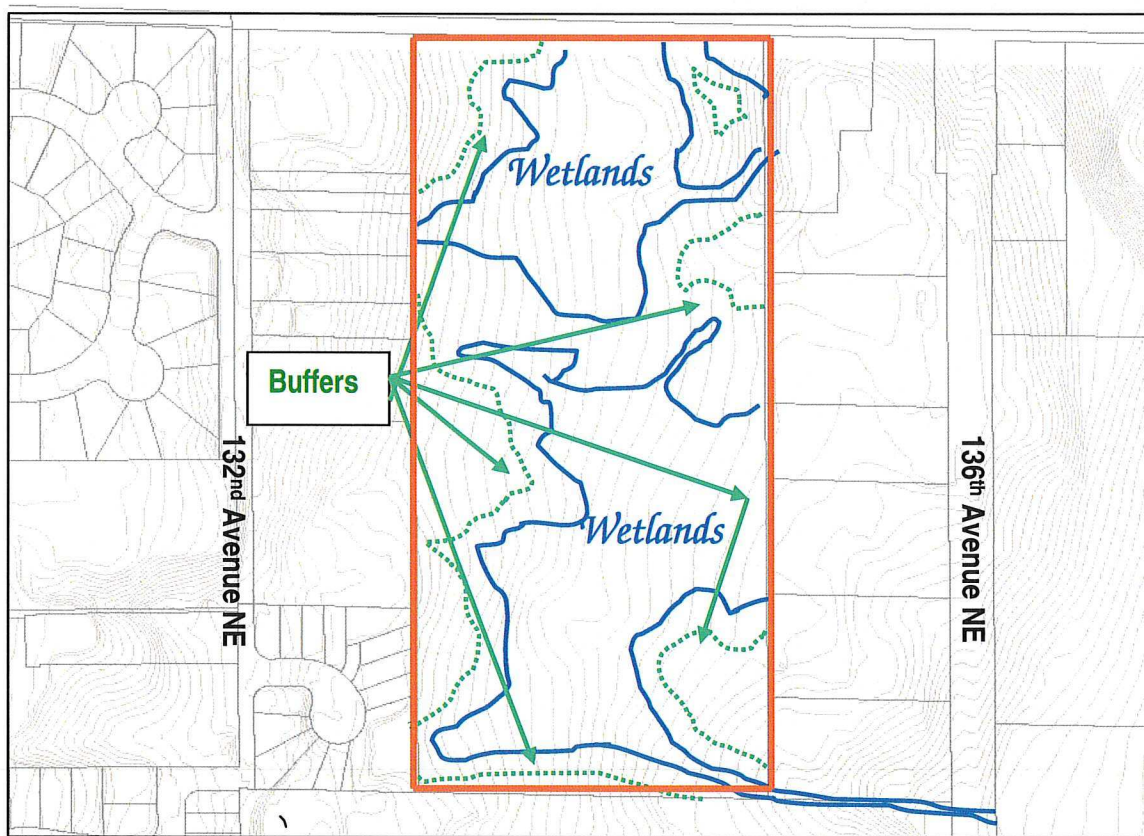


Figure 4. Generalized Wetlands (blue) and Buffers (green).

Streams and Wetlands

There are three un-named Type 4 streams (Figure 3) which cross the proposed subdivision site draining slopes to the west which rise some 30 +/- feet to 132nd Avenue NE and continuing an additional 20 +/- feet up to 130th Avenue NE (Figure 3). The streams are a result in part from the development of properties to the west. The Lechner Plat located to the southwest channels previous sheet flow runoff to the plat. Creekside II, a subdivision located to the west/northwest of the plat has two wetlands which channel runoff to the plat. The three intermittent streams cross the site flowing easterly towards Little Bear Creek and its associated wetlands to further dissuade expansion into the wetlands.

Two wetlands and their buffers, totaling some 8.5 acres are located on site (Figure 4), providing regional detention for the northwest corner of the city by collecting runoff from the west, storing and filtering the runoff before releasing it eastward to Little Bear Creek. There are three sources that feed the hydrology of the site, the previously noted streams, upslope urban development and groundwater seepage from the upland areas



Figure 5. Combined Drainage (Figure 3) & Wetlands (Figure 4) overlay on Aerial Photo.

The wetland function provided by the site includes flood flow alteration and water quality treatment from and for the influx of stormwater from upslope areas. Surface water moves slowly through the area (Exhibit 17) providing deposition of sediments and nutrients in the area. All streams, buffer areas and wetlands are to be shown on the final plat as contained in Native Growth Protection Easements (NGPE's). The NGPE/wetlands & buffers shall be signed according to the standard accepted wetland signing and posed every 100 feet along the perimeter or the buffer area. A two rail fence will be located across the rear property lines of those lots backing to wetlands to further dissuade private expansion or use of the wetlands.

The applicant proposes to create a wetlands replacement as well as enhancements to account for buffer averaging. The application proposes to create some 38,244 square feet of enhancement, consisting of 18,383 square feet of buffer enhancement and 19,861 square feet of wetlands enhancement. In addition, the application proposes to create 7,838 square feet of Class 2 Wetlands using a replacement ratio of 2:1, replacing 3,613 feet of wetland fill. 2,313 square feet of the site to be replaced is located in the cul-de-sac along the 134th Avenue NE side of the plat. The

wetland in the cul-de-sac is the result of drainage from a single lot, Lot 5, of the Creekside II subdivision. This lot drains directly to Phase 4 instead of toward the designated subdivision wetland/detention area for that plat. The builder on this lot was authorized to drain the foundation directly east to Phase 4 by the City.

Two of the streams are crossed by roads which involve placing a culvert under the road and filling portions of both proposed 134th and 135th Avenues NE. The southern intermittent stream crosses under the 134th Avenue NE which is also via a culvert with subsequent filling along the culvert. Mitigation for these road crossings are incorporated into wetlands replacements at a 2:1 ratio. The applicant has obtained HPA permits to make these road crossings.

Existing Buildings

There are no buildings located on this site.

Density

The total site is 837,223 square feet (19.22 acres). Density is based upon net development area which is defined as the gross area of the site less roads and access easements, on-site recreation space, stormwater detention areas and wetlands and buffers (WMC 21.12.080). Roads, easements and storm water detention areas account for 96,314 square feet of the site, wetlands and streams account for 324,214 square feet of the site, and buffer areas account for 226,820 square feet. Partial to full density credit may be allowed based upon the percent of buffer to the gross area of the site. In this case, 27% of the site is in buffer which permits 80% of the buffer to be considered for density credit (20% not allowed) for a net density of 371, 331 square feet or 8.53 acres. The site is zoned R-6, or six dwelling units (lots) per acre x 8.53 acres = 51.18, or 51 dwelling units/lots. The site numbering system accounts for 64 lots, however that is because the numbering system begins with Lot number 14, a continuation of the numbering system for Georgian Heights Phase 3. Base density is 51 lots. Minimum density under phasing (WMC 21.12.030A) is 75% of base density or 38 lots.

Streetscape

This development proposes the following types of roads::

1. An extended cul-de-sac, 134th Avenue NE, approximately 1,000 feet in length and thirty (30) feet in width with access to NE 205th Street,
2. A proposed 25 foot wide 490 foot long private road to seven additional lots which extends from the south end of the above cul-de-sac.
3. A six lot end of a standard cul-de-sac, NE 200th Street, that concludes the development of Phase 3 of Georgian Heights
4. A 25 foot wide private road, 135th Avenue NE, extending south some 385+/- feet from NE 205th Street culminating in a four lot hammerhead turn-around.

The four road designs are subject to the City Transportation and Infrastructure Standards and Specification, Plate 104A Treatment "A", Typical Illustration High Density Residential Streets, Plate 314 Typical Cul-de-Sac Residential Streets, and Plate 314A, Typical Hammerhead Residential

Streets, along with Sections 1-4.2.9 Cul-de-Sacs, Turn Arounds and Section 1-4.2.10.9 Private Streets.

These standards require a 60-foot right of way for public rights-of-way to include two 18 foot asphalt travel lanes with gutters, two six foot planter strips with curb adjacent to the travel lanes and two, six foot sidewalks adjacent to the planter strips. In this case, the developer has proposed a 30-foot wide right-of-way to include two 11-foot travel lanes with a 6-foot parking lane on one side. Curb and gutter are included within the 11-foot travel lane and the 6-foot parking lane. A six foot landscape strip adjacent to the curb line and a five foot sidewalk are included as easements on either side of the right-of-way. This design allows for an additional ten feet of lot depth by allowing the building setback to be located at the edge of the easement instead of ten feet back from the right-of-way. The use of the easement for sidewalk and landscape strip accomplishes nearly the same streetscape as would be created within the 60-foot right-of-way standard. A deviation request has been granted (Exhibit 24) by the City Engineer. CC&R's for the site makes the home owners association responsible for maintenance of the planter strip and sidewalks within the subdivision as well as the sidewalk and planter strip adjacent to NE 205th Street.

The cul-de-sac at the end of the above noted 134th Avenue NE is approximately 1000+/- feet long. Section 1-4.2.9 of the Transportation Standards limits a cul-de-sac to 500 feet in length. Again, this is a very difficult site to develop as most of the developable property is located within 180 feet of the west side of the site between the wetlands and the west property line. It is not possible to cross the wetlands with a street and there is no other way to develop the site and meet the required base density without extending the cul-de-sac beyond the maximum 500 feet. The City Engineer has granted a deviation for the extended length (Exhibit 24).

The private road which extends some 490+/- feet south and east from the above noted cul-de-sac is proposed to serve seven lots. Section 1-4.2.10.9 of the Transportation Standards limits private roads to serve a maximum of four lots. In this case, the road length is in excess of that permitted for a hammerhead turn around (300 feet). When the developer purchased the property from the Northshore School District, the applicant had assurances the District would grant a road easement across the northeastern part of the high school property to service four of the seven lots. The District later withdrew their assurance.

The City Council has established a policy wherein they wish to review all private roads intended to serve more than four lots rather than using the deviation process through the City Engineer. As a result, the Hearing Examiners decision must be predicated upon Council's approval of this seven lot private road.

Street trees, Norway Maples, are proposed to be planted in the easement planter strip (Exhibit 14). Street trees should be planted after the subdivision is complete and a homes association has been formed to insure maintenance. An irrigation plan shall be submitted and approved prior to final plat approval as well. Street trees needs to be included in the performance bonding at the time of final plat approval.

The City Civil Plans Examiner has reviewed and approved the Puget Sound Energy Intolight street lighting plan for the subdivision.

Improvements will be required along NE 205th Street frontage in accordance with the cross-section illustrated on Plate 104A, Typical Illustration High Density Residential Streets.

Georgian Heights Phase 4 will generate 489 vehicle trips per day, with 51 PM peak-hour trips (32 inbound and 19 outbound) The only intersections impacted by more than ten vehicle trips is 136th Avenue NE and NE 195th Street and NE 195th Street and SR-522. The 136th Avenue NE and NE 195th Street intersection currently operates at a LOS of "C" and will continue so. The intersection of NE 195th Street and SR-522 will degrade one level. The westbound on ramp will degrade from LOS C to LOS D and the eastbound off-ramp will degrade from LOS D to LOS E. City standard for mitigation is LOS "E".

The City CIP program for the intersection of 136th Avenue NE and NE 195th Street notes a cost of \$900,000. The subdivision will impact traffic at this intersection by 2.7% and would therefore be responsible for \$24,715.91 of the cost of the intersection improvement. The total CIP cost for the improvements at NE 195th Street and SR-522 is projected to be \$600,000. The traffic impact from Georgian Heights Phase 4 is equal to one percent of the traffic at this intersection or \$5,994.58.

The subdivision, under the newly adopted Traffic Impact Ordinance would also impact the subdivision. Under the worksheet for this ordinance, (Exhibit 26) Georgian Heights Phase 4 would be responsible for \$ 75,951.75 of traffic impact fees or \$1,489.25 per building permit. Fees are due at the time of building permit.

III. BUFFER REDUCTION AND ENHANCEMENT

The applicant's original submittal included both buffer averaging and buffer reduction. WMC 21.24.330(2)(e) states that only buffer averaging or buffer reduction are allowed, not both. The applicant has opted for wetland replacement to reduce the wetland buffer to match the associated property lines. Portions of Lots 27, 28, and Lots 38 – 52 all have portions of their respective lots located within the buffer area. As a result, approximately 19,795 square feet of wetlands are proposed to be filled, requiring creation of 39,590 square feet of wetlands replacement at a 2:1 ratio [WMC 21.24.350(8)(a)]. The applicant proposes to create 39, 875 square feet of wetlands under a five (5) year maintenance agreement (Exhibit 25).

In addition the applicant proposes to enhance an additional 38,244 square feet of buffer and wetlands (Exhibit 25), 18,383 square feet of buffer and 19,861 square feet of wetlands to account for the reduction of buffer from 100 feet to 50 feet (WMC 21.24.330 (1)(b). The enhancement areas are shown on Exhibit 25.

IV. EXCEPTION (WMC 21.24.080(2))

Procedure

The applicant proposes to locate sanitary sewer and water lines in the wetlands, which is not permitted under code. The 2005 Critical Areas Ordinance (WMC 21.24) does not permit development of any kind in wetlands. Utilities are permitted in wetland buffers only, and only then under certain conditions.

Recognizing that there are situations where it is necessary to locate structures in wetlands and there are no alternatives, the code provides an exception process under WMC 21.24.080. Normally a variance (WMC 21.44.040) is the procedure to be used to obtain a deviation from the strict requirements of the zoning code; however the variance process does not necessarily apply to hardships located in critical areas.

The exception process, WMC 21.24.080(2), states that when, "this chapter (Critical Area Ordinance) would deny all reasonable use of the property and the applicant may apply for an exception pursuant to this subsection". The Exception, WMC 21.24.080(2)(a), states that "the Planning Director shall prepare a recommendation to the Hearing Examiner" and that the applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted". Subsection four (4) of the variance decision process, WMC 21.44.040(4). The variance process does not apply in this case as the variance is the direct action of the property owner.

This public hearing for an exception is to be held concurrently with the public hearing for the subdivision application as required under WMC 17.07.020(4), which limits the City to only one record hearing and one closed record appeal hearing.

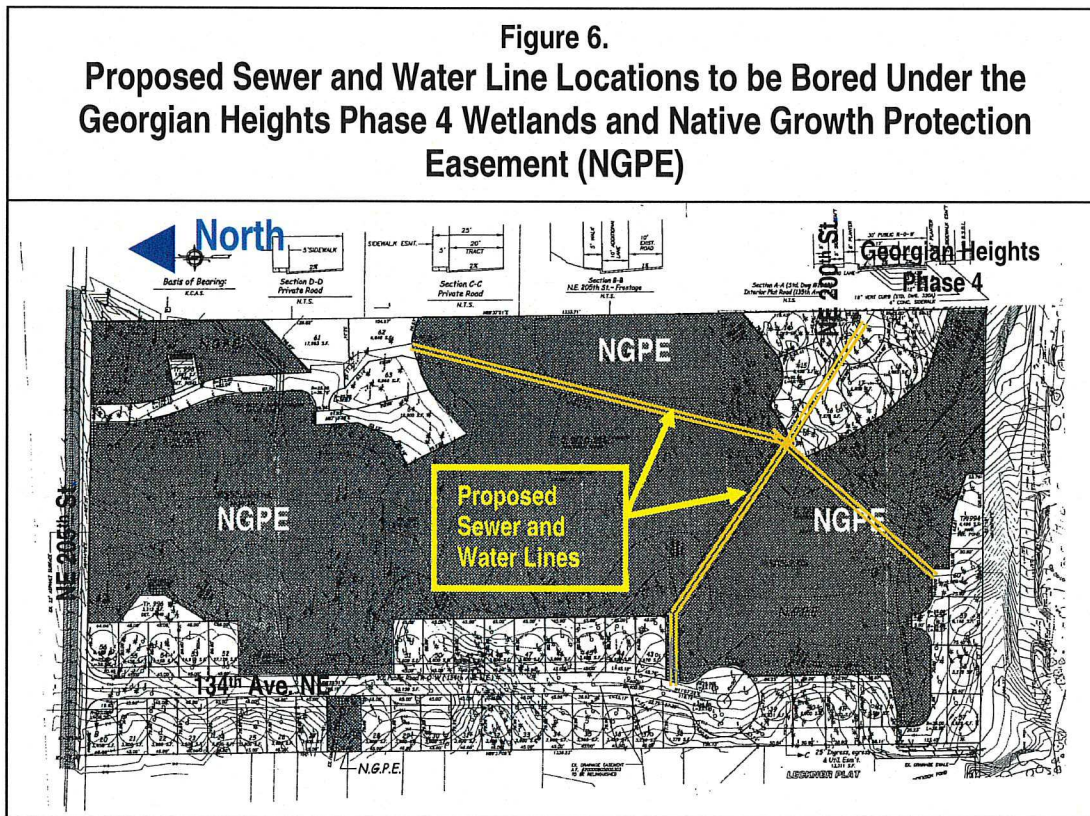
Background

There are two water and sewer easements that cross the wetland (Figure 6) a north-south 20-foot easement connects the four lots in the northeast corner of the subdivision with the main sewer/water easement located between the eastern end of the NE 200th Street cul-de-sac and the north-south road (134th Avenue NE) which parallels the west property line. The applicant has requested an exception under WMC 21.24.080(2) to bore sewer and water lines (See Exhibit 12) under the wetlands. The sewer and water lines would be bored under the wetlands from the current terminus in the cul-de-sac at the west end of NE 200th Street in the Georgian Heights Phase 3 subdivision to the proposed cul-de-sac on 134th Avenue NE in Phase 4.

The street grade for proposed 134th Avenue NE in Phase 4 is between 30 to 36 feet below the street grade of 132nd Avenue NE to the west; consequently it is not possible for a gravity sewer system to work in any other direction than that proposed. Without sanitary sewer to the 41 proposed lots along 134th Avenue NE, the site cannot develop to the base density required by the zoning code.

It is also necessary to loop the water line between Phase 3 and 4. The Woodinville Water District and the Woodinville Life Safety District both require looped as opposed to dead end water systems. Looping the water line from the proposed 134th Avenue NE in Phase 4 across the wetlands to the current terminal waterline point at the west end of NE 200th Street in Phase 3 is the most practical way to resolve the looping concern in that the line can be located in the same easement as the sanitary sewer

The applicant must satisfy four criteria [(WMC 21.24.080(2)(b)(i-iv))] in order to receive approval of an exception.



1. WMC 21.24.080(2)(b)(i) The application of this chapter would deny all reasonable use of the property;

The site is zoned R-6, six dwelling units per acre as a base density. For this site, base density is 51 dwelling units per acre with a minimum density of 38 dwelling units (WMC 21.12.060). This means that there can be no less than 38 single family lots on this site. Only six lots, the west end of the cul-de-sac for NE 200th Street can be served by gravity sanitary sewer without extending sanitary sewer to the west and northeast corner of the site. Septic systems will not work in that it would not be possible to achieve minimum permitted density; in addition, code states that a development proposed within 330 feet of sanitary sewer is required to connect or hook up to sanitary sewer (WMC 20.06.080(2)). With the nearest sanitary sewer uphill from this development and the only viable and practical connection being at the end of the NE 200th Street cul-de-sac, the only way to connect this development to sewer is to cross the central located wetlands.

2. WMC 21.24.080(2)(b)(ii) There is no other reasonable use with less impact on the sensitive area;

The only other permitted residential uses of the site other than the proposed single family residential uses are townhouses, apartments or bed and breakfast inns. All of these uses are based upon the same residential density infrastructure need as is single family use of the site. All require the same sanitary sewer and municipal water hookups as single family. Uses other than residential border on public or quasi-public use such as parks, trails and cultural uses (library,

museum, church or arboretum). These uses, other than trails and parks also require sanitary sewer and municipal water connections which would result in the same or near same utility requirements as doe's single family housing.

3. WMC 21.24.080(2)(b) (iii) The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

The applicant proposes to drill the water and sewer lines under the wetlands. This will require a discovery of the proposed easement line to determine the actual depth to which the line will be laid. Using this technique will eliminate any significant environmental impacts upon the wetlands and the buffer areas. The proposed drilling and locating of the lines is consistent with the purpose of the Critical Areas code and the public interest.

4. WMC 21.24.080(2)(b)(iv) Any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property;

Drilling and locating the sanitary sewer and municipal water lines under the wetlands and buffer area will create the least minimal impact on the area possible. Wetland functions will be minimally impacted with no impacts on the flora or fauna located in the wetlands or buffers. A Native Growth Protection Easement (NGPA) will be placed on the wetlands as a part of the final plat preserving the wetlands and the wetland buffers from any intrusions or impacts from future development of the site. The only immediate impact on the wetlands would be for the three road /stream crossings necessary to provide access to the site. This action is separate from and unrelated to this exception process and for which the applicant has made a JARPA application and received a HPA permit.

WMC 21.24.080(2)(c) Any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the Hearing Examiner including, but not limited to, mitigation under an approved mitigation plan.

- (1) The applicant shall be subject to WMC 21.24.034(1) & (2).Wetlands: permitted alterations.
- (2) The applicant shall be subject to WMS 21.14.350 Wetlands mitigation requirements.

V. PROJECT DESCRIPTION

Applicant	Randolf Cherewick, President Lakewood Construction P.O. Box 14648 Mill Creek, WA 98082 425-481-7949
Property Owner	Randolf Cherewick, President Lakewood Construction P.O. Box 14648 Mill Creek, WA 98082 425-481-7949
Project Name	Preliminary Plat of Georgian Heights Phase 4

Location	The site is located in the northwest quadrant of the City of Woodinville, in an area designated in the Comprehensive Plan as the "Wedge." The site is located on the south side of NE 205 th Street between 132 nd Avenue NE and 136 th Avenue NE.
Parcel Number	032605-9011
Proposed Lot Sizes	The Applicant proposes to subdivide a 19.22 acre parcel of land into 51 lots. Lots range in size from 3,236 square feet to 10,653 square feet and average 5,611square feet.
Road System	Principal access is from NE 205 th Street. The internal road, 134 th Avenue NE) consists of a 1000 foot access road with a cul-de-sac and a 490 foot private road extending south from the cul-de-sac. A 380 foot private road culminating in a hammerhead turn-around road (135 th Avenue NE) is located on the eastern part of the site also accessing NE 205 th Street.
Site Physiology	<p>The site is a rectangular parcel, 1,333+-feet deep north to south and 627+ feet wide (east to west). The site is heavily wooded (Figure 5 consisting mainly of open canopy palustrine forested area with wetlands. Some areas of the site are dominated by shrubs, including salmonberry, vine maple (on hummocks) and Himalayan blackberry near the wetland boundaries. Forested areas are dominated by red alder, western red cedar and Douglas fir.</p> <p>There is a 40 foot rise in elevation on the site between the east and west property lines, a change in overall grade of between 5 ½ to 6 %, grade.</p> <p>Soils in the area consist of Alderwood gravelly sandy loam, which is a soil compatible with an urban development environment.</p> <p>Seismic impact and landslide or slump on the site was determined to be negligible (Exhibit 17). There are a number of controls that can be placed upon the property during construction to lessen the impact of erosion on the stream beds and their associated buffer areas such as: use of filter fencing around cleared areas, mulching and hydro seeding of the site as soon as site grading has been completed, erosion control measures around soil stockpiles and, if necessary and as a last resort, limiting construction to dry seasons. Best Available Science (BAS) is to be used.</p>

The site will require extensive clearing for building sites. Trees that are to be preserved shall be marked and fenced at a point five (5') feet from the outside of the drip line so as to prevent construction equipment damage.

VI. LAND USE DESIGNATION

Comprehensive Plan

The site (Figure 7) and properties to the east and west are designated Moderate Density Residential on the Future Land Use Map of the Comprehensive Plan dated November 2004. The adjacent area to the south is designated Public Institutional. Property to the north is located in unincorporated Snohomish County.

Zoning

The site (Figure 7) is zoned R-6 Residential, six dwelling units per acre. Property to the east and west are zoned R-6 Residential, property to the south is zoned Public Institutional (P/I) and property to the north is located outside of the City's jurisdiction in Snohomish County.

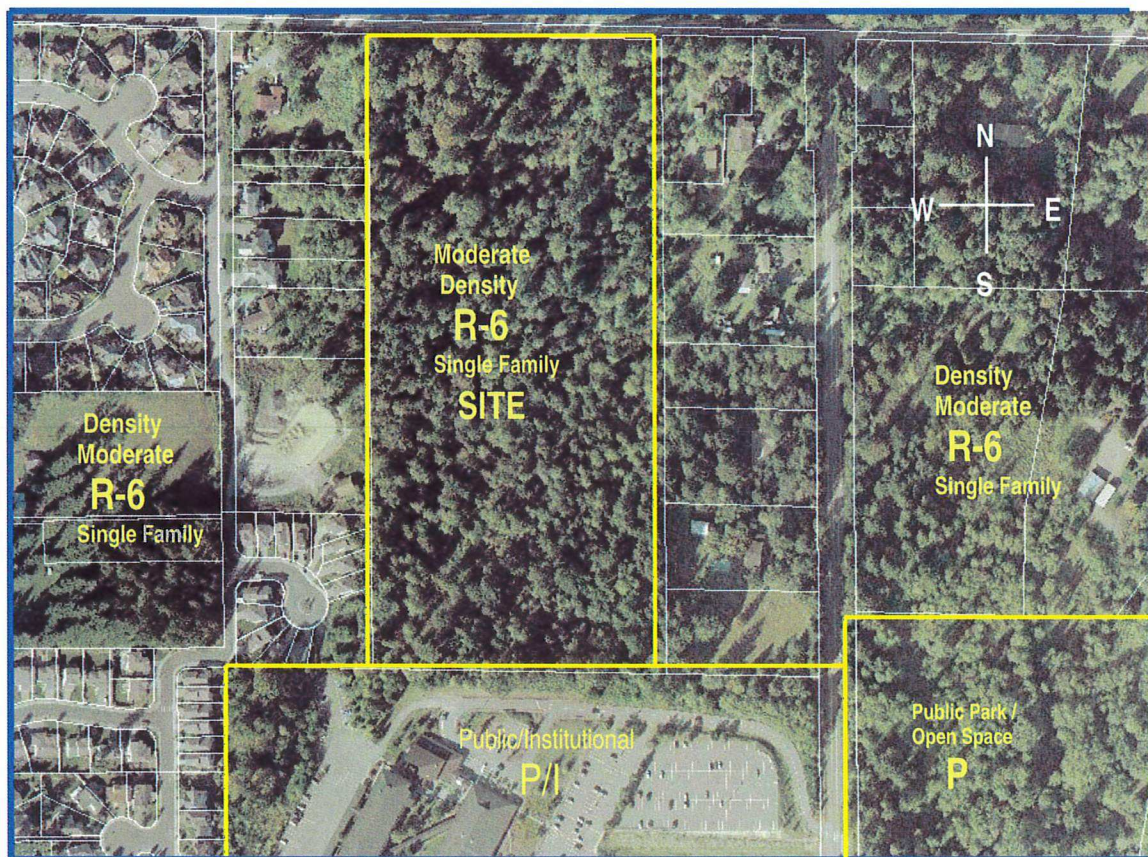


Figure7. Land Use and Zoning Designations

Existing Land Use	(Figure 7)
On-Site	The site is heavily vegetated containing extensive tree cover
North of Site	Single family residence in unincorporated Snohomish County
South of Site	Woodinville High School
West of Site	Single family residential housing.
East of Site	Single family residential housing.

VII. COMPREHENSIVE PLAN

The preliminary plat proposal, with conditions, complies with the following applicable Comprehensive Plan Goals and Policies. The following goals are stated with the appropriate Policies that apply to this development:

Land Use Goal LU-1 is “To guide the City’s population growth in a manner that maintains or improves Woodinville’s northwest woodland character, environmental attributes, and quality of life.” The following policies apply to the proposed Georgian Heights Phase 4 Subdivision related to this goal.

Policy LU-1.2.1 states:

“Encourage future development in areas with the capacity to absorb development.”

Comment: The subdivision will support the existing transportation infrastructure. Water, sewer and other utilities will be provided to the lots (Exhibit 12). The Northshore School District has determined that school children have a safe walkway to Woodinville High School. Students will be bussed to Woodin Elementary School and Leota Junior High School (Exhibit 7). The Districts current infrastructure is able to absorb the school age population from this proposed development without additional mitigation.

Policy LU-1.2.2 states:

“Encourage Development in areas where adverse environmental impacts can be minimized; and where such development will enhance the area’s appearance or vitality.”

Comment: This site contains extensive environmentally sensitive areas. Three un-named intermittent streams with 50-foot buffers cross the property, the first to the north running diagonally across the site, the second and third streams runs diagonally, again northwest to southeast across the southwest corner of the site. The site slopes eastward toward 136th Avenue NE at an overall 5 ½ to 6% grade. The access road system is oriented towards NE 205th Street. The proposed road(s) will require extensive removal of trees. Preservation and protection of significant trees on the proposed lots will help to maintain the area’s appearance and environmental vitality.

Land Use Goal LU-2 is “To establish land use patterns, densities, and site designs that encourage less reliance on single-occupant vehicle travel.”

Policy LU-2.2 states:

“Connect residential, open space, and recreation areas by an appropriately planned network of streets, walkways, bicycle paths, and utility corridors.”

Comment: The site will have internal sidewalks. There is the possibility that a future north to south trail may be located in the wetland buffer of the site.

Land Use Goal LU-3 is “To attain a wide range of residential patterns, densities, and site designs consistent with Woodinville’s identified needs and preferences.”

Policy LU-3.1 states:

“Encourage development that complements the existing residential development patterns in Woodinville’s neighborhoods.”

Comment: The subdivision is located in the “Moderate Density Residential Area”. The City Comprehensive Land Use Map Designation requires a base density of 5 - 8 dwelling units per acre. The proposal is consistent with the current R-6 zone.

Policy LU-3.2 states:

“Preserves the existing natural environment of Woodinville’s neighborhoods.”

Comment: The site will be cleared of some vegetation necessary for road construction and for building pads. Significant trees shall be preserved. Tree protection and retention conditions of approval are recommended and required for future development to preserve and enhancement the existing natural environment. Perimeter and street front landscaping should be installed to restore the natural character of the streetscape. Development is encouraged to occur with as little vegetation and site disruption as possible, however the building sites (lots) are small, generally around 5,000 square feet with 50-foot frontages. Consequently, much of the frontage will need to be cleared. Tree retention and protection conditions are discussed below in Policy CD-2.2.

Policy LU-3.3 states:

“Maintain each residential area as a safe, pleasant, and enjoyable place to live.”

Comment: The proposed preliminary plat conforms to the Zoning Code and maintains the general density of development proposed for the neighborhood.

Policy LU-3.8 states:

“Permit a range of densities to encourage a variety of housing types that meet the housing needs of residents with a range of incomes.”

Comment: This proposal conforms to the current zoning density. Proposed development is for single family housing and conforms to the density that can be achieved with R-6 zoning.

Land Use Goal LU-5 is “To protect and conserve Woodinville’s open spaces, natural resources, and sensitive areas.”

Policy LU-5.6 states:

“Enhance and protect water quality through control of runoff and best management practices as adopted by the City of Woodinville.”

Comment: Single-family development is required to conform to the current adopted Surface Water Management Regulations. A note shall appear on the face of the final plat regarding storm water disposal for future development as required by King County Surface Water Manual and/or with approval for modification by the City of Woodinville Public Works Director.

Policy LU-5.11 states:

“Control clearing and grading to minimize erosion.”

Comment: Clearing and grading activities are regulated under Building and Public Services codes that include erosion control protection and practices. Native vegetation and trees should be retained to the greatest extent possible to assist in minimizing erosion. All development shall comply with clearing, grading, and erosion control requirements of the City.

Policy LU-5.14 states:

“Maintain natural vegetation coverage at levels sufficient to moderate surface water runoff and to protect the site drainage integrity. When re-vegetation is required, appropriate native vegetation should be used.”

Comment: Natural vegetation and trees should be retained to the greatest extent possible to assist in moderating surface water runoff. Clearing of the site should include sensitivity to existing vegetation of cleared areas to moderate surface water runoff. Appropriate native vegetation shall be used in re-vegetation areas and in street frontage landscape areas. Tree protection and retention conditions are recommended to preserve those remaining significant trees. Future development shall comply with all applicable clearing and grading regulations pursuant to the City of Woodinville Municipal Code, Uniform Building Code, Surface Water Management Control Regulations and other local, federal and state regulations and requirements.

Housing Goal H-1 is “To preserve existing housing and neighborhoods and provide diversity of housing types to promote housing opportunities for all economic segments of the City’s population.”

Policy H-1.1 applies to this proposal and states:

“Allow for variety of housing types and lot sizes through small and large lot single family development, town homes, duplexes, multiplexes, apartments, manufactured housing, and mobile home parks.”

Comment: The proposed project complies with the Comprehensive Plan Designation of “Moderate Density Residential” which allows for six dwelling units per acre. The property is zoned R-6 which allows six dwelling unit per acre for single-family development. The project, as proposed, meets the intent of this Comprehensive Plan Policy and the Zoning Regulations. It is being developed to fit into the character of the existing neighborhood.

Parks, Recreation, and Open Space Goal PRO-2 is “To ensure adequate and enriching recreational activities for the citizens of Woodinville.”

Policy PRO-2.1 applies to this proposal and states:

“Create a diversity of new facilities and opportunities to address the needs of the citizens of Woodinville and the surrounding planning area.”

Comment: The applicant will pay a park mitigation fee to the City for future capital park construction/purchase. A fee of \$1,796.00 shall be paid at the time of issuance of a building permit in accordance with Ordinance 279 or the fee current at the time of issuance of a building permit.

Community Design Goal CD-2 is “To maintain the Northwest woodland character and heritage of Woodinville.”

Policy CD-2.2 applies to this proposal and states:

“Require native vegetation as a necessary component in the aesthetic and environmental quality of residential, industrial, and commercial areas.”

Comment: Native vegetation will be maintained along the perimeter to create an appropriate aesthetic treatment for the development. Native vegetation is also required to be a component of street front landscaping that enhances the natural and aesthetic "front" of the development. Development is encouraged to occur with as little vegetation and site disruption as possible. Retained trees are to be flagged and fenced for protection. In this case, two thirds of the site is covered with wetlands and wetland buffers. This area is heavily forested and will be included in a Native Growth Protection Easement (NGPE).

Community Design Goal CD-3 is “To promote quality design that preserves and enhances the character of the various neighborhoods of Woodinville.”

Policy CD-3.1.2 applies to this proposal and states:

“New development should reflect the characteristics of the site. All new development must protect sensitive areas as required by the City code. In addition, site design and layout should reflect natural topography and vegetation, solar access and energy conservation, and circulation as specified in the Woodinville Zoning Code.”

Comment: The proposal is to develop a 19.22 acre site adjacent to NE 205th Street, but with recommended conditions, which will reflect the character of the site and takes into consideration natural topography, vegetation and circulation as specified in the Zoning Code. Significant trees on site shall be preserved where possible and protected. Solar access and/or energy conservation measures should be considered during design, construction, and development of dwellings. An extensive NGPE will protect some two thirds of the site.

Community Design Goal CD-4 is “To create pedestrian friendly environments throughout Woodinville.”

Policy CD-4.1 applies to this proposal and states:

“Promote the development of pedestrian amenities in and through Woodinville.”

Comment: A sidewalk is required within the development and the site will be connected to NE 205th Street. (See LU-2.2).

Policy CD-4.5 applies to this proposal and states:

“Promote pedestrian/bicycle connections to and through residential neighborhoods. New development should provide pedestrian connections to off-site facilities such as existing trails, walkways, community facilities and services, transit, schools, and surrounding residential neighborhoods. Pedestrian links should be provided internally in all new residential development. Bicycle and equestrian links will be provided where possible.”

Comment: The proposed development will support the policy of providing community connections through the site.

Transportation Goal T-2 is “To ensure development is consistent with the transportation goals and policies.”

Policy T-2.1 applies to this proposal and states:

“Development in the City of Woodinville should pay its fair share toward transportation improvements to help mitigate impacts, as identified through and adopted road adequacy standards, mitigation payment program, State Environmental Policy Act, and the development review process.”

Comment: Georgian Heights Phase 4 will generate 51 p.m. peak period vehicle trips, 32 entering and 19 exiting. Only two intersections will be impacted by more than ten trips during peak traffic hours. The development will provide nearly \$76,000 of traffic impact fees.

Policy T-2.6 applies to this proposal and states:

“Require that new development in Woodinville incorporate pedestrian/transit design considerations and provide access through barriers, particularly fences that enclose development pathways.”

Comment: a portion of the development will access a bicycle lane on 136th Avenue NE. Traffic impact fees, to be collected at the time of building permit will assist in meeting the City's goals for this area.

Utility Policy U-2 is “Review new projects requiring land use or construction permit approval for the availability of an adequate water supply.”

Policy U-2.1 applies to this proposal and states:

“Require connection to the municipal water system for all new development permitted by the City.”

Comment: The subdivision will be connected to municipal water and sanitary sewer through the Woodinville Water District.

VIII. REGULATIONS CRITERIA

A. Woodinville Municipal Code (WMC) Chapter 21, Zoning Code

WMC 21.14.030A and WMC 21.14.040A

- Base Density: 6 dwelling units per acre
- Maximum Density: 7 dwelling units per acre
- Street Setbacks: All structures shall maintain a minimum 10-foot street ROW setback from the living side of a building to any adjoining street right-of-way. Garages must maintain a minimum of a twenty (20') foot setback.
- Interior Setbacks: All structures shall maintain a minimum five-foot interior setback.
- Lot Widths: Required minimum lot width is thirty-feet. The proposal meets this requirement.
- Building Height: Maximum building height is 35-feet.
- Building Coverage: All lots are required to conform to a maximum building coverage of 50%.
- Impervious Surface: All lots are required to conform to the maximum impervious surface area of 70% (*Impervious surface includes building coverage*)
- Minimum On-site Recreational Space: Park mitigation is due at the time of issuance of building permits and is based upon the park mitigation fees established in Ordinance 279 (WMC 3.36). The currently mitigation fee is \$1796.00 per dwelling unit x 51 dwelling units or \$91,596.00.

B. WMC Chapter 03.39, Transportation Impact Fees

Transportation impact fees are due at the time of building permit and are based upon a formula contained in this title. Impact fees for this project are initially projected to be \$157,979.10 (Exhibit 26).

C. WMC Chapter 20, Subdivision Code

WMC 20.06.020 Subdivision Review and Approval Criteria

1. This subdivision has been reviewed to ensure compliance with the following criteria:

a. *The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville Comprehensive Plan;*

Comment: This proposal, subject to recommended conditions, conforms to the applicable goals, policies, criteria, and plans set forth in the City of Woodinville Comprehensive Plan, as discussed in the above Comprehensive Plan section of this report.

b. The proposal conforms to the development standards set forth in Woodinville Municipal Code (WMC) Chapter 21, Zoning Code;

Comment: This proposal, subject to recommended conditions, conforms to the applicable development standards set forth in WMC Chapter 21, Zoning Code as discussed in the above Zoning Code section of this report.

2. The proposal conforms to the requirements of this section and those set forth in WMC 20.06 SUBDIVISION AND SHORT SUBDIVISION PROCEDURES and the WMC Appendix – SUBDIVISION & SHORT SUBDIVISION ADMINISTRATIVE PROCEDURES AND STANDARDS;

Comment: This proposal conforms to the applicable development standards set forth in WMC 20.06 Subdivision and Short Subdivision Procedures and the WMC Appendix – Subdivision & Short Subdivision Administrative Procedures and Standards as discussed in this section below.

3. The proposed street system conforms to the City of Woodinville Arterial Street Plan and Neighborhood Street Plans, and is laid out in such a manner as to provide for safe, orderly and efficient circulation of traffic;

Comment: The subject site is located adjacent to NE 205th Street. The proposed subdivision layout will route all internal traffic to 130th Avenue NE and 136th Avenue NE. This development is designed to accommodate both street traffic and internal traffic.

Because of these traffic conditions the preliminary subdivision was designed to have the internal road, 134th and 135th Avenues NE, intersect with NE 204th Street at a 90° angle and at a point where visibility is the greatest, making the intersection conform to the City of Woodinville Neighborhood Street plans. Frontage channelization, signing and striping shall be in accordance with City codes and standards.

4. The proposed subdivision or short subdivision will be adequately served with approved public water and sewer, and other utilities appropriate to the nature of the subdivision;

Compliance: Water service and public sewers are available through the Woodinville Water District. Private utilities that serve this area of the City are Puget Sound Energy (electricity and gas), Comcast (cable) and Verizon (phone). Sewer and water lines are proposed to cross wetlands between NE 200th Street and the proposed 134th Avenue NE.

5. 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 and vegetation will result from development of the lots;

Compliance: Retention of significant trees is presented in the Tree Retention Plan (Exhibit 14). The plan is recommended to be revised prior to issuance of a site development permit to assist in meeting the Comprehensive Plan Community Design Goal 2 and supporting Policy CD-2.2 and other goals and policies.

Tree retention and protection mitigation measures are recommended as a preliminary plat approval condition and would meet this subdivision approval criterion. With these conditions met, the layout of the lots and their size take into account topography and vegetation on the site in order that buildings may be reasonably sited and the least disruption of the site topography and vegetation will result from development of the lots.

6. 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;

Compliance: Hazards and limitations on development of the site have been taken into consideration. Soils are supportive of urban development and site grading will direct all storm water runoff to Tracts 994, 996 and 998, storm water detention areas.

7. Safe walk to school procedures, as established by the City have been met.

Compliance: According to the Northshore School District, all walkways and or bus routes to the schools supporting this project have been met.

8. Lack of compliance with the criteria set forth in Section 20.06.020A above 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;

Compliance: This proposal, subject to recommended conditions, complies with the criteria set forth in Section 20.06.020A as discussed in this section of the report.

D. WMC 20.06.030 through 170 applicable Subdivision requirement compliance

- .030 Subdivision Names - The "Georgian Heights Phase 4" Preliminary Plat meets the standards for subdivision names.
- .040 Lot Standards - The Georgian Heights Phase 4 Preliminary Plat meets the requirements for applicable lot standards regarding intended use, lot shapes, width, area and frontage, depth, front lot line, and side lot line.
- .060 Easements – There are sidewalk and landscape strip easements on this site.
- .070 Water Supply - Water supply will be available through the Woodinville Water District.
- .080 Sewage Disposal - Sewer disposal will be available through the Woodinville Water District.
- .090 Storm Drainage – A note shall be placed on the final plat that requires dispersion or tight lining directly into the Stormwater collection system for Stormwater disposal from rooftops. The applicant shall use surface water measures that conform to the standards regulating impacts to adjacent properties.
- .100 Watercourses - There are three Type 4 streams and there buffers on site.
- .120 Water and Sewer Standards - This development shall meet all water and sewer standards as set forth by the Woodinville Water District.
- .130 Street Standards - This development shall comply with City of Woodinville Construction Specification and Design Standards for Streets within the City as amended by deviation approvals from the City Engineer.

- .140 Street Right-of-Way and Pavement Widths - The street right-of-way and pavement widths as shown on the preliminary plat drawings are in accordance with deviation requests approved by the City Engineer.
- .150 The project will be required to provide street lighting in conformance with the City's Street Standards and PSE recommendations or applicable standards at the time of site development permit application. This will include the installation of new street light poles and light fixtures as noted in the PSE report to illuminate the street to applicable light levels.
- .160 Monuments - All permanent survey control monuments shall be provided in accordance with this subsection upon recording of the final plat.
- .170 The applicant will be paying \$1,796 per dwelling unit for park purposes or the applicable fee at the time of building permit.

IX. PERMIT PROCESSING REGULATIONS

Woodinville Municipal Code 17.07 through 17.17 regulates Permit and Application Processing. The Applicant, Lakewood Construction, submitted an application packet on December 29, 2004 for a preliminary plat subdivision of 19.22 acres to subdivide the site into 51 single-family lots.

The application was determined to be complete on January 4, 2005 (Exhibit 3). A Notice of Application (NOA) was published and posted on March 28, 2005 (Exhibit 4) with a 14-day public comment period expiring on April 11, 2005.

The Proposal has met all of the noticing and deadlines as required in WMC 17.07 through 17.17.

X. DETERMINATION OF CONSISTENCY

The Applicant completed and submitted a Development Consistency Checklist received December 29, 2004 (Exhibit 6). Upon review of the proposal and the Checklist pursuant to WMC 17.13.010, the proposal is determined to be consistent with development regulations.

XI. ENVIRONMENTAL INFORMATION:

A. State Environmental Policy Act

The Director, the designated SEPA Official, determined that the proposal will have no probable significant impact to the environment and issued a Mitigated Determination of Non-Significance on April 25, 2005 (Exhibit 16). The following Measures are attached as conditions of preliminary plat approval:

Mitigation is proposed as follows:

1. Construction hours shall be limited to that period between 7 am to 7 pm daily Mondays through Fridays and 9 am to 5 pm on Saturdays. There shall be no construction on Sundays or Hollidays. Construction shall include the starting and "warming up" of engines or other sound emitting mechanical equipment .

2. Erosion control measures including silt fencing shall be installed prior to construction during site and landscape construction and/or site grading in accordance with the 1998 King County Surface Water Design Manual.
3. Best management practices shall be implemented in the installation of infrastructure and any site grading approved by the city.
4. The Permit Center Director shall have the authority to direct the developer or his on-site representatives to immediately cease activities and redirect their attention to resolving any critical 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 an immediate Stop Work order placed on the development and resolution of the problem by the City. The developer will be invoiced for such City time and materials involved in resolving the problem, which shall include a penalty of 10% of the assessed cost. The invoice shall be paid prior to the City removing the Stop Work order.
5. The Applicant shall pay the City of Woodinville Parks Department a capital parks fee of \$1,796 per dwelling unit or the applicable fee in place at the time of issuance of a the building permits.
6. A note shall be included on the Final Plat that City easements located on private property adjacent to the back of curbs or street edge shall be maintained by the Homeowners Association and the property owner. In such case where maintenance has not been performed to City standards, as exemplified by City maintenance of parks, the City shall have the option of performing such maintenance. In such case, the City shall bill the property owner for the cost of maintenance including any administrative costs. If City invoices are not paid within ninety (90) days of the date of billing, the City shall have the option of attaching a lien against said property.
7. The applicant shall upgrade NE 205th Street to the half street (south side) standard which shall include frontage channelization, signing and striping as determined by the City Engineer. The modification of this condition may be made by the City Engineer under Section 1-1.8 Deviation from Standards, Transportation Infrastructure Standards and Specifications 1999 Edition.
8. Applicant shall include the mitigation measures according to the Stream and Wetland Mitigation Plan dated November 2004 and Mitigation Plan Notes dated March 29, 2005 with revisions.
9. Fencing and posting of critical areas signs around the perimeter of the wetland will be required.

B. King County Sensitive Area Folio Maps:

The King County, December 1990 Sensitive Area Folio Maps do not indicate the following sensitive or natural hazards at the site of the Georgian Heights Phase 4 Subdivision:

Seismic Hazards
Landslide Hazards
Erosion Hazards
Coal Mine Hazards

XII. CODE ANALYSIS

- A. The Preliminary Plat Application Proposal is to subdivide an approximate 19.22 acre site into 51 lots with lots averaging 5,611 square feet in area with the smallest being 3,236 square feet in area and the largest being 10,600 square feet in area.
- B. The subject site is designated "Moderate Density Residential" on the City of Woodinville Future Land Use Map adopted November 2004. The site is zoned R-6 on the City of Woodinville Zoning Map dated November 2004.
- C. The Comprehensive Plan directs development in a moderate-density pattern, encourages northwest woodland character design, promotes pedestrian friendly and traffic linkages, encourages recreation space, and requires adequate infrastructure for residential development within the City Limits. As discussed in the Comprehensive Plan section of this report, the proposal with recommended conditions meets as best as possible the applicable goals and policies for residential development in this area of the City.
- D. The City of Woodinville Zoning Code, Woodinville Municipal Code (WMC) Chapter 21, regulates density and dimensions, including impervious surface areas. In addition, it regulates design requirements in residential development and sensitive area regulations. With recommended conditions, the Georgian Heights Phase 4 Preliminary Plat meets Zoning Code requirements in the R-6 zone for residential development.
- E. The Applicant is proposing construction of single-family detached residences.
- F. The Subdivision Code, WMC Chapter 20, regulates subdivision design consideration and code compliance including considerations of traffic circulation, adequate utilities, surface water runoff, School Safe Walk conditions, and public improvement dedications. The proposal, with recommended conditions, meets the Subdivision Code approval criteria as discussed in the Subdivision Code Section of this report.
- G. All noticing requirements and deadlines have been met pursuant to WMC Chapter 17.07 through 17.17.
- H. A Notice of Application was published on March 28, 2005 and expired at 5:00 p.m. on April 11, 2005.
- J. No comment letters were received within the Notice of Application comment period.
- K. An environmental review was conducted for the proposal and a Mitigated Determination of Non-Significance was issued on April 25, 2005, expiring on May 10, 2005.

- L. The proposed Georgian Heights Phase 4 Subdivision with conditions will develop in a pattern similar to that suggested in the comprehensive plan. The infrastructure with required improvements and conditions of approval, should adequately serve the site as designed.

XIII. RECOMMENDED FINDINGS AND CONCLUSIONS

A. FINDINGS

1. The applicant has requested approval of a Preliminary Plat to subdivide 19.22 acres of land into 51 single-family residential lots. The preliminary plat application was submitted to the City of Woodinville on December 29, 2004 (Exhibit 2) and a notice of complete application issued on January 4, 2005 (Exhibit 3). The property is located between 132nd and 136th Avenues NE south of NE 205th Street.
2. The subject property is zoned Residential (R-6), with a base density of six dwelling units per acre. The minimum permitted lot size is 2,500 square feet with a minimum lot width of 30 feet at building area.
3. The City of Woodinville Comprehensive Plan for the property is Moderate Density Residential. Some of the Comprehensive Plan goals and policies applicable to the proposal including Policy LU-1.2.1 to encourage future developments in areas with the capacity to absorb development; Policy LU-1.2.2, to encourage development in areas where adverse environmental impacts can be minimized; Policy LU-2.2, to connect residential, open space, and recreational areas by an appropriately planned network of streets, walkways, bicycle paths, and utility corridors; Policy LU-3.1, to encourage development that complements the existing residential development patterns in Woodinville's neighborhoods; Policy LU-3.2, to preserve the existing natural environment of Woodinville's neighborhood; Policy LU-3.3, to maintain a safe, pleasant place to live; Policy LU-3.8, to permit a range of densities and variety of housing to meet the needs and income of residents; Policy LU-5.6, to enhance and protect water quality through control or runoff and best management practices; Policy LU-5.11, to control clearing and grading; Policy LU-5.14, to maintain natural vegetation coverage at levels sufficient to moderate surface water runoff and to protect the integrity of stream channels; Goal H-1.1, to allow for a variety in lots and housing styles; Goal PRO-2, to ensure adequate enriching recreational activities for the citizens of Woodinville; Policy PRO-2.1, to create a diversity of new facilities and opportunities; Policy CD-2.2, to require native vegetation; Policy CD-3.1.2, to ensure new development reflects the characteristics of the site, protect sensitive areas and reflect natural topography and vegetation; Goal CD-4, to create pedestrian friendly environments throughout Woodinville; Policy CD-4.1, to promote pedestrian amenities; Policy CD-4.5, to promote pedestrian/bicycle connections to and through residential neighborhoods; Policy T-2.1, to require development to pay its fair share toward transportation improvements to help mitigate impacts; Policy T-2.6, to incorporate pedestrian/transit design and access; and Policy U-2.1, to require connection to the municipal water system.

4. Property to the east and west are zoned R-6, property immediately south of the site is zoned P/I, Public Institutional. Property to the north is located in Snohomish County.
5. The subject property contains a large critical area within which there are two west to east flowing Type 4 streams and two Class 2 wetlands totaling some 12.65 acres.
6. Access to the subdivision will be from NE 205th Street through two access points, 134th and 135th Avenues NE. The 135th Avenue NE access road terminates in a hammerhead turn around. the major access road, 134th Avenue NE is approximately 1000 feet in length with a second private access road serving seven additional lots south of the southern terminus of 135th Avenue. Street grades are within the legal limits. The principal internal street right-of-way is proposed at 30 feet. A fifteen foot easement containing sidewalks and landscape strips are shown on either side of the street.
7. There are no visual site access problems either east or west along NE 205th Street from the access roads. Pursuant to Standard Detail 316 of the City's *Transportation Infrastructure Standards and Specifications* the minimum entering and stopping sight distance at the subdivision access point with NE 205th Street is over 200 feet and exceeds the standard.
8. The Woodinville Water District is the purveyor of municipal water and sanitary sewer to this site. The district has adequate capacity to provide utility services to this site. Each lot in the development will be connected to both the district sewer and water systems.
9. All surface runoff, particularly street runoff will be directed to one of three approved infiltration stormwater control systems to be located in the north, central and southern part of the site. Roof drains shall be tight lined to the storm water collection system. The detention facility shall be in accordance with the 1998 King County Surface Water Design Manual.
10. The project will include the upgrading of the south side of NE 205th Street to City standards, including curb and gutter and sidewalk across the street frontage.
11. Chapter 21.14 of the WMC requires a developer to provide on-site recreation space at a rate of 30 square feet per lot or pay a fee in lieu of providing such space. Ordinance #279, (WMC 3.36) supercedes the above code, and requires a parks fee equal to \$1,796 be paid at the time of building permit which is to be used for city-wide park projects. Actual fee due at the time of building permit is subject to this ordinance or to any future amendment thereof.
12. Chapter 21.16 of the WMC contains tree preservation requirements applicable to the proposal. The site is heavily forested with a net buildable area tree credit of 255 credits (8.5 acres x 30 credits = 255 tree credits). The applicant proposes to retain 163.34 credits. The tree preservation plan will need to be amended to add an additional 91.7 tree credits prior to issuance of a site development permit.

13. The subject property is located in the Northshore School District, and would be served by Woodin Elementary School, Leota Junior High School and Woodinville High School. Students attending The Leota Junior High School and Woodin Elementary School will be bussed. Students attending Woodinville High School are within walking distance. The School District submitted a School Walk Safety Assessment, dated June 18, 2004 (Exhibit 7).
14. Pursuant to the State Environmental Policy Act (SEPA), the City of Woodinville was designated lead agency for review of environmental impacts caused by the proposal. The City determines that, with mitigation, the proposal would not have a probable significant adverse impact to the environment and issued a Mitigated Determination of Nonsignificance (MDNS) on April 25, 2005 (Exhibit 16).
15. Notice of the open record public hearing was posted on the property on April 24, 2005 and published on April 25, 2005 (Exhibits 22 & 23).
16. No public comment on the preliminary plat application or the SEPA Application was received.
17. The site contains 12.65 acres of wetlands, 2/3's of the site. The wetlands are classified as Class 2 wetlands and are clustered in the center of the site with development occurring on the periphery of the site.
18. The site contains three Type 4 intermittent streams running in a west to east direction and emptying into the Little Bear Creek wetlands and stream.
19. The wetlands are to be protected by a Native Growth Protection Easement (NGPE).
20. The applicant has requested an exemption from the City Critical Areas Ordinance (CAO) as represented by WMC 21.24.080, in order to cross the wetlands with both a sanitary sewer and municipal water line.
21. Utility line crossing of the wetlands is necessary for gravity flow as the site is below existing sewer line grade to the west and above existing sewer line grade to the east.
22. The applicant proposes to bore the water and sewer lines under the wetlands, but needs the exception as represented by WMC 21.24.080(2) for the easement.
23. The applicant meets the requirements under WMC 21.24.080(2) (i through iv) for establishing a sanitary sewer line across the wetlands.
24. AN irrigation plan to be included with the street tree landscape plan shall be submitted prior to Final Plat approval.

B. CONCLUSIONS

Conclusions based on City Code

1. The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville comprehensive plan, community urban forestry plan, and parks, recreation, and open space plan;
2. The proposal conforms to the development standards set forth in WMC Title 21.12 through WMC 21 17 of the Zoning Code;
3. The proposal conforms to the requirements of the Project Permit Applications as set forth in WMC 17.07 through WMC 17.09;
4. The proposed street system conforms to the City of Woodinville approved deviation (Exhibit 24) amending public infrastructure standards and specifications and neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;
5. The proposed subdivision will be adequately served with City approved municipal water and sanitary sewer, and to other utilities appropriate to the nature of the subdivision.
6. The layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;
7. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;
8. Safe walk to school procedures, as established by the City and the Northshore School District, have been met;
9. Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.
10. The conditions for an exception to the Critical Areas Code [WMC 21.24.080(2)] have been met to permit a sanitary sewer and municipal water easement across the Class 2 wetlands.

Conclusions Based on Findings:

1. The Applicant requested approval of a Preliminary Plat to subdivide 19.22 acres of land into 51 single-family residential lots. The preliminary plat application was determined to be complete on January 4, 2005. The subject property is located south of NE 205th Street,

between 132nd and 136th Avenues NE in Woodinville, Washington and is identified as parcel number 0326059011. *Finding of Fact No 1.*

2. With conditions of approval, the proposal is consistent with the Comprehensive Plan. The plat would be developed according to R-6 standards; consistent with the zoning of surrounding properties. The natural character of the neighborhood would be protected through tree preservation and through a Native Growth Protection Easement. The proposal includes a storm drainage system that would comply with the 1998 King County Surface Water Design Manual. Recreational opportunities would be provided through a park fee applicable at the time of issuance of building permits. Traffic mitigation for frontage improvements along with a transportation impact fee will be required under WMC 3.39. *Findings of Fact Nos. 1--23.*
3. With conditions, the proposal is consistent with identified zoning standards, including lot sizes, tree preservation and park mitigation. The density of the development is consistent with R-6 standards. *Findings of Fact Nos. 2, 11, 14.*
4. With conditions, the proposal is consistent with the subdivision requirements set forth in WMC Chapter 20.06 and WMC 17.09.020. WMC Chapter 20.06 regulates subdivision names, lot standards, easements, water supply, sewage disposal, storm drainage, watercourses, street right-of-way widths, street lighting and recreation. WMC 17.09.020 contains requirements for permit applications. The Applicant submitted all required elements by December 29, 2004. *Findings of Fact Nos. 1, 2, 6, 8, 9, 11.*
5. With the deviations granted by the City engineer, the proposed street system conforms to City of Woodinville standards and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic. *Findings of Fact Nos. 6, 7, 10.*
6. With the conditions established by the Woodinville Water District, the development will be adequately served by utilities. *Findings of Fact No. 8.*
7. The layout of the lots takes into account site topography and vegetation, and provides for the least disruption of the site, topography, trees and vegetation. Trees would be retained throughout the site. *Findings of Fact No. 14.*
8. Grade was considered in the design of the streets and the lot layout, so all lots would have adequate slope for storm water and sanitary sewer. *Findings of Fact Nos. 6, 7, 8, 9, 20, 21, & 22.*
9. Safe walk to school procedures have been met. With the proposed frontage improvements, there would be safe walking/waiting conditions for students. *Findings of Fact Nos. 6, 7, 13.*
10. The proposal satisfies the tree preservation requirements set forth in WMC 21.16. *Finding of Fact No. 14.*

11. The proposal satisfies the exemption requirements for the location of utilities in wetlands as set forth in WMC 21.24.080(2). *Finding of Fact No. 23.*

XIV. RECOMMENDATION

Staff recommendation to the Hearing Examiner is for the **approval** of the preliminary plat and the exception to the Critical Area Ordinance subject to the above findings and conclusions and to the following conditions:

1. As provided for under the City of Woodinville Municipal Code and the City of Woodinville Comprehensive Plan, and analysis by the Northshore School District Number 417, it has been determined that this development will not have an adverse impact on the School District. The applicant is not required to pay school mitigation. Approval of this plat provides for its vesting from school mitigation fees.
2. The applicant, prior to issuance of any clearing and grading permits, shall submit a Temporary Erosion and Sedimentation Control (TESC) Plan.
3. Fire hydrants shall be installed in compliance with requirements of the City Engineer and the Fire Marshall.
4. A note shall be placed on the final plat that requires dispersion or tight-lining of roof drains directly into the stormwater collection system.
5. Park mitigation equal to \$1,796.00 per dwelling unit (Ordinance 279) or that figure currently approved by the City for park mitigation shall be paid to the City at the time of issuance of each single family building permit.
6. All conditions of the MDNS issued for the preliminary subdivision plat and corresponding conditions are herein incorporated into this recommendation.
7. Municipal water and sanitary sewer will be used exclusively on the site.
8. The Permit Center Director shall have the authority to direct the developer or the developer's on-site representative to immediately cease activities and redirect their resources toward resolving a specific environmental problem created on the construction site, which in the Director's opinion needs immediate resolution in order to prevent further degradation. Failure by the developer or the developer's representative to redirect their labor and/or equipment to resolve the problem shall result in an immediate Stop Work order being placed on the construction site and resolution of the problem by the City or by a City approved contractor. The developer will be billed for City contract costs and/or costs for time and materials involved in resolving the problem. Billable costs shall include a penalty of 10% of the assessed cost. City invoices must be paid prior to removal of the Stop Work order.
9. Street lighting shall be in compliance with city standards as approved by the City Engineer and by PSE at the time of site development permit application.

10. The City Engineer shall approve all plans for city infrastructure and shall approve such installation prior to acceptance by the City.
11. A final street lift may be installed under assignment of funds after Final Plat approval as directed by the City Engineer.
12. All utilities shall be underground within the development.
13. A stormwater management plan shall be approved by the City Stormwater Manager prior to any on-site construction.
14. Best management practices shall be implemented in the installation of infrastructure and any site grading approved by the city.
15. Mail routes and mailbox locations shall be approved by the postmaster. Mailbox locations shall also be approved by the City Engineer to insure they do not interfere with traffic sight distances.
16. The face of the plat shall contain the following information: Sidewalks and landscape planter strips, including trees located in the easements adjacent to NE 205th Street and to 134th Avenue NE and 135th Avenue NE shall be maintained by the homes association and/or the adjacent property owner. In such case where maintenance has not been performed to City standards as exemplified by City park maintenance, the City shall have the option to perform the required maintenance or to contract for such maintenance. The City shall then bill the association and/or the property owner for the accrued cost of maintenance including administration costs. If City invoices are not paid by the property owner within ninety (90) days of the date of billing, the City shall attach a lien against said property.
17. An assignment of funds in the amount of twenty (20%) percent of the cost of the city infrastructure shall be submitted for a period of up to two years as determined by the City Engineer. At the end of the submittal period, the City Engineer shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the time period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City.
18. The stormwater system shall be designed to insure that offsite properties are not adversely affected by stormwater from the subject property.
19. NE 205th Street shall be made as designated on the preliminary road profile and sections submittal and all stripping and channelization shall be done in accordance with plans to be approved by the City Engineer.
20. Clearing of the site should include sensitivity to existing vegetation of cleared areas to moderate surface water runoff. Appropriate native vegetation shall be used in re-vegetation areas and in street frontage landscape areas.

21. A revised Landscape and Irrigation Plan and a Tree Retention Plan shall be submitted showing trees to be retained, method of marking and fencing for protection of such trees (five feet beyond the drip line), proposed boulevard trees, their size and species with planting details and method proposed to irrigate the tree plantings. The information shall be submitted and approved prior to the issuance of a site development permit or construction permit.
22. A letter of credit shall be submitted to the City guaranteeing the installation of street trees at such time as eighty (80%) percent of the properties are occupied so as to insure a better survival rate for the street trees.
23. All cleared and graded areas of the subdivision shall, as soon after grading as possible, be covered with mulch and/or seeded as an erosion control procedure.
24. A copy of this decision shall be included with each property title.
25. A Native Growth Protection Easement (NGPE) shall be noted on the face of the plat conveying to the public a beneficial interest in the land within the easement. This interest includes the preservation of existing vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE imposes upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public of the City of Woodinville to leave undisturbed all trees and other vegetation within the easement, the vegetation on the easement may not be cut, pruned, covered by fill, removed or damaged without the expressed permission from the City of Woodinville, which permission must be obtained in writing.
26. The wetlands and buffer areas as depicted on the revised wetland buffer reduction plan shall be protected from any intrusion by a Native Growth Protection Easement (NGPE). Standard NGPE signs shall be located every 100 feet along the interface between the buffer area and the buildable area.
27. The exception to the Critical Area Code [WMC 21.24.080(2)] be granted to permit an easement for sanitary sewer and municipal water to be located across the wetlands as shown on Exhibit 12, and that an engineering study and plan showing the borings are not located within the wetlands be submitted and subject to approval by the Planning Director prior to the actual utility installation.
28. The Native Growth Protection Easement (NGPE) shall be signed with a standard wetland sign approved by the Planning Director. Signs shall be placed every 100 feet along the border between the NGPE and private properties or behind each lot which ever is the greater.
29. A two rail fence shall be placed at the rear property line between private properties and the NGPE to insure there will be no intrusion into the NGPE by future property owners.
30. Water and sewer service shall be provided by the Woodinville Water District. The developer shall provide a performance bond for all work located in existing right-of-way as shown on the approved plans at the District. All water and sewer infrastructure improvements located on

private property shall be completed, inspected, and approved prior to improvements prior to final plat, or a performance bond shall be provide for those improvements prior to final plat approval.

31. Upon preliminary plat approval by the Hearing Examiner, the deviation allowing seven (7) lots to be located on the private road extending south and east from the 135th Avenue cul-de-sac shall be sent to the Woodinville City Council for approval.

XV. EXHIBITS

Exhibit	1	Staff Report
Exhibit	2	Preliminary Plat Application
Exhibit	3	Letter of Completed Application
Exhibit	4	Published Notice of Application with Comment Period
Exhibit	5	Affidavit of Site Posting for Notice of Application Exhibit
Exhibit	6	Consistency Check List
Exhibit	7	Northshore School District School Walk Safety Assessment
Exhibit	8	Density Calculations
Exhibit	9	Vicinity Map
Exhibit	10	Title Report
Exhibit	11	Preliminary Subdivision Plat Map
Exhibit	12	Combined Utility Plan
Exhibit	13	Preliminary Road Profiles and Sections
Exhibit	14	Landscape and Preliminary Tree Preservation Plan
Exhibit	15	Environmental Checklist
Exhibit	16	SEPA Determination (SEP2004-046)
Exhibit	17	Raedeke Associates, Inc., 1988 Wetlands High School Annex Wetlands Assessment Report
Exhibit	18	Stormwater and Technical Information Report
Exhibit	19	Sanitary Sewer and Municipal Water Certification
Exhibit	20	Traffic Impact Analysis
Exhibit	21	WSDOT Letters on SR-522 traffic impact (Awaiting Letter)
Exhibit	22	Notice of Public Hearing
Exhibit	23	Affidavit of Posting
Exhibit	24	Deviation from Standards Request/Response
Exhibit	25	Georgian Heights Phase 4 Wetland and stream Mitigation Plan
Exhibit	26	Transportation Impact Fee Calculation Worksheet
Exhibit	27	Planning Directors Decision dated November 3, 2004
Exhibit	28	Adolfson April 29, 2004 letter reviewing 1988 Raedeke Associates report.
Exhibit	29	Adolfson Associates, Inc., Habitat Conservatdion Area Report
Exhibit	30	Adolfson Associates, Inc., Wetland and Stream Mitigation Report
Exhibit	31	Subsurface Exploration, Geologic Hazard and Preliminary Geotechnical Engineering Report, Associated Earth Sciences, Inc.
Exhibit	32	Geotechnical Report Addendum, Associated Earth Sciences, Inc.