

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF WOODINVILLE**

In the Matter of the Application of	)	Nos. PPA24001; CAA24001
	)	
<b>Toll Brothers, Inc.</b>	)	Teufel Preliminary Plat
	)	
For Approval of a Preliminary Plat and	)	FINDINGS, CONCLUSIONS,
<u>Critical Area Alteration</u>	)	AND DECISION

**SUMMARY OF DECISION**

The request for a preliminary plat, to subdivide two contiguous parcels totaling 5.19 acres into 21 residential lots and associated tracts, utilizing the City’s residential cluster standards, and for a critical area alteration, to allow for buffer averaging for an on-site Category III wetland to facilitate the proposed subdivision, at 13102 NE 146th Street, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

**SUMMARY OF RECORD**

Hearing Date:

The Hearing Examiner held an open record hearing on the request on January 21, 2026.

Testimony:

The following individuals provided testimony under oath at the open record hearing:

- Emily Salcedo, City Associate Planner
- Jonathan Miles, City Public Works Engineer
- Winston Towns, Applicant Representative
- Yannick Mets, Project Manager
- Mitch Teufel, Property Owner
- Dr. Penny Rempfer
- Susan Prince, Project Arborist

Attorney Jeremy Eckert represented the Applicant at the hearing.

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated January 8, 2026
2. Land Use Application and Owner Authorization Form, dated November 1, 2024
3. Title Report, received October 4, 2024
4. Puget Sound Energy Easement, dated November 28, 1994
5. Certificates of Water and Sewer Availability, dated June 21, 2024

*Findings, Conclusions, and Decision  
City of Woodinville Hearing Examiner  
Teufel PP/CAA, Nos. PPA24001; CAA24001*

6. Notice of Complete Application, dated December 19, 2024; Notices of Incomplete Application, dated October 29 and November 27, 2024
7. Notice of Application, issued January 14, 2025, with Declaration of Public Notice, dated January 14, 2025
8. SEPA Environmental Checklist, revised November 11, 2024
9. Applicant Revesting Request Letter, dated September 11, 2025
10. Administrative Code Interpretation (No. DEC25004), dated July 1, 2025
11. Northshore School District Safe Walk to School Form, received October 4, 2024
12. Applicant Project Narrative, received October 24, 2025
13. Preliminary Civil Plans (16 Sheets), dated November 6, 2024
14. Updated Preliminary Civil Plans (20 Sheets), dated December 16, 2025
15. Topographic Survey, dated October 15, 2025
16. Wetland Report, Raedeke Associates, Inc., revised November 13, 2025
17. Wetland Report Peer Review Technical Memorandum, Otak, Inc., dated November 20, 2024
18. Geotechnical Feasibility Report, PanGEO, Inc., dated July 26, 2024
19. Geotechnical Report Peer Review Memorandum, Zipper Geo Associates, LLC, dated January 17, 2025
20. Arborist Report, Creative Landscape Solutions, dated October 23, 2025
21. Technical Information Report, Atwell, LLC, dated October 24, 2025
22. Traffic Impact Analysis, TENW, dated July 10, 2025
23. Public and Agency Comments and Applicant Response to Comments:
  - a. Comment from Hans Sidow, dated January 16, 2025
  - b. Comment from Lorraine and Michael Cain, dated January 17, 2025
  - c. Comment from Penny Rempfer, dated January 20, 2025, with email string
  - d. Comment from Karin Gunther, dated January 24, 2025
  - e. Comment from Aziz Karim, dated January 24, 2025
  - f. Comment from Washington State Department of Fish and Wildlife, dated January 28, 2025
  - g. Comment from Jurgen Willis, dated January 27, 2025
  - h. Comment from Jana Huddleston, dated January 28, 2025
  - i. Comment from Jan Wachholz, dated January 31, 2025
  - j. Applicant Response to Comments, dated October 14, 2025
24. First Review Letter, updated March 26, 2025, and Applicant Team Response Letters: (Raedeke Associates, Inc.), dated March 28, 2025; (TENW), dated July 10, 2025; and (Atwell, LLC), dated July 23, 2025
25. Second Review Letters, dated July 9, August 21, and October 8, 2025, and Applicant Team Response Letters: (Raedeke Associates, Inc.), dated July 11, 2025; (Atwell, LLC), dated October 15 and 24, 2025
26. Third Review Letter, dated August 25, 2025, and Applicant Team Response Letter (Raedeke Associates, Inc.), dated September 10, 2025

27. Fourth Review Letter, dated October 29, 2025, and Applicant Team Response Letters: (Atwell, LLC), dated October 31, 2025; Raedeke Associates, Inc.), dated November 4, 2025
28. Fifth Review Letter, dated November 10, 2025, and Applicant Team Response Letters: (Atwell, LLC), dated November 11, 2025; (Raedeke Associates, Inc.), dated November 13, 2025
29. Notice of Public Hearing, issued January 5, 2025, with Declaration of Public Notice, dated January 5, 2025
30. SEPA Determination of Nonsignificance, issued January 5, 2025
31. City Staff Presentation
32. TID24004 Sheet 4 of P-Plat Plans, dated December 16, 2025
33. Updated Sewer Availability Certificate
34. Comment from Penny Rempfer, dated January 18, 2026
35. Applicant Clarifications and Corrections to Staff Report

The Hearing Examiner enters the following findings and conclusions based upon the admitted testimony and exhibits:

## **FINDINGS**

### Application and Notice

1. Winston Towns, of Toll Brothers, Inc. (Applicant), requests approval of a preliminary plat to subdivide two contiguous parcels totaling 5.19 acres into 21 residential lots and associated tracts, including a 4,073 square foot wetland setback tract (Tract 995); a 3,442 square foot open space tract (Tract 996); a 47,002 square foot native growth protection area (NGPA) tract (Tract 997), which would preserve and protect an on-site Category III wetland and its associated modified protective buffer; a 50,644 square foot open space tract (Tract 998); and an 11,4332 square foot storm drainage tract (Tract 999). As discussed later in this decision, the Applicant proposes to utilize the City's residential cluster standards, with residential lot sizes ranging between approximately 3,558 square feet and 5,897 square feet. Associated improvements would include the construction of a new private road (Road A), providing vehicular access to the new residential lots from 132nd Avenue NE; half-street improvements along the property's frontage with 132nd Avenue NE; utility extensions; stormwater management features; common open space areas; visitor parking spaces; and landscaping. The northern portion of the subject property contains a Category III wetland (Wetland 1) with a standard 60-foot buffer, as well as a portion of a Type Ns stream with a standard 50-foot buffer, which are contained entirely within the wetland buffer and would not be impacted by the proposed development. The Applicant does not propose any development within the wetland but requests approval of a critical area alteration to allow for buffer averaging to accommodate the proposed residential cluster subdivision. The subject property is

located at 13102 NE 146th Street.<sup>1</sup> *Exhibit 1, Staff Report, pages 1, 2, and 7 through 17; Exhibits 2 through 4; Exhibits 12 through 14.*

2. The City of Woodinville (City) determined that the application was complete on December 19, 2024.<sup>2</sup> On January 14, 2025, the City provided notice of the application by mailing notice to property owners within 500 feet of the property and to interested tribes and agencies, by posting notice on site and at designated City locations, and by publishing notice in *The Seattle Times*, with a comment deadline of January 28, 2025. On January 5, 2026, the City provided notice of the open record hearing associated with the application in the same manner. *Exhibit 1, Staff Report, page 3; Exhibit 6; Exhibit 7; Exhibit 29.*
3. The City received the following comments on the proposal from members of the public and from the Washington State Department of Fish and Wildlife (WDFW) in response to its notice materials:
  - Hans Sidow requested a copy of the traffic concept for the proposed development and inquired about how it would address traffic at the four-way stop at 132nd Avenue NE and NE 143rd Street.
  - Lorraine and Michael Cain noted that there are existing overgrown trees on the subject property that are encroaching onto their adjacent property and requested that the trees be removed.
  - Dr. Penny Rempfer raised concerns about the proposed development activities potentially causing root damage to trees located on her adjacent property.
  - Karin Gunther requested copies of the project plans.
  - Aziz Karim requested information on the height and building footprints of the proposed homes.
  - Jurgen Willis raised concerns about the proposed development's impacts to the on-site wetland, stormwater impacts, traffic impacts, impacts on public services, light impacts, and compatibility with the existing character of the neighborhood due to the proposed lots sizes.
  - Jana Huddleston raised concerns about the proposed development's stormwater impacts, traffic and pedestrian safety impacts, light impacts, aesthetic impacts of any potential concrete retaining walls, and compatibility with the existing character of the neighborhood due to the proposed lots sizes.

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<sup>1</sup> The subject property is identified by Tax Assessor Parcel Nos. 162605-9034 and 162605-9107. *Exhibit 1, Staff Report, page 1.*

<sup>2</sup> Although the City determined the application to be complete on December 19, 2024, the Applicant later requested to vest the application to the regulations in effect on September 11, 2025, to take advantage of revised residential cluster development regulations, which was granted by the City Development Services Director. Accordingly, the proposed development vests to the development regulations in effect on September 11, 2025. *Exhibit 1, Staff Report, page 6; Exhibit 9.*

- Jan Wachholz raised concerns about the number of residential lots proposed and their potential impacts to critical areas and existing on-site trees, as well as traffic impacts.
- WDFW noted that the project would be located within 200 feet of a wetland associated with a stream and that Hydraulic Project Approval (HPA) may be required for the proposed development due to its proximity to the wetland and stream. WDFW further noted that the proposal would significantly impact the existing wetland buffer and its functions and recommended that a 100-foot buffer be implemented to meet its 95 percent pollution removal target. WDFW also recommended enhancement of the full buffer width.

*Exhibit 1, Staff Report, page 4; Exhibit 23.*

4. The Applicant provided responses to the above comments on October 14, 2025, which are summarized as follows:
  - A traffic impact study was submitted with the application and is publicly available. The traffic impact study considered trip generation, intersection levels of service, roadway networks, site access, pedestrian access and safety, future developments, planned transportation improvements, and mitigation measures. The City's adopted 2025-2030 Transportation Improvement Program (TIP) includes a funded project to improve the intersection at 132nd Avenue NE and NE 143rd Street through signalization and realignment, which is expected to address concerns regarding traffic flow.
  - The project does not propose the removal of trees located near the Cain's property, but the development team and arborist are available to meet with the Cains to discuss possible solutions.
  - The project does not propose any development activities in the area that would affect the root zones of trees located on Dr. Rempfer's property.
  - The proposed homes would not exceed the maximum permitted height of 35 feet.
  - A survey showing the property's existing conditions is included with the application submittals.
  - The development is subject to rigorous environmental review by both City staff and third-party experts. Significant measures would be implemented to protect and enhance the critical area along the site's northern border. Proposed stormwater facilities would be designed to capture and treat runoff and comply with all applicable regulations and jurisdiction approvals.
  - The project's impacts on public services have been analyzed and would be addressed through mitigation measures, including the payment of applicable impact fees, as adopted in the Woodinville Municipal Code. While small in scale, this project contributes to addressing the area's housing shortage, a key concern locally and regionally.
  - The proposed development has been designed in accordance with the City's residential cluster development code. It would not increase density beyond that allowed by the underlying zoning classification. The residential cluster

*Findings, Conclusions, and Decision  
 City of Woodinville Hearing Examiner  
 Teufel PP/CAA, Nos. PPA24001; CAA24001*

development code allows flexibility in design to preserve natural vegetation and topography.

- Any on-site lighting would comply with the municipal code and applicable regulations.
- The project complies with the City’s comprehensive plan, zoning regulations, and long-term strategy for additional housing.
- The development is designed to capture and treat runoff and would comply with all applicable stormwater regulations and jurisdictional approvals.
- No retaining wall is currently planned at the project frontage. Any on-site retaining walls would be designed in accordance with the municipal code and applicable regulations.
- The landscape design and tree retention measures would meet or exceed City requirements. Preliminary landscape plans and details, along with the Arborist report, are publicly available at the City.
- All on-site critical areas and wetlands have been addressed in the Critical Areas Report, which ensures compliance with City regulations, including mitigation and enhancement of wetlands and their associated buffers. The project does not propose any direct impacts to wetlands or streams and, therefore, an HPA is not required. If it is determined that an HPA is required, it will be submitted for approval prior to the commencement of any associated work.

*Exhibit 23.j.*

#### State Environmental Policy Act

5. The City acted as lead agency and analyzed the environmental impacts of the proposal under the State Environmental Policy Act (SEPA), chapter 43.21C Revised Code of Washington RCW (RCW). The City consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a comment deadline of January 28, 2025. The notice materials stated that the City expected to issue a Determination of Nonsignificance (DNS) for the proposal. The City received several comments on the proposal from members of the public and WDFW, as detailed above. The City reviewed the Applicant’s environmental checklist and other information on file, including the submitted comments, and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, the City issued a DNS on January 5, 2026, with an appeal deadline of January 19, 2026. The DNS was not appealed. *Exhibit 1, Staff Report, pages 1, 3, 4, and 7; Exhibit 7; Exhibit 23; Exhibit 29; Exhibit 30.*

#### Comprehensive Plan and Zoning

6. The property is designated “Residential Low” under the City Comprehensive Plan. The purpose of the Residential Low designation is to provide “for traditional suburban lot-size residential neighborhoods in areas unsuitable for more intensive urban development due to substantial environmental constraints, the high cost of extending public facilities into

*Findings, Conclusions, and Decision  
City of Woodinville Hearing Examiner  
Teufel PP/CAA, Nos. PPA24001; CAA24001*

these areas, and/or the presence of natural features Woodinville seeks to retain.”  
*Comprehensive Plan, page 32.* The Residential Low designation is described as:  
A mixture of one- and two-unit dwelling types. The implementation zone is R-4. The minimum lot size is 9,000 square feet. On lots up to 9,000 square feet, one- or two-unit dwelling types may be allowed. On lots larger than 9,000 square feet, additional one- and two-unit dwelling types may be allowed at one additional dwelling unit for each full 10,890 square feet of land area above 9,000 square feet.

*Comprehensive Plan, page 32.* The Comprehensive Plan contains 11 guiding principles, the following of which City staff identified as relevant to the proposal:

- Live, Work, Play, and Visit: Woodinville is a complete community providing residential neighborhoods with a variety of detached and attached housing choices; retail, office and industrial centers; parks, trails, lakes, the Sammamish River, wineries, and tourist-based businesses.
- Safe and Friendly Community: Woodinville is a safe, friendly and cohesive community due to combination of several attributes: Pedestrian-friendly and human-scaled community design, excellent schools, strong neighborhood leadership, organization, and involvement; frequent and popular neighborhood and civic events; low crime rate; and a robust community ethic of volunteerism.
- Balance of Neighborhoods: Woodinville features a healthy variety of residential neighborhoods, including its iconic heavily wooded low-density residential neighborhoods, moderate density single-family neighborhoods, and multifamily housing.
- Healthy and Connected Community: Woodinville features an attractive network of non-motorized pathways (sidewalks, bike lanes and paths, and trails), a diversity of active and passive open spaces that effectively serve the community, and recreational programs and activities that promote active living and a strong sense of community.

City staff also identified the following Comprehensive Plan goals and policies as relevant to the proposal:

- Goal LU-1: Provide sufficient land area and densities to meet Woodinville’s needs for housing, employment, and public facilities.
- Policy LU-1.2. Allow new development only where adequate public services can be provided.
- Policy LU-1.3. Ensure that development regulations, including the allowed density, uses and site requirements, provide for achievement of Woodinville’s preferred land use patterns consistent with the 20-year housing and jobs targets.
- Goal LU-4: Residential uses: Provide attractive, safe, diverse, and well-designed residential neighborhoods.

- Policy LU-4.2. Maintain and enhance development regulations that preserve Woodinville’s wooded hillsides, open spaces, and the form and scale of established residential neighborhoods.
- Goal LU-10: Community Design. Protect and reinforce Woodinville’s Northwest Woodland inspired design theme.
- Policy LU-10.1. Maintain and enhance development regulations that preserve Woodinville’s wooded hillsides and open spaces.
- Goal H-4: Maintain the vitality and stability of single-family, multifamily, and mixed-use neighborhoods while providing a diversity of housing types.
- Policy H-4.1. Foster livable neighborhoods with a desirable quality of life, environmental sustainability, and healthy active living.
- Policy H-4.3. Promote resilient and sustainable development practices and healthy housing options.
- Goal H-5: Promote development clustering and low-impact stormwater management methods to improve environmental quality.
- Policy H-5.2. Incentivize clustered development by providing density bonuses, expedited permitting processes, or other incentives for developers who incorporate clustered designs that preserve open spaces and natural habitats.

*Exhibit 1, Staff Report, pages 2, 5, and 6.*

7. The subject property, and adjacent properties to the north and east, are zoned “Low Density Residential” (R-4). Properties to the west are zoned “Moderate Density Residential” (R-6), and properties to the south are within the City of Kirkland. The purpose of the R-4 zone is to “provide for traditional suburban-lot-size residential neighborhoods in areas unsuitable for more intensive urban development due to substantial environmental constraints, the high cost of extending public facilities into these areas, and/or the presence of natural features Woodinville seeks to retain.” *Woodinville Municipal Code (WMC) 21.20.030*. Detached single-household dwelling units (one-unit dwellings) are allowed in the R-4 zone. *WMC 21.21.050*. *Exhibit 1, Staff Report, page 2*.
  
8. Chapter 21.31 WMC provides specific development standards for the creation of lots and residential densities. Residential lots within the R-4 zone are generally required to have a minimum lot area of 9,000 square feet; a maximum of two dwelling units, with one additional dwelling unit allowed for each full 10,890 square feet of lot area over the 9,000 square foot minimum; a minimum lot width of 60 feet; a minimum street lot width of 60 feet; and a maximum 4-to-1 lot depth to lot width ratio. *WMC 21.31.030*. The Applicant proposes, however, to utilize the City’s residential cluster standards, the purpose of which is to:
  - provide design flexibility with divisions of land and promote
  - homeownership opportunities by clustering housing units on smaller lots

*Findings, Conclusions, and Decision*  
*City of Woodinville Hearing Examiner*  
*Teufel PP/CAA, Nos. PPA24001; CAA24001*

than typically allowed by the underlying zone with the purpose of achieving:

- (a) Design that is environmentally innovative and protects critical areas and the City's tree canopy;
- (b) Preserves existing natural vegetation and topography by reducing land disturbing activities;
- (c) Reduces the cost of infrastructure by clustering development in a manner that can reduce street lengths, sidewalks, and utility lines, and can reduce other site development costs; and
- (d) Incorporates abundant, accessible, and properly located open and recreation spaces.

*WMC 21.92.100(1). Exhibit 1, Staff Report, pages 7 through 10.*

9. The Applicant proposes the following modifications to the underlying R-4 zone lot development standards, as permitted under the City's residential cluster development provisions:

- WMC 21.92.100(3)(a) generally requires that the number of residential cluster lots shall not exceed the maximum number of lots that would be authorized by the underlying zone. As noted above, lots within the R-4 zone are generally required to have a minimum lot area of 9,000 square feet, which would allow for up to 25 lots for the 225,931 square feet of available lot area on the subject property. The Applicant proposes to create 21 lots, in accordance with this requirement.
- WMC 21.92.100(3)(b) provides that the "layout of individual lot boundaries shall generally conform to a square or rectangular configuration, except the decision authority for a short subdivision or subdivision may approve different lot configurations to encourage environmentally innovative design." The Applicant's preliminary civil plans show that Lots 1, 2, 6, and 14 through 21 would conform to a rectangular shape. As noted above and discussed in further detail below, the northern portion of the subject property contains a Category III wetland with a standard 60-foot buffer. In addition, existing power transmission lines and a Puget Sound Energy easement encumber development within the southwest portion of the property. In light of these site constraints, and to minimize impacts to the wetland buffer, the Applicant proposes irregular pentagon configurations for Lots 3, 4, 5, and 7 through 13, consistent with the intent of this requirement.
- WMC 21.92.100(3)(c) states that lot area standards do not apply to individual lots, provide that the land within each lot is entirely buildable. As noted above, the Applicant proposes lot sizes ranging from approximately 3,558 square feet to 5,897 square feet, which is less than the 9,000 minimum lot size generally required in the R-4 zone. To ensure that the lots are entirely buildable, the Applicant proposes to contain a

required 10-foot wetland buffer building setback within a separate tract (Tract 995) located between Lots 2 through 11 and an NGPA tract (Tract 997) that would contain the on-site wetland and its associated buffer.

- WMC 21.92.100(3)(d) provides that minimum setback standards do not apply to individual lots but that perimeter property lines must have a minimum 5-foot setback in the R-4 zone. The Applicant's plans show that this requirement would be met. In addition, the Applicant's project narrative asserts that the individual lots would adhere to the setback standards for the R-4 zone. WMC 21.31.030(2) requires a minimum 10-foot setback from street property lines, 20-foot setback from street property lines for attached and detached garages, and 5-foot setback from interior property lines within the R-4 zone. Compliance with these setback requirements would be verified at the building permit stage.
- Under WMC 21.92.100(e), minimum landscaping coverage and maximum building coverage requirements of the underlying zone do not apply to individual lots provided that the overall site complies with these requirements. WMC 21.32.050(1) provides a maximum building coverage of 28 percent for lot areas exceeding 43,560 square feet and a minimum landscape coverage of 50 percent for all lot sizes in the R-4 zone, which, for the overall site area of 225,931 square feet, would require a maximum 63,260 square feet of building coverage and a minimum of 112,965 square feet of landscaping coverage. In accordance with these requirements, the Applicant proposes a building coverage of around 2,000 to 2,200 square feet for each lot, for a total of 42,200 square feet of building coverage across the overall site, and the Applicant estimates that landscaping coverage would total 143,249 square feet. Compliance with these requirements would be verified during the construction permit stage.
- Under WMC 21.92.100(3)(f), minimum street lot width, minimum lot width, and depth-to-width standards for the underlying zone do not apply to individual lots within a residential cluster development. As noted above, lots within the R-4 zone are generally required to have minimum lot widths of 60 feet and a 4-to-1 maximum lot depth to lot width ratio. The Applicant proposes a 40-foot minimum lot width, street lot widths ranging from 32 feet to 78 feet, and lot depth to width ratios ranging between 1.95-to-1 to 2.375-to-1.

*Exhibit 1, Staff Report, pages 7 through 10; Exhibits 12 through 14.*

#### Existing Site and Critical Areas

10. The approximately 5.19-acre subject property is rectangular in shape and is bordered by residential developments to the north, west, and south, and by 132nd Avenue NE and an agricultural pasture to the east. The property is partially developed with a single-family residence and detached shed in the central portion of the site, which would be removed as part of the proposed development. Existing vegetation on the site currently consists of a

mixture of open lawn areas, landscaping, and dense wooded areas. The site slopes down gently from the southwest to the northeast, with around 65 feet of elevation change across the site. As noted above, the northern portion of the property contains a wetland and a portion of a Type Ns stream, which are discussed in further detail below. PanGEO, Inc., prepared a geotechnical feasibility report on behalf of the Applicant, dated July 2024, which did not identify any geologic hazard areas on the site, determined that on-site stormwater infiltration would not be feasible, and determined that the proposed development would be feasible from a geotechnical perspective. Zipper Geo Associates, Inc., conducted a third-party peer review of the geotechnical report and confirmed that the site does not contain any regulated geologically sensitive areas, including any erosion, landslide, seismic, or other geologic hazard areas and that the site is not within a critical aquifer recharge area. *Exhibit 1, Staff Report, pages 2, and 12 through 15; Exhibit 15; Exhibit 16; Exhibit 18; Exhibit 19.*

11. Raedeke Associates, Inc., prepared a wetland report on behalf of the Applicant, dated August 13, 2024, which underwent several revisions in response to peer review comments from the City's third-party consultant, Otak, Inc., culminating in a final revised report that was approved by City staff, dated November 13, 2025. The revised wetland report identifies an approximately 6,324 square foot Category III wetland (Wetland 1) located along the northern boundary of the site, which has a standard 60-foot protective buffer when certain measures to minimize impacts are implemented. *Former WMC Table 21.51.310.*<sup>3</sup> City staff reviewed the Applicant's revised wetland report and determined that the project would implement the measures necessary to qualify for the standard 60-foot buffer. The report noted that Wetland 1 is associated with a shallow groundwater seep in a ravine that extends from the north-central portion of the site to the northeast corner of the property and that the wetland outlets to a corrugated plastic pipe at the east end of the ravine and then to a ditch along 132nd Avenue NE, which flows to the north. The report further notes that the City had determined that a channel within the east portion of the wetland is regulated as a Type Ns stream, with a standard 50-foot protective buffer, and that both the on-site stream and its buffer are contained entirely within the wetland buffer and would therefore not be impacted by the project. The Applicant proposes to encompass Wetland 1, its protective buffer, and the on-site stream and its buffer within an approximately one-acre NGPA tract that would be fenced and signed in accordance with former WMC 21.51.150. *Exhibit 1, Staff Report, pages 12 through 15; Exhibit 16; Exhibit 17; Exhibits 24 through 28.*

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<sup>3</sup> The City's critical areas regulations were repealed and readopted with amendments, effective January 1, 2026. *Ordinance No. 784.* The project vests to the critical areas regulations in effect on September 11, 2025. The Applicant had requested a formal code interpretation to clarify the meaning of former WMC 21.91.170, to which the project vested, and to resolve a conflict with WMC 21.80.080, which excluded environmental regulations from vesting with a preliminary plat application. In summary, the City Development Services Director determined that the critical area regulations in effect on September 11, 2025, govern not only the preliminary plat application, but the final plat and related construction permits, including the five-year period after the final plat is recorded. This code interpretation determination was not appealed. *Exhibit 1, Staff Report, page 7; Exhibit 10.*

### Critical Area Alteration

12. As noted above, the Applicant proposes buffer averaging to facilitate the proposed development, which requires approval of a critical area alteration. *Former WMC 21.51.020(2)*. Former WMC 21.51.310(5) provides:

Buffer Averaging. The minimum buffer width may be averaged in accordance with an approved critical areas report using the best available science. Averaging of buffer widths may only be allowed if all of the following criteria are met:

- (a) It will provide additional protection to wetlands and result in a net improvement of wetland habitat, functions, and values;
- (b) The buffer width is not reduced by more than 25 percent of the standard width in any one location;
- (c) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
- (d) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- (e) When wetland standard buffers are reduced, wetland areas shall not to be filled to create wetland buffers.

City staff reviewed the Applicant's revised wetland report and determined that these criteria would be met, noting:

- Raedeke Associates, Inc's wetland report does not describe the wetland or buffer area as degraded but identifies invasive species within the existing plant community (Himalayan blackberry and creeping buttercup). To provide a net improvement, the proposal includes buffer restoration and enhancement through the removal of invasive species in the NGPA, installation of native trees and shrubs abutting the buffer reduction area, and installation of native trees and shrubs in the buffer averaged area. The total proposed enhancement area is approximately 8,647 square feet. The report describes that enhancement plantings will provide protection between the new development and the wetland, remove invasive species within the plant community, and reduce future erosion and sedimentation.
- The standard buffer width required for Wetland 1 is 60 feet, allowing for a minimum buffer width of 45 feet through wetland buffer averaging. The Applicant proposes to reduce the wetland's southern buffer area to 45 feet. The 45-foot buffer would be maintained in areas adjacent to Lots 2 through 11.
- The project proposes wetland buffer averaging utilizing a 4,939 square-foot area of the 47,002 square-foot total wetland and wetland buffer area.

The existing wetland buffer has significant invasive and non-native plant species dominating understory vegetation within the buffer area. The wetland report describes that the proposed location of buffer averaging is located west and upslope of the wetland because it is anticipated that the natural recruitment of trees, shrubs, and herbaceous cover in this area will result in an increased ability of the buffer to retain soil on the slope above the wetland. The expectation is that the wider and enhanced buffer in this area will reduce soil erosion and slow storm runoff flows downslope toward the wetland. To ensure the narrower southern buffer area does not result in adverse impacts to the wetland, enhancement measures are proposed along the buffer edge. Enhancement efforts along the southern buffer boundary include installation of native vegetation and the removal of invasive species.

- In the areas where the existing buffer is being reduced, the Applicant proposes altering the buffer area by 4,939 square feet. To satisfy this criterion, the averaging plan includes an additional buffer area of 4,939 square feet, maintaining the same amount of buffer area the standard requires.
- The applicant is not proposing fill or development in the wetland.

*Exhibit 1, Staff Report, pages 12 through 15; Exhibit 16.*

13. City staff also determined that the proposal would meet the requirements for approval of a critical area alteration under WMC 21.82.030(4)(b), noting:

- The proposed critical area alteration and wetland buffer averaging meet the requirements of Chapter 21.51 WMC.
- The wetland report prepared by Raedeke Associates, Inc., includes mitigation sequencing for the development proposal. The report notes that the project would avoid direct impacts to the wetland and that it proposes alterations to only the wetland buffer. Avoidance, minimization, rectification of impacts, and monitoring measures would be implemented for this project.
- A mitigation plan proposing enhancements to areas impacted by the development is included with the wetland report. An annual monitoring and reporting program would be implemented with the development for a five-year monitoring period to ensure the establishment and maintenance of plant communities in the buffer addition and enhancement areas. Performance standards are outlined in the wetland report that would guide the monitoring report to determine the success of the mitigation measures. Financial guarantees would be provided for mitigation work in the form of performance and mitigation bonds.

*Exhibit 1, Staff Report, page 20.*

#### Trees and Open Spaces

14. WMC 21.92.040 provides, “All land divisions shall include provisions for preserving, planting, and maintaining trees in accordance with Chapter 21.50 WMC. A tree plan or,

if applicable, general layout of trees in a landscaping plan shall be included with every application for a short subdivision, binding site plan and subdivision.” WMC 21.50.060 requires a minimum tree density of 50 tree credits per acre in the R-4 zone, which would require a minimum of 259.5 tree credits for the 5.19-acre site. Under WMC 21.92.100(3)(g), this tree density requirement “may be satisfied within the residential cluster development as a whole and not applied to individual lots.” Under WMC 21.50.080(2)(b), 10 percent of the existing tree density credits of all viable significant trees on-site must be retained.

Creative Landscape Solutions prepared an arborist report on behalf the Applicant, dated October 23, 2025. The report identified 303 existing trees on-site, 283 of which are considered viable, with 181 trees proposed to be retained. The existing 283 viable trees provide a total of 674 tree density credits across the entire site, with 217 tree credits within the proposed NGPA tract and 457 tree credits outside of critical areas. The Applicant proposes to exceed the 10 percent tree density retention requirement and the minimum required 259.5 credits by retaining approximately 448 credits and an additional 44.5 grove credits, for a total of 492.5 total tree and grove credits across the overall site.<sup>4</sup>

WMC 21.50.080(2)(g) requires that street trees be planted in subdivisions at an average of 25 feet on center consistent with WMC 2.24.100. WMC 2.24.100 requires that the street trees be spaced an average of 25 feet on-center, with no less than 15 feet on-center and no more than 35 feet on-center. The proposed subdivision would have approximately 1,300 linear feet of total street frontage, which would require 52 street trees. The Applicant’s landscaping plan show 43 street trees and, therefore, an additional 9 street trees would be required to meet minimum street tree requirements. The Applicant would be required to submit an updated landscaping plan showing all required street trees prior to site development permit approval. In addition, City staff has recommended a condition requiring that the Applicant submit a final arborist report and as-built tree plan prior to issuance of the last certificate of occupancy to ensure compliance with these requirements. *Exhibit 1, Staff Report, pages 10 and 11; Exhibit 14; Exhibit 20.*

15. WMC 21.92.050 requires that all subdivisions include on-site recreation and trail corridors in compliance with chapter 21.93 WMC. WMC 21.93.010(2) requires all new land divisions involving 10 or more new parents lots to include on-site public or private recreation space. The Applicant proposes to include two common open space areas that could be used by residents for passive recreation: a 3,442 square foot open space area located at the northeast portion of the site (Tract 996) and a 50,644 square foot open space area located in the western portion of the site (Tract 998). Tract 998 would contain recreational amenities that would include a playground, walking trail loop, and benches. City staff reviewed the Applicant’s preliminary layouts of the proposed open space tracts and determined that would satisfy the open space requirements of WMC 21.92.050 and

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<sup>4</sup> WMC 21.50.110(3)(a) provides that the retention of groves of at least five trees may earn up to an additional 10 percent of the trees credits of the grove.

chapter 21.93 WMC. Final review and approval of the Applicant's open space areas would occur during the site development permit stage. *Exhibit 1, Staff Report, pages 11 and 12; Exhibit 13; Exhibit 14.*

16. In addition to the open space requirements addressed above, former WMC 21.92.100(4) provides that the land remaining after laying out the residential cluster development lots shall be preserved as open space, with the total open space required to be a minimum of 20 percent of the gross land area of the residential cluster development and no open space segment having less than 2,000 square feet of area. The proposed open space tracts would each exceed 2,000 square feet and would constitute approximately 24 percent of the gross land area, in compliance with these requirements. *Exhibit 1, Staff Report, page 12; Exhibit 13; Exhibit 14.*

#### Access and Traffic

17. Access to the lots within the subdivision would be provided by a new private internal roadway (Road A) that would connect to 132nd Avenue NE to the east, would include a hammerhead turnaround, and would terminate at a guest parking area within the subdivision. An additional guest parking lot would be provided at the entrance of the subdivision to the north of Road A. City staff determined that the standard street type for Road A would be designated as a high-density street requiring a 60-foot right-of-way width. The Applicant applied for a Transportation Infrastructure Deviation (TID), initially to allow for a 48-foot-wide road consisting of two 5-foot-wide planter strips, two 5-foot-wide sidewalks, and 28 feet of pavement to provide two 10-foot lanes and 8 feet of on-street parking. City staff determined that the TID application was feasible for purposes of preliminary plat approval but indicated that the City has not yet approved the TID request, which would be addressed during the site development permit stage. City staff also indicated that the City Public Works Department had determined that a wider road width would be required prior to approval of the TID request and issuance of site development permits. At the hearing, the Applicant submitted revised road details and indicated that the Road A, as revised, would have a variable width, with the widest section to be 52 feet and to include two 10-foot travel lanes and one 8-foot on-street parking lane on the south side of the roadway and the narrowest section to be 44 feet without the 8-foot parking lane. The Applicant further indicated that the two off-street parking lots would offset the reduced roadway width and elimination of on-site parking. As noted above, the Applicant would be required to construct half-street improvements along the property's frontage with 132nd Avenue NE, which would include road widening and the installation of curbs, gutters, streetlights, a six-foot-wide planter strip, and a six-foot-wide sidewalk. *Exhibit 1, Staff Report, page 15; Exhibit 13; Exhibit 14; Exhibit 32; Exhibit 35.*
18. Transportation Engineering Northwest (TENW) prepared a traffic impact analysis (TIA) for the proposed development, dated July 10, 2025. The TIA determined that the proposed development would generate 225 net new weekday daily trips, with 17 net new

AM peak-hour trips and 22 net new PM peak-hour trips. The TIA also determined that, with planned transportation improvements, including intersection signalization and realignment projects at the intersection of 132nd Avenue NE and NE 143rd Street, all studied intersections would operate at an acceptable level-of-service following a full build out of the development. The TIA therefore determined that the Applicant would not be required to provide for offsite traffic mitigation beyond the payment of transportation impact fees, which it calculated at \$3,760.61 per new peak hour trip. The City would determine the actual amount of transportation impact fees at the building permit stage. *Exhibit 1, Staff Report, pages 15 through 17, and 24; Exhibit 22.*

#### Stormwater

19. The Applicant would be required to manage stormwater in compliance with the requirements of the 2021 King County Surface Water Design Manual. *WMC 21.90.050.* Atwell, LLC, prepared a Technical Information Report (TIR) addressing stormwater management on-site, dated October 24, 2025. The proposed stormwater management system would include an on-site conveyance system, detention for the road, building roof drains, and paved surfaces through one on-site detention vault located in Tract 999. The City Public Works Department reviewed the TIR and determined the proposed stormwater management system to be adequate for preliminary approval. The Applicant's final stormwater management plans would be reviewed for compliance with applicable requirements at the construction permit stage. *Exhibit 1, Staff Report, page 17; Exhibit 21.*

#### Utilities and Services

20. Woodinville Water District would provide water and sanitary sewer service to the property. The Applicant submitted a water and sewer availability certificate, which was updated on December 23, 2024, to clarify that the approved sewer extension would be routed to the south and would consist of approximately 300 feet of sewer main extension. Puget Sound Energy would provide electricity and natural gas services, and Waste Management would provide waste services. Woodinville Fire District would provide emergency fire services. Students residing within the subdivision would be served by Northshore School District. Northshore School District indicates that all schools serving students residing within the subdivision are not within walking distance and that students would be bussed from a bus stop located on 132nd Avenue NE at NE 145th Street. The proposed new internal sidewalks and sidewalks along the property's frontage with 132nd Avenue NE would ensure safe conditions for students walking to the bus stop. *Exhibit 1, Staff Report, page 17; Exhibit 11.*

#### Testimony

21. City Associate Planner Emily Salcedo testified generally about the proposal and how, with conditions, it would comply with the City's Comprehensive Plan and zoning ordinances and would meet the specific criteria for approval of a preliminary plat and critical area alteration. Ms. Salcedo provided a detailed description of the subject

property, surrounding area, and proposed development, consistent with the findings above. She explained that the Applicant proposes to utilize the City's cluster development code and detailed how the proposed modifications to the underlying R-4 zoning standards, including standards related to minimum lot sizes, would comply with residential cluster development requirements. Ms. Salcedo described the critical areas on-site, including the Category III wetland, its protective buffer, and the Type Ns stream and its protective buffer, and noted that the critical areas would be protected within an NGPA tract. She explained that the Applicant would implement measures necessary to avoid an increase in the wetland's standard 60-foot buffer. Ms. Salcedo further explained that the Applicant proposes buffer averaging to reduce the buffer area to the north of the proposed lots on the north side of Road A while increasing the buffer area at the northwest portion of the wetland. She stated that the proposed buffer averaging requires approval of a critical area alteration and detailed how the proposal would meet the criteria for a critical area alteration. Ms. Salcedo also explained how the proposal would meet the City's tree retention and density requirements for the overall site, as permitted for a residential cluster development. She stated that the Applicant had submitted revised details for the proposed internal private roadway in response to the City Public Works Department's determination that a wider roadway width would be required and noted that the Applicant's TID request was still pending review by the City. Ms. Salcedo confirmed that the private internal roadway would include sidewalks that would connect with sidewalks along 132nd Avenue NE to ensure safe conditions for students walking to a school bus stop. She described the concerns raised by members of the public and noted that City staff agrees with the responses to those concerns provided by the Applicant. Ms. Salcedo also confirmed that the DNS issued for the project was not appealed.

*Testimony of Emily Salcedo.*

22. City Public Works Engineer Jonathan Miles testified that the Applicant has adequately responded to all of the City's requests for clarification, additional information, or revisions as provided in the City's review letters. *Testimony of Jonathan Miles.*
23. Applicant Representative Winston Towns testified that the Applicant generally agrees with City staff's analysis of the proposal as provided in the staff report and Ms. Salcedo's testimony. He clarified, however, that the Applicant has sought a deviation from public road standards for the proposed internal private roadway, contrary to statements in the staff report that the roadway would be built to public roadway standards. Mr. Towns also clarified that the Applicant received an updated water and sewer availability certificate, which accurately describes changes to the approved sewer extension. *Testimony of Winston Towns.*
24. Project Manager Yannick Mets, of Atwell, LLC, testified about the proposed stormwater management system and how it was designed to meet applicable requirements of the 2021 King County Surface Water Design Manual. He explained that stormwater runoff would be collected in a storm-drainage main within Road A and conveyed to an

underground concrete detention vault before being released at predeveloped rates into a water-quality filter and then discharged to the public stormwater system within 132nd Avenue NE. *Testimony of Yannick Mets.*

25. Property Owner Mitch Teufel requested that the Applicant provide further information about the updated sewer extension. *Testimony of Mitch Teufel.*
26. Dr. Penny Rempfer testified that she owns property adjacent to the subject property and reiterated the concerns raised in her written comments about construction activities potentially causing root damage to trees on her property. She inquired about whether the proposed development would affect water pressure to her home and about construction activities potentially damaging existing power lines. Dr. Rempfer also inquired about the approximate timeline for completing the development. *Testimony of Penny Rempfer.*
27. In response to Mr. Teufel's request for additional information, Mr. Mets explained that the Woodinville Water District initially issued a water and sewer availability certificate approving a 1,200-foot sewer extension to the north but that the Applicant had performed additional investigation and determined that this sewer connection would be infeasible. He further explained that, following discussions with a water district engineer, it was determined that a viable connection existed to the south, approximately at the intersection of 132nd Avenue NE and NE 145th Street, which would require a 300-foot gravity sewer extension as reflected in the updated water and sewer availability certificate. In response to concerns about impacts to water pressure, Mr. Mets noted that the water district analyzes water pressure in their predesign and addresses potential water pressure issues prior to issuing a water availability certificate. He also noted that Dr. Rempfer's property is likely served by a different pressure zone and that he does not anticipate any impact on her water pressure from the proposed development. *Testimony of Yannick Mets.*
28. Project Arborist Susan Prince, of Creative Landscape Solutions, testified that she had accessed all trees on the subject property for health, diameter at breast height, and drip lines. She explained that a drip line is represented by the largest branch that comes out of a tree, within which area a majority of the tree's roots are contained. Ms. Prince further explained that arborist supervision is required when development activities occur within a critical root zone, which is the area within 50 percent of the drip line. She stressed that, prior to any demolition activities, protective fencing and signage would be placed around trees in accordance with her arborist report. Ms. Prince noted that every tree on the property is identified in her arborist report and that her arborist report provides detailed fencing requirements for the trees. *Testimony of Susan Prince.*
29. Mr. Towns explained that there is no development activity proposed on the subject property in the vicinity of Dr. Rempfer's adjacent property, noting that this area of the subject property would contain an open space tract. He further explained that the project is required to comply with City tree protection fencing requirements. Mr. Towns stated

that a rough estimate for completing construction of the first home would be three years.  
*Testimony of Winston Towns.*

30. Ms. Salcedo confirmed that Dr. Rempfer's property abuts an area of the subject property that would contain an open space tract, within which no development activity is proposed. She noted that a playground area is planned within the open space tract but that it would be located at a centrally located parking area that is not in the vicinity of Dr. Rempfer's property. Ms. Salcedo also explained that the City would inspect tree protection fencing to ensure compliance with applicable requirements prior to development activities occurring on the property. She also explained that Dr. Rempfer could contact the City Planning Department or Code Enforcement Department about any tree protection issues that might arise. *Testimony of Ms. Salcedo.*
31. Attorney Jeremy Eckert, on behalf of the Applicant, requested that the record be left open until the end of the day to allow the Applicant to submit clarifications and corrections to the staff report. The Hearing Examiner granted the request and later admitted the submitted clarifications and corrections as Exhibit 35. *Statements of Attorney Eckert; Oral Ruling of Hearing Examiner; Exhibit 35.*

#### Staff Recommendation

32. City staff reviewed the proposal and determined that, with conditions, it would be consistent with the City Comprehensive Plan and would comply with the criteria for approval of a preliminary subdivision and critical area alteration. Mr. Towns testified that the Applicant reviewed the conditions recommended by City staff and would have no issue complying with those conditions. *Exhibit 1, Staff Report, pages 18 through 21; Testimony of Mr. Towns.*

### **CONCLUSIONS**

#### Jurisdiction

The City of Woodinville Hearing Examiner is authorized to hear and decide applications for a preliminary plat and, through the City's optional consolidated review process, for a critical area alteration. *WMC 2.27.040; WMC 21.80.040; WMC Table 21.80.050(3); WMC 21.91.070(2)(c)(i); WMC 21.82.030(3).*

#### Criteria for Review

##### *Preliminary Plat*

The following criteria must be satisfied to approve a preliminary subdivision:

- (a) The proposal conforms with the Comprehensive Plan, Shoreline Master Program, and other City-adopted plans;
- (b) Provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the land division that are consistent with current standards and plans adopted in City code, ordinance, or resolution;

*Findings, Conclusions, and Decision*  
*City of Woodinville Hearing Examiner*  
*Teufel PP/CAA, Nos. PPA24001; CAA24001*

- (c) Provisions have been made for roads, utilities, street lighting, street trees, and other improvements that are consistent with the zoning code, adequate public facilities requirements, and engineering standards;
- (d) Provisions have been made for dedications, easements, and reservations where applicable;
- (e) The proposal complies with the relevant requirements of the zoning code and all other relevant local regulations;
- (f) Appropriate provisions are made for:
  - (i) The public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys or other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
  - (ii) The public use and interest will be served by the platting of such land division and dedication.

*WMC 21.91.080(2).*

The Woodinville Municipal Code incorporates the state subdivision criteria of RCW 58.17.110(2), which provides:

A proposed subdivision and dedication shall not be approved unless the city, town, or county legislature body makes written findings that: (a) appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

#### *Critical Area Alteration*

A critical area alteration may be approved if the following are satisfied:

- (i) The alteration meets the codes and standards applicable to the critical area;
- (ii) The requirements for mitigation sequencing are followed; and
- (iii) Any impacts to the critical area are sufficiently mitigated to address the impacts.

*WMC 21.82.030(4)(b).*

#### Conclusions Based on Findings

1. **With conditions, the proposed preliminary plat meets the criteria for approval under the municipal code.** The property is designated Residential Low under the City Comprehensive Plan. This designation provides for traditional suburban lot-size residential neighborhoods that are unsuitable for more intensive urban development due to environmental constraints, such as the presence of critical areas; high costs in extending public facilities; or the presence of natural features sought to be retained by the

*Findings, Conclusions, and Decision  
City of Woodinville Hearing Examiner  
Teufel PP/CAA, Nos. PPA24001; CAA24001*

City. City staff identified several Comprehensive Plan goals and policies related to the proposal, including goals and policies addressing the City's housing needs; providing attractive, safe, diverse, and well-designed residential neighborhoods; preserving the City's open spaces and natural features; fostering livable neighborhoods; and promoting cluster development. The proposed development would be consistent with these goals by creating new single-family lots utilizing the City's residential cluster standards to implement an innovative design with reduced lots sizes to preserve critical areas and natural open spaces while maintaining the density requirements of the R-4 zoning district. The proposed development would also be compatible with existing residential developments in the vicinity and would provide street frontage improvements that would help ensure safe and efficient circulation of vehicular and pedestrian traffic in the surrounding area. With the modifications allowed under the City's residential cluster development standards, the proposal would comply with all applicable development standards for subdivisions in the R-4 zone, including standards related to residential density, lot sizes, lot layout and configuration, setbacks, and landscaping and building coverage.

The City provided reasonable notice and opportunity to comment on the proposal and to testify at the open record hearing. The City received several comments from area residents that generally raised concerns with the proposal's potential traffic and pedestrian safety impacts, tree impacts, stormwater impacts, light impacts, and critical area impacts. Other comments raised concerns about the proposal's compatibility with the existing character of the neighborhood due to the reduced lot sizes allowed under the City's residential cluster development standards. As explained below, these concerns have been adequately addressed.

The Applicant's TIA determined that, with improvements planned for the intersection of 132nd Avenue NE and NE 143rd Street, all affected intersections would continue to operate at acceptable levels of service. The Applicant would be required to construct half-street improvements along the property's frontage with 132nd Avenue NE, including road widening and the installation of curbs, gutters, streetlights, a six-foot-wide planter strip, and a six-foot-wide sidewalk. Access to the new lots within the subdivision would be provided by a new internal private road, which would include sidewalks that would connect to sidewalks along 132nd Avenue NE. This would ensure safe walking conditions for pedestrians and for students walking to a school bus stop serving the area. The Applicant would mitigate for impacts to the City's transportation network through the payment of traffic impact fees.

The Applicant's arborist report identifies all existing trees on-site and demonstrates that the proposal would exceed tree density retention requirements and requirements for minimum tree density tree credits. The arborist report also provides guidance on measures to protect existing trees that would be retained through tree fencing and signage. Adherence to the recommendations of the arborist report and to applicable City

regulations would ensure that trees on adjacent properties would not be impacted by the proposed development. City staff has recommended conditions requiring that the Applicant submit an updated landscaping plan to ensure that the proposal meets the street tree requirements of the municipal code.

The City Public Works Department reviewed the Applicant's TIR and determined that the Applicant's preliminary stormwater management design would be conceptually feasible. The Applicant's final stormwater plans would be reviewed at the construction permit stage to ensure compliance with applicable requirements of the 2021 King County Surface Water Design Manual. Any on-site lighting would be required to comply with applicable light regulations of the municipal code. As discussed in detail in Conclusion 3 below, the Applicant's revised wetland report adequately addresses the project's impacts to critical area buffers, and the project meets all applicable requirements under the City's critical areas ordinance, including requirements for approval of a critical area alteration to allow for buffer averaging.

As noted above, the project is utilizing the City's residential cluster standards, which allow for modifications to certain underlying zoning requirements, including minimum lot sizes. Although some concerns were raised about the proposed lots being compatible with the existing character of surrounding residential development, the innovative design promoted by the residential cluster standards would maintain the residential density for the R-4 zone while preserving critical areas and allowing for more cohesive open space areas that would benefit the entire surrounding community.

The City analyzed the environmental impacts of the proposal, determined that it would not have a probable significant adverse impact on the environment, and issued a DNS on January 5, 2026, which was not appealed.

City staff analyzed the proposal and determined that appropriate provisions would be made for: the public health, safety, and general welfare; and for such open spaces, drainage ways, streets or roads, alleys, other public ways; transit stops; potable water supplies; sanitary wastes; parks and recreation; and playgrounds, schools, and schoolgrounds, including sidewalks and other planning features that ensure safe walking conditions for students who walk to and from school. City staff also determined that the public use and interest would be served by the platting of such subdivision and dedication. The Hearing Examiner concurs with City staff's assessment for the reasons stated above. In addition, the Applicant's plans demonstrate that the project would provide open space areas, with recreational amenities, in excess of the minimum requirements of the municipal code and that the project would be adequately served by public services and utilities. Accordingly, the Hearing Examiner determines that, with the conditions detailed below, the proposal meets all requirements under the municipal code for approval of a preliminary plat. *Findings 1 – 32.*

2. **With conditions the requirements for a land division under RCW 58.17.110 have been satisfied.** The criteria for preliminary plat approval under WMC 21.91.080(2)(f) mirror the state subdivision act requirements for a land division under RCW 58.17.110(2). The proposal's compliance with WMC 21.91.080(f) has been addressed above in Conclusion 1. With conditions, as detailed in full below, the proposal would satisfy all local and state requirements for a preliminary plat. *Findings 1 – 32.*
3. **With conditions, the proposal meets the requirements for approval of a critical area alteration under the municipal code.** The Applicant's revised wetland report identifies an approximately 6,324 square foot Category III wetland (Wetland 1) located along the northern boundary of the site, which has a standard 60-foot protective buffer when certain measures to minimize impacts are implemented. City staff reviewed the Applicant's revised wetland report and determined that the project would implement the measures necessary to qualify for the standard 60-foot buffer. In addition, the City has determined that a channel within the east portion of the wetland is regulated as a Type Ns stream, with a standard 50-foot protective buffer. The on-site portions of the Type Ns stream and its protective buffer, however, are contained entirely within the buffer for Wetland 1 and would not be impacted by the proposed development.

The Applicant does not propose any direct impacts to the wetland but proposes buffer averaging, as allowed under former WMC 21.51.310(5), to facilitate the location and configuration of proposed lots within the subdivision. City staff analyzed the Applicant's buffer averaging plan and determined that it would meet these criteria. The Hearing Examiner concurs with City staff's assessment. The Applicant's revised wetland report provides a mitigation sequencing analysis required under WMC 21.51.120(3) and demonstrates that the proposed buffer averaging would provide a net improvement to buffer functions and values through buffer restoration and enhancement efforts, including the removal of invasive species and installation of native trees and shrubs abutting the buffer reduction area, as well as in the buffer averaged area, with a total enhancement area of approximately 8,647 square feet. The Applicant would provide 4,939 square feet of additional buffer area to compensate for the 4,939 square feet of buffer that would be eliminated, and the standard 60-foot buffer would not be reduced to below 45 feet at any location. The revised wetland report notes that the proposed upslope location for additional buffer area would be appropriate because it would provide an increased ability to retain soil and would reduce soil erosion and slow stormwater runoff running downslope to the wetland. In addition, the revised wetland report provides a five-year monitoring and reporting program to ensure that mitigation would be successful, and financial guarantees would be required in the form of performance and mitigation bonds. Accordingly, the Hearing Examiner determines that, with the conditions detailed below, the proposal meets the criteria for a critical area alteration. *Findings 1 – 32.*

## DECISION

Based on the preceding findings and conclusions, the request for a preliminary plat, to subdivide two contiguous parcels totaling 5.19 acres into 21 residential lots and associated tracts, utilizing the City's residential cluster standards, and for a critical area alteration, to allow for buffer averaging for an on-site Category III wetland to facilitate the proposed subdivision, at 13102 NE 146th Street, is **APPROVED**, with the following conditions:

### Conditions of approval applicable to the preliminary plat:

1. The final plat drawing shall substantially conform with the layout and terms of the preliminary plat set forth in Exhibit 14. The director may administratively approve minor amendments to the approved preliminary plat that do not increase the number of lots or relocate any roadway access points to an exterior street to the plat. Major amendments to the approved preliminary plat as defined in WMC 21.91.120 require hearing examiner approval after a public hearing on the major amendment as prescribed in WMC 21.91.120.
2. Prior to the final plat receiving approval for recording, road improvements shall be constructed by the Applicant and obtain approval from the Public Works Department. Road improvements shall be provided pursuant to WMC 15.04.060, the City's Transportation Infrastructure Specifications and Standards, and as shown in Exhibit 14 for the following:
  - a. 132nd Avenue NE half-street improvements;
  - b. Full internal Road A improvements;
  - c. Full internal Road A improvements with maintenance by the subdivision property owners included on the final plat and in the Covenants, Conditions, and Restrictions.
3. The developer shall be responsible for installing street lighting along Road A and along 132nd Avenue NE frontage consistent with the City's Transportation Infrastructure Specifications and Standards. All street lighting is owned and maintained by Puget Sound Energy. The owners of the lots within the subdivision shall be responsible for costs associated with operating and maintaining the street lighting along Road A. This responsibility shall be included as a condition on the final plat and in the CC&Rs governing the subdivision. The City shall be responsible for operation and maintenance costs for streetlights along 132nd Avenue NE upon the completion of the maintenance period and final acceptance by Public Works.
4. Landscaping and irrigation systems along Road A shall be privately owned and maintained. The owners of the lots within the subdivision shall be responsible for all costs associated with it. This responsibility shall be included as a condition on the final plat and in the CC&Rs governing the subdivision.

5. Stormwater runoff and surface water and erosion control shall comply with the requirements set forth in the King County Surface Water Design Manual and supporting documentation referenced or incorporated in the manual adopted under Chapter 13.05 WMC. Verification of compliance with stormwater regulatory requirements will occur with construction permits.
6. Stormwater discharge shall meet the requirements set forth in the King County Surface Water Design Manual and supporting documentation referenced or incorporated in the manual adopted under Chapter 13.05 WMC and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES) requirements. Verification of compliance will occur with construction permits.
7. On-site stormwater facilities shall be privately owned and maintained by the owners of the lots within the subdivision.
8. All existing and proposed new utilities shall be installed or relocated underground consistent with Chapter 15.39 WMC prior to final plat approval, unless authorized otherwise by Chapter 15.39 WMC.
9. Final location and size of sewer and water utility easements shall be recorded with the final plat in accordance with Woodinville Water District requirements.
10. Improvements for potable water and sanitary sewer shall be installed prior to final plat approval. All construction of potable water facilities and sanitary sewer facilities shall be in accordance with the standards, specifications, and regulations of the Woodinville Water District. Written verification from the Water District that all required improvements have been installed and completed must be provided to the City prior to final approval of the plat.
11. A recent title report (within 30 days) and information on lot closures shall be provided with the application for final plat.
12. The final plat drawing shall conform with the plan drawing requirements set forth in WMC 21.91.090(3) and Drawing 3 of 31 set forth in Exhibit 14. This includes, but is not limited to the following:
  - A statement that the subdivision has been made with the free consent and in accordance with the desires of the owner. This shall include a signature block for the owner, whose signature shall be written and notarized on the final plat drawing once the document is accepted by the City as being ready for final approval.
  - A certificate giving a full and correct description of the lands divided as they appear on the final plat.

- A statement that the homeowners' association or individual lot owners are responsible for maintaining all common areas including landscaping, open space tracts, stormwater tracts, private roads, and other common areas, including payment for any water usage in maintaining these common areas.
- A statement that this subdivision is approved as residential cluster development with the following R-4 development standards modified and applicable to the individual lots: (list modified standards). Final language for this statement must obtain approval from the City.
- Certificates for signature blocks for the following:
  - Development Services Director: whose signature approves compliance with all terms of the preliminary plat approval.
  - Public Works Director: whose signature approves the layout of streets and other rights-of-way, sewage and water systems and other structures, except an agency furnishing sewage disposal and water supply may sign separately as to the adequacy of the proposed means of sewage disposal and water supply.
  - King County Assessor: whose signature confirms a statement that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied, or discharged.
  - Auditor's recording certificate.

Signatures must be secured prior to the final plat being recorded.

13. The following items shall also be shown on the final plat drawing:
  - d. Survey requirements consistent with Washington Administrative Code 332-130-050 and WMC 21.92.090;
  - e. New easements to be recorded with the final plat, including their legal descriptions and associated dedication blocks;
  - f. If a financial institution appears on the recent title report at the time of final plat approval, the signature of an official authorized to sign on behalf of the financial institution's interest shall be included on the final plat drawing.
14. Applicant shall obtain addresses for each lot as required by RCW 58.17.280 from the Development Services Department. Addresses shall be shown on final plat drawing (These will be assigned once the application for final plat is submitted.)

15. Mailbox locations must obtain approval from the Woodinville postmaster and the Public Works Director prior to installation. Approval of mailbox locations is prior to a certificate of occupancy being issued for the plat.
16. Maintenance of the on-site recreation spaces shown in Tracts 996 and 998 in the Exhibit 14 site plans is the responsibility of the Applicant, who may transfer this maintenance responsibility to the subdivision property owners or a homeowner's association. Maintenance provisions and responsibilities shall be prescribed in the covenants, conditions, and restrictions recorded for the final plat. A copy of these provisions shall be submitted to the City and obtain approval from the Director prior to the final plat being recorded.
17. Prior to approval of the final plat, a copy of the covenants, conditions, and restrictions for the plat shall be submitted to the City for review, and the Applicant must obtain approval from the City of the covenants, conditions, and restrictions. The covenants, conditions, and restrictions shall at a minimum include terms for maintaining private roads and other subdivision improvements not dedicated to the City. The covenants, conditions, and restrictions shall be recorded with King County Records and the recording number shall be referenced on the final plat drawing.
18. Prior to approval of the final plat, a final copy of a Consent for Use, signed or agreed to by Puget Sound Energy (PSE), to construct improvements within the 50-foot-wide PSE easement area is required (Exhibit 4).
19. Street trees shall be planted along roads in accordance with the Woodinville Municipal Code. A total of 52 street trees have been identified as being required to be planted. A planting plan for the street trees shall be included in the updated landscaping plan required pursuant to Condition 20.
20. An updated arborist report, landscaping plan, and tree retention plan shall be submitted to the City with permits for site development prior to final plat approval to verify compliance with tree credit requirements and street tree requirements. All supplemental trees shall meet the supplemental tree planting requirements pursuant to WMC 21.50.100.
21. A tree preservation, and a maintenance and replacement agreement for trees located within common areas, open space tracts, and the Native Growth Protection Area tract shall be prepared by the Applicant, submitted to and obtain approval from the City, and be recorded prior to or concurrently with the final plat.
22. Prior to any certificate of occupancy being issued for the subdivision, the Applicant shall provide a final as-built tree plan to the City to verify compliance with tree credit requirements.

23. Except as provided below, all impact fees shall be paid at the time of building permit issuance in accordance to Chapters 3.36, 3.38, and 3.39 WMC and the applicable fee schedule in effect at the time of building permit issuance.
- Fifty percent (50%) of the school impact fees shall be paid prior to final plat approval. A covenant shall be recorded on the final plat and included in the deed for each affected lot within the plat. The covenant shall include a requirement for the property owner to pay the balance of the school impact fee when the building permit to construct the single-family residence is issued. City's approval of the covenant language is required prior to recording.

Conditions of approval applicable to both the preliminary plat and critical area alteration:

24. The recommendations and mitigation plan in the Wetland Report prepared by Raedeke Associates, Inc., dated August 13, 2024, and last revised November 13, 2025, and set forth in Exhibit 16 shall be followed.
25. The critical area alteration is limited to the buffer averaging reflected on the site plan set forth in Appendix C of the Wetland Report in Exhibit 16.
26. The Native Growth Protection Area tract identified as Tract 997 in the Exhibit 14 site plans shall be shown on the final plat and include language approved by the Director to protect those critical areas and buffers within those tracts in perpetuity in accordance with Chapter 21.51 WMC.
27. The critical area building setback tract identified as Tract 995 in the Exhibit 14 site plans shall be shown on the final plat and include language approved by the Director restricting the uses in this critical area building setback pursuant to WMC 21.51.310(6).
28. This preliminary approval of the plat and critical area alteration shall expire five years from the date the preliminary plat approval becomes final. The director may authorize a one-year extension if the extension criteria set forth in WMC 21.83.080(2) are satisfied.

**DECIDED** this 4<sup>th</sup> day of February 2026.



PEREGRIN K. SORTER  
Hearing Examiner  
Laminar Law, PLLC