

CITY OF REDMOND  
ORDINANCE NO. 2466(AM)<sup>1</sup>

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND,  
WASHINGTON, ADOPTING THE HEARING EXAMINER'S  
MAY 7, 2009 RECOMMENDATION TO APPROVE WITH  
CONDITIONS THE SAMMAMISH ROWING ASSOCIATION  
BOATHOUSE CONDITIONAL USE PERMIT (FILE  
L090006), AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, Sammamish Rowing Association herein referred to as applicant, submitted a conditional use permit application to develop a boathouse with associated improvements located at 5022 West Lake Sammamish Parkway, and

WHEREAS, a conditional use permit is a Type IV permit decision, and

WHEREAS, the Redmond Community Development Guide authorizes the Hearing Examiner to conduct an open record hearing for the conditional use permit and make a recommendation with findings of fact, conclusions of law, and conditions of approval for the conditional use permit to the City Council for consideration, and

WHEREAS, on April 6, 2009, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the Sammamish Rowing Association Boathouse proposal (File L090006), and

WHEREAS, on May 7, 2009, the Hearing Examiner recommended approval of the Sammamish Rowing Association Boathouse proposal (File L090006) subject to conditions

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS

Section 1 Findings, Conclusions, and Conditions of Approval After carefully reviewing the record and considering the evidence and arguments in the record and in the Hearing Examiner's recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Hearing Examiner's recommendation for the Sammamish Rowing Association Boathouse proposal dated May 7, 2009

Section 2 Approval The City Council hereby approves the Sammamish Rowing Association Boathouse proposal, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated May 7, 2009

Section 3 Severability If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance

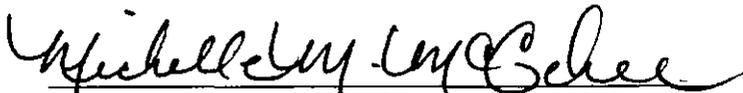
Section 4            Effective Date            This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title

ADOPTED by the Redmond City Council this 2<sup>nd</sup> day of June, 2009

CITY OF REDMOND

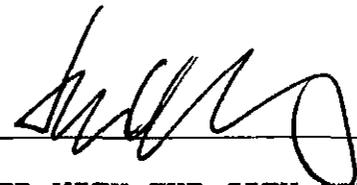
  
\_\_\_\_\_  
JOHN MARCHIONE, MAYOR

ATTEST

  
\_\_\_\_\_  
MICHELLE M MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM  
OFFICE OF THE CITY ATTORNEY

By  \_\_\_\_\_

FILED WITH THE CITY CLERK	May 27, 2009
PASSED BY THE CITY COUNCIL	June 2, 2009
SIGNED BY THE MAYOR	June 2, 2009
PUBLISHED	June 8, 2009
EFFECTIVE DATE	June 13, 2009
ORDINANCE NO	<u>2466</u>

*'The Redmond City Council on June 2 2009 modified the Hearing Examiner s Conditions relative to this action per the attached document This amendment as well as the remaining Hearing Examiner conditions were adopted as the Redmond City Council s findings*

APPROVED AS AMENDED (7-0) Allen, Carson, Cole, Margeson, McCormick, Myers and Vache

## **MODIFIED CONDITION**

Motion Councilmember Cole moved to adopt Ordinance No 2466, with a modification of the Hearings Examiner's conditions The motion was seconded by Councilmember Allen

The modified condition to read as follows

In the event that parking becomes inadequate as evidenced by significant overflow parking on streets in the vicinity, the applicant shall be required to submit, for City review and approval, a revised parking plan which demonstrates that parking for all patrons and programs can be accommodated on-site In the event that parking adequacy cannot be demonstrated, the City may require modification of uses or programs to achieve adequacy ”

1 **BEFORE THE HEARING EXAMINER**  
2 **FOR THE CITY OF REDMOND**

3  
4 In the Matter of the Application of ) NO L090006/L090007  
5 )  
6 **Sammamish Rowing Association** ) FINDINGS, CONCLUSIONS  
7 ) AND RECOMMENDATION  
8 For a Conditional Use Permit (CUP) )  
9 )

10 **SUMMARY OF RECOMMENDATION**

11 The request for a conditional use permit to develop a 12,381-square-foot boathouse and  
12 associated improvements at 5022 West Lake Sammamish Parkway should be **GRANTED**,  
13 subject to conditions

14 **SUMMARY OF RECORD**

15 Request

16 Sammamish Rowing Association and King County Parks & Recreation (Applicant)<sup>1</sup>  
17 requested a conditional use permit (CUP) to develop a 12,381-square-foot boathouse and  
18 associated improvements at 5022 West Lake Sammamish Parkway, Redmond, Washington  
19 The boathouse would provide boat storage as well as meeting, exercise, and locker rooms to  
20 serve members and guests of Sammamish Rowing Association

21 Hearing Date

22 An open record hearing on the request was held before the Hearing Examiner of the City of  
23 Redmond on April 6, 2009 The record closed on April 23, 2009

24 Testimony

25 At the open record hearing the following individuals presented testimony under oath

- 26 1 Kelsey Larson, Assistant Planner, City of Redmond  
27 2 Steven Fischer Principal Planner, City of Redmond  
28 3 Jeff Dendy, Senior Stormwater Engineer, City of Redmond  
29 4 Kurt Seemann Senior Transportation Engineer, City of Redmond  
30 5 Jennifer Reese, ARC Architects, representing the Applicant  
6 Steve Isaac Sammamish Rowing Association  
7 Tony Andrews, Sammamish Rowing Association  
8 Suzanne Tomassi, The Watershed Company, representing the Applicant  
9 Lyn Brown  
10 Edie Walker  
11 Barbara Dickson

<sup>1</sup> Sammamish Rowing Association leases the subject property from King County Parks & Recreation, the property  
owner Exhibit A Attachment 18 Exhibit A page 4

- 1 12 Michael Hobbs
- 2 13 Ryan Monahan
- 3 14 Shelly Warden
- 4 15 Stacey Anderson
- 5 16 Patti Miele
- 6 17 Tim McGruder
- 7 18 Sally Struzyna
- 8 19 Tyler Andrews
- 9 20 Enrique Alvarado
- 10 21 Scott Hayman
- 11 22 Allic Struzyna
- 12 23 Paulina Alvarado

9 Exhibits

10 At the open record hearing the following exhibits were admitted into the record

- 11
- 12 A Technical Committee Report to the Hearing Examiner, with the following attachments
  - 13 1 Vicinity Map
  - 14 2 Notice of Application, Certification of Public Notice, Mailing List, Process Flow Chart
  - 15 3 Notice of Public Hearing, Mailing List, Certification of Public Notice
  - 16 4 SEPA Determination, Certification of Public Notice, Mailing List
  - 17 5 SEPA Environmental Checklist
  - 18 6 Public Comments (Barbara Dickson, Michael Hobbs, and Phil Shen) and Responses
  - 19 7 Conditional Use Permit Plans for Sammamish Rowing Association – Full Scale Plans (see Sheet T1 0 dated January 13, 2008 for full list of plans)
  - 20 8 Legal Description
  - 21 9 Final Mitigation Report dated December 31, 2008 (The Watershed Company)
  - 22 10 Tree Health Assessment Report dated April 9, 2008 (International Forestry Consultants)
  - 23 11 Sammamish Rowing Association Boathouse Tree Preservation Plan Report dated March 20, 2008 (The Watershed Company)
  - 24 12 Sammamish Rowing Association Boathouse Stormwater Report dated March 19, 2008 (SvR Design Company)
  - 25 13 Habitat Assessment Study dated October 17, 2008 (The Watershed Company)
  - 26 14 Frequently Flooded Area Report – SRA Boathouse dated April 24, 2008 (The Watershed Company)
  - 27 15 Design Review Board Minutes of February 5, 2009 and SRA Boathouse architectural plans (“Statement of Design Intent”)
  - 28 16 Approval Conditions
  - 29 17 Fees and Bonds
  - 30 18 General Application
  - 19 Applicant’s response to conditional use decision criteria
- B Eastside Audubon appeal of SEPA DNS received March 31, 2009, with withdrawal of appeal received April 2, 2009
- C City PowerPoint Presentation dated April 6, 2009

- 1 D Memorandum from Kelsey Larson dated April 6 2009 (amendment to Exhibit A, Attachment 16)
- 2 E Email from Kelsey Larson to Gretchen Kaehler Department of Archaeology & Historic Preservation dated March 19 2009, email from Gretchen Kaehler to Kelsey Larson dated March 19, 2009, email from Kelsey Larson to Karen Walter Muckleshoot Indian Tribe dated March 19 2009 email from Karen Walter to Kelsey Larson dated March 16 2009 (with Larson responses) letter from Gretchen Kaehler to Kelsey Larson dated March 18, 2009
- 6 F Email correspondence between Cathv Beam Tim McGruder (Eastside Audubon) Jeff Dendy Timothy Cox and Kelsey Larson dated March 10 through March 31 2009
- 8 G Email correspondence between Kelsey Larson and Barbara Dickson dated March 19 through April 6, 2009, with Environmental Checklist
- 9 H Letter from Jennifer Reese to Kelsey Larson dated April 3 2009, and letter from Kelsey Larson to Michael Hobbs dated March 18, 2009
- 10 I Email from Karen Walter to Kelsey Larson dated March 16, 2009 with responses from Kelsey Larson
- 11 J Email from Maura O'Brien, DOE to Kelsey Larson dated March 18, 2009, with email response from Kelsey Larson dated March 18 2009
- 13 K Affidavit of Publication from The Seattle Times, with copy of published Notice of Public Hearing
- 14 L Photographs submitted by Barbara Dickson, including 18 copied onto five pages (with notes), and additional photos submitted on a CD
- 15 M Letter from Greg Helland, Friends of Marymoor Park dated April 6, 2009
- 16 N Memorandum from Kelsey Larson dated April 16, 2009 (response to Post-Hearing Order)
- 17 O Letter from Jennifer Reese dated March 23, 2009 (response to Post-Hearing Order)

18

19 Upon consideration of the testimony and exhibits submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions

20

21 **FINDINGS**

- 22 1 The Applicant requested a CUP to develop a 12,381-square-foot boathouse and associated improvements at 5022 West Lake Sammamish Parkway, Redmond, Washington<sup>2</sup> The boathouse would provide boat storage as well as meeting exercise, and locker rooms to serve members and guests of Sammamish Rowing Association (SRA) *Exhibit A, Attachment 18 Exhibit A Attachment 15*
- 26 2 The subject property is 18.77 acres (817,825 square feet) in area, and is bounded by West Lake Sammamish Parkway on the west and the Sammamish River on the east *Exhibit A Attachment 15 Statement of Design Intent and Vicinity Map Exhibit A Attachment 1*
- 29 3 The subject property is developed with a 3,161-square-foot boathouse a driveway/walking path, a gravel parking area, and a dock It is not clear from the record
- 30

<sup>2</sup> See Exhibit A Attachment 8 for legal description *Exhibit A Attachment 8*

1 when the boathouse was constructed, however, the SRA has used the structure for  
2 approximately ten years. During those ten years SRA's programs have grown, and the  
3 boathouse is now too small to provide adequate indoor boat storage. Excess shells and  
4 other items are stored outside of the boathouse in wetland buffer areas. The structure  
5 itself is aged and in need of repair. *Exhibit N Testimony of Mr. Monahan Testimony of*  
*Mr. Isaac Exhibit A Attachment 6 Exhibit A Attachment 7 Existing Conditions and*  
*Overall Site Plan Exhibit L*

6 4 The Applicant proposes to construct a new two-story boathouse approximately 100 feet  
7 southwest of the existing boathouse, retain the foundation of the existing boathouse for  
8 use as a boat corral (the building itself would be demolished), widen and improve the  
9 existing access road, and install a gas locker. The footprint of the new boathouse would  
10 be 6,134 square feet, and the total floor area would be 12,381 square feet. The first  
11 floor of the boathouse would be used for boat and other storage, and would include a  
shop for boat repair. The second floor would include an exercise room, locker rooms,  
restrooms, offices, and a meeting room. *Exhibit A Attachments 7 and 15*

12 5 Gas storage is needed on site for SRA's fleet of motorized boats, which are used by the  
13 coaches. The proposed gas locker would be 48 square feet in area and would be located  
14 on the east side of the boat corral on a previously paved area. It would replace the  
15 Applicant's existing gas storage shed, which is made of wood and is located closer to  
16 the Sammamish River.<sup>3</sup> The proposed gas locker would include a concrete basin floor  
17 (concrete slab with 12-inch curbs) to serve as secondary containment. Per the  
18 conditions recommended by the Public Works Department, the gas locker would be flood-  
proofed or have a base elevation greater than one foot above the 100-year flood level.  
*Testimony of Mr. Andrews Testimony of Mr. Isaac, Testimony of Ms. Reese Exhibit A,*  
*Attachment 7 Exterior Details - Gas Locker Exhibit A Attachment 16*

19 6 The SRA conducts rowing classes at the subject property for both members and non-  
20 members of the association. The classes start as early as 5:00 a.m. and end as late as  
21 8:30 p.m. Individual rowers are able to use the site outside of class times, but they  
22 typically do not arrive before 5:00 a.m. or stay past 8:30 p.m. Peak usage of the site is  
23 during junior practice, from 3:30 to 6:30 p.m. on weekdays throughout most of the  
24 school year.<sup>4</sup> During that time there are approximately 120 junior rowers and coaches  
25 on the site. The adult classes, which are conducted at various times, typically have 10 to  
26 20 participants each. There are approximately 120 to 150 adult rowers who participate  
27 in SRA classes. *Exhibit O Testimony of Mr. Isaac Exhibit H Exhibit A page 9*  
*Exhibit C*

28 7 The Applicant does not anticipate significantly increased use of the site as a result of  
29 the proposed improvements. The adult programs have remained at a constant size for  
30 the past five years, although there might be some growth due to the new facilities. The

<sup>3</sup> One witness submitted a photo from 2006 showing the existing storage shed partially submerged in water. *Exhibit L*

<sup>4</sup> Summer youth practice is divided into two sessions, which occur between 7:00 a.m. and noon on weekdays. *Exhibit H*

1 size of the junior program (the peak use) cannot expand beyond approximately 120  
2 students due to constraints such as the size of the dock which limit the number of boats  
3 that may be launched at one time. The availability of additional private boat storage is  
4 expected increase use of the site. However, assuming that 40 additional shells are stored  
5 on site and that none of the shells are owned by current SRA rowers typical use of the  
6 shells would result in approximately five additional visitors in the morning and five in  
7 the evening. *Exhibit H Testimony of Mr. Monahan*

8 8 The subject property and surrounding properties to the north, east, and south are zoned  
9 Large Lot Residential (R-1). The properties to the west (across West Lake Sammamish  
10 Parkway) are zoned R-4. *Exhibit A page 4*. Marine Recreation facilities are allowed  
11 in the R-1 zone with approval of a CUP. The special use provisions set forth in RCDG  
12 20D 170 do not apply to the use. *Exhibit C RCDG 20D 170 RCDG 20 30 20-030*

13 9 The Applicant does not presently operate pursuant to a CUP. SRA commenced  
14 activities on the site prior to obtaining City permits. In 1998, at the City's direction, the  
15 Applicant applied for and obtained a Shoreline Substantial Development Permit to  
16 legalize the use. In 2006, when the Applicant submitted a site plan application to  
17 construct a new boathouse, staff considered the use to be a "parks use, which is  
18 permitted outright in the R-1 zone. The site plan application eventually expired. It was  
19 not until the Applicant submitted the current application that staff determined that the  
20 use is appropriately classified as "marine recreation" a conditional use. *Exhibit N*

21 10 Surrounding land uses include single-family residences to the west of the subject  
22 property (across West Lake Sammamish Parkway) and King County's Marymoor Park  
23 to the east of the subject property (across the Sammamish River). The parcels to the  
24 north and south of the subject property are undeveloped open spaces that are owned by  
25 King County. *Exhibit A pages 4, 7, and 9*

26 11 The subject property is within the Viewpoint Neighborhood of the Comprehensive  
27 Plan. The land use designation of the subject property is Single Family Constrained.  
28 The purpose of the Single Family Constrained designation is to "provide for low-  
29 density residential neighborhoods for lands inappropriate for more intense urban  
30 development due to significant environmentally critical areas, extreme cost or difficulty  
in extending public facilities, or the presence of natural features. Redmond is seeking to  
retain. *Redmond Comprehensive Plan Policy LU-32 Exhibit A page 4*. The  
Comprehensive Plan policies that are applicable to proposal include LU-3, to "allow  
new development only where adequate public facilities and services can be provided",  
LU-10, to "promote compatibility between land uses by minimizing adverse impacts on  
the lower intensity or more sensitive uses", and LU-14, to "encourage the provision of  
needed facilities that serve the general public, such as parks, cultural and  
recreational facilities." *Exhibit A pages 6-7*

12 The Sammamish River is designated a "Shoreline of the State" under the Shoreline  
Management Act. Consequently, development on the site is subject to the requirements  
of the City of Redmond Shoreline Master Program. The Applicant has applied to the

1 City for a Shoreline Substantial Development Permit (an administrative approval)  
2 which is still under review *Exhibit A page 13 Exhibit A Attachment 7 Overall Site*  
3 *Plan*

4 13 The Sammamish River is classified as a Class I stream under the City's critical areas  
5 regulations, requiring a 150-foot-wide buffer *Exhibit A page 13 RCDG 20D 140 20-*  
6 *020* Although planning staff submitted that all proposed improvements would be  
7 outside of the 150-foot stream buffer (*Exhibit A page 13*), it appears from the site plan  
8 (*Exhibit A Attachment 7 Sheet A1 0*) that the gas locker would slightly encroach into  
9 the buffer Although no analysis of this issue was provided at the hearing or in post-  
10 hearing submittals it appears that the gas locker may be authorized pursuant to RCDG  
11 20D 140 20-020 which allows structures to be placed within required buffers when  
12 'otherwise permitted or required under the City's adopted Shoreline Master Program'  
13 or for accessory structures, when no feasible alternative location exists In this case  
14 City staff is reviewing a shoreline substantial development permit application for  
15 development on the site *Exhibit A page 13*

16 14 The proposed development would comply with all height, setback and lot coverage  
17 requirements of the R-1 zone The boathouse would be set back more than 200 feet  
18 from the nearest property line The total impervious surface coverage after development  
19 is complete (including existing and proposed improvements) would be approximately  
20 60,200 square feet, or seven percent of the total site area *Exhibit A Attachments 12 and*  
21 *15*

22 15 Because the subject property is surrounded on three sides by parkland and other open  
23 spaces, the potential for noise and visual impact to residential uses is limited The  
24 existing parking area is immediately adjacent to West Lake Sammamish Parkway and  
25 is visible to those traveling on West Lake Sammamish Parkway and to those residing  
26 on the opposite side of the street However, the proposed boathouse and all SRA  
27 activities would be conducted at the east end of the site, several hundred feet from West  
28 Lake Sammamish Parkway and fully screened by existing and proposed vegetation  
29 *Exhibit A Attachment 7 Overall Site Plan and Mitigation Planting Plan Exhibit L*  
30 *Exhibit A Attachment 15 (describing 800-foot street setback)*

16 16 The subject property contains eight wetlands, which are identified on the project plans  
17 as wetlands A through H Wetland A, a Category I wetland, covers much of the eastern  
18 portion of the site There is a "peninsula" of upland located in the middle of Wetland A,  
19 which contains the existing boathouse, the gravel drive, the proposed building site, and  
20 some smaller Category IV wetlands (Wetlands E, F, and G) RCDG 20D 140 30-020  
21 requires a 225-foot buffer for Category I wetlands when the adjacent land use is of  
22 medium intensity Wetland B, a Category II wetland, is located in the central portion of  
23 the site, adjacent to the north side of the gravel driveway The RCDG requires a 100-  
24 foot buffer for Category II wetlands Wetland D a small Category IV wetland, is  
25 located near the northern boundary of the site The RCDG requires a 40-foot buffer for  
26 Category IV wetlands The 225-foot buffer required for Wetland A encompasses and

1 exceeds the buffers required for Wetlands B, D, E, F, and G *Exhibit A Attachment 9*  
2 *Exhibit A Attachment 7 Mitigation Sheet 1 and Overall Site Plan*

3 17 Wetlands C and H are located to the west of the other wetlands on the north and south  
4 sides of the gravel drive respectively. Although Wetlands C and H satisfy wetland  
5 criteria, they are not subject to buffer requirements because they were artificially  
6 created to serve as sewage lagoons, a use that has been abandoned.<sup>5</sup> RCDG  
7 20D 140 10-030 exempts activities involving artificially created wetlands or streams  
intentionally created from non-wetland sites from the critical areas regulations. *Exhibit*  
*A Attachment 9 Exhibit A Attachment 7 Mitigation Sheet 1*

8 18 The existing boathouse is approximately 145 feet from the ordinary high water mark of  
9 the Sammamish River within the Wetland A buffer between Wetlands F and G (the  
10 distance between the wetlands and the building is less than five feet). Access to the  
11 building is via an approximate 10-foot-wide gravel driveway/pathway. *Exhibit A*  
*Attachment 7 Existing Conditions*

12 19 The Applicant proposes to construct the new boathouse approximately 100 feet  
13 southwest of the existing boathouse on the "peninsula" of upland described in Finding  
14 No. 16. While the proposed construction area is outside of all wetland boundaries, it is  
15 within the buffer of Wetland A. The distance between the wetland edge and the  
16 building would be 12 feet at the closest point. *Exhibit A Attachment 9 pages 3 and 5*  
*Exhibit A Attachment 7 Overall Site Plan*

17 20 Access to the proposed boathouse would be from the existing driveway off West Lake  
18 Sammamish Parkway. The Applicant proposes to widen and improve the driveway to  
19 provide enhanced emergency vehicle access to the site. Seven hundred lineal feet of the  
20 road is within the Wetland A buffer. The west end of the driveway would be widened to  
21 20 feet and paved with asphalt. East of the parking areas, the driveway would be  
22 widened as close to 20 feet as possible without impacting the surrounding wetlands,  
23 and would be surfaced with gravel. In some areas the road would be as narrow as 12 to  
24 14 feet, although the access easement would be 20 feet. The Fire Department has  
25 approved the reduced driveway width in order to avoid wetland impacts, and such  
26 approval is reflected in the Department's recommended conditions of approval. A  
27 paved hammerhead turn-around would be provided at the east terminus of the road, on  
28 the north side of the proposed boathouse. *Exhibit A Attachment 7 Paving Plan and*  
*Fire Plan Exhibit A Attachment 16 Exhibit A Attachment 9 page 4*

26 21 Water and sewer lines would be extended to the new boathouse building along the  
27 widened driveway. The City Public Works Department has identified numerous  
28 conditions that must be satisfied for water and sewer service, and such conditions have  
29 been incorporated into the recommended conditions of CUP approval. *Exhibit A*  
*Attachment 7 Water Plan and Sanitary Sewer Plan Exhibit 16*

30 <sup>5</sup> The subject property is the former Lake Hills Sewage Treatment Facility. Site clean up was performed several  
years ago under a consent decree established under the Model Toxic Control Act. *Exhibit A page 4*

1 22 The existing improvements impact 16 500 square feet of wetland buffer. The proposed  
2 improvements would permanently impact an additional 15 225 square feet of wetland  
3 buffer and temporarily impact 17 260 square feet of buffer. Areas temporarily  
impacted would be revegetated. *Exhibit A Attachment 7 Mitigation Sheet 2*

4 23 Section 20D 140 30-020(7) of the RCDG allows wetland buffers to be reduced or  
5 averaged (subject to compliance with the criteria set forth in subsections (5) and (6))  
6 provided that the resulting buffer width is at least 75 percent of the buffer width  
7 normally required (in this case 168 feet). The buffer reductions authorized by RCDG  
8 20D 140 30-020 would not be sufficient to allow development of the boathouse, since  
9 the impacted area would range from 10 to 50 feet from the wetland edge. *Exhibit A*  
10 *Attachment 9 page 5*

11 24 Because there is insufficient wetland buffer width to satisfy City standards, the  
12 Applicant proposes to treat the impacts as a 'paper fill'. According to staff's written  
13 testimony, paper fill is a common method of addressing wetland impacts when buffer  
14 widths are deficient. The required buffer width is scaled out from the impact area  
towards the wetland, and those areas of wetland that do not have the code-required  
buffer are considered to be physically impacted even though they are not actually  
disturbed in the field. In this case, the area of 'paper fill' needed to create the required  
buffer is 73,310 square feet, or 1.68 acres. *Exhibit N*

15 25 With the paper fill technique, mitigation is based on the wetland replacement ratios set  
16 forth in RCDG 20D 140 30-030. For non-forested Category I wetlands, mitigation must  
17 be provided at ratios ranging from 1:1 to 16:1 (area of mitigation to area of impact)  
18 depending on the type of mitigation proposed (i.e., wetland creation, wetland  
restoration, wetland enhancement, or a combination of those techniques). *Exhibit N*

19 26 The Applicant proposes to take the following mitigation actions:

20 • Remove a berm of fill material from the area between Wetland A and Wetland  
21 B and re-establish wetland in the area (4,975 square feet). This mitigation would  
22 connect the wetlands, thereby elevating Wetland B to Category I status. The  
23 hydrology needed to re-establish wetland would be created through grading per  
24 an approved plan. Wetland trees and shrubs would be planted nine feet and six  
feet on center, respectively. *Exhibit A Attachment 9 page 8 Exhibit A*  
*Attachment 7 Mitigation Sheet 3*

25 • Enhance all of Wetland B and the portions of Wetland A closest to the  
26 boathouse (71,435 square feet total) by removing non-native and invasive  
27 species, planting sufficient wetland trees and shrubs such that the resulting  
28 spacing is nine feet on center for trees and six feet on center for shrubs, and  
29 installing large woody debris (salvaged from trees removed from the site). The  
30 portions of Wetland A proposed for enhancement are currently dominated by  
reed canarygrass, and have low to moderate habitat values. The proposed  
mitigation would improve habitat values by increasing vegetative composition.

1 and structural diversity *Exhibit A Attachment 9 page 9 Exhibit A Attachment*  
2 *7 Mitigation Sheet 3*

- 3 • Enhance 83 440 square feet of wetland buffer including a degraded area  
4 surrounding the existing boathouse the area surrounding the proposed  
5 improvements and the area between Wetlands B and C and surrounding  
6 Wetland D The enhancement would consist of removing debris and invasive  
7 species planting additional vegetation and installing a split-rail fence along the  
8 edge of the enhanced buffer in the vicinity of the proposed and existing  
9 structures<sup>6</sup> *Exhibit 9 page 9 Exhibit 4 Attachment 7 Mitigation Sheets 3 and*  
10 *4*

11 27 The proposed mitigation does not satisfy the replacement ratios set forth in RCDG  
12 20D 140 30-030, even calculated based on actual buffer impacts from the boathouse  
13 and vehicle turn-around rather than on the "paper" wetland impacts Wetland buffer  
14 would be enhanced at a 6 1 ratio wetlands would be enhanced at a 5 1 ratio, and  
15 wetlands would be reestablished at a 1 2 8 ratio *Exhibit A Attachment 9 page 4*  
16 *Testimony of Ms Tomassi*

17 28 The RCDG allows a reduction in replacement ratio under certain circumstances  
18 Consistent with the relevant criteria, the Applicant has provided documentation from a  
19 qualified wetland specialist that the proposed mitigation would have a very high  
20 likelihood of success, and that the mitigation actions would provide functions and  
21 values that are significantly greater than the areas disturbed The ways in which the  
22 mitigation plan would satisfy these criteria are described on pages 8 through 15 of the  
23 Final Mitigation Report (Exhibit A, Attachment 9) To highlight a couple of them (in  
24 addition to those described in Finding No 26 above) the mitigation plan includes dense  
25 plantings along the pathway and split rail fencing around the structures to prevent  
26 human intrusion into wetland areas, and includes a five-year monitoring and  
27 maintenance program *Exhibit A Attachment 9 Exhibit A Attachment 7 Mitigation*  
28 *Sheet 4 see also Exhibit N*

29 29 In public comment on the application, a witness questioned whether the Applicant has  
30 avoided or minimized wetland impacts consistent with the mitigation sequencing  
required by the RCDG (see Sections 20D 140 10-080 and 20D 140 10-110) The  
witness alleged that the project site has previously been identified as wetlands, based on  
a map prepared in conjunction with the Lake Hills Cleanup Action Plan (see Wetland  
Location Map included in Exhibit A Attachment 6), and that the mitigation work  
conducted pursuant to the cleanup plan might have affected the current wetland  
analysis The witness argued that constructing the boathouse along the northern edge of  
the site (a large upland area) would reduce wetland impacts In addition, the witness

<sup>6</sup> The mitigation plans show a split-rail fence across a buffer area shown on the site plan and the fire plan as being a paved vehicle turn-around However the fenced area is correctly identified on the mitigation plans as a buffer impact area and no mitigation plantings are proposed *Compare Exhibit A Attachment 7 Mitigation Sheets 2 and 4 with Overall Site Plan and fire Plan*

argued that the large size of the proposed boathouse does not minimize impacts *Exhibit A Attachment 6 Hobbs letter*

30 Based on the evidence submitted the Hearing Examiner is satisfied that the Applicant has appropriately avoided and minimized impacts. The existing structure could not be expanded in place due to the close proximity of wetlands. The Applicant evaluated the possibility of constructing the boathouse on the north side of the site, but such location would require a new 20-foot-wide driveway across much of the site and a bridge over an arm of Wetland A. The location would thus create a new set of impacts. Despite what was shown on the Lake Hills Wetland Location Map the project site does not show wetland characteristics *Exhibit H Exhibit A Attachment 9 page 7 Exhibit A Attachment 7 Overall Site Plan*

31 Although the proposed boathouse would have a footprint significantly larger than the boathouse it is replacing the larger footprint would serve to minimize impacts because it would allow activities currently conducted in buffer and/or wetland areas to be conducted indoors. Currently boat repair and exercise (including use of exercise machines) is conducted outdoors. There are no restroom facilities (i.e., flush toilets) on site and visitors must use portable toilets. One witness submitted photographs from January of 2006 showing that the portable toilets had flooded. Other photos submitted by the witness, with dates ranging from 2005 to 2009, showed outdoor storage of boats and other items (including paint cans)<sup>7</sup>. The amount of boat storage provided by the proposed boathouse (three bays rather than the current two) would allow boats currently stored outside to be moved indoors and would provide additional private boat storage space. Overall, the size of the proposed boathouse is the minimum needed to address the overflow of equipment and activities from the existing boathouse *Exhibit A, Attachment 15, Boat Bay and Second Floor Plans Exhibit L Exhibit H, Testimony of Mr Alvarado Testimony of Ms Miele Testimony of Mr Monahan*

32 The site lighting has been designed to minimize impacts to critical areas. Lights would be installed on 36-inch bollards spaced at 50-foot intervals along the access road. These lights would be on manually operated timers, and would be shielded to only illuminate the path. A shielded pole-mounted light would be installed to the east of the existing boathouse. Per the conditions recommended by the Design Review Board, the height of the pole would be lowered from 20 feet to 15 feet. Wall-mounted lights would be installed at building entries for safety purposes. Low-level, surface-mounted lights would be installed on the dock. The dock lights would face landward rather than towards the river *Testimony of Ms Reese Exhibit H Exhibit A Attachment 15 Exhibit A Attachment 7 Site Lighting Plan*

33 The Applicant has submitted a tree preservation plan that demonstrates compliance with the standards of RCDG 20D 80 20. The Applicant proposes to retain 500, or 84 percent, of the 593 significant trees on site (35 percent is required). Although the

<sup>7</sup> The Hearing Examiner includes this information to demonstrate that moving SRA's activities indoors would be beneficial to the environment even though a larger building is required. The purpose is not to suggest code violations on the subject property.

1 Applicant s original tree preservation plan (Exhibit A Attachment 11) indicates that  
2 155 significant trees would be removed some of the trees were designated for removal  
3 only because the driplines are within five feet of structures, utilities, or roadways  
4 contrary to RCDG 20D 80 29-070(3)(g)(ii) ( No proposed structure, utility or roadway  
5 shall be located within five feet of the dripline of a protected tree ) Exhibit A  
6 Attachment 11 A certified arborist later evaluated 70 of the trees designated for  
7 removal and determined that most should be retained, based on factors including the  
8 species tolerance to root disturbance the location of 'targets' and the type of work  
9 proposed For some of the trees the roots could be severed without compromising the  
10 health or structural stability of the tree For others the work would not impact the roots  
11 at all Exhibit A Attachment 10 Retention of the trees would be consistent with RCDG  
12 20D 80 29-070(3)(g)(iv) which allows the Administrator to approve construction limits  
or grading within five feet of the dripline of a protected tree provided the applicant  
submits an evaluation by a certified arborist demonstrating that the construction would  
not reduce the long-term viability of the tree Consistent with RCDG 20D 80 20-  
070(3)(c) no "landmark" trees would be removed Exhibit A Attachment 7 Tree  
Preservation Notes

13 34 The eastern portion of the subject property, including both the existing and proposed  
14 boathouse locations, is within the 100-year floodplain of the Sammamish River as  
15 mapped by FEMA However the Applicant submitted a site-specific study conducted  
16 by a hydrologist/Certified Floodplain Manager which concluded that the proposed  
17 development area is higher than the base flood elevation The finished floor elevation  
18 of the boathouse would be 35.5 feet, which is three feet higher than the base flood  
19 elevation of 32.5 feet Consequently the development would not impact the 100-year  
20 floodplain and no flood storage mitigation is required Exhibit A, Attachment 14

21 35 The City of Redmond classifies the subject property as a Fish and Wildlife Habitat  
22 Conservation Area Priority species and habitats that occur on or within one mile of the  
23 subject property include bald eagle and purple martin nesting sites, anadromous and  
24 resident priority fish species urban natural open space, and wetlands The on-site  
25 portion of the Sammamish River riparian zone is part of a vegetated corridor leading to  
26 a large lake-fringe wetland located at the north end of Lake Sammamish The specific  
27 types of habitat provided on site and their functions are described in detail in Exhibit A,  
28 Attachment 13 (see pages 4 through 10) Exhibit A Attachment 13 pages 3, 5 and 7

29 36 The proposed boathouse and vehicle turn-around would be located in an area that is  
30 sparsely forested and has a disturbed understory Although the work would remove  
some potential foraging and nesting sites, the impacted area lacks the diversity found in  
Wetland A, which would not be disturbed Species impacted by the loss of habitat  
would be provided with habitat improvements in the surrounding area as described in  
the wetland mitigation plans The use of the existing road, as proposed, would prevent  
further disruption of the wildlife corridor Exhibit A Attachment 13 pages 10, 11 and  
12

1 37 The mitigation described in the wetland mitigation plans is consistent with Washington  
2 Department of Fish and Wildlife recommendations for the species potentially affected  
3 by the proposed development. The retention of large trees and snags is important for  
4 maintaining habitat for pileated woodpeckers, red-tailed hawks, and Vaux's swift, and  
5 tall, mature trees provide perching and nesting opportunities for bald eagles. As  
6 mitigation for the loss of trees on site, new trees would be planted and snags (from the  
7 removed trees) would be installed. None of the landmark trees would be removed.  
8 *Exhibit A Attachment 13 page 13 Exhibit A Attachment 7 Tree Preservation Plan  
9 and Mitigation Planting Plan*

10 38 One of the issues raised in public comment on the application was the adequacy of on-  
11 site parking. Concern was raised that there would be inadequate parking for SRA  
12 programs, that there would be inadequate parking for non SRA members of the public  
13 to visit the site during program hours, and that future City widening of West Lake  
14 Sammamish Parkway would eliminate some of the parking spaces on site. Although the  
15 Applicant has submitted data indicating that there is adequate parking on site, a witness  
16 residing across the street from the subject property has observed cars parking on the  
17 shoulder along the subject property frontage. *Testimony of Ms. Brown Exhibit A  
18 Attachment 6 Hobbs letter*

19 39 Although staff testified at the hearing that parking is not relevant to the CUP review, in  
20 its post-hearing submittal, staff requested that the Applicant be required to provide a  
21 "parking assessment" to demonstrate that parking is adequate, in light of the new  
22 amenities provided by the boathouse. The RCDG does not contain a specific parking  
23 standard that is applicable to the use. *Exhibit N Testimony of Ms. Larson*

24 40 In response to staff's recommendation, the Applicant submitted that the parking lot on  
25 site has capacity for approximately 60 vehicles, which is adequate to serve SRA  
26 programs during peak hours (weekdays 3:30 to 6:30 p.m.) with room to spare for  
27 approximately 12 additional vehicles on an average day. The SRA has implemented a  
28 plan (in place for almost three years) to maintain adequate parking and traffic flow at  
29 the highest volume time, which is when junior practice finishes at 6:30 p.m. The plan  
30 includes encouraging carpooling, requiring vehicles to enter the lot at the south  
(primary) entrance and exit at the north entrance, and asking parents to pick up their  
children ten minutes after the end of practice to allow vehicles already parked in the lot  
to exit. The Applicant submitted that with this plan, and with the parking spaces  
available, there is room for parents to park temporarily while waiting for their children,  
and drivers waiting to exit the site do not block the south entrance. *Exhibit O*

41 There is a traffic congestion problem on West Lake Sammamish Parkway due to  
visitors' use of the site, as evidenced by public comment and the Applicant's  
submittals. There is currently no turn lane for visitors approaching from the north, and  
while those visitors wait for a break in traffic, other southbound drivers use the road  
shoulder to pass. The traffic congestion also creates access problems for neighbors with

1 driveways across from the subject property. To address the issue, the City Public Works  
2 Department recommended that the Applicant construct a two-way left turn lane at the  
3 site access. The Applicant concurs with this mitigation and has submitted a  
4 channelization plan. *Exhibit A Attachment 6 Testimony of Ms. Brown Exhibit A  
Attachment 7 Channelization Plan Exhibit O*

5 42 The City Public Works Department recommended that the Applicant dedicate 15 feet of  
6 right-of-way along the subject property frontage consistent with City street standards  
7 but is not recommending that the Applicant construct any frontage improvements at this  
8 time other than the left-turn lane and pavement repair. The City has future plans to  
9 widen and improve West Lake Sammamish Parkway. *Exhibit A Attachment 16  
Testimony of Mr. Seemann*

10 43 The storm drainage system would be designed consistent with the City of Redmond  
11 Stormwater Technical Notebook and applicable sections of the RCDG. The proposed  
12 development would result in 14,560 square feet of new impervious surfaces. Projects  
13 that add over 5,000 square feet of pollution-generating impervious surface require  
14 water quality treatment per City standards. In this case, the Applicant proposes to gate  
15 the access road so that visitors are not able to drive past the parking areas. Vehicular  
16 access past the gate would be limited to emergency vehicles and occasionally for SRA  
17 transportation of boats to regattas. With the limited vehicular access, the City does not  
18 consider the driveway east of the gate to be a pollution-generating surface requiring  
19 water quality treatment. The City's stormwater engineer submitted that this  
20 interpretation is used throughout the City. Because new impervious surfaces west of the  
21 gate would total less than 5,000 square feet, the Applicant does not propose (and the  
22 City is not requiring) water quality treatment. With respect to downstream impacts,  
23 runoff from new impervious surfaces would flow into the wetlands and then into the  
24 Sammamish River consistent with current conditions. The project would not cause a  
25 sufficient increase in flow velocity to warrant construction of a detention facility.  
26 *Exhibit A Attachment 12 Exhibit F Dendy email*

27 44 The City of Redmond Design Review Board reviewed the project plans at its February  
28 5, 2009 meeting and recommended approval, subject to conditions. The recommended  
29 conditions include (paraphrased) that the Applicant lower the proposed light standards  
30 to 15 feet, address screening of rooftop mechanical equipment during building permit  
review if the equipment exceeds the height of the parapet, provide open doors or doors  
with windows for doors to stairways, parking and similar areas, modify the entry at  
southwest corner in consultation with staff<sup>8</sup>, and comply with 'standard approval  
conditions'<sup>9</sup>. *Exhibit A Attachment 15*

<sup>8</sup> The specific entry treatment discussed at the Design Review Board meeting was that the wood panels on the south side of the building wrap around the southwest corner of the building to the downspout. *Exhibit A Attachment 15 page 5*. Staff worded the condition as follows in the staff report: The wood paneling and trellis feature located on the front of the proposed boathouse shall wrap around the southwest corner (to the downspout) of the boathouse per recommendation from the Design Review Board. *Exhibit A page 15*

<sup>9</sup> See page 15 of the Technical Committee Report for the additional conditions. *Exhibit A page 15*

1  
2 45 The City of Redmond reviewed the environmental impacts of the proposal as required  
3 by the State Environmental Policy Act (SEPA) and issued a Determination of  
4 Nonsignificance (DNS) on March 3, 2009 *Exhibit A Attachment 4* Eastside Audubon  
5 Society filed an appeal of the DNS on March 31 2009 but withdrew the appeal on  
6 April 2 2009 *Exhibit B* Eastside Audubon no longer opposes the project *Testimony of*  
7 *Mr McGruder*

8 46 There was significant public comment in support of the project mainly from rowers  
9 and their family members who testified as to the personal benefits of SRA's rowing  
10 programs and their desire for a new facility, but also from the non-profit organization  
11 Friends of Marymoor Park *See e.g. Testimony of Sally and Allie Struzyna Exhibit M*

12 47 One of the issues raised in public comment on the application was that the use does not  
13 allow adequate public access to the site The argument was that, as publicly owned  
14 land, the property should be equally available to everyone with no preference given to  
15 the activities of the SRA Although members of the public are allowed to use the site,  
16 the scale of activities conducted by the SRA sometimes preclude public use In  
17 addition, the access road is gated (and will continue to be gated after development is  
18 complete) such that members of the public cannot drive their boats to the boat launch  
19 *Exhibit G Testimony of Ms Dickson Testimony of Mr Hobbs see also Exhibit A*  
20 *Attachment 6, Hobbs letter* The Hearing Examiner finds that the public access issue is  
21 one that is appropriately addressed by King County Parks and Recreation, or by the  
22 City of Redmond through the shoreline permit process (the City's Shoreline Master  
23 Program contain policies relating to public access to shorelines which may or may not  
24 be applicable) The City of Redmond is not the owner of the park *Exhibit A*  
25 *Attachment 18 Shoreline Master Program Section 20B 95 070*

26 48 The Washington State Department of Archaeology & Historic Preservation (DAHP)  
27 commented that the project site has a high potential for archaeological resources, due to  
28 its location near the mouth of the Sammamish River in the vicinity of a documented  
29 historic Native American salmon fishery, and in an area with an ethnographic place  
30 name There are five recorded archaeological sites within 0.5-mile of the project area  
on similar landforms DAHP requested that the Applicant conduct a professional  
archaeological survey prior to ground disturbing activities, and City planning staff  
recommended that such condition be included as a condition of CUP approval *Exhibit*  
*E Kaehler letter Exhibit D*

49 The Applicant concurred with the conditions recommended by staff prior to or at the  
open record hearing *Testimony of Mr Isaac*

1 50 Notice of the open record hearing was posted mailed to property owners within 500  
2 feet of the site and to parties of record, and published in the *Seattle Times* on March 16  
3 2009 *Exhibit A Attachment 3 Exhibit A page 5 Exhibit K*

## 4 CONCLUSIONS

### 5 Jurisdiction

6 The Hearing Examiner has jurisdiction to hold an open record hearing on conditional use  
7 permit applications and to make a recommendation to City Council pursuant to RCDG  
8 20F 30 15-040, 20F 30 45-010 and 20F 30 45 100

### 8 Criteria for Review

9 Pursuant to RCDG 20F 40 40-040, the City may approve or approve with conditions a  
10 conditional use permit only if the following criteria are satisfied

- 11 (a) The conditional use is consistent with the Community Development Guide which  
12 includes the Comprehensive Plan,
- 13 (b) The use is designed in a manner which is compatible with and responds to the existing  
14 or intended character appearance, quality of development and physical characteristics  
15 of the subject property and immediate vicinity
- 16 (c) The location, size and height of building, structures, walls and fences, and screening  
17 vegetation for the conditional use shall not hinder neighborhood circulation or  
18 discourage the permitted development or use of neighboring properties
- 19 (d) The type of use, hours of operation, and appropriateness of the use in relation to  
20 adjacent uses shall be examined to determine if there are unusual hazards or  
21 characteristics of the use that would have adverse impacts,
- 22 (e) Requested modifications to standards are limited to those which will mitigate impacts  
23 in a manner equal to or greater than the standards of this title,
- 24 (f) The conditional use is such that pedestrian and vehicular traffic associated with the use  
25 will not be hazardous or conflict with existing and anticipated traffic in the  
26 neighborhood,
- 27 (g) The conditional use will be supported by adequate public facilities or services and will  
28 not adversely affect public services to the surrounding area or conditions can be  
29 established to mitigate adverse impacts on such facilities
- 30 (h) If applicable the application must also conform to RCDG Special Uses

1  
2 Conclusions Based on Findings

3 A With conditions of approval, the use is consistent with the Community Development  
4 Guide and the Comprehensive Plan. The only code-compliance issues associated with  
5 the use relate to wetland and stream buffers. The Applicant has demonstrated  
6 compliance with the City's bulk tree retention and storm drainage standards, and with  
7 the utility and land use compatibility policies of the Comprehensive Plan. The  
8 recommended conditions of approval address the City's technical standards and  
9 payment of fees and bonds. *Findings 6-11, 13-31, 33, 42, and 43.*

8 Although the Hearing Examiner initially had concerns about the proposed wetland  
9 buffer impacts because they did not comply with the wetland buffer reduction standards  
10 of the RCDG, and the Applicant did not (or could not) seek relief through a variance or  
11 reasonable use exception, the Applicant's proposed "paper fill" is not specifically  
12 precluded by the critical areas code and will provide improved wetland functions and  
13 values consistent with the relevant mitigation standards. Leniency with respect to the  
14 mitigation ratios (as allowed pursuant to the relevant criteria) is warranted because no  
15 actual wetland impacts are proposed. *Findings 22, 28.*

14 It appears that the stream buffer encroachment can be handled through the shoreline  
15 substantial development permit process. The encroachment is extremely minor and it is  
16 unlikely that any further mitigation will be required. This recommendation includes a  
17 condition to address the issue. *Finding 13.*

18 B With the conditions recommended by the Design Review Board (which are included in  
19 Exhibit 1, Attachment 16 – Approval Conditions), the use is designed in a manner  
20 which is compatible with and responds to the existing or intended character,  
21 appearance, quality of development, and physical characteristics of the subject property  
22 and immediate vicinity. The use responds to the physical characteristics of the subject  
23 property by avoiding direct wetland impacts (including impacts to the former sewage  
24 treatment lagoons), by avoiding impacts to the 100-year floodplain, by providing  
25 wildlife habitat enhancements, and by providing minimal lighting. The quality of  
26 development on the subject property will improve dramatically. Existing and proposed  
27 vegetation, as well as distance, will screen the boathouse from residential properties.  
28 *Findings 10, 15, 19, 20, 26, 28, 30, 31, 32, 34, 36, 37, and 44.*

26 C The location, size and height of building, structures, walls and fences, and screening  
27 vegetation for the use will not hinder neighborhood circulation or discourage the  
28 permitted development or use of neighboring properties. The location of the boathouse  
29 would be more than 200 feet from the nearest property line, and approximately 800 feet  
30 from West Lake Sammamish Parkway. The height of the boathouse (30 feet)<sup>10</sup> would  
comply with R-1 standards. New vegetation would be in the interior of the site and not  
along West Lake Sammamish Parkway. *Findings 1, 4, 10, 14, and 15.*

<sup>10</sup> See Exhibit A, Attachment 15.

1  
2 Although a possible mitigation measure to address noise and visual impacts associated  
3 with parking lot use would be to require the installation of screening vegetation along  
4 West Lake Sammamish Parkway (such mitigation was not specifically requested or  
5 discussed at the open record hearing), such mitigation is likely not feasible due to  
6 potential conflict with the City's plans to widen and improve West Lake Sammamish  
7 Parkway. The parking area is adjacent to the right-of-way. Further, the parking area  
8 was established in its current configuration with City approval in 2006<sup>11</sup> and the  
9 Applicant does not propose any changes. *Findings 15 and 42*

10  
11 D With conditions of approval, there are no unusual hazards or characteristics of the use  
12 that would have adverse impacts. Although the long hours of operation are unusual, the  
13 potential impacts associated with the hours of operation are minimized by the nature of  
14 surrounding land uses, which are primarily park and open space uses. The only portion  
15 of the use that is close to the residential uses on the west side of West Lake Sammamish  
16 Parkway is the parking, the classes and associated activities are conducted at or near the  
17 Sammamish River. Some of the activities conducted on site will be brought indoors as a  
18 result of the proposal. *Findings 6, 7, 9, 15, and 31*

19 Any potential hazards associated with the storage of gasoline on site will be mitigated  
20 with the gas locker design and location. The recommended conditions of approval  
21 require the structure to be flood-proofed or elevated above base flood level. *Finding 5*

22 The archaeological survey requested by the Department of Archaeology & Historic  
23 Preservation has been incorporated into the recommended conditions of approval.  
24 *Finding 48*

25 E The Applicant does not propose any modification of R-1 development standards.  
26 *Findings 8 and 14*. With respect to the proposed buffer reductions (see *Findings 13, 19,*  
27 *22 - 24*), these are addressed by the standards and criteria of the critical areas code as  
28 described above.

29 F With construction of a left-turn lane as recommended by the Public Works Department,  
30 pedestrian and vehicular traffic associated with the use will not be hazardous or conflict  
with existing and anticipated traffic in the neighborhood. *Finding 41*

With respect to parking, the parking on site appears to be adequate to address existing  
traffic volumes, and projected increases in membership will not likely affect peak  
parking demand. The amenities provided by the new facility are primarily to house  
activities that are currently conducted outdoors. *Findings 6, 7, and 40*

Although it is possible that use of the facility will exceed the modest projections  
provided at the hearing, particularly if the exercise room draws members outside of

<sup>11</sup> See Exhibit O

1 class times (such that it functions like a health club), there is insufficient evidence in  
2 the record from which to formulate an appropriate cap on membership or site usage

3 The Hearing Examiner recommends, at a minimum that the Applicant be required to  
4 distribute copies of its parking plan to participants in the youth program (see Finding  
5 40) Council might also want to consider a condition that allows the City to require the  
6 Applicant to prepare a new parking plan or make parking lot modifications if parking  
7 becomes inadequate as evidenced by excessive overflow parking onto the surrounding  
8 streets

9 G With the conditions recommended by the Public Works and Fire Departments the use  
10 will be supported by adequate public facilities or services and will not adversely affect  
11 public services to the surrounding area Findings 20 and 21

12 H The Special Uses standards are not applicable to the development Finding 8

### 13 RECOMMENDATION

14 Based on the preceding Findings and Conclusions, the request for a conditional use permit to  
15 develop a 12,381-square-foot boathouse and associated improvements at 5022 West Lake  
16 Sammamish Parkway should be **GRANTED**, subject to the following conditions

- 17 1 Comply with the conditions listed in Exhibit A, Attachment 16 (Approval Conditions)
- 18 2 Pay applicable fees and bonds as outlined in Exhibit A, Attachment 17 (Fees and  
19 Bonds)
- 20 3 Conduct an archaeological survey of the project area prior to ground disturbing  
21 activities
- 22 4 Construct the gas locker at least 150 feet from the Sammamish River unless the  
23 proposed location is approved through the shoreline permit process, or is determined by  
24 the Planning Department to comply with any of the other exceptions identified in  
25 RCDG 20D 140 20-020
- 26 5 Sammamish Rowing Association shall distribute copies of its parking plan, which  
27 addresses (1) carpooling, (2) vehicle circulation on the site, and (3) pick-up times, to  
28 participants in the junior practice program at the start of each season, until or unless  
29 approved modifications to the parking lot create additional capacity or the program is  
30 divided into smaller class sizes

Dated May 7, 2009

Towell Rice Taylor LLC  
City of Redmond Hearing Examiner

By



LeAnna C Towell

