



**CITY OF REDMOND
HEARING EXAMINER
MINUTES**

July 2, 2013

Redmond City Council Chambers
15670 NE 85th Street, Redmond
1 p.m.

Hearing Examiner

Sharon Rice, Offices of Sharon Rice,
Hearing Examiner, PLLC

Staff

Robert Odle, Planning and Community
Development Director
Gary Lee, Senior Planner
Joel Pfundt, Principal Planner
James Haney, City Attorney
Elizabeth M. Smoot, CMC, Deputy City Clerk

Convened: July 2, 2013, 10 a.m.

Adjourned: July 16, 2013, 11:35 a.m.

I. CALL TO ORDER

Hearing Examiner Sharon Rice convened the hearing at 10 a.m.

II. DESCRIPTION OF HEARING SEQUENCE AND PROCEDURES

Ms. Rice introduced the matter under consideration, reviewed the sequence of the hearing for the afternoon, and explained the proceedings. Ms. Rice noted that she will issue a decision on the Vision 5 Appeal within 10 business days of the closing of the record.

Ms. Rice administered the swearing in of all those in attendance testifying on these matters, reminded the attendees that the proceedings were being recorded, and asked them to identify themselves for the record. The following parties to the Appeal were in attendance:

Robert Odle, Planning and Community Development Director, City of Redmond
Joel Pfundt, Principal Planner, City of Redmond
Gary Lee, Senior Planner, City of Redmond
James Haney, City Attorney, City of Redmond
Pat Schneider, Attorney, Appellant/Applicant Representative
Robert Pantley, Appellant/Applicant/Property Owner

III. APPEAL HEARING

A. VISION 5 APPEAL

File No. LAND-2013-00745

Request: Appeal of a Type I Administrative Decision regarding an Assessment of Additional Impact Fees to Building Permit Revision (B120125) for the Vision 5 Development

Location: 8525 163rd Court NE, Redmond, WA 98052

Ms. Rice entered the City's Staff Report into the record as Exhibit 1; noting the following report Attachments (A-K):

- A: Appeal Application
- B: Original Building Permit
- C: Original Floor Plans
- D: Original Impact Fee Calculation Form – 8 dwelling units
- E: Building Permit Application for Revision to add refrigerators and microwave ovens
- F: Additional Impact Fee Calculation Form – 96 SRO units (Revision to Building Permit)
- G: Receipt for payment of additional Impact Fees
- H: Revised Floor Plans with refrigerators and microwave ovens
- I: Travel Survey by TSI
- J: Vicinity Map
- K: January 2013 Impact Fee Schedule

APPELLANT/APPLICANT TESTIMONY:

Mr. Pat Schneider, Attorney, Appellant/Applicant Representative, provided an opening statement regarding the uniqueness of the project (Vision 5), and the incorrect assessment of impact fees by the City, citing a proportionality issue.

Mr. James Haney, City Attorney, responded to the proportionality citation.

Mr. Schneider, provided the following exhibits, witnesses, and testimony:

- Exhibit 2 - excerpt from 2009 International Building Code (IBC); Pages 273-274; Section 1208.
- Exhibit 3 - 04/18/2012 Site Plan Entitlement, Notice of Decision (Letter, NOD, Tree Retention Exception Request).
- Exhibit 4 - 02/23/2012, Letter re: Level 1 Traffic Study by TSI.
- Exhibit 5 - 04/12/2012, Letter re: Traffic Impact Fee Estimate by TSI.
- Exhibit 6 - 08/27/2012, Letter: Travel Survey by TSI.
- Exhibit 7 - TSI Calculation of Traffic Impact Fees.
- Exhibit 8 - Photos; Vision 5 (A-L).
- Expert Witness Jay Janette, Architect - testimony regarding uniqueness of project; single room occupancy (SRO) 'sleeping units' with no permanent cooking facilities, and a common cooking facility; SROs/dwelling units; comparisons to similar developments; layout of

facility/dwelling units; and Exhibits 2 and 3. Mr. Janette responded to questions from the City.

- Expert Witness David Markley, Engineer – testimony regarding calculation of impact fees; Exhibits 4, 5, 6, and 7; uniqueness of project; SROs/dwelling units; and comparisons to similar developments. Mr. Markley responded to questions from the City.
- Robert Pantley, Applicant – testimony regarding previous work in Redmond; uniqueness of project; Exhibit 8; SROs/dwelling units; comparison to similar developments; the application, permit, and site plan entitlement processes; addition of microwaves and refrigerators to the units; and calculation/determination of impact fees. Mr. Pantley responded to questions from the City.

CITY TESTIMONY:

Mr. James Haney, City Attorney, provided an opening statement regarding building permit issuance; code definitions of dwelling units; and proper City assessment of impact fees for the project (Vision 5).

Mr. Haney provided the following exhibits, witnesses, and testimony:

- Exhibit 9 – Redmond Zoning Code (RZC) 21.10.080, Town Square (TSQ) Zone;
- *Mr. Robert Odle, Planning and Community Development Director – testimony regarding assessment/calculation of impact fees; code definition of dwelling units; addition of microwaves and refrigerators to the Vision 5 units; Exhibit 9; and building permit issuance and revisions. Mr. Odle responded to questions from the Appellant; including testimony regarding the following Exhibits submitted to the record by Mr. Schneider:
 - o Exhibit 10 - RZC 21.10.130, Downtown Residential Site Requirements.
 - o Exhibit 11 - 11/17/11 Memorandum re: PRE110030, Vision 5, Pre-App Meeting No. 1.
 - o Exhibit 12 - Vision 5, Design Review Board Presentation (NABE).
 - o Exhibit 13 - City of Redmond, Notice of Application with Optional DNS for Vision 5.
 - o Exhibit 14 – Redmond Municipal Code (RMC) 3.10, Impact Fees.
 - o Exhibit 15 - RZC 21.78A; RMC 3.10.030(C); 2009 IBC Section 202.
 - o Exhibit 16 - COR Multimodal Plan-Based Concurrency System.
 - o Exhibit 17 - COR PARCC Plan, Chapter 13: Downtown.
 - o Exhibit 18 - “Where Pilgrims Old and New Trade Tales and Play” Redmond Comprehensive Plan 10-1, PARCC.
 - o Exhibit 19 - Neighborhood Map 1-10.

*(*Clerk’s Note: During Mr. Odle’s testimony, the hearing on July 2, 2013, recessed at 3:45 p.m.; and reconvened on July 8, 2013, which convened at 3:30 p.m.)*

- Exhibit 20 – Transportation Impact Fee Formula; by Joel Pfundt.
- Exhibit 21 - Impact Fee Estimates; by Joel Pfundt.
- Exhibit 22 – COR Building Permits (#1-5) for Vision 5.
- Exhibit 23 - COR Transportation Master Plan (TMP), Chapter 3 – Trends and Conditions.
- Exhibit 24 – COR TM, Chapter 4, Transportation Objectives and Concurrency Management.
- Exhibit 25 – COR TMP, Chapter 5A, Pedestrian Program Plan.
- Exhibit 26 - 08/14/2008 Memo, Fehrs & Peers, re: Transportation Impact Fee Update 2008.

- *Mr. Joel Pfundt, Principal Planner – testimony regarding Exhibits 16, 20-26; concurrency; impact fee calculation; the TSI study/calculations; and transportation – levels of service, master plan, facilities plan and project funding. Mr. Pfundt responded to questions from the Appellant.

*(*Clerk's Note: During Mr. Pfundt's testimony, the hearing on July 8, 2013, recessed at 9:35 p.m.; and reconvened on July 16, 2013, which convened at 7:30 a.m.)*

REBUTTAL APPELLANT/APPLICANT TESTIMONY:

Mr. Schneider, in rebuttal to the City's Testimony, provided the following exhibits, witnesses, and testimony:

- Exhibit 27 – Traffic Impact Fee based on Proportional Impact (includes calculation of fees).
- Exhibit 28 – Project Data, Janette, G0.01, 03/20/2012.
- Exhibit 29 – RZC 21.20, Affordable Housing.
- Exhibit 30 – COR PARCC Plan, Chapter 7: Parks.
- Exhibit 31 - COR PARCC Plan, Chapter 10: Recreation.
- Mr. Markley – testimony regarding Exhibit 27; and calculation of impact fees. Mr. Markley responded to questions from the City.
- Mr. Janette – testimony regarding 'dwelling units' definition; and Exhibit 28. Mr. Janette responded to questions from the City.
- Mr. Pantley – testimony regarding 'dwelling units' definition; and impact fee assessment for Vision 5. Mr. Pantley responded to question from the City.

CONCLUSION:

Ms. Rice assigned the Pre-Hearing Briefs received into the record as follows:

- Exhibit 32 – Appellant's Pre-Hearing Brief.
- Exhibit 33 – City's Pre-Hearing Brief.

The City and Appellant agreed to offer closing statements by way of Post-Hearing Briefs; assigned into the record as follows:

- Exhibit 34 – Appellant's Post-Hearing/Closing Brief.
- Exhibit 35 – City's Post-Hearing/Closing Brief.

Ms. Rice stated the record is set to close Tuesday, July 23, 2013, with the submission of closing briefs by both parties; and the decision will be issued no later than Tuesday, August 6, 2013.

IV. ADJOURNMENT

The appeal hearing closed at 11:35 a.m., July 16, 2013, and the meeting adjourned.