



**CITY OF REDMOND  
HEARING EXAMINER  
MINUTES**

**August 5, 2013**

Redmond City Council Chambers  
15670 NE 85<sup>th</sup> Street, Redmond  
7 p.m.

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**Hearing Examiner**

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

**Staff**

Paulette Norman, Engineering Manager,  
Planning  
Jeff Dendy, Senior Engineer, Planning  
Kurt Seemann, Senior Engineer, Planning  
Jim Streit, Senior Engineer, Planning  
Thara Johnson, Associate Planner  
Elizabeth M. Smoot, CMC, Deputy City Clerk

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Convened: 7 p.m.

Adjourned: 9:07 p.m.

**I. CALL TO ORDER**

Hearing Examiner Sharon Rice convened the hearing at 7 p.m.

**II. DESCRIPTION OF HEARING SEQUENCE AND PROCEDURES**

Ms. Rice introduced the matter under consideration, reviewed the sequence of the hearing for the evening, and explained the proceedings. Ms. Rice noted that she will issue a decision on the Kirkmond Preliminary Plat application 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 staff and applicant representatives introduced themselves for the record:

Thara Johnson, Associate Planner, City of Redmond  
Paulette Norman, Engineering Manager, City of Redmond  
Kurt Seemann, Senior Engineer, Planning  
Jim Streit, Senior Engineer, Planning  
Jeff Dendy, Senior Engineer, Planning  
Patrick Mullaney, Foster Pepper, PLLC, Applicant's Representative  
Kevin O'Brien, Ogden Farms, LLC, Applicant

### **III. PUBLIC HEARING**

#### **A. KIRKMOND – Preliminary Plat (PPL)**

PPL            LAND-2013-00280  
SEPA           LAND-2013-00281

Request:       Preliminary Plat for the division of 7.3 acres into 41 lots

Location:      10032 134<sup>th</sup> Avenue NE, Redmond, WA

Ms. Rice introduced the matter and assigned the Technical Committee Report as Exhibit 1, identifying the following submitted attachments:

#### **Report Attachments**

1. Vicinity Map
2. Zoning Map
3. General Application Form
4. SEPA Application Form
5. Completeness Letter
6. Notice of Application & Optional DNS; Certificate of Publishing
7. Notice of Application Public Comment Letters
8. Final SEPA Determination of Non-Significance
9. SEPA Public Comment Letters
10. Notice of Public Hearing and Certificates of Posting
11. Preliminary Plat Plan set
12. Arborist Report
13. Landmark Tree Removal Exception Request Letter
14. Landmark Tree Removal Exception Approval Letter
15. Neighborhood Meeting Sign in Sheet
16. Preliminary Storm Drainage Report
17. Computation Sheet
18. Traffic Study
19. Application of Transportation Concurrency
20. Comprehensive Planning Policies
21. Title Report
22. Signal Warrant Analysis
23. Architectural Elevations

#### **STAFF PRESENTATION:**

Ms. Thara Johnson, Associate Planner, reported on the Kirkmond Preliminary Plat application:

- Vicinity Map;
- Project Description:
  - o Property zoned RIN;
  - o Willows Rose Hill Neighborhood;

- o Critical Areas – no on-site critical areas;
- o Subdivide a 7.3 acre site into 41 single family lots;
- o Preliminary Plat – Type III Process;
- o Open Space – 25.6 percent;
- o Affordable Housing – 4 units;
- o 4 Bonus Market rate units; and
- o 20 percent of homes required to be size limited.
- Site Plan;
- Tree Preservation Plan;
- Procedural summary:
  - o Completeness: 04/17/2013 – letter of completeness issued and vested date;
  - o Notice of Application and Optional DNS:
    - 06/14/2013, comment period begins;
    - 07/21/13, comment period ends;
  - o SEPA – Final DNS:
    - 07/10/2013 – Final DNS issued; 07/24/2013 – Appeal period begins;
  - o Notice of Public Hearing – issued 07/15/2013;
- Vesting:
  - o Project submitted - 04/17/2013;
  - o Project vested – 04/17/13; and
  - o Kirkmond PPL application also required to comply with Willows Rose Hill Neighborhood Regulations;
- Neighborhood Comments:
  - o Neighborhood meeting – 04/03/2013; comments and concerns received related to sewer connection, landscaping proposed, tree retention and off-site storm drainage;
  - o Notice of Application comments received related to street lighting, off-site storm drainage, and removal of additional trees; and
  - o one additional comment letter received;
- Preliminary Plat Decision Criteria;
  - o conformance with the goals, policies and plans in the Redmond Comprehensive Plan – meets the goals and policies of the Comprehensive Plan, City-Wide policies, and Neighborhood specific policies for Willows Rose Hill;
  - o site requirements for the Residential Zone – base density allows 38 units, and proposed density is 41 dwelling units
  - o submittal requirements – meets the submittal requirements on file and deemed complete on 04/17/2013;
  - o providing housing types that effectively serve the affordable housing needs of the community – project meets this criteria; 10 percent, or 4 affordable housing units, are provided;
  - o street and sidewalks; the proposed street system conforms to the City of Redmond’s Arterial Street Plan and Neighborhood Street Plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic – 5-foot sidewalks to be provided along the new road; sidewalks to connect to NE 134<sup>th</sup> Avenue; streets designed to meet the City’s Rustic Street Standards; and interim walkway to be constructed to connect to closest public facility – Mark Twain Elementary;
  - o the proposed preliminary subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the short subdivision –

- adequate public facilities: streets, fire protection, utilities and pedestrian access; and new stormwater detention facility proposed;
- o the proposed preliminary subdivision will be adequately served with parks, recreation and playgrounds appropriate to the nature of the short subdivision – informal recreational opportunities available throughout the site; minimum open space required in 20 percent; and proposal provides 25.6 percent in open space with common open space areas and recreational amenities;
  - o the proposed preliminary subdivision will be adequately served with City approved schools and school grounds appropriate to the nature of the short division – the proposed plat has been conditioned to pay school impact fees upon issuance of building permits for each single-family lot;
  - o the proposed preliminary subdivision will be adequately served with City approved sidewalks and safe walking conditions for students who walk to and from school appropriate to the nature of the short subdivision – the plat has been conditioned to construct a safe walking route from the development for students who walk to and from school;
  - o the layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots – development has been designed to take into account topography and vegetation and consider least disruption of the site; and
  - o identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected – proposal makes provision for considerations of hazards and limitations.
- Willows Rose Hill Neighborhood Regulations, RZC 21.08.180 (complies with all applicable regulations; Not Applicable – low impact development, access to wedge subarea, applicability, and affordable housing exception);
  - Conditions of Approval – staff recommends approval subject to conditions of approval contained in the Technical Committee Report with modifications as outlined in memo to the Hearing Examiner;
  - Safe Walking Route Condition:
    - o RCW 58.17.010(F)(2): A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative 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 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
      - (b) The public use and interest will be served by the platting of such subdivision and dedication.
    - o RZC 21.17.010(F)(2): All new uses or development shall be served by adequate streets, sidewalks, and trails. Street improvements shall as a minimum include half the street abutting the property, but may extend to full street improvements to ensure safe movement of vehicles, bicyclists, or pedestrians. Additional construction may also be required beyond the property frontage to the minimum extent to ensure safe

movement of vehicles, bicyclists, or pedestrians, to ensure safe walking conditions for students who walk to and from school, or to connect with nearby improvements within 350 feet. Streets, sidewalks, and trails are adequate if all of the following conditions are met;

- o RZC 21.17.010(F)(3): Sidewalks, Walkways, Trails, Bikeways, Bike Lanes, Bicycle Routes, and other Non-motorized Connections.

(a) Required location and installation. As development occurs, sidewalks, walkways, trails, bikeways, bike lanes, bicycle routes or other non-motorized connections shall be provided and installed within public rights-of-way or easements that guarantee public access, Trails, walkways, and bikeways shall follow the routes shown in the Comprehensive Plan, but may vary if connections between points are maintained. In determining the location of walkways, trails, bikeways, bike lanes, and bicycle routes, the following factors shall be considered in determining requirements for and locations of required improvements:

- Photos – 134<sup>th</sup> Avenue NE, and NE 100<sup>th</sup> Street.

Ms. Johnson submitted the following exhibits to the record; Ms. Rice assigned them accordingly:

- PowerPoint Presentation, 08/05/13 Hearing – Exhibit 2
- Modified Condition of Approval, 08/05/13 – Exhibit 3; and
- 08/05/13 Email from Judy Brison re: Ogden Farms 134<sup>th</sup> – Exhibit 5.

Ms. Johnson provided the following information, in response to Hearing Examiner inquires:

- an up-to-date plan set will be provided to the Hearing Examiner;
- no SEPA DNS appeal was filed;
- 20 percent of homes on-site are size-limited; 10 percent are affordable; and there is some crossover between the two;
- Ogden Farms, LCC/Taylor Development are the applicants;
- access to the plat is from the west;
- testimony regarding water and sewer provisions (with Jim Streit);
- SEPA was reissued due to discrepancies in the checklist and tree preservation plan, and revised plan set;
- safe walking route provisions required to Mark Twain Elementary, Kirkland, WA;
- testimony regarding Rustic Street Standards (with Jeff Dendy, and Kurt Seemann);
- an up-to-date traffic study (Exhibit 1, Attachment 18) will be provided to the Hearing Examiner;
- testimony regarding stormwater drainage (with J. Dendy); and
- testimony regarding streetlights/glare.

#### **APPLICANT TESTIMONY:**

Mr. Patrick Mullaney, Foster Pepper, PLLC, Applicant's Representative, queried the City regarding Condition of Approval 1G, Exhibit 3. Discussion ensued between Mr. Mullaney and City Staff on the proposed condition, and state statutes/city code addressing the provision of safe walking routes. Ms. Rice stated that the condition will be addressed through a post-hearing order.

Mr. Mullaney provided testimony on and submitted the following exhibits to the record; Ms. Rice assigned them accordingly:

- 07/19/13 Letter from The Riley Group re: Off-Site Impacts, Kirkmond Residential Development - Exhibit 5A;
- 07/30/13 Memo from Matthew Merritt (LDC) re: Kirkmond Detention Pond Operation Summary – Exhibit 5B;
- 08/01/13 Letter from Jeff Miles (LWSD), Transportation Department – Exhibit 6;
- Route 238 – King County Metro Transit; highlights bus route to Lake Washington High School (LWSD) – Exhibit 7;
- Twain Elementary School Suggested Walk Routes; September 2004 – Exhibit 8;
- Google Earth Images, Kirkmond Project relation to Mark Twain Elementary and Rose Hill Middle School (LWSD) – Exhibit 9;
- Google Earth Image – Proposed Plat, Kirkmond – NE 100<sup>th</sup> Street from 132<sup>nd</sup> Ave NE to 134<sup>th</sup> Ave NE – Exhibit 10;
- Photo #1 – view; 134<sup>th</sup> Ave NE, looking South to NE 100<sup>th</sup> Street - Exhibit 10, Attachment 1;
- Photo #2 – view; corner of 134<sup>th</sup> Ave NE and NE 100<sup>th</sup> Street, looking West - Exhibit 10, Attachment 2;
- Photo #3 – view; looking East on NE 100<sup>th</sup> Street - Exhibit 10, Attachment 3;
- Redmond Zoning Code excerpts (21.74.010, 21.17.030, 21.52.030, 21.74.020, 21.17.010, 21.17.020) – Exhibit 11; and
- 06/11/13 Letter from K. O'Brien/Ogden Farms LLC re: Preliminary Schematic Designs – Exhibit 12.

Mr. Mullaney and Mr. Kevin O'Brien, Applicant, provided the following information in response to Hearing Examiner inquiries:

- comments on inconsistencies in Exhibit 1, Attachment 18, will be submitted post hearing;
- testimony regarding the traffic study (with John Mirante, LBC);
- testimony regarding drainage of water, use of open space tracts, and landscaping (J. Mirante); and
- testimony regarding street lighting (K. O'Brien).

#### **PUBLIC TESTIMONY:**

Ms. Rice called for any of those present wishing to provide public testimony on this matter.

Mr. Tim McGruder spoke of concerns regarding: tree preservation, neighborhood meetings, and changes in project details.

Ms. Dora D'Amato spoke of concerns regarding: conflicting noticing information, and open space for parks/recreation.

Ms. Shirley Gardener spoke of concerns regarding plat access.

Ms. Eileen Isharjanto spoke of concerns regarding: traffic, access to the plat, open spaces, and fencing along Tract E.

There being no one else present wishing to testify, the public hearing closed.

The City provided responsive information regarding the tree exception request letter/SEPA DNS; neighborhood meetings held; project redesign; use of open spaces; the traffic study; and access to the plat.

The Applicant, Mr. O'Brien, provided responsive information regarding multiple site plans (due to project changes); exceptions/affordable housing provisions; use of open spaces; payment of impact fees; and architectural drawings.

## **CONCLUSION:**

Ms. Rice called for any further comments. Hearing none, Ms. Rice stated that the record would be closed with the submission of the following requested items:

- complete Traffic Impact Analysis, from the City/Applicant – Exhibit 13;
- comments on inconsistencies in Exhibit 1, Attachment 18, from Applicant – Exhibit 14;
- correct/most recent plan set, from the City – Exhibit 15;
- clarification on Exhibit 1, Attachment 14: Landmark Tree Exception Approval, from the City – Exhibit 16; and
- either a) an agreed condition on safe walking; or b) each party's proposed condition and written discussion about why they differ from the other party's position - this is an appropriate time for more legal argument related to RZC provisions offered in evidence – a) Exhibit 17; or b) Exhibit 17 (Applicant) and Exhibit 18 (City).

The deadline for submission of these items is Friday, August 9, 2013. The record will be closed at this time; and the Hearing Examiner's Decision on this matter will be issued no later than Friday, August 30, 2013 (three weeks from the close of the record, as approved by the Applicant).

## **IV. ADJOURNMENT**

The public hearing closed at 9:07 p.m., and the meeting adjourned.