



**CITY OF REDMOND
HEARING EXAMINER
MINUTES**

November 9, 2015

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

Hearing Examiner

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

Staff

Sarah Vanags, Planner
Steven Fischer, Development Review Division
Manager
Paulette Norman, Development Engineering
and Construction Manager
Andy Chow, Development Engineering
Transportation Review
Jeff Dendy, Development Review Stormwater
Engineer
Cheryl Xanthos, Deputy City Clerk

Convened: 7:00 p.m.

Adjourned: 9:15 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 Duke's Landing Preliminary Plat application and a recommendation on the Duke's Landing Right-of-Way Vacation within 10 business days following the close 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:

Sarah Vanags, Planner, City of Redmond
Steven Fischer, Development Review Division Manager, City of Redmond
Paulette Norman, Development Engineering and Construction Manager, City of
Redmond
Andy Chow, Development Engineering Transportation Review, City of Redmond

Kellie and Terry Caffey, Owner/Applicant
Charles Klinge, Applicant Representative
Eric LaBrie, ESM Consulting Engineers, Applicant Representative

III. PUBLIC HEARING

A. Duke's Landing – Right-of-Way (ROW) Vacation and Preliminary Plat (PPL)

ROW	LAND-2015-01716
PPL	LAND-2015-00496

Request: Street Vacation of the Remaining "Island" Strip of 164th Avenue, and Preliminary Plat approval for an 18 lot subdivision of a 4.27 acre site in the R-4 zone

Location: 16410 NE 47th Street, Redmond, WA 98052

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

Report Attachments

1. Vicinity Map
2. Notice of Application and Certificate of Publishing
3. Public Comment
4. Notice of Public Hearing and Certificate of Posting
5. SEPA Documents
6. ROW Vacation Report and Exhibits A – G
 - A – Plat Vacation Legal Description
 - B – Vicinity Map
 - C – ROW Proposed for Vacation
 - D – Subject Right-of-Way Strip
 - E – Ridgemont East
 - F – Open Space Tract A
 - G – Final Plat Vacation Request
7. Tree Health Assessment
8. Plan Set
9. Critical Area Report
10. General Application Form
11. Completeness Letter
12. SEPA Application Form2
13. Neighborhood Meeting Notice
14. Public Notice Site Plan
15. Public Notice Tree Preservation Plan
16. Geotechnical Report- Offsite Steep Slope
17. Geotechnical Report

18. Stormwater Report
19. Traffic Study Phase One
20. Traffic Study Phase Two
21. Transportation Concurrency Certificate
22. Marymoor Division II Staff Report
23. Zoning Map

STAFF PRESENTATION:

Ms. Sarah Vanags, Planner, submitted the following exhibits to the record and Ms. Rice assigned them accordingly:

- Public Comments and Staff Response (received yesterday and today) – Exhibit 2
- Updated Traffic Study (8/25/15) – Exhibit 3
- PowerPoint Presentation for the Preliminary Plat (11/09/15 Hearing) – Exhibit 4
- Resolution passed by the Redmond City Council regarding setting the Right-of-Way hearing date – Exhibit 5
- PowerPoint Presentation for the Right-of-Way Vacation, (11/9/15 Hearing) – Exhibit 6

Ms. Vanags, reported on the Duke's Landing Preliminary Plat application:

- Proposal:
 - subdivide a 4.2-acre site into 18 lots, 17 detached single-family homes and one duplex;
 - base density allows for 17.08 units, the affordable housing bonus will allow for two additional units;
- Vicinity Map:
 - located in the Overlake Neighborhood;
 - land-locked by single-family developments;
 - plat access is currently off NE 47th Street;
 - new access will be 49th Street;
- Procedural summary:
 - Completeness: 08/04/2015 – letter of completeness issued and vested date;
 - Notice of Application:
 - 08/14/2015, comment period ended;
 - SEPA DNS:
 - Issued 08/14/2015;
 - Notice of Public Hearing – issued 10/19/2015;
- Site Plan:
 - Tract A to be extended the length of the right-of-way and be maintained as open space;
 - grading will be used for lot 4;
- Tree Preservation Plan:
 - 36.6 percent tree retention;
 - replant 38 trees onsite in addition to street trees;
- Neighborhood Comments:
 - neighborhood meeting – 06/24/2015;
 - comments received regarding:
 - closure of NE 47th Street: a traffic study has been completed that shows no impact that would exceed standards and need to keep NE 47th street open;
 - tree removal: majority of trees in Tract A will be retained;

- density exceeds what is allowed and denser than surrounding neighborhoods: minimum lot width allowed by Zoning Code;
 - drainage issues: should be resolved due to collection of stormwater;
 - major grading required: retaining walls and rockeries are proposed;
- Preliminary Plat Decision Criteria;
 - conformance with the goals, policies, and plans in the Redmond Comprehensive Plan – meets the goals and policies of the Comprehensive Plan, citywide policies, and neighborhood-specific policies for Overlake;
 - site requirements for the Residential Zone – conforms to site requirements;
 - submittal requirements – meets the submittal requirements on file and deemed complete on 08/04/2015;
 - 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 – conforms to the Overlake Neighborhood Plan; site will be accessed from 164th Court NE to the north of the proposed development; access from West Lake Sammamish shall be closed to NE 47th Street other than for emergency personnel only;
 - the proposed preliminary subdivision will be adequately served with City-approved water and sewer, and other utilities appropriate to the nature of the subdivision – as demonstrated on the approved plan set;
 - the proposed preliminary subdivision will be adequately served with parks, recreation and playgrounds appropriate to the nature of the subdivision – approximately 21 percent in open space areas and recreational opportunities within open space Tract A and Tract B;
 - the proposed preliminary subdivision will be adequately served with City-approved schools and school grounds appropriate to the nature of the subdivision – the proposed plat has been conditioned to pay school impact fees prior to issuance of building permits;
 - 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 subdivision – the proposed subdivision will be served by Redmond Elementary School, Redmond Middle School and Redmond High School; bus transportation is provided to all schools;
 - the layout of lots, and their size and dimensions take into account topography and limitations of the site including the sloping wetlands and streams;
 - identified hazards and limitations to development have been considered in the design of streets and lot layout – the proposal makes provisions for consideration of the steep slope buffer from the adjacent off-site steep slope and limitations for site development; the steep slope buffer area is to be left undisturbed; and
- Conditions of Approval – staff recommends approval subject to conditions of approval contained in the Technical Committee Report.

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

- Tree retention requirement changes;
- Vesting date of 8/04/2015;
- Traffic, sight distance, and grade were issues in the application, a condition was added to connect road through;

- The School District provided comment regarding capacity, stated the schools cannot handle new subdivisions, and students will continue to be rotated to schools at less capacity;
- Staff is satisfied with the school impact fees;
- The School District is not able to provide written comment; and
- There are sidewalks to all the anticipated bus stops.

Ms. Rice added the Marymoor Division II Preliminary Plat Approval as Exhibit 7.

Ms. Paulette Norman, Development Engineering and Construction Manager, stated that the only difference with the August 25, 2015, traffic study is that the consultant provided a conclusion.

APPLICANT TESTIMONY:

Mr. Eric LaBrie, Applicant's Representative, stated that they have worked with the City for more than a year on this project. He clarified the following issues:

- the applicant and the land owner is Duke's Landing LLC;
- provided his correct address;
- noted clarifications in the Technical Committee Report;
- Lot 4;
- 15-foot drainage easement will help runoff to the north; and
- Lake Washington School District can increase their impact fees if necessary.

Mr. LaBrie provided the following information, in response to Hearing Examiner inquiries:

- the site slopes 12-15 percent;
- to build flat pads, almost every lot needs a retaining wall;
- daylight basements are utilized;
- retaining walls are maintained by the property owners; and
- the stormwater detention vault is concrete and will support a vector truck on top of it and should not fail.

Mr. Charles Klinge, Applicant Representative, provided information regarding:

- the retaining wall should be owned and maintained by the lot owner instead of the homeowners association;
- follow City code for vesting;
- no objection from the school district and impact fees are required;
- closure of NE 47th Street;
- Certificate of Public Notice doesn't have Mr. Caffey's signature;
- in support of staff recommendation for the right-of-way vacation; and
- not in support of the homeowners association maintaining the retaining wall on Lot 4.

Ms. Rice added the email from Mr. Klinge to the Planner and the Deputy Clerk as Exhibit 8, and the Certificate of Public Notice with Mr. Caffey's signature as exhibit 9.

Ms. Vanags provided the following response regarding Tract A:

- it has been discussed and was part of the application process;

- justification is that the trees are not ever able to be removed, even with a tree removal permit, and preserving them in an open tract further protects the trees; and
- the City would prefer the tract to be 20 feet instead of 10 feet.

Ms. Norman reported on the Duke's Landing Right-of-Way Vacation:

- the right-of-way is unopened, undeveloped, 30 feet wide, and 312 feet long;
- was part of Miravista plat in 1927;
- in 1973 and 1978, parts of it was vacated;
- process follows RCW 35.79;
- there is no need for easements or roads for this plat;
- it was not acquired at public expense; and
- the proposed road improvements complete the street network.

Mr. Klinge commented that in 1941 part of the strip was vacated; the Redmond City Council decided to process the vacation without a petition; and no compensation is needed.

PUBLIC TESTIMONY:

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

Mr. Brian Trubee stated his concern about traffic flow in the neighborhood and the closure of NE 47th Street.

Mr. Shin Yinglee stated his concern regarding the stormwater overflow and traffic sight lines.

Ms. Hilah Selleck commented on the rowing club and the difficulty making left turns due to sight lines.

Mr. Khurram Rehman commented regarding the difficulty of accessing West Lake Sammamish, and the increase in traffic due to the new development. He recommended a stop light at 48th Street, gate part of 47th Street for emergency access, and provide the new development with access to NE 47th Street.

Ms. Judy Salzer stated that she doesn't mind the new development, but thinks there are too many houses zoned for the plat. It will add too many cars and garbage cans on the street. With the closure of NE 47th Street, too many cars must use the other roads.

Ms. Michelle Quan agreed with the concerns about the traffic issues in the area. There are safety concerns for school kids waiting on West Lake Sammamish Parkway for the school bus. Ms. Quan provided a written comment for the record.

Ms. Rice added the written comments from Ms. Quan as Exhibit 10.

Mr. Jason Hunter stated that he agrees with access to remain to NE 47th Street and stated that the roads get very icy and the other roads are very steep in the area.

Ms. Amy Shaftel commented on traffic flow issues and traffic cutting through the area.

Ms. Merianne White commented on traffic issues, NE 47th Street, and density.

Mr. Andrew Simms stated that adverse weather conditions can make it difficult to access the property; difficulty for the street sweeper to keep the drains clear; and density.

Ms. Barbara Costello commented on traffic concerns.

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

Ms. Norman provided the following response to the traffic concerns and the Hearing Examiner's inquiries:

- NE 47th Street was not designed to stay open indefinitely;
- traffic volumes are within the design of the neighborhood streets;
- Duke's Landing completed a trip generation and service level analysis based on the closure of NE 47th Street and the new subdivision;
- the study did not show that the plat would fall beneath the threshold to trigger necessary traffic mitigation;
- the number of intersections needs to be mitigated;
- no signal warrant analysis was completed due to traffic volumes and the level of service analysis;
- site distance is reduced when drivers are going over the speed limit;
- allowing some communities to use NE 47th does not limit the number of intersections on East Lake Sammamish Parkway;
- some of the roads have steep grades due to topography;
- roads are plowed and de-iced; and
- staff is satisfied that this is the correct action.

Ms. Vanags provided the following response regarding density:

- each lot has required frontage and lot width circle to accommodate a single-family home;
- the driveways are large enough to accommodate parking and trash cans; and
- staff does not have the authority to restrict the applicant more than what the Zoning Code allows.

Mr. LaBrie provided the following response to public comment and to inquiries from the Hearing Examiner:

- stormwater initially was discharged to the north and was over capacity;
- the system has capacity to the west, so that is where it discharged now;
- there is parking for homes in driveways, garages, and on the street;
- the project is using less than the maximum density allowed; and
- site distance may be effected by vegetation along the side of the road.

Mr. Klinge commented that there are existing issues that are not caused or exacerbated by the new development, and neighbors should work with the City for mitigation.

Mr. Jeff Dendy, Development Services Senior Engineer, stated that the stormwater vault will be designed to the standard of the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington, and follow the design criteria for the City's stormwater technical notebook. The vault will be publicly owned and maintained. The paved access road for the City's vactor truck should not be negotiable.

Mr. LaBrie responded to Mr. Dendy's testimony stating that changing the condition requiring the vactor truck turnaround does not change the code, but allows for discussion.

Mr. Klinge stated that the vactor truck may be able to service the vault as efficiently without needing to turn around.

CONCLUSION:

Ms. Rice reviewed the outstanding documents that need to be submitted. The applicant requested a copy of the public comments submitted at the hearing, and did not request any additional time for response. The record is closed and a written decision will be issued within 10 business days. An order will be issued in this regard.

IV. ADJOURNMENT

The public hearing closed at 9:15 p.m., and the meeting adjourned.