



**CITY OF REDMOND
HEARING EXAMINER
MINUTES**

July 6, 2011

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

Hearing Examiner

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

Staff

Judd Black, Planning Manager
Steven Fischer, Principal Planner
Elizabeth Adkisson, Deputy City Clerk

Convened: 7 p.m.

Adjourned: 9:30 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 written Recommendation in the matter of the Shaughnessy Heights Planned Residential Development (PRD) Modification, within 14 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:

Steven Fischer, Principal Planner
Barry Margolese, IBBO LLC/ Amalani LLC, Applicant
Lafe Hermansen, Core Design, Applicant's Representative
Richard Settle, Foster Pepper, PLLC, Applicant's Representative

III. PUBLIC HEARING

A. SHAUGHNESSY HEIGHTS – PRD Modification

L110195 Planned Residential Development (PRD) Modification

Request: Modification to an existing approved Planned Residential Development (File L050181) to allow architectural design standards for the construction of 20 single-family detached homes and 22 attached (duplex) homes for total of 64 housing units.

Location: 8300 Block of 169th Avenue NE, Redmond

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

Attachments

1. General Application Form
2. Vicinity Map
3. Shaughnessy Heights Site Plan
4. Hearing Examiner Decision, Shaughnessy Heights, 9/6/2007
5. City Ordinance 2371, Shaughnessy Heights PRD
6. Technical Committee Staff Report, August 23, 2007
7. City Ordinance 2447, Repeal of Planned Residential Development
8. Architectural Elevations, Approved 2007
9. Architectural Design Standards, Proposed 2011
10. Notice of Application and Affidavit of Publishing
11. Notice of Application Public Comment Letters
12. SEPA DNS and Environmental Checklist, 11/16/2006
13. Notice of Public Hearing and Affidavits of Posting

STAFF PRESENTATION:

Mr. Steven Fischer, Principal Planner, reported on the Shaughnessy Heights Planned Residential Development (PRD) Modification application:

- Vicinity map;
 - o project site;
- Site plan;
- Background;
 - o project size: 15.1 acres;
 - o eastern portion (7.2 acres) of project will be NGPE (Native Growth Protection Easement);
 - o Shaughnessy Heights vested: May 23, 2005;
 - plat and PRD (Planned Residential Development);
 - SEPA Determination: November 16, 2006;
 - o plat approved: September 6, 2007;
 - o PRD approved: November 5, 2007;
 - o PRD Modification Application: May 10, 2011;
- Project description;

- o the project was approved in 2007 with architectural elevations for the home to be constructed;
 - o the modification seeks to replace the elevations with architectural design standards;
 - o no other changes to the PRD are proposed;
- Approved elevations – Single-family
 - o single house, up-hill, south elevation;
 - o single house, up-hill, west elevation;
 - o single house, up-hill, east elevation;
 - o single house, down-hill, south elevation;
 - o single house, down-hill, west elevation;
 - o single house, down-hill, east elevation;
- Approved elevations – Duplex;
 - o DU1 duplex, up-hill, type 1, front elevation;
 - o DU1 duplex, uphill, type 1, side elevation;
 - o DU1 duplex, up-hill, type 1;
- PRD decision criteria (project must meet a minimum of two of these criteria);
 - o high quality architectural design, placement, relationship, or orientation of structures;
 - change form building elevations to design standards;
 - standards are similar to those used in other PRD's in Redmond;
 - o achieving allowable densities for the subject property;
 - project meets minimum density;
 - gross density allows for 75 units, not able to achieve as nearly one half of property is constrained;
 - o providing housing types that effectively serve the affordable housing needs of the community;
 - not applicable;
 - o improving circulation patterns or the screening of parking facilities;
 - not applicable;
 - o minimizing the use of impervious surfacing materials;
 - project will achieve a 30.3 percent impervious;
 - no change from 2007 approval;
 - o increasing open space or recreational facilities on the site;
 - project will achieve a minimum open space of 58 percent;
 - no change from 2007 approval;
 - o landscaping, buffering, or screening in or around the proposed PRD;
 - project is clustered to avoid steep slopes, wetlands, and stream;
 - buffered to the south by an open space tract, to the west by wooded tract, to the north by enhanced landscaping;
 - no change from 2007 approval;
 - o providing public facilities;
 - new local street extending north throughout development;
 - new 12-inch water line within 171st Avenue NE and NE 95th Street south for approximately 965 feet;
 - additional water connections out to NE 85th Street;

- no change from 2007 approval;
- preserving, enhancing, or rehabilitating natural features of the subject property such as significant woodlands, wildlife habitats, or streams;
 - no change from 2007 approval;
 - site contains a Class III riparian corridor with steep banks;
 - project creates a 313,916 square foot NGPA (Native Growth Protection Area);
 - project will save 51 percent of the significant trees on site;
- incorporating energy-efficient site design or building features;
 - not applicable;
- providing for an efficient use of infrastructure;
 - no change from 2007 approval;
 - clustered-development along single street;
- incorporate historic structures and landmarks;
 - not applicable;
- public facilities - the PRD shall be served by adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, stormwater control, sanitary sewer, and parks and recreation facilities;
 - no change from 2007 approval;
 - project will be served by adequate public facilities;
- perimeter design – the perimeter of the PRD shall be appropriate in design, character, and appearance with the existing or intended character of development adjacent to the subject property and with the physical characteristics of the subject property;
 - no change from 2007 approval;
 - single-family homes will be placed along the northern property line while duplexes will be located to the south;
- open space and recreation – open space and recreation facilities shall be provided and effectively integrated into the overall development of a PRD and surrounding uses;
 - project includes open space recreational amenities through individual lots, open space tracts, Native Growth Protection Area, tree retention, and preservation of native soils and vegetation;
 - no change from 2007 approval;
- streets and sidewalks – existing and proposed streets and sidewalks within a PRD shall be suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the subject property;
- no change from the 2007 approval;
- project includes 28-foot side paved road, and a 5-foot sidewalk on both sides;
- Conditions of approval;
 - architectural design standards be adopted as part of the Shaughnessy Heights project; and
 - where applicable, the Shaughnessy Heights PRD shall comply with the conditions of the Preliminary Plat and PRD made by the Hearing Examiner and City Council in 2007.

Mr. Fischer submitted additional exhibits to the record, and Ms. Rice entered the items into the record as the following:

- Staff's PowerPoint Presentation; entered into the records as Exhibit 2;
- Affidavits of Public Hearing Publication; entered into the record as Exhibit 3;
- 06/28/2011 Neighborhood Meeting Agenda and Sign-In; entered into the record as Exhibit 4;
- Public Comment Emails (Thoennes, Fox, O'Keefe); entered into the record as Exhibit 5; and
- Public Comment Letter, 07/06/11; entered into the record as Exhibit 6.

Ms. Rice asked Mr. Fischer to provide testimony on the validity of the project. Mr. Fischer stated that the PPL and PRD for this item were approved in 2007; both are valid for seven years; the PPL has not expired. Ms. Rice queried regarding the state statute which extended PPLs from five to seven years; and whether this extension was applied retroactively to PPLs approved before the change. Mr. Fischer affirmed that all PPLs that were approved at the time of the statute amendment were granted the extension to seven years. In addition, the City of Redmond passed an ordinance extending the timeline to seven years as well. Ms. Rice asked that this ordinance be entered into the record as Exhibit 7.

Ms. Rice queried whether there was any application for an extension filed for this particular matter. Mr. Fischer stated there was not.

Ms. Rice queried whether the repeal of the PRD ordinance has any bearing on this matter. Mr. Fischer stated it does not.

Ms. Rice queried whether a modification request requires a separate application. Mr. Fischer stated modifications are not contemplated in the code (no provisions/criteria speaking towards these items exists); and these requests are processed by reviewing PRD requirements in accordance with proposed changes. Ms. Rice queried whether any other modifications have been processed in the past. Mr. Fischer stated he is not aware of any modifications.

Ms. Rice queried whether the adoption of the RZC has any bearing on this matter. Mr. Fisher stated it does not.

Ms. Rice requested the following documents be entered into the record:

- 04/09/07 Hearing Examiner Recommendation; to be entered into the record as Exhibit 8; and
- 10/03/07 Hearing Examiner Order on Reconsideration; to be entered into the record as Exhibit 9.

Ms. Rice queried whether any change has been made to the layout of the lots. Mr. Fischer confirmed; the project maintains the 2007 alignment.

Ms. Rice queried whether the NGPE has been recorded. Mr. Fischer stated the NGPE is partially recorded; and will be fully recorded upon plat recording. The 04/21/2011 site plan indicates the NGPE; all open space will be preserved; and the area to the west is preserved (and recorded).

Ms. Rice queried whether the modification reconfigures the NGPE. Mr. Fischer stated it does not.

APPLICANT TESTIMONY:

Mr. Barry Margolese, IBBO LLC/ Amalani LLC, Applicant, provided background information on the project:

- June 2010 - purchased property from bank;
- June through December 2010 – met with City to discuss opportunities available for the property/project; decided on a modification;
- project approved for 42 lots, 64 units; modification must comply and have a similar design as approved project;
- after reviewing the 2007 drawings/design/theme decided to request a modification;
- have created architectural guidelines from City of Redmond approved guidelines; and
- include small modifications; total density decreased; edge lot density decreased; single-family and duplex lots grouped; introduce nodes of open space.

Ms. Rice queried whether the configuration of single-family lots to duplex lots has been changed. Mr. Margolese stated single-family lots have increased; duplex' have decreased.

Mr. Lafe Hermansen, Core Design, Applicant's Representative, stated that the requested modification will achieve flexibility. Builders have specific styles; the owner must hire a builder; and the modification will allow more options to the owner.

Mr. Richard Settle, Foster Pepper, PLLC, Applicant's Representative, offered testimony regarding the Growth Management Act; in regards to the benefits of changing standards and providing flexibility; and stated that the requested modification is consistent with the GMA, City standards, and the standards of 2011.

Ms. Rice queried whether the design guidelines proposed are to be consistent with RZC standards or RCDG standards. Mr. Fischer stated this proposal does not relate to the RZC design standards; the applicable design standards have developed these over time. A template of these standards are provided to the applicant, the applicant can make modifications, and submit to the City for approval.

PUBLIC TESTIMONY:

The following persons spoke in opposition to the application: Jill Richardson, Steve Howard, Jerry Smith, Terry Duffin, and Sylvia Jansson.

Ms. Rice asked staff to address the changes in statute regarding the extension; for clarification – the permit was not extended by this ordinance, the legislation was amended. Mr. Fischer confirmed; adding the ordinance approved by the Redmond City Council approved the extension of PPLS from five to seven years; and granted certain projects that had already been approved the extension. No specific extension for this application has been applied for or granted.

Mr. Fischer provided testimony in response to public comments regarding architectural elevations of the 2007 application, conditions of the 2007 approval, street standards; and to Hearing Examiner query regarding architectural standards and history of the project. Ms. Rice stated that the PPL is not up for review with the PRD modification; the conditions of the 2007 approval will remain applicable.

Ms. Rice queried whether the school district/Redmond Elementary was noticed. Mr. Fischer confirmed; all residents within 500 feet of the project location were noticed; and no comments were received.

Mr. Fischer provided the following information in response to additional Hearing Examiner queries:

- the proposal does not modify the current buffer; review of current buffer, utility easement right-of-way, and additional trees to be planted; and
- provided a synopsis of the clearing and grading process and timeline.

The Applicant's Representative provided the following testimony in response to Hearing Examiner queries and public testimony:

- information on buffer plantings; landscape plan can be entered into the record;
- project vested in 2005, therefore is under constraints/requirements of RCDG;
- the extension was not requested by the applicant; it was a general City update, and statewide updates;
- the city has no requirements on square-footage;
- price point of units will correspond to 2011 pricing;
- slopes of land will be addressed/worked with; and
- the original project had no specific construction plans, just images (which is allowed by code) – the images do not represent what developer can/wants to construct.

CONCLUSION:

Ms. Rice called for any further comments. Hearing none; Ms. Rice stated that the record was closed on the Shaughnessy Heights PRD Modification matter, save for the submission of the following items; detailed in a Post Hearing Order (*issued July 7, 2011*):

- **Exhibit 7:** Ordinance extending duration of preliminary plat approval for projects vested in a certain time frame (offered through the testimony of Steve Fischer);
- **Exhibit 8:** Hearing Examiner Findings, Conclusions, Decision, and Recommendation from original public hearing on the PRD, dated April 9, 2007;
- **Exhibit 9:** Hearing Examiner Order on Reconsideration, dated October 3, 2011; and
- **Exhibit 10:** Landscape plans depicting buffer along northern boundary that is consistent with the conditions applicable to the project. This Exhibit only contemplates pages of the landscape plan that depict the northern buffer and plan notes that identify planting species, timing, and/or other notes pertinent to installation of the northern buffer. (Applicant representation Lafe Hermansen testified that this would be approximately 5 or 6 sheets of the landscape plan.)

Ms. Rice stated a written recommendation on this matter would be issued in no later than 14 days.

IV. ADJOURNMENT

The public hearing closed at 9:30 p.m., and the meeting adjourned.