



**CITY OF REDMOND  
HEARING EXAMINER  
MINUTES**

**October 17, 2016**

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

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**Hearing Examiner**

Gary McLean

**Staff**

Ben Sticka, Planner  
Steven Fischer, Development Review Division  
Manager  
Min Luo, Senior Engineer  
Debby Wilson, Real Property Manager  
Cheryl Xanthos, Deputy City Clerk

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Convened: 7:00 p.m.

Adjourned: 8:43 p.m.

**I. CALL TO ORDER**

Hearing Examiner Pro-Tem Gary McLean convened the hearing at 7 p.m.

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

Mr. McLean introduced the matter under consideration, reviewed the sequence of the hearing for the evening, and explained the proceedings.

Mr. McLean administered the swearing in of all those in attendance testifying on these matters and reminded the attendees that the proceedings were being recorded.

**III. PUBLIC HEARING**

**A. Rose Hill Subdivision - Preliminary Plat (PPL) and Alteration of Geologic Hazard Areas**

File Nos. LAND-2016-00146; LAND-2016-00837

Request: 29 Lot Subdivision and Alteration of Geologic Hazard Areas

Location: No address as parcel is undeveloped. Located at the southeast corner of NE 100th Street and 138th Avenue NE, Redmond, WA 98052; Parcel Nos.: 0325059103 and 0325059071.

**STAFF PRESENTATION:**

Mr. Ben Sticka, Planner, submitted the following exhibits to the record.

With no objection, Mr. McLean assigned the following exhibit numbers:

- Technical Committee Report with the following submitted attachments – Exhibit 1

**Report Attachments**

1. Completeness Letter
2. General Application Form
3. SEPA Application Form
4. Vicinity Map
5. Plan Set
6. Notice of Application Certificate of Public Notice and Public Notice Site Plan
7. Notice of Application Public Comment Letters
8. SEPA Environmental Checklist
9. SEPA Public Comment Letters
10. Neighborhood Meeting Notice
11. Notice of Public Hearing and Certificate of Posting
12. SEPA DNS Certificate of Posting
13. Traffic Study
14. Stormwater Report
15. Utility Plan
16. Critical Area Report
17. Geotechnical Report
18. Public Notice Tree Preservation Plan
19. Tree Exception Letter
20. LWSD Capital Facility Plan

- PowerPoint Presentation – Exhibit 2
- Public Comment Letter received 10/17/16 – Exhibit 3
- Public Comment Letter received 10/05/16, City and Applicant Response – Exhibit 4
- Memo from Debby Wilson, City of Redmond Real Property Manager – Exhibit 5
- Corrections and Clarification to Staff Report – Exhibit 6

Mr. Sticka introduced staff members who will be testifying on the City’s behalf, and reported on the Rose Hill Preliminary Plat application:

- Vicinity Map:
  - located on 100<sup>th</sup> Street and 138<sup>th</sup> Avenue NE;
  - two parcels and zoning designations on the site;
  - Willows/Rose Hill neighborhood;
- Proposal:
  - subdivide a 13.1-acre site into 29 residential lots including one duplex;
  - 10 percent affordable housing requirement;

- critical areas - Class IV stream, Class III wetland and steep slopes;
- 61.6 percent tree retention;
- SEPA Determination of Non-Significance
- Procedural summary:
  - Completeness: 8/11/2016 – letter of completeness issued and vested date;
  - Notice of Application:
    - 8/11/2016, comment period ended;
  - Neighborhood Meeting – 4/13/2016
  - SEPA DNS:
    - Issued 9/08/2016;
    - Appeal deadline – 10/06/2016 - None were received;
  - Notice of Public Hearing – issued 9/26/2016;
- Site Plan:
  - wetlands and stream;
  - two points of ingress and egress;
- Tree Retention:
  - 61.6 percent will be retained;
- Landscape Plan;
- Neighborhood Comments:
  - neighborhood meeting – 4/13/2016;
  - comments received regarding:
    - tree retention;
    - disclosure of Interlake Sporting Association;
    - traffic;
    - right-of-way improvements;
- Preliminary Plat Decision Criteria;
  1. 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;
  2. site requirements for the Residential Zone – conforms to site requirements;
  3. submittal requirements – meets the submittal requirements on file and deemed complete on 8/11/2016;
  4. 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 Willows/Rose Hill Neighborhood Plan and Comprehensive Plan; site will be served by 138<sup>th</sup> Avenue NE and will create two access points;
  5. the proposed preliminary subdivision will be adequately served with City-approved water and sewer, and other utilities appropriate to the nature of the subdivision – appropriate water, sewer and other utilities as demonstrated on the approved plan set;
  6. the proposed preliminary subdivision will be adequately served with parks, recreation and playgrounds appropriate to the nature of the subdivision – appropriate open space as demonstrated on approved plan set;
  7. the proposed preliminary subdivision will be adequately served with City-approved schools and school grounds appropriate to the nature of the subdivision – sidewalk improvements on NE 100<sup>th</sup> Street and will pay impact fees;

8. 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 subdivision will be served by Twain Elementary, Rose Hill Middle School, and Lake Washington High School, bus transportation or a safe walk route is required;
  9. the layout of lots, and their size and dimensions take into account topography and vegetation;
  10. identified hazards and limitations to development have been considered in the design of streets and lot layout – Environmental Checklist and Critical Areas report provided information relating to the hazards and limitations, buffer averaging is being utilized
- Alteration Decision Criteria - landslide hazard areas:
    - no reasonable alternatives – half street improvements;
    - geologic evaluation – analysis was conducted; and
    - minimize impacts – modified road section.

Mr. Sticka stated that he would provide density calculations in response to a Hearing Examiner inquiry.

Mr. McLean stated that he toured the subject site and roads in the area, and that he understands there are some ownership issues.

Ms. Min Luo, Senior Engineer, stated that:

- 138<sup>th</sup> Avenue NE is identified as a local access street;
- right-of-way is required;
- modified section in the steep slope area;
- maintaining the vehicle travel patterns;
- wider sidewalk where there is no landscape buffer; and
- street improvements will be completed.

Ms. Luo provided information in response to the Hearing Examiner's inquiry:

- the ownership is not clear regarding right-of-way, the road is identified by the City as future public use;
- City has maintained the street; and
- the street was originally King County's prior to the annexation.

Mr. Sticka concluded his presentation stating that vesting and a complete application occurred on August 11, 2016, the plat is required to comply with all Willows/Rose Hill neighborhood regulations, staff recommends approval, the project complies with all Redmond Codes subject to the conditions of approval contained in the Technical Committee report provided to the Hearing Examiner.

Ms. Debby Wilson, Real Property Manager, City of Redmond, stated that information is lacking regarding property ownership. The title report that was submitted to the City did not contain proof of ownership. Through reviewing the documents, the establishment of a right-of-way cannot be determined. There is a potential easement, but it is not a public easement. NE 100<sup>th</sup> street has been established as a public street.

## **APPLICANT TESTIMONY:**

Mr. Jeremy Febus, KPFF Consulting Engineers, Applicant Representative, thanked City staff for the rigorous review, and the help and time put in the process. The applicant is substantially in agreement with staff. Highlights of the project:

- dedicates substantially more open space and the tree retention requirements;
- permanent protections for critical areas;
- below the potential unit count for this type of zone;
- density count is provided in the materials submitted, and he reviewed how those calculations were made;
- road widening and the geologic hazard area;
- sidewalk space; and
- providing fall protection above wall.

Ms. Vicki Orrico, Applicant Representative, stated that the applicant is working on confirming ownership of the strip of land in question, and understand that the applicant bears the responsibility of compliance with the law. This condition must be met prior to issuance of a building permit. The road has been used by the public for over 15 years.

Mr. Febus stated that the applicant is attempting to determine what property the City owns. The geometry and the design is the best possible for the property. The primary concern of the geologic hazard area is the protection of the public, and the project addresses that concern.

## **PUBLIC TESTIMONY:**

Mr. McLean called for any of those present wishing to provide public testimony on this matter.

Mr. Robert McCowan spoke regarding an agreement with Benchmark to dedicate the road to the City.

Mr. Gary Sagaru spoke regarding being asked to dedicate a portion of the road he owns as a private easement to the City.

Mr. McLean stated that he does not know any of the applicant team, but is familiar with some of the attorneys in the room, and confirmed his impartiality.

Mr. Richard Aramburu stated that he is representing the Interlake Sporting Association and described the property and the activities that occur on the site. This facility has been in operation for 70 years, is going to continue operations on the property, and operates 365 days a year during the daytime hours. The concerns are regarding are the noise that is created and it will be close to all the properties built at this site. He requested, as a condition of approval, that detailed disclosure of the Interlake Sporting Association be provided to potential buyers. The sole access to the property is off of 138<sup>th</sup> Avenue NE. The 29 lots will also be using this road for access to their properties. The size of the roadway is not sufficient and adequate access needs to be provided. He requested that the hearing be continued until property ownership is resolved.

Mr. Robert Jaeger was sworn in.

Mr. Jaeger spoke regarding usage of the road for access to the Interlake Sporting Association, usage of the facility, and membership.

Mr. Aramburu requested that the record be held open to allow for research on property rights and right-of-way issues.

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

## **RESPONSE TO PUBLIC COMMENT**

The Applicant team stated the following in response to the public comment and to the Hearing Examiner's inquires:

- right-of-way improvements will be provided within their property boundaries;
- compensation was originally offered to neighboring property owners;
- disclosure of the Interlake Sporting Association will be provided in accordance with state laws;
- it is not necessary to keep the record open for compliance;
- Quiet Title action would take three to four months; and
- a dedication or easement will not change the proposal.

Mr. Sticka stated that it would provide the density calculations to the Hearing Examiner and acknowledged the outstanding issue of ownership regarding the plat.

Ms. Luo clarified the amount of paving and driving surface on 138<sup>th</sup> Avenue NE.

Hearing no objection, Mr. McLean allowed Mr. Aramburu to speak again.

Mr. Aramburu commented regarding the drivable right-of-way being on private property and may cause conflict.

Ms. Orrico objected to the comments made by Mr. Aramburu.

Mr. McLean stated that Mr. Aramburu is not a fact witness.

## **CONCLUSION:**

Mr. McLean stated that the City will provide density calculations, and he will make a decision on keeping the record open for title information on Wednesday.

## **IV. ADJOURNMENT**

The public hearing closed at 8:43 p.m., and the meeting adjourned.