

AM No. 10-138

MEMO TO: City Council

FROM: John Marchione, Mayor

QUASI-JUDICIAL

DATE: June 15, 2010

SUBJECT: ORDINANCE: CONDITIONAL USE PERMIT FOR FIRE STATION NO. 17, L100035

I. RECOMMENDED ACTION

Adopt the ordinance approving the Conditional Use Permit, subject to the conditions outlined in the Hearing Examiner's report dated May 19, 2010, for the Fire Station No. 17 proposal.

II. DEPARTMENT CONTACT PERSONS

Rob Odle, Director, Planning and Community Development, 425-556-2417

Judd Black, Planning Manager, 425-556-2426

Steven Fischer, Principal Planner, 425-556-2432

III. DESCRIPTION/BACKGROUND

The City of Redmond has proposed to construct a new fire station, to be located at 16917 NE 116th Street, that will be comprised of a two-story 16,819 square-foot building with four sleeping rooms, two drive-thru apparatus bays, one back-in aid vehicle bay, a training classroom, and a hose drying tower. The project also provides room within the building for future expansion to accommodate six future sleeping rooms. Initially, the facility will house an aid car staffed by two firefighter EMTs. The second floor classroom will be used for department-wide training and will have infrastructure necessary to support future use as a back-up Emergency Operations Center for the City of Redmond. Fire Station No. 17 is being designed to meet the present and future staffing levels required to be able to meet the public safety needs of North Redmond

Conditional Use Permits are a mechanism by which the City may require special conditions on development or on the use of land in order to ensure that designated uses or activities are compatible with other uses in the same land use district or in the vicinity of the subject property. The code requires that the City of Redmond obtain a Conditional Use Permit for the construction of a new fire station in a residential zone.

The Hearing Examiner held the public hearing for this project on May 5, 2010, and there were two citizens who offered public comment and spoke in opposition to the project. The Findings of Fact, Conclusions, and Recommendations of the Hearing Examiner for this application were provided to City Council. The reconsideration period expired on

June 2, 2010. Copies of the Hearing Examiner's report are available from the project planner.

The City Council will be holding a closed record public meeting, as provided for in the Redmond Community Development Guide, Section 20F.30.45-110(3), since the open record public hearing was held by the Hearing Examiner. At this meeting, Council shall allow each side (proponents and opponents) to speak for a maximum of ten minutes each. No new evidence may be presented by either speaker, and testimony shall be limited to argument based upon the Hearing Examiner's record.

IV. **IMPACT**

Service Delivery: Staff does not anticipate any significant impact in service delivery needs or fiscal impact as a result of the approval of this project.

V. **ALTERNATIVES**

A. **Approve the Hearing Examiner's recommendation.** The Hearing Examiner has recommended approval with certain conditions of the Conditional Use Permit for the Fire Station No. 17 proposal. Approval of this recommendation will allow this project to move forward as designed.

B. **Approve the Hearing Examiner's recommendation with modifications.** The City Council may choose to approve the Hearing Examiner's recommendation with modifications, based on Council findings that alternate conditions would better implement adopted regulations. This action would likely result in a redesign of the project.

C. **Not approve the Hearing Examiner's recommendation.** The City Council may choose not to approve the Conditional Use Permit for the Fire Station No. 17 proposal, based on findings that the project, as designed, is inconsistent with adopted regulations or policies. This action would result in a redesign of the project and a significant delay in project schedule.

D. **Remand the application to the Hearing Examiner for additional review limited to specific issues identified by the Council.** The City Council may identify specific issues that must be addressed before a decision can be issued. These issues may be remanded to the Hearing Examiner and the applicant for further review. Upon resolving the issues, the application could be brought back before the City Council for consideration. This action would likely result in a significant delay in the project schedule.

VI. **TIME CONSTRAINTS**

There are no specific time constraints regarding the approval of this project; however, state law requires timely processing of development applications.

VII. LIST OF ATTACHMENTS

- Attachment A:** Ordinance
- Attachment B:** Vicinity Map
- Attachment C:** Site Plan
- Attachment D:** Hearing Examiner's Findings, Conclusion, Decision and Recommendation

/s/

Robert G. Odle, Planning Director

6/4/2010

Date

Approved for Council Agenda: /s/

John Marchione, Mayor

6/4/2010

Date

ATTACHMENT A

**CITY OF REDMOND
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING THE HEARING EXAMINER'S MAY 19, 2010, RECOMMENDATION TO APPROVE WITH CONDITIONS THE CITY OF REDMOND FIRE STATION NO. 17 CONDITIONAL USE PERMIT (FILE L100035), AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, City of Redmond herein referred to as applicant, submitted a conditional use permit application to allow construction of a new 16,819 square-foot fire station at 16917 NE 116th Street; and

WHEREAS, a conditional use permit is a Type IV permit decision; and

WHEREAS, the Redmond Community Development Guide authorizes the Hearing Examiner to conduct an open record hearing for the conditional use permit and make a recommendation with findings of fact, conclusions of law, and conditions of approval for the conditional use permit to the City Council for consideration; and

WHEREAS, on May 5, 2010, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the City of Redmond Fire Station No. 17 proposal (File L100035); and

WHEREAS, on May 19, 2010, the Hearing Examiner recommended approval of the City of Redmond Fire Station No. 17 Conditional Use Permit (File L0100035) subject to conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings, Conclusions, and Conditions of Approval. After carefully reviewing the record and considering the evidence and arguments in the record and in the Hearing Examiner's recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Hearing Examiner's recommendation for the City of Redmond Fire Station No. 17 proposal dated May 19, 2010.

Section 2. Approval. The City Council hereby approves the City of Redmond Fire Station No. 17 proposal, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated May 19, 2010.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the Redmond City Council this _____ day of
_____, 2010.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

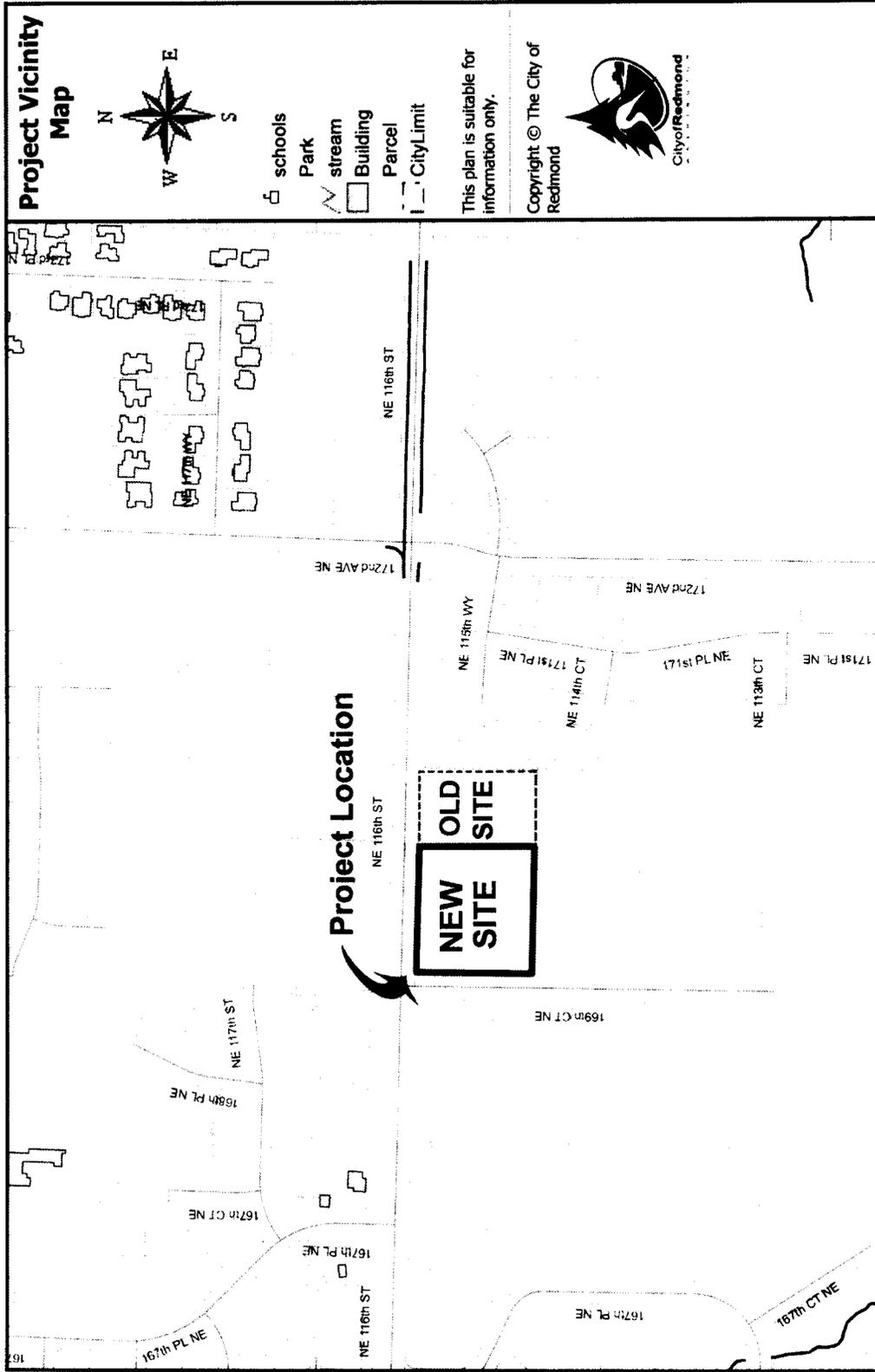
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

ATTACHMENT B

FIRE STATION NO. 17

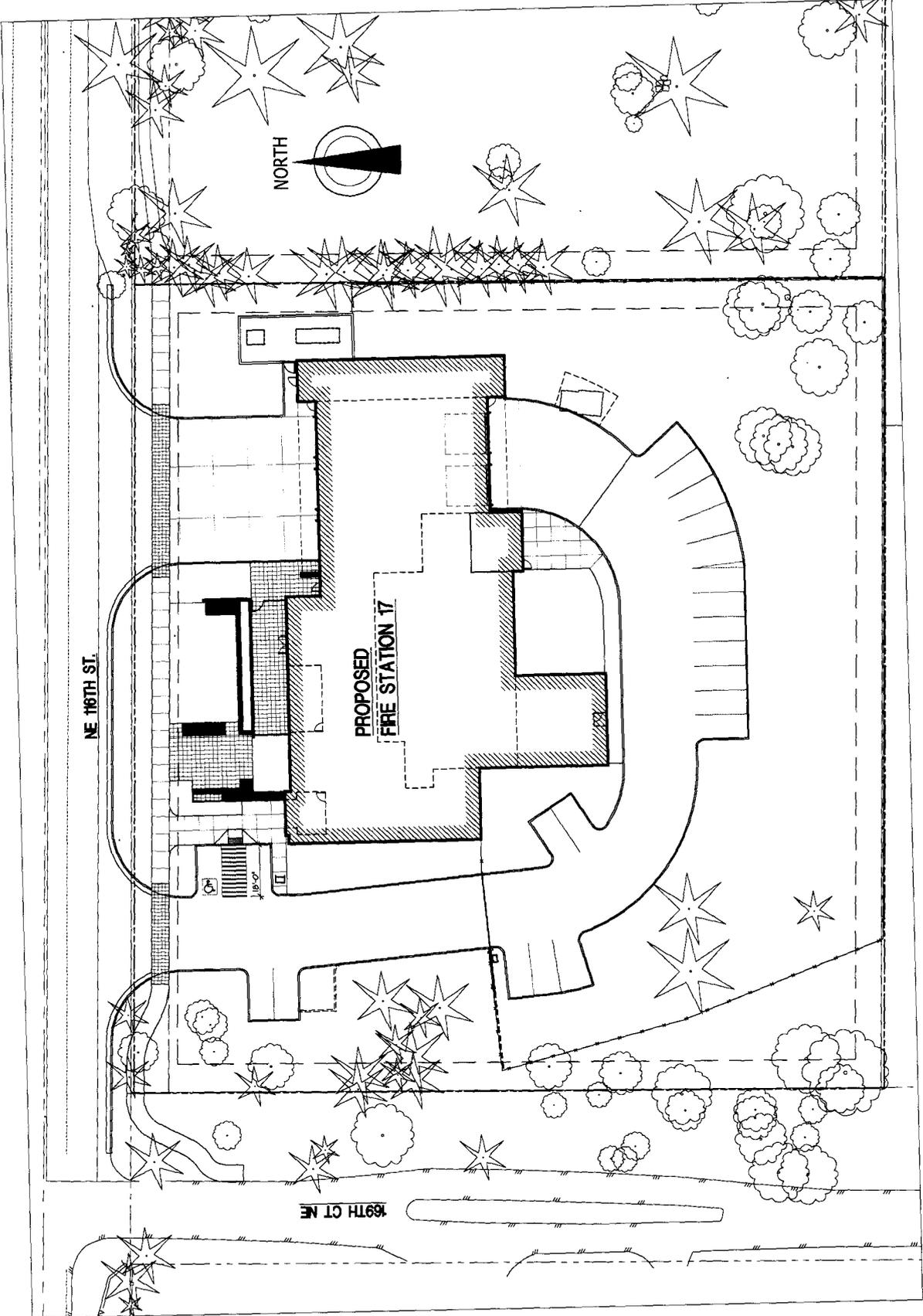


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Produced by City of Redmond 2/6/2008

ATTACHMENT C



1 SITE PLAN

SCALE:

ATTACHMENT D

OFFICE OF THE HEARING EXAMINER CITY OF REDMOND

In the Matter of the Application of) NO. L100035 (Fire Station 17)
)
City of Redmond) FINDINGS, CONCLUSIONS, AND
) RECOMMENDATION
For a Conditional Use Permit.)

SUMMARY OF RECOMMENDATION

The request for a conditional use permit to develop a new 16,819-square-foot fire station at 16917 NE 116th Street should be **GRANTED**, subject to conditions.

SUMMARY OF RECORD

Request:

The City of Redmond (Applicant) requested a conditional use permit (CUP) to develop a new 16,819-square-foot fire station at 16917 NE 116th Street. The two-story building would include two drive-through apparatus bays, one back-in apparatus bay, a hose drying tower, four sleeping rooms, shell space for six future sleeping rooms, and a training classroom.

Hearing Date:

An open record hearing on the request was held before the Hearing Examiner of the City of Redmond on May 5, 2010.

Testimony:

At the open record hearing the following individuals presented testimony under oath:

1. Steven Fischer, Principal Planner, City of Redmond
2. Lisa Singer, Senior Construction Engineer, City of Redmond
3. David Almond, Development Services Engineering Manager, City of Redmond
4. Robert Crittendon, Traffic Operations Engineering Manager, City of Redmond
5. Dennis Brunelle, Senior Construction Engineer, City of Redmond
6. Thomas Langton, Fire Captain
7. George Robertson
8. Robert Chamberlin

Exhibits:

At the open record hearing the following exhibits were admitted into the record:

- A. Technical Committee Report to the Hearing Examiner, with the following attachments:
 1. Vicinity Map
 2. Site Plan
 3. Notice of Application and Certification of Public Notice

4. Notice of Application Comments (Bob Chamberlin and Roger Peniche) and responses from Steven Fischer
5. SEPA Checklist and Determination
6. SEPA DNS Certification of Public Notice
7. SEPA Comments (Ginger Holser/WDFW) with staff response
8. Arborist Report
9. Exception Request and Approval
10. Wetland and Wildlife Study
11. Preliminary Site Development Plans – Reduced
12. Full Scale Preliminary Site Development Plans
13. Design Review Board Presentation Materials from 3/4/2010 Meeting
14. Design Review Board Minutes, 3/4/2010
15. Engineering Report dated February 8, 2010
- B. Affidavit of Publication of Notice of Public Hearing
- C. Notice of Public Hearing and Certification of Public Notice
- D. Email from Bob Chamberlin to Capt. Thomas Langton, with response from Capt. Langton
- E. Email from Joo Young Lee, with response from Steven Fischer
- F. City PowerPoint Presentation

Upon consideration of the testimony and exhibits submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

FINDINGS

1. The Applicant requested a CUP to develop a new 16,819-square-foot fire station at 16917 NE 116th Street. The two-story building would include two drive-through apparatus bays, one back-in apparatus bay, a hose drying tower, four sleeping rooms, shell space for six future sleeping rooms, and a training classroom. *Exhibit A, page 3; Exhibit A, Attachment 13; Exhibit A, Attachment 12, Floor Plan.*
2. The subject property is zoned Low-Moderate Density Residential (R-4). *Exhibit A, page 3.* This zone “provides for stable and attractive suburban residential neighborhoods that have a full range of public services and facilities.” *RCDG 20C.30.15-050.* Fire and police services are allowed in the R-4 zone with approval of a CUP. *RCDG 20C.30.20-030.*
3. The subject property is within the North Redmond Neighborhood of the Comprehensive Plan. *Exhibit A, page 5.*
4. The Comprehensive Plan establishes a level of service standard for fire protection response times of five and one-half minutes or less for 80 percent of the fire and emergency medical calls within the City. *Exhibit A, page 7 (Policy CF-7).*
5. Within the North Redmond neighborhood, which is currently served by Station 11 in downtown Redmond, Station 13 in Union Hill, Station 16 in southeast Redmond, and Woodinville Fire Station 33, the five and one-half minute response time standard is achieved only 15.2 percent of the time. The average response time to the neighborhood (for all types of incidents) is 7 minutes, 47 seconds. *Exhibit A, page 7.*

6. Opening Fire Station 17 at the proposed location would allow the Fire Department to satisfy the response time standard for emergency medical services within the neighborhood (which comprise approximately 75 percent of the calls) more than 80 percent of the time. The average response time to the North Redmond neighborhood would be less than five minutes. *Exhibit A, page 7.*
7. Opening Fire Station 17 at the proposed location would reduce response times to other neighborhoods within the City. For example, using existing facilities, the level of service standard is achieved at the Emerald Heights retirement community in the Education Hill neighborhood only 2.27 percent of the time (the average response time is eight minutes, 24 seconds). However, apparatus from proposed Fire Station 17 could reach Emerald Heights in three minutes, 30 seconds. *Exhibit A, page 7.*
8. Opening Fire Station 17 would also reduce response times to educational facilities such as Redmond High School, Redmond Junior High School, Horace Mann Elementary School, Norman Rockwell Elementary School, and Albert Einstein Elementary School. Response times to these schools do not currently satisfy the level of service standard. *Exhibit A, page 7.*
9. The subject property is a 1.7-acre vacant parcel¹ that is bounded by NE 116th Street to the north and 169th Court to the west. *Exhibit A, page 3; Exhibit A, Attachment 1.*
10. Surrounding land uses include a vacant, City-owned parcel to the east² and residential parcels to the south and west. *Testimony of Mr. Fischer.*
11. The proposed fire station building and the site design contain features to ensure compatibility with the surrounding residential neighborhood. The building would have a stepped-back second floor and other design elements that reduce building massing. The overall building height would not exceed 35 feet, except for the hose tower, which would be 50 feet tall. The largest parking area would be behind the building, screened from view (a smaller visitor parking area would be at the front of the building, next to the entrance). The building setbacks from the adjacent residential uses would far exceed the minimum required by code. More than 36,000 square feet of landscaping would be installed around the building and the outer perimeter of the site, including a ten-foot width of Type I solid screen landscaping along the southern property line. *Testimony of Mr. Fischer; Exhibit A, Attachment 12, Landscape Plan, Building Elevations, and Site Plan; Exhibit A, page 8.*
12. The City of Redmond Design Review Board approved the project design on March 4, 2010. The Design Review Board's conditions of approval have been incorporated into the Hearing Examiner's recommended conditions for the CUP. *Exhibit A, Attachment 14; Exhibit A, page 15.*

¹ The parcel had been developed with a residence and accessory buildings. These structures were removed earlier this year. *Exhibit A, page 3.*

² This is the parcel that the City originally planned to use for the fire station. At one acre in area, the parcel was eventually determined to be too small for the use. *Testimony of Mr. Fischer.*

13. The Applicant proposes a looped internal driveway design and drive-through apparatus bays to ensure that fire trucks do not have to back onto the site from the street. *Testimony of Mr. Fischer; Exhibit A, Attachments 2 and 13.*
14. The Applicant proposes to install street improvements along NE 116th Street in conjunction with the fire station project. The improvements, which are called for in the City's capital improvement plan, include widening the pavement and installing sidewalks and drainage collection facilities in the vicinity of the subject property. In order to ensure adequate entering sight distance at the fire station driveway, the gradient of NE 116th Street will be lowered. The maximum change in grade (four feet) will be at the crest of the hill in front of the fire station. The City is exploring options for softening the transition to the existing grade. *Testimony of Ms. Singer; Testimony of Mr. Almond; Testimony of Mr. Brunelle.*
15. One witness testified regarding the existing access challenges within the neighborhood due to the relatively narrow width of NE 116th Street, the amount of traffic on the street, and ice accumulation during the winter. The concern was that fire trucks would have a difficult time exiting the station. *Testimony of Mr. Robertson.* Fire Captain Langton testified that the location of the fire station on NE 116th Street has been planned since the late 1980's, and that emergency personnel do not have a problem serving the neighborhood despite the identified access issues. The proposed fire station would make it easier for the department to serve the neighborhood due to the reduced travel time and the proposed improvements to NE 116th Street. *Testimony of Mr. Langton.*
16. In order to reduce noise impacts, there will not be external building-mounted speakers to alert staff of emergency calls. Instead, staff will have pagers to receive notice of calls. Siren noise will not increase as a result of the development, as there are already emergency calls within the neighborhood. The department does not use sirens within residential neighborhoods unless needed to move traffic. *Exhibit E; Testimony of Mr. Langton.*
17. The nature of the proposed use requires that it be operational 24 hours per day. When the fire station first opens, there will be two firefighters on site each day. At full capacity, there will be six firefighters on site. The number of incident responses is expected to be four per day. Other sources of traffic (such as citizen visits) are expected to average three vehicles per day. *Testimony of Mr. Fischer; Exhibit A, page 8.*
18. The Applicant proposes off-site pedestrian improvements in conjunction with the proposal. The Applicant will construct a 170-foot-long asphalt walkway to connect the sidewalk along the subject property frontage to the existing sidewalk system. *Exhibit A, page 9; Exhibit A, Attachment 12, Grading, Drainage and Paving Plan.*
19. The subject property contains 55 "significant" trees (healthy trees that are six inches in diameter or greater), including nine trees that are classified as "landmark" trees (trees that are 30 inches in diameter or greater). Consistent with RCDG 20D.80.20, which requires 35 percent of significant trees to be retained on a project site, the Applicant proposes to retain 21 of the 55 significant trees, or 38 percent. Of the remaining significant trees, 25 would be removed from

the site, and nine would be impacted but left in place (under the RCDG, impacted trees are counted as being removed). *Exhibit A, page 5; Exhibit A, Attachment 12, Landscape Plan.*

20. Landmark trees may only be removed from a site (or impacted) if an exception is granted. The Applicant proposes to permanently remove one of the landmark trees, and impact four of the landmark trees. Due to the location of the trees, development of the site would not be feasible if the trees were not removed or impacted. An arborist has determined that the impacted trees can survive in place if certain construction techniques are utilized. The Applicant proposes to mitigate removing or impacting the landmark trees by planting new evergreen trees at a three to one ratio (15 total). The Planning and Community Development Department granted the exception request on April 2, 2010. *Exhibit A, page 5; Exhibits 8 and 9; Exhibit 12, Tree Preservation Plan; Testimony of Mr. Fischer.*
21. The Applicant's tree preservation proposal includes transplanting on site (rather than permanently removing) one landmark tree and one significant tree that are located within the building footprint area. *Exhibit A, Attachment 12, Tree Preservation Plan.*
22. The Applicant does not propose any modification of code standards other than the previously approved landmark tree exception. The building setbacks and site design would be code compliant. *Testimony of Mr. Fischer.*
23. There are no environmentally sensitive areas such as streams, wetlands, or steep slopes on or adjacent to the project site. The nearest stream is 1,000 feet away. *Exhibit A, page 5; Exhibit A, Attachment 10.*
24. There are utilities available to serve the site, including water, sewer, and storm drainage. *Testimony of Mr. Fischer.*
25. The City of Redmond reviewed the proposed fire station and related NE 116th Street and stormwater improvements³ under the State Environmental Policy Act and issued a Determination of Nonsignificance on March 22, 2010. *Exhibit A, Attachments 5 and 6.*
26. Notice of the open record hearing was published in *Seattle Times*, posted on site, and mailed to surrounding property owners on April 14, 2010. *Exhibits B and C.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to hold an open record hearing on conditional use permit applications and to make a recommendation to City Council pursuant to RCDG 20F.30.15-040 and 20F.30.15-020.

³ The City is constructing an off-site stormwater pond at the northwest corner of 172nd Avenue NE and NE 111th Street. *Exhibit A, Attachment 5.*

Criteria for Review:

Pursuant to RCDG 20F.40.40-040, the City may approve or approve with conditions a conditional use permit only if the following criteria are satisfied:

- (a) The conditional use is consistent with the Community Development Guide which includes the Comprehensive Plan;
- (b) The use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
- (c) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (d) The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses shall be examined to determine if there are unusual hazards or characteristics of the use that would have adverse impacts;
- (e) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (f) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- (g) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.
- (h) If applicable, the application must also conform to RCDG, Special Uses.

Conclusions Based on Findings:

- A. The use is consistent with the Community Development Guide and the Comprehensive Plan. The fire station at the proposed location will ensure that fire and emergency medical services to the North Redmond neighborhood and surrounding areas comply with the City's level of service standard. *Findings 2 – 8.*
- B. With conditions of approval, the use is designed in a manner that is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity. *Findings 2, 9, 10, 11, and 12.*
- C. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the use will not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties. The building will be centered on the lot and

appropriately screened by landscaping. The site design will ensure that the vehicles entering and exiting the site will not affect neighborhood circulation. *Findings 11 and 13.*

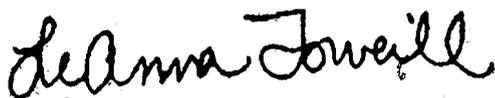
- D. There are no unusual hazards or characteristics of the use that would have adverse impacts. Although the hours of operation for the fire station are unusual for a residential neighborhood, the long hours are an essential element of the use. The use would not result in a significant increase in noise or traffic as compared to existing emergency services. There would be no external speakers. *Findings 16 and 17.*
- E. The requested modification to standards (removal of landmark trees) will mitigate impacts as required by the RCDG. Even impacted landmark trees that will be preserved on site will be mitigated at a 3:1 ratio. *Findings 20 and 22.*
- F. The pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. *Findings 13, 14, 15, and 18.*
- G. The use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area. The use will improve public services to the surrounding area by improving response times for fire and emergency medical services. *Findings 6, 7, 8, and 24.*
- H. The "Special Uses" standards are not applicable to the development.

RECOMMENDATION

Based on the preceding Findings and Conclusions, the request for a conditional use permit to develop a new fire station and associated improvements at 16917 NE 116th Street should be **GRANTED**, subject to the conditions listed in Section VII of the Technical Committee Report (Exhibit A, pages 9-17).

Dated May 19, 2010.

Toweill Rice Taylor LLC
City of Redmond Hearing Examiner
By:



LeAnna C. Toweill