



# CITY OF REDMOND HEARING EXAMINER MINUTES

May 5, 2010

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

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## Hearing Examiner

LeAnna Toweill, Toweill Rice Taylor LLC

## Staff

David Almond, Development Services  
Engineering Manager  
Dennis Brunelle, Senior Construction Engineer  
Robert Crittenden, Traffic Operations  
Engineering Manager  
Steven Fischer, Principal Planner  
Thara Johnson, Associate Planner  
Thomas Langton, Fire Captain  
Lisa Singer, Senior Construction Engineer  
Elizabeth Adkisson, Deputy City Clerk

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Convened: 7 p.m.

Adjourned: 8:04 p.m.

## **I. CALL TO ORDER**

Hearing Examiner LeAnna Toweill convened the hearing at 7 p.m.

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

Ms. Toweill introduced the matters under consideration, reviewed the sequence of the hearing for the evening, and explained the proceedings. Ms. Toweill noted that she will issue a written Decision in the matter of the Alex Appeal, and a Recommendation in the matter of the Fire Station No. 17 Conditional Use Permit application, within 10 business days of the closing of the record.

Ms. Toweill 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 persons were in attendance:

Thara Johnson, Associate Planner  
Michael Alex, Appellant

Steven Fischer, Principal Planner  
Lisa Singer, Applicant – Fire Station No. 17 CUP, Senior Construction Engineer  
David Almond, Development Services Engineering Manager  
Robert Crittenden, Traffic Operations Engineering Manager  
Dennis Brunelle, Senior Construction Engineer  
Thomas Langton, Fire Captain

### **III. APPEAL HEARING**

#### **A. ALEX APPEAL**

L100036 Appellants – Michael and Nichole Alex

Request: Appeal of Administrative Decision – regarding the location of a backyard shed.

Location: 15314 NE 66<sup>th</sup> Court, Redmond, Washington

Ms. Toweill introduced the matter and assigned the Planning Department Report to the Hearing Examiner as Exhibit 1, identifying the following submitted attachments:

#### **Attachments**

Exhibit A:	Site & Surrounding Zoning
Exhibit B:	Redmond View Plat
Exhibit C:	Alex's Request
Exhibit D:	Notice of Administrative Decision
Exhibit E:	Greenbelt Easement
Exhibit F:	Findings and Decision of the Hearing Examiner for the Redmond View Plat (PPL94-005)
Exhibit G:	Notice of Public Hearing
Exhibit H:	Appeal Application Form

## **APPELLANT PRESENTATION:**

Mr. Michael Alex, presented testimony on his appeal of the City of Redmond's Notice of Administrative Decision for the Alex's Request to place a shed within a greenbelt easement:

- Review of shed location on property;
- Request: for the Hearing Examiner to approve continuation of construction of the shed in its current location;
- Review of greenbelt easement location and terms;
- Reasoning for current shed location:
  - there are few options available in the backyard for locating a shed;
  - the current location is the best option as far as a location which would not damage the existing landscape;
  - the other optional location for the shed would require removing a tree;
  - the appellants started to build the shed – then heard from the City that they were non-compliant with the greenbelt easement;
  - appellants looked through City code for direction; Ordinance No. 2452 addresses permits for sheds over 20 sq. ft, but no regulations for sheds under 20 sq. ft;
  - the appellants have made a good faith effort to build the shed in an appropriate location and be code compliant;
  - a neighboring property has two sheds; and
  - the purpose of the greenbelt easement is to protect trees – feels the current location is the best option to honor the easement terms.

## **STAFF PRESENTATION:**

Ms. Thara Johnson, Associate Planner, reported on the appeal of the Type I Administrative Decision:

- Appeal:
  - Aerial view
  - Zoning: R-5
  - Neighborhood: Grasslawn, approved in 1995
- Plat:
  - 15 lots;
  - one access road – NE 66<sup>th</sup> Court;
  - 20' landscape greenbelt easement on the western most lots (lot 7 – Alex Property, lot 8, lot 9, lot 10);
- Summary:
  - Owner constructed a shed within 20-foot greenbelt/landscape easement;
  - City received report of a violation;
  - Recorded easement language requires approval from the City- “Except for ordinary landscape maintenance, no tree-trimming, tree-topping, tree-cutting or tree removal, nor construction, clearing or alteration activities shall occur within the easement area without prior approval from the City of Redmond”;

- Michael and Nichole Alex submitted an official request to place the shed within the easement;
- Planning Department issued a letter denying request to locate the shed within the greenbelt easement;
- Appeal filed on February 9, 2010;
- Shed photographs (location in yard/to fence-line);
- Appeal issues:
  - Placement of shed within greenbelt easement;
    - easement is located on four lots;
    - the greenbelt easement was created as a landscape buffer for properties to the west of the Redmond View Plat;
    - condition of approval by the Hearing Examiner; and
    - the burden of proof is on the appellant;
- Recommendation:
  - Staff recommends the appeal be denied and the shed be relocated outside the greenbelt easement.

Ms. Toweill entered the City's PowerPoint presentation in to the record as Exhibit 2.

Ms. Toweill asked for any further from the appellant. Mr. Alex stated that he has made a good faith effort to follow City codes, and to take the landscape and tree preservation into consideration; the location of the shed is not in danger to the trees in the easement.

Ms. Toweill advised the record is closed on the Alex Appeal, and a decision will be issued within 10 business days.

#### **IV PUBLIC HEARING**

##### **A. FIRE STATION NO. 17 – Conditional Use Permit (CUP)**

L100035 Conditional Use Permit  
L100037 SEPA

Request: Conditional Use Permit for construction of one building: 16,819 sqft, two-story fire station with sleeping facilities and drive-thru apparatus bays (wood-frame, CMU and metal siding, metal roof); and 21 parking spaces.

Location: 16917 NE 116<sup>th</sup> Street, Redmond, Washington

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

## Attachments

1. Vicinity Map
2. Site Plan
3. Notice of Application and Affidavit of Publishing
4. NOA Comments and City Response
5. SEPA Checklist and Determination
6. SEPA DNS Certificate of Posting
7. SEPA Public Comment Letters
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, March 4, 2010
15. Engineering Report, February 8, 2010

### STAFF PRESENTATION:

Mr. Steven Fischer, Senior Planner, reported on the Fire Station No. 17 Conditional Use Permit application:

- Vicinity Map:
  - Project location;
  - indicates old site/new site;
  - Zone: R-4;
  - Address: 16917 NE 116<sup>th</sup> Street;
  - Site Area: 1.7 Acres;
- Site Plan:
  - proposed Fire Station No. 17 site plan (new site);
  - adjacent one-acre site (old site);
- Tree Preservation:
  - Tree List;
  - Notes;
  - Definitions for Actions;
  - Location of trees on site;
  - Trees to be relocate don site;
- Landscape:
  - Landscaping plan;
  - Tree preservation Summary Table;
    - One landmark tree removed;
    - Four landmark trees impacted;
    - 38.2 % trees retained;
  - Landscape Requirements;

- Notes;
- Architectural Elevations (front and side views);
- Process:
  - Notice of Application (CUP)
    - 2/17/10 – comment period begins
    - 3/10/10 – comments period ends
  - SEPA
    - DNS issued – 3/22/10;
    - SEPA determination included associated work in NE 116<sup>th</sup> Street, and construction of a stormwater pond and associated utility lines;
  - Notice of Public Hearing
    - 4/14/10 – issued;
- Conditional Use – Decision Criteria:
  - Consistent with the Redmond Community Development Guide (RCDG) and the Comprehensive Plan.
    - Proposal consistent.
    - Fire stations are allowed as a conditional use.
  - 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.
    - Building massing, materials, and colors are designed to be sensitive to the nearby residential properties.
    - Measures taken to make the building energy efficient.
    - Landscaping includes low-maintenance and native species.
  - The location, size, and height of the buildings, structure, walls and fences, and screen vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties.
    - Building centered on a 1.7 acre lot allowing for landscaped buffer between the station and adjoining uses.
    - Building massing is designed to be appropriate for residential zone.
  - 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 if the use that would have adverse impacts.
    - 24-hour facility.
    - When first opened the station will house two firefighters.
    - Anticipate four incident responses per day.
    - Anticipate an average of three vehicles visiting the site per day.
  - 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.
    - Landmark tree exception for the removal of one, and impacts to four, landmark trees.
  - 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.

- The project will construct a concrete sidewalk along NE 116<sup>th</sup> Street across the frontage of the site. Patterned concrete will be used where the sidewalk crosses the two driveways. To the east, an asphalt pathway will connect to the existing sidewalk.
- 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.
  - The project is supported by existing public utilities and will provide emergency services to the community.
- If applicable, this application must also conform to the standards established in RCDG 20D.170, Special Uses.
  - Special uses standards do not apply to this proposal.
- Recommendation:
  - Approval of the Conditional Use Permit with conditions.

Mr. Fischer, submitted the following additional exhibits to the record:

- Affidavit of Publication – Public Hearing Notice; entered into the record as Exhibit B;
- Certification of Public Notice; entered into the record as Exhibit C;
- 5/3/10 Bob Chamberlin email/response Langton; entered into the record as Exhibit D; and
- 5/5/10 Joo Young Lee email/response Fischer; entered into the record as Exhibit E.

Ms. Toweill entered the City's PowerPoint Presentation into the record as Exhibit F.

Ms. Toweill queried as to the expanded nature of the SEPA – is the road lowering independent of the Fire Station project; or does the Fire Station require road lowering? Mr. Fischer stated that the 116<sup>th</sup> project has been a long range project, and lots of construction is planned. In addition, the road will be lowered in front of the Fire Station – want the lowering to allow for easy access of fire trucks, and other vehicles. Ms. Toweill queried whether the road lowering will affect neighboring properties. Mr. Fischer confirmed there should be no impact.

Ms. Toweill asked for any further staff comments; hearing none Ms. Toweill opened the floor to any people wishing to submit comments to the record.

#### PUBLIC TESTIMONY:

Mr. George Robertson shared concerns regarding: noticing of the project, noise, road width/clearance, transition of street lowering, and traffic impacts due to construction.

Mr. Robert Chamberlin shared concerns regarding: the lowering of 116<sup>th</sup>, re-grading and tree root preservation.

Ms. Toweill asked City staff to respond to the concerns presented in the Public Testimony.

## CITY RESPONSE TO PUBLIC TESTIMONY:

Ms. Lisa Singer, Applicant – Fire Station No. 17 CUP, Senior Construction Engineer, spoke regarding the noticing for this project:

- two or three newsletters have been distributed to all residences within 500 feet of the project; the second newsletter included information on the street lowering;
- December 2009 – Public Meeting Open House held regarding five CIP projects in the North Redmond area (including the fire station); sent to all residences within 500 feet of any of the projects;
- the 116<sup>th</sup> project is on a different schedule than the Fire Station project (different noticing); and
- the road in front of the Fire Station will be lowered four feet; the road in front of 169<sup>th</sup> Court NE will be lowered one and a half feet.

Mr. David Almond, Development Services Engineering Manager, reported on the street lowering and speed concerns on 116<sup>th</sup>:

- the 116<sup>th</sup> improvements have been planned for a long time – to improve site distance and lower street;
- after additional research, it was determined that the Fire Station area will need further lowering to the street;
- speed studies have been completed on 116<sup>th</sup>; there are a good number of law enforcement efforts on 116<sup>th</sup> currently; want to keep the speed limit as is, 35 mph; studies indicate that lowering the speed limit would not achieve lower speeds;
- there are no safety issues with the current road; and
- corridor plans include adding to the separation between pedestrians and cars/vehicles.

Mr. Rob Crittenden, Traffic Operations Engineering Manager, reported regarding traffic on 116<sup>th</sup>:

- it is not uncommon for arterials speed limits to be set at 35 or 40 mph;
- the speed limits are set based on speed studies and average traffic speeds on the road;
- 116<sup>th</sup> reports speeds in the mid-40s; and
- adding a vertical curve to the road to lower speeds wouldn't be prudent.

Mr. Dennis Brunelle, Senior Construction Engineer, project manager for NE 116<sup>th</sup> Corridor Improvements - Project No. 101282, added:

- the transition from 169<sup>th</sup> Court NE to 116<sup>th</sup> is currently under design; and
- as project manager, he would like to work with residents on 169<sup>th</sup> to discuss options.

Ms. Toweill queried whether the general access and appropriateness of the site as a Fire Station location has been researched. Fire Captain Tom Langton reported:

- a master plan created in the 1980s indicated areas in Redmond where fire stations should be located in order to best serve the citizens of Redmond (low response times to incidents);

- the first property was purchased in 1991/92;
- currently the fire department has no problems with the width of 116th being too narrow when responding to calls in this area; the road is set to be widened as well;
- the fire Department responds to four calls per day to this area;
- the RCDG set City standards for response times for responses to occur in five minutes or less 80% of the time; currently responses in this area under five minutes only occur 15.2% of the time; the location of the new station will allow the City to meet the RCDG standards;
- key facilities in the area include a retirement center; currently response times to the center are in excess of eight minutes; with the new location of the fire station response times would drop to two and half minutes;
- regarding noise issues: and
  - there is minimal external paging at the fire house location; mostly internal;
  - siren noise already occurs on this street four times a day;
  - the duration of sirens will be less once the response time lessens;
  - sirens are only used when there is traffic, otherwise only lights are utilized to indicate a response is in progress;
- regarding the scale of the building:
  - the design was purposeful – to be a more residential looking building in order to fit into the residential design of the neighborhood.

Ms. Toweill called for any further staff comments. As there were none, Ms. Toweill advised the record is closed on the Fire Station No. 17 Conditional Use Permit application, and a recommendation will be issued within 10 business days.

#### **IV. ADJOURNMENT**

The public hearing closed at 8:04 p.m., and the meeting adjourned.