

**REDMOND PLANNING COMMISSION  
MINUTES**

November 28, 2012

**COMMISSIONERS PRESENT:** Chairman Franz Wiechers-Gregory, Vice Chair Vibhas Chandorkar, Commissioners Miller, O'Hara, Murray, and Sanders

**COMMISSIONERS EXCUSED:** Commissioner Biethan

**STAFF PRESENT:** Pete Sullivan, Senior Planner, Redmond Planning Department; Jeff Churchill, Senior Planner, Redmond Planning Department; Scott Thomasson, Redmond Utility Engineering Manager

**RECORDING SECRETARY:** Lady of Letters, Inc.

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Chairman Gregory in the Council Chambers at City Hall.

**APPROVAL OF THE AGENDA:**

There were no changes to the agenda.

**ITEMS FROM THE AUDIENCE:**

There were no items from the audience.

**APPROVAL OF MEETING MINUTES:**

Chairman Gregory made one small change to the end of the October 24, 2012 meeting minutes. His title had been erroneously noted as *Vice-Chair Gregory* rather than *Chairman Gregory*.

MOTION by Commissioner Murray and seconded by Commissioner Sanders to approve the minutes of the October 24, 2012 meeting of the Redmond Planning Commission with the correction above. Without objection, the motion was approved.

**REPORT APPROVAL, Downtown Growth, Transportation, and Efficiency Center (GTEC) policy update, including zoning map/text changes to Town Center and Anderson Park zones.**

Chairman Gregory asked if there were any changes from the Commission on this report approval. Without objection, the Planning Commission approved the report.

**PUBLIC HEARING AND STUDY SESSION, General Sewer Plan Map Amendment,** presented by Jeff Churchill, City of Redmond Planning Department.

Chairman Gregory opened the public hearing and asked for staff's introduction and public testimony. To begin, Jeff Churchill, from the Planning Department, and Scott Thomasson, Redmond Utility Engineering Manager, recapped the requested amendment for the benefit of the audience and the Commission. Mr. Churchill noted an amendment has been proposed to a map in

the General Sewer Plan, which is one of several functional plans that are part of the Comprehensive Plan. The Sewer Plan details the existing sewer facilities in the City and the needed expansions to the sewer system to accommodate City growth. The Sewer Plan was last updated in 2009.

The history of the Rose Hill Heights South proposal comes in three parts. In 2007 and 2008, there was a proposal for an annexation into the City of this area, which is in the Grass Lawn neighborhood. That annexation was effective at the end of 2008. In 2009, the applicant for this proposal applied for an Innovative Housing proposal with the City that the Innovative Housing Review Panel reviewed in 2009 and gave its authorization to proceed with land use entitlements. However, that authorization lapsed since the applicant did not take any action on it. Now, there is a short plat proposal in the early stages for the same two properties that the Innovative Housing proposal covered, with which the applicant is involved.

Mr. Churchill displayed a map of the existing conditions to indicate the annexation area and the properties on septic systems and the properties on the sanitary sewer. There is a City of Kirkland sewer line that comes from the north and west and runs south down 132<sup>nd</sup>. Across the street is the Rose Hill Heights South area. A City of Redmond sewer is in this location, as well, on 75<sup>th</sup>, west of 134<sup>th</sup> and east of 132<sup>nd</sup>. The Sewer Plan says that the Redmond sewer would be extended west on 75<sup>th</sup> and then south onto 132<sup>nd</sup> to serve properties that are now not served in the Rose Hill Heights South area. The applicant is proposing to change the plan so that that sewer line would terminate in a spot to serve the properties to the north, and the City of Kirkland line under 132<sup>nd</sup> would serve the properties to the south.

Mr. Churchill showed the four wastewater service policies that are in the Technical Committee report, which he used for reference. He noted that these policies form the basis for how, why, and when sewer service is extended. The policies talk about who the sewer provider should be and how sewers should be designed. The Technical Committee's recommendation is to retain the existing Sewer Plan as it is today. There are some technical feasibility reasons behind this recommendation, which will be discussed later. Mr. Churchill said after this public hearing, there would likely be another study session on this topic at the Planning Commission's next meeting. At that point, the Planning Commission would make a recommendation to the City Council and the Council would make a decision from there.

Commissioner Sanders asked about the proposed area that would tie into Kirkland. Mr. Churchill pointed out on a map the proposed area and the properties owned by the applicant. Several properties to the south would be affected, as well. She asked if the plan proposed by the City would create parallel sewer lines under an arterial road. She asked if there were other arterials that had a similar situation. Mr. Thomasson said that there were very few places where Redmond and another city have utilities in the same street. This only occurs on a few areas that border Bellevue.

Johanna Palmer spoke to the Commission first in the public hearing. Her address is 12911 NE 128<sup>th</sup> Street, Kirkland, Washington. She wanted to speak for her mother, who owns the two half-acre lots that are directly north of the applicant's property. She has lived there since 1967. Her house is currently on septic and she would welcome a sewer line. She thanked the City staff who has worked on this amendment, as well as the Commission members. She says her mother fully supports the Technical Committee's recommendations to not approve the amendment proposed by the applicant. Ms. Palmer would like to have the sewers, and says it is in the interest of residents of Rose Hill Heights, both current and future, to have the entire area served by a Redmond sewer line.

Ms. Palmer said her mother was willing and able to connect to a sewer line when it comes down 132<sup>nd</sup> so that her residence would be on sewer. Ms. Palmer brought a letter from her mother, which urged the Commission to not approve the amendment and to stay with the Comprehensive Plan and the Sewer Plan as presented. Ms. Palmer contested the idea that the City of Kirkland is ready, willing, and able to serve the area proposed by the applicant. She has talked with the Director of Public Works in Kirkland, as well as one of the engineering managers in that city. She says both of them support the Redmond Technical Committee's report on the sewer line. She urged the Commission to not accept the proposed amendment to the Comprehensive Plan.

Commissioner Chandorkar confirmed with Ms. Palmer that her mother's property is directly adjacent to and north of the applicant's property, and would not be served by the amendment. Commissioner Chandorkar asked if the applicant's proposal would, potentially, affect the property one way or the other. Ms. Palmer said the best choice would be to run a Redmond sewer line to serve the applicant's property and all of the properties along this area. When the line comes through, Ms. Palmer said her mother has committed to connect to that line and share in the cost of development. She said this was the best solution for now and in the future.

Kim Yates next spoke to the Commission. She lives at 13301 NE 75<sup>th</sup> Street in Redmond, Washington, 98052. She is a Block Watch captain, and says she knows everyone in her neighborhood. Her property sits behind (to the east) the properties in question, and her house fronts NE 75<sup>th</sup> street. She has twenty-six adjoining neighbors and she is a longtime resident of Redmond, even before her neighborhood was incorporated into the City. She reminded the Commission to serve the best interests of the City of Redmond. She believed that the party wanting this change, as well as some other properties to the south, are interested in developing. Those properties have not been developed, she said, because sewer has not been available. The same situation exists north of the area in question.

Ms. Yates said that when this application was being proposed, the applicant and his representative informed people that one of the benefits of signing for annexation would be a sewer line coming up NE 75<sup>th</sup> and down 132<sup>nd</sup> to their properties. She believes that once that line is pulled to that point, other properties to the south who want to develop would continue that line. The key difference is who would be connected to what. She said that the Commission's predecessors came up with the Sewer Plan currently in place because they wanted Redmond's sewer to serve all of its sewer clients, such that everyone would share in the cost of the sewer system.

Ms. Yates said the proposal before the Commission was a significant change and a precedent-setting decision. She said, due to federal and state equitability laws, people north of this area may find themselves in a similar situation with their sewers and the Commission could not turn them down. Those residents, she said, would legally be able to hook into the Kirkland system due to this Rose Hill Heights South decision. Similar requests to hook into Kirkland's sewer in areas south of the proposal site have been rejected, Ms. Yates continued. She has brought up this issue with the City Council and Mayor before. She said that people in her neighborhood were being told, verbally and in letters from the applicant, who was going around and talking to them about this project, that he was a representative of the City. She said the Mayor has promised that allowing properties to connect to Kirkland sewer would not happen on his watch.

Ms. Yates said the Kirkland sewer in this area is very shallow, and there may be some question that the top two lots in this proposal would have enough drop to connect to it. She added that the city of Kirkland and other residents in this area have been concerned about stormwater runoff. As Rose Hill development has happened, storm water infrastructure has not been put in place. She said the preceding Planning Commission had a plan to allow for stormwater to be managed properly as the area develops. She advised the current Planning Commission to stick with this plan. Chairman Gregory thanked Ms. Yates for her comments.

Yuval Sofer, the applicant in this case, spoke to the Commission next. He said the addresses under discussion were 7300 and 7306 132<sup>nd</sup> Avenue in Redmond. His personal residence is in Bellevue. He showed some slides to the Commission. In general, he said the discussion over this sewer has gone on for six years, which he says is disproportionate to any other development in which he's been involved. He led an annexation effort in this area that took a shorter amount of time. Connecting to a sewer system was a motivation to do the annexation.

Mr. Sofer said there were two questions to the proposal. One is of a technical nature, regarding the possibility that such a proposal could work. The second issue is how such a proposal, if it were possible, would impact City policies. He said the record was clear that there is precise information about the size of the sewer pipe and the depth of it. The concern the Commission has discussed over determining the slope of some of the property can be answered clearly as well, said Mr. Sofer. He said all of the technical concerns, such as manhole covers, gravity flow, or the size of the pipes, are all within Kirkland standards, and not sub-par, as has been discussed before. He noted that the Kirkland line, put in ten to twelve years ago, has been working flawlessly.

Mr. Sofer said that Kirkland has an emergency sewer system that has helped connect hundreds of homes with failing septic systems onto city sewer. He added that Kirkland has demonstrated ability, will, and feasibility to connect to this line. Kirkland and the City of Redmond studied the sewer issue in 2008 and 2009, and Mr. Sofer said it was determined the current system was in good shape. There are two sewer lines that already cross over from the Kirkland line, as well as four storm lines, and there has never been a problem. This proposal has been the subject of an engineering analysis directed by Bob Franklin, Redmond's former Engineering Public Works (Development Services) Manager. The idea of crossing the lines has been investigated before, and the Technical Committee looked into this in 2009. The record shows this plan was approved at that time, with four options to serve this area. One of the options is with the existing sewer plan and the others include combinations of Redmond and Kirkland serving the area. The conclusion of the Technical Committee was an approval. The next step was an interlocal agreement, and Mr. Franklin recommended that the small water line depth should be verified via potholing.

On the policy side, Mr. Sofer said it was beyond doubt that this proposal is the right thing to do from a historical perspective. He noted that some people in Redmond do indeed connect to other city sewers through interlocal agreements. Mr. Sofer said that connection to sewer in this area has significant economic value to the City itself. He provided a report from the National Association of Homebuilders that showed how development impacts the local economy. Millions of dollars of net income to the city could be generated. Therefore, Mr. Sofer said that the claim of the Technical Committee that this was a wash, economically, to have more residents in the City is not politically correct and not accurate.

Mr. Sofer said the cost of the existing plan is excessive, definitely in the face of the options and in proportion to other developments that were brought as examples. He noted that the City of Redmond does not have any alternative sewer plan, in that a plan was presented and the hope was that somebody could take over and accomplish the plan. Mr. Sofer said that the City of Kirkland has demonstrated a strong will for an interlocal agreement with this project, which he has in writing. He said there have been inconsistent responses from Redmond's Technical Committee on this sewer issue. He noted that prior to annexation there were many reports and studies on this topic, but after Mr. Franklin's departure from the City of Redmond, sentiments have changed. Mr. Sofer said in the scope of long-term planning acts in King County, there have been numerous examples of cooperation between cities to utilize resources in the same manner. He said having two parallel sewer lines was not the best idea, especially in terms of affordability.

Mr. Sofer pointed out that the City of Redmond has spent a lot of resources to create an Innovative Housing Program, but the coordination between Planning and Public Works does not happen. In this case, the Innovative Housing plan was approved, but then Mr. Sofer was told it could not be done without spending several hundred thousand dollars on a sewer line, thus wiping out the benefits of an affordable, innovative plan. He said there was a serious disconnect between several departments in Redmond. He added that if the Kirkland line was owned by Redmond, this public hearing would not be happening.

Mr. Sofer talked about the history of annexation in this area. He pointed at the half-acre properties that used to make up an island of unincorporated King County stuck between two cities. Nothing can happen here without a sewer. There have been several septic failures in this area. Mr. Sofer summarized by saying there was a wealth of information on this topic, and the amendment was the right thing to do for the residents. He said nine or ten other property owners would agree with him. He said the Sewer Master Plan is old and irrelevant, in that it was made before annexation and before Kirkland had a sewer line in this area. The connection he has presented is feasible, in his opinion, and the right thing to do. He said it would be better for the residents, for their net income, and for the environment. He wanted to make sure people in this area would be treated fairly.

Commissioner Murray asked about Rob Jammerman's support for this project in the past. Mr. Jammerman is a development engineering manager in Kirkland's Public Works Department. Commissioner Murray asked if Mr. Sofer was aware of his email to Ms. Palmer as of last week. Mr. Sofer said he received a similar email. Commissioner Murray read the email, which said, *It does not appear it is feasible to connect these properties to our sewer main because of large water line on the east side of street. Kirkland is supporting Redmond's recommendation to continue to have the said properties served by Redmond when their sewer is extended into the area.*

Robert Zeinemann next spoke to the Board. He is an attorney with Tierney and Blakney Law Firm on Mercer Island, and he lives in Bellevue. He said he was representing Mr. Sofer. After some discussion, Chairman Gregory agreed that Mr. Zeinemann and Mr. Sofer could provide testimony together. Mr. Zeinemann noted that Redmond staff sent a technical report to Kirkland. He said the utility profile provided in that report is incorrect. Thus, if Mr. Jammerman was using incorrect information, the comment about Redmond's recommendation would be incorrect, as well. Mr. Sofer has spoken to Mr. Jammerman about the correct, as-built situation. Mr. Zeinemann said, at the Commission's previous meeting, City staff said the water line in this area was *where they expected it to be*. That, in Mr. Zeinemann's opinion, was simply made up and not based on any actual information other than where the line was expected to be.

Mr. Sofer continued that Mr. Jammerman has changed his mind since he sent the email Commissioner Murray read into the record. Mr. Sofer said Mr. Jammerman told him he would let the City of Redmond know about his change of heart. Mr. Sofer said the city of Kirkland has never been an obstacle to this process.

Commissioner Chandorkar asked if it were fair to say that there is some place along the road that the water line goes above the sewer pipe. Mr. Sofer said the main sewer line is seven to eight feet deep, and the sewer crossing line would indeed go above the main water line. Mr. Sofer said there are some areas where the sewer lines are relatively shallow, but they are still within the three feet standard and working fine. Commissioner Chandorkar asked if an accident that burst the sewer line could contaminate the water supply. Mr. Sofer said that was possible. He said what was probable is that the septic systems are failing in this area, and he was certain that his plan was within the standards. He is proposing to use a ductile iron pipe, stronger than normal pipes, for the sewer.

Commissioner Chandorkar noted that the pipe placement was a fundamental issue. Mr. Sofer said there was a chance something could go wrong, but extra precaution could be taken by using ductile iron pipe, for example. Mr. Sofer said the codes and standards allow what he is planning. If the project is done properly, there should not be a problem. He said that this is a simple utility installation project. Commissioner Chandorkar asked if there was a reason why the 'X' marked on the map, denoting the route of the Redmond sewer, was in its certain location. Mr. Sofer said the 'X' was to note that the Kirkland sewer does not continue north past that location. He said there would be enough gravity for the nearby properties to connect.

Commissioner Miller asked Mr. Sofer about the time he was working on the annexation process and what arguments he was proposing to property owners about annexation to Redmond. Mr. Sofer said there were several meetings hosted by the City on that issue. Commissioner Miller asked again why Mr. Sofer thought it was important to have annexation happen, personally. Mr. Sofer said his goal was to develop his properties, and he came to a conclusion that annexation would be required to do that. The sewer line was one issue, and the message from the City of Redmond at that time was to annex, and the properties would be connected, if possible. The second issue was the Innovative Housing Program, which the City and Mr. Sofer saw as potentially advantageous. Mr. Sofer said there were many people who supported annexation and those who actively pushed back against it, as well as people who did not know much about it.

Mr. Sofer, in working with the City, went around and talked to neighbors about annexation to make sure they had information and to try to get them on board. Eventually, owners of property representing 62% of assessed value supported it. Commissioner Miller said people in this neighborhood have an expectation of a long-term plan that would include sewers. But with Mr. Sofer's proposal, those expectations appear to be getting modified. Commissioner Miller asked what Mr. Sofer would say to people who would bear an increased cost of eventual sewer tie-ins.

Mr. Sofer said there are those in this area who are closer to the Redmond sewer, and he understands how they would like to be connected to it. He has nothing against those people. Mr. Sofer said some people in this group might not have supported the annexation, which he accepted. He said his proposal solves a problem for at least half of the people in this neighborhood, in that now, there is nothing for anyone. The Commission thanked Mr. Sofer for his testimony.

Mr. Zeinemann spoke again to the Commission at this point. He reiterated that the depth of water main is not an unknown due to the as-built plans provided. He next spoke about the concern that the sewer main in 132<sup>nd</sup> would not be served by side sewers, rather a sewer main. Mr. Zeinemann said that point was not relevant to the current discussion. The sewer main would have to pass by the same vertical margins, and in his opinion, the project is feasible whether the lines are side sewers or a sewer main.

Mr. Zeinemann spoke to the second issue on the Commission's issue matrix, dealing with the design standards of this project. He was bothered that the word *preferred* and the word *standard* was understood to mean the same thing. The City has said that the sewer standards remain as standards, and the applicant's argument does not change that fact. However, Mr. Zeinemann pointed out, the language is *preferred*, not *standard*, and those words do not mean the same thing. He spoke about the considerations that are policies of the City of Redmond and the county-wide considerations that were discussed in the original application for the Sewer Plan amendment. County Planning Policy CO-2, he quoted, says *jurisdictions shall provide services and manage resources efficiently through regional coordination, conjunctive use of resources, and sharing of facilities*. Mr. Zeinemann saw that as support for the Sewer Plan amendment proposed, and noted that the amendment was pursuant to Growth Management Act requirements.

Mr. Zeinemann says he typically represents cities and counties. Mr. Sofer is one of his very few developer clients. Mr. Zeinemann said he is representing Mr. Sofer because he does fantastic work, including green innovative building practices around the region. Mr. Zeinemann said Mr. Sofer could create a project that Redmond would be proud of. Mr. Zeinemann said Kirkland's sewer main in 132<sup>nd</sup> is a bit shallow, but it meets the standards. This type of main is not unusual. He suspected that Redmond had many sewer lines of similar depth in older parts of the City, and added that new developments, most likely, are able to hook up to those older lines. His main point was that all of Redmond's sewers were not built to a seven-foot depth standard. Therefore, Mr. Zeinemann said it made sense to hook for existing infrastructure for infill develop rather than run a duplicative sewer that would be a wasteful, non-green structure.

Mr. Sofer returned to testify and presented an email from Rob Jammerman dated November 19, 2012. The email noted that Mr. Jammerman was not aware or did not recall the research and email exchange between a person in Kirkland and Bob Franklin. Mr. Jammerman wrote that he would send information over to Redmond to make sure the City had it. Mr. Sofer pointed out that originally Mr. Jammerman concurred with the City of Redmond, but after Mr. Sofer wrote to him, Mr. Jammerman said he would let Redmond know about it.

Chairman Gregory decided to keep the written comments open on the public hearing through the next week. Barry Swanson next spoke to the Commission, a resident of 7024 132<sup>nd</sup> Avenue NE. He said his home has been on sewer since 2002, and he is the only one on his street that is hooked in. He said he has had a flawless system for the past decade. He said he was an infill builder in Seattle, and said he built there because that city lets developers hook up to infrastructure inside city limits. Mr. Swanson said the sewer across the street from him was the right thing to do. He said if a developer was to come back in this area and make promises to the people to build more homes, such a developer would have to build nine hundred linear feet of sewer in that street versus fifty or maybe sixty feet from the lot to the sewer. Years ago, Mayor Nickels in Seattle talked about taxing developers for carbon emissions. Mr. Swanson said if there were a CO tax on the development of nine hundred feet of sewer, rather than sixty, the costs would be significantly higher.

Mr. Swanson said there is a chance for 27 homes in this area to be rapidly developed over the next five to ten years versus a City of Redmond plan that could take twenty years or more. Mr. Swanson said the City has several new schools within walking distance of the Rose Hill area that need to be filled with good students, and that requires good homes to be built nearby. He said that Mr. Sofer has done a good job bringing more people to the City of Redmond. Mr. Swanson said he is hooked up to Kirkland sewer and tasting Redmond water.

Mr. Swanson said the plan to build 27 homes through this plan would be a large economic benefit for Redmond for taxes and will pay back the City for any infrastructure that would be used. He said the properties that are not in use now are not places his daughters like to walk by. Mr. Swanson said he wanted the Commission to do the right thing and hook up to existing infrastructure, and he hoped that Redmond and Kirkland could get along.

Mark Friedl spoke to the Commission next. He owns property at 7014 132<sup>nd</sup> Avenue NE, Redmond, Washington, just south of Mr. Swanson. He said he would love the opportunity to build a house on this property. The septic system on site is currently failing, and he has invested a lot of money just to keep it running. Mr. Friedl has been told he cannot connect to the sewer. He wanted to let the Commission know that he viewed the amendment as an obvious decision in the affirmative and wanted some support for this opinion to do that. Chairman Gregory confirmed that Mr. Friedl lived in Redmond.

Ms. Yates had another comment to make, and Chairman Gregory suggested she make those comments in writing. Chairman Gregory closed the oral portion of the hearing and said the written portion would stay open until Wednesday of the following week. The Commission took a five-minute break at this point.

Chairman Gregory re-opened the meeting after the recess and addressed some questions from the audience about where the Sewer Plan process goes from here. Chairman Gregory was hoping the Commission could have a decision on this issue next week. He reiterated that the written comment period would be open for another week.

Mr. Churchill said that through December 5, 2012, written testimony could be submitted to [planningcommission@redmond.gov](mailto:planningcommission@redmond.gov). Mr. Churchill shared Chairman Gregory's hope that the Commission could make a recommendation by that date. That recommendation would go to the City Council. There is no date set for City Council review of this matter yet, but Mr. Churchill expected that to be in the first quarter of 2013. The best way to stay informed would be to ask Mr. Churchill for information. The City Council may or may not hold an additional public hearing on this issue. Traditionally, the Council does not hold an additional public hearing and instead relies on the testimony received by the Planning Commission.

Chairman Gregory noted that there was an issues matrix for the Commission to get through with the study session on this issue. He did not want the Commission to get bogged down on technical details of conflicting measurement numbers, especially regarding the depth or size of pipes. He wanted the Commission to focus on the application for the proposed amendment to the Sewer Plan.

The first issue dealt with the risks associated with placing sewer lines over the water mains. Commissioner Chandorkar said the applicant and his attorney were talking about places where

Redmond has used designs on existing sewers where sewer lines are above water mains. He asked staff how true that claim was and in how many instances this was true in Redmond. Mr. Thomasson said he could not think of any situations that would be a similar circumstance. He said that in Kirkland, the sewers seemed to be extended without a plan. One developer after another would put in some pipe, and because the ridge is a block west of 132<sup>nd</sup>, they had to dig through the ridge. They did not dig deep enough to provide good service to the neighborhood. Mr. Thomasson said there were a lot of hills in Redmond, and most sewers have plenty of room to go up the hill. He said there may be some places where a sewer is shallow, but by and large, sewers are not built over water mains. He added that if this area is built according to the Sewer Plan, it will not have to go over the water mains. The standards can all be met and still respect the integrity of each utility system.

Commissioner Chandorkar asked if the as-built plans presented by the applicant show enough of a gap between the sewer line and water line, presuming the sewer line would go above the water line. Mr. Thomasson said the applicant submitted a water plan. He noted that the water mains were built by the Rose Hill Water District, not the city of Kirkland. When Redmond and Bellevue and Kirkland assumed Rose Hill Water District, those cities ended up with the various records of the parts of the water system that end up in each town. Kirkland has a drawing of that water main and the picture shown tonight is not a full plan. Mr. Thomasson said the drawing, from his experience, appeared to be a design drawing, not an as-built drawing. There are many document drawings in Redmond's files that never were corrected to what was built.

Thus, the plan shows a depth of seven to eight feet to the bottom of the pipe, but the City of Redmond does not know for sure where that pipe is. To make certain, the City would have to pothole. The applicant said the City's sketches of the pipes were not accurate, but Mr. Thomasson said the City sketches show depth of cover, not the depth to the bottom of the pipe as in the applicant's drawings. The pipes are two feet thick. So overall, the City of Redmond's drawings would show the depth of cover as six feet compared to the applicant's depth of seven feet. That distance is not that different, but in either case, clearly, the sewer pipe would have to go over the water main. The state has regulations that speak to what must be done to build a sewer pipe over a water pipe if that instance has to happen. Mr. Thomasson said, in this case, that does not have to happen.

Commissioner Murray said that the applicant has stated, and the City has agreed, that with the issue at hand, barring technical considerations, the sewer will have to go over the water main. The applicant believes that could be mitigated. Commissioner Murray said the Commission had a philosophical or policy decision to determine whether to exempt this particular case to the policy that exists in Redmond. Mr. Thomasson said that the sewer did not have to go over the water main if it were extended according to Redmond's plan. Commissioner Murray saw this as a decision over upholding policy or allowing an exception.

Commissioner Miller said this decision was about providing sewer to a particular location. But in talking about standards, or presumed standards, he asked if there were any code guidance that gives the City latitude in relaxing standards and guidelines in cases of infill or sustainable development or development that serves any other sort of increased benefit to the community. Alternately, he asked if this were a hard and fast health and safety regulation. Mr. Churchill said, in regard to Zoning Code, the Innovative Housing Program provided a good example to answer Commissioner Miller's question. This is part of the Zoning Code that allows for the changing of certain standards to

achieve other City objectives, such as doubling density standards in the Innovative Housing Ordinance. There are standards for public streets as well that have some flexibility.

Commissioner Miller noted that these exceptions are specifically called out in the Code, and asked if sewer could be granted an exception. Mr. Churchill said he would want to read the Innovative Housing Ordinance very closely to give the best answer. Commissioner Miller said the Commission was between a rock and a hard place in that the Commissioners are dealing with not a development application but rather a decision to relax standards to gain a certain benefit. Commissioner Miller agreed with Mr. Churchill that relaxing standards happens frequently in other contexts, but drinking water is not part of those situations. He wanted to make sure the Commission was very clear on this issue, and wanted more information before making a vote. Commissioner Miller was not clear if the Commission was able to mitigate consequences in a situation like this. If there is room for latitude, he would like to know that, but his gut feeling is that the City should not muck around with safety and health.

Mr. Thomasson noted that the Zoning Code does not say design standards can be changed for water or sewer as part of an Innovative Housing program or any other program. Within the design standards, there is discretion to deal with situations that come up, but there is no language that says to make something more affordable, a developer can do this or that.

Commissioner O'Hara asked, hypothetically, if a sewer was built as part of the Redmond Sewer Plan down 132<sup>nd</sup>, whether the two properties that connect to the Kirkland sewer today will have to disable those connections and reconnect to the Redmond sewer. Mr. Thomasson said that was not likely. A new development would trigger a connection with a Redmond sewer. There is no mechanism to require that connection on an existing house. Chairman Gregory asked if the two properties would be charged for the sewer work if they were already hooked up. Mr. Thomasson said, if a developer were to submit an application for a reimbursement agreement, the developer would submit a proposal of how the cost would be distributed among those who benefit. The City reviews these proposals to see if they are reasonable, and Mr. Thomasson said leaving those two properties out would probably be reasonable.

Commissioner O'Hara asked if this discussion was a question of determining whether the good was the enemy of the best or vice versa, meaning the best technical approach would mean building the new sewer to standards. Yet, the implications of that may be that there is no development on this street that is affordable anytime soon, if ever. The good might be considered as relaxing City standards to allow additional properties to connect to the sewer already in the area, which would not change in the foreseeable future. That could allow for more affordable housing and innovative development. He asked for comments on his comments.

Commissioner Chandorkar said he was struggling with the same question. He noted that if the Commission supported the applicant's request, Commissioner Chandorkar would like some concrete exceptions to design standards noted, where permitted. Secondly, he was struggling with the fact that if the Commission says yes, that could set a precedent and create future trouble. Commissioner Chandorkar pointed out that, in the future, if Redmond did build a sewer in this area, there could be more questions about the two properties that connect to Kirkland's sewer and other connections in the future. He asked if the City could live with the temporary solution proposed by the applicant until the time Redmond builds a better code solution when that's possible.

Commissioner O'Hara reminded Commissioner Chandorkar that the City does not build sewers, in

most cases. Commissioner Chandorkar said he was speaking to whenever the sewer was built, by whatever developer. Commissioner O'Hara reiterated his concern that the City could see some very high-dollar houses in this area if the sewer was built, because that would be the only kind of house that could pay for a sewer. This could involve a lot of waiting, in his opinion.

Commissioner Murray said Commissioner O'Hara characterized the situation correctly. Commissioner Murray said he was concerned about setting a precedent, as well, for other connections to neighboring cities. He is also concerned that if the two properties on the site connect to Kirkland's sewer that means that every property south of the applicant's properties will have to connect to Kirkland, due to cost concerns. Thus, the sewer system that would be built would have to stop above the 'X' on the Commissioner's map. That could artificially inflate the cost of developing properties above the 'X' by putting in a sewer system that is only half as long. He is worried about the financial impacts on the properties to the north and south.

Commissioner Miller said setting a precedent is a major issue in terms of the covenant the Commission makes with City residents, such as the Comprehensive Plan. Chipping away at those goals creates a situation where the City would be planning by negotiation. What may be a benefit for an applicant could result in an impediment to others. Commissioner Miller would like the technical issues resolved on this issue with staff's help. At the same time, the Commission has a responsibility to be a guardian of that covenant with the citizens of Redmond. The burden of proof for making an exception has to be borne by the applicant, to determine how this project fits into the community. Commissioner Miller added that there is no good land use plan for this area that would point out what the City wants to see in the future, which is a challenge as well. Commissioner Miller said this decision would impact annexation, the development of the Sewer Plan, and the impact this application would have on everyone in Redmond.

Commissioner Chandorkar asked about the applicant's point regarding King County's policy that adjacent jurisdictions shall share infrastructure that is common, and if that was a binding policy on the City of Redmond. Mr. Thomasson said, from a utility perspective, he has never seen it applied in this manner. Utilities plan for their service areas. The Coordinated Water System plan done in the region at least fifteen years ago talked about boundary streets and how the agencies on each side could work things out. However, there are some areas where there are water mains on both sides of the street because it is served by two different jurisdictions. Mr. Churchill added that Redmond subscribes to the county-wide planning policies, but it is up to the cities to decide, in each case, to share resources or whether it is better policy to not share resources to achieve a better result. Mr. Churchill said the county policy has the same effect as Comprehensive Plan policy.

Chairman Gregory said he saw this issue in the same way as Commissioner Miller. Chairman Gregory said the Commission's job focuses on planning and the Comprehensive Plan. He sympathizes with the applicant's goals, in terms of affordable, innovative housing that is economical, which is desirable and called for in the Comprehensive Plan. But, Chairman Gregory said the Sewer Plan is a big part of the Comprehensive Plan. He has had difficulty resolving the conflicting claims between the applicant and the staff, but it could be argued that the applicant's plan is technically feasible. However, he said the Commission would have to struggle with whether the amendment is desirable in light of the perceived detriment of future sewer lines coming down to the area.

Chairman Gregory said he would be weighing the implications of the Commission's decision on City policy, including the Sewer Plan. He was unclear if Kirkland would agree to an interlocal agreement with the sewer line, but his main question was whether the Commission wanted to uphold the Sewer Plan or simply negotiate sewer issues on projects as they come up. Chairman Gregory said he could not close any issues in the issues matrix. He asked staff for more information at next week's meeting. Mr. Churchill asked the Commission to consider that there are sometimes good reasons to change plans like the Comprehensive Plan or the Sewer Plan. He asked the Commission to consider if this application was a good reason to make a change and consider the policies laid out in the Sewer Plan noted at the beginning of the meeting.

Commissioner O'Hara asked about the zoning in this area. Mr. Churchill responded that it was R-6. Commissioner Murray said he understood Commissioner Miller's need for technical information, but sided with Chairman Gregory in that he assumed the application was technically feasible. He said his decision would be based more on policy impact and if the exception provides for a greater good. Chairman Gregory closed the study session.

**REPORTS/SCHEDULING/TOPICS FOR NEXT MEETING(S):**

Mr. Sullivan noted that the Commission would continue the study session on the Sewer Plan on December 5, 2012, with a report approval scheduled for December 12th. He said that the City Council acted on November 20th to approve the rules and procedures for the Planning Commission that the Commission reviewed earlier this year. That document is now on the Planning Commission's web page. There will be an open house for the Southeast Redmond Neighborhood Plan Update on Monday, December 3rd. This would be the third community meeting for the Plan Update. It is a hands-on exercise for the public to begin to identify concepts for the type and location of development and City infrastructure and services to support that development. He invited the Commission members to attend. Staff is looking for candidates for the Citizen Advisory Committee to further inform the neighborhood plan update. The home page for the City of Redmond has more information. Commissioner Sanders reminded the Commission of the big centennial event coming up on the weekend, Redmond Lights, in the day and night time.

**ADJOURN**

MOTION by Commissioner Miller and seconded by Commissioner O'Hara to adjourn the meeting. Chairman Gregory adjourned the meeting at approximately 8:43 p.m.

Minutes Approved On: Planning Commission Chair