

Memorandum

To: Planning Commission
From: Jeff Churchill, AICP, Senior Planner, 425-556-2492
Date: January 9, 2013
Subject: **Redmond General Sewer Plan Amendment for Rose Hill Heights South**

INTRODUCTION/BACKGROUND

On November 14, 2012 the Planning Commission began review and discussion of the proposed amendment to the Redmond General Sewer Plan for the Rose Hill Heights South area. The Commission held a public hearing on November 28, 2012 and received oral and written testimony from several parties, including the applicant. The Commission received additional written testimony through December 5, 2012. The Commission recommended against changing the General Sewer Plan at its December 5, 2012 meeting.

PREPARATION FOR MEETING

Please review the enclosed Planning Commission Report and associated exhibits.

REVIEW SCHEDULE

Staff anticipates that the Commission will take action on the report at the January 9, 2013 meeting. Staff is scheduled to provide an introductory report to the City Council on January 15, 2013, and the Council will hold a study session on this topic on January 22, 2013.

ENCLOSURES

Planning Commission Report with selected exhibits

Please contact Jeff Churchill (jchurchill@redmond.gov) with questions or concerns.

Planning Commission Report

To: City Council

From: Planning Commission

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Jeff Churchill, AICP, Senior Planner, 425-556-2492, jchurchill@redmond.gov

Date: January 9, 2013

File Number: L120162, Rose Hill Heights South Sewer Plan Amendment

Planning Commission Recommendation: Do not approve the amendment.

Recommended Action: Adopt a motion denying approval of the proposed amendment.

Summary: The Redmond General Sewer Plan describes existing facilities and needed system expansions and upgrades to serve projected growth over the next 20 years. Emerald Commercial II, LLC, represented by Yuval Sofer, proposes to amend a General Sewer Plan map for the Redmond-Kirkland Road Basin along 132nd Avenue NE. The Sewer Plan currently calls for the extension of a Redmond sewer main from the 13300 block of NE 75th Street west to the intersection with 132nd Avenue NE and then south along 132nd Avenue NE to NE 70th Street. The applicant proposes to amend the plan such that the planned extension

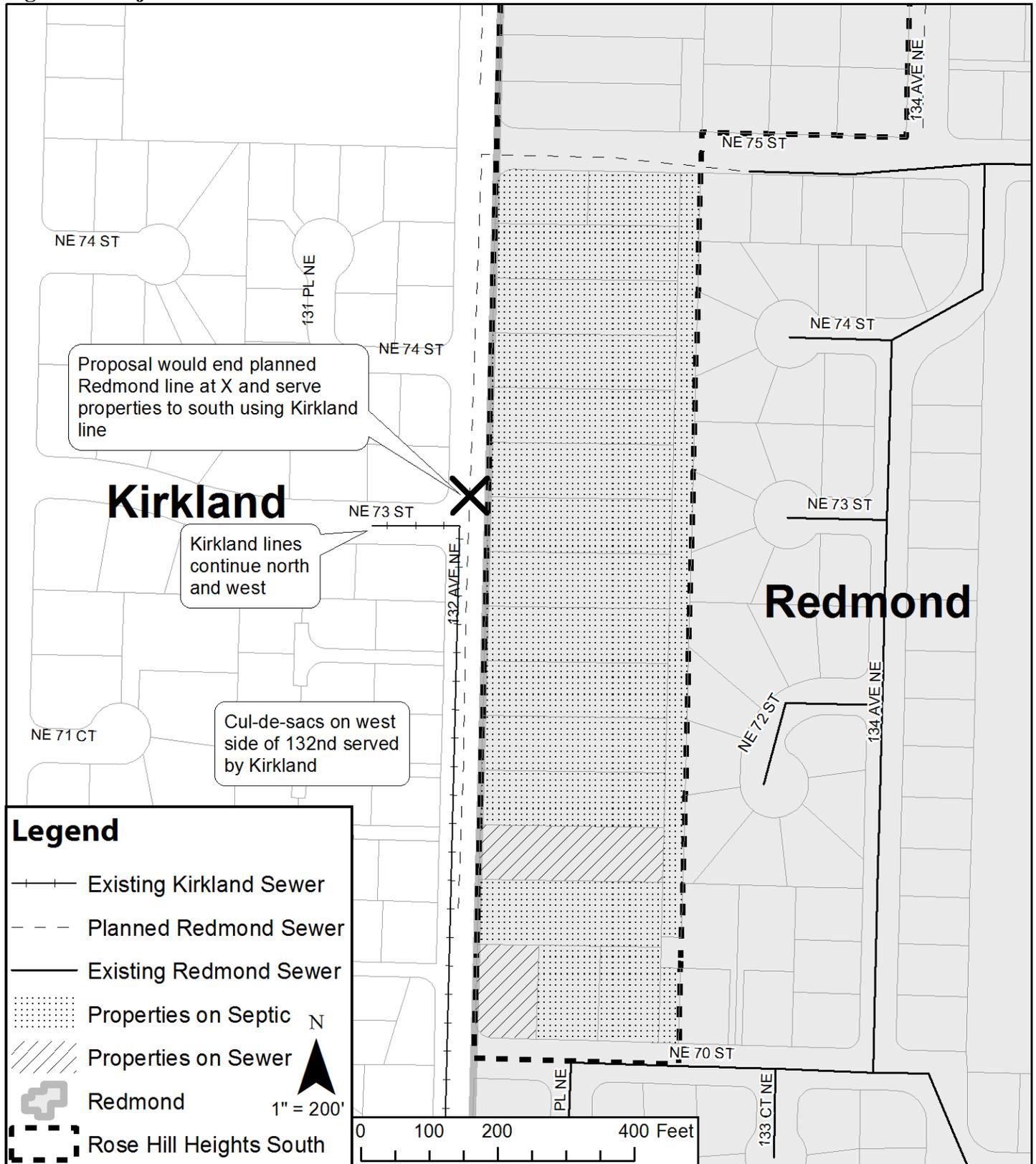
would end just north of two parcels that the applicant owns in the 7300 block of 132nd Avenue NE. Properties from there south would instead connect to a City of Kirkland sewer main in 132nd Avenue NE (see Figure 1 on next page).

**Reasons the
Proposal should
not be Adopted:**

The proposed amendment should not be adopted because:

- The proposal is inconsistent with Redmond’s sewer system design and service policies;
- The proposal would set precedent that would likely impede future implementation of the General Sewer Plan;
- The proposal would require that the City ultimately grant exceptions to its ordinary design standards in a situation where that is neither necessary nor desirable; and,
- The potential risks and costs associated with amending the General Sewer Plan exceed the potential benefits of amending the Plan.

Figure 1: Subject Area



Recommended Findings of Fact

1. *Public Hearing and Notice.*

a. **Public Hearing Date.**

The City of Redmond Planning Commission held a public hearing on the proposed amendments on November 28, 2012. The written portion of the hearing closed on December 5, 2012.

b. **Notice.**

Notice of the public hearing was published in the Seattle Times. Public notices were posted in City Hall and at the Redmond Library. Notice was also given by including the hearing in Planning Commission agenda and extended agendas mailed to various members of the public and various agencies. A hearing notice was also mailed to property owners and occupants in the Rose Hill Heights South area annexed to Redmond in 2008, to those who expressed interest in the 2008 annexation, and to any other property owner or occupant within 500 feet of the amendment area. Additionally, hearing notification was posted on the City's web site.

2. *Public Comments.*

Oral Testimony

Six people testified during the public hearing. Their comments are summarized below in the order they testified. A full record of oral testimony is provided as Attachment B.

Johanna Palmer testified in opposition to the proposal. She read a letter from her mother, Carolyn DeYoung, who owns two parcels in the subject area. Ms. DeYoung's letter says that Ms. DeYoung supports the existing General Sewer Plan, and that she would connect her property to the Redmond sewer when it is extended. Ms. Palmer also testified that she had spoken to Rob Jammernan at the City of Kirkland Public Works Department, and that he had provided an email stating his support for the Redmond staff position.

Kim Yates testified in opposition to the proposal. She said she was concerned that this would set precedent, and that under federal equitable treatment laws the City would be required to provide the same accommodation to anyone else in the future. She also testified that the Kirkland sewer main in 132nd Avenue NE is too shallow to serve the Redmond side of the street. She said there is concern among neighbors about stormwater runoff in the area.

Yuval Sofer testified in favor of the proposal. He testified that the record is clear that the proposed connection to the Kirkland sewer main is technically feasible and within accepted standards. He noted the success of Kirkland's emergency sewer connection

program and testified that Kirkland is ready and willing to allow the applicant to use the line in 132nd Avenue NE. He noted that several stormwater and other utility lines already cross the water mains in 132nd Avenue NE and so there is precedent for these crossings. He testified that his engineer had provided a study at the direction of Redmond staff that shows how a connection to the Kirkland main would work, and that the Redmond Technical Committee approved his proposal. He testified that homebuilding here would benefit the City financially, and that the existing plan is too costly to implement. He also said that the City of Redmond had indicated that sewer would come after annexation. In response to testimony from Ms. Palmer, he said he had received a more recent email from Mr. Jammerman indicating Mr. Jammerman's support for the proposal.

Robert Zeinemann, Mr. Sofer's attorney, testified in favor of the proposal. He testified that the profile of utilities in 132nd Avenue NE provided in the Technical Committee Report is inaccurate as it regards the depth of the water main, and that as-builts provided by the City of Kirkland showed this to be true. He also testified that Redmond has "preferred" design standards, and other standards, and that the City should not treat them the same. He said that Countywide Planning Policy CO-2 favors the sharing of resources and facilities. Mr. Zeinemann also testified to the quality of Mr. Sofer's work as a developer.

Barry Swanson testified in favor of the proposal. Mr. Swanson, who resides on the east side of 132nd Avenue NE and connected to the Kirkland sewer main prior to annexation, testified that the connection has worked flawlessly since 2002. He testified that connecting to the Kirkland line was more "green" because of the reduced amount of infrastructure and carbon emissions as compared to extending the Redmond sewer line. He said that approving the amendment would allow for new home construction close to schools, and would be an economic benefit to Redmond.

Mark Friedl testified in support of the proposal. Mr. Friedl owns property on 132nd Avenue NE and testified that he wants to build a house there, but cannot connect to sewer. He testified that he has spent thousands of dollars keeping-up his septic system.

Written Testimony

Fourteen parties submitted written testimony. Their testimony is summarized below in alphabetical order. Written testimony is provided in full as Attachment C.

Forrest Deaver, Hildegard Garross, Raymond Johnson, Sigrid Penrod, and Richard Wiita support the proposal. They signed a petition in favor of the proposal.

Carolyn DeYoung opposes the proposal. She submitted letters.

Jennifer Duncan opposes the proposal. She submitted an email.

Mark Friedl supports the proposal. He submitted a letter and signed a petition in favor of the proposal.

Johanna Palmer opposes the proposal. She submitted emails, including emails with Kirkland staff.

Yuval Sofer supports the proposal. His testimony includes emails with Redmond and Kirkland staff, technical exhibits, engineering reports, Technical Committee presentations and notes, economic studies, Kirkland sewer map excerpts, GIS data, and other information.

Barry Swanson supports the proposal. He submitted a letter and signed a petition in favor of the proposal.

Rich West supports the proposal. He submitted a letter and signed a petition in favor of the proposal.

Kim Yates opposes the proposal. She submitted letters.

Robert Zeinemann supports the proposal. He submitted letters to the Planning Commission.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

The Planning Commission considered this proposal principally from a policy standpoint, though the Commission recognized that there is a significant technical component. A summary of the key issues follows. Additional discussion can be found in the Final Issues Matrix, which is Attachment A.

❖ Technical Feasibility

The Planning Commission received conflicting information from the applicant and from City staff concerning the depth of existing utilities, and about how certain anyone could be about that information. For the purposes of its discussion, the Planning Commission assumed that it was technically feasible to design a connection from properties on the east side of 132nd Avenue NE to the Kirkland sewer main. As a policy body, the Planning Commission decided to focus on the policy issues at hand and make a recommendation based on those issues.

❖ Consistency with Comprehensive Plan Policy

Redmond's policies for sewer system service and design are UT-27 through UT-30. The full text of these policies can be found in the Technical Committee Report (Attachment D). The overall purpose of these policies is to ensure a safe, efficient, and reliable service for all of Redmond's current and future customers, over the long term.

The Planning Commission concluded that the existing General Sewer Plan best implements policies UT-27 through UT-30. The existing plan assures gravity service, and can meet or exceed all City and state standards. The Commission concluded that amending the Sewer Plan would require the City to approve exceptions to ordinary design standards in a situation where that is neither necessary nor desirable. It is not necessary because the existing Sewer Plan would serve all properties with a design that meets or exceeds City standards, and it is not desirable because the exceptions would, among other things, require sewer lines to cross over top of a water line (the reverse is standard; see “Utility Systems Integrity” bullet below).

❖ **Setting Precedent and Past Precedent**

The Planning Commission concluded that approving this amendment to the General Sewer Plan would set negative precedent going forward. In the Commission’s view, this amendment would harm the integrity of the General Sewer Plan over the long run by setting a precedent that expediency for development outweighed other policy considerations.

Further, the Planning Commission concluded that the City has faced this type of request before, and has responded by retaining the existing plan. St. George Coptic Church, on the corner of NE 100th Street and 132nd Avenue NE, requested a connection to a Kirkland sewer main in 132nd Avenue NE. The City agreed to a *temporary* connection on the condition that the church connect to the Redmond sewer main when it reached the property, and that the church construct 800 feet of dry sewer along and beyond its frontage in order to close the gap between where the Redmond sewer ends and the church’s property.

❖ **Utility Systems Integrity**

The Commission concluded that the existing General Sewer Plan best provides for the integrity of the sewer system and other utilities in the subject area. Adopting the proposed amendment would mean running sewer lines above water lines. This is a practice that is adopted when other alternatives are not available. The Commission concluded that the existing plan best maintains separation between water and sewer lines for the integrity of both systems and for the health and safety of utility customers.

❖ **Fairness to Current and Future Property Owners and Residents**

The Planning Commission concluded that amending the sewer plan would likely impose monetary and other costs on current and future property owners and residents, and that as a matter of fairness the General Sewer Plan should be retained. For property owners and residents to the north of the proposed change, the Commission was concerned that 1) the amendment would result in fewer opportunities to extend the Redmond sewer line, and 2) that the shorter extension would not be as cost effective. For property owners to the south of the proposed

change, the Commission was concerned that the amendment would foreclose any future possibility of extending the Redmond sewer line to NE 70th Street.

2. *Recommended Conclusions of the Technical Committee.*

The recommended conclusions in the Technical Committee Report (Attachment D) should be adopted as conclusions.

3. *Planning Commission Recommendation.*

The motion to recommend denial of the proposed change to the General Sewer Plan was adopted by a vote of 6-1 on December 5, 2012. The Planning Commission Report was approved on January 9, 2013.

List of Attachments

Attachment A: Planning Commission Final Issues Matrix

Attachment B: Planning Commission Minutes from November 28, 2012

Attachment C: Written Testimony

- Exhibit 1: Zeinemann Letter (1)
- Exhibit 2: Sofer Documents (1-39)
- Exhibit 3: Palmer Email (1)
- Exhibit 4: DeYoung Letter
- Exhibit 5: Sofer Slides
- Exhibit 6: Sofer Email (1)
- Exhibit 7: Sofer Email (2)
- Exhibit 8: Sofer Email (3)
- Exhibit 9: Petition Signatures
- Exhibit 10: Deaver Letter
- Exhibit 11: Friedl Letter
- Exhibit 12: West Letter
- Exhibit 13: Zeinemann Letter (2)
- Exhibit 14: Zeinemann Letter (3)
- Exhibit 15: Swanson Letter
- Exhibit 16: Duncan Email
- Exhibit 17: Palmer Letter
- Exhibit 18: Palmer Email (2)
- Exhibit 19: Yates Letter

Attachment D: Technical Committee Report with exhibits

- Exhibit A: Proposed Amendment to General Sewer Plan
- Exhibit B: Letter from Public Works Director
- Exhibit C: SEPA Threshold Determination

Robert G. Odle, Planning Director

Date

Franz Wiechers-Gregory, Planning Commission Chairperson

Date

Approved for Council Agenda

John Marchione, Mayor

Date

Attachment A: Final Issues Matrix
Rose Hill Heights South Sewer Plan Amendment (L120162)

Issue	Discussion Notes	Status
<p>1. Risk associated with placing sewer lines over water mains. (Applicant 11/13 letter / Murray)</p>	<p><u>Planning Commission Discussion</u> 11/14: Commissioners requested a staff response to points 1-5 in the applicant’s 11/13 letter.</p> <p>11/28: Commissioner Chandorkar asked how often a sewer line passes over a water line in Redmond, and whether the as-builts for the large water main in 132nd Ave NE show sufficient clearance for a sewer line.</p> <p><u>Staff Response/Recommendation</u> 11/28: The risk that exists when placing sewer lines over water lines is that under abnormal circumstances sewage could contaminate the water system. The “Criteria for Sewage Works Design”, a requirements manual published by Washington State Department of Ecology, has 4 pages of criteria regarding proximity of water and sewer pipes.</p> <p>As a general rule sewer shall not cross over water mains. Extension of the sewer main in accordance with the existing General Sewer Plan allows the sewer to be deep enough that service to the property will pass under the water main meeting the state and city design standards. Redmond is a joint owner of the water main. Redmond’s design standards for vertical clearance between the water and sewer mains apply.</p> <p>When the applicant talks about depth of the water pipe there is confusing information. Some measurements are based on depth of cover to the top of the water main (4 feet as shown on Redmond drawing) versus measurements to the bottom of the water main (7.2 to 8 feet deep in applicant’s letter). When allowing for the 24 inch pipe there would be about one foot difference between what is shown on Redmond’s sketch and what the Kirkland as-built drawing shows.</p> <p>While Rob Jammerman from Kirkland was trying to be helpful responding to the applicant’s requests for information he would not have the authority to commit the City of Kirkland to provide service to this property. Sewer service would only be available based on the terms of an Interlocal Agreement approved by both Redmond and Kirkland City Councils.</p> <p>Redmond received a recent email from Rob Jammerman stating that he had recently shared with the applicant that Kirkland supported Redmond’s recommendation to require the property to be served by Redmond.</p>	<p>Opened 11/14 Closed 12/5</p>

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Rose Hill Heights South Sewer Plan Amendment (L120162)

Issue	Discussion Notes	Status
	<p>The applicant’s letter discusses that the crossing of the water main would be by “side-sewers”. The applicant has not made formal application of his development plan but it is almost certain that a sewer main will need to be extended into the property, not a number of side sewers.</p> <p>12/5: Staff stated that running sewer lines over water lines is not a frequent practice, and that the apparent reason for the shallow nature of the Kirkland sewer line in 132nd Ave NE is that it was extended piecemeal over time with no thought of serving properties on the east side of 132nd Ave NE. Staff also stated that the drawing of the large water main that the applicant states is an “as-built” might actually be a design drawing; it is difficult to tell based on the drawing provided.</p> <p><u>Public Comment</u> 11/14: Applicant’s 11/13 letter states that the Technical Committee’s concerns about drinking water are “pure hyperbole”.</p> <p>11/28: The applicant testified that, provided appropriate engineering practices are followed, it is feasible to design a sewer line to pass over a water line.</p>	
<p>2. Redmond’s utility design requirements. (Applicant 11/13 letter / Murray)</p>	<p><u>Planning Commission Discussion</u> 11/14: Commissioners requested a staff response to points 1-5 in the applicant’s 11/13 letter.</p> <p><u>Staff Response/Recommendation</u> 11/28: The applicant’s letter mischaracterizes Redmond’s Design Standards. The standard is as follows:</p> <p style="padding-left: 40px;">“The preferred cover over sewer mains is seven (7) feet in order to assure gravity service and provide normal vertical separation between water and sewer mains. The minimum cover over ductile iron sewer mains is three (3) feet in both paved and unpaved areas; Minimum cover over other sewer mains is five (5) feet in both paved and unpaved areas.”</p> <p>The applicant focusses on the word “preferred” and argues that because of the use of the word preferred that this is not a standard. This is a standard and the applicant’s argument does not change that fact. This standard goes on to explain the reason for the 7 foot depth to assure that the vertical separation between water and sewer mains can be achieved. The 3 feet and 5 feet minimums are the</p>	<p>Opened 11/14 Closed 12/5</p>

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	<p>exceptions to the general rule of 7 feet.</p> <p>The other standard that applies is the one that addresses vertical separation between water and sewer mains and it states:</p> <p style="padding-left: 40px;">“Locate water mains over sanitary sewers, providing a minimum of 18 inches of vertical clearance between the walls of these pipelines. ...”</p> <p>Extension of the sewer main in accordance with the existing General Sewer Plan allows the sewer to be constructed in accordance with both standards. The new sewer main will be deep enough that service to the property will pass under the water main meeting the state and city design standards. Due to the depth of the water main the sewer may need to be slightly deeper than the 7 feet.</p> <p><u>Public Comment</u> 11/14: Applicant’s 11/13 letter states that the Technical Committee Report “gives false impression” of utility design requirements.</p> <p>11/28: The applicant’s attorney testified that he was concerned that staff treated the word “preferred” the same as “standard.”</p>	
<p>3. Feasibility of proposal. (Applicant 11/13 letter / Murray)</p>	<p><u>Planning Commission Discussion</u> 11/14: Commissioners requested a staff response to points 1-5 in the applicant’s 11/13 letter.</p> <p><u>Staff Response/Recommendation</u> 11/28: The applicant’s letter discusses that the crossing of the water main would be by “side-sewers”. The applicant has not made formal application of his development plan but it is almost certain that a sewer main will need to be extended into the property not a number of side sewers.</p> <p>Construction of a sewer pipe may be possible. But it is not feasible to construct a sewer pipe that meets Redmond Design Standards in this location.</p> <p>The other major issue of feasibility is that both the Redmond and Kirkland City Councils would have to</p>	<p>Opened 11/14 Closed 12/5</p>

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Rose Hill Heights South Sewer Plan Amendment (L120162)

Issue	Discussion Notes	Status
	<p>approve an Interlocal Agreement that would accommodate service from Kirkland. The two City Councils would consider whether serving this area from Kirkland’s sewer is in the best interests of the communities as a whole and if yes, what the appropriate terms of that agreement would be.</p> <p>Extension of the sewer main in accordance with the existing General Sewer Plan allows the sewer to be constructed in accordance with Redmond design standards and does not rely on the outcome of negotiations between the two cities.</p> <p><u>Public Comment</u> 11/14: Applicant’s 11/13 letter states that the proposed connection to the Kirkland sewer main is feasible.</p> <p>11/28: The applicant testified that an interlocal with Kirkland would be achievable; the applicant’s attorney testified that there was no meaningful difference between a side sewer connection and a connection via sewer main in the context of this proposal.</p>	
<p>4. Past Technical Committee actions on proposal. (Applicant 11/13 letter / Murray)</p>	<p><u>Planning Commission Discussion</u> 11/14: Commissioners requested a staff response to points 1-5 in the applicant’s 11/13 letter.</p> <p>12/5: Commissioner Miller asked what the expected outcome of the 2009 Technical Committee meetings would have been – Recommendation? Approval? Direction?</p> <p><u>Staff Response/Recommendation</u> 11/28: The Technical Committee reviewed potential alternatives to the existing sewer plan in April 2009. The applicant considers April 22, 2009 meeting notes to be “conceptual approval” of the applicant’s current proposal. However, the Technical Committee did not then, and does not now, have authority to approve such changes to the General Sewer Plan. In April 2009, Comprehensive Plan Policy CF-5 restricted administrative review to changes that “are consistent with and do not impede the implementation of the Comprehensive Plan.” In the Technical Committee’s opinion, this proposal exceeds what could be accomplished through administrative review, and thus decisions on the proposal are not within the purview of the Technical Committee. (During the recently completed update of the Comprehensive Plan, this policy was renumbered to CF-4 and slightly revised; the revised policy still would not allow the Technical Committee to approve a sewer plan change like this one.)</p>	<p>Opened 11/14 Closed 12/5</p>

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Rose Hill Heights South Sewer Plan Amendment (L120162)

Issue	Discussion Notes	Status
	<p>Since the Technical Committee does not have approval authority, a more accurate characterization of the Committee’s position on April 22, 2009 is that the Committee considered potholing an important step to establishing precise depths of existing utilities, and that it acknowledged the fact that an interlocal agreement with the City of Kirkland would be required should the proposal go ahead.</p> <p>This interpretation is supported by the applicant’s letter, and by email records from the time. A June 2, 2009 email from Bob Franklin (retired engineering manager) reads in part:</p> <p style="padding-left: 40px;"><i>I would consider the five-foot depth to be reasonably sufficient at NE 73rd Street. Since the depth of a water main could easily vary along its length and the five-foot figure only represents one point, I still believe pot-holing is necessary in several other locations to establish the feasibility of the alternate comprehensive sewer plan for the area. It is very important to establish the feasibility of the plan before changing the plan and expending the resources that will be involved in the inter-local agreements and official actions that are required.</i></p> <p>Note that Mr. Franklin considered it essential to establish the depths of the existing utilities before proceeding with a plan amendment. To date the applicant has not completed this step. As stated in the Technical Committee Report, based on what we know today, the proposal cannot be accomplished while meeting City standards.</p> <p>12/5: Staff provided a brief overview of how the Technical Committee operates, and reiterated that the Technical Committee did not (and does not) have the authority to approve these kinds of changes to the General Sewer Plan.</p> <p><u>Public Comment</u> 11/14: Applicant’s 11/13 letter states that the Technical Committee “conceptually approved” use of the Kirkland sewer main in April 2009.</p> <p>11/28: The applicant reiterated his position that the Technical Committee had approved connection to the Kirkland sewer main.</p>	

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Rose Hill Heights South Sewer Plan Amendment (L120162)

Issue	Discussion Notes	Status
<p>5. Slopes on applicant's property. (Applicant 11/13 letter / Murray)</p>	<p><u>Planning Commission Discussion</u> 11/14: Commissioners requested a staff response to points 1-5 in the applicant's 11/13 letter.</p> <p><u>Staff Response/Recommendation</u> 11/28: Staff believes this discrepancy comes from using two different sets of contours. The applicant appears to be using contours that are displayed on a site survey that was conducted in 2009 or earlier. Staff relied on GIS contours in drafting the Technical Committee Report. In general, a site survey is more accurate than area-wide information, and so staff accepts the applicant's information on topography for the applicant's property.</p> <p>The applicant's site survey indicates that the elevation at 132nd Avenue NE is 456 feet, rising to 464 feet at the east (back) end of the properties. While this would increase the odds that the properties could be served by gravity sewer, it would not mitigate the depth and separation issues that are equally critical.</p> <p><u>Public Comment</u> 11/14: Applicant's 11/13 letter states that the Technical Committee Report "misstates facts regarding slopes" on the applicant's properties.</p> <p>11/28: The applicant reiterated his position that the properties slope up to the east.</p>	<p>Opened 11/14 Closed 12/5</p>
<p>6. Reimbursement agreements (Gregory)</p>	<p><u>Planning Commission Discussion</u> 11/14: Commissioners asked about how reimbursement agreements typically work.</p> <p><u>Staff Response/Recommendation</u> 11/28: Staff provided a summary of how reimbursement agreements work at the 11/14 meeting. In essence, a developer pays for a sewer extension, and then by agreement with the City, can collect pro rata shares of the cost from those who connect to the sewer over the next ten years. The applicant's 11/13 letter states that there is risk in this arrangement to the developer; staff acknowledged that there is no assurance that the developer will be fully reimbursed.</p> <p><u>Public Comment</u></p>	<p>Opened 11/14 Closed 12/5</p>

Attachment A: Final Issues Matrix
Rose Hill Heights South Sewer Plan Amendment (L120162)

Issue	Discussion Notes	Status
<p>7. Consistency with relevant City and countywide policies (All)</p>	<p><u>Planning Commission Discussion</u></p> <p>11/28: Commissioner Murray stated that everyone seems to agree that, if this proposal is to be approved, any sewer connection would have to run over the top of the water main in 132nd Ave NE, and that the question is whether the City would allow an exception in this case. Commissioner Miller asked if there was policy guidance for relaxing standards of this kind. Commissioner O’Hara asked if existing City of Kirkland sewer customers on the east side of 132nd Ave NE would have to connect to the City of Redmond line once it is extended (assuming no change to the sewer plan), and asked if this is a case of the best being the enemy of the good. Commissioner Murray expressed concern about setting precedent in this case, and that was echoed by Commissioner Miller and Commissioner Chandorkar as well. Commissioner Miller indicated that the burden to change the plan should be on the applicant. Commissioner Murray also expressed concern about the potential financial impacts to properties to the north and south of the proposed change to the plan. Commissioner Chandorkar asked how countywide planning policies regarding sharing and efficient use of resources apply in this scenario. Commissioner Gregory stated that he empathizes with the applicant’s goals, but sees this in the context of the wider plan. He stated that while a connection to the Kirkland sewer may be feasible, the question is whether it is desirable.</p> <p>12/5: Commissioners O’Hara and Murray asked staff to walk the Commission through a septic system failure. Commissioner Gregory commented on the redevelopment potential of the area. Commissioner Miller said he was interested in maintaining consistent expectations among property owners in the area and wanted to know what promises were made.</p> <p>Commissioner Murray distilled his deliberations into four issues:</p> <ol style="list-style-type: none"> 1. The proposal would result in sewer lines over water lines in this area 2. The City would assume the risk of a future applicant not building a sewer connection to standard 3. The proposal would be precedent-setting, and would affect future situations 4. The proposal would impose costs on others to the north and south of the applicant’s property (to the south in terms of a foreclosed opportunity to extend the Redmond sewer line) <p>Commissioner Murray said he was thinking about whether the benefits of changing the General Sewer Plan outweighed those issues.</p> <p>Commissioner Chandorkar distilled his deliberations into two issues:</p>	<p>Opened 11/28 Closed 12/5</p>

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Rose Hill Heights South Sewer Plan Amendment (L120162)

Issue	Discussion Notes	Status
	<p>1. The proposal would result in sewer lines over water lines in this area</p> <p>2. Change for the sake of expedient development was not a good idea here</p> <p><u>Staff Response/Recommendation</u> 12/5: Staff’s recommendation is to retain the existing sewer plan, and staff believes that City policies support this position.</p> <p>In response to specific questions from Commissioners, staff responded at the 11/28 meeting that:</p> <ul style="list-style-type: none"> • It is unlikely that existing Kirkland sewer customers on the east side of 132nd Ave NE would be required to connect to the City of Redmond sewer upon its extension. If an existing customer were to submit an application to subdivide, then a connection to the Redmond sewer could be required. • The Zoning Code does provide for flexibility in zoning regulations in exchange for accomplishing other public purposes. For example, ordinary density limits are doubled through the Innovative Housing Ordinance. The Zoning Code does not provide flexibility in sewer design standards. <p>The Technical Committee Report provides the full text of policies UT-27 to UT-30, which are the primary policies in the Comprehensive Plan that address sewer service. On the whole, these policies ensure that current and future Redmond sewer customers are connected to a safe, reliable, and efficient sewer system.</p> <p>Policy UT-28 directs the City to require connection to Redmond’s sewer system for all new development except “where the economic impact of connection is high and there is no public safety concern”. The applicant states that this proposal fits into this exception. However, this exception is intended to address situations where a single home is being constructed in city limits but from sewer service, where septic is the only economically feasible alternative and where septic would not pose a public safety concern. Evidence of this intent can be found in the Planning Commission’s September 24, 2004 Issues Matrix on this topic. The policy since 1999 had been to allow an exception for any home zoned at 1 unit/acre or less. The Planning Commission recommended tightening the exception to allow for the “rare circumstance such as a single new house that is built where the connection would be economically unreasonable due to distance”.</p> <p>Policies UT-29 and UT-30 address the design of sewer system extensions. These policies call for the</p>	

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Rose Hill Heights South Sewer Plan Amendment (L120162)

Issue	Discussion Notes	Status
	<p>construction of a system that is efficient and reliable, has low long-term maintenance costs, and meets or exceeds state standards. In this case the Commission is presented with two options: a shallow connection that could potentially (if actual pipe depths permit) take advantage of design criteria flexibility meant to be used when other alternatives are not available, or an extension per the General Sewer Plan, which fully meets these policies.</p> <p>The applicant has testified that Countywide Planning Policy CO-2 supports this proposal. That policy directs urban service providers (e.g., cities) to provide services in an efficient manner through regional coordination. Redmond broadly supports this policy, and believes that the best way to provide efficient, safe, and reliable service in the Rose Hill Heights South subarea is to extend the Redmond sewer line per the General Sewer Plan. Doing so avoids all of the technical issues that have been raised throughout this process, and in staff’s opinion is in the best long-term interest of the neighborhood and city. See the 11/14 cover memo for additional detail.</p> <p>At the 12/5 meeting, staff indicated that septic system failures are typically handed between the property owner and the health department. The City rarely gets involved. In the case of a property owner requesting a connection to sewer, in this area, Redmond sewer is not available. Staff also reiterated that during the annexation process, City staff provided information explaining that property owners would become <i>eligible</i> for Redmond sewer service, and that typically it is developers that extended sewer lines; staff did not say that annexation would result in sewer service in any defined timeframe.</p> <p><u>Public Comment</u> 11/28: The applicant has stated in his 11/13 letter and during his 11/28 testimony that City and countywide policies support the applicant’s proposal.</p>	