



**CITY OF REDMOND  
HEARING EXAMINER  
MINUTES**

**December 5, 2012**

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

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**Hearing Examiner**

Sharon Rice, Offices of Sharon Rice,  
Hearing Examiner, PLLC

**Staff**

David Almond, Engineering Manager  
Thara Johnson, Associate Planner  
Jeff Palmer, Program Administrator, Traffic  
Lisa Rigg, Senior Engineer  
Kurt Seemann, Senior Engineer  
Jim Streit, Senior Engineer  
Elizabeth M. Smoot, CMC, Deputy City Clerk

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Convened: 1 p.m.

Adjourned: 3:30 p.m.

**I. CALL TO ORDER**

Hearing Examiner Sharon Rice convened the hearing at 1 p.m.

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

Ms. Rice introduced the matter under consideration, reviewed the sequence of the hearing for the afternoon, and explained the proceedings. Ms. Rice noted that she will issue a decision on the Avondale Crest Sort Plat Appeal within 10 business days of the closing of the record.

Ms. Rice 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 parties to the Appeal were in attendance:

Susan Wilkins, Appellant  
Thara Johnson, Associate Planner, City of Redmond  
Kurt Seemann, Senior Engineer, City of Redmond  
James Haney, City Attorney, City of Redmond  
Richard D. Olson, Director of Engineering, DR Strong, Applicant Representative  
Chuck Dodd, Applicant

### **III. APPEAL HEARING**

#### **A. AVONDALE CREST SHORT PLAT APPEAL**

L120421 Appeal

Request: Appeal of a Type II Technical Committee Decision Approving the Avondale Crest Short Plat (L120338); into Nine Single Family Detached Lots

Location: Northwest corner of Avondale Road NE and NE 104<sup>th</sup> Street, Redmond, WA, 98052

Ms. Rice entered the City's Staff Report into the record as Exhibit 1; noting the following report Attachments (A-K):

- A: Site & Surrounding Zoning.
- B: Site Plan Set.
- C: Notice of Application.
- D: Public Comment Letter & City Response.
- E: Notice of Decision.
- F: Appeal Application Form.
- G: Notice of Appeal Hearing.

Ms. Thara Johnson, Associate Planner, provided an overview of the project and appeal to-date.

#### **APPELLANT TESTIMONY:**

Ms. Susan Wilkins, Appellant, provided testimony regarding limited sight/stopping distance on NE 104<sup>th</sup> Street to the proposed Avondale Crest Short Plat access road, left turn allowance out of short plat onto NE 104<sup>th</sup> Street, topography of NE 104<sup>th</sup> Street, and NE 104<sup>th</sup> Street traffic data; and submitted the following exhibits into the record, assigned accordingly:

- Exhibit 2 - Sight Distance Definition.
- Exhibit 3 - DR Strong Plan Sheet C11 of 11, Date: 05/09/2005, with notations of Appellant; enlargement of SSD Calculations and Surveyors Notes.
- Exhibit 4 - DR Strong plan Sheet C1 of 10, Date: 05/09/2005, with notations of Appellant.
- Exhibit 5 - iMaps of project site with notations of Appellant.
- Exhibit 6 - iMaps and photos of project site with notations of Appellant; enlargement.
- Exhibit 7 - Source Sheet C11', Stopping Sight Distance Calculations/Comments.
- Exhibit 8 - William Popp Associates, Speed Study on NE 104<sup>th</sup> Street west of Avondale Way, Date: 05/24/2006.
- Exhibit 9 - Vehicle Speed Report, date range 03/31/2012 to 05/18/2012.
- Exhibit 10 - Profile of NE 104<sup>th</sup> Street between 181<sup>st</sup> Avenue NE and Avondale Crest Intersection.
- Exhibit 11 - Excerpt from Redmond Zoning Code – Decision Sight Distance, Appendix 2.
- Exhibit 12 - Conclusions (Stopping Sight Distance, Decision Sight Distance, Requested Action).

In conclusion, Ms. Wilkins testified regarding Stopping Sight Distance, Decision Sight Distance, and her requested action: 1) to prohibit left turns into/out of the Avondale Crest Development; and 2) to require construction of a physical berm/barrier along the center of the NE 104<sup>th</sup> Street roadway at the proposed Avondale Crest intersection that prevents left turning traffic into/out of the development.

Ms. Wilkins responded to questions from the City, Applicant, and Hearing Examiner.

### **CITY TESTIMONY:**

Ms. Johnson reported on the Avondale Crest Short Plat Appeal matter:

- Vicinity Map: Planned Residential Development and Short Plat approved in May 2007, short plat expired, civil drawings approved, Shoreline Permit valid until 2013, and PRD valid until 2014.
- Procedural Summary:
  - Completeness: 08/20/12 – letter of completeness issued and vested date.
  - Notice of Application: 08/31/12 – comment period begins; and 09/21/12 – comment period ends.
  - SEPA: 12/05/05 – DNS issued (original short plat); and 09/24/12 – adoption of original DNS.
  - Neighborhood Meeting: 07/24/12.
  - Notice of Decision: 10/05/12.
  - Appeal Deadline: 10/19/12.
  - Notice of Appeal Hearing: 11/21/12.
- Site Plan.
- Appeal Issue No. 1: The City of Redmond did not adequately address stopping sight distance calculations and decision sight distance calculations.
  - Response: Stopping Sight Distance: Appendix 2 of the Redmond Zoning Code (RZC) requires 250 feet of stopping sight distance (SSD) for NE 104<sup>th</sup> Street. The Technical Committee granted a deviation request to measure SSD based on a 3.5 foot driver's eye height and a 2 foot object height as shown on Sheets 18 and 19 of the Avondale Crest Preliminary Short Plat; dated 08/20/12. The measured SSD is 300 feet which exceeds the City's current requirement of 250 feet.
  - Response: Decision Sight Distance: AASHTO Policy on Geometric Design of Highways and Streets (1990) – 'Decision sight distance is the distance required for a driver to detect an unexpected or otherwise difficult to perceive information source or hazard in a roadway environment that may be visually cluttered... Examples of critical locations where they are likely to occur... Interchange and intersection locations where unusual or unexpected maneuvers are required; changes in cross-section; and areas of concentrated demand where there is apt to be "visual noise".' Decision sight distance does not reasonably apply to the project since it would require a re-design and reconstruction of NE 104<sup>th</sup> Street which is already constructed.
- Appeal Issue No. 2: Failure of the fixed radar system to adequately mitigate excessive speed on NE 104<sup>th</sup> Street.
  - Response: The original short plat approval (10/17/06) included a condition that required payment for a fixed radar system. This requirement is an acknowledgement that the actual speeds on NE 104<sup>th</sup> Street are above the posted speed limit, and thus provides one

of the few available means to mitigate this issue. The developers have paid for the fixed radar system which was installed and became operational January 2012.

- Appeal Issue No. 3: The proposed layout for Avondale Crest does not meet the requirement that driveways need to be closer than 150 feet from intersections.
  - Response: The City shall not permit any driveway within 150 feet of the nearside face of the curb of the intersecting street or from any other such driveway. In the event it is either impossible or undesirable to separate by 150 feet, then driveways shall be located as far away from the nearside of curb of the intersecting street or any other such driveway. Separations less than 150 feet shall obtain approval from the Technical Committee. The separation requirement shall typically not be applied between single-family driveways on local streets.
- Appellant's Requests:
  - Prohibit left turns into the development from NE 104<sup>th</sup> Street (eastbound) and out of the development.
  - If left turns are allowed into the development from NE 104<sup>th</sup> Street, then lot 1 should be designated as unbuildable.
- Recommendation: Staff recommends the appeal be denied and approval of the shot plat be upheld as conditioned – the project complies with City's code requirements; and the appellant has failed to show that the City erred in applying the sight distance requirements.
  - Design of the intersection and location of the driveway was placed in location that would maximize the available stopping sight distance.
  - Restricting left turns may result in drivers attempting maneuvers in ways, or at locations, that are undesirable/unsafe.
- Traffic Counts.
- Access:
  - RZC 21.52.030(E)(1): Where feasible access is available from a property to more than one public right-of-way, the property shall access the lower classification street as defined in RZC 21.52.030(C), Street Classification.
  - Access is feasible when it provides a direct connection via easement, private road, or other means to a public right-of-way and when it meets minimum Fire Code access requirements.
  - Steep slopes limit the placement of lots and construction of infrastructure to the current layout for Avondale Crest.

Ms. Johnson submitted the following documents into the record, assigned accordingly:

- Exhibit 13 - PowerPoint Presentation from 12/05/2012 Hearing.
- Exhibit 14 - Excerpt from Redmond Zoning Code, Appendix 2, Section 5.
- Exhibit 15 - Excerpt from ASHTO 2004, page 126.

Ms. Johnson and Mr. Kurt Seemann, Senior Engineer, responded to questions from the Appellant and Hearing Examiner.

#### **APPLICANT TESTIMONY:**

Mr. Richard D. Olson, Director of Engineering, DR Strong, Applicant's Representative, provided testimony regarding the short plat design, stopping sight distance, decision sight

distance, the fixed radar system, intersection spacing requirements, and restriction to turning movements; and submitted the following exhibits into the record, assigned accordingly:

- Exhibit 16 – 12/05/2012 Letter from DR Strong.
- Exhibit 17 - 02/21/2007 Letter from DR Strong.

## **CONCLUSION:**

The City, Applicant, and Appellant offered closing statements.

Ms. Rice called for any further comments. Hearing none, Ms. Rice stated that the record would be closed December 20, 2012, per the terms of a Post-Hearing Order, issued December 6, 2012; and a written decision would be issued in no later than 10 business days. Post-Hearing Order terms are as follows:

- 1) On or before Monday December 17, 2012**, the City and the Applicant may submit written comments in the form of a memo responding to the Appellant's documents. The parties' written comments should be sent electronically to the Office of the Hearing Examiner, Attention Ms. Liz. Adkisson, Deputy City Clerk, at emadkisson@redmond.gov. The Clerk's Office will forward the information to the Appellant and the Hearing Examiner by email on the day of receipt.
- 2) On or before Thursday December 20, 2012**, the Appellant may submit written comments responding to any information submitted in response to item #1 above. The Appellant's response should be sent by email to the Office of the Hearing Examiner, as above, and the Clerk's Office will forward to City Staff, the Applicant, and the Hearing Examiner via email on the day of receipt.
- 3) All items submitted in accordance with this order will be admitted and included in the record of the matter. The record will close on Thursday December 20, 2012. The Hearing Examiner will issue written findings, conclusions, and a decision on the appeal within ten business days of the close of the record.**
- 4) Questions about this Order may be sent to the Office of the Hearing Examiner, Attention Ms. Liz. Adkisson, Deputy City Clerk, at emadkisson@redmond.gov.**

## **IV. ADJOURNMENT**

The appeal hearing closed at 3:30 p.m., and the meeting adjourned.