

**BEFORE THE HEARING EXAMINER  
FOR CITY OF REDMOND**

In the Matter of the Appeal of	)	NO. L120421
	)	
	)	
<b>Susan Wilkins</b>	)	
	)	
	)	
Of the Technical Committee's Approval	)	<b>FINDINGS, CONCLUSIONS,</b>
of the Avondale Crest Short Plat	)	<b>AND DECISION</b>
<u>on October 5, 2012 (L120338)</u>	)	

**SUMMARY OF DECISION**

The Appellant did not demonstrate that the City's October 5, 2012 approval of the Avondale Crest Short Plat was not supported by a preponderance of the evidence or was procedurally flawed. Because the record provided does not show clear error, the appeal must be **DENIED**.

**SUMMARY OF RECORD**

Request:

On October 5, 2012, Redmond's Technical Committee approved the Avondale Crest Short Plat, subdividing 3.51 acres at the northwest corner of Avondale Road NE and NE 104th Street in Education Hill into nine single-family residential lots. On October 19, 2012, Susan Wilkins (Appellant) timely appealed.

Hearing Date:

The City of Redmond Hearing Examiner conducted an open record appeal hearing on December 5, 2012. The record was held open until December 20, 2012 to admit written argument from all parties consistent with a December 6, 2012 Post-Hearing Order. Because of the Christmas and New Year's holidays, the decision due date was January 8, 2013.

Testimony:

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

*For the Appellant:*

Susan Wilkins

*For the Applicant:*

Richard Olson, DR Strong, Appellant Representative  
Chuck Dodd, Senior Vice President of Prime Pacific Bank, Applicant

*For the City:*

Thara Johnson, City of Redmond Associate Planner  
Kurt Seemann, Senior Engineer, City of Redmond

Exhibits:

At hearing, the following exhibits were offered in evidence:

1. Technical Committee Report to the Hearing Examiner, dated December 5, 2012, with the following attachments:
  - 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
2. Sight Distance Graphic, submitted by Appellant, with figure excerpted from Chapter 1260 of the 1990 AASHTO Manual
3. Stopping Sight Distance calculations from Sheet C-11 of 2005 Site Plans from former Avondale Crest application, submitted by Appellant
4. 2005 map of approved PRD, Sheet C1 of 10, submitted by Appellant
5. King County iMap Aerial photograph of Education Hill showing the project vicinity, submitted by Appellant
6. King County iMap showing contours on and adjacent to subject property, with notations by the Appellant, with attached photos and commentary:

Photo 1 - Downhill eastbound NE 104th Street at 184th, taken by Appellant  
Photo 1 a - Closer photo of same area taken from north side of road by Appellant  
Photo 2 - Downhill eastbound NE 104th Street 450 west of site entrance  
Photo 3 - Downhill eastbound NE 104th Street 300 west of site entrance
7. Spreadsheet of Appellant's calculations on sight distance
8. Speed Study of 104th Street NE, prepared by William Popp Transportation Engineer, May 24, 2006
9. Vehicle Speed Report, prepared by City of Redmond, from data on fixed radar installed on 104th NE Street, submitted by Appellant
10. Figure, "Profile of NE 104th Street Between 181st Avenue and Avondale Crest Intersection", prepared by Appellant
11. Excerpt from Redmond Zoning Code, Appendix 2, Decision Sight Distance, submitted by Appellant

12. Appellant's written comments, "Conclusions", submitted December 5, 2012
13. Planning Staff's PowerPoint presentation slides
14. RMC Title 21, excerpt, Appendix 2, "Construction Specification and Design Standards for Streets and Access, submitted by Planning Staff
15. Page 126 from the 1990 AASHTO Manual addressing Decision Sight Distance, submitted by Planning Staff
16. Written comments of Applicant representative Richard Olson, dated December 5, 2012
17. Letter to Redmond Hearing Examiner from Richard Olson, dated February 21, 2007
18. Applicant's response to Appellant hearing submissions, dated December 17, 2012<sup>1</sup>
19. City response to Appellant hearing submissions, dated December 17, 2012
20. Appellant's final comments in response to Exhibits 18 and 19, dated December 20, 2012

The December 6, 2012 Post-Hearing Order is also included in the record of this matter.

Upon consideration of the argument, testimony, and exhibits submitted, the Hearing Examiner enters the following findings and conclusions:

#### **FINDINGS**

1. The original application for the project that would become known as Avondale Crest short plat was submitted in 2005, along with applications for planned residential development (PRD) and shoreline substantial development permit (SSDP) due to the site's proximity to Beaver Creek. The Technical Committee's approval of the short plat was appealed to the Hearing Examiner, whose decision was appealed to the City Council. The approvals for the project became final in 2007. The SSDP remains in effect until April 26, 2013 and the PRD remains in effect until April 28, 2014. However, after approval the project changed ownership and the short plat application expired prior to development. The instant application was submitted August 20, 2012 and approved by the Technical Committee on October 5, 2012. In the interim between short plat expiration and subsequent application submittal, the City adopted its new Redmond Zoning Code, subjecting the new plat to updated codes and standards. *Exhibit 1, page 2; Exhibit 1, Attachments C, D, and E; Johnson Testimony.*

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<sup>1</sup> At the close of the hearing, the record was held open for submittal of three specific documents, one from each party, as memorialized in the December 6, 2012 post-hearing order. Exhibits 18, 19, and 20 were timely submitted in accordance with the order and are admitted.

2. The property subject to the short plat application is in the Education Hill Neighborhood, at the northwest corner of the intersection of Avondale Road and NE 104th Street. The approved site entrance is off of NE 104th Street between Avondale Road and 184th Avenue NE. Terrain in this area is hilly. Northeast 104th Street slopes consistently down from an approximate elevation of greater than 280 feet at the intersection of 181st Avenue NE (east of the site entrance) to an approximate elevation of less than 170 feet at the site entrance. The Applicant's engineer determined that the average grade of the slope is along the NE 104th Street approach to the plat entrance is -7.89%. *Exhibits 5a and 10; Exhibit 1, Attachment B, Plan Set; Exhibits 3 and 7.*
3. As a condition of the PRD, in January 2012 a fixed radar warning sign was installed by the short plat developer in the eastbound lane of NE 104th Street 600 feet west of the proposed site entrance. The sign displays the speed of oncoming vehicles and reminds them that the posted speed limit is 25 miles per hour (MPH). The sign was required as part of the PRD/short plat's mitigation. *Exhibit 6, page 2; Exhibit 13, page 3; Johnson Testimony.*
4. During the comment period on the 2012 short plat application, Susan Wilkins submitted comments asserting, among other concerns, that the site entrance location and design on NE 104th Street would result in rear end collisions involving drivers turning left into the development due to inadequate decision sight distance and stopping sight distance. *Exhibit 1, Attachment D.*
5. The October 2012 short plat approval was based on plans that calculated stopping sight distance for the plat entrance intersection using a driver's eye height of 3.5 feet and an object height of two feet. East-bound stopping sight distance available for the plat entrance intersection was determined to be 300 feet, and west bound stopping sight distance was determined to be 209 feet. *Exhibit 1, Attachment B, PSP 19 of 19.*

#### *Issues and Arguments Raised on Appeal*

6. In the timely appeal statement, the Appellant alleged the following errors in the Technical Committee's October 5, 2012 short plat approval:
  1. Inadequate stopping sight distance calculations.
  2. Inadequate decision sight distance calculations.
  3. Failure to consider the driving limitations of area residents including senior citizens and high school students.
  4. Failure of the fixed radar system to adequately mitigate speeding vehicles on NE 104th Street.
  5. Driveway spacing of less than 150 feet from intersections.*Exhibit 1, Attachment F, Appeal.*
7. In her testimony, the Appellant clarified her issues of concern and the relief requested, identifying stopping sight distance and decision sight distance calculations as the two

issues of concern. For relief, she requested that the plat approval be conditioned on prohibiting left-in and left-out turns from the new development and asked that a physical barrier (curb or other) be installed to ensure compliance with the prohibition. *Wilkins Testimony*.

8. Citing the American Association of State Highway and Transportation Officials (AASHTO) Manual and a graphic she obtained from a Washington State Department of Transportation resource, the Appellant stated that the industry standard for measuring sight distance uses a driver eye height of 3.5 feet above the roadway and an object height of six inches above the roadway. She explained her understanding that stopping sight distance is the length of roadway necessary for a driver to be able to see an object in the roadway and be able to stop before hitting it. The Appellant alleged that it was error for the Technical Committee to allow stopping sight distance for the plat entrance intersection to be calculated using an object height of two feet above the roadway. *Exhibit 2; Exhibit 1, Attachment F; Wilkins Testimony*.
9. Ms. Wilkins offered in evidence two sheets from the 2005 short plat plan set, Sheets C-1 and C-11, and noted that initially a right-in and right-out only intersection was planned for the project. She highlighted data on the two sheets indicating that the eastbound stopping sight distance on NE 104th Street had been measured at 209 feet on these 2005 plans. *Exhibits 3 and 4; Wilkins Testimony*.
10. The Appellant next offered a series of photographs she took herself or had taken by a friend of herself on NE 104th Street in relation to the site entrance, along with a King County iMap of the roadway on which she indicated where each photo was taken. Using a tape measure, paint, and landmarks such as manhole covers and large trees identified on the site plans, the Appellant observed and photographed the visibility of the site entrance intersection from various positions on NE 104th Street. Her photographs show the grade and the curves of the street. In her Photo 3, she is visible standing at the location of the site entrance from a distance of 300 feet. In her Photo 2, the site entrance is not visible from a point 450 west on NE 104th Street. *Exhibit 6; Wilkins Testimony*.
11. The Appellant offered traffic speed data from two sources. First, she offered a "Speed Study NE 104th St west of Avondale Way" prepared in May 2006 by William Popp, transportation engineer, for the previous plat application. Mr. Popp conducted a two-day speed study using an electronic traffic counting machine. His data showed that only ten percent of drivers adhered to the 25 MPH speed limit and that the 85 percentile speed along this stretch of road is 35 MPH. The second data source was the fixed radar sign installed for the PRD. Data from May 18, 2012 showed slightly more than 20% of drivers adhered to the posted speed limit, while the 85th percentile speed was 33 MPH. The average speed on the May date was 27.3 MPH, with approximately five percent of drivers exceeding the speed limit by more than 10 MPH. Data from August 21, 2012 showed approximately 20% of drivers adhered to the speed limit and the 85th percentile speed was 34 MPH. The average speed on the August date was 28.6 MPH and more than five percent of drivers exceeded the speed limit by more than 10 MPH. *Exhibits 8 and 9*.

12. The AASHTO formula for calculating stopping sight distance includes variables for vehicle speed, reaction time, deceleration rate, and grade. Using the average grade calculated by the short plat applicant's engineers on NE 104th Street - an average grade of -7.89% - the Appellant created a spreadsheet calculating stopping sight distances based on vehicle speeds. According to her mathematical calculations, vehicles traveling at the following speeds on NE 104th Street would require the sight distances listed:
  - 35 MPH requires 280.46 feet;
  - 36 MPH requires 292.94 feet;
  - 37 MPH requires 305.66 feet;
  - ...
  - 40 MPH requires 345.32 feet;
  - ...
  - 45 MPH requires 416.37 feet.*Exhibit 7; Wilkins Testimony.*
13. The Appellant offered an excerpt from the Redmond Zoning Code's (RZC) Appendix 2 relating to decision sight distance. The Appellant's exhibit contained the following definition, which she stated is from the AASHTO manual: "Decision sight distance is defined as the distance needed for a driver to detect an unexpected or difficult-to-perceive condition, recognize the condition, select an appropriate maneuver, and complete the maneuver based on design conditions and speed." The RZC Appendix 2.A(5)(e) states: "Adequate decision sight distance shall be provided on all arterial and connector streets as set in the following table. The design speed shall be set at the posted speed. Decision sight distance is measured with a driver eye-height of 3.5 feet and an object-height of two feet." Appendix 2 Table 8 establishes that for a design (posted) speed of 25 MPH, 445 feet of decision sight distance is required, and that this number would be adjusted up for grades over three percent. *Exhibit 1; Wilkins Testimony; RZC Appendix 2.A.*
14. The Appellant argued that no more than 300 feet of sight distance is available at the site entrance intersection and that eastbound cars traveling faster than 37 MPH would need greater than 305 feet stopping sight distance to avoid a collision with vehicle stopped and waiting to turn into the short plat. She contended that the fixed radar data and the former plat applicant's speed study prove that cars travel that length of road at speeds greater than 40 MPH. She argued that the City failed to consider the presence of two special groups of drivers on Education Hill: high school drivers, who need extra time to make good decisions, and retirees, who need more light to see in order to know they need to stop. Based on this information, she asserted that the City can predict that there will be rear end collisions at the site entrance based on available information. Further, she argued that her photos taken at 450 feet west of the site entrance shows that there is inadequate decision sight distance for east bound traffic. She requested mitigation of this situation be required through prohibiting left-in and left-out turns from the site entrance with a curb or other physical barrier to enforce the prohibition. *Wilkins Testimony; Exhibit 12; Exhibit 6, Photo 2.*
15. When challenged about the basis for her assertions, the Appellant indicated that while she is not a transportation engineer, she has a degree in geology for which she completed

coursework in physics and mathematics. Her professional work involves field measurements, map reading and making, and analysis of data. She purchased a copy of the 1990 AASHTO manual, studied it, and performed her own field observations and calculations. She testified that in the measurements for her photographs, the distance between 184th and Avondale was measured at the road centerline, but that west of 184<sup>th</sup>, it was too dangerous to stand at the centerline, so the measurements were taken on the south side of street in the bike lane. *Wilkins Testimony; Exhibit 12.*

*City's Response to Appeal Issues*

16. Regarding decision sight distance, Staff submitted an excerpt from the 1990 AASHTO manual containing the following definition of decision sight distance:

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, recognize the hazard or its threat, select an appropriate speed and path, and initiate and complete the required safety maneuver safely and efficiently. Because decision sight distance gives drivers an additional margin for error and affords them sufficient length to maneuver their vehicles at the same or reduced speed rather than just to stop, its values are substantially greater than stopping sight distance. Drivers need decision sight distances whenever there is a likelihood for error in either information reception, decision-making, or control actions. The following are examples of critical locations where these kinds of errors are likely to occur, and where it is desirable to provide decision sight distance: interchange and intersection locations where unusual or unexpected maneuvers are required; changes in cross section such as toll plazas and lane drops; and areas of concentrated demand where there is apt to be "visual noise" whenever sources of information compete, such as those from roadway elements, traffic control devices, and advertising signs.

*Exhibit 15.* City planning staff and a senior transportation engineer testified that, consistent with industry standard practices, the site entrance intersection with NE 104th Street does not trigger decision sight distance analysis and the plat entrance intersection is not required to demonstrate compliance with decision sight distance. *Seemann Testimony; Johnson Testimony; Exhibit 13, page 2.*

17. Regarding stopping sight distance, the RZC in Appendix 2 states, "stopping sight distance and ... shall be determined using a driver height of eye of 3.5 feet and an object height of 0.5 feet. An object height of two feet shall only be considered on a case-by-case basis for existing streets and must be accompanied by a design deviation request." *RZC Appendix 2.A(5)(c).* In the August 2012 plat submittal, the Applicant requested and the Technical Committee granted a deviation allowing stopping sight distance to be measured with an object height of two feet. *Exhibit 1, Attachment B, Sheet PSP 19 of 19; Exhibit 1, Attachment E, page 6.*

18. RZC Appendix 2.A(5)(d)(i) requires minimum stopping sight distance to be determined using a design speed of 10 MPH over the posted speed limit. Appendix 2 Table 6 requires 250 feet of stopping sight distance for a design speed of 35 MPH, but notes that if the downgrade is greater than three percent, the number must be adjusted. The Applicant's engineers conducted the calculations to adjust for grade and determined that 298 feet of stopping sight distance was required. The Technical Committee concluded that 300 feet of stopping sight distance was adequate for the proposed intersection and consistent with the requirements of the RZC. *RZC Appendix 2.A(5)(d)(i); Seemann Testimony; Exhibit 1, Attachment B, Sheet PSP 19 of 19; RZC Appendix 2; Exhibit 1, Attachment E.*
19. Planning Staff noted that the placement of the site entrance was selected in order to maximize stopping sight distance. Engineering Staff argued against the left-in, left-out only restriction and against a curb enforcing such a restriction if required. Based on the professional judgment of the senior transportation engineer, persons seeking to avoid a curb or other barrier to a prohibited left turn in or out of the plat are likely to perform unsafe maneuvers, including illegal U-turns, to be able to travel in their desired directions. Staff noted that the plat is anticipated to generate approximately 90 daily trips and argued that a left turn prohibition and curbing for such a low traffic volume is likely to do more harm than good. Curbs in the center of travel lanes are often hit by motorists and by snow removal equipment, resulting in hazardous situations. *Johnson Testimony; Seemann Testimony; Exhibit 13.*

*Applicant's Response to Appeal Issues*

20. Regarding the Appellant's photos and calculations of required stopping sight distance, the Applicant neither confirmed nor denied their accuracy, noting they had not been prepared or verified by a transportation engineer. *Exhibit 20.*
21. Regarding decision sight distance, the Applicant's engineer concurred with the City that it is not applicable in the instant situation, stating rather that it applies in the design of new roads and on roads where there are multiple lanes of travel or where drivers are faced with making alternative choices for evasive action other than stopping. Further, the engineer noted that NE 104th Street is an existing road with other intersections close by and that the action of needing to stop for vehicles waiting to turn would neither be unusual nor unexpected along this stretch of road. *Olson Testimony; Exhibit 16.*
22. The Applicant's engineer noted that in RZC Appendix 2, the stopping sight distance criteria fall generally under the section regulating horizontal and vertical curve alignments for proposed new roads and are not focused specifically on the addition of new intersections to existing roads. Considering potential objects that would need to be seen at the proposed site entrance, a car stopped and waiting to turn left into the plat in the main consideration. Any such car would be at least two feet tall. The Applicant argued that the Technical Committee's approval of the deviation for object height was appropriate. *Exhibit 16; Olson Testimony.*

23. The Applicant concurred with the City that the appropriate design speed for calculating stopping sight distance for the site entrance intersection is 35 MPH and noted that when adjusted for actual grade measured in the field, the steepest grade in the approach to the intersection yielded a stopping sight distance of 298 feet. The Applicant's engineer noted that in the course of appeals on the first short plat application, a site visit conducted by the then-applicant's engineer and surveyor, the Appellant, and a City transportation engineer demonstrated through field measurements that actual stopping sight distance available is 328 feet when viewing an object with a height of two feet. Ms. Wilkins was present for that site visit and the measurements. *Exhibits 16 and 17.*
24. The Applicant engineer noted that the City's computations for stopping sight distance included a reaction time of 2.5 seconds. According to the 2004 AASHTO manual, "... a 2.5 second brake reaction time for stopping sight situations encompasses the capabilities for most drivers, including those of older drivers." *Exhibit 16.* The Applicant's engineer also noted that the AASHTO design calculations assume wet pavement conditions. *Exhibit 16.*
25. The Applicant's engineer contended that the Appellant is not a qualified transportation engineer and lacks the professional experience of interpreting the various requirements in light of engineering guidelines for the most appropriate and safe design of the site entrance intersection. The engineer noted that while the city code requires safe road design, the code recognizes that it is not possible to protect against all potential driving conditions and it therefore establishes design parameters for the standard driving conditions anticipated. The RZC selected the design parameter of using 10 MPH over the posted speed in computing stopping sight distance. AASHTO proposed another possible parameter, which is use of the 85th percentile speed traveled on the roadway in question. In the instant case, the two parameters result in the same design speed: 35 MPH. The approved plat satisfies both stopping sight distance parameters. *Olson Testimony; Exhibit 18.*
26. Finally, the Applicant's engineer commented that the initially Applicant-proposed left-in/left-out turning restriction was rejected by the Technical Committee in the 2005 plat application. Similarly, it was not considered to be beneficial and not required in the current design. *Exhibit 18.*

#### *Appellant's Rebuttal*

27. In rebuttal, the Appellant reiterated her assertion that decision sight distance should be required to be satisfied by the site entrance intersection. She reasserted that while the approved site entrance may satisfy the RZC and the AASHTO stopping sight distance parameter of designing for the 85th percentile of speed, the record still shows that approximately five percent of traffic will drive 40 MPH or faster and would not have time to stop, leading to collisions. In conclusion, she argued that her calculations, diagrams, and photographs proved her point and that neither the City of Redmond nor the Applicant proved her calculations to be wrong. *Exhibit 20.*

## CONCLUSIONS

### Jurisdiction:

The Hearing Examiner is authorized to conduct open record appeal hearings and issue decisions on appeals from Type II permit decisions, including Technical Committee decisions on short plat approvals, pursuant to Redmond Zoning Code 21.76.050.C, 21.76.050.G.1, and 21.76.060.E.4.

### Criteria for Review of the Appeal:

Pursuant to RZC 21.76.060.I.4, within 10 business days after the close of the record for the Type II appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner shall accord substantial weight to the decision of the Technical Committee. The Hearing Examiner may grant the appeal or grant the appeal with modifications if the Examiner determines that the appellant has carried the burden of proving that the Type II decision is not supported by a preponderance of the evidence or was clearly erroneous.

### Conclusions Based on Findings:

1. The RZC requires the Examiner to accord substantial weight to the Technical Committee's decision in Type II applications, mandating deference to the Committee's expertise. In the context of according deference to the decision of an administrative agency, Washington courts have held that an agency's decisions will not be overturned unless evidence in the record shows the agency has "engaged in an unlawful procedure or decision-making process, or has failed to follow a prescribed procedure; ... [or] [t]he agency has erroneously interpreted or applied the law." *Bellevue Farm Owners Ass'n v. State of Washington Shorelines Hearings Board*, 100 Wn.App. 341, 363 (2000), citing *Batchelder v. City of Seattle*, 77 Wn.App. 154, 158 (1995). An action is clearly erroneous when it leaves the reviewing [authority] with "the definite and firm conviction that a mistake has been committed." *Lakeside Industries v. Thurston County*, 119 Wn. App. 886, 894 (2004), citing *Schofield v. Spokane County*, 96 Wn.App 581, 586 (1999). When applying the clearly erroneous standard, the Hearing Examiner must not substitute his own judgment for the judgment of the City. See *Buechel v. Department of Ecology*, 125 Wn.2d 196 (1994).
2. Regarding decision stopping distance, in weighing the arguments as to whether or not this standard applies, it is necessary to defer to those with specific technical expertise in transportation engineering. The Appellant would read the code and the AASHTO guidelines such that decision stopping distance should apply to the short plat, but by her own admission she is not a transportation engineer. The senior transportation engineer who testified for the City is not only a qualified engineer but has special expertise with regard to the application and interpretation of the Redmond Zoning Code. The record does not support an assignment of error with regard to decision stopping distance. *Findings 13, 14, 15, 16, 21, and 27.*
3. Regarding stopping sight distance, the Appellant's mathematical calculations and photos support the Applicant engineer's RZC-based computation of a required eastbound stopping sight distance of 298 or 300 feet. The speed data offered by the Appellant also show that if the AASHTO guideline of designing for the 85th percentile is used in place

of the RZC standard, it results in the same stopping sight distance (300 feet). The AASHTO guidelines incorporate wet pavement and drivers with slower reaction times into the recommendation to design for 85th percentile speeds. Essentially, the Appellant's argument boils down to an assertion that the RZC stopping sight distance provisions are not adequate and should be more protective. This hearing body lacks authority to hear challenges to the adequacy of adopted regulations. Such an argument is not appropriate in the context of review of a specific development, but rather should be made in a legislative setting where the deciding body has authority to consider and make changes to the regulations complained of. Finally, the Appellant argued that the City and Applicant did not prove her calculations wrong, but in appeals of Type II decisions by the Technical Committee, the burden is on the Appellant to show that the decision appealed from was not supported by a preponderance of evidence or was clearly erroneous. The Appellant has not met this burden. *RZC 21.76.060(I)(4); Findings 10, 11, 12, 13, 14, 17, 18, 22, 23, 24, and 25.*

### DECISION

Based on the foregoing findings and conclusions, the appeal is **DENIED**. Information submitted by the Appellant did not show that the Technical Committee's decision to approve Avondale Crest short plat approval conflicts with any applicable codes or regulations or that City Staff violated any procedural requirements. The October 5, 2012 approval is affirmed.

**Decided** January 2, 2012.

By:



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Sharon A. Rice  
City of Redmond Hearing Examiner

**Note:** Pursuant to RZC 21.76.060.M, Type II appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided in RZC 21.76.060.M. Any party with standing (detailed at RZC 21.76.060.M.2.a) may appeal this decision by filing the appropriate appeal form along with the required fee no later than 5:00 pm 10 business days following the expiration of the reconsideration period. See RZC 21.76.060.M for further detail on appeal requirements.