



**CITY OF REDMOND  
HEARING EXAMINER  
MINUTES**

**November 20, 2015**

Redmond City Council Chambers  
15670 NE 85<sup>th</sup> Street, Redmond  
10:00 a.m.

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**Hearing Examiner**

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

**Staff**

Heather Maiefski, Associate Planner  
Steven Fischer, Development Review Division  
Manager  
Jeff Dendy, Development Review Stormwater  
Engineer  
Andy Chow, Development Engineering  
Transportation Review  
Cheryl Xanthos Deputy City Clerk

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Convened: 10:00 a.m.

Adjourned: 11:00 a.m.

**I. CALL TO ORDER**

Hearing Examiner Sharon Rice convened the hearing at 10:00 a.m.

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

Ms. Rice introduced the matter under consideration, reviewed the sequence of the hearing for the day, and explained the proceedings. Ms. Rice noted that she expects to issue a decision in writing on the Ellsworth Short Plat Appeal 10 business days following the close 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:

Mr. Leonard Steiner, Appellant;

Ms. Courtney Flora, Applicant Representative;

Ms. Heather Maiefski, Associate Planner, City of Redmond; and  
Mr. Steven Fischer, Development Review Division Manager, City of Redmond.

### III. APPEAL HEARING

#### A. ELLSWORTH SHORT PLAT APPEAL

LAND-2014-01966 Appeal of Notice of Decision

SEPA-2014-01967 Appeal of SEPA Determination

Request: Appeal of a Type II Technical Committee Decision and SEPA Determination regarding the approval of an 8-lot short plat subdivision of a 1.53 acre site in RIN Zone

Location: NE 100th Street and 134th Avenue NE

Documents submitted to the record prior to the hearing were:

#### Appellant Exhibits

- A-1 Appeals
- A-2 Response to Motion to Dismiss
- A-3 Clarification of Appeal Issues

#### City of Redmond Exhibits

- C-1 Technical Committee Report, dated November 12, 2015, with 23 attachments

#### Applicant Exhibits

- Q-1 Heathers Ridge South Cover sheet and site plan
- Q-2 Ellsworth 8-Lot short plat, LAND-2014-0196, Notice of Decision dated September 21, 2015
- Q-3 SEPA Determination of Non-significance, issuance date of March 27, 2015
- Q-4 SEPA Appeal filed April 6, 2015, by Mr. Leonard Steiner
- Q-5 Notice of Decision Appeal filed September 28, 2015, by Mr. Leonard Steiner
- Q-6 Critical Area Study and Mitigation plan for Heather's Ridge South dated February 23, 2015 and prepared by Mr. Jim Rothwell, Senior Ecologist, PSW, of Wetland Resources, Inc.
- Q-7 Critical Area Study and Mitigation plan for Heather's Ridge South dated June 29, 2015 and prepared by Mr. Jim Rothwell, Senior Ecologist, PSW, of Wetland Resources, Inc.
- Q-8 Wildlife Report for King County Tax Parcel: 0325059100 dated January 30, 2015 and prepared by Mr. Scott Walters, Associate Ecologist and Wildlife Biologist, of Wetland Resources, Inc.
- Q-9 Wildlife Report for King County Tax Parcel: 0325059100 dated June 30, 2015 and prepared by Mr. Scott Walters, Associate Ecologist and Wildlife Biologist, of Wetland Resources, Inc.
- Q-10 Preliminary Drainage Report for Ellsworth Residential Plat, dated 7-1-2105, prepared by LDC, Inc.
- Q-11 Letter from Susan Prince to Robert Odle, Director, Department of Planning and Community Development, titled Landmark Tree Exception Requests – Heathers Ridge South, dated June 23, 2015
- Q-12 Final Arborist report prepared by Susan Prince, Creative Landscape Solutions, dated August 10, 2015
- Q-13 Tree Preservation plan, Sheets TR-01 and TR-02, Engineer signature date of 8-11-15,

prepared by LDC, Inc.  
Q-14 Geotechnical Report prepared by Terra Associates, dated February 17, 2015

Over the course of the hearing, Ms. Rice allowed the submission of the following exhibits into the record and identified accordingly:

Appellant:

A-4 Alternative Site Plan

City of Redmond:

C-2 PowerPoint Presentation

Applicant:

Q-16 James Rothwell Resume

Q-17 Scott Walters Resume

**Pre-Hearing Procedural Issues and Questions:**

Ms. Courtney Flora, Applicant Representative, inquired regarding the order of the proceedings.

Ms. Rice provided clarification.

**APPELLANT TESTIMONY:**

Mr. Leonard Steiner, Appellant, identified the appeal issues to be as follows:

- The intent of the laws regarding SEPA, Growth Management Act and the Shoreline Management Act are not being followed.
- The intent is to protect all wildlife habitats, and there are many on the property.
- The Applicant's tree map shows that no trees are being kept except those along the stream.
- The stream should be protected as the City of Redmond shows it is a sensitive area.
- There will be total destruction of all wildlife habitats on the property.
- The Growth Management Act takes into consideration wildlife habitat.
- An alternative five-house development was presented that would allow protection of more of the trees.

**CITY TESTIMONY:**

Ms. Heather Maiefski, Associate Planner, provided a PowerPoint presentation that included:

- the vicinity and proposal;
- application was filed and notice was sent in 2014;
- site plan;
- buffer reduction and increase areas;
- meets mitigation and buffering requirements;
- a condition of approval was to increase the plant density and all viable and non-viable trees in Tract C;
- there are many non-viable trees;

- the tree retention is 42 percent;
- critical areas regulations have been followed;
- no wetlands or endangered species were found on the site; and
- not in a shoreline area and not regulated by the Shoreline Management Act.

Mr. Jeff Dendy, City of Redmond Stormwater Engineer, provided testimony regarding the stormwater plan for the short plat.

Mr. Steven Fischer, Development Review Division Manager, stated that the City has determined that the Ellsworth Short Plat application complies with the Redmond Zoning Code, and the City is recommending denial of the appeal.

#### **APPLICANT TESTIMONY:**

Ms. Courtney Flora, Applicant Representative, questioned the following witnesses:

- Mr. Jim Rothwell, Senior Ecologist for Wetland Resources, Inc., testified that he visited the site in August 2013, May and November 2015; prepared a Critical Areas Study and a Mitigation Plan; Class IV stream with a 36 foot buffer; upland vegetation, scattered trees and shrubs; buffer averaging; buffer mitigation plan was updated due to conditions from the City; the stream buffer will be improved; and no adverse environmental impacts are anticipated due to this project.
- Mr. Scott Walters, Wildlife Ecologist for Wetland Resources, Inc. testified that he visited the site in January and November 2015; no protected wildlife species; several other species were found; habitat protection areas; project complies with habitat regulations; and no significant ecological differences are expected.
- Ms. Susan Prince, Arborist for Creative Landscape Solutions, testified regarding trees on the property; completed a tree assessment and report; tree retention; tree exception request; and expects no adverse impacts from this project.

Testimony was provided by Mr. Steiner and Mr. Andy Chow, City of Redmond Development Engineering Transportation Review, regarding driveway access to the property.

#### **CONCLUSION:**

The City, Applicant and Appellant offered closing statements.

Ms. Rice stated that the record is closed on the Ellsworth Short Plat Appeal matter; and a written decision will be issued in 10 business days.

#### **IV. ADJOURNMENT**

The appeal hearing closed at 11:00 a.m., and the meeting adjourned.