

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

In the Matter of the Application of	)	NO. L110220 (CUP)
	)	L110221 (Variance)
<b>Lake Washington School District</b>	)	
	)	<b>Rose Hill Middle School</b>
	)	
for approval of a Variance and	)	FINDINGS, CONCLUSIONS,
a Conditional Use Permit	)	AND RECOMMENDATIONS
_____	)	

**SUMMARY OF RECOMMENDATIONS**

The request for approval of a conditional use permit to replace the existing Rose Hill Middle School at 13505 NE 75th Street in Redmond, Washington **SHOULD BE APPROVED subject to conditions.**

The request for approval of a variance to allow the new Rose Hill Middle School building to exceed the maximum height requirements of the R-6 zone by six feet three inches and to allow a rooftop mechanical enclosure to exceed the maximum height by three feet **SHOULD BE APPROVED subject to conditions.**

**SUMMARY OF RECORD**

Request:

Michael Romero, on behalf of Lake Washington School District (Applicant), requested approval of a conditional use permit to replace the existing Rose Hill Junior High building with a new 143,000 square foot school building, 90 new parking stalls, and an athletic field at 13505 NE 75th Street in Redmond, Washington. Also proposed is a variance that would allow the school building to exceed the maximum height requirements of the R-6 zone by six feet three inches and to allow a rooftop mechanical enclosure to exceed the R-6 zone's maximum height by three feet.

Hearing Date:

The City of Redmond Hearing Examiner conducted an open record hearing on the request on August 1, 2011.

Testimony:

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

- Steven Fischer, Principal Planner, City of Redmond
- Michael Romero, Applicant Representative
- Sue Hogeboom
- Nancy Faulkner
- Pamela Brady, BP, for the Olympic Pipeline

Denise Stiffarm, Attorney, represented Lake Washington School District.

Exhibits:

At the open record hearing, the following exhibits were admitted in the record:

- Exhibit 1      Technical Committee Report to the Hearing Examiner, dated August 1, 2011, with the following attachments:
1. General Application
  2. Vicinity Map
  3. Site Plan
  4. Notice of Application
  5. Public Comment Letters and Staff responses
  6. SEPA DNS and Checklist
  7. SEPA Addendum
  8. Notice of Public Hearing and Certificates of Posting
  9. Landscape Plans
  10. Arborist Report
  11. Tree Retention Plan
  12. Updated Tree Retention Table
  13. Tree Exception Request and Approval
  14. Wetland Report
  15. Wildlife Report
  16. Traffic Impact Study
  17. Administrative Interpretation
  18. Comparison of Replacement to Existing Building Location and Construction
  19. DRB materials and Minutes
  20. Request for Variance
  21. Building Height Analysis
  22. Preliminary Stormwater Report
  23. Applicant's Response to Conditional Use Decision Criteria
  24. Site Plans and Construction Phasing
- Exhibit 2      Staff's PowerPoint presentation slides
- Exhibit 3      Slide 18 (the "missing slide" from Exhibit 2)
- Exhibit 4      Affidavit of Posting of Notice of Public Hearing
- Exhibit 5      Affidavit of Publication for Notice of Public Hearing
- Exhibit 6      Redmond Fire Department Olympic Pipeline response Plan, dated March 6, 2000
- Exhibit 7      Sue Hogeboom public comments, dated August 1, 2011
- Exhibit 8      Nancy Faulkner public comments, dated August 1, 2011

- Exhibit 9      Ordinance 2136, passed by the Redmond City Council October 1, 2002
- Exhibit 10     "Rose Hill Middle School - Record Documents for CUP Hearing", Compact Disc containing complete Application materials, dated August 1, 2011
- Exhibit 11     Final Site Plan, dated August 1, 2011
- Exhibit 12     Construction Phasing 2B Building Construction plan, Sheet G5.15, dated August 1, 2011
- Exhibit 13     a. Geologic Map of Redmond, vicinity of Rose Hill Junior High School  
b. Conceptual Hydrogeological Cross Section, prepared by Associated Earth Sciences
- Exhibit 14     a. "Important Safety Information for Emergency Responders" (brochure), submitted by Olympic Pipeline  
b. "RP 1162 Collaborative Program - [Dear] School Administrator" memorandum and attached information, submitted by Olympic Pipeline  
c. List of schools to which 14a and 14b are distributed by Olympic Pipeline
- Exhibit 15     Easement granting use rights to Olympic Pipeline by Lake Washington School District

Upon consideration of the testimony and exhibits admitted, the Hearing Examiner enters the following findings and conclusions in support of the recommendation:

### **FINDINGS**

1.      The Applicant requested a conditional use permit to replace the existing Rose Hill Junior High school at the subject property with a new school building. The project includes construction of new site access and circulation system, additional parking, and landscape improvements. The Applicant also requests approval of a variance to allow the school building to exceed the maximum height of the underlying zone. *Exhibit 1, pages 1, 3; Exhibit 1, Attachment 1.*
  
2.      Both the CUP and variance applications were submitted on May 24, 2011 and determined to be complete on the same day. Notice of the applications was published, posted on-site, and mailed to owners of property within 500 feet. *Exhibit 1, page 4; Exhibit 1, Attachment 4.*
  
3.      The 23.49-acre subject property slopes up from east to west and from north to south. The topographical elevation of the northeast corner is 390 feet and the elevation in the southwest corner of the site 455 feet. Steep slopes occupy the eastern portion of the site. There is another sharp elevation change southwest of the existing school site, which gradually gives way to a gentler slope that goes to the western property line. *Exhibit 1, pages 4, 7.*

4. The existing educational facility, comprised of both Rose Hill Junior High School and the Stella Schola choice school, was built in 1968.<sup>1</sup> The school building and associated portable classrooms are located in the northwest corner flat portion the site. Current capacity is 654 sixth, seventh, and eighth graders. Actual enrollment in September 2010 was 588 students. In its present condition, the site contains softball fields, an athletic field/track, tennis courts, and a paved overflow parking lot. Vehicular access to the site is off NE 75<sup>th</sup> Street. The existing driveway loops around to the east and exits back onto NE 75<sup>th</sup> Street. *Exhibit 1, page 4; Romero Testimony; Exhibit 1, Attachment 16.*
5. The proposal would remove the existing school and replace it with a new 143,000 square foot school building in the southwestern corner of the site. As designed, the new building would be shaped like a horseshoe around an open, south-facing courtyard. The structure would be built into the hillside, setback 83 feet from the western property line (adjacent to nearest residences) and 181 feet from the southern property line (next nearest residences). Along the south and west property lines, mature stands of trees would be retained. The proposal includes a new gymnasium west of the existing track/athletic field, also partially buried into the hillside; viewed from the west, the gym would appear to be a one-story building. A new ball field would be developed north of the school, near the parking area. Generous landscaping would be installed around the building and added to retained landscaping throughout the site. Classroom spaces would be located along the western wing of the new building. The playfields, gym, cafeteria, and central courtyard would be centrally located, shielding adjacent residential uses to a greater extent than the current configuration with topography, vegetation, and site design. The building would face NE 75th Street from the apex of the new interior drive aisle, putting the primary building entrance at a high point. The project includes repair, replacement, and extension of the perimeter fence where it is presently incomplete, damaged, or not located accurately. *Exhibit 1, pages 3-4, 14; Exhibit 1, Attachments 9, 16, and 23; Exhibit 11.*
6. The proposed new on-site circulation system would include an expanded parent pick-up/drop-off drive to reduce congestion on NE 75th Street. A separate bus lane with room for 11 buses would increase traffic efficiency and reduce the potential for conflicts. No buses would park on-site overnight. A total of 190 off-street parking spaces are proposed. An existing pedestrian trail connection in the southwest corner of the site would be improved. Sidewalk, crosswalk, and bike access/parking improvements would encourage and improve safety for non-vehicular access by students. *Exhibit 1, pages 3-4, 14-15; Exhibit 1, Attachments 9, 16, and 23; Exhibit 11.*
7. The project would increase capacity to 900 total students in the Rose Hill Middle School and the Stella Schola programs. Hours of school operations would not change: 8:30 AM to 3:00 PM. *Exhibit 1, page 15; Exhibit 1, Attachment 16.*

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<sup>1</sup> At the time, conditional use permit review was not required. There were no conditions established in any prior review of the school use. *Fischer Testimony; Exhibit 1, page 19.*

8. The Olympic Pipeline Company (Olympic Pipeline) operates a 400-mile long petroleum pipeline system from Ferndale, Washington to Portland, Oregon. Two parallel pipelines carry 18,700,000 gallons of diesel, gasoline, and aviation fuel daily through west Redmond generally along the Puget Sound Energy (PSE) electric transmission easement. Both the pipeline and electric utility easements run north/south parallel to the eastern boundary of the subject property. The pipeline easement occupies the eastern 30 to 45 feet of the site. *Exhibit 1, pages 8-12; Exhibits 6, 9, 11, 12, and 15.*
9. The subject property is located within the Grass Lawn Neighborhood, surrounded by single- and multifamily residential zoned properties developed with residential uses. *Exhibit 1, page 13; Exhibit 1, Attachment 23; Fischer Testimony; See Exhibit 1, Attachment 14, Figure 1.*
10. The subject property has an R-6 zoning designation. *Exhibit 1, page 7; Exhibit 1, Attachment 1, Application.* Schools are allowed in the R-6 zone upon conditional use permit approval. *Redmond Zoning Code (RZC) 21.08.090.D.28.* The R-6 zone requires 15-foot front, 10-foot side, and 10-foot rear setbacks from the property lines. Up to 45 percent of lot area maybe occupied by structures, and a maximum of 65 percent of the site may be developed with impervious surfacing. Building heights are restricted to 35 feet, except that an additional 15 feet of height is allowed for rooftop mechanical equipment and enclosures. At least 20 percent of the total site area must be set aside as open space. *RZC 21.08.090.A; Exhibit 1, Attachment 17; Exhibit 1, page 8.*
11. Pursuant to the RZC 21.16.020.E, building height is calculated by drawing a rectangle that encompasses the entire structure and the finished elevation at the midpoint of each finished side of the rectangle is measured. The four elevations are averaged to arrive at building height. Because the project is proposed on a slope, the average elevation of the school building as measured in this way exceeds the 35-foot height limit of the R-6 zone by six feet three inches, and portions of the rooftop mechanical enclosures exceed the 50-foot height limit allowed in the R-6 zone. *Exhibit 1, Attachment 1, Variance Application; Exhibit 1, Attachments 20 and 21.*
12. The height of the structure has been minimized to the extent possible. When measured from the ground at each location, no midpoint of any finished side of the structure actually exceeds the height limits. The tallest portion of the school building is 31 feet three inches, and the tallest mechanical enclosure would be 43 feet. The measurement showing that the height limit is exceeded is purely a function of from the averaging requirement being applied to a building constructed on a slope. If the height limit were strictly enforced, the Applicant would not be able to build a two-story building. This would unduly increase the cost of providing educational space for projected student populations. *Exhibit 1, Attachments 20 and 21; Romero Testimony.*
13. The District must continue operations in the old school while the new school is under construction. Because of this, the slopes, and the pipeline and PSE easements on-site, the only location for the new building is the sloping southwest portion of the site. Rather than mass grading the site, the new building is designed into the slope. This creates a

finished structure that appears smaller, more consistent with the surrounding residential uses. It also allows the natural topography to shield the surrounding residential uses from school noise and the classrooms from the pipeline in the event of a failure. *Exhibit 1, Attachments 20 and 23; Romero Testimony.*

14. Title 21.32 of the Redmond Zoning Code (RZC) governs landscaping for proposed development; its provisions include general landscape standards, parking lot and street tree standards, and a requirement that the landscaping provided achieve an ecological score of 20 points or more. The Applicant submitted a conceptual landscape plan depicting the general type and placement of proposed landscaping, showing general conformance to the standards of Title 21.32. Planning Staff recommended a condition of approval that would require final, detailed landscape plans to be submitted and reviewed during civil construction plan review. *Exhibit 1, pages 5-6; Exhibit 1, Attachment 9.*
15. The Redmond Zoning Code requires new development to retain a minimum of 35 percent of significant trees on a project site and to retain all landmark trees. Significant trees are those between six and 30 inches in diameter and landmark trees are those over 30 inches in diameter. *RZC Title 21.72.* According to a professionally prepared arborist's report, the subject property contains 457 significant trees and 18 landmark trees. The Applicant submitted exception requests to seek approval for the removal of 12 landmark trees that are unable to be retained in the proposed site design. The exception requests were reviewed and administratively approved by the Code Administrator, who concluded that significant effort had been expended to design the project to retain as many landmark trees as possible and to retain the existing character of the site. The Applicant would plant three replacement trees for each landmark tree and one replacement tree for each significant tree removed. As proposed, the project would save 218 significant trees and four landmark trees, for a tree retention rate of 46.7 percent. A total of 277 replacement trees are proposed: 36 for the 12 removed landmark trees, 216 for removed 216 significant trees, and 25 for 25 impacted significant trees. *Exhibit 1, Attachments 10 (Arborist Report), 11 (Tree Retention Plan), 12 (Updated Tree Retention Table), and 13 (Tree Exception Request and Approval).*
16. RZC 21.64 contains standards and requirements intended to identify, analyze, preserve, and mitigate potential impacts to the City's critical areas and to enhance and/or restore degraded resources such as wetlands, riparian stream corridors, and habitat. Based on a public comment indicating that standing water had been seen on-site, the City required an investigation to determine whether the areas of concern contained wetlands or revealed the presence of a former stream channel. The Applicant submitted a professionally prepared critical areas study, which reviewed three specific portions of the site where surface water had been identified in public comment. The report concluded that the site contained no wetlands nor evidence of an existing or former stream channel. No other regulated critical areas exist on the subject property. *Exhibit 1, page 6; Exhibit 1, Attachment 14.*

17. Also based on concerns raised by a neighboring property owner, the City required that the site be evaluated for the presence of pileated woodpeckers.<sup>2</sup> The Applicant commissioned such a site study by wildlife professionals and submitted the ensuing report. The report indicates that a 12-inch snag along the southern site boundary (part of a stand of trees that would be retained) is currently used by pileated woodpeckers for foraging; however, the tree is too small for pileated woodpecker nesting. *Exhibit 1, page 7; Exhibit 1, Attachment 15.*
18. The Applicant submitted a professionally prepared traffic impact analysis (TIA) assessing the new school's impacts on area transportation facilities. The project is estimated to generate 642 net new daily trips: 248 new AM peak hour trips, 103 new afternoon peak hour trips, and 49 new PM peak hour trips. The proposal would result in vehicular access at three driveways on NE 75<sup>th</sup> Street and one driveway on 134<sup>th</sup> Ave NE. The 134<sup>th</sup> Avenue NE driveway would be for bus ingress and delivery vehicle access only, separating bus/delivery from private vehicle traffic. The westernmost driveway on NE 75<sup>th</sup> Street would provide ingress-only access for staff and parent drop off/pick up. The middle driveway on NE 75<sup>th</sup> Street would provide egress-only access to staff and parents. The eastern-most 75<sup>th</sup> Street driveway would provide bus egress. *Exhibit 1, Attachments 16 (TIA) and 11(Site Plan).*
19. The project would provide sidewalk improvements and new curb cuts, connecting existing pedestrian accesses to the site. The one-way loop drive aisle configuration and separated bus traffic would dramatically reduce both congestion and the likelihood of pedestrian-vehicle conflicts, improving safety for students. The project includes parking stalls for up to 50 student bicycles, most of them covered. The Applicant would be required to work with the City to develop a transportation demand management (TDM) plan to reduce traffic to the site by encouraging staff and student carpooling and alternative forms of transportation. *Exhibit 1, Attachment 16.*
20. Presently, the school provides 72 off-street parking stalls, including: 64 for parents, visitors, staff, and handicap-accessible users; six for kitchen staff; one for police; and one specifically for Stella Schola parents. There is also a paved overflow parking area (not currently striped) used as overflow event parking. On-street parking is also available on most neighborhood streets in the vicinity. *Exhibit 1, page 7.*
21. RZC Title 21.40 regulates parking for institutional uses. For school uses, the Code requires that the number of spaces be adequate to accommodate the peak shift as determined by the Code Administrator, after considering the probable number of employees and families dropping off/picking-up students. The proposal would provide 190 off-street parking places. For daily use, 102 parking stalls would be provided along the main drive aisle. Of these, 82 parking stalls would always available and 20 stalls would be available before and after the drop-off and pickup periods. This would provide at least one stall for every staff member, plus approximately 22 to 23 stalls for visitor

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<sup>2</sup> Pileated woodpeckers are not currently listed as threatened or endangered in the Endangered Species Act, although they are listed as a State ESA candidate and as a priority species in Washington State. *Exhibit 1, Attachment 15.*

parking and would satisfy requirements for ADA accessible parking. Events at middle schools that create large parking demand typically occur five to ten times per year; it is not practical to address demand for such events on-site. Parking demand for events currently exceeds on-site supply and would continue to do so with the proposal. The existing paved overflow parking area would be striped, creating in 46 stalls. An additional 42 spaces would be available for special event parking along the entry drives and at the loading dock area. The proposal would provide approximately 60 more off-street parking spaces for events than current site conditions. Planning Staff submitted that the RZC parking requirements were satisfied. *Exhibit 1, page 7; Exhibit 1, Attachment 16.*

22. The Applicant would be required to pay traffic impact fees to mitigate impacts of the increased site traffic. Per current standards, the project would be required to pay fees for 62 mobility units (MUs) created by school capacity expansion. The fee per MU would be that in effect at the time of building permit issuance. *Exhibit 1, Attachment 16.*
23. The Applicant submitted a professionally prepared preliminary stormwater report, dated May 24, 2011. Stormwater runoff from the proposed impervious surfaces would be gathered for water quality treatment in bioswales, rain gardens, and other facilities before being detained on-site in privately maintained detention vaults. The preliminary stormwater report was reviewed and accepted by Redmond Public Works staff, who recommended the project be conditioned to ensure compliance with all City stormwater standards. *Exhibit 1, Attachment 22; Exhibit 1, pages 23-24.*
24. Municipal water, sanitary sewer, police, and fire protection currently serve this site. According the Technical Committee, the proposed expansion would not cause the school to exceed the capacity of any public service or facility. The use is itself a public service. Mitigation measures for the increase in student capacity include: a built in fire sprinkler system; construction consistent with current building and fire code; design utilizing Crime Prevention Through Environmental Design (CPTED) principles; school security procedures, emergency evacuation plans, and drills; standby electric generator and emergency supplies; stormwater improvements; and energy and water conservation through updated design. *Exhibit 1, page 7; Exhibit 1, Attachment 23.*
25. Development of the site must be consistent with applicable goals and policies of the City of Redmond Comprehensive Plan. Planning Staff identified the following as applicable Comprehensive Plan goals and policies:

*Framework Policies*

FW-10: Ensure that the land use pattern accommodates carefully planned levels of development, fits with existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land and provision of services and facilities, encourages an appropriate mix of housing and jobs, and helps maintain Redmond's sense of community and character.

*Land Use Policies*

- LU-3 Allow new development only where adequate public facilities and services can be provided.
- LU-10 Promote compatibility between land uses by minimizing adverse impacts on the lower intensity or more sensitive uses.
- LU-14 Encourage the provision of needed facilities that serve the general public, such as facilities for education, libraries, parks, cultural and recreational facilities, police and fire, transportation and utilities. Ensure that these facilities are located in a manner that is compatible with the City's preferred land use pattern.

*Exhibit 1, Attachment 16; Johnson Testimony.*

26. No housing units or existing parking spaces would be eliminated by construction of the proposal. No archeological or historic resources would be affected. *Exhibit 1, Attachment 23.*
27. Projects within 150 feet of the pipeline corridor are required to comply with the standards established in RZC 21.26, Hazardous Liquid Pipelines. Expansions of existing uses within the pipeline corridor are required to avoid increasing the level of risk in the event of a pipeline failure, and where feasible, to reduce the risk. *RZC 21.26.050.* In the instant case, Olympic Pipeline requested that no work occur within ten feet of the pipeline. The Applicant's proposal includes a construction limit fence to be installed 50 feet from the pipeline, with a limited length of fence to be placed at a distance of ten feet at the extreme southern end of the project to allow final finishes to the restored running track. No work is proposed within the pipeline corridor. Planning Staff has recommended the project be conditioned with requiring the Applicant to create and implement an emergency plan, install the construction limit fence, and contact the one-call locator service prior to commencement of any site work. *Exhibit 1, pages 9-10; Exhibits 12 and 18.*
28. The junior high school has coexisted on-site with the pipeline since 1968. At the gymnasium (the closest point), the existing school building is 228 feet from the pipeline. The proposal would move the school building to the southwest. The resulting nearest point (still the gymnasium) would be 290 feet from the pipeline. The rest of the building is setback farther and higher than the current building in relation to the pipeline. All proposed classrooms would be located in the western wing of the new building, protected by the earth of the existing slope, placing the greatest concentration of students as far from the pipeline as possible. The new school would be constructed of more durable materials, consistent with the current Building and Fire codes, and would be fully sprinklered. *Exhibit 1, page 11; Exhibit 1, Attachment 18.*
29. Consistent with RZC 21.76.060.C.a, the Applicant conducted a neighborhood meeting on April 5, 2011, attended by 15 people. Additional neighborhood meetings were held on

April 6, when 12 people attended, and again on May 19, when 13 people attended. Notice of the neighborhood meetings was mailed to property owners within 500 feet of the site. Notice for the May 19, 2011 meeting was mailed to an expanded radius of 1,320 feet and was published on the school reader board along NE 75<sup>th</sup> Street. *Fischer Testimony; Exhibit 1, page 5.*

30. The City of Redmond Design Review Board reviewed and unanimously recommended approval of the proposed building elevations, colors, materials, landscape plan, and lighting plans. *Exhibit 1, Attachment 19; Fischer Testimony.*
31. Consistent with the Statement Environmental Policy Act (SEPA), Lake Washington School District assumed lead agency status for review of probable, significant, adverse impacts that would result from the proposal. The District issued a determination of non-significance (DNS) on March 4, 2011 with a 14-day comment period. The District issued a DNS addendum on June 20, 2011, which included review of the proposed height variance for adverse environmental impacts. No appeal of the DNS was filed. *Exhibit 1, page 5; Exhibit 1, Attachments 6 and 7.*
32. Notice of public hearing was posed on-site, at City Hall, and at the Redmond Regional Library on July 11, 2011. Notice of hearing was mailed to property owners within 500 feet of the site and to individuals who provided public comment on the application, also on July 11, 2011. Finally, notice of the hearing was also included in a one-time newspaper publication. *Exhibit 1, page 5; Exhibit 1, Attachment 8.*
33. During the notice of application public comment period, the City received 56 comments from nine people expressing concerns relating to (among other items): the District's assumption of SEPA Responsible Official status; site wildlife; preservation of the existing school auditorium; safety of the proposed geothermal heating/cooling system; neighborhood meeting notice; and compliance with the City's hazardous pipeline code requirements. *Exhibit 1, Attachment 5.*
34. At the public hearing, additional public comments were submitted expressing concerns relating to the following issues. In its current configuration, parents and students use the cul-de-sac accessing the subject property's southwest corner as a means to evade historic congestion on NE 75th Street. Neighboring property owners nearest this pedestrian site entrance expressed concern that either construction vehicles or students would continue to use this site entrance to the detriment of residents of the cul-de-sac. Also, currently students run around the site along the adjacent residential parcels during PE or school-related athletic programs, making noise and impacting neighbors; these neighbors are concerned that the new configuration will encourage this to continue. There was concern for impacts from potential construction-related damage to the pipeline having adverse environmental impacts on nearby Swan Lake. Opposition to a new school rather than a remodel of the existing building was offered at hearing. A primary concern was retention of the existing stand of mature site vegetation contiguous to the off-site vegetation on property owned by Nancy Faulkner, whose property has been designated as important wildlife habitat by the National Wildlife Federation. Ms. Faulkner offered to help

maintain the on-site vegetation that is related to the wildlife habitat on her property. *Hogeboom Testimony; Exhibit 7; Faulkner Testimony; Exhibit 8.*

35. There were no public comments relating to the proposed variance. *Fischer Testimony; Exhibit 1, page 4.*
36. In response to public comment, the Applicant assured that the mature stand of site vegetation contiguous to Ms. Faulkner's would be retained undisturbed. The Applicant noted that the perimeter fence would be repaired but that the pedestrian site access at the southwest corner would not be closed off to students or residents of the neighborhood. In order to provide security for students and to reduce impacts to adjacent residential areas, the District intends to keep doors other than the main school entrance locked until after the start of school. The primary entrance faces north and is connected to the proposed drive aisle. It would be a long walk around the building to get into the school from the southwest corner of the site. The District asserted that the new interior drive aisle with enhanced queuing will attract drop offs that previously occurred at the cul-de-sac complained of. New athletic fields are part of the proposal, with track options that do not run along the site perimeter. The Applicant submitted a hydrograph showing that groundwater within the Swan Lake complex is at a higher elevation than groundwater underlying the pipeline, indicating that any spill from the pipeline should be anticipated to flow to the west, in the opposite direction from Swan Lake. Finally, the Applicant submitted that construction parking would not occur in the cul-de-sac of concern. On-site parking would be written into construction contracts with penalties for noncompliance up to and including nonpayment and termination. *Romero Testimony; Exhibits 11, 12, and 13; Exhibit 1, Attachment 9, Sheet L2.00 et seq.*
37. A representative for Olympic Pipeline appeared at the public hearing to answer questions and address concerns. The representative testified that Olympic Pipeline is satisfied that, with construction limit fencing as proposed and use of the one-call locator service prior to construction, the proposal poses no safety threats with regard to the pipeline. The operator offered the current pipeline safety guidelines and notification list for the record. *Brady Testimony; Exhibit 14.* Also in the record is the Redmond Fire Department Olympic Pipeline Response Plan. *Exhibit 6.*
38. The Technical Committee asked that the Hearing Examiner recommend approval of both the conditional use permit and the variance based on conditions that would ensure compliance with applicable development standards. Review for compliance with specific guidelines and regulations would be ensured through building permit review. *Exhibit 1, pages 19-28; Fischer Testimony.*

## CONCLUSIONS

### **Jurisdiction:**

Pursuant to RZC 21,76.060.K.3 and RZC 21.76.070.K.4, the Hearing Examiner has jurisdiction to hear a conditional use permit applications and make a recommendation to the Redmond City Council for approval, approval with conditions, or denial of the application.

Pursuant to RZC 21.76.060.J.1 and RZC 21.76.070.BB.3, the Hearing Examiner has jurisdiction to hear and issue final decisions on applications for variance.

Pursuant to RZC 21.76.050.E.2, when two or more applications for a given proposal are submitted for consolidated review, the review shall be conducted using the highest level process applicable to any of the applications. Thus, the instant application for variance, which is a Type III decision by the Examiner, is reviewed pursuant to Type IV procedures, with the Examiner issuing a recommendation to City Council for approval, approval with conditions, or denial of the application.

**Conditional Use Decision Criteria:**

Pursuant to RZC 21.76.070.K.4, requests for conditional use permits may be approved only if the Applicant demonstrates that:

1. The conditional use is consistent with the RZC and the Comprehensive Plan;
2. The conditional use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
3. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
4. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses minimize unusual hazards or characteristics of the use that would have adverse impacts;
5. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
6. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions are established to mitigate adverse impacts on such facilities.

**Variance Decision Criteria:**

Pursuant to RZC 21.76.070.BB.3, variances may be approved only upon a finding that:

1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property; and
2. Such variance is reasonably necessary, only because of special physical circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and

3. The conditions or situations giving rise to the variance application have not been created or caused by the applicant or recent prior owner of the subject property; and
4. Strict adherence to the regulation from which the variance is requested would create unnecessary hardship for the property owner; and
5. The variance is the minimum necessary to grant relief to the applicant; and
6. The variance does not relieve an applicant from conditions established during prior permit review; and
7. All approved variances otherwise comply with the requirements of the RZC and the Comprehensive Plan.

### **Requirements related to the Olympic Pipeline**

#### 21.26.040 Setback Requirements

- (A) Hazardous Liquid Pipeline Corridor (“Corridor”). No landfilling or excavation and no construction or expansion of structures is allowed within the corridor.
- (B) Areas Along the Hazardous Liquid Pipeline Corridor.
- (1) Construction or expansion of structures or other activities involving landfilling or excavation shall be setback a minimum of 25 feet from the edge of the corridor.
  - (2) The Administrator may expand the setback when necessary to meet the purpose of this section due to site specific conditions, such as extraordinary land disturbance.
  - (3) The Administrator may expand the setback when necessary to meet the purpose of this section due to site specific conditions, such as extraordinary land disturbance.
  - (4) The Administrator may reduce the setback due to site-specific conditions and an applicant’s demonstration that the purpose of this section will be met. Factors that may be considered include but are not limited to:
    - (a) Pipeline location as determined using normal locating procedures.
    - (b) Type of construction proposed.
  - (5) If the Administrator reduces the setback or measures it from a hazardous liquid pipeline, the following applies:
    - (a) The setback shall be a minimum of 30 feet from the nearest hazardous liquid pipeline and shall comply with section (B)(1) above.
    - (b) The setback shall be measured from the nearest edge of the hazardous liquid pipeline.
    - (c) The location of the hazardous liquid pipeline and the reduced setback shall be shown on all approved site plans and subdivision plats.
- (C) Exemptions. Streets, utilities, trails and similar uses shall be exempt from sections (B) (1) and (2) above.
- (D) Emergency Work. In the event of any emergency in which a hazardous liquid pipeline breaks, is damaged, or is otherwise in such a condition as to immediately endanger the life, health, safety, or property of any person, the hazardous liquid pipeline operator shall not be required to comply with this chapter or obtain permits prior to taking corrective action. The hazardous pipeline operator shall, however, notify the City Public Works

Director by telephone immediately upon learning of the emergency or, if the emergency occurs outside of the City's normal business hours, immediately upon the commencement of the next business day during which the Redmond City Hall is open for business. The hazardous liquid pipeline operator shall also apply for all required permits not less than the second succeeding business day during which the Redmond City Hall is open for business.

- (E) Setback Protection. Setbacks shall be identified and protected during construction by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Administrator.
- (F) Reasonable Use Provision. The required setback from the hazardous liquid pipeline corridor shall not deny all reasonable economic use of property. An applicant who believes that the required setback does deny all such use may apply for a reasonable use exception under RZC 21.76.070(U), Reasonable Use Exceptions (Critical Areas/Hazardous Liquid Pipelines and High Capacity Transit Corridor Preservation).

#### 21.26.050 Requirements for Land Use Compatibility

##### (A) High Consequence Land Uses.

- (1) New high consequence land uses proposed for location within 500 feet of a corridor are prohibited.
- (2) Proposed expansions to existing high consequence land uses located within 500 feet of a corridor shall be designed to avoid increasing the level of risk in the event of a pipeline failure, and where feasible, reduce the risk compared to the existing development. Potential techniques to minimize risk include but are not limited to:
  - (a) Site design features, such as maintaining or increasing the distance between occupied structures, or structures that provide critical lifeline functions, and the hazardous liquid pipelines and anticipated flow paths for leaking hazardous materials.
  - (b) Building features, such as design to avoid a significant increase in on-site population or to expedite evacuation.
  - (c) Technological features, such as accelerated notice of a pipeline failure to high consequence land uses to facilitate evacuation or features that help avoid damage in the event of a failure.
  - (d) Operational features, such as emergency plans and education programs for occupants and employees concerning pipeline safety, developed in accordance with the procedures in section (B)(2)(b) below.

##### (B) Other Development in the Willows/Rose Hill and Grass Lawn Neighborhoods.

- (1) Applicants for the following types of new or expanded development shall use appropriate mitigation measures to reduce adverse impacts in the event of a pipeline failure:
  - (a) Commercial or industrial.
  - (b) Multifamily.
  - (c) Religious facilities.

- (d) High consequence land uses proposed for locations not covered by RZC 21.26.050(1) of this chapter.
  - (e) Other developments as required by the Administrator that, because of proximity to a corridor, pose a safety concern.
- (2) Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to:
- (a) Site and building design techniques, such as maximizing the distance between new or expanded development and anticipated flowpaths for leaking hazardous materials and controlling ignition sources.
  - (b) Emergency procedures, such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem.
    - (i) Applicants shall consult with the Fire Department regarding the level of emergency planning and procedures appropriate for the proposed development. Based on the nature, occupancy, or location of a proposed development, the Fire Department may require emergency plans and procedures for any occupancy classifications.
    - (ii) Emergency plans and procedures shall be consistent with the Redmond Fire Code and shall be approved by the Fire Department.
- (C) Location. All land use permits issued for properties that are contiguous to a hazardous liquid pipeline corridor shall be conditioned upon notification of utilities through the one-call locator service prior to commencement of any of the permitted work.

**Conclusions Based on Findings:**

*A. Conditional Use Permit*

1. With conditions, the project would be consistent with all applicable provisions of the Redmond Zoning Code except for the maximum height restriction of the R-6 zone. The continued school use is allowed in the R-6 zone and considered by the Redmond Comprehensive Plan to be compatible with the residential development of the Grass Lawn neighborhood. The Redmond Design Review Board reviewed the materials and recommended project approval with conditions. The actual structure is not taller than 35 feet. The variance is only necessary due to the effect the site's topography has on the averaged height measurements required by code. The new building would not appear of a greater mass, out of scale with the surrounding residential uses. Screening would be provided in the form of setbacks that exceed minimums, retention of existing mature vegetation, and new plantings. Circulation improvements would reduce the existing traffic impacts of the school use of the site. *Findings 3, 5, 6, 7, 10, 11, 12, 14, 15, 18, 19, 20, 21, 25, 26, 30, 31, 32, and 36.*
2. The permits requested would allow continuation of a school in operation for more than 40 years. On the 23.5-acre site, the new school would be set back 83 feet from

the closest residential uses to the west and 181 feet from the next closest residential uses to the south. The building would be built into the hillside and designed in a stair-stepped fashion rather than as a monolithic structure, breaking up and hiding its mass relative to surrounding buildings. Nearly half of the mature trees on-site would be retained, including the significant stand in the southern end of the site adjacent to Ms. Faulkner's property, and additional plantings would help screen new improvements from view. The noisier elements of the school use (playfields, gym, cafeteria, and central gathering courtyard) have been placed in the center of the site, shielded from surrounding residential uses by site topography, greater than minimum setbacks, the horse shoe-shaped building design, and retained/replacement plantings. *Findings 4, 5, 14, and 15.*

3. The project is anticipated to significantly improve existing school-related congestion in the neighborhood. The new looped interior drive aisle, separated bus access, and increased on-site parking would allow for more on-site queuing during the drop off/pick up hours. The project would add approximately 60 off-street parking spaces for events, reducing on-street parking impacts. New sidewalk connections, the required TDM encouraging alternative travel methods, and increased covered bike parking would enhance access to the site, reducing current congestion. Construction of a new school building on a 40-year old school site would not discourage the permitted use of any surrounding property. *Findings 4, 6, 18, 19, 20, 21, and 22.*
4. Neither the type of use nor the hours of operation would change. The appropriateness of the use in relation to surrounding residential development would not be altered by the proposal. *Findings 4, 5, 6, 7, and 9.*
5. The proposed vehicular and pedestrian improvements discussed above would enhance access and improve safety for all traffic to the site. In addition, the Applicant would pay traffic impact fees that would contribute to improvement of transportation facilities in the vicinity. *Findings 6, 18, 19, 20, 21, and 22.*
6. The site is currently served, and once rebuilt, would continue to be served by adequate water, sewer, fire and police protection. Any impact to public services and facilities would be adequately mitigated by the proposed design and use features as conditioned. *Findings 5, 6, 18, 19, 20, 21, 22, and 24.*

#### *B. Variance*

1. The proposal would comply with applicable height limits if built on a flat area. However, given site topography and the need for instruction to continue in the old building during construction of the new building, the sloping southwest corner is the only part of the site that can be used. Other parcels in the R-6 that are similarly constrained due to topography would also be eligible for variance review and approval. *Findings 3, 5, 6, 11, 12, and 13.*

2. In addition to significant slopes, the property is constrained by the presence of both the PSE overhead electric transmission line easement and the Olympia Pipeline easement. Physical constraints drive the request for variance. *Findings 3 and 8.*
3. The slopes on-site are naturally occurring formations. *Finding 3.*
4. The Applicant would be unable to construct a two-story school building on-site if the height limit as measured through averaging were strictly enforced, severely impacting the District's ability to provide the needed class space for projected student populations. *Findings 11, 12, and 13.*
5. The building is actually under 32 feet tall, and the mechanical enclosures are less than 44 feet tall, when measured from grade. The height of the building has been reduced to the extent possible and site placement was maximized to the extent possible. The variance is necessary to allow construction of a new building. *Findings 11, 12, and 13.*
6. The existing school was not authorized by CUP; there are no conditions of approval with which the instant proposal would conflict. *Finding 4.*
7. As concluded above, the proposal would comply with all other applicable requirements of the RZC and the City of Redmond Comprehensive Plan. *Findings 3, 5, 6, 7, 10, 11, 12, 14, 15, 18, 19, 20, 21, 25, 26, 30, 31, 32, and 36.*

### *C. Pipeline Requirements*

1. The proposed modernization project is not a new land use in the pipeline corridor, but an expansion of an existing use. As conditioned, the proposal would reduce the risks to the existing school use from the pipeline. No work is proposed within the pipeline corridor and conditions would ensure the construction limit fencing is in place prior to commencement of construction. The minimum setbacks are greatly exceeded. The new school building would be set back 290 feet from the pipeline, farther than the 228-foot setback for the current building. Classrooms, where students spend the majority of their time, would be in the west wing of the structure, shielded from the pipeline by the eastern wing, by topography, and increased distance. The new structure would be built of stronger materials and would be fully sprinklered. Olympic Pipeline and Redmond Fire Department were sent application materials for comment; neither agency expressed concerns about the proposal. Conditions would ensure that ongoing emergency response planning, notification, and drills continue. As conditioned, the project is consistent with the City's hazardous pipeline regulations. *Findings 3, 5, 8, 27, 28, and 37.*

### **RECOMMENDATION**

Based on the preceding findings and conclusions, the requests for conditional use permit and variance approval to build the new Rose Hill Middle School, including the variance to allow portions of the new building to exceed maximum heights, as described herein **SHOULD BE APPROVED**, subject to the following conditions:

**A. Site Specific Conditions of Approval**

The following table identifies those materials that are approved with conditions as part of this decision. The “Date Received” is the date that is stamped as “Received” by the Development Services Center.

<b>Item</b>	<b>Date Received</b>	<b>Notes</b>
Plan Set, pages G0.00 – G0.10	05/24/2011	<i>and as conditioned herein.</i>
SEPA Checklist	05/24/2011	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on 3/4/2011.</i>
Architectural Elevations	05/24/2011	<i>and as conditioned herein.</i>
Design Review Board Approval/Plans	06/16/2011	<i>and as conditioned herein.</i>
Conceptual Landscaping Plan	05/24/2011	<i>and as conditioned herein.</i>
Conceptual Lighting Plan	05/24/2011	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	05/24/2011	<i>and as conditioned herein.</i>
Stormwater Design	05/24/2011	<i>and as conditioned herein.</i>

**The following conditions shall be reflected on the Civil Construction Drawings, unless otherwise noted:**

**Public Works Transportation and Engineering**

**Reviewer: Kurt Seemann, Senior Engineer**

**Phone: 425-556-2881**

**Email: kseemann@redmond.gov**

- a. Easements and Dedications.** Easements and dedications shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit. The existing and proposed easements and right-of-way shall be shown on the civil plans. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.
  - i. Easements are required as follows:**
    - (a) 10 feet wide utility easement, granted to the City of Redmond, along all right-of-way including 134<sup>th</sup> Avenue NE and NE 75<sup>th</sup> Street.
    - (b) 10 feet wide sidewalk easement, granted to the City of Redmond, along all right-of-way including 134<sup>th</sup> Avenue NE and NE 75<sup>th</sup> Street.
    - (b) At the time of construction, additional easements may be required to accommodate the improvements as constructed.

(Code Authority: RMC 12.12)

**Construction Restoration.** In order to mitigate damage due to trenching and other work on 134<sup>th</sup> Avenue NE and NE 75<sup>th</sup> Street, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Public Works Development Services Division.

(Code Authority: RMC 12.08; Redmond Standard Specifications and Details)

**b. Street Frontage Improvements**

c. i. The frontage along NE 75<sup>th</sup> Street must meet current City Standards which include asphalt paving 20 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5 feet wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- 7 inches HMA Class ½” PG 64-22
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Street crown 2% sloped to drain system

(Code Authority: RMC 12.12; RZC Appendix 2)

ii. The frontage along 134<sup>th</sup> Avenue NE must meet current City Standards which include asphalt paving 16 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5 feet wide concrete sidewalks, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- 7 inches HMA Class ½” PG 64-22
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Street crown 2% sloped to drain system

(Code Authority: RMC 12.12; RZC Appendix 2)

iv. A separate 40-scale channelization plan may be required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual. The project is located along a state route, therefore WSDOT approval of the channelization plan is also required.

(Code Authority: RZC Appendix 2; Standard Specifications and Details Manual; RCW 47.24.020)

v. Sidewalks constructed to City standards are required at the following locations:

Construct a 5 foot wide sidewalk along NE 75<sup>th</sup> Street as shown on the Rose Hill Middle School site plan prepared by Bassetti Architects dated May 24, 2011.  
(Code Authority: 20D.210.30; RMC 12.12)

**Access Improvements**

- d. i. The type and location of the proposed site accesses are approved as shown on the Rose Hill Middle School site plan prepared by Bassetti Architects dated May 24, 2011.  
(Code Authority: RZC 21.54.010(G); Appendix 2)

**Underground Utilities.** All existing aerial utilities shall be converted to underground along the street frontages and within the development. All new utilities serving the development shall be placed underground.  
(Code Authority: RZC 21.54.020)

- e. **Street Lighting.** Illumination of the street(s) along the property frontage must be analyzed to determine if it conforms to current City standards. Streetlights may be required to illuminate the property frontage. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Paul Cho, Transportation Operations at (425) 556-2751 with questions. The street lighting shall be designed using the criteria found in the City's Illumination Design Manual which can be accessed at:

<http://www.redmond.gov/ConnectingRedmond/resources/IllumManual.asp>

(Code Authority: RZC Appendix 2)

**2. Public Works – Water and Sewer**

**Reviewer: Jim Streit, P.E., Sr. Utility Engineer**

**Phone: 425-556-2844**

**Email: [jstreit@redmond.gov](mailto:jstreit@redmond.gov)**

- a. **Water Service.** Water service will require a developer extension of the City of Redmond water system as follows: Install an 8-inch ductile iron water line loop around the new school as shown on the design drawings prepared by AHBL date stamped May 24, 2011. A water meter and fire protection system will also serve the new school off of the 8-inch ductile iron water line loop.  
(Code Authority: RZC 21.54.010)
- b. **Sewer Service.** Sewer service will require a developer extension of the City of Redmond sewer system as follows: Install an 8-inch diameter main as shown on the design drawings prepared by AHBL date stamped May 24, 2011. The side sewer from the new school will connect to the new 8-inch sanitary main.  
(Code Authority: RZC 21.54.010)
- c. **Easements.** Easements shall be provided for all water and sewer improvements as

required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing approval. Offsite easements must be recorded prior to construction drawing approval.  
(Code Authority: RZC Appendix 3)

- d. Backflow Preventors:** Backflow preventors shall be used in the water supply system in accordance with City, State, and Federal requirements. (Code Authority: RMC 13.10)
- e. Permit Applications.** Water meter and side sewer applications shall be submitted for approval to the Public Works Utility Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. Various additional guarantees or requirements may be imposed as determined by the Utilities Division for issuance of meters and permits prior to improvements or administrative requirements being completed. All reimbursement fees shall be paid prior to sale of water and side sewer permits.  
(Code Authority: RMC 13.08.010, 13.12)

**3. Public Works – Stormwater/Clearing and Grading**

**Reviewer: Jeff Dendy, Senior Engineer**

**Phone: 425-556-2890**

**Email: [jdendy@redmond.gov](mailto:jdendy@redmond.gov)**

- a. Water Quantity Control:**
  - i. Project stormwater discharges shall match the developed discharge duration to the predeveloped duration for the range of predeveloped discharge rates from 50% of the 2-year peak flow up to the full 50-year flow. Detention shall be provided in privately maintained detention tanks.
  - ii. Detention tanks must be air-testable.
  - iii. Provide for overflow routes through the site for the 50-year storm.  
(Code Authority: RMC 15.24.080)
- b. Water Quality Control**
  - i. Basic water quality treatment shall be provided in privately maintained treatment facilities that include; biofiltration swale, bioretention (rain-garden), Ecology embankments, and wet-vaults. Treatment is required for the 6-month, 24 hour return period storm.
  - ii. Final Engineering Plans shall include an Operation and Maintenance Manual for the project site. This manual will provide site specific guidance on the function and proper maintenance of the storm water detention and treatment components installed.  
(Code Authority: RMC 15.24.080(2)(d))
- c. Easements.** Easements will be required for any public stormwater conveyance systems on private property. No public easements are anticipated at this time.

(Code Authority: RMC 15.24.080(2)(i))

- d. Clearing and Grading.** Redmond Zoning Code RZC 21.26 **Hazardous Liquid Pipelines** applies. 21.26.040 **Setback Requirements** specifies “Construction or expansion of structures or other activities involving landfilling or excavation shall be setback a minimum of 25 feet from the edge of the corridor.”
- e. Temporary Erosion and Sediment Control (TESC).**
  - i. Rainy season work permitted October 1<sup>st</sup> through April 30<sup>th</sup> with an approved Wet Weather Plan.  
(Code Authority: RMC 15.24.080)
- f. Floodplain Management.** Project does not lie in a floodplain.  
(Code Authority: RZC 21.64 and 21.64.040)
- g. Landscaping.** Provide landscaping appropriate for each storm water quality best management practice chosen for this project. Keep deep rooted vegetation a minimum of 8 feet from storm piping.  
(Code Authority: RZC 21.32)
- h. Department of Ecology Notice of Intent Construction Stormwater General Permit.** Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at:  
[www.ecy.wa.gov/pubs/0710044.pdf](http://www.ecy.wa.gov/pubs/0710044.pdf).  
(Code Authority: Department of Ecology Rule)
- i. Regional Capital Facilities Charge:** No Regional Capital Facilities Charge applies to this project.  
(Code Authority: RMC 13.20.045 (Downtown); RMC 13.20.047 (Overlake))

#### **4. Fire Department**

**Reviewer: Todd Short, Assistant Fire Marshal**

**Phone: 425-556-2242**

**Email: [tshort@redmond.gov](mailto:tshort@redmond.gov)**

The following conditions are integral to Entitlement Approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

- a.** Site Plan Condition-Emergency Vehicle Access shall be provided throughout all phases of the project in accordance with Redmond Fire Department Standard 2.0.
- b.** Fire Protection Plan-Required for all phases of the project and shall include access roads, hydrants, fire department connections, post indicating valves, riser room location, and fire lane markings.
- c.** Fire Code Permits are required for all places of assembly, hazardous material use or

storage, flammable/combustible liquid use or storage, high piled storage, and other fire code permits described in IFC 105. These permits are required to be submitted during building permit review and inspection.

- e. **Comment-Fire Department access shall be kept clear and unobstructed throughout the construction phases of this project. Hydrants and water supplies shall be operational throughout the phases of construction. Fire flow to the site is a maximum of 3000 gallons per minute at 20 psi residual pressure. RFD standard 3.0 must be met based upon the available 3000 gpm.**  
(Code Authority: RMC 15.06; RZC Appendix 2; and RFD Standards, RFDD&CG)

## 5. **Planning Department**

**Reviewer: Steven Fischer, Principal Planner**

**Phone: 425-556-2432**

**Email: sfischer@redmond.gov**

- a. **Landscaping.** Prior to construction, a detailed landscape plan shall be submitted to the City for review and approval. The applicant shall demonstrate that the project meets the ecological score requirement.  
[Code Authority: RZC 21.32 and RZC 21.32.060]
- b. **Tree Preservation Plan.** A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil construction drawings. A plan showing the location of preserved trees and containing protection language approved by the City shall be shown on the face of the deed or similar document and shall be recorded with the King County Department of Records and Elections.  
(Code Authority: RZC 21.72.060(D)(2))
- c. **Transportation Management Plan.** A Transportation Plan shall be submitted and approved by the City's Transportation Demand Management Division prior to civil construction drawing approval.  
(Code Authority: RZC 21.52.020)
- d. **Design Review Board Approval.** Revised elevations or plans that reflect the conditions of approval issued by the Design Review Board must be submitted with the building permit application or civil drawings. All plans must be prepared by a licensed architect or licensed engineer. The Design Review Board's conditions of approval are:
  - i. Door stairways, parking, and similar areas shall have windows to allow users to see through to the other side.  
(Code Authority: RZC 21.60.040(B)(7)(b)(iii))
- e. Setbacks from the pipeline shall be shown on the construction plans and identified and protected during construction by placement of a temporary barricade and on-

site notices.  
(Code Authority: RZC 21.26.040(E))

- f. Prior or any work on this site, notification of the one-call locator service shall be made.

(Code Authority: RZC 21.26.050(C))

- g. The Lake Washington School District shall create an emergency plan outlining emergency procedures, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem associated with the Olympic Pipeline.

- (i) The Lake Washington School District shall consult with the Fire Department regarding the level of emergency planning and procedures appropriate for the proposed development. Based on the nature, occupancy, or location of a proposed development, the Fire Department may require emergency plans and procedures for any occupancy classifications.

- (ii) The emergency plan and procedures shall be consistent with the Redmond Fire Code and shall be approved by the Fire Department  
(Code Authority: RZC 21.26.050(B)(2))

- h. Variances shall be recorded with the King County Department of Records and Elections.  
(Code Authority RZC 21.76.070(BB)(5))

**B. Compliance with City of Redmond Codes and Standards**

This approval is subject to all applicable City of Redmond codes and standards, including the following:

**Transportation and Engineering**

RMC: 6.36	Noise Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC: 21.52	Transportation Standards
RZC 21.40.010(E):	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RZC 21.76.100(F)(9)(c):	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020(G):	Site Construction Drawing Review
RZC 21.76.020(H)(6):	Preconstruction Conference

RZC 21.76.090(F):	Performance Assurance
RZC 21.76.070(K)	Conditional Use
RZC Appendix 2:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Record Drawing Requirements, Version 10-2005 (2005)
City of Redmond:	Standard Specifications and Details (current edition)

### **Water and Sewer**

RMC 13.04:	Sewage and Drainage
RMC 13.08:	Installing and Connecting Water Service
RMC 13.10:	Cross-Connection and Backflow Prevention
RZC 21.54.010:	Adequate Public Facilities and Services Required
RZC 21.76.070(K)	Conditional Use
RZC Appendix 3:	Design Requirements for Water and Wastewater System Extensions
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Design Requirements: Water and Wastewater System Extensions - January 2000.

### **Stormwater/Clearing and Grading**

RMC 15.24:	Clearing, Grading, and Storm Water Management
RZC 21.32.080	Types of Planting
RZC 21.64:	Critical Areas
RZC 21.64.040:	Frequently Flooded Areas
RZC 21.64.050:	Critical Aquifer Recharge Areas
RZC 64.060:	Geologically Hazardous Areas
RZC 21.76.070(K)	Conditional Use
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Stormwater Technical Notebook, Issue No. 5 (2007)
Department of Ecology:	Stormwater Management Manual for Western Washington (revised 2005)

### **Fire**

RMC 15.06:	Fire Code
RZC Appendix 2:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Fire Department Design and Construction Guide 5/6/97
City of Redmond:	Fire Department Standards

### **Planning**

RMC 3.10	Impact Fees
RMC 6.36:	Noise Standards

RZC 21.08:	Residential Regulations
RZC 21.16:	Site Requirements
RZC Article III:	Design Standards
RZC 21.32:	Landscaping and Tree Protection
RZC 21.34:	Exterior Lighting Standards
RZC 21.38:	Outdoor Storage and Service Areas
RZC 21.40:	Parking Standards
RZC 21.64:	Critical Areas
RZC 21.44:	Sign
RZC 21.72:	Tree Replacement
RZC 21.76.070(K)	Conditional Use
RZC Appendix 1:	Critical Areas Reporting Requirements

**Building**

2009 International Building Codes (IBCs)  
 2009 Uniform Plumbing Code  
 2009 International Residential Code (IRC)

**RECOMMENDED** August 22, 2011.

By:




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Sharon A. Rice  
 City of Redmond Hearing Examiner