

**APPEAL (LAND-2018-00794)  
DENIAL OF DEVIATION REQUEST (DEVREQ-2018-00530)  
PLANNING DEPARTMENT REPORT TO HEARING EXAMINER**

MEMO TO: Sharon Rice, Hearing Examiner

FROM: Planning Department

DATE: September 24, 2018

PREPARED BY: Ben Sticka, Planner  
Andy Chow, Senior Transportation Engineer

SUBJECT: JOHN DEVORE’S APPEAL OF A DEVIATION REQUEST THAT DENIED A REQUEST FOR RECONSIDERATION TO ALLOW A SECOND DRIVEWAY DEVIATION REQUEST (DEVREQ-2018-00530).

REQUEST: The appellant John Devore is appealing the City’s denial of a request for reconsideration to allow a second driveway, Deviation Request (DEVREQ-2018-00530). On June 28, 2018 the City of Redmond Technical Committee issued its decision to deny a request for reconsideration to allow a second residential driveway at Mr. Devore’s property located at 11235 165<sup>th</sup> Court NE, Redmond, WA 98052.

HEARING DATE: September 24, 2018

## ATTACHMENTS

- EXHIBIT 1: Appellant's initial deviation request, dated April 30, 2018  
EXHIBIT 2: City's denial response to appellant, dated May 25, 2018  
EXHIBIT 3: Appellant's request for reconsideration of a May 25, 2018 denial, dated June 8, 2018  
EXHIBIT 4: Technical Committee slide show, dated June 20, 2018.  
EXHIBIT 5: City's denial of a request for reconsideration, dated June 28, 2018  
EXHIBIT 6: Appeal application, dated July 19, 2018  
EXHIBIT 7: Deviation timeline, dated July 30, 2018  
EXHIBIT 8: Location map, dated August 1, 2018  
EXHIBIT 9: City of Redmond Procedures for Deviation Requests

## BACKGROUND

**Appellant** John Devore, c/o PER-SPEK-TIV, George Belmore  
PO Box 5060  
Spanaway, WA 98387

**Applicant:** John Devore, c/o PER-SPEK-TIV, George Belmore  
PO Box 5060  
Spanaway, WA 98387

### **Deviation Key Dates**

Applicant Deviation Request: April 30, 2018  
City Denies Deviation: May 25, 2018  
Applicant Requests Reconsideration of Deviation Denial: June 8, 2018  
City Denies Reconsideration of Deviation Denial: June 28, 2018  
Appeal Submitted: July 19, 2018

**Appeal Filed:** July 19, 2018

**Hearing Date:** September 24, 2018

**Location:** Located at 11235 165<sup>th</sup> Ct. NE, Redmond, WA 98052

**Parcel Size:** The total area of the site is approximately 0.95 acres.

**Neighborhood:** The proposed project is within the Education Hill neighborhood within the Comprehensive Plan.

**Land Use Designation:** This property is located within the Single-Family Constrained, land use designation within the Education Hill Neighborhood.

**Zoning Designation:** The subject site is zoned R-1 (Single-Family Constrained) zone, located in the Education Hill Neighborhood.

**Surrounding Land Use and Zoning:**

	Zoning	Land Uses
North:	R-1 (Single-Family Constrained)	Single-Family Homes
East:	R-1 (Single-Family Constrained)	Single-Family Homes
South:	R-1 (Single-Family Constrained)	Single-Family Homes
West:	R-4 (Single-Family Urban Residential)	Single-Family Homes

**Access:** Vehicular access for this site is from 165<sup>th</sup> Court NE via NE 113<sup>th</sup> Street.

**SEPA:** SEPA is not required for a Deviation request.

**NOTICE OF DECISION:** Denial of Request for Reconsideration was issued on June 28, 2018 (Exhibit 5: City’s denial of a request for reconsideration, dated June 28, 2018).

**BACKGROUND**

The subject site is a single-family residential lot on 0.95 acres located in the Equestrian Tracts subdivision, which consists of 38-lots located at 11235 165<sup>th</sup> Court NE, Redmond, WA 98052 (Exhibit 8: Location map, dated August 1, 2018). The home is zoned R-1 (Single-Family Constrained) with a Comprehensive Land Use designation of Single-Family Constrained. The home is located within the North Redmond neighborhood. The streets within the subdivision are all private streets.

On April 30, 2018, the appellant submitted a deviation from Redmond Zoning Code Appendix 2.D(4)(a) to allow a second driveway at 11235 165<sup>th</sup> Court NE (Exhibit 1: Appellant’s initial deviation request, dated April 30, 2018) whereas Redmond Zoning Code only allows one

driveway per residential lot. Please note, the letter from the appellant indicates March 1, 2018. However, the request was not received by the City until April 30, 2018. Redmond Zoning Code Appendix 2. D(4)(b) and (f) state that driveways are to be 150 feet from an intersection regardless of the street classification. The review team believed that an on-site turnaround was feasible to serve the same purpose as the proposed second driveway, without the need for a new driveway. Following the review of the deviation request, the City Development Engineering Manager denied the request to allow a second driveway on May 25, 2018 (Exhibit 2: City's denial response to appellant, dated May 25, 2018). Upon receipt of the denial, the applicant submitted a request for reconsideration to the City on June 8, 2018 (Exhibit 3: Appellant's request for reconsideration of May 25, 2018 denial, dated June 8, 2018). Following review of the request for reconsideration, the City Technical Committee denied the request for reconsideration on June 28, 2018 (Exhibit 5: City's denial of a request for reconsideration, dated June 28, 2018). Upon receipt of the letter denying the request for reconsideration, the applicant submitted an appeal of the request for reconsideration on July 19, 2018 (Exhibit 6: Appeal application, dated July 19, 2018).

### JURISDICTION

In accordance with RZC [21.76.050(D)] , Permits and Actions Not Listed, "If a permit or land use action is not listed in the table in Redmond Zoning Code [RZC 21.76.050(C)], *Classification of Permits and Decisions*, the Administrator shall make a determination as to the appropriate review procedure based on the most analogous permit or land use action listed."

Pursuant to Redmond Zoning Code (RZC 21.02.050) Appendices: "The Redmond Municipal Code (RMC) grants the Technical Committee authority to adopt and amend technical regulations and standards in order to implement the provisions of the RZC and to govern construction details and the operation and maintenance of infrastructure required for development. These technical regulations and standards are found in the appendices to the RZC. Upon adoption by the Technical Committee, the appendices have the force of law and shall be complied with by all developers and property owners. In the event of any conflict between the appendices and provisions of the RZC, the RZC shall control." The introduction to Appendix 2. indicates the following: "This appendix has been approved by the Director of Public Works, who may approve design deviations in specific situations where conditions warrant and are properly documented. Such site-specific design deviations shall not constitute general changes to these standards." Based on this, the land use action (decision on the deviation) is similar to a Type 1 permit and can be classified as such, unless there is a specific definition of land use action that precludes this.

The City also outlines deviation requests in the following document titled: *City of Redmond Procedures for Requesting and Approving Engineering Deviation Requests* (Exhibit 9: City of

Redmond Procedures for Deviation Requests). The purpose statement indicates the following: “A deviation is required for any design or construction alteration from City of Redmond standards for a development proposal. Deviations from these standards may be granted upon evidence that such deviation is in the public interest and the requirements for safety, function, fire protection, transit needs, appearance, maintainability and long-term maintenance costs, based upon sound engineering and technical judgement, fully meet the intent of the standard. Technical documentation such reports, engineering drawings and/or calculations, for design proposal or alternative evaluation prepared by or under the direct supervision of Washington State licensed professional engineer must be stamped and signed.” This document indicates: “The Development Engineer Manager shall notify the applicant of the decision on the deviation application by letter or email within fifteen (15) days of receiving the deviation application.”

In accordance with RZC Section 21.76.060(I), Appeal of Type I Decisions, the appellant is required to specify the basis of their appeal. An appeal must be based on an error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the public hearing or consideration of approval. The appellant must provide: 1) facts demonstrating that they were adversely affected by the decision, 2) a concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria, 3) the specific relief requested, and 4) any other information reasonably necessary to make a decision on the appeal.

**BURDEN OF PROOF**

The burden of proof for demonstrating that the City’s decision to issue the denial of the request for reconsideration for the second driveway Deviation Request (DEVREQ-2018-00530) letter on June 28, 2018, was in error lies on the appellant. Appellant must carry their burden and prove that the decision is not supported by a preponderance of the evidence or was clearly erroneous. RZC 21.76.060(I)(4). “The Hearing Examiner shall accord substantial weight to the decision of the department director...” RZC 21.76.060(I)(4).

**APPELLANT’S BASIS FOR APPEAL**

The appellant John Devore, c/o PER-SPEK-TIV, George Belmore is appealing the denial of the request for reconsideration to allow a second driveway deviation (DEVREQ-2018-00530), dated June 28, 2018.

The Hearing Examiner limited the scope of the appeal to the following assertion:

1. The City erred in its decision on the denial of the request for reconsideration request. The denial of the request for reconsideration letter indicates the following: *The Technical Committee has carefully reviewed your request and evaluated the impact to your project. Section D in the RZC Appendix 2 does not only apply to public streets.* The Technical Committee has determined that your request for reconsideration request was denied due to the following: (1) the proximity to the intersection, (2) limited sight distance to the north, (3) regulations limiting the number of driveways to one, and (4) a dangerous or confusing traffic pattern should the driveway be constructed.

### RELIEF SOUGHT BY APPEAL

The appellant is seeking the following relief through this appeal:

1. The Hearing Examiner should direct City staff to approve the request for reconsideration of the denial of the Deviation Request (DEVREQ-2018-00530) to allow a second driveway at the Devore residence, (Exhibit 5: City denial of a request for reconsideration, dated June 28, 2018).

### ANALYSIS

The appellant is proposing a second residential driveway location at an irregular three-leg uncontrolled intersection located at the intersection of Northeast 113<sup>th</sup> Street and 165<sup>th</sup> Court Northeast. The site plan provided by applicant fails to identify the intersection street which is located directly at the proposed second driveway. The appellant's property is located within a 38-lot single-family subdivision, which has only one access point via Northeast 113<sup>th</sup> Street (a private street) to Northeast 116<sup>th</sup> Street, which is a public road (Exhibit 8: Location Map). City staff has provided the City of Redmond (COR) Administrative Engineering Deviation Procedure document (Exhibit 9: City of Redmond Procedures for Deviation Requests) to the appellant at the counter when the appellant inquired about the building permit application. From the appellant's initial deviation request (Exhibit 1: Appellant's initial deviation request, dated April 30, 2018), the appellant fails to address the criteria for granting engineering deviations as outlined in Section 2 of the COR's Administrative Engineering Deviation Procedure (Exhibit 9, City of Redmond Procedures for Deviation Requests). The Deviation Review Team studied the site location along with the aerial imagery for analysis of the 2<sup>nd</sup> criteria out of seven criteria related to safety. Based on the aerial imagery with property line information and the location of the proposed 2<sup>nd</sup> driveway (Exhibit 8, Location Map), the Deviation Review Team is concerned that the proposed 2<sup>nd</sup> driveway location will create unsafe situations due to the (1) existing vegetation from the adjacent north neighbor and will block the driver sightlines, (2) location at the irregular three-leg uncontrolled intersection, and (3) confusing traffic patterns that would

result. Since this property has an existing driveway with the option to design the oversized vehicle maneuver around onsite, it will be a safer approach instead of allowing the 2<sup>nd</sup> driveway to be installed for safety reason. Staff further confirmed that “driveways” as discussed in RZC Appendix 2.D (“*Driveways, as used in this appendix, shall refer to vehicle entrances to individual lots and the intersection of access corridors with public streets.*”) is not only intended for public streets, but also includes private streets.

### STAFF RECOMMENDATION

Based on the analysis included in this report, staff recommends that the Hearing Examiner uphold the Technical Committee’s decision (Exhibit 5: City’s denial of a request for reconsideration, dated June 28, 2018) that denied a second driveway, as it failed to meet any criteria for granting the deviation request.

### CONCLUSIONS IN SUPPORT OF THE STAFF RECOMMENDATION

The appellant John Devore, c/o PER-SPEK-TIV, George Belmore has not provided proof or facts illustrating how the City erred. The appellant has the burden to prove that the City erred in the denial of the request for reconsideration to allow a second driveway. After evaluating all submitted material, the Technical Committee was unable to support the deviation request for a second driveway, as it is self-imposed hardship and excessive, and will create unsafe traffic conditions within the neighborhood as indicated in Redmond Zoning Code Appendix 2.D.4.f which states: “Driveways shall not be permitted where, in judgement of the Technical Committee, dangerous or confusing traffic patterns would result.” Appellant was not able to establish that he met the requirements for a deviation and therefore no deviation can be granted.



Erika Vandenbrande, Planning Director  
Department of Planning and  
Community Development



Martin Pastucha, Public Works Director  
Department of Public Works

**PER-SPEK-TIV**

Friday, March 1st, 2018

To: City of Redmond Technical Committee  
15670 NE 85<sup>th</sup> Street, Redmond, WA 98073-9710

Subject: Engineering Deviation Request

Scope #: Request to construct a second driveway access to site.

Parcel #: 236640-0200

Owner: John Devore

Site Address #: 11235 – 165<sup>th</sup> CT. N. E., Redmond, WA 98052

Authority of Jurisdiction: City of Redmond

Current Zoning: (R-1) (single family Constrained Residential)

Building Setbacks: Front 30 ft. Primary Road (Diamond)  
Interior 20 ft.  
Rear 30 ft.  
Height 35 ft.

Lot Size: 41,550 sq. ft. ( 0.95 Acres)

Agent: George A. Belmore dba Perspektiv  
(253) 278-9098, gabelmore@mac.com  
PO Box 5060, Spanaway, WA 98387

This office was provided with architectural plans, engineering which required relocation of the septic tanks and drain field. The Health Department has approved the design and installation of this new system.

We were hired to assist in permit submittal acquisition, we conducted a number of visits in the feasibility stage which resulted in our current proposal which is to construct a 1080 sq. ft. 30 ft. X 36 ft. detached private-use unheated garage.

The next-door neighbor directly to the south has two driveways as do nearly half of the home sites in this 36-lot small single access dead-end subdivision. The subdivision has speed bumps on every street to help control the 25-mph requirement. The dead-end street we enter from has only 6 lots on it.

This major change was selected to not retroactively install a fire sprinkler system in the entire existing residence. That decision by the owner required new Architectural and Engineering plans be developed and a new site plan be provided. Additional requirements requested by counter staff, involved a Drainage plan by a civil engineer and a Tree Preservation Plan by a licensed Arborist locating the trees in the front yard.

Our goal from day one was to minimize any impact to the lot and the trees on site. The original site as is sits has an existing access on the northeast corner which know trees required to removed and just grass for a direct access into the new garage. Planning staff also agreed that that was a natural location and mitigated any tree removal. Engineering however wanted us to use the existing driveway in the southeast corner of lot and cut across the entire front yard and then use the driveway in front of the garage basically eliminating the road approach. At a minimum this increases the size of the impervious area and reduces the parking in the original driveway. This proposal would require a convoluted three point turn every time to gain access and egress to the garage.

EXHIBIT 1

In fact it appears to be Arbitrary and Capricious as the following examples referenced in Appendix 2 page 16 (4) titled Location and Number of Driveways. He the engineer at our meetings stated we could not have two driveways per this section and consequentially this same section stated "The separation requirement shall typically not be applied between single-family driveways on local streets. We brought it to his attention that we understood that requirement to mean a single-family lot on an arterial or a single-family subdivision entrance not as described in the quotes above. We had previously underlined that section and brought it to his attention at the next meeting along with the planner after which she stated he wants his way and his interpretation. Stands unless you apply for a variance or deviation. It appeared to us he felt challenged and then would not discuss options. So here we are, we are applying for a deviation that I don't think even applies as reflected by your own code and justified by the number of others within the same subdivision enjoying the same benefits.

We also don't ever want to create a dangerous situation for anyone, but this location is perfect for the client and provides great un-obstructed visibility down either street to the sides and straight down the road we would access from. This is a secondary garage and not the primary, as such it will not have a great number of traffic trips a day. As the entrance to a typical subdivision and the normally much higher speeds involved on the higher rated arterials. We would entertain the arch through the center of the property as narrow as possible along with the driveway straight from the road out front into the new proposed garage but would like to revisit with arborist if it could be done without removing the large legacy trees, which would be required to be removed if we go along with the proposal from the city.

RESPECTIVELY

GEORGE A. BELMORE



PLANNING DEPARTMENT  
Development Engineering  
(425) 556-2876

May 25<sup>th</sup>, 2018

George Belmore  
Perspektiv  
PO Box 5060  
Spanaway, WA 98387

Via Email: gabelmore@mac.com

**Subject: Response to Subject (Second residential driveway) Deviation Request (DEVREQ-2018-00530)**

Dear Mr. Belmore:

Thank you for your letter dated March 1<sup>st</sup>, 2018 to request a deviation on the number of allowed driveways per residential lot.

The deviation letter lists several reasons why a second driveway should be allowed. The letter states that this design will minimize the impact to the lot, save on-site trees, not dramatically increase impervious surface, and will help with turning into the proposed detached garage. Also, it states that there will be good visibility entering and existing the driveway at the intersection of 165th Ct NE and NE 113th St.

The Deviation Review Team has carefully reviewed your deviation request and evaluated the impact to your project. We have determined that your deviation request is denied. The City Code is clear when it comes to second residential driveways and driveway spacing from an intersection. RZC Appendix 2.D.4a only allows only one driveway per residential lot and the City consistently applies this code to projects regardless of location. Additionally RZC Appendix 2 D.4.b and f states that driveways are to be 150' from an intersection regardless of the street classification. The review team believes that an on-site turnaround is feasible to serve the same purpose as the proposed second driveway without the need for a new driveway.

The applicant may request a reconsideration of the above deviation decision. The applicant must file the reconsideration request with the Development Engineer within ten (10) business days of the issuance of the original decision (before 6/8/18) the reconsideration request must include the original deviation application, the written decision, new reasons supporting reconsideration, and additional support justification. The ten days referred to above starts from the date of this letter.



PLANNING DEPARTMENT  
Development Engineering  
(425) 556-2876

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Lisa Rigg".

Lisa Rigg, P.E.  
Development Engineering Manager  
Development Services, Planning Department  
City of Redmond

CC City Staff:

Andy Chow, P.E., Senior Transportation Engineer, Planning  
Min Luo, P.E., Senior Transportation Engineer, Planning  
Colin, Sherrill, E.I.T., Associate Engineer, Planning  
Rob Crittenden, P.E., Traffic Operations Manager, Public Works  
Don Cairns, P.E., Transportation Planning Manager, Planning  
Angie Venturato, E.I.T., Transportation Engineer, Planning

**PER-SPEK-TIV**

Friday, JUNE 8th, 2018

To: City of Redmond Technical Committee  
Subject: Reconsideration Request for a previously submitted Deviation  
Scope: Request to construct a second driveway access to site.  
Parcel: 236640-0200  
Owner: John Devore  
Site Address: 11235 -165<sup>th</sup> Ct. N. E., Redmond, WA 98052  
Authority of Jurisdiction: City of Redmond  
Current Zoning: (R-1)  
Agent: George A. Belmore dba Perspektiv

The following reasons supporting our reconsideration request begin by your reference of Redmond City Code - Appendix 2. Construction Specification and Design Standards for Streets and Access specifically with Section "D Driveways. Driveways, as used in this appendix, shall refer to vehicular entrances to individual lots and the intersection of access corridors with public streets."

*In reading this previous sentence and interpreting it by using the definitions referenced with section 21.78 of the RMC.*

This entire section is based on driveways as vehicle entrances to individual lots AND the intersection of ACCESS CORRIDORS with PUBLIC STREETS.

First of all this is a tract with private roads and owned and maintained by all the owners and referenced as Tract "A" on the attached Plat Map. The first public road would be at the entrance to this plat which is N. E. 116<sup>th</sup> st. In reviewing the definition of ACCESS, ACCESS CORRIDOR, DRIVEWAY AND STREET.

Access refer to Public Way, Access Corridor is limited to ten lots, and Driveway and Street all are referring to a public road we feel that when we appeal this to the next level using your own definitions that these are referencing the intersection of the subdivision single and only entrance at N.E. 116<sup>th</sup> ST and the individual lots numbered 25, 36, 1 & 2 on NE 116<sup>th</sup> St. Also when you reference the following sections RZC Appendix 2.D.4a, 4b, and 4f to deny our driveway the last sentence in section 4b & 4g state "The separation requirement shall typically not be applied between single-family driveways on local streets." Both section states this yet you use part of a section not the entire section.

In my previous career we always has a motto we lived by "Be a truth seeker not a case maker" how can you cherry pick a section and only use a part of it to help your case, or as your engineer stated I feel its unsafe. There are many including his immediate neighbor who have two driveways.

Do to this being a private road system we don't think any of this deviation even applies.

Please find attached the following copies; The Original Deviation Request (4-pages), The Written Decision (2-pages), The Equestrian Tracts Plat map (2-pages),

Copies of Article VII Definitions (4-pages).

REGARDS

GEORGE A. BELMORE



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# PER-SPEK-TIV

Friday, March 1st, 2018

To: City of Redmond Technical Committee  
15670 NE 85<sup>th</sup> Street, Redmond, WA 98073-9710

Subject: Engineering Deviation Request

Scope #: Request to construct a second driveway access to site.

Parcel #: 236640-0200

Owner: John Devore

Site Address #: 11235 – 165<sup>th</sup> CT. N. E., Redmond, WA 98052

Authority of Jurisdiction: City of Redmond

Current Zoning: (R-1) (single family Constrained Residential)

Building Setbacks: Front 30 ft. Primary Road (Diamond)  
Interior 20 ft.  
Rear 30 ft.  
Height 35 ft.

Lot Size: 41,550 sq. ft. ( 0.95 Acres)

Agent: George A. Belmore dba Perspektiv  
(253) 278-9098, [gabelmore@mac.com](mailto:gabelmore@mac.com)  
PO Box 5060, Spanaway, WA 98387

This office was provided with architectural plans, engineering which required relocation of the septic tanks and drain field. The Health Department has approved the design and installation of this new system.

We were hired to assist in permit submittal acquisition, we conducted a number of visits in the feasibility stage which resulted in our current proposal which is to construct a 1080 sq. ft. 30 ft. X 36 ft. detached private-use unheated garage.

The next-door neighbor directly to the south has two driveways as do nearly half of the home sites in this 36-lot small single access dead-end subdivision. The subdivision has speed bumps on every street to help control the 25-mph requirement. The dead-end street we enter from has only 6 lots on it.

This major change was selected to not retroactively install a fire sprinkler system in the entire existing residence. That decision by the owner required new Architectural and Engineering plans be developed and a new site plan be provided. Additional requirements requested by counter staff, involved a Drainage plan by a civil engineer and a Tree Preservation Plan by a licensed Arborist locating the trees in the front yard.

Our goal from day one was to minimize any impact to the lot and the trees on site. The original site as is sits has an existing access on the northeast corner which know trees required to removed and just grass for a direct access into the new garage. Planning staff also agreed that that was a natural location and mitigated any tree removal. Engineering however wanted us to use the existing driveway in the southeast corner of lot and cut across the entire front yard and then use the driveway in front of the garage basically eliminating the road approach. At a minimum this increases the size of the impervious area and reduces the parking in the original driveway. This proposal would require a convoluted three point turn every time to gain access and egress to the garage.

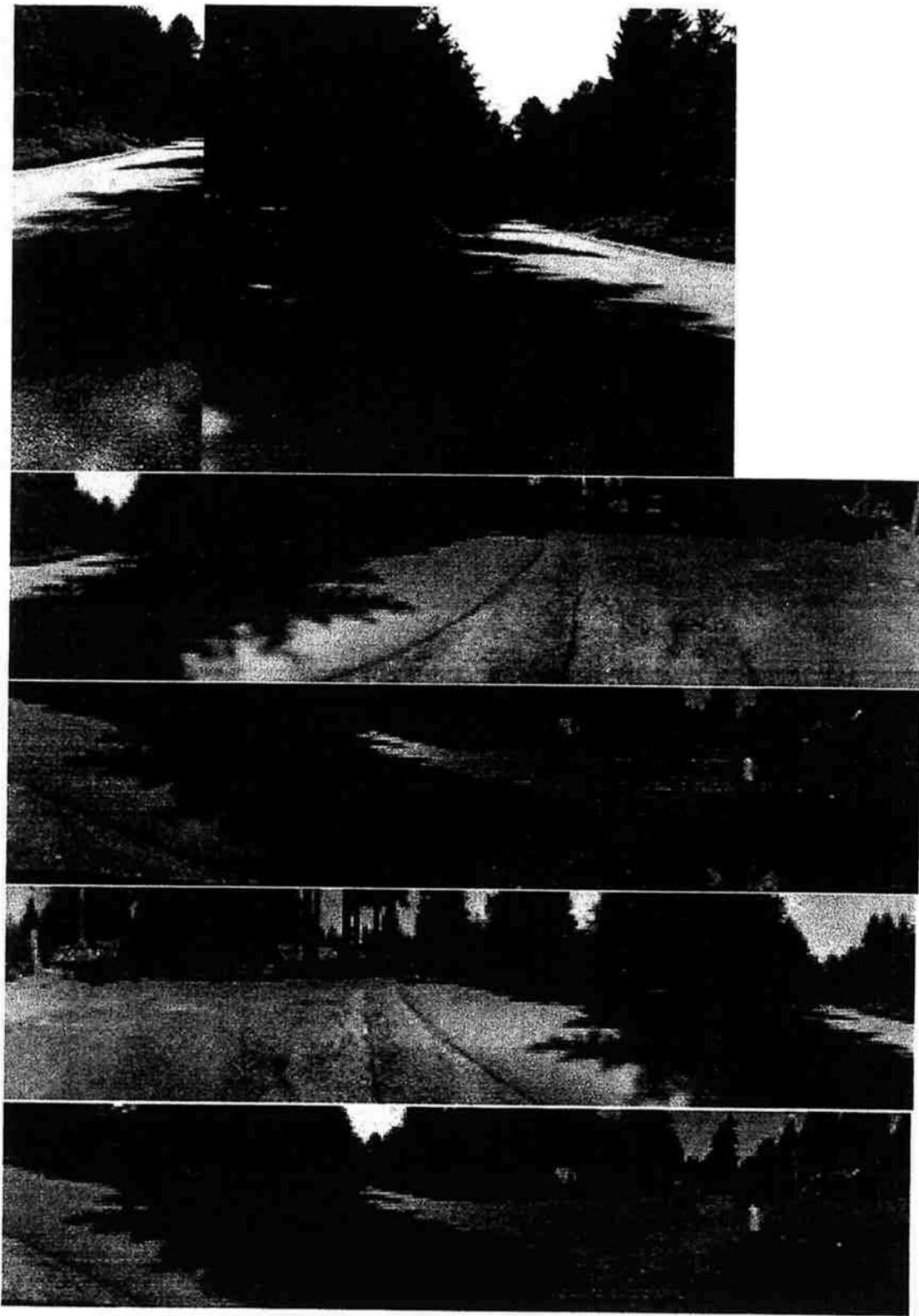
In fact it appears to be Arbitrary and Capricious as the following examples referenced in Appendix 2 page 16 (4) titled Location and Number of Driveways. He the engineer at our meetings stated we could not have two driveways per this section and consequentially this same section stated "The separation requirement shall typically not be applied between single-family driveways on local streets. We brought it to his attention that we understood that requirement to mean a single-family lot on an arterial or a single-family subdivision entrance not as described in the quotes above. We had previously underlined that section and brought it to his attention at the next meeting along with the planner after which she stated he wants his way and his interpretation. Stands unless you apply for a variance or deviation. It appeared to us he felt challenged and then would not discuss options. So here we are, we are applying for a deviation that I don't think even applies as reflected by your own code and justified by the number of others within the same subdivision enjoying the same benefits.

We also don't ever want to create a dangerous situation for anyone, but this location is perfect for the client and provides great un-obstructed visibility down either street to the sides and straight down the road we would access from. This is a secondary garage and not the primary, as such it will not have a great number of traffic trips a day. As the entrance to a typical subdivision and the normally much higher speeds involved on the higher rated arterials. We would entertain the arch through the center of the property as narrow as possible along with the driveway straight from the road out front into the new proposed garage but would like to revisit with arborist if it could be done without removing the large legacy trees, which would be required to be removed if we go along with the proposal from the city.

RESPECTIVELY



GEORGE A. BELMORE



**11235 165<sup>TH</sup> CT NE**  
**2<sup>ND</sup> RESIDENTIAL DRIVEWAY**

**Reconsideration Request for Deviation**

DEVREQ-2018-00530

Building Permit

June 20, 2018

# Project Description

- Proposed for remodels and additions with a 2<sup>nd</sup> driveway access in the same lot.





# Reconsideration Request for Deviation

- Original deviation request to allow a 2<sup>nd</sup> driveway at the intersection was denied due to codes noncompliant and safety reasons.
- Reconsideration request with new reason for the same 2<sup>nd</sup> driveway location

## Code Section(s)

- RZC Appendix 2.D.4.a – Driveway shall be limited to one per parcel per street frontage, except that the following is permitted subject to the approval of the Technical Committee: one driveway for each 150 feet of local street frontage, or three driveways for two lots having common parking, as provided in RZC 21.40.010.F.1.
- RZC Appendix 2.D.4.b – The City shall not permit any driveway within 150 feet of the nearside face of the curb of the intersecting street or from any such driveway. In the event it is either impossible or undesirable to separate by 150 feet, then driveways shall be located as far as away from the nearside of curb of the intersecting street or any other such driveway. Separations less than 150 feet shall obtain approval from the Technical Committee. The separation requirement shall typically not be applied between single-family driveways on local streets.
- RZC Appendix 2.D.4.f – Driveways shall not be permitted where, in the judgement of the Technical Committee, dangerous or confusing traffic patterns would result.

## Justification (New Reason)

- The subject lot is fronting to a private street.
- Per RZC Appendix 2.D – *Driveways, as used in this appendix, shall refer to vehicle entrances to individual lots and the intersection of access corridors with public streets.*

## Analysis of Decision Criteria by staff

- Staff has confirmed with Jim Haney that the language in RZC Appendix 2.D , "Driveways, as used in this appendix, shall refer to vehicle entrances to individual lots and the intersection of access corridors with public streets." , is not intent only for public streets but also include private street. In fact, this sentence has 2 separate clauses. See the following markups for clarification.  
  
*"Driveways, as used in this appendix, shall refer to (a) vehicle entrances to individual lots and (b) the intersection of access corridors with public streets."*

# Recommendation

- Traffic Operations and Safety Engineering (Denied)
- Transportation (Denied)
- LR-Transportation (Denied)



PLANNING DEPARTMENT  
Development Engineering  
(425) 556-2876

June 28, 2018

George Belmore  
Perspektiv  
PO Box 5060  
Spanaway, WA 98387

Via Email: [gabelmore@mac.com](mailto:gabelmore@mac.com)

**Subject: Response to your reconsideration request for the second driveway deviation decision (DEVREQ-2018-00530)**

Dear Mr. Belmore:

Thank you for your letter dated June 8<sup>th</sup>, 2018 to request a reconsideration of the deviation decision for a second residential driveway in Mr. Devore's property at 11235 165<sup>th</sup> CT NE, Redmond, WA.

Your new reason for the reconsideration is that the entire Section D - Driveway in the RZC Appendix 2 only apply to public streets, and 165<sup>th</sup> CT NE is a private street.

The Technical Committee has carefully reviewed your request and evaluated the impact to your project. Also, it was confirmed by the city attorney that Section D in the RZC Appendix 2 does not only apply to public streets. The Technical Committee has determined that your reconsideration request is denied due to (1) the proximity to the intersection, (2) limited sight distance to the north, (2) regulations limiting the number of driveways to one, and (4) a dangerous or confusing traffic pattern should the driveway be constructed.

The Technical Committee's decision may be appealed to the Hearing Examiner by filing an appeal with the Planning and Community Development Department within fourteen (14) calendar days of the date of the consideration decision. Appeal forms are available on-line at [www.redmond.gov](http://www.redmond.gov). A completed appeal form must be submitted by 5:00 p.m. on the last day of the appeal period.



PLANNING DEPARTMENT  
Development Engineering  
(425) 556-2876

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa W. Rigg".

Lisa Rigg, P.E.  
Development Engineering Manager  
Development Services, Planning Department  
City of Redmond

CC City Staff:     Martin Pastucha, P.E., Public Works Director  
                      Erika Vandenbrande, Acting Planning Director  
                      Rob Crittenden, P.E., Traffic Operations Manager, Public Works  
                      Don Cairns, P.E., Transportation Planning Manager, Planning  
                      Andy Chow, P.E., Senior Transportation Engineer, Planning  
                      Min Luo, P.E., Senior Transportation Engineer, Planning  
                      Colin, Sherrill, E.I.T., Associate Engineer, Planning  
                      Angie Venturato, E.I.T., Transportation Engineer, Planning

From: **Andy Chow** kachow@redmond.gov  
Subject: **Devore's Driveway Deviation: Response to reconsideration request**  
Date: **Jun 29, 2018 at 2:26:48 PM**  
To: **gabelmore@mac.com**  
Cc: **Martin Pastucha** mpastucha@redmond.gov, **Erika Vandenbrande**  
EVandenbrande@REDMOND.GOV, **Lisa Rigg**  
LRIGG@REDMOND.GOV, **Rob Crittenden**  
RCRITTENDEN@REDMOND.GOV, **Don Cairns**  
DCAIRNS@REDMOND.GOV, **Min Luo** mluo@redmond.gov, **Colin A.**  
**Sherrill** casherrill@redmond.gov, **Angie Venturato**  
aventurato@redmond.gov

Dear Mr. Belmore,

Please find attached response letter to your reconsideration request for Mr. Devore's second driveway deviation decision.

Sincerely,  
Andy



**K. Andy Chow, P.E., CFM**

Senior Engineer | City of Redmond

☎: [425.556.2740](tel:425.556.2740) | ✉: [kachow@redmond.gov](mailto:kachow@redmond.gov) | [Redmond.gov](http://Redmond.gov)

MS: 2SPL | 15670 NE 85<sup>th</sup> St | Redmond, WA 98052



**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account is a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

This message has been scanned for malware by Websense.

[www.websense.com](http://www.websense.com)

pdf

Devore Dri...sponse.pdf

101 KB



PLANNING DEPARTMENT  
Development Engineering  
(425) 556-2876

May 25<sup>th</sup>, 2018

George Belmore  
Perspektiv  
PO Box 5060  
Spanaway, WA 98387

Via Email: gabelmore@mac.com

**Subject: Response to Subject (Second residential driveway) Deviation Request (DEVREQ-2018-00530)**

Dear Mr. Belmore:

Thank you for your letter dated March 1<sup>st</sup>, 2018 to request a deviation on the number of allowed driveways per residential lot.

The deviation letter lists several reasons why a second driveway should be allowed. The letter states that this design will minimize the impact to the lot, save on-site trees, not dramatically increase impervious surface, and will help with turning into the proposed detached garage. Also, it states that there will be good visibility entering and existing the driveway at the intersection of 165th Ct NE and NE 113th St.

The Deviation Review Team has carefully reviewed your deviation request and evaluated the impact to your project. We have determined that your deviation request is denied. The City Code is clear when it comes to second residential driveways and driveway spacing from an intersection. RZC Appendix 2.D.4a only allows only one driveway per residential lot and the City consistently applies this code to projects regardless of location. Additionally RZC Appendix 2 D.4.b and f states that driveways are to be 150' from an intersection regardless of the street classification. The review team believes that an on-site turnaround is feasible to serve the same purpose as the proposed second driveway without the need for a new driveway.

The applicant may request a reconsideration of the above deviation decision. The applicant must file the reconsideration request with the Development Engineer within ten (10) business days of the issuance of the original decision (before 6/8/18) the reconsideration request must include the original deviation application, the written decision, new reasons supporting reconsideration, and additional support justification. The ten days referred to above starts from the date of this letter.



PLANNING DEPARTMENT  
Development Engineering  
(425) 556-2876

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Lisa Rigg". The signature is fluid and cursive, with the first name "Lisa" and the last name "Rigg" clearly distinguishable.

Lisa Rigg, P.E.  
Development Engineering Manager  
Development Services, Planning Department  
City of Redmond

CC City Staff:

Andy Chow, P.E., Senior Transportation Engineer, Planning  
Min Luo, P.E., Senior Transportation Engineer, Planning  
Colin, Sherrill, E.I.T., Associate Engineer, Planning  
Rob Crittenden, P.E., Traffic Operations Manager, Public Works  
Don Cairns, P.E., Transportation Planning Manager, Planning  
Angie Venturato, E.I.T., Transportation Engineer, Planning

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**PURPOSE:**

A deviation is required for any design or construction alteration from City of Redmond standards for a development proposal. Deviations from these standards may be granted upon evidence that such deviation is in the public interest and the requirements for safety, function, fire protection, transit needs, appearance, maintainability and long term maintenance costs, based upon sound engineering and technical judgment, fully meet the intent of the standard. Technical documentation such as reports, engineering drawings and/or calculations, for design proposal or alternative evaluation prepared by or under the direct supervision of Washington State licensed professional engineer must be stamped and signed.

These procedures only apply to deviations that can be approved administratively for the documents referenced below:

- Standard Specifications and Details
- Stormwater Technical Notebook
- Redmond Zoning Code Title 21, Appendices 2, 3, and 7
- Design Requirements for Water and Sewer System Extensions
- Bicycle Facilities Design Manual
- Illumination Design Manual
- Roundabout Design Manual
- Traffic Signal Design Manual

**SECTION 1- REQUEST FOR ENGINEERING DEVIATION:**

The request for a deviation shall include:

- A description of the deviation requested.
- The code citation of the Standards from which the application proposes to deviate.
- Must demonstrate how the standard can be met.
- Provide alternatives to minimize the deviation.
- Description of the proposed alternative along with supporting documentation.
- Exhibit(s) of the proposed design.
- Documentation may include, but not be limited to, a record of use by other agencies, or evidence of meeting criteria for quality such as AASHTO, ASTM, MUTCD, HCM, NACTO, ITE, and AWWA.
- Applications for location of utilities by an entity allowed under a franchise agreement must be prepared and submitted by that entity.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**SECTION 2 - CRITERIA FOR GRANTING ENGINEERING DEVIATIONS:**

Applications must include clear written documentation with exhibits as needed to explain how the proposed deviation(s) address the following criteria:

- The deviation produces a comparable or improved result, which is in the public interest.
- The deviation meets requirements for safety, public health, function, fire protection, transit needs, appearance, maintainability, and any other criteria deemed relevant by the city.
- The deviation provides substantially equivalent (or improved) environmental protection as would be provided if the standard requirements were met.
- The deviation needs to reflect sound engineering practices.
- The deviation needs to avoid damage to other properties in the vicinity of and downstream of the proposal.
- Any deviation from the Standards that does not meet the Fire Code will require concurrence by the City Fire Marshal.
- As applicable for Overlake and Downtown RZC 21.76.070C Administrative Design Flexibility.

**SECTION 3 - DEVIATION REQUESTS ADDRESSED TO:**

Deviation requests associated with a development proposal shall be addressed to:

Lisa Rigg, P.E.,  
Development Engineering Manager  
Development Services, Planning

425-556-2295  
MS: 2SPL  
15670 NE 85<sup>th</sup> Street  
PO Box 97010  
[lrigg@redmond.gov](mailto:lrigg@redmond.gov)

Deviation requests not associated with a development proposal shall be directed to the City Engineer.

**SECTION 4 - DEVIATION REVIEW TEAMS:**

Deviation Review Teams / Technical Disciplines

- Complete Streets
- Water and Sewer
- Stormwater
- Maintenance
- Fire

For those deviation requests that may impact short or long term maintenance the Maintenance Supervisors or designees (Streets, Water, Sewer, and Stormwater) will be invited to participate in

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**PURPOSE:**

A deviation is required for any design or construction alteration from City of Redmond standards for a development proposal. Deviations from these standards may be granted upon evidence that such deviation is in the public interest and the requirements for safety, function, fire protection, transit needs, appearance, maintainability and long term maintenance costs, based upon sound engineering and technical judgment, fully meet the intent of the standard. Technical documentation such as reports, engineering drawings and/or calculations, for design proposal or alternative evaluation prepared by or under the direct supervision of Washington State licensed professional engineer must be stamped and signed.

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- The code citation of the Standards from which the application proposes to deviate.
- Must demonstrate how the standard can be met.
- Provide alternatives to minimize the deviation.
- Description of the proposed alternative along with supporting documentation.
- Exhibit(s) of the proposed design.
- Documentation may include, but not be limited to, a record of use by other agencies, or evidence of meeting criteria for quality such as AASHTO, ASTM, MUTCD, HCM, NACTO, ITE, and AWWA.
- Applications for location of utilities by an entity allowed under a franchise agreement must be prepared and submitted by that entity.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

the review. For those deviation requests that may impact constructability, the Lead Construction Inspector will participate. Fire representatives will be invited to participate in all reviews. The Deviation Review Team shall notify Fire and Maintenance of deviation request. Fire and Maintenance will determine if they want to be part of the review

**SECTION 5 – RESPONSIBILITIES**

The Deviation Review Team shall screen and review deviation applications, and provide recommendations to the Development Engineer. Review and Recommendation timelines shall conform to PREP 30%/60%/90%, Formal Applications and Coordinated Civil Review requirements. The recommendation may be denial, approval or conditional approval.

The Technical Committee has granted decision-making authority for deviations in the specified areas that relate to development proposals listed in Appendix A. This authorization is reviewed and approved annually. The Deviation Review Team may choose to bring deviation requests listed in Appendix A to the Technical Committee when the Team does not have concurrence on the recommendation or it's determined that the deviation has policy implications that merit Technical Committee's consideration and decision. The Technical Committee is the decision-making authority for deviations not listed in Appendix A.

The Development Engineering Manger shall notify the applicant of the decision on the deviation application by letter or email within fifteen (15) business days of receiving the deviation application, except as follows:

- If additional information must be sought from the applicant, a decision by the Development Engineering and Construction Manager may be delayed.
- If the applicant fails to provide the requested information within thirty (30) business days of the information being requested, the Development Engineer may cancel review of the deviation application.
- In cases where the complete deviation application requires extensive review by Development Services, Fire or Public Works staff, the Development Engineering Manager may, upon notifying the applicant prior to the expiration date of the fifteen day review period, extend the review period for another ten business days. The total review time for a single deviation request shall not exceed twenty five (25) business days.
- Multiple deviation requests for the same project should be submitted concurrently, to the maximum extent possible. When multiple deviation requests are received for the same project, the review period may be extended for up to 15 additional business days for each deviation.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**SECTION 6- RECONSIDERATION**

The applicant may request a reconsideration of the deviation decision. The applicant must submit the reconsideration request to the Development Engineer within ten (10) business days of the issuance of the original decision; the reconsideration request must include the original deviation application, the written decision, new reasons supporting reconsideration, and additional supporting justification.

The Deviation Review Team(s) will consider the request and make a recommendation to the Technical Committee, which will issue a reconsideration decision within ten (10) business days of receiving the request for reconsideration. The decision may concur with the original deviation decision, approve the deviation application as originally submitted, deny the deviation request, or approve the deviation application with special conditions.

The Development Engineer shall document all deviation requests and provide an annual report to the Technical Committee

The Technical Committee's decision may be appealed to the Hearing Examiner by filing an appeal with the Planning and Community Development Department within fourteen (14) calendar days of the date of the reconsideration decision. Appeal forms are available on-line at [www.redmond.gov](http://www.redmond.gov). A completed appeal form must be submitted by 5:00 p.m. on the last day of the appeal period.

**SECTION 7 - PERMIT TIMELINE IMPACTS**

When a Deviation Request is received, the review process for the development proposal will be put on hold to allow for review and consideration of the request. The review of the development proposal will be resumed once decisions of deviation requests are made.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**SECTION 8 – REQUEST TIMELINE, RESPONSIBILITY AND ACTION:**

No.	Responsibility	Action
1	Applicant	Prepares a written deviation application, which identifies those sections of the Standards that the deviation application seeks alterations from and a description of how the proposed deviation meets the requirements set forth in Deviation Procedures.
2	Applicant	Submits deviation applications consistent with the guidance in Section 1
3	Development Engineer	Notify Lead Planner a deviation has been received and a pause in development review will be applied. Receives deviation application and arranges for timely review by City staff and other affected agencies.
4	Deviation Review Team	The Deviation Review Team shall screen, review deviation applications, and make recommendations to the Development Engineer based on criteria in Section 2.
5	Deviation Review Team	Within twelve (12) business days of receiving complete submittal, a recommendation shall be brought to the Development Engineer for denial, approval or conditional approval.
6	Development Engineer	When necessary, notifies the applicant that additional information is required and the fifteen (15) business days review period shall begin when the deviation application is deemed to be complete.
7	Development Engineer	Notifies the applicant of the decision regarding the deviation application. Notify Lead Planer to resume the development review.
8	Applicant	The applicant may request reconsideration of the deviation decision. The applicant must file the reconsideration request within ten (10) business days of the issuance of the decision.
9	Technical Review Committee	Shall issue a decision on a reconsideration decision within ten (10) business days. In cases where the reconsideration requires extensive staff review, the Technical Committee may extend the review period for another ten (10) business days.
10	Development Engineer	The Development Engineer shall document all deviation requests through a tracking system and provide an annual report to the Technical Committee.
11	Deviation Review Team	Shall review annual report and make recommendations for consideration for code updates.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**APPENDIX A**

The City Engineer has granted the Development Engineering Division the decision-making authority for the following deviation requests:

- Number of Lots or Dwelling Units Private Access Tracts and Private Streets
- Mailbox Location (With Post Master Approval)
- Driveway Separation on local access streets
- Frontage Improvements on existing urban street sections or developed residential neighborhoods
- Stopping Sight Distance for Sag Residential Curve only

Deviation Review Team Authorized Deviation Types:

- Onsite/Offsite Road Improvement Requirements
- Off-Site (Safe Walk Route) Walkway Location
- Frontage Improvement Requirements
- Non-motorized Connectors
- Driveway Width
- Design Speed
- Truck loading and unloading
- Horizontal and Vertical curves
- Cuts and/or fills over 8 feet Retaining walls over 8 feet tall
- Inter-basin transfer of stormwater (permission to re-route runoff to a different catchment basin.)
- Set-backs for infiltration systems
- Desire to use specific material for a design, i.e. using HDPE pipe for sanitary sewer

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**APPENDIX B**

**DEFINITIONS:**

Development Engineer – Development Engineering and Construction Manager

“Deviation Procedure” City of Redmond, Procedures for Requesting and Approving Deviation Requests dated 12, 16, 2016

“Standards” means the most recently approved and adopted version of the City of Redmond Design Standards

“Deviation” means an alteration from the Standards.

“Applicant” means a property owner, or a public agency or public or private utility

“AASHTO” means American Association of State Highway and Transportation Officials.

“ASTM” means American Society for Testing and Materials.

“MUTCD” means Manual of Uniform Traffic Control Devices

“HCM” means Highway Capacity Manual

“NACTO” means National Association of City Transportation Officials

“ITE” means Institute of Transportation Engineers

“AWWA” means American Water Works Association

“Development Proposal” means a subdivision, short subdivision, binding site plan, grading permit, residential building permit, demolition, commercial building permit, and/or any similar request that requires Development Services approval.

Review Team” city staff from Development Engineering, Construction, Transportation, Utilities, Traffic Operations, Natural Resources, Planning, Maintenance and Operations, Fire, and Public Works Construction Divisions

“Technical Committee” RMC 4.50.030 – “The Technical Committee shall consist of the Director of Planning and Community Development and the Director of Public Works. The Building Official, City Engineer, Director of Parks and Recreation, Fire Chief, Police Chief, City Attorney and other department heads, or their designated representative(s) may participate in Technical Committee meetings as needed and at their discretion when the situation warrants.”

“Days” meaning Working Days



## APPEAL APPLICATION FORM

**To file an appeal of a Type I or II decision or a SEPA determination, please complete the attached form and pay the applicable fee by 5:00 p.m. on the last day of the appeal period.**

**Form submission and payment must be by PERSONAL DELIVERY at City Hall 1<sup>st</sup> Floor Customer Service Center c/o Office of the City Clerk-Hearing Examiner, 15670 NE 85<sup>th</sup> Street. Contact the Office of the Hearing Examiner with process questions at 425-556-2191.**

### Standing to Appeal:

- **Appeal to the Hearing Examiner of a SEPA determination** - Any interested person may appeal a threshold determination, adequacy of a final EIS, and the conditions or denials of a requested action made by a nonelected City official based on SEPA. No other SEPA appeals shall be allowed.
- **Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II)** - the project applicant, owner, or any person who submitted written comments (party of record) prior to the date the decision was issued may appeal the decision. The written appeal and the applicable fee must be received by the City of Redmond's Office of the Hearing Examiner no later than 5:00 p.m. on the 14<sup>th</sup> calendar day following the date of the decision.

Should the appellant prevail in the appeal, the application fee will be refunded (City of Redmond Resolution No. 1459). The application fee will not be refunded for appeals that are withdrawn or dismissed.

Hearing Examiner or City Council decision may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

**Please continue to page 2 to select your appeal type.**

<p style="text-align: center;">(Staff Use Only)</p> <p>File No: _____</p> <p>Date Received: _____</p> <p>Receipt No. _____</p>	<div style="border: 1px solid black; padding: 5px;"> <p>RECEIVED CITY OF REDMOND</p> <p><b>JUL 19 2018</b></p> <p>OFFICE OF THE HEARING EXAMINER <i>CA</i></p> </div>
--	---

**Please check the applicable appeal:**

- Appeal to the Hearing Examiner of a SEPA determination RZC 21.70.190(E). (Please be sure to understand the type of SEPA appeal you are filing, and if a further appeal to the underlying action is needed.)
- Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II) RZC 21.76.060(I)

**Section A. General Information**

Name of Appellant: JOHN DEVORE c/o GEORGE BELMORE dba Palspek  
 Address: P.O. BOX 5060 Tiv  
 City: SPANAWAY State: WA Zip: 98397  
 Email: gobelmore@mac.com  
 Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) 253-278-9098

Name of project that is being appealed: JOHN DEVORE RESIDENCE  
 File number of project that is being appealed: DEV REQ-2018-00530  
 Date of decision on project that is being appealed: JUNE 28, 2018  
 Expiration date of appeal period: JULY 12TH, 2018

What is your relationship to the project?  
 Party of Record  Project Applicant  Government Agency

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal (See page 1 above). Below, please provide a statement describing your standing to appeal, and reference all applicable City Code citations.

I AM THE AGENT & APPLICANT HIRE BY MR.  
DEVORE AND HAVE BEEN FOR ALL SUBMITTALS.



Section B. Basis for Appeal

Please fill out items 1-4 below. Reference all applicable City Code citations and attach additional sheets if necessary.

1. Please state the facts demonstrating how you are adversely affected by the decision:

DELAYS EXCEEDING PROCESS FROM THE CITY  
'AS REFERENCED AND ATTACHED FROM PLANNING  
RESPONSE TIME' ARE REFERENCED ON PAGE 5.

2. Please provide a concise statement identifying each alleged error of fact, law, or procedure, and how the decision has failed to meet the applicable decision criteria:

OUR ORIGINAL LETTER WRITTEN IN MARCH, KEPT BEING DENIED FOR  
SUBMITAL, DELAYS INCLUDED WE NEED TO RESEARCH TYPE OF  
DOCUMENT OR PROCESS (DEVIATIONS, VARIANCE, PUBLIC HEARING)...  
WE OBTAINED CHECKS TWICE FROM CLIENT BECAUSE FEES CHANGED  
AS WELL FROM \$400-\$500 TO AT THE END \$0.  
WE APPLIED 4-30-2018. THE CITY HAD 15 DAYS (BUSINESS)  
THEY USED 19. WE RESPONDED WITH 10 BUSINESS DAYS AS  
REQUIRED TO THE TECHNICAL COMMITTEE FOR RECONSIDERATION  
ON 6-8-18. THEIR RECONSIDERATION LETTER HAD A 10 DAY  
(BUSINESS) REVIEW TIMELINE. RESPONSE LETTER WAS JUNE-28TH  
(6-28-18) (14 DAYS) 4 DAYS LATE. WE WENT ON  
VACATION KNOWING WE WERE DONE THEN ONCE RETURNED  
FOUND A LETTER WHICH CAME LATE, DATED LATE AND  
14 CALENDAR DAYS MENTIONED. I CONTACTED LISA  
RIGGS SHE STATED TODAY WOULD BE FINE TO APPLY  
BY 5:00 PM. 7-19-18. WHICH IS TODAY.

3. Please state the specific relief requested:

APPROVAL OF THE ORIGINAL PROJECT OR THE RIGHT  
TO REVIEW ALL PREVIOUS DOCUMENTATION FROM  
THE DEVIATION REQUEST TO INCLUDE ALSO THE  
RECONSIDERATION AT A PUBLIC HEARING.

4. Please provide any other information reasonably necessary to make a decision on the appeal:

PER PHONE CONVERSATION WITH LISA KIGGS SHE  
ADVISED THE TIMELINE TO APPLY WOULD BE 14 DAYS  
FROM AFTER RETURNING FROM VACATION & THAT ALL  
PREVIOUS RESPONSES BY APPLICANT HAD ALWAYS  
REFERENCED BUSINESS DAYS & THE FINAL (THIS)  
DOCUMENT WHEN RECEIVED REFERENCED CALENDAR  
DAYS. SHE GAVE ME UNTIL TODAY BY 5:00 PM.

**Do not use this form if you are appealing a decision on a:**

- Shoreline Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(b)*)
- Shoreline Variance or a Shoreline Conditional Use Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(c)*)
- Hearing Examiner decision on a SEPA appeal (not an appealable action as successive appeals are not allowed *RZC 21.70.190(D)*)
- Hearing Examiner decision on an application (must be appealed to Superior Court)
- City Council approval or denial (must be appealed to Superior Court *RZC 21.76.060(Q)*)



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  - Article III Design Standards (21.58 to 21.62)
  - Article IV Environmental Regulations (21.64 to 21.72)
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  - Article VI Review Procedures (21.76)
  - Article VII Definitions (21.78)
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        - Abandonment, Nonconforming Use or Structure
        - Abut
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        - Access Corridor
        - Access, Primary
        - Accessory Dwelling Unit
        - Accessory Structure
        - Accessory Use
        - Adaptive Management
        - Administrative Services
        - Administrator
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        - Adult Cabaret
        - Adult Drive-In Theater
        - Adult Entertainment Facility
        - Adult Family Home
        - Adult Motel
        - Adult Motion Picture Theater
        - Adult Retail Store
        - Adult Sauna Parlor
        - Advanced Technology
        - Advertise
        - Advertising Copy
        - Affordable Housing Unit
        - Air Transportation
        - Alley
        - Alphanumeric Building Identification Signage
        - Alter/Alteration
        - Alteration, Nonconforming Structure
        - Alteration, Sign
        - Amateur Radio Tower
        - Ambulatory or Outpatient Services
        - Amended Soils
        - Amusement or Theme Park Establishment
        - Amusement, Sports, or Recreation Establishment
        - Anadromous Fish
        - Animal Kennel/Shelter
        - Animal Production
        - Animated Sign
        - Antenna(s)
        - Antenna Array
        - Antenna Support Structure
        - Applicant
        - Appurtenance
        - Aquaculture
        - Aquatic

Article VII Definitions (21.78) > RZC 21.78 Definitions > A Definitions > Access



## ARTICLE VII DEFINITIONS

### RZC 21.78 DEFINITIONS

#### A DEFINITIONS

Access. Ingress and egress to and from premises, including ingress and egress to and from a public way or road system.

Effective on: 4/16/2011



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- Article V Land Division (21.74)
- Article VI Review Procedures (21.76)
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      - Adult Motel
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      - Adult Retail Store
      - Adult Sauna Parlor
      - Advanced Technology
      - Advertise
      - Advertising Copy
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      - Air Transportation
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      - Alter/Alteration
      - Alteration, Nonconforming Structure
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      - Amateur Radio Tower
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      - Amended Soils
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      - Amusement, Sports, or Recreation Establishment
      - Anadromous Fish
      - Animal Kennel/Shelter
      - Animal Production
      - Animated Sign
      - Antenna(s)
      - Antenna Array
      - Antenna Support Structure
      - Applicant
      - Appurtenance
      - Aquaculture
      - Aquatic



Article VII Definitions (21.78) > RZC 21.78 Definitions > A Definitions > Access Corridor



## ARTICLE VII DEFINITIONS

### RZC 21.78 DEFINITIONS

#### A DEFINITIONS

**Access Corridor.** A vehicle circulation area in private ownership, including easements, tracts and drive common ownership, over which access is afforded to more than one lot or residence. Where a driveway is serves garages or accessory buildings, and the lots and principal buildings front upon another street or corridor, the shared driveway shall not be defined as an access corridor. In this case, the side street setback apply. An access corridor shall not serve more than 10 single-family lots.

(Ord. 2803)

Effective on: 10/17/2015

SCALE:  
AS NOTED  
JOB #  
MCCLOUD-SPR-N-  
SNOONHIGH  
drawn by  
GAB  
date printed  
4/30/22/18

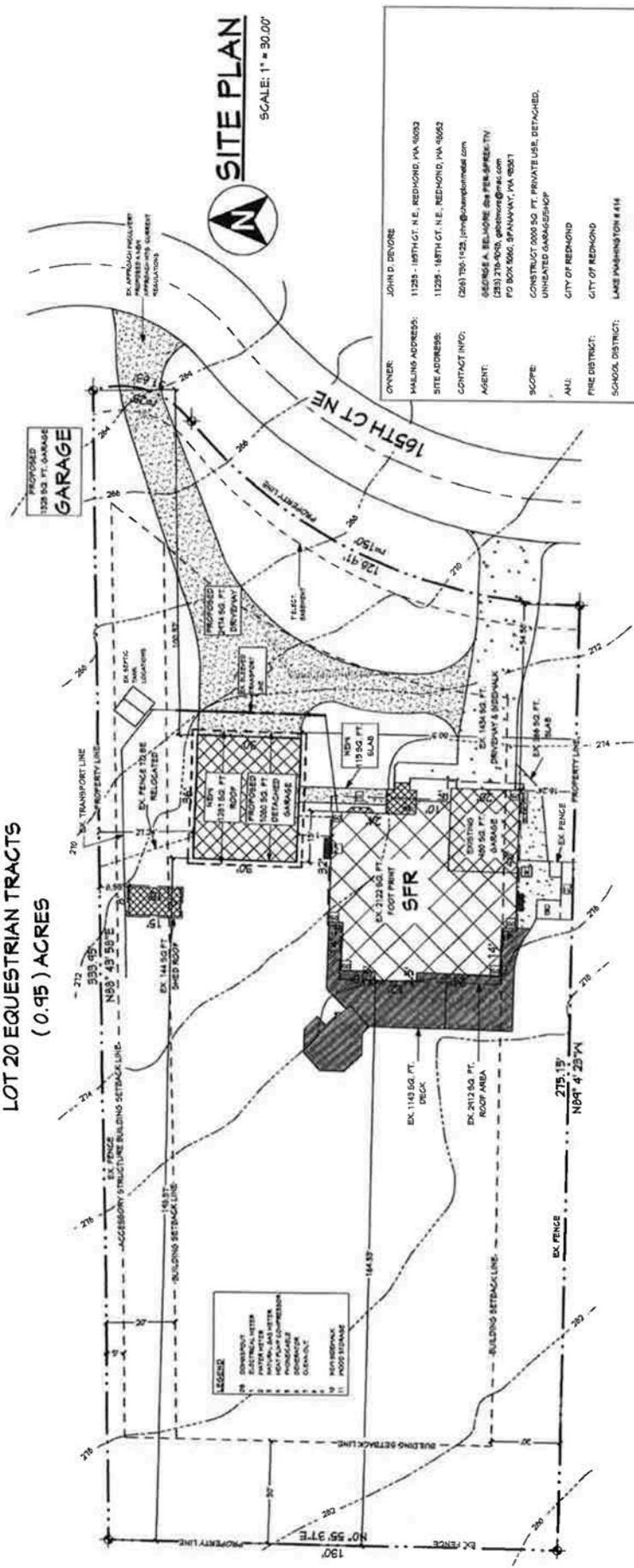
Per-spek-tiv/George A. Belmore  
design professional  
PO BOX 5060, SPANAWAY, WA 98387  
(253) 278-9098 gab@mac.com

Project Identification / use address  
JOHN DEVORE  
11235 - 165TH CT. N. E., REDMOND, WA 98052  
Parcel # 296640-0200

SHT #

EXHIBIT 6

NW 1/4 SECTION 36, TOWNSHIP 26N, RANGE 05E., W. M.  
PARCEL # 296640-0200  
LOT 20 EQUESTRIAN TRACTS  
(0.95) ACRES



**SITE PLAN**  
SCALE: 1" = 30.00'

OWNER:	JOHN DEVORE
MAILING ADDRESS:	11235 - 165TH CT. N.E., REDMOND, WA 98052
SITE ADDRESS:	11235 - 165TH CT. N.E., REDMOND, WA 98052
CONTACT INFO:	(253) 730-1123, john@mac.com
AGENT:	GEORGE A. BELMORE (see PER-SPEKTIV) (253) 278-9098, gab@mac.com PO BOX 5060, SPANAWAY, WA 98387
SCOPE:	CONSTRUCT 2000 SQ. FT. PRIVATE USE, DETACHED, UNHATED GARAGE/SHOP
AKL:	CITY OF REDMOND
FIRE DISTRICT:	CITY OF REDMOND
SCHOOL DISTRICT:	LAKE WASHINGTON # 418
UTILITIES:	NATURAL GAS: MOUNT SOUND ENERGY WASTEWATER: MOUNT SOUND ENERGY SEWERAGE: CHASITE SEPTIC WATER: CITY OF REDMOND
SOILS:	(AGB) ALDERWOOD GRAVELLY SANDY LOAM (AGC) ALDERWOOD GRAVELLY SANDY LOAM (AGD) ALDERWOOD GRAVELLY SANDY LOAM
ZONING:	R-1 (SINGLE-FAMILY CONSTRAINED RESIDENTIAL)
BUILDING SETBACKS:	STREET 50 FT INTERIOR 20 FT REAR 50 FT HEIGHT 35 FT
PARCEL #	296640-0200
LEGAL:	LOT 20 EQUESTRIAN TRACTS TOWNSHIP 26N, RANGE 05E., W. M.
LOT SIZE:	41,350 SQ. FT. (0.95 ACRES)
IMPERVIOUS AREA:	EXISTING PROPOSED SUBTOTALS
ROOF AREA:	002112.50 FT. 001381.50 FT. 001198.50 FT.
EXPOSED AREA:	000043.50 FT. 000000.50 FT. 000043.50 FT.
SUBTOTALS:	008898.50 FT. 008878.50 FT. 0010741.50 FT.
WASHING LOT COVERAGE FOR STRUCTURES:	77% ACTUAL = 10%
POORHORN IMPERVIOUS SURFACE AREA:	77% ACTUAL = 25%

**LEGEND**  
 10 EXISTING  
 11 NEW IMPROVEMENT  
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      - Deleterious Substances
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      - Demolish
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      - Developer
      - Development
      - Development Application
      - Development Approval
      - Development Rights
      - Diameter at Breast Height
      - Directional Sign**
      - Directory Sign
      - Disturbed Soils
      - Dock
      - Docket
      - Dormitory
      - Double-Faced Sign
      - Drainage Facilities
      - Dredging
      - Drip Line
      - Drive-Up Stand
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Article VII Definitions (21.78) > RZC 21.78 Definitions > D Definitions > Driveway



## ARTICLE VII DEFINITIONS

### RZC 21.78 DEFINITIONS

#### D DEFINITIONS

**Driveway.** An access which serves a lot, structure, or parking area.

Effective on: 4/16/2011



July 30<sup>th</sup>, 2018

**Subject: DEVREQ-2018-00530 Timeline**

April 30<sup>th</sup>, 2018

Mr. Devore submitted the deviation to have two driveways at the Development Services Counter.

May 17<sup>th</sup>, 2018

It was realized that the deviation had not been entered into Energov or routed for review. The deviation was then routed for review so that it could be discussed on May 23<sup>rd</sup>, 2018.

May 23<sup>rd</sup>, 2018

The deviation was discussed at the Transportation/Traffic Ops meeting.

May 25<sup>th</sup>, 2018

The deviation denial letter was issued to George Belmore.

June 8<sup>th</sup>, 2018

Mr. Devore submitted the reconsideration at the Development Services Counter.

June 13<sup>th</sup>, 2018

The reconsideration request was discussed at the Transportation/Traffic Ops meeting.

June 19<sup>th</sup>, 2018

The reconsideration request was discussed at the Pre-Tech meeting.

June 20<sup>th</sup>, 2018

The reconsideration request was discussed at the Technical Committee meeting of decision.

June 28<sup>th</sup>, 2018

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July 19<sup>th</sup>, 2018

Mr. Devore filed an Appeal at the Development Services Counter with the Deputy City Clerk.

# LOCATION MAP





July 30<sup>th</sup>, 2018

**Subject: DEVREQ-2018-00530 Timeline**

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CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**PURPOSE:**

A deviation is required for any design or construction alteration from City of Redmond standards for a development proposal. Deviations from these standards may be granted upon evidence that such deviation is in the public interest and the requirements for safety, function, fire protection, transit needs, appearance, maintainability and long term maintenance costs, based upon sound engineering and technical judgment, fully meet the intent of the standard. Technical documentation such as reports, engineering drawings and/or calculations, for design proposal or alternative evaluation prepared by or under the direct supervision of Washington State licensed professional engineer must be stamped and signed.

These procedures only apply to deviations that can be approved administratively for the documents referenced below:

- Standard Specifications and Details
- Stormwater Technical Notebook
- Redmond Zoning Code Title 21, Appendices 2, 3, and 7
- Design Requirements for Water and Sewer System Extensions
- Bicycle Facilities Design Manual
- Illumination Design Manual
- Roundabout Design Manual
- Traffic Signal Design Manual

**SECTION 1- REQUEST FOR ENGINEERING DEVIATION:**

The request for a deviation shall include:

- A description of the deviation requested.
- The code citation of the Standards from which the application proposes to deviate.
- Must demonstrate how the standard can be met.
- Provide alternatives to minimize the deviation.
- Description of the proposed alternative along with supporting documentation.
- Exhibit(s) of the proposed design.
- Documentation may include, but not be limited to, a record of use by other agencies, or evidence of meeting criteria for quality such as AASHTO, ASTM, MUTCD, HCM, NACTO, ITE, and AWWA.
- Applications for location of utilities by an entity allowed under a franchise agreement must be prepared and submitted by that entity.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**SECTION 2 - CRITERIA FOR GRANTING ENGINEERING DEVIATIONS:**

Applications must include clear written documentation with exhibits as needed to explain how the proposed deviation(s) address the following criteria:

- The deviation produces a comparable or improved result, which is in the public interest.
- The deviation meets requirements for safety, public health, function, fire protection, transit needs, appearance, maintainability, and any other criteria deemed relevant by the city.
- The deviation provides substantially equivalent (or improved) environmental protection as would be provided if the standard requirements were met.
- The deviation needs to reflect sound engineering practices.
- The deviation needs to avoid damage to other properties in the vicinity of and downstream of the proposal.
- Any deviation from the Standards that does not meet the Fire Code will require concurrence by the City Fire Marshal.

**SECTION 3 - DEVIATION REQUESTS ADDRESSED TO:**

Deviation requests associated with a development proposal shall be addressed to:

Paulette Norman, P.E.,  
Development Engineer  
Development Engineering Manager  
Development Services, Planning

425-556-2861  
MS: 2SPL  
15670 NE 85<sup>th</sup> Street  
PO Box 97010  
[pmnorman@redmond.gov](mailto:pmnorman@redmond.gov)

Deviation requests not associated with a development proposal shall be directed to the City Engineer.

**SECTION 4 - DEVIATION REVIEW TEAMS:**

Deviation Review Teams / Technical Disciplines

- Complete Streets
- Water and Sewer
- Stormwater
- Maintenance
- Fire

For those deviation requests that may impact short or long term maintenance the Maintenance Supervisors or designees (Streets, Water, Sewer, and Stormwater) will be invited to participate in the review. For those deviation requests that may impact constructability, the Lead Construction Inspector will participate. Fire representatives will be invited to participate in all reviews. The

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
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Deviation Review Team shall notify Fire and Maintenance of deviation request. Fire and Maintenance will determine if they want to be part of the review

**SECTION 5 – RESPONSIBILITIES**

The Deviation Review Team shall screen and review deviation applications, and provide recommendations to the Development Engineer. Review and Recommendation timelines shall conform to PREP 30%/60%/90%, Formal Applications and Coordinated Civil Review requirements. The recommendation may be denial, approval or conditional approval.

The Technical Committee has granted decision-making authority for deviations in the specified areas that relate to development proposals listed in Appendix A. This authorization is reviewed and approved annually. The Deviation Review Team may choose to bring deviation requests listed in Appendix A to the Technical Committee when the Team does not have concurrence on the recommendation or it's determined that the deviation has policy implications that merit Technical Committee's consideration and decision. The Technical Committee is the decision-making authority for deviations not listed in Appendix A.

The Development Engineering Manger shall notify the applicant of the decision on the deviation application by letter or email within fifteen (15) business days of receiving the deviation application, except as follows:

- If additional information must be sought from the applicant, a decision by the Development Engineering and Construction Manager may be delayed.
- If the applicant fails to provide the requested information within thirty (30) business days of the information being requested, the Development Engineer may cancel review of the deviation application.
- In cases where the complete deviation application requires extensive review by Development Services, Fire or Public Works staff, the Development Engineering Manager may, upon notifying the applicant prior to the expiration date of the fifteen day review period, extend the review period for another ten business days. The total review time for a single deviation request shall not exceed twenty five (25) business days.
- Multiple deviation requests for the same project should be submitted concurrently, to the maximum extent possible. When multiple deviation requests are received for the same project, the review period may be extended for up to 15 additional business days for each deviation.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**SECTION 6- RECONSIDERATION**

The applicant may request a reconsideration of the deviation decision. The applicant must submit the reconsideration request to the Development Engineer within ten (10) business days of the issuance of the original decision; the reconsideration request must include the original deviation application, the written decision, new reasons supporting reconsideration, and additional supporting justification.

The Deviation Review Team(s) will consider the request and make a recommendation to the Technical Committee, which will issue a reconsideration decision within fifteen (15) business days of receiving the request for reconsideration. The decision may concur with the original deviation decision, approve the deviation application as originally submitted, deny the deviation request, or approve the deviation application with special conditions.

The Development Engineer shall document all deviation requests and provide an annual report to the Technical Committee

**SECTION 7 - PERMIT TIMELINE IMPACTS**

When a Deviation Request is received, the review process for the development proposal will be put on hold to allow for review and consideration of the request. The review of the development proposal will be resumed once decisions of deviation requests are made.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**SECTION 8 – REQUEST TIMELINE, RESPONSIBILITY AND ACTION:**

No.	Responsibility	Action
1	Applicant	Prepares a written deviation application, which identifies those sections of the Standards that the deviation application seeks alterations from and a description of how the proposed deviation meets the requirements set forth in Deviation Procedures.
2	Applicant	Submits deviation applications consistent with the guidance in Section 1
3	Development Engineer	Notify Lead Planner a deviation has been received and a pause in development review will be applied. Receives deviation application and arranges for timely review by City staff and other affected agencies.
4	Deviation Review Team	The Deviation Review Team shall screen, review deviation applications, and make recommendations to the Development Engineer based on criteria in Section 2.
5	Deviation Review Team	Within twelve (12) business days of receiving complete submittal, a recommendation shall be brought to the Development Engineer for denial, approval or conditional approval.
6	Development Engineer	When necessary, notifies the applicant that additional information is required and the fifteen (15) business days review period shall begin when the deviation application is deemed to be complete.
7	Development Engineer	Notifies the applicant of the decision regarding the deviation application. Notify Lead Planer to resume the development review.
8	Applicant	The applicant may request reconsideration of the deviation decision. The applicant must file the reconsideration request within ten (10) business days of the issuance of the decision.
9	Technical Review Committee	Shall issue a decision on a reconsideration decision within fifteen (15) business days. In cases where the reconsideration requires extensive staff review, the Technical Committee may extend the review period for another ten (10) business days.
10	Development Engineer	The Development Engineer shall document all deviation requests through a tracking system and provide an annual report to the Technical Committee.
11	Deviation Review Team	Shall review annual report and make recommendations for consideration for code updates.

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**APPENDIX A**

The City Engineer has granted the Development Engineering Division the decision-making authority for the following deviation requests:

- Number of Lots or Dwelling Units Private Access Tracts and Private Streets
- Mailbox Location (With Post Master Approval)
- Driveway Separation on local access streets
- Frontage Improvements on existing urban street sections or developed residential neighborhoods
- Stopping Sight Distance for Sag Residential Curve only

Deviation Review Team Authorized Deviation Types:

- Onsite/Offsite Road Improvement Requirements
- Off-Site (Safe Walk Route) Walkway Location
- Frontage Improvement Requirements
- Non-motorized Connectors
- Driveway Width
- Design Speed
- Truck loading and unloading
- Horizontal and Vertical curves
- Cuts and/or fills over 8 feet Retaining walls over 8 feet tall
- Inter-basin transfer of stormwater (permission to re-route runoff to a different catchment basin.)
- Set-backs for infiltration systems
- Desire to use specific material for a design, i.e. using HDPE pipe for sanitary sewer

CITY OF REDMOND  
PROCEDURES FOR REQUESTING AND APPROVING  
ENGINEERING DEVIATION REQUESTS

**APPENDIX B**

DEFINITIONS:

Development Engineer – Development Engineering and Construction Manager

“Deviation Procedure” City of Redmond, Procedures for Requesting and Approving Deviation Requests dated 7/26/2016

“Standards” means the most recently approved and adopted version of the City of Redmond Design Standards

“Deviation” means an alteration from the Standards.

“Applicant” means a property owner, or a public agency or public or private utility

“AASHTO” means American Association of State Highway and Transportation Officials.

“ASTM” means American Society for Testing and Materials.

“MUTCD” means Manual of Uniform Traffic Control Devices

“HCM” means Highway Capacity Manual

“NACTO” means National Association of City Transportation Officials

“ITE” means Institute of Transportation Engineers

“AWWA” means American Water Works Association

“Development Proposal” means a subdivision, short subdivision, binding site plan, grading permit, residential building permit, demolition, commercial building permit, and/or any similar request that requires Development Services approval.

“Review Team” city staff from Development Engineering, Construction, Transportation, Utilities, Traffic Operations, Natural Resources, Planning, Maintenance and Operations, Fire, and Public Works Construction Divisions

“Technical Committee” RMC 4.50.030 – “The Technical Committee shall consist of the Director of Planning and Community Development and the Director of Public Works. The Building Official, City Engineer, Director of Parks and Recreation, Fire Chief, Police Chief, City Attorney and other department heads, or their designated representative(s) may participate in Technical Committee meetings as needed and at their discretion when the situation warrants.”

“Days” meaning Working Days