

RE: AEB project and e-mail status update.

Sarah Pyle <spyle@redmond.gov>

Mon 6/11/2018, 3:57 PM

To: Eugene Zakhareyev <eugenez@outlook.com>

Cc: Steve Fischer <SFISCHER@REDMOND.GOV>; Sarah Pyle <spyle@redmond.gov>

I apologize, in the process if sending I mistakenly put draft in the header. This is not a draft response. These are staffs complete responses to your questions.

Thank you and I apologize for any confusion from the subject title.

From: Sarah Pyle

Sent: Monday, June 11, 2018 3:54 PM

To: 'Eugene Zakhareyev' <eugenez@outlook.com>

Cc: Steve Fischer <SFISCHER@REDMOND.GOV>; Sarah Pyle <spyle@redmond.gov>

Subject: FW: DRAFT RESPONSE FW: AEB project and e-mail status update.

Good Afternoon,

Please see the responses in blue below.

Thank you,
Sarah Pyle

From: Eugene Zakhareyev [<mailto:eugenez@outlook.com>]

Sent: Wednesday, June 6, 2018 10:39 AM

To: Sarah Pyle <spyle@redmond.gov>

Cc: Steve Fischer <SFISCHER@REDMOND.GOV>; Erika Vandenbrande <EVandenbrande@REDMOND.GOV>; Lisa Rigg <LRIGG@REDMOND.GOV>; Min Luo <mluo@redmond.gov>

Subject: Re: AEB project and e-mail status update.

Sarah,

Thanks a lot for your clarifications, that helps.

There are reasons for my questions, specifically

1) The draft easement and staff memo does not mention changing the approach (see <https://redmond.legistar.com/LegislationDetail.aspx?ID=3489893&GUID=0ADD980B-89B5-4C72-8B89-0D073F811FB0&Options=IDITextl&Search=18-081>)

WSDOT design manual (which the COR supposed to follow) has a procedure for break in access/change of access and I have not seen any evidence yet that procedure has been followed.

Therefore was my question on whether the easement includes only the driveway change.

The appraisal includes access classification/ approach of Type C from WSDOT's access definitions in for the purpose of value determination. The City of Redmond does not have the same classification system. The City applies a minimum width, not an A-B-C classification. There are limitations included within the easement on use, but the access will not be called a WSDOT Type C Special Use 20' access as they do not own the land area and will not govern the access. The value determination had to align with a Type C classification per WSDOT and also aligns with the City of Redmond's limitations on use and 20' minimum width requirements for the proposed use. All elements of the easement were appraised, valued and processed per land area rights as they were conveyed, discussed at length with WSDOT and in full accordance with state auditing requirements.

WSDOT does not require any further action from the City. You are welcome though to work with WSDOT directly if you have additional concerns related to WSDOT's policies and review on the execution of the easement. The easement has been thoroughly vetted by City staff, the City Attorney, Real Property consultants and communicated to WSDOT. At this time the City does not have any additional actions or communications required to take excluding processing the easement document.

2) Value change determination and resulting amount of monies owed to the COR road fund was supposed to be performed acc. to WSDOT standards, and WSDOT was supposed to review it.

The staff memo does not mention it anywhere, the cost is presented as cost of easement only. Last I checked, WSDOT staff at NW region did not have value determination documents and has not reviewed it.

Therefore was my question on value determination.

Per the above response WSDOT does not require any further documentation or review from the City. The City has completed all necessary actions with WSDOT and in accordance with the state auditing requirements. You may contact Mr. Cotten who responded on May 24th,2018 to Mr. Aramburu' s letter if you have concerns with WSDOT's review or their satisfaction with the conclusion of the process.

It would be helpful if Mr. Haney would have replied to the letter from my attorney from May 15, 2018. That would have clarified the city legal position in regards to the easement and associated changes granted.

The letter from May 15th, 2018 was addressed to WSDOT, not Mr. Haney. There is not an additional position to share at this time beyond the detailed responses that have been provided above and in all previous correspondence.

The Letter

Thanks much!

Yours very truly,

Eugene

From: Sarah Pyle <spyle@redmond.gov>
Sent: Tuesday, June 5, 2018 3:49:15 PM
To: Eugene Zakhareyev

Cc: Steve Fischer; Erika Vandenbrande; Lisa Rigg; Min Luo; Sarah Pyle

Subject: RE: AEB project and e-mail status update.

Good Afternoon,

I have made a few corrections to your list below.

Thank you for your e-mail,

Sarah Pyle

From: Eugene Zakhareyev [<mailto:eugenez@outlook.com>]

Sent: Monday, June 4, 2018 6:10 PM

To: Sarah Pyle <spyle@redmond.gov>

Cc: Steve Fischer <SFISCHER@REDMOND.GOV>; Erika Vandenbrande <EVandenbrande@REDMOND.GOV>; Lisa Rigg <LRIGG@REDMOND.GOV>; Min Luo <mluo@redmond.gov>

Subject: Re: AEB project and e-mail status update.

Sarah,

Thank you very much for your response, I think finally I have received enough information to piece a whole picture.

1. The easement of additional 6' over the city's ROW is approved by the council vote
2. As the easement is put on title, the city also changes the type of approach from Type A to Type C, so that today it reads "Type C, 20 feet wide single family home"

This is essentially correct. The easement will permit a type C special use access for a Religious Facility Use only. It will include language that say the only other use approved for the access of (14' or 20') is one single family home. As an additional note, should any other use or application be submitted for the site the applicant/ owners would have to reapply for a new easement and complete a new valuation process based upon the impact of that new use to land value.

3. For the purposes of SPE review, the project parcel now has 20' access to 51st Street, and the project is ready for SPE approval.

This is essentially correct. With an easement paid for and approved the project would have the required access width to meet compliance for the SPE, thus allowing the project to proceed forward to have a final decision determination made on the project.

4. Once SPE is approved, the provision on the title will be changed to "Type C, 20 feet wide religious institution". The value determination for change of use and any proceeds due therefrom (if any) will be determined and paid at that time

The SPE does not and will not trigger provisions on the title. The easement (a property and real-estate transaction and document) is the only item that will activate an update of information to the title. I do not know the exact language that will be placed on the title, this is a question best answered by the City's Real Property team. What I do understand and can share is that the recorded easement will be reflected on the title in some capacity and it is the language of the easement itself that will govern the access rights granted and that those rights will be limited to 20' access for the additional use only of a religious facility.

The value determination for the change of use that is required to be paid and the easement sale price are the same item and must be paid in-full before the City can issue a decision on the SPE.

The value determination for the change of use is the amount the City is required to charge the applicant for the easement. This is a standard process that aligns with state auditing requirements.

Is my understanding of the process correct?

Thanks much!

Yours very truly,

Eugene

From: Sarah Pyle <spyle@redmond.gov>
Sent: Monday, June 4, 2018 4:44:25 PM
To: Eugene Zakhareyev
Cc: Steve Fischer; Erika Vandenbrande; Lisa Rigg; Sarah Pyle; Min Luo
Subject: RE: AEB project and e-mail status update.

Good Afternoon Eugene,

The requirement for the SPE is that the applicant be able to show they will be able to provide the required access for the use proposed. In this case, that means they need to be able to show they can provide a 20' width.

The easement expanding access in alignment with a type C access for the limited use of a religious facility shall be completed and recorded on the property as part of a real-estate transaction.

It is not part of an SPE, but is part of rights of access conveyed/ recorded for the property. The SPE looks at is their access rights and what type, it does not assign them.

Thank you for the question,

Sarah Pyle

From: Eugene Zakhareyev [<mailto:eugenez@outlook.com>]
Sent: Wednesday, May 30, 2018 8:04 PM
To: Sarah Pyle <spyle@redmond.gov>
Cc: Steve Fischer <SFISCHER@REDMOND.GOV>; Erika Vandenbrande <EVandenbrande@REDMOND.GOV>
Subject: Re: AEB project and e-mail status update.

Dear Ms. Pyle,

Thank you for the detailed response. That answers majority of the questions, including the ones I left to Mr. Fischer.

There is one bullet point however that I did not follow:

- The easement was paid for in-full by the property owner today for a type C special use access limited to the project proposal use. A change-in-use to anything other than one single family home in the future would require a new approval processing for an easement and possible additional payment. This is outlined within easement documents to be recorded.

My understanding was that the change of access/change of use will be done as part of SPE approval. Is that incorrect? Did the approval of the easement also approved the change of type for the approach?

Thanks much!

Yours very truly,

Eugene

From: Sarah Pyle <spyle@redmond.gov>
Sent: Wednesday, May 30, 2018 5:20:46 PM
To: Eugene Zakhareyev
Cc: Steve Fischer; Erika Vandenbrande; Sarah Pyle
Subject: AEB project and e-mail status update.

Good Afternoon,

This e-mail is in response to your recent e-mails and calls for a project status updated and concerns regarding SDOT designs.

SDOT:

- The plan you provided for SDOT does not appear to have any impacts on the project that can be discerned at this time. Additionally, should the project be approved there is no reason to believe it would create any delays with project plans as we know them for SDOT. Should SDOT need to work with the property owner to obtain rights for additional land it would not impact the current proposal. If there is a chance it could create a future legal non-conformance it would not impact the current proposal or construction of it. Additionally, the decision criteria for Site Plan Entitlement is the parameter the City has authority to issue a decision for on the project and allow the City to limit an approval based upon possible future setback needs of another entity if not currently recorded and in-place. Echoing the above however, there does not appear from the drawing provided or plans the City has viewed that there would be any impacts or constraints to SDOT's project needs or the applicant's proposal.
- The Property viewer can also help show the additional property ownerships and dimensions in the area or adjacent parcels and frontages.

WSDOT and Expanded Access Easement:

- I have attached a copy of WSDOT's most recent response letter.
- The City has operated in accordance to all requirements by both WSDOT and those required by the State Auditor. No additional action is required of the City to be in compliance with a sell of an easement for expanded access. WSDOT requires no documentation from the City of Redmond or additional information.
- The easement was paid for in-full by the property owner today for a type C special use access limited to the project proposal use. A change-in-use to anything other than one single family home in the future would require a new approval processing for an easement and possible additional payment. This is outlined within easement documents to be recorded.

Site Plan Entitlement:

- Is anticipated to go before the Technical Committee within the next 7 to 14 days.
- A 14 day appeal period will follow any decision.
- All parties of record will be sent a copy of the Notice of Decision and we will post a copy online.
- Any appeals filed will be consolidated for processing with the current appeal filed.
- A decisions can only be issued based upon the decision criteria as it is outlined within the RZC.
- The application has been thoroughly vetted over the past years for compliance and all review on the project is complete.

Public Records Requests:

The Public Records Coordinators shared that after we last e-mailed about you public records requests that notification had gone out that many were ready for viewing or to be printed. The rest were actively being worked on and anticipated to be completed shortly , including newly submitted ones.I know have shared some of this recently, but wanted to provide you the additional update.

Steven shared that he had also returned you call today and echoed some of the above information in the message he left for you.

At this time, this is all the information available on the project. I can provide an addition status updates and responses to any follow-up questions once the project has gone before the Technical Committee in the next week or two.

Thank you and have a great week,



Sarah Pyle

Senior Planner | City of Redmond

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