

## EXHIBIT A-20

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

In the Matter of the Appeal of  
**Barry Schnell,**  
Of an Administrative Decision

NO. HEA-2018-03  
NO. LAND-2013-01720

**DECLARATION OF BARRY  
SCHNELL**

I, Barry Schnell, declare as follows:

1. I am the appellant in this matter. I am over the age of 18. I make this declaration based on my personal knowledge and am competent to testify to the facts stated in this declaration.
2. I live to the immediate west of the property slotted for development for the Rose Hill Cottages project. Currently, my property is heavily wooded to the east and I enjoy the solitude and privacy that this provides. The road leading to my house is also small and used by only six houses, with my house at the far end. If the Rose Hill Cottages project is allowed to proceed, this will change dramatically.
3. I am not opposed to development, but I do think developers should comply with the zoning code. And because I would be personally affected by this project, I have been tracking it closely for well over a year now.
4. The record for the Wilmoor Appeal contains several emails between me and city staff after I learned of the Technical Committee's decision on September 20, 2017. When I learned about

1 it, I immediately contacted the city to find out the basis for the Committee's decision. Shortly after, I  
2 wrote to the city to state that I planned to appeal that decision, if in fact the Committee really did  
3 approve the extension. In my opinion, any decision that allows this project to go forward on the idea  
4 that there has been a "change of ownership" is simply wrong. There has not been any change of  
5 ownership.  
6

7 5. After I told the city that I wanted to appeal, I was told that I could not appeal yet  
8 because the appeal period had not started yet. Specifically, I was told that the appeal period would not  
9 begin until a final, signed letter was sent out bearing the signatures of the Technical Committee  
10 members, and that I would receive a copy once the letter was signed. My neighbor, Laura Chan, was  
11 told the same thing.  
12

13 6. For example, when Laura inquired on September 28 about the Technical Committee's  
14 decision, she received a response from Mr. Sticka saying, in part, "As a side note, the appeal period  
15 begins from the date that the letter is signed, not from the date of the decision by the Technical  
16 Committee." A true and correct copy of this email thread is attached as **Exhibit A**. Mr. Sticka went  
17 on to say: "Therefore, you will have adequate time to review the letter and file an appeal, if you so  
18 desire."  
19

20 7. On October 2, 2017, Mr. Sticka again wrote to Laura saying "Once the letter is signed,  
21 the appeal period will begin." A true and correct copy of this email thread is attached as **Exhibit B**.

22 8. And on October 3, 2017, Mr. Sticka wrote to me clarifying two different points. First,  
23 he stated that the Technical Committee's decision would not be "final" until a signed letter was sent  
24 out. On this point, Mr. Sticka wrote: "The Technical Committee decision is not final until the decision  
25 letter has been signed by members of the Technical Committee, which includes both Planning and  
26 Public Works Directors." Then, Mr. Sticka clarified a second, distinct point — that the appeal period

1 would not begin until the signed letter was sent out: "Furthermore, the appeal period does not begin  
2 until the letter is signed." A true and correct copy of this email thread is attached hereto as **Exhibit C**.

3 9. Finally, on October 3, 2017, Karen Haluza from the city wrote to Laura saying, in part:  
4 "Decisions of the Technical Committee are not complete until the approval letter has been signed by  
5 the Directors of the Public Works and Planning." A true and correct copy of this email thread is  
6 attached hereto as **Exhibit D**.

7  
8 10. Because the city repeatedly told Laura and me that the appeal period would not begin  
9 until the final letter was sent out, I did not file an appeal. Laura and I did, however, succeed in showing  
10 the city that the Technical Committee's decision was made in error, which led to the dispute in the  
11 Wilmoor Appeal of the city's December 8, 2017 decision. The site plan extension did not follow the  
12 law and was illegal.

13  
14 I declare under penalty of perjury under the laws of the State of Washington that the  
15 foregoing is true and correct.

16 Dated this 8 day of May, at Redmond, Washington.

17  
18   
19 \_\_\_\_\_  
Barry Schnell

# **EXHIBIT A**

**Subject:** Fwd: LAND-2013-01720 -- Extension Letter

**Date:** Thursday, September 28, 2017 at 12:47:39 PM Pacific Daylight Time

**From:** Laura S. Chan

**To:** Barry Schnell

FYI

----- Forwarded message -----

From: **Laura S. Chan** <[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)>

Date: Thu, Sep 28, 2017 at 12:36 PM

Subject: Re: LAND-2013-01720 -- Extension Letter

To: Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>

Cc: Steve Fischer <[SFISCHER@redmond.gov](mailto:SFISCHER@redmond.gov)>, Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>, mchan15 <[mchan15@gmail.com](mailto:mchan15@gmail.com)>

Hi Ben,

Thank you for your quick response, and I appreciate receiving the letter as soon as it is signed.

As for the appeal deadline, the Appeal Application Form states that the deadline is "5:00 p.m. on the 14th calendar day following the date of the decision" so please let me know when you expect the letter to be signed and sent so that I may have adequate time to review it.

Thank you,

Laura

[\(949\) 922-6292](tel:9499226292)

On Thu, Sep 28, 2017 at 11:51 AM, Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)> wrote:

Hi Laura,

The approval letter has not yet been signed. When the letter is signed you will receive a copy of it. As a side note, the appeal period begins from the date that the letter is signed, not from the date of decision by the Technical Committee. Therefore, you will have adequate time to review the letter and file an appeal, if you so desire. Thank you.

Ben Sticka

Planner – City of Redmond

[\(425\) 556-2470](tel:4255562470) – [bsticka@redmond.gov](mailto:bsticka@redmond.gov)

**From:** Laura S. Chan [mailto:[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)]  
**Sent:** Thursday, September 28, 2017 11:35 AM  
**To:** Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>; Steve Fischer <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>  
**Cc:** Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>; mchan15 <[mchan15@gmail.com](mailto:mchan15@gmail.com)>  
**Subject:** LAND-2013-01720 -- Extension Letter

Hi Ben and Steven,

I am writing as a follow-up to last week's communications and the approval letter for the extension, which was granted on 9/20/17. I know you are both very busy, but it has now been over a week since the approval was granted, and a letter has yet to be received. I would appreciate a copy of the letter by the end of the day today.

Thank you,

Laura Chan

[\(949\) 922-6292](tel:(949)922-6292)

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# **EXHIBIT B**

**Subject:** Fwd: Comments and Questions re Rose Hill Cottages  
**Date:** Tuesday, May 8, 2018 at 3:10:20 PM Pacific Daylight Time  
**From:** Laura S. Chan  
**To:** Barry Schnell  
**Attachments:** ROSE HILL COTTAGES NEIGHBORHOOD MEETING\_Q\_&\_A.docx

----- Forwarded message -----

From: **Benjamin Sticka** <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>  
Date: Mon, Oct 2, 2017 at 3:34 PM  
Subject: RE: Comments and Questions re Rose Hill Cottages  
To: "Laura S. Chan" <[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)>  
Cc: mchan15 <[mchan15@gmail.com](mailto:mchan15@gmail.com)>

Hi Laura,

I have attached the responses to your questions. Additionally, the extension letter has not been signed, as I am waiting on information from the City attorney. Once the letter is signed, the appeal period will begin. Again, I will provide you with a copy as soon as it is signed. Please let me know if you have any other questions. Thanks.

Ben Sticka

Planner – City of Redmond

(425) 556-2470 – [bsticka@redmond.gov](mailto:bsticka@redmond.gov)

**From:** Laura S. Chan [mailto:[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)]  
**Sent:** Monday, October 02, 2017 9:26 AM  
**To:** Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>; mchan15 <[mchan15@gmail.com](mailto:mchan15@gmail.com)>

**Subject:** Re: Comments and Questions re Rose Hill Cottages

Hi Ben,

Thank you; I will keep an eye out for the responses.

Please also advise on the extension letter -- has it been signed as of now? If so, please send me a copy as soon as possible. If not, when do you anticipate it to be signed? Also, based on your previous e-mail stating that the appeal deadline is the date of the letter (and not the date of the decision as the appeal form states), can you definitely state that the appeal deadline is not October 4, 2017? I would appreciate your written confirmation of this.

Thank you,

Laura

(949) 922-6292

On Mon, Oct 2, 2017 at 8:14 AM, Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)> wrote:

Hi Laura,

I am finishing up your questions today. I will send them to you before the end of the day. Please review the answers and let me know if you have any additional questions? We can then talk about setting up a meeting with myself or other member of the review team. Thank you.

Ben Sticka

Planner – City of Redmond

[\(425\) 556-2470](tel:4255562470) – [bsticka@redmond.gov](mailto:bsticka@redmond.gov)

**From:** Laura S. Chan [mailto:[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)]

**Sent:** Friday, September 29, 2017 1:59 PM

**To:** Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>

**Cc:** mchan15 <[mchan15@gmail.com](mailto:mchan15@gmail.com)>; Steve Fischer <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>

**Subject:** Re: Comments and Questions re Rose Hill Cottages

Hi Ben,

As you may recall, following the neighborhood meeting on 9/20/17, you offered to set up a time to meet with Michael and me to discuss the City's responses to our public comments and questions. We truly appreciate that offer, and would like to schedule that time as I understand you were meeting with the applicant to discuss various items, including my public comments, this week. Please let me know when we can meet next week.

Thank you,

Laura & Michael Chan

[\(949\) 922-6292](tel:(949)922-6292)

On Wed, Sep 20, 2017 at 3:30 PM, Laura S. Chan <[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)> wrote:

Hello Ben,

Attached please find our initial comments and questions regarding the Rose Hill Cottages proposed development. Please confirm your receipt / acceptance and or advise if our comments need to be submitted in a different manner (i.e. hand delivered, etc.).

We look forward to receiving the City's response.

Thank you,

Laura & Michael Chan

[\(949\) 922-6292](tel:(949)922-6292)

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# **EXHIBIT C**

**Subject:** RE: Extension update  
**Date:** Tuesday, October 3, 2017 at 8:53:57 AM Pacific Daylight Time  
**From:** Benjamin Sticka  
**To:** Barry Schnell  
**CC:** Karen Haluza, Steve Fischer

Barry,

I spoke with Karen this morning and we are waiting on a response from the City Attorney. We have asked his opinion, if the change of ownership assertion made by the applicant can qualify for approval of the Extension. I expect a decision from him by the end of the week. Upon hearing a decision from him, I will share it with you. The Technical Committee decision is not final until the decision letter has been signed by both members of the Technical Committee, which includes both Planning and Public Works Directors. Furthermore, the appeal period does not begin until the letter has been signed. Thank you.

Ben Sticka  
Planner – City of Redmond  
(425) 556-2470 – bsticka@redmond.gov

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**From:** Barry Schnell [mailto:barry\_schnell@msn.com]  
**Sent:** Tuesday, October 03, 2017 12:20 AM  
**To:** Benjamin Sticka <bsticka@redmond.gov>  
**Cc:** Steve Fischer <SFISCHER@REDMOND.GOV>; Karen Haluza <khaluza@redmond.gov>  
**Subject:** RE: Extension update  
**Importance:** High

Hello Ben –

Per my last email below, it is critical that you provide me with answers to #3 ASAP as there is a deadline for appeal associated to those answers.

As for #1 & #2, please either provide me answers to the questions or provide the date by which you will provide answers to those questions.

Please reply with answer to all the above by 12pm PT on 2017.10.03 (Tuesday).

Thank you.

Regards,

-bds

**From:** Barry Schnell  
**Sent:** Friday, September 29, 2017 3:57 PM  
**To:** 'Benjamin Sticka' <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>  
**Cc:** 'Steve Fischer' <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>; 'Karen Haluza' <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>  
**Subject:** RE: Extension update  
**Importance:** High

Hello Ben –

In addition to the below that I just recently sent, I realized that you had replied to a prior email that I sent on Thursday morning but not to the most recent update to that email that I sent on Thursday afternoon where I added a third question.

I've added that question again below. I look forward to hearing from you with specifics on all three questions.

I expect that #1 & #2 will require conversation with the City Attorney but I ask that you answer #3 ASAP.

Thank you.

Regards,

-bds

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**From:** Barry Schnell  
**Sent:** Friday, September 29, 2017 3:44 PM  
**To:** 'Benjamin Sticka' <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>  
**Cc:** Steve Fischer <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>; Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>  
**Subject:** RE: Extension update

Hello Ben –

Your last email neglected to address either of my follow-up questions. Rather, you simply re-stated the same information you provided in your previous communication which prompted by follow-up questions.

This type of communication continues a pattern I've experienced with both you and others on Staff and it is concerning on multiple levels. Most notably that it wastes my time, your time and more importantly, taxpayer dollars. There is absolutely no reason why our communication needs to go on endlessly. If you would provide answers to the questions I ask, we could both save a lot of time and avoid the frustration I'm sure we both are experiencing.

I understand that the City Attorney indicated the process would be classified like a Type I. Based on this, my questions are:

- 1) The SPE related to the extension is categorized as Type II. Below, you indicate that the extension is categorized as Type I. Please explain specifically how an extension related to a Type II project could be considered Type I as anything related to a Type II project should infer its classification.
- 2) The request for extension is reviewed by the Technical Committee as specified in RZC 21.76.090. In Table RZC 21.76.050A, the decision maker of Type II is "Technical Committee" while the decision maker for Type I is "Appropriate department." Since the extension request is required to be reviewed by the Technical committee and not a Department, this would invalidate its applicability to Type I and would further substantiate that it be classified as Type II. Please explain why the extension request was categorized as Type I since the decision maker is not a department but rather the Technical Committee.
- 3) Regarding the appeal process, The Appeal Application Form (<https://www.redmond.gov/common/pages/UserFile.aspx?fileId=212686>) indicates that appeals must be submitted by 5pm on the 14th calendar day from date of decision.
  - a. What date did the TC approve the request?
  - b. Is the "date of decision" the day the TC approved the request or the date the letter is mailed? Please provide link to RZC that defines "date of decision"
  - c. Additionally, to eliminate any confusion/ambiguity in answers to 'a' and 'b', please provide the appeal deadline date

Regards,

-bds

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**From:** Benjamin Sticka [<mailto:bsticka@redmond.gov>]  
**Sent:** Friday, September 29, 2017 2:08 PM  
**To:** Barry Schnell <[barry\\_schnell@msn.com](mailto:barry_schnell@msn.com)>  
**Cc:** Steve Fischer <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>; Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>  
**Subject:** RE: Extension update

Hi Barry,

The answer from the City attorney indicated that the process would be classified like a Type I. Therefore, the Director has the ability to determine the most analogous process. The extension went before the Technical Committee, as has been the case with all other extensions.

Ben Sticka  
Planner – City of Redmond  
(425) 556-2470 – [bsticka@redmond.gov](mailto:bsticka@redmond.gov)

**From:** Barry Schnell [[mailto:barry\\_schnell@msn.com](mailto:barry_schnell@msn.com)]  
**Sent:** Thursday, September 28, 2017 11:06 AM  
**To:** Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>  
**Cc:** Steve Fischer <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>; Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>  
**Subject:** RE: Extension update

Hello Ben –

Thank you for this, greatly appreciated and glad to hear that there is a baseline of a process for this after-all.

I've reviewed RZC 21.76.050 in full and have the following questions.

- 1) The SPE related to the extension is categorized as Type II. Below, you indicate that the extension is categorized as Type I. Please explain specifically how an extension related to a Type II project could be considered Type I as anything related to a Type II project should infer its classification.
- 2) The request for extension is reviewed by the Technical Committee as specified in RZC 21.76.090. In Table RZC 21.76.050A, the decision maker of Type II is "Technical Committee" while the decision maker for Type I is "Appropriate department." Since the extension request is required to be reviewed by the Technical committee and not a Department, this would invalidate its applicability to Type I and would further substantiate that it be classified as Type II. Please explain why the extension request was categorized as Type I since the decision maker is not a department but rather the Technical Committee.

I look forward to receiving answers from you on the above ASAP after you've discussed/reviewed with the City Attorney.

Thank you!

Regards,

-bds

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**From:** Benjamin Sticka [<mailto:bsticka@redmond.gov>]  
**Sent:** Thursday, September 28, 2017 7:55 AM  
**To:** Barry Schnell <[barry\\_schnell@msn.com](mailto:barry_schnell@msn.com)>  
**Cc:** Steve Fischer <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>; Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>  
**Subject:** Extension update

Hi Barry,

I heard back from the City Attorney, who indicated that the extension would be classified as a Type I permit

under RZC 21.76.050(D). I have attached the hyperlink for your review of this section of Code. I am waiting on signatures of both members of the Technical Committee. Once the letter is signed, I will make sure you receive a copy. Thank you.

**21.76.050 Permit Types and Procedures**

<http://online.encodeplus.com/regs/redmond-wa/doc-viewer.aspx#secid-3030>

Ben Sticka  
Planner – City of Redmond  
(425) 556-2470 – [bsticka@redmond.gov](mailto:bsticka@redmond.gov)

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# **EXHIBIT D**

**Subject:** Fwd: Rose Hill Cottages  
**Date:** Monday, October 9, 2017 at 1:57:23 PM Pacific Daylight Time  
**From:** Laura S. Chan  
**To:** Barry Schnell  
**Attachments:** image009.png, image002.png, image012.png, image010.png, image011.png, image013.png, image014.png

FYI, what I sent Karen last Thursday while I was trying to be patient for the response she said would be sent "by the end of the week."

----- Forwarded message -----

From: **Laura S. Chan** <[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)>  
Date: Thu, Oct 5, 2017 at 11:40 AM  
Subject: Re: Rose Hill Cottages  
To: Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>

Hi Karen,

Just a follow-up note that I appreciate your full due diligence on this matter.

As you have confirmed that a final decision has not yet been determined, and given the information you now have regarding this project prior to a final decision being issued, I am sure you will find it most prudent to deny the extension request to protect the interests of the City and its residents as provided in the Code and pursuant to statements asserted by City staff:

- That the City *may*, but is not required to, grant the extension as long as it meets the criteria per Code, but that the request *does not* definitively meet any of the criteria.
- That the meeting of only one criteria is questionable at best, and can (and will) certainly be appealed.
- That, in your own words and e-mail, "all infrastructure will have to meet City standards."
- That the statements of City staff (from both the planning department and the utilities department) and Mayor Marchione confirmed that the previously approved plan *does not* conform to the City's Sewer Plan, and that the City has asserted its position to "fight" this requirement should the project move forward.
- That the previously approved plan may require further review to ensure conformance to City Code and standards.

I can appreciate and understand that you may not have been made aware of the conversations with City staff and subsequently with Mayor Marchione asserting the above prior to making your preliminary decision. However, given that you have since been made aware, prior to a final decision being issued, I am sure your due diligence on the matter will find it proper to deny the extension.

Thank you for your efforts in assuring these matters are properly handled. I look forward to receiving your response (regarding my previous e-mail) by the end of this week.

Best regards,  
Laura Chan  
[\(949\) 922-6292](tel:(949)922-6292)

On Tue, Oct 3, 2017 at 9:40 PM, Laura S. Chan <[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)> wrote:  
| Hi Karen,

I truly appreciate your quick reply!

Just to confirm, the "decision date" listed on any decision notification / letter will be the date of such notice / letter and not any prior date, whether or not a decision to approve was made prior to such notice / letter. Is that correct?

I also appreciate that you are ensuring via City Attorney that such a decision is made properly. I, too, am having my attorneys review the information provided thus far.

As for the information asserted during conversations with City staff and Mayor Marchione, please advise what measures are in place to ensure any such comments are taken under consideration when applications, extensions, etc. come under review.

As you state yourself below, that "all infrastructure will have to meet City standards," it is my understanding that the "scratched out sewer requirement" does not meet City standards. City staff and Mayor Marchione's comments aside, was that portion of the plan reviewed and considered when you preliminarily approved the extension?

I know you are very busy, and so I do truly appreciate your prompt attention to this matter. With the understanding that the appeal deadline *is not* tomorrow, I simply ask to receive a response on the above by the end of this week.

Thank you,  
Laura Chan  
[\(949\) 922-6292](tel:9499226292)

On Tue, Oct 3, 2017 at 8:31 AM, Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)> wrote:

Good morning Laura,

The extension considered by the Technical Committee for LAND-2013-01720 on September 20, 2017 has yet to be finalized. Decisions of the Technical Committee are not complete until the approval letter has been signed by the Directors of Public Works and Planning. One of the decision criteria an applicant must meet to be considered for an extension of a plat approval is, as you note, change of ownership. The Technical Committee's decision to apply this was based on the property owner's assertion that the property was under contract for sale to Toll Brothers. I have asked the City Attorney, Jim Haney, to provide an opinion as to whether the sales contract satisfies the change of ownership criteria and I expect to hear back from him later this week. Until then we will not sign the letter. I don't have information about conversations you reference regarding the sewer as it appears to have happened before I began working here, but all infrastructure will have to meet City standards.

Either myself or Ben will provide you an update on the City Attorney's opinion when we receive it.

Best regards,

Karen



**Karen Haluza, AICP**

Director of Planning and Community Development | City of Redmond

☎: [425.556.2497](tel:425.556.2497) | ✉: [khaluza@redmond.gov](mailto:khaluza@redmond.gov) | [Redmond.gov](http://Redmond.gov)

MS: [4SPL](#) | [15670 NE 85<sup>th</sup> St](#) | Redmond, WA 98052



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**From:** Laura S. Chan [mailto:[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)]

**Sent:** Tuesday, October 03, 2017 12:12 AM

**To:** Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>

**Cc:** Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>; Steve Fischer <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>; Mayor (Internet) <[Mayor@redmond.gov](mailto:Mayor@redmond.gov)>; Sarah Pyle <[spyle@redmond.gov](mailto:spyle@redmond.gov)>; mchan15 <[mchan15@gmail.com](mailto:mchan15@gmail.com)>; Lisa Rigg <[LRIGG@REDMOND.GOV](mailto:LRIGG@REDMOND.GOV)>; Zheng Lu <[zlu@redmond.gov](mailto:zlu@redmond.gov)>; Andy Chow <[kachow@redmond.gov](mailto:kachow@redmond.gov)>

**Subject:** Re: Rose Hill Cottages

Hi Karen,

Thank you for your reply last week. However, I respectfully request more information from you with regard to the extension you approved for LAND-2013-01720. As of this morning, I understand a letter has yet to be signed, but Ben and Steven's e-mails indicated your 9/20/17 approval of the extension based on "change of ownership."

First, I would like to understand from you how the project qualifies for approval based on "change of ownership" when there has been no actual change of ownership.

As I mentioned in my previous e-mail, although I understand there is a *potential* buyer for the property, no change of ownership has occurred. And, as the City is aware, the *potential* buyer has no intention of using the existing entitlement as it has submitted its own set of plans to the City for review before it proceeds with the *potential* purchase of the property. To this point, the applicant's own request letter requested an extension based on Toll's "work to resolve construction and design issues along with substantial effort toward the new SPE."

Further, I'd like to know whether or not consideration given to the City staff and Mayor Marchione's assertions

that they would "fight" and do everything they could to ensure the sewer improvements were required / put back in should the project move forward. It seems that this would be easily achieved by not approving the extension or approving it with the condition that the sewer improvements be included.

As you were / are the decision maker, I appreciate your assistance in helping me understand this process to ensure my neighbors and I are provided the assurances promised by the City.

Thank you,

Laura Chan

[\(949\) 922-6292](tel:(949)922-6292)

On Tue, Sep 26, 2017 at 8:37 AM, Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)> wrote:

Hi Laura,

The responses you requested have been provided in the interlineated message below and I do not have anything additional information.

Best regards,

Karen



**Karen Haluza, AICP**

Director of Planning and Community Development | City of Redmond

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**From:** Laura S. Chan [mailto:[laurasheen.chan@gmail.com](mailto:laurasheen.chan@gmail.com)]

**Sent:** Friday, September 22, 2017 4:44 PM

**To:** Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)>; Steve Fischer <[SFISCHER@REDMOND.GOV](mailto:SFISCHER@REDMOND.GOV)>; Karen Haluza <[khaluza@redmond.gov](mailto:khaluza@redmond.gov)>; Mayor (Internet) <[Mayor@redmond.gov](mailto:Mayor@redmond.gov)>

**Cc:** Sarah Pyle <[spyle@redmond.gov](mailto:spyle@redmond.gov)>; mchan15 <[mchan15@gmail.com](mailto:mchan15@gmail.com)>; Lisa Rigg <[LRIGG@REDMOND.GOV](mailto:LRIGG@REDMOND.GOV)>; Zheng Lu <[zlu@redmond.gov](mailto:zlu@redmond.gov)>; Andy Chow <[kachow@redmond.gov](mailto:kachow@redmond.gov)>

**Subject:** Re: Rose Hill Cottages

Ben,

Thank you for your reply. I look forward to hearing from Zheng Lu, Andy Chow, and or Lisa Rigg next week. It should be noted that on June 5, 2017, most of the neighbors on NE 112th Pl. met with Zheng, Andy, and Sarah at City Hall and, among the various topics of discussion, it was confirmed by Zheng and Sarah that the "scratched out sewer requirement" does not comply with the City's Sewer Plan, and that the City would do everything it is able to ensure the sewer would be a requirement if the project were to move forward. This was further asserted in a subsequent meeting I had with Sarah and Mayor Marchione on August 7, 2017, but seems counter to the action taken to approve the extension request.

Steven - I also appreciate your reply. I reviewed RZC 21.76.090 last night and could not figure out how an extension could be granted based on the language in the Code. You stated in your response today that an extension was granted based on "change of ownership." However, and although I understand there is a *potential* buyer for the property, no change of ownership has occurred. And, as the City is aware, the *potential* buyer has no intention of using the existing entitlement as it has submitted its own set of plans to the City for review before it proceeds with the *potential* purchase of the property.

Karen - I would appreciate hearing from you directly, as I now understand you were part of the Technical Committee that approved the extension request. Please let me know when I may expect a response from you.

Mayor Marchione - I truly appreciate your swift action in seeing that I receive timely responses to my inquiries.

I look forward to hearing from the City by the end of next week on all the other outstanding / open issues.

Thank you,

Laura Chan

[\(949\) 922-6292](tel:(949)922-6292)

On Fri, Sep 22, 2017 at 1:57 PM, Benjamin Sticka <[bsticka@redmond.gov](mailto:bsticka@redmond.gov)> wrote:

Hi Laura,

Thank you for your email and questions. Please see the responses to your questions below in RED. Your question related to the sewer plan will be answered by the Utility Engineer (Zheng Lu) or his supervisor (Lisa Rigg) next week. I have cc'd both of them as part of this email. If you have any additional questions, please let me know? Thank you.

1. The plan has clear errors on it, and should NOT have been extended for the reasons in my previous e-mails to Ben and Sarah below, most notably the sewer component which we were informed by City staff that the scratched out sewer requirement goes against the Sewer Plan and that City staff would "fight" to have it put back into the development plan. However, I am unsure if either of my messages below reached the appropriate parties involved in the decision process, and request the following information: **A response to your questions about project utilities and traffic will be answered by either Zheng Lu, Andy Chow or Lisa Rigg. Additionally, staff is working on responses to your other set of questions emailed earlier in the week. You should have a response to those questions around September 29<sup>th</sup> or October 2<sup>nd</sup>.**

2. When the decision was actually made. **The City of Redmond Technical Committee approved the Extension request for Rose Hill Cottages, Site Plan Entitlement (LAND-2013-01720) at their meeting on September 20, 2017.**

3. Who (names and titles) made the decision to approve the extension.

**The Technical Committee approved the decision to approve the extension. The Technical Committee is comprised of both Karen Haluza, Director Planning and Community Development and Linda De Boldt, Director Public Works Department.**

4. A copy of the approval communication.

**The decision has not yet been mailed. However, staff expects to mail it sometime next week. I am happy to email a copy of the decision to you.**

5. If you would like to appeal decision the information is as follows: **To file an appeal, please complete the form in the attached hyperlink and pay the applicable \$500.00 fee by 5:00 p.m. on the last day of the**

appeal period, which will be outlined in the letter. Please see the form for information on standing to appeal and the appeal period. Form submission and payment must be made by PERSONAL DELIVERY at City Hall 2nd Floor Customer Service Center c/o Office of the City Clerk-Hearing Examiner, [15670 NE 85th Street](#).

Appeal Application Form Hyperlink

<https://www.redmond.gov/common/pages/UserFile.aspx?fileId=212686>

Ben Sticka

Planner – City of Redmond

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