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

**RE: Vuecrest Estates Preliminary Plat** )  
 ) **FINAL DECISION**  
 )  
 **Preliminary Plat** )  
 **LUA13-000642** )  
 )  
 )  
 )  
 )

**SUMMARY**

The applicant requests preliminary plat approval, street improvement waiver and possibly a critical area exemption for a 20-lot residential subdivision. The street wavier is to allow a dead-end road in excess of 700 feet. The critical area exemption is for placing a drainage line across the face of a steep slope. The preliminary plat is approved. The street improvement waiver is not approved. The applicant was unable to establish that the street waiver would not result in an unsafe fire response condition for residents of the proposed subdivision.

The critical area exemption is not considered to be consolidated with the preliminary plat and street modifications of this proposal. The staff report at no point identifies the exemption as consolidated with the preliminary plat application. The proposal summary makes no mention of the critical area exemption. However, Page 17 of the staff report recommends approval of a critical areas exemption, suggesting that consolidation was intended. If the exemption was intended to be consolidated with the preliminary plat application, there is insufficient information in the record to assess its merits. RMC 4-3-050(C)(5)(d)(iv) requires a geotechnical report to be prepared that assesses compliance with the exemption criteria and to also propose mitigation. No reference to any such report is made in the staff report and no such geotechnical report could be found in the administrative record. Impacts of the proposed stormwater vault and retaining walls are assessed in the geotechnical reports, but nothing else in the geotechnical reports could be found that specifically addressed the drainage line or the exemption criteria. Given the absence of this needed information and the fact

1 that the staff report does not clearly identify the administrative exemption decision as consolidated  
2 for hearing examiner review, the exemption decision will not be considered as consolidated with the  
3 preliminary plat and street improvement modification request.

## 4 TESTIMONY

### 5 Staff Testimony

#### 6 Elizabeth Higgins, Senior Planner, City of Renton

8 Ms. Higgins described the project as a proposed 20 lot single family development in South Renton.  
9 The original application had 21 lots, but was subsequently revised to 20 lots. The proposal as  
10 submitted generally meets the Renton municipal code with the exception of street standards relating  
11 to access. The applicant has submitted a request for a street modification. There are environmentally  
12 sensitive areas on or near the property and critical areas regulations apply. The project conforms to  
13 the critical areas code.

14 The 9.3 acre site is south of Carr Road and east of Talbot Road in south Renton. The project is in an  
15 area of residential development with various densities. To the east are condos at higher density. To  
16 the south and southeast are lower density residential developments. Densities to the north and  
17 northeast are consistent with the project.

18 The project was originally an undeveloped portion of an existing condo development. The site is  
19 isolated from the condos by a steep slope. The project was submitted in 2013 but was placed on  
20 hold for additional geotechnical reports due to concerns about the slope. Three separate geotechnical  
21 reports were submitted by three individual firms. New notification was sent out. The Environmental  
22 Review Committee added six additional conditions of approval. No appeals were filed.

23 The site has protected slopes on the west side. Slopes are 45 degrees or more. The site plan was  
24 revised to eliminate a rockery retaining wall on the top of the slope and stormwater facilities were  
25 moved farther away from the slope. The project will have a 10-foot No Disturb area on the top of  
26 the slope.

There are wetlands on site. The depression wetlands are Category II wetlands. These require a 50  
foot buffer. The project proposes to do buffer averaging. Properties adjacent to the project will be  
included in the buffer. Up to 50% of the buffer width will be reduced in places. The north wetland  
abuts a portion of the wetland that is part of the Stonehaven wetland reserve. Stream studies indicate  
there is a stream that is nearby, but not within the project site. The water collects across the subject  
property but the stream is not on it. The property was vacant except for a temporary cul de sac.

The property has a mix of deciduous and evergreen trees. The Applicant submitted a tree

1 replacement plan. There are 101 significant trees on the property. These are trees measuring 6” in  
2 diameter. 54 trees will be removed for streets and alleys. There are be 120 trees in critical areas  
3 buffers, all will be retained. 42 of the significant trees will be retained. 23 significant trees must be  
replaced with 140 2” trees. All of the new trees will be planted in Tract C.

4 The site has three different zoning classifications. They are R-14, a medium density residential  
5 development near the condos, an R-1 zone, a low density designation in the sloped area, and 6.06  
6 acres of R-8 in the upper portion. The 20 lots are in the R-6 zone. After deduction for critical areas  
and roadways there are 4.57 developable acres. With 20 lots the resultant density is 4.23 du/acre,  
which is above the 4 du/acre minimum.

7 There will be 20 single family residential lots of 4,500sf to 8,000sf. Tract A is a stormwater tract.  
8 Tracts B and E are wetlands tracts. Tract C is the tree replacement area. Tract D is an open space  
tract. Tract F is a Native Growth Protection Area on the slope. There will be an alley to provide rear  
9 access to abutting lots.

10 Staff recommends formation of a homeowners association to have equal undivided ownership of the  
11 tracts, alley and private road. Another recommended condition of approval (Staff Report #9) lots 17-  
12 20 would provide easements to other lots to allow alley to provide through access. With respect to  
13 access, Applicant has requested a modification to street standards. Renton requires a secondary  
14 access when primary access is a dead end street over 700 feet in length. Staff does not support the  
15 modification request because it does not meet the test that there is no physical way a second access  
can be achieved. There are no physical constraints that cannot be overcome. They believe the second  
access is possible. They recommend a condition of approval requiring construction of a second  
access prior to recording of the final plat.

16 A portion of the project is included in the Talbot Urban Separator which imposes requirements for  
17 development. With a single exception, these requirements don’t apply because the project does not  
18 propose development within the Urban Separator. This exception is the drainage facility which will  
extend from the top of the slope through the Urban Separator. Vegetation removed during  
installation of the stormwater conveyance system must be replaced.

19 With respect to drainage, the stormwater system has been revised from the original plan to minimize  
20 the impact to the critical slope. Discharge from the stormwater vault will be within a closed 12”  
21 pipe down the slope. Staff recommends a condition of approval requiring a stormwater easement.

22 The project meets compliance with the City’s Comprehensive Plan and development regulations, if  
23 the required conditions of approval are met. Staff recommends the Applicant submit a detailed  
24 landscape plan. The project complies with the critical areas regulations if the conditions of approval  
25 from Environmental Review Committee are met. With the exception of the street requirement, the  
26 project meets the requirements of the subdivision code and the Talbot Urban Separator. In terms of  
public services (police, fire, parks, schools), resources are available to provide services to the  
property. Students would need to be bussed to school. There are sidewalks available for safe  
walking routes to bus stops. A certificate of water availability would be required by the Soos Creek

1 Water District. A stormwater easement is required to demonstrate that downstream systems would  
2 be available. Staff recommends approval of the project with conditions.

3 In response to a question by the Hearing Examiner, Ms. Higgins stated the Applicant would have to  
4 negotiate an agreement with adjacent property owners to acquire an access easement or purchase  
5 land. The Applicant does not own the property the City will require for secondary access. Staff  
6 stated they would not allow the Applicant to record the final plat without this secondary access, in  
7 the event the Applicant was unable to purchase the adjacent property or acquire an easement.

8 Applicant Testimony

9 Maher Jouei, ER Strong Consulting Engineers, Applicant's Agent

10 Mr. Jouei thanked Staff for the thorough review of the project. The Applicant concurs with the  
11 majority of the report with the exception of the secondary access.

12 Public Testimony

13 Owen Reese

14 Mr. Reese is a civil engineer with Aspect Consulting. He is representing the Campen Springs Condo  
15 Association. He was hired to review the proposed development. Harbor homes approached the  
16 Condo Association with respect to the stormwater lines. The Condo Association is on the downside  
17 of the steep slope to west of the proposed development. The Condo Association had questions about  
18 stormwater management and protection of the steep slope. Harbor Homes and their agents have  
19 been very open and helpful. The Condo Association issued a letter of intent to allow an easement for  
20 stormwater lines. The Condo Association and Harbor Homes are working together cooperatively.

21 The Condo Association has identified several minor issues along the western line of lots. Harbor  
22 Homes has been very responsive. The Condo Association is providing testimony today to allow  
23 Staff and the Hearing Examiner to hear their issues.

24 There are no current retaining walls proposed. The Condo Association is requesting the City to  
25 allow only engineered retaining walls to be constructed on the proposed development, rather than  
26 just erosion control structures. They further request any new fill should be free draining structural  
fill and not native soils. The native soils will not provide the needed results with respect to drainage.

The back yards of western lots slope towards the steep slope. At one point there was a proposed  
interceptor trench. The Condo Association requests the City require Harbor Homes to minimize the  
extent of the western lot that drains to the slope. Whatever does drain there, please make sure it does  
so in a dispersed manner.

The stormwater tight line should be designed using sound engineering practices in a straight line

1 with high density plastic. The Condo Association is requesting anchors along only the top and  
2 bottom of the pipe rather than along the whole length as the City recommended. This will keep the  
3 pipe in place even if the slope moves. The anchors should be designed to allow for tree fall and soil  
4 movement. The water should be slowed down before entering the Condo Association property. The  
5 pipeline should be constructed at the top and pulled down the slope rather than moving it up hill.

6 An engineering geologist from Aspect Consulting reviewed the site. With respect to the ephemeral  
7 stream, the stream is in a well-defined channel outside the wetlands and then disperses down the  
8 slope, depositing sediment on the downhill side in an alluvial fan. This stream is prone to  
9 movement. The concern is that if the stream changes its channel, it may deliver sediment  
10 downstream and overwhelm the Campen Springs stormwater system. The Condo Association is  
11 asking Harbor Homes to monitor the stream and create a more defined channel. In response to  
12 questioning from the examiner, Mr. Reese responded that the proposal will not exacerbate the  
13 condition of the stream.

#### 14 Eric Hanson

15 Mr. Hanson testified he understands Vuecrest will be developed. He believes the existing proposal  
16 is not consistent with the character of the area or Renton. He stated this proposal should be denied  
17 for two reasons. The first reason is because of the variance to extend Smithers Road to another dead  
18 end. The second reason is he feels the proposal gives only meager concessions to critical areas.

19 Mr. Hanson noted the Renton municipal code requiring a secondary access. He stated the road is  
20 needed for emergency services and traffic flow. He supports the Staff requirement for secondary  
21 access. He does not feel mitigation is adequate because the road is 2,400 feet from the main arterial,  
22 more than three times farther than code requirements. He stated the deviation is major. He is not  
23 surprised the Renton Fire Department and Community Development staff does not support the  
24 deviation. He stated the traffic will double or triple on local streets due to the proposed  
25 development. He is concerned about pedestrian safety. There are no engineering or geographical  
26 reasons for the variance. The only reason is that the Applicant does not own the adjacent property.

Mr. Hanson's second concern is environmental sensitivity. The project has steep slopes, a wetland  
and a stream. He stated the environmental review identified 401 significant trees. Removal of the  
trees would create erosion and slide risks. The existing vegetation also sustains deer in the area. The  
proposed mitigation for the trees is not sufficient. Only 65 trees would be replaced or retained. The  
emphasis should be on retaining the trees rather than replacing them with less robust trees. He  
acknowledges 140 additional 2" diameter trees will be planted. Immature trees are a poor substitute  
for existing trees and vegetation. They won't effectively prevent erosion.

#### 24 David Rasmussen

25 Mr. Rasmussen is the president of the Sundance Talbot Ridge Homeowners Association. He  
26 concurs with Mr. Hanson's comments and believes they represent those of the HOA. He is

1 concerned about water access during an emergency situation. Sundance abuts green lands on three  
2 sides. There are plans to develop one of these sides. His concern with water flow is the chance of a  
3 wild fire on the greenbelt. He's concerned there will be insufficient access for emergency fire  
protection. Additionally, there must be secondary access.

4 Jim Condelles

5 Mr. Condelles represents the Reserve at Stonehaven Homeowners Association which is adjacent to  
6 the Sundance association. Mr. Condelles objects for the same reasons as Mr. Rasmussen and Mr.  
Hanson. Secondary access should be required. There is a bottleneck on a dead end road.

7 He urges the development be scaled back. He stated he doesn't feel the wetlands buffer averaging is  
8 effective. He wants to see full 50 foot setbacks adjacent to all parts of the wetlands. He notes the  
9 varying seasonal character of the wetlands. He stated the small change to the project from the  
10 original proposal is insufficient to protect the critical areas. The character of the northwest is being  
11 eroded by piecemeal development. He noted all the types of wildlife he's seen on this property. He  
also noted the old growth evergreen trees. This is a virtual rainforest in an urban area that serves as a  
wildlife corridor. He wants to see a rethinking of the scope.

12 Ellen Brighten

13 Ms. Brighten owns two adjacent properties. She owns property in Campen Springs. She has not  
14 been notified of the project. She also owns at Talbot Park. She regularly sees deer. She also stated  
15 there are water problems. The springs at Campen Springs move. She is concerned about drainage  
issues. Ms. Brighten displayed several pictures of the area (Ex. 34).

16 Travis Martinez

17 Ms. Martinez is the president of the HOA for Talbot Park due north of Campen Springs. They have  
18 a water problem that results in \$50,000 worth of damage per year due to the springs. They are very  
19 concerned stormwater issues will increase. They have received no guarantee that they will not be  
adversely affected or reimbursed when they are affected by project related stormwater.

20 Ron Hensen

21 Mr. Hensen lives on Smithers Avenue. Smithers Road is adjacent to the proposed development. He  
22 has owned the property for 12 years. He has maintained the property for years. He recounted the  
23 development history of the area. He knew development would happen on this property eventually.  
24 He is concerned about his property values and safety. There is a 50 acre Department of Natural  
Resources property to the north that is currently for sale. Altogether, there was a single point of  
25 access for a couple dozen homes. In the near future, that number could be 150 homes on the same  
single point of access. This will result in more traffic and a reduced quality of life for existing  
26 residents.

1 There is an unnoted existing drainage out of the wetlands. There used to be another smaller stream  
2 that was obliterated by the traffic circle. The stream can be observed about 8-9 months of the year.  
3 During rain events, the system is overwhelmed and water overtops into the stormwater drainage  
4 system. There is a subsurface hydrologic connection that connects the wetlands. Proposed Lot 17 is  
5 a seep that will not support a residential development. He is in support of a stormwater system that  
6 proactively drains this development and future developments.  
7 Mr. Hensen also described abundant wildlife in the area.

8 Staff Response

9 Larry Warren, Renton City Attorney

10 The Hearing Examiner asked the City Attorney if there is a proportionality problem in that the  
11 Applicant is being asked to provide secondary access now when it should have been provided by  
12 past developments for developments farther down the road. Are the Applicants being asked to create  
13 an improvement that mitigates more than their own impact?

14 In response, Mr. Warren stated he had not considered the question in that framework. He stated he  
15 did not feel there was a proportionality problem because each future development along the line  
16 would be required to do their part.

17 The Hearing Examiner asked if the City was considering a latecomers agreement to allow the  
18 Applicant to be reimbursed for a portion of the costs when later development took place. Mr.  
19 Warren stated the Applicant must request a latecomers agreement. He stated there was only one lot  
20 between the proposal site and the connection point. The expense should not be huge.

21 Elizabeth Higgins

22 Ms. Higgins addressed the request by Mr. Reese related to retaining walls. She stated mitigation  
23 measure #4 from the Environmental Review Committee requires a building permit for retaining  
24 walls for any proposed wall, regardless of location or size.

25 Steven Lee, City of Renton Engineer

26 Mr. Lee responded to Mr. Reese's recommendations. He stated he concurred with Mr. Reese. He  
agreed that all of Mr. Reese's suggestions should be implemented as conditions of approval. He  
wanted to add one further condition. With respect to the stormwater pipe on the slope, he suggests  
the addition of a slip joint at the base of the hill to allow for movement.

Mr. Lee stated he felt the project will not affect downstream stormwater. He noted other projects  
have been installed on steeper slopes than this. These prior projects have been successful in  
avoiding erosion. The closed tight line stormwater pipe will eliminate erosion impacts.

1 In response to the Hearing Examiner, Mr. Lee stated he was unaware of the small stream that used  
2 to be in the location of the temporary cul de sac. The post project result will be a reduction in  
3 surface run off from the project than current conditions. He stated slope stability will be improved  
post project.

4 Mark Peterson, Chief, Renton Fire Department

5 In response to the Hearing Examiner, Mr. Peterson stated the fire department is opposed to the street  
6 modification. He feels the length of the street is too challenging to service to the area by fire  
7 apparatus. He stated last year there was a wildfire traveling along the electric easement in a nearby  
8 neighborhood. This neighborhood had one access point that was cut off by the fire. The fire  
9 department could not get in to help residents and residents could not evacuate. Mr. Peterson is also  
10 concerned about the neighborhood being cut off in a seismic event. City code requires a secondary  
access in roads over 700 feet. The fire department cannot maintain adequate response times to the  
neighborhood. Without secondary access, an additional minute is added to the response time to this  
neighborhood.

11 Applicant Response

12 Brent Carson, Van Ness Feldman, Applicant's Agent

13 The Applicant disagrees with the Staff with respect to the street modification. In response to Mr.  
14 Peterson, Mr. Carson noted the Renton Fire Department has sent the Applicant a letter stating they  
15 would not support the project without a secondary access. He further noted the Fire Department had  
16 rescinded that letter, with the condition that they could reinstate the letter at any time based on final  
17 plat design. He noted that the fire department reinstated the letter even though there had been no  
change in fire access since the time the letter had been rescinded.

18 Mr. Carson introduced a letter into the record (Ex. 35) with attachments addressed to the Examiner.  
19 This packet included a letter from the Applicant's traffic consultant. Mr. Carson called several  
20 witnesses. Mr. Carson introduced two further exhibits (Ex. 36 and Ex. 37), the resume of Mr. Jouei  
Maher and a set of site plans.

21 Maher Jouei, ER Strong Consulting Engineers, Applicant's Agent

22 Mr. Jouei stated the Vuecrest Estates project drainage is tight lined to Campen Springs. Talbot Park  
23 drainage goes a different direction than the project drainage. The Vuecrest system will collect all  
impervious surface drainage and send it to Campen Springs.

24 Mr. Jouei stated the City sent them a letter stating a proposed temporary cul de sac might be  
25 acceptable under certain conditions including a stub road for future connections. They would not be  
26 asked to construct the actual connection. The pre-application meetings did not suggest they would  
be required to provide a completed secondary access. On July 3, 2014 the Applicant received

1 preliminary comments with an email note that said the situation regarding the second access had  
2 changed. They subsequently were told they could not construct the project as proposed because the  
3 Fire Department would not support the project without secondary access. That letter was rescinded  
4 in October 2013. In February 2014, they received a letter from Ms. Higgins that stated the City  
5 would support a street modification to permit the project to go forward without secondary access.  
6 The City did not mention they would not support the modification until August 2014. There has  
7 been no material change to the layout since October 2013. Mr. Jouei stated the project is a part of  
8 the solution by construction a stub for future access. There is one undeveloped property left before  
9 the grid system is completed.

7 Mr. Jouei stated the project complies with the road dimension requirements in the code. He stated  
8 emergency vehicles can access the project even in worst case scenarios with cars parked on both  
9 sides. The road curvatures meet the requirements. There is a loop road in Stonehaven that provides  
10 secondary access.

10 Mr. Jouei reviewed the variance criteria in the street modification. He stated the project suffers from  
11 unique circumstances because Talbot Ridge and the Reserve at Stonehaven were approved with the  
12 same variance the current Applicant proposes. He stated the variance will not be materially  
13 detrimental to the public welfare because the roads meet the dimensional requirements. He noted the  
14 additional trips from Vuecrest would result in 1.6 additional vehicles per minute in the PM Peak  
15 Hour. These roads are all LOS A with no accident history. He stated the project benefits the welfare  
16 of the public by connecting the grid system. The project has an internal loop system with the alley.  
17 The alley will be designed to accommodate emergency vehicles. The project will not ask for any  
18 special considerations beyond those already granted to existing developments. The proposal is the  
19 minimum requested by the City by providing a stub road. The project provides what the City asked  
20 for initially. Nothing has changed since then.

17 Mr. Jouei noted there are not many on-street parked cars. All area homes include two car garages for  
18 every lot to accommodate parking.

19 Jamie Waltier, Hansen Homes

20 Mr. Waltier thanked Staff for their efforts on the project. He stated the neighbor to the east is not  
21 interested in selling his property. They will not be able to purchase a right of way or easement. Mr.  
22 Waltier stated the City had supported the stub road without a secondary access. They've incurred  
23 significant costs in designing this project they would not otherwise have spent if the City has been  
24 consistent on their requirement for a secondary access. As is, the project is not financially viable  
25 with the requirement for a secondary access.

24 Carl Anderson, Fire Protection Engineer, Applicant's Agent

25 Mr. Anderson discussed the second access issue from an emergency access perspective. He also  
26 suggested mitigation measures. With respect to the public welfare, the proposal is at the end of a

1 dead end. It does not materially affect the existing homes in the area. For the new plat, there are  
2 mitigating measures that can be taken. The Applicant is intending to put in a temporary cul de sac to  
3 City standards. The internal alley will also provide emergency access, though it is not intended as a  
4 primary emergency access. Although not specifically spelled out in the variance request, the  
5 intention is to put fire sprinkler systems in each proposed home. In terms of mitigating fire response  
6 to the area, a fire sprinkler system reduces the need for fire responses. The homes will not require  
7 full structural responses. The Staff Report mentions 99 homes are accessed on the dead end. The  
8 dead end will be 2,400 feet. However, the actual road network has internal secondary means that  
9 reduces the housing served by only the dead end itself. Stonehaven has an internal looped road that  
10 would allow another access into Vuecrest. Only about 800 feet of roadway will be single access.  
11 The 2012 International Fire Code Appendix D-107 addresses substitution of fire sprinklers rather  
12 than the provision of secondary fire access. This appendix was not adopted in Renton, though it  
13 does support the variance.

9 In response to Mr. Carson, Mr. Anderson stated he is familiar with the International Fire Code  
10 Section 503.1.2 which reads the Fire Marshall may require secondary access based on a range of  
11 conditions. Mr. Anderson stated the project does not meet any of the conditions in the  
12 aforementioned Fire Code Section. This project will eventually result in improved access.

12 Hearing Examiner asked Mr. Anderson if he is testifying that he has no fire safety concerns over  
13 the fact that this subdivision only has one access point. Mr. Anderson responded, "I don't  
14 believe that the addition of Vuecrest is a significant detriment to public safety based on what's  
15 already there in the area." The Hearing Examiner stated, "There are a couple points along that ½  
16 mile dead end route where if the road was blocked there'd be no way for the fire department to  
17 get to the subdivision, isn't that correct?" Mr. Anderson responded "That's correct." The  
18 Hearing Examiner, "What about the Fire Chief Peterson's concern about if you had people  
19 evacuating quickly that would make it more difficult for the Fire Department to get to the site, is  
20 that a problem here at all, really?" Mr. Anderson responded "It could be a concern, but in the  
21 type of isolated events you'd run into, is the likelihood that these additional 20 homes create a  
22 significant additional detriment to public safety? I wouldn't think that number would be  
23 detrimental, particularly given that this is another piece toward making an eventual connection,  
24 which corrects an existing 1,700 foot dead end."

21 Brent Carson, Van Ness Feldman, Applicant's Agent

22 Mr. Carson stated his letter goes into detail regarding each of the aforementioned issues. He wanted  
23 to highlight a few points. He stated the 11<sup>th</sup> hour switch in the City's position. The City's code is  
24 clear related to pre-application meetings when submitting long plats in order to avoid the  
25 circumstance where applicants are not clear about what codes will apply. The first pre-application  
26 stated a permanent dead end street is not approvable given the City code. The second pre-  
application meeting allowed a temporary cul de sac with a future stub to allow for eventual  
completion of a loop system. The Code says once the pre-application is done, the applicant should

1 proceed in concert with the City's advice. The Applicant has done that.

2 With respect to Mr. Peterson's withdrawal of his letter, this is no minor thing. Mr. Peterson stated in  
3 August 2013 that a secondary access would be required for approval. Mr. Carson was hired at this  
4 point. He spoke to the City Staff and the Mayor which led to Mr. Peterson's withdrawal of the letter.  
5 Mr. Peterson stated he could reissue the letter based on the final design. The design was not changed  
6 and Mr. Peterson did not reissue the letter. Mr. Peterson desires to have a secondary access but has  
7 not proven the need. Mr. Carson noted Ms. Vanessa Dolby of the City of Renton stated they would  
8 not need to provide secondary access. Ms. Higgins also provided a letter that stated the City would  
9 approve a street modification to allow the project to move forward without a secondary access. The  
10 Applicant contends a variance is not required because they are not proposing a permanent dead end,  
11 but are instead providing a temporary cul de sac. However, to the extent a variance is required; the  
12 Examiner has the authority to grant the variance. The Applicant supports approval of the variance  
13 request (street modification).

14 Mr. Carson notes Stonehaven was approved with a dead end of more than 700 feet because  
15 Stonehaven provided a temporary stub to adjacent properties. No variance was required in that plat.  
16 All secondary access will be provided in the future as adjacent properties develop.

17 The adjacent property owner in this case refuses to sell the property or grant an access easement.  
18 The Staff requirement of a secondary access point represents a significant hardship to the Applicant.  
19 If this was a significant public interest, they could use their condemnation authority. Otherwise, this  
20 represents an unnecessary hardship to the Applicant. The Applicant has offered adequate mitigation  
21 in the form of sprinklers for every residence. The effect of the City's recommendation is legally  
22 arbitrary and capricious. The Applicant asks to remove Condition 5 and grant the variance and the  
23 plat request.

24 Staff Rebuttal

25 Elizabeth Higgins, Senior Planner, City of Renton

26 Ms. Higgins answered a question from the Hearing Examiner regarding the typical condition of  
requiring a gravel, gated access road as emergency access. Ms. Higgins stated the secondary access  
would need to comply with the Fire Code. Ms. Higgins also stated the Fire Department always asks  
for secondary access. Public Works assumes there will be no dead ends. She stated she doesn't  
know the history here and cannot discuss the historical interpretation of secondary access.

Since February, the City has taken a closer look at developments next to slopes. They have studied  
slope stability on existing slopes with respect to vegetation and stormwater.

She also stated pre-application conferences allow for recommendations with respect to requirements  
but do not provide enough information to set those requirements. Ms. Higgins stated the letter from  
Chief Peterson was withdrawn at her request to get the Applicant to support a secondary

1 geotechnical study. The Applicant suggested they would not invest more money in the geotechnical  
2 study if the Chief's letter remained.

3 Larry Warren, Renton City Attorney

4 Mr. Warren addressed the comment of dead end roads. He stated this project extends the dead end  
5 road. There is no way to tell how long before the adjacent property owner will want to develop the  
6 property, if ever. The road may exist as a dead end road ad infinitum. This project creates a longer  
7 dead end road that could be blocked at some point. There is no solution to the dead end road as  
8 currently proposed.

9 The City Code on dead end roads (RMC 4-6-060(H)) requires two means of access and sprinklers  
10 for roads over 700 feet. There is no waiver of secondary means of access. There is only a waiver for  
11 methods of turn around. This code was in place before the Application but after the other existing  
12 subdivision located along the dead end road. There is no definition of a dead end road in City code.  
13 Common definitions would call this road a dead end. This is an infill project on a difficult site.

14 Applicant's Rebuttal

15 Brent Carson, Van Ness Feldman, Applicant's Agent

16 Mr. Carson noted RMC 4-6-060(H)(6) regarding the waiver of a turnaround does not apply. Under  
17 certain circumstances is related to the circumstances when a turnaround does not apply. The Code  
18 section that does apply is RMC 4-7-240 in the subdivision code. This allows variances to be  
19 approved by the Hearing Examiner.

20 This is the same situation as Stonehaven. There is no substantial increased to the public welfare but  
21 the Staff recommendation does provide a significant burden to the Applicant.

22 Public Rebuttal

23 David Rasmussen

24 Mr. Rasmussen stated that parking in front of Stonehaven do not represent the true parking  
25 situation, especially around the holidays.

## 26 **EXHIBITS**

Exhibits 1-31 listed on page 2 of the September 15, 2014 Staff Report, in addition to the Staff Report  
itself (Ex. 1), were admitted into evidence during the public hearing. Additional exhibits admitted  
during the hearing are the following:

- 1 Ex. 32 Eric Hanson Testimony Summary
- 2 Ex. 33 Owen Reese Testimony Summary
- 3 Ex. 34 Ellen Brighten Pictures of Campen Springs and wildlife
- 4 Ex. 35 Brent Carson Letter to HE (9/15/14)
- 5 Ex. 36 Resume of Mr. Maher Jouie
- 6 Ex. 37 Set of maps showing subject site and surrounding area.

## 7 **FINDINGS OF FACT**

### 8 **Procedural:**

- 9 1. Applicant. Harbour Homes.
- 10 2. Hearing. The Examiner held a hearing on the subject application on September 11, 2014 in the City of Renton Council City Chambers.

11 3. Project Description. The applicant has submitted an application for a 20 lot Preliminary Plat. The application includes a request for the waiver of street improvements to allow a dead-end road in excess of 700 feet. Approval of the project would result in the subdivision of a 9.31 acre property, located in the Talbot planning area of the City, into 20 lots suitable for single-family residential use. The proposed density is 4.23 dwelling units per net acre. The project site is currently undeveloped, except for a paved, temporary cul-de-sac.

12 The site contains three land use zones, Residential 1 dwelling unit per net acre (du/ac), Residential 8 (8 du/ac) and Residential 14 (14 du/ac) [Exhibit 3]. Additionally, the area zoned R-1 is located within the Urban Separator overlay. Only the 6.06 acre (263,328 sf) portion that is zoned R-8 is proposed to be developed. The proposed density would be 4.23 du/ac Subdivision into 20 lots would result in a density of 4.05 dwelling units per net acre. Lot sizes would range from 4,500 square feet to 8,134 square feet. In addition to the 20 lots, 6 tracts are proposed for sensitive areas and tree retention.

13 The site is proposed to be accessed via an extension of Smithers Ave. S. The requested modification of Renton Municipal Code, if approved, would permit this access although it is considered to be a “dead end” road from the intersection of SE 186<sup>th</sup> St. The undeveloped site has approximately 400 trees that have been deemed to be “significant.” Trees will be removed, retained, and replaced as required by Renton Municipal Code. An estimated 3,396 cy of cut and 10,035 cy of fill would be required for site construction. A stormwater detention vault is proposed that would discharge to a closed conveyance system on site and subsequently transported to an area-wide system off site. The applicant has submitted a Critical Areas Report, Supplemental Stream Study, Traffic Impact Analysis, Slope Analysis, Geotechnical Engineering study, and a Drainage Technical Information Report with the application.

1  
2 4. Adequacy of Infrastructure/Public Services. As conditioned, the project will be served by  
3 adequate/appropriate infrastructure and public services as follows:

4 A. Water and Sewer Service. Although the project site lies within the boundaries of the  
5 Renton Water Service Area, the City does not have water service mains near the project  
6 site. Water service would be provided by the Soos Creek Water and Sewer District from  
7 an existing water main located at the Smithers Ave S street end at the north portion of the  
8 property. A certificate of water availability from SCWSD must be provided prior to  
9 issuance of construction permits. The site is provided sanitary sewer service by the City  
10 of Renton. There is a sewer main and a manhole at the south end of Smithers Ave S.

11 B. Police and Fire Protection. Police service would be provided by the Renton Fire  
12 Department. The Renton Police Department has commented that there would be minimal  
13 impacts from the project.

14 Fire service would be provided by the Renton Fire Department. Fire Prevention staff  
15 indicate that sufficient resources exist to furnish services to the proposed development;  
16 subject to the condition that the applicant provides Code required improvements and fees  
17 (presumably including fire impact fees) and that a second access be provided to the site in  
18 accordance with RMC 4-6-060H, which prohibits dead end streets longer than 700 feet in  
19 length.

20 The need for a second access is the most significant factual issues presented in this  
21 hearing. The applicant disputes the need for the secondary access. It is determined that  
22 the secondary access is necessary to provide adequate/appropriate fire protection service.

23 The proposed project site is located at the end of an existing dead end street in excess of  
24 700 feet. The proposal asks for approval of a temporary cul-de-sac on an extension of this  
25 street. The length of the extended dead-end street would be approximately 2,364 feet,  
26 from the point at which it becomes a dead end at Main Avenue South (SE 102nd St) and  
SE 186th St to the new street end within the proposed project. Currently, there are 99 lots  
that are accessed by this dead end street.

As testified by Renton Fire Mark Peterson, the length of the street is too challenging to  
service to the area by fire apparatus. He stated last year there was a wildfire traveling  
along the electric easement in a nearby neighborhood. This neighborhood had one access  
point that was cut off by the fire. The fire department could not get in to help residents

1 and residents could not evacuate. Mr. Peterson is also concerned about the neighborhood  
2 being cut off in a seismic event. City code requires a secondary access in roads over 700  
3 feet. The fire department cannot maintain adequate response times to the neighborhood.  
4 Without secondary access, an additional minute is added to the response time to this  
neighborhood.

5 The applicant presented its own fire expert, Carl Anderson, to provide testimony on the  
6 safety of fire access. Mr. Anderson's testimony was not persuasive. The hearing  
7 examiner asked Mr. Anderson if he had any safety concerns over the fact that the  
8 proposed subdivision only has one access point. Mr. Anderson did not respond with a  
9 simple "yes" or "no". Mr. Anderson did not testify that the subdivision would have safe  
10 or adequate fire access with one fire access road. Rather, he concluded that the addition  
11 of the proposed 20 lots would not be "*a significant detriment to public safety based on  
12 what's already in the area*". Mr. Anderson's somewhat tortured response leaves the very  
13 strong impression that he did not want to opine on the fire safety of a single access point  
14 to the subdivision; that instead the most supportive comment he could make for his client  
15 was that in the context of the safety problems faced by the 99 other lots in the area, the  
16 safety impact to the proposed subdivision was not that significant. The fact that other  
17 subdivisions may have similar safety issues has no bearing on whether the single access  
18 to the proposed subdivision is safe and adequate. In short, the applicant has not provided  
19 any expert testimony to refute the Fire Chief's testimony that the proposed single access  
20 would be safe or adequate for the proposed 20 lots.

21 Mr. Anderson noted that the applicant would be willing to provide sprinkler systems to  
22 mitigate against the single access. He did not testify that this would completely mitigate  
23 against the dangers of single access. Mr. Anderson noted that Appendix D to the  
24 International Fire Code addresses the use of fire sprinklers to substitute for secondary  
25 access roads. Appendix D was not offered into evidence and the examiner cannot take  
26 judicial notice of it because it has not been adopted by the City of Renton. More  
determinative is that the Renton Municipal Code does not expressly authorize a  
substitution of secondary access roads with fire sprinklers. In fact, RMC 4-6-060(H)(2)  
already requires sprinklers in addition to two access roads for streets longer than 700 feet  
in length. Clearly, fire sprinklers are not considered an adequate substitute for secondary  
access under city standards if they are already required in addition to secondary access for  
dead end roads such as the one serving the proposed development. If the applicant  
wishes to use fire sprinklers as a substitute for secondary access, it has the burden of  
establishing that the sprinklers will reduce the fire hazard to insignificant levels. The

1 applicant has only shown that the fire hazard is reduced, but has not established or even  
2 asserted that the reduction in hazard would be reduced to acceptable levels.

3 The applicant's arguments are well noted that the single access road was found sufficient  
4 for the other 99 lot served by it and that staff has changed its position on the adequacy of  
5 the access for the proposed subdivision. The inconsistencies in the staff's position does  
6 undermine the credibility of their position. However, the reasoning of the fire chief's  
7 testimony is highly compelling; that testimony is largely left unchallenged by the  
8 applicant; and the need for the two access points is clearly laid out in the City's  
9 development standards with no express exception for sprinkler systems. Further, it must  
10 also be acknowledged that circumstances have changed since the approval of other  
11 subdivisions along the dead end road. In prior years development occurred at a much  
12 more rapid pace and expectations were high that a looped road would be completed  
13 relatively quickly. The length of the dead end road was of course shorter for each  
14 preceding subdivision and the amount of road necessary to complete a looped system was  
15 correspondingly longer.

16 The applicant presented testimony that accidents were unlikely to prevent fire access  
17 given the width of the single access road, but the fire chief was well aware of this  
18 condition when he presented his testimony.

19 The preponderance of evidence and substantial evidence in the record establish that two  
20 access points are necessary to provide adequate/appropriate and safe fire access to the  
21 proposed subdivision.

- 22 C. Drainage. The applicant submitted a drainage report and drainage plan on July 15, 2014,  
23 Ex. 11. Staff have determined that the report demonstrates compliance with 2009 King  
24 County Surface Water Manual and additional requirements, based on specific site  
25 conditions, as required by the Department of Community and Economic Development.  
26 This proposal is specifically required to comply with the 2009 King County Surface  
Water Manual and the 2009 City of Renton Amendments to the KCSWM, Chapter 1 and  
2. Based on the City's flow control map, this site falls within the Flow Control Duration  
Standard, Forested Conditions. This means that off-site flow volumes and rates may not  
be higher than predevelopment levels. The site is subject to full drainage review. The  
project is required to provide detention and water quality under the current King County  
Surface Water Manual. The engineer has provided a design for a combined detention and  
water quality vault to be located on Tract A of the site. A tightlined stormwater  
conveyance system shall be utilized to transport discharged stormwater from a vault to an

1 existing system at the bottom of the protected slope (Tract F). A recorded easement  
2 agreement demonstrating access to the existing system is required by the conditions of  
3 approval prior to issuance of construction permits.

4 Owen Reese, a civil engineer retained by the homeowner's association of the neighboring  
5 Campen Springs development, made several recommendations on drainage mitigation  
6 during the hearing. City engineering staff confirmed that the stormwater suggestions  
7 made by Mr. Reese should be added to the conditions of approval. The suggestions  
8 reasonably protect against slope stability, are made by qualified experts and there is no  
9 evidence to the contrary. The drainage and slope stability recommendations made by Mr.  
10 Reese will be made conditions of approval<sup>1</sup>.

11 D. Parks/Open Space. City ordinances require the payment of park impact fees prior to  
12 building permit issuance. RMC 4-2-115, which governs open space requirements for  
13 residential development, does not have any specific requirements for open space for  
14 residential development in the R-1 or R-8 district. RMC 4-2-115 does impose open space  
15 requirements for the R-14 district based upon the number of dwelling units, but since no  
16 dwelling units are proposed for the R-14 portion of the development, no open space is  
17 required. RMC 4-3-110 requires that 50% of the portion of the plat within the Urban  
18 Separator Overlay shall be designated as a non-revocable open space tract. As  
19 determined in the staff report, p. 14, the open space tract proposed by the applicant  
20 satisfies this standard (which appears to be accomplished by Tract F, which takes up most  
21 if not all of the Urban Separator property, see Ex. 4) . The impact fees in conjunction  
22 with the open space tract required by the Talbot Urban Separator provide for adequate  
23 parks and open space.

24 E. Streets. The proposal provides for adequate/appropriate streets. Access to the plat is  
25 proposed via Smithers Ave and the conditions of approval require the applicant to extend  
26 Smithers through the adjoining property to the east to 102<sup>nd</sup> Ave S. Internal access  
includes looped alley access. The applicant prepared a traffic impact analysis, admitted  
as Ex. 30, that was reviewed and approved by City public works staff. The study  
determined that the proposal would generate 16 am peak hour trips and 21 pm peak hour  
trips. The study shows that affected intersections would maintain a level of service A  
with or without the project. There is no concurrency analysis submitted into the record.

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<sup>1</sup> Mr. Reese also recommended that the applicant monitor a migrating stream channel located off-site. Mr. Reese and staff acknowledged that the proposal does not adversely affect or exacerbate this condition. Consequently, the project cannot be legally conditioned to address the issue.

1           However, given the lack of any significant impact on affected intersections it is  
2           determined at this time the proposal is consistent with the City level of service standards.

3           F. Parking. Sufficient area exists, on each lot, to accommodate required off street parking  
4           for a minimum of two vehicles per dwelling unit as required by City code.

5           G. Schools. Adequate/appropriate provision is made for schools. The proposal is located  
6           within the Renton School District. The staff report notes that it is anticipated that the  
7           Renton School District can accommodate additional students generated by this proposal  
8           at the following schools: Benson Hill Elementary, Nelson Middle School, and Lindbergh  
9           High School. These schools are not within walking distance of the proposed  
          development. Transportation would be required.

10           A School Impact Fee, based on new single family lots, will also be required in order to  
11           mitigate the proposal's potential impacts to the Renton School District. The fee is payable  
12           to the City as specified by the Renton Municipal Code. Currently the fee is assessed at  
          \$5,455.00 per single family residence.

13           5. Adverse Impacts. There are no adverse impacts associated with the proposal as conditioned  
14           with secondary access. Adequate public facilities and drainage control are provided as determined in  
15           Finding of Fact No. 4. The proposal involves single-family housing at a density 4.23 dwelling units  
16           per acre, which is at the bottom end of the 4-8 units per acre required in the R-8 zone. This is a  
          legislatively set standard of what is considered a compatible density for the area. Consequently,  
          there are no issues of compatibility with surrounding development based on density.

17           Many of the public comment letters expressed concern over the loss of trees. There are 401  
18           trees on site with diameters of more than six inches. The applicant proposes to retain 42 of these  
19           trees and replace the remaining trees with 140 two-inch diameter trees. Most development of  
20           undeveloped areas involves the removal of trees. What constitutes an acceptable level of tree  
21           removal is a highly subjective determination. As with density, the Renton City Council has  
          legislatively determined an acceptable level of tree removal by the adoption of tree retention  
          ordinance codified as RMC 4-4-130. As noted at p. 14 of the staff report, the applicant's tree  
          retention and replacement plan is consistent with RMC 4-4-130. Consequently, the proposed tree  
          removal cannot be considered a significant impact of the proposal.

22           There are protected slopes, wetlands, and a stream located within proposed sensitive area  
23           tracts (Native Growth Protection Areas) on the site. The anticipated impacts of these areas have been  
24           addressed in technical reports and studies [Exhibits 16-27] and the Environmental Review  
25           Committee Report [Exhibit 31]. The project complies with all critical area regulations provided all  
26           mitigation measures are met as identified in the Environmental Review Committee Report. A storm  
          drainage line is proposed across the face of the protected slopes. A critical area exemption is  
          required for placing drainage lines on protected slopes. Staff determined that the proposed drainage  
          line, as conditioned, would improve slope stability. Staff has found slope stability to improve for

1 other proposals under the same conditions. As concluded in the conclusions of law, this resulting  
2 increase in slope stability serves as the basis for approving the critical area exemption.

3 Several public comment letters expressed concern over the encroachment of the project onto  
4 the fifty foot buffer of a Category II wetland and at least one comment letter asserted there are two  
5 Category II wetlands on-site as opposed to one. As depicted in a site plan attached to the critical area  
6 study, Ex. 17, five<sup>2</sup> lots encroach onto the fifty foot buffer of the wetland as well as Tract A (the  
7 storm drainage tract) and portions of the interior road. The applicant has proposed to remove these  
8 encroachments through buffer averaging, which is allowed by the code and involves the replacement  
9 of buffer reduction area by 1:1 increases in buffer area at other parts of the buffer. A total of 10,463  
10 square feet of buffer will be reduced and a total of 12, 198 square feet will be added in the buffer  
11 averaging proposal. The buffer averaging proposal has been reviewed and approved by qualified  
12 third party review, Ex. 16, as well as by staff. The critical area studies provide a compelling and  
13 thorough justification for the averaging based upon best available science. There is no evidence in  
14 the record that the proposed averaging would adversely affect the wetland or that the wetland  
15 delineations are inaccurate. For these reasons, the proposed buffer averaging is determined to be  
16 consistent with the City's critical area regulations and will not create any significant adverse impacts  
17 to the wetland functions or values.

18 Erosion and slope stability were also cited in numerous public comment letters as an area of  
19 concern. As noted previously, staff have concluded that the proposed drainage line across the steep  
20 slope will serve to improve slope stability. The City has detailed erosion control standards  
21 applicable to clearing and grading activities that will protect adjoining properties from erosion  
22 impacts. As previously noted, the City stormwater regulations require off-site stormwater flow  
23 volumes and velocities to be at or less than pre-development conditions. The proposal has also been  
24 subject to extensive geotechnical review coupled with third party review designed to assure that the  
25 proposal will not adversely affect slope stability, as shown in Ex. 19-26 and 31. There has been no  
26 expert testimony to show that the analysis and mitigation pertaining to erosion and slope stability is  
deficient, except for some suggestions made by Mr. Reese, all of which have been adopted except a  
request to monitor stream channel migration that Mr. Reese acknowledged is not affected by the  
proposal. For all these reasons, it is determined that the proposal will not create any significant slope  
stability or erosion impacts.

## 20 **Conclusions of Law**

21 1. Authority. RMC 4-7-020(C) and 4-7-050(D)(5) provide that the Hearing Examiner shall hold  
22 a hearing and issue a final decision on preliminary plat applications. RMC 4-8-080(G) classifies  
23 preliminary plat applications as Type III applications. RMC 4-8-080(G) classifies development  
24 standard modifications as Type I applications. RMC 4-8-080(C)(2) requires consolidated permits to

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25 <sup>2</sup> The site plan actually only shows a buffer reduction in four lots, neglecting to identify a reduction in buffer for Lot  
26 21. The text of the critical areas study, however, identifies at p. 14 that the buffer on Lot 21 will be removed through  
averaging. Consequently, it is understood that the site plan incorrectly fails to identify buffer removal from Lot 21.

1 each be processed under “the highest-number procedure”, which in this case is Type III review,  
2 involving a review and a final decision issued by the hearing examiner.

3 2. Zoning/Comprehensive Plan Designations. The developed portion of the property is zoned  
4 R-8. Other portions of the property are zoned R-1, R-1 and the western third is within the Talbot  
5 Urban Separator Overlay. The comprehensive plan designations are Residential Low Density  
(RLD), Residential Single-Family (RSF) and Residential Medium Density (RMD).

6 3. Review Criteria. Chapter 4-7 RMC governs the criteria for subdivision review. Applicable  
7 standards are quoted below in italics and applied through corresponding conclusions of law.

8 **RMC 4-7-080(B):** *A subdivision shall be consistent with the following principles of acceptability:*

9 1. *Legal Lots: Create legal building sites which comply with all provisions of the City Zoning Code.*

10 2. *Access: Establish access to a public road for each segregated parcel.*

11 3. *Physical Characteristics: Have suitable physical characteristics. A proposed plat may be denied  
12 because of flood, inundation, or wetland conditions. Construction of protective improvements may  
13 be required as a condition of approval, and such improvements shall be noted on the final plat.*

14 4. *Drainage: Make adequate provision for drainage ways, streets, alleys, other public ways, water  
15 supplies and sanitary wastes.*

16 4. As to compliance with the Zoning Code, Conclusion K(2) of the staff report is adopted by  
17 reference as if set forth in full. As depicted in the plat map, Ex. 37, each proposed lot will directly  
18 access Smithers Ave S., a public road, or indirectly via a private alley. As determined in Finding of  
19 Fact No. 4 and 5, the project is adequately designed to prevent any impacts to critical areas. No  
20 flooding problems are anticipated because as determined in Finding of Fact No. 4 the proposal is  
21 served by adequate/appropriate stormwater facilities and the project is not located in a floodplain.  
22 As determined in Finding of Fact No. 4, the proposal provides for adequate public facilities.

23 5. **RMC 4-7-080(I)(1):** *...The Hearing Examiner shall assure conformance with the general  
24 purposes of the Comprehensive Plan and adopted standards...*

25 6. The proposed preliminary plat is consistent with the Renton Comprehensive Plan as outlined  
26 in Conclusion K(1) of the staff report, which is incorporated by this reference as if set forth in full.

**RMC 4-7-120(A):** *No plan for the replatting, subdivision, or dedication of any areas shall be  
approved by the Hearing Examiner unless the streets shown therein are connected by surfaced road  
or street (according to City specifications) to an existing street or highway.*

1 7. All of the internal roads of the proposed subdivision eventually connect to Smithers Ave S.,  
2 an existing road.

3 **RMC 4-7-120(B):** *The location of all streets shall conform to any adopted plans for streets in the*  
4 *City.*

5 8. The City's adopted street plans are not addressed in the staff report or anywhere else in the  
6 administrative record. However, the only other street connections that appear possible with the  
7 steep slope and open space limitations to the west are those proposed and required by this decision.

8 **RMC 4-7-120(C):** *If a subdivision is located in the area of an officially designed [sic] trail,*  
9 *provisions shall be made for reservation of the right-of-way or for easements to the City for trail*  
10 *purposes.*

11 9. The subdivision is not located in the area of an officially designated trail.

12 **RMC 4-7-130(C):** *A plat, short plat, subdivision or dedication shall be prepared in conformance*  
13 *with the following provisions:*

14 *1. Land Unsuitable for Subdivision: Land which is found to be unsuitable for subdivision includes*  
15 *land with features likely to be harmful to the safety and general health of the future residents (such*  
16 *as lands adversely affected by flooding, steep slopes, or rock formations). Land which the*  
17 *Department or the Hearing Examiner considers inappropriate for subdivision shall not be*  
18 *subdivided unless adequate safeguards are provided against these adverse conditions.*

19 *a. Flooding/Inundation: If any portion of the land within the boundary of a preliminary plat is*  
20 *subject to flooding or inundation, that portion of the subdivision must have the approval of the State*  
21 *according to chapter 86.16 RCW before the Department and the Hearing Examiner shall consider*  
22 *such subdivision.*

23 *b. Steep Slopes: A plat, short plat, subdivision or dedication which would result in the creation of a*  
24 *lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-*  
25 *050J1a, without adequate area at lesser slopes upon which development may occur, shall not be*  
26 *approved.*

...

*3. Land Clearing and Tree Retention: Shall comply with RMC 4-4-130, Tree Retention and Land*  
*Clearing Regulations.*

*4. Streams:*

1 *a. Preservation: Every reasonable effort shall be made to preserve existing streams, bodies of water,*  
2 *and wetland areas.*

3 *b. Method: If a stream passes through any of the subject property, a plan shall be presented which*  
4 *indicates how the stream will be preserved. The methodologies used should include an overflow*  
5 *area, and an attempt to minimize the disturbance of the natural channel and stream bed.*

6 *c. Culverting: The piping or tunneling of water shall be discouraged and allowed only when going*  
7 *under streets.*

8 *d. Clean Water: Every effort shall be made to keep all streams and bodies of water clear of debris*  
9 *and pollutants.*

10 10. The criterion is met. The land is suitable for a subdivision as the stormwater design assures  
11 that it will not contribute to flooding and that water quality will not be adversely affected.  
12 Development will not encroach into critical areas except as authorized by the City's critical area  
13 regulations. No piping or tunneling of streams is proposed. Trees will be retained as required by  
14 RMC 4-4-130 as determined in Finding of Fact No. 5. The on-site stream will be protected by the  
15 critical area ordinance compliant buffer that applies to it. The City's stormwater regulations provide  
16 for adequate protection of water quality for the on-site stream and wetlands.

17 **RMC 4-7-140:** *Approval of all subdivisions located in either single family residential or multi-*  
18 *family residential zones as defined in the Zoning Code shall be contingent upon the subdivider's*  
19 *dedication of land or providing fees in lieu of dedication to the City, all as necessary to mitigate the*  
20 *adverse effects of development upon the existing park and recreation service levels. The*  
21 *requirements and procedures for this mitigation shall be per the City of Renton Parks Mitigation*  
22 *Resolution.*

23 11. City ordinances require the payment of park impact fees prior to building permit issuance.

24 **RMC 4-7-150(A):** *The proposed street system shall extend and create connections between existing*  
25 *streets unless otherwise approved by the Public Works Department. Prior to approving a street*  
26 *system that does not extend or connect, the Reviewing Official shall find that such exception shall*  
*meet the requirements of subsection E3 of this Section. The roadway classifications shall be as*  
*defined and designated by the Department.*

12. As conditioned, the proposed street system connects existing streets.

**RMC 4-7-150(B):** *All proposed street names shall be approved by the City.*

13. As conditioned.

1 **RMC 4-7-150(C):** *Streets intersecting with existing or proposed public highways, major or*  
2 *secondary arterials shall be held to a minimum.*

3 14. There is no intersection with a public highway or major or secondary arterial.

4 **RMC 4-7-150(D):** *The alignment of all streets shall be reviewed and approved by the Public Works*  
5 *Department. The street standards set by RMC 4-6-060 shall apply unless otherwise approved. Street*  
6 *alignment offsets of less than one hundred twenty five feet (125') are not desirable, but may be*  
7 *approved by the Department upon a showing of need but only after provision of all necessary safety*  
8 *measures.*

9 15. As determined in Finding of Fact 4, the Public Works Department has reviewed and  
10 approved the adequacy of streets, which includes compliance with applicable street standards.

11 **RMC 4-7-150(E):**

12 *1. Grid: A grid street pattern shall be used to connect existing and new development and shall be the*  
13 *predominant street pattern in any subdivision permitted by this Section.*

14 *2. Linkages: Linkages, including streets, sidewalks, pedestrian or bike paths, shall be provided*  
15 *within and between neighborhoods when they can create a continuous and interconnected network*  
16 *of roads and pathways. Implementation of this requirement shall comply with Comprehensive Plan*  
17 *Transportation Element Objective T-A and Policies T-9 through T-16 and Community Design*  
18 *Element, Objective CD-M and Policies CD-50 and CD-60.*

19 *3. Exceptions:*

20 *a. The grid pattern may be adjusted to a “flexible grid” by reducing the number of linkages or the*  
21 *alignment between roads, where the following factors are present on site:*

22 *i. Infeasible due to topographical/environmental constraints; and/or*

23 *ii. Substantial improvements are existing.*

24 *4. Connections: Prior to adoption of a complete grid street plan, reasonable connections that link*  
25 *existing portions of the grid system shall be made. At a minimum, stub streets shall be required*  
26 *within subdivisions to allow future connectivity.*

*5. Alley Access: Alley access is the preferred street pattern except for properties in the Residential*  
*Low Density land use designation. The Residential Low Density land use designation includes the*

1 *RC, R-1, and R-4 zones. Prior to approval of a plat without alley access, the Reviewing Official shall*  
2 *evaluate an alley layout and determine that the use of alley(s) is not feasible...*

3 *6. Alternative Configurations: Offset or loop roads are the preferred alternative configurations.*

4 *7. Cul-de-Sac Streets: Cul-de-sac streets may only be permitted by the Reviewing Official where due*  
5 *to demonstrable physical constraints no future connection to a larger street pattern is physically*  
6 *possible.*

7 16. The proposed and required connections are the maximum that can be included given the steep  
8 slopes to the west, critical areas to the south, existing development and the vacant parcels to the  
9 south. Lots 11-16 are accessed by an alley. The proposal as conditioned contains a looped road and no cul-de-sac is proposed. The criterion  
10 above is met.

11 **RMC 4-7-150(F):** *All adjacent rights-of-way and new rights-of-way dedicated as part of the plat,*  
12 *including streets, roads, and alleys, shall be graded to their full width and the pavement and*  
13 *sidewalks shall be constructed as specified in the street standards or deferred by the*  
14 *Planning/Building/Public Works Administrator or his/her designee.*

15 17. As proposed.

16 **RMC 4-7-150(G):** *Streets that may be extended in the event of future adjacent platting shall be*  
17 *required to be dedicated to the plat boundary line. Extensions of greater depth than an average lot*  
18 *shall be improved with temporary turnarounds. Dedication of a full-width boundary street shall be*  
19 *required in certain instances to facilitate future development.*

20 18. There are no streets that could be extended in the event of future adjacent platting under the  
21 approved subdivision design.

22 **RMC 4-7-170(A):** *Insofar as practical, side lot lines shall be at right angles to street lines or radial*  
23 *to curved street lines.*

24 19. As depicted in Ex. 37, the side lines are in conformance with the requirement quoted above.

25 **RMC 4-7-170(B):** *Each lot must have access to a public street or road. Access may be by private*  
26 *access easement street per the requirements of the street standards.*

20. As previously determined, each lot has access to a public street.

**RMC 4-7-170(C):** *The size, shape, and orientation of lots shall meet the minimum area and width*  
*requirements of the applicable zoning classification and shall be appropriate for the type of*

1 *development and use contemplated. Further subdivision of lots within a plat approved through the*  
2 *provisions of this Chapter must be consistent with the then-current applicable maximum density*  
3 *requirement as measured within the plat as a whole.*

4 21. As previously determined, the proposed lots comply with the zoning standards of the R-8  
5 zone, which includes area, width and density.

6 **RMC 4-7-170(D):** *Width between side lot lines at their foremost points (i.e., the points where the*  
7 *side lot lines intersect with the street right-of-way line) shall not be less than eighty percent (80%) of*  
8 *the required lot width except in the cases of (1) pipestem lots, which shall have a minimum width of*  
9 *twenty feet (20') and (2) lots on a street curve or the turning circle of cul-de-sac (radial lots), which*  
10 *shall be a minimum of thirty five feet (35').*

11 22. As shown in Ex. 37, the requirement is satisfied.

12 **RMC 4-7-170(E):** *All lot corners at intersections of dedicated public rights-of-way, except alleys,*  
13 *shall have minimum radius of fifteen feet (15').*

14 23. As conditioned.

15 **RMC 4-7-190(A):** *Due regard shall be shown to all natural features such as large trees,*  
16 *watercourses, and similar community assets. Such natural features should be preserved, thereby*  
17 *adding attractiveness and value to the property.*

18 24. The on-site wetland and stream is set-aside from the developed portion of the subdivision.  
19 The criteria above is met.

20 **RMC 4-7-200(A):** *Unless septic tanks are specifically approved by the Public Works Department*  
21 *and the King County Health Department, sanitary sewers shall be provided by the developer at no*  
22 *cost to the City and designed in accordance with City standards. Side sewer lines shall be installed*  
23 *eight feet (8') into each lot if sanitary sewer mains are available, or provided with the subdivision*  
24 *development.*

25 25. As conditioned.

26 **RMC 4-7-200(B):** *An adequate drainage system shall be provided for the proper drainage of all*  
*surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of*  
*sufficient length to permit full-width roadway and required slopes. The drainage system shall be*  
*designed per the requirements of RMC 4-6-030, Drainage (Surface Water) Standards. The drainage*  
*system shall include detention capacity for the new street areas. Residential plats shall also include*  
*detention capacity for future development of the lots. Water quality features shall also be designed to*  
*provide capacity for the new street paving for the plat.*

1 26. The proposal provides for adequate drainage that is in conformance with applicable City drainage  
2 standards as determined in Finding of Fact No. 4. The City's stormwater standards, which are  
3 incorporated into the technical information report and will be further implemented during civil plan  
review, ensure compliance with all of the standards in the criterion quoted above.

4 **RMC 4-7-200(C):** *The water distribution system including the locations of fire hydrants shall be*  
5 *designed and installed in accordance with City standards as defined by the Department and Fire*  
6 *Department requirements.*

7 27. As conditioned.

8 **RMC 4-7-200(D):** *All utilities designed to serve the subdivision shall be placed underground. Any*  
9 *utilities installed in the parking strip shall be placed in such a manner and depth to permit the*  
10 *planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all*  
11 *service connections, as approved by the Department. Such installation shall be completed and*  
*approved prior to the application of any surface material. Easements may be required for the*  
*maintenance and operation of utilities as specified by the Department.*

12 28. As conditioned.

13 **RMC 4-7-200(E):** *Any cable TV conduits shall be undergrounded at the same time as other basic*  
14 *utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line*  
15 *by subdivider as to obviate the necessity for disturbing the street area, including sidewalks, or alley*  
16 *improvements when such service connections are extended to serve any building. The cost of*  
17 *trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required to*  
18 *bring service to the development shall be borne by the developer and/or land owner. The subdivider*  
19 *shall be responsible only for conduit to serve his development. Conduit ends shall be elbowed to*  
*final ground elevation and capped. The cable TV company shall provide maps and specifications to*  
*the subdivider and shall inspect the conduit and certify to the City that it is properly installed.*

20 29. As conditioned.

21 **RMC 4-7-210:**

22 A. MONUMENTS:

23 *Concrete permanent control monuments shall be established at each and every controlling corner of*  
24 *the subdivision. Interior monuments shall be located as determined by the Department. All surveys*  
25 *shall be per the City of Renton surveying standards.*

26 B. SURVEY:

1 *All other lot corners shall be marked per the City surveying standards.*

2 *C. STREET SIGNS:*

3 *The subdivider shall install all street name signs necessary in the subdivision.*

4 30. As conditioned.

5  
6 **Street Modification**

7 31. RMC 4-6-060(H)(2) requires two means of access for homes served by a dead end street  
8 longer than 700 feet. The applicant wishes to have this secondary access requirement waived for the  
9 dead end street that serves it, Smithers Ave. S. The length of Smithers Ave. S. as extended by the  
proposed subdivision would be 2,364 feet.

10 RMC 4-9-250(C)(2) authorizes the waiver of the installation of street improvements<sup>3</sup> subject to the  
11 determination that there is reasonable justification for such waiver. RMC 4-9-250(5) provides that  
reasonable justification shall include but not be limited to the following:

- 12  
13 *a. Required street improvements will alter an existing wetlands or stream, or have a*  
*negative impact on a shoreline's area.*  
14 *b. Existing steep topography would make required street improvements infeasible.*  
15 *c. Required street improvements would have a negative impact on other properties,*  
*such as restricting available access.*  
16 *d. There are no similar improvements in the vicinity and there is little likelihood*  
*that the improvements will be needed or required in the next ten (10) years.*  
17 *e. In no case shall a waiver be granted unless it is shown that there will be no*  
18 *detrimental effect on the public health, safety or welfare if the improvements are not*  
19 *installed, and that the improvements are not needed for current or future*  
20 *development.*

21  
22 <sup>3</sup> The secondary access required by staff may not have to be "improved" since its sole purpose is to provide for  
23 emergency access and no paving or even grading may be necessary. The issue at hand could be characterized as  
24 more of a street grid issue than a street improvement issue. Consequently, it is debatable whether the RMC 4-9-  
25 250(C)(2) waiver process applies in this instance. The alternative modification process would be RMC 4-9-250(D),  
26 which applies to those standards not covered by RMC 4-9-250(B) or (C). The proposal would also fail to meet the  
RMC 4-9-250(D), since authorizing one access point would not meet the intent or safety objectives of the Code.  
The applicant used the criteria of RMC 4-9-250(B)(5) in its briefing, which clearly does not apply to the requested  
modification. The RCW 4-9-250(B)(5) criteria only apply to the development standards expressly identified in  
RCW 4-9-250(B)(1). RMC 4-6-060(H)(2) is not listed amongst those standards.

1 The requested waiver cannot be approved because it fails to meet RMC 4-4-080(C)(5)(e). As  
2 determined in Finding of Fact No. 4, waiver of the proposed secondary access requirement would  
3 prevent the provision of safe and appropriate/adequate fire response. Consequently, the proposal will  
4 have a detrimental effect on public safety. As testified by the Fire Chief, one access point can prevent  
5 fire apparatus from reaching the subdivision in case of emergency due to large numbers of persons  
6 leaving the emergency scene or damage caused by the emergency (such as seismic events and  
7 wildfires).

8 The applicant asserts that the proposed stub ending for Smithers Road does not qualify as a “dead  
9 end” under RMC 4-6-060(H), and hence the two access requirement does not apply. The applicant  
10 argues that a stub road should not be considered a dead end because it is only a temporary situation  
11 that will be removed upon development of the adjoining subdivision to the east. It is concluded that  
12 the proposed stub road qualifies as a dead end. This interpretation is supported by both the plain  
13 meaning and the intent of the ordinance. The Meriam Webster definition of “dead end” is “a street  
14 that ends instead of joining with another street so that there is only one way in and out of it”. The  
15 proposed stub road clearly meets this definition. The idea that a stub road is not a “dead end” road  
16 does not meet the intent of the two access requirement, which is to prevent a dangerous situation.  
17 The “temporary” road stub could be in place for years and even decades before the adjoining property  
18 to the east is developed. The risk of preventing fire access, which is what the two access requirement  
19 is designed to minimize, is not materially reduced by a stub road that could remain in place for this  
20 period of time. It is also noteworthy that the “dead end” situation for development along Smithers  
21 Ave. S. could have always been considered temporary, since Smithers will eventually form a looped  
22 system. Despite this “temporary” situation, staff in the Stonehaven development, located along S.  
23 47<sup>th</sup> St. (which is an extension of the Smithers dead end street ) still required a modification to the  
24 two access requirement of RMC 4-6-060(H)(2)<sup>4</sup>. See Ex. 37, att. J, Finding of Fact No. 14.

25 The applicant points out in its briefing that RMC 4-6-060(H)(1) provides that cul-de-sacs and dead  
26 ends should only be authorized in circumstances where no “future connection” to a road grid is  
physically possible. If “road stub” qualifies as a cul-de-sac or dead end, then RMC 4-6-060 would  
have to be read as only authorizing road stubs if no “future connection” to a road grid is possible,  
which of course makes no sense. The conclusion to be drawn from this language is either that (1) a  
cul-de-sac or dead end does not include a road stub; or (2) RMC 4-6-060(H)(1) impliedly only applies  
to permanent cul-de-sacs or dead ends (i.e. not road stubs). Given the plain meaning of the “cul-de-  
sac” and “dead end” terms and the fire safety objectives of RMC 4-6-060(H)(2), the latter  
interpretation is determinative. The City Council likely intended that RMC 4-6-060(H)(1) would  
require staff to only authorize permanent dead ends when it was physically not feasible to require a  
connection and if any dead ends had to be allowed, the fire safety impacts would be mitigated by the  
secondary access and sprinkler standards imposed by RMC 4-6-060(H)(2). Given that a “future”

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<sup>4</sup> At the hearing the City Attorney noted that RMC 4-6-060 has been amended several times over the years and its unclear whether the same two access requirement applied to other subdivisions along the Smithers Ave S dead end road system. A look at the legislative history available to the examiner reveals that RMC 4-6-060(H) has remained the same since at least 1995, when RMC 4-6-060 was first adopted. The Stonehaven preliminary plat was approved in 2004.

1 connection could take decades to complete, it is doubtful that the Council would have intended a road  
2 stub to remain in place for decades without the mitigation required by RMC 4-6-060(H)(2).

3 The most difficult issue raised by the applicant is the potential violation of its constitutional property  
4 rights. It is logical to presume that the Council does not intend its development regulations to be  
5 interpreted in a manner that is inconsistent with the constitutional rights of property applicants. At  
6 the least, violation of those rights is counter to the financial interests of the City since property rights  
7 violation easily translate into damages claims. An exaction that exceeds the proportional  
8 responsibility of an applicant for a development impact is a violation of the takings clause. *See, e.g.*  
9 *Burton v. Clark County*, 91 Wn. App. 505, 516-17 (1998). A strictly proportionate requirement from  
10 the applicant for a looped fire access road system would arguably just be requiring the construction of  
11 that portion of the loop located on the preliminary plat property. However, even if this were  
12 technically correct for strict proportionality, only rough proportionality is required in exactions cases.  
13 *See, Sparks v. Douglas County*, 127 Wn.2d 901, 918 (1995) (“it is not necessary for the government to show a  
14 “precise mathematical calculation” of the connection between the exaction and the impact of the proposed  
15 development.”) It is also of high relevance that the public interest at stake is at the high end of the range of  
16 compelling government interests, namely public safety. Requiring the applicant to acquire access rights  
17 across private property to mitigate against congestion or aesthetic impacts may be questionable under a  
18 proportionality analysis. However, the City is in a very good position to argue that requiring the acquisition  
19 of access rights across one adjoining lot is entirely proportionate to avoiding the dangers identified by the  
20 Renton Fire Chief as attendant to placing an additional 20 homes near the end of a half mile dead end road.

21 Ultimately, the merits of the applicant’s constitutional arguments do not have to be addressed. As  
22 previously discussed, the constitutional issues are relevant to the interpretation of City development  
23 standards. Beyond this, the examiner has no authority to waive City development standards if they  
24 violate the constitutional property rights of an applicant. RMC 4-9-250(C)(5)(e) strictly provides that  
25 “in no case” shall a waiver be granted unless it is shown that there will be no detrimental effect on the  
26 public health, safety or welfare. There may be some room to allow constitutional restrictions to  
influence what level of risk of harm should be considered “detrimental” under the standard, but that  
only goes so far. The Renton Fire Chief testified that in case of emergency there was a danger that he  
may be prevented from dispatching his fire trucks to the proposed subdivision because of the half  
mile long dead end road. As determined in the findings of fact, the applicant did not provide any  
convincing evidence to the contrary. No matter how liberally construed to achieve consistency with  
constitutional requirements, there is no way to reach a conclusion of “no detrimental” effect on  
public safety given the testimony of the fire chief.

## 21 22 **DECISION**

23 The proposed preliminary plat and street improvement waiver is approved, subject to the following  
24 conditions:

- 25 1. The applicant shall comply with mitigation measures issued as part of the Mitigated  
26 Determination of Non-Significance for the proposal.

- 1 2. All proposed street names shall be approved by the City.
- 2 3. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have  
3 minimum radius of fifteen feet (15').
- 4 4. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are  
5 available, or provided with the subdivision development.
- 6 5. All utilities designed to serve the subdivision shall be placed underground. Any utilities  
7 installed in the parking strip shall be placed in such a manner and depth to permit the planting  
8 of trees. Those utilities to be located beneath paved surfaces shall be installed, including all  
9 service connections, as approved by the Department of Public Works. Such installation shall  
10 be completed and approved prior to the application of any surface material. Easements may  
11 be required for the maintenance and operation of utilities as specified by the Department of  
12 Public Works.
- 13 6. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are  
14 installed to serve each lot. Conduit for service connections shall be laid to each lot line by  
15 Applicant as to obviate the necessity for disturbing the street area, including sidewalks, or  
16 alley improvements when such service connections are extended to serve any building. The  
17 cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore  
18 required to bring service to the development shall be borne by the developer and/or land  
19 owner. The applicant shall be responsible only for conduit to serve his development. Conduit  
20 ends shall be elbowed to final ground elevation and capped. The cable TV company shall  
21 provide maps and specifications to the applicant and shall inspect the conduit and certify to  
22 the City that it is properly installed.
- 23 7. The applicant shall install all street name signs necessary in the subdivision prior to final plat  
24 approval.
- 25 8. The easements for the alley shall authorize access to all lots of the proposed subdivision.
- 26 9. The applicant shall comply with nine the mitigation measures issued as part of the  
Determination of Non-Significance Mitigated, dated August 26, 2014 [Exhibit 14].
10. The applicant shall submit a detailed landscape plan, meeting all landscape plan submittal  
requirements of RMC 4-8-120L. The detailed landscape shall be submitted to and approved  
by the Current Planning Project Manager prior to issuance of construction permits. Street

1 trees shall not include Callery Pear and trees on S. 48th Pl shall be a different type from those  
2 on Smithers Ave S.

3 11. The Replacement Tree Plan shall be revised to show the proposed locations for replanting  
4 140 two-inch diameter replacement trees.

5 12. Vegetation (trees, shrubs, and ground cover) shall be planted to replace vegetation (trees,  
6 shrubs, and ground cover) removed for installation of the stormwater conveyance between  
7 the stormwater vault and the west property boundary of the property. Type and quantities  
8 shall be sufficient to ensure erosion control in the protected slope area.

9 13. The primary access road, Smithers Ave S, shall connect to S 48th Pl and be extended to the  
10 east to provide a second access from Main Ave S (102nd Ave SE) at its intersection with SE  
11 186th St. The completion of this street and its connection to Main Ave S shall be a condition  
12 of project approval. The extent of street improvements necessary to effectuate this  
13 connection shall be determined by the City of Renton Fire Department in accordance with  
14 applicable fire code standards and shall be the minimum necessary to provide for safe and  
15 effective secondary fire access. The extended street, providing a second access to the  
16 proposed development, shall have construction completed prior to recording the final plat.

17 14. A recorded easement agreement demonstrating access to the existing downslope stormwater  
18 control system shall be submitted prior to issuance of construction permits.

19 15. A Homeowners' Association shall be incorporated for maintenance and equal and undivided  
20 ownership of the tracts, the private access road, and the alley.

21 16. An easement shall be recorded along the east property boundary for future extension of the  
22 sanitary sewer system. The easement shall be at the time of recording the final plat.

23 17. All new fill shall be composed of free draining structural fill and not native soils.

24 18. Drainage from western lots into the steep slopes shall be minimized and all such drainage  
25 shall be dispersed.

26 19. Anchors for the stormwater tight line shall only be placed on the top and bottom of the pipe.  
The anchors should be designed to withstand tree fall and soil movement. The pipeline  
should be constructed at the top and pulled down the slope rather than moving it up the hill.

1 DATED this 3rd day of October, 2014.

2   
3 Phil A. Olbrechts

4 City of Renton Hearing Examiner

5  
6 **Appeal Right and Valuation Notices**

7 RMC 4-8-080 provides that the final decision of the hearing examiner is subject to appeal to the  
8 Renton City Council. RMC 4-8-110(E)(14) requires appeals of the hearing examiner's decision  
9 to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision.  
10 A request for reconsideration to the hearing examiner may also be filed within this 14 day appeal  
11 period as identified in RMC 4-8-110(E)(13) and RMC 4-8-100(G)(9). A new fourteen (14) day  
12 appeal period shall commence upon the issuance of the reconsideration. Additional information  
13 regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall –  
14 7<sup>th</sup> floor, (425) 430-6510.

15 Affected property owners may request a change in valuation for property tax purposes  
16 notwithstanding any program of revaluation.  
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