

1 bioswale will be used to treat stormwater. Secondary drainage review is limited to the wall of the
2 drainage facility, not the entire downstream system.

3 Tom Carpenter, neighboring resident, read a written statement. He noted there is a very large
4 concern on the part of residents that the required stop light will make conditions worse. He noted that
5 there should not be impediments to traffic flow of the road, which serves as a 405 bypass. The traffic
6 analysis does not yet include the areas of concern. Concentrating trees in a tree retention tract
7 doesn't align with the dispersed character of trees on the plateau. Mr. Carpenter requested that the
8 examiner include language in the final decision that identifies the problems with the city's
9 concurrency system, which essentially authorizes any development in the city. The City's
10 concurrency system is atypical and violates the Growth Management Act. King County's
11 concurrency regulations prohibit any development on the plateau in unincorporated King County.
12 Mr. Carpenter recognized that the City is addressing the problem, but those efforts are too late for the
13 Alpine Meadows development. Mr. Carpenter stated that all platting on the plateau should be
14 delayed until the City completes its work on concurrency.

15 Robert Metcalf, neighbor, testified that many neighbors are concerned about 160th, because it is a dirt
16 road with underground utilities. He is concerned about heavy equipment travelling over the
17 equipment. He also questioned whether part of the road width would be paved and part not. Ms.
18 Timmons noted that 20 feet of the width would be paved allowing for two lanes of travel. Adjoining
19 gravel would have to be crossed to access abutting driveways.

20 In staff rebuttal, Ms. Timmons noted that the staff report reference to the applicant was in error and
21 that the applicant is Roy and Kim Boyer and William and Marilyn Spiry, not the Quadrant Corp. Ms.
22 Timmons acknowledged that the City is updating its concurrency regulations. Trees will largely be
23 concentrated in the tree retention tract, but will also be dispersed outside of the tree retention tract via
24 a required ten foot landscape strip required all lot street frontages and this landscaped area will
25 include trees.

26 Maher Joudi, project engineer, noted that prior to construction the applicant would look into existing
waterlines in 160th and replace them if they were not adequate. 160th will not be used for heavy
equipment. The proposed pavement will be at the same level as the gravel so that the remaining
gravel would serve as a shoulder to the new road.

EXHIBITS

Exhibits 1-17 listed on page 2 of the March 24, 2015 Staff Report, in addition to the Staff Report
itself, were admitted into evidence during the public hearing. The staff powerpoint presented at the
hearing was admitted as Ex. 18. A written statement from Tom Carpenter was admitted as Ex. 19.

FINDINGS OF FACT

Procedural:

1. Applicant. Roy and Kim Boyer; William and Merry Spiry..

2. Hearing. The Examiner held a hearing on the subject application on March, 24 2015 in the City of Renton Council City Chambers.

3. Project Description. The applicant requests preliminary plat approval for a 27-lot residential subdivision. The subject property is a collection of three parcels located on the south side of SE 144th St between 160th Ave SE and 161st Ave SE. The 27 lots would result in a density of 3.98 dwelling units per acre. Lot sizes would range from 8,000 square feet to 13,369 square feet. Access to the plat is proposed via an extension of 161st Ave SE and 160th Ave SE. Internal circulation terminates in a cul-de-sac in the northern portion of the property. The southern portion of the site contains grid connections from 160th to 161st Ave SE aligned with SE 145th St and SE 146th Place. The proposal includes a tree retention tract on its southern end that includes a soft surface trail that will connect 160th Ave SE to 161st Ave SE. All existing structures on site are proposed to be demolished.

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

A. Water and Sewer Service. Water service will be provided by Water District No. 90. The District has provided a certificate of water availability for the project. Sewer service will be provided by the City of Renton.

B. Police and Fire Protection. Police and fire service would be provided by the City of Renton. Police and fire staff have determined that sufficient resources exist to serve the proposed development, subject to required code improvements and payment of required fire impact fees.

C. Drainage. The proposal provides for adequate and appropriate stormwater controls. The applicant submitted a drainage plan and drainage report dated January 12, 2015, Ex. 8. Staff have determined that the report demonstrates compliance with the 2009 King County Surface Water Manual and additional City stormwater requirements, based on specific site conditions, as required by the Department of Community and Economic Development. Given the absence of any compelling evidence to the contrary and the extensive stormwater review and conditioning of the proposal, the staff's finding of compliance with the 2009 stromwater manual is determinative on the issue of adequacy of stormwater controls.

The site is located within the Lower Cedar River drainage basin. Under pre-developed conditions, site runoff sheet flows south onto neighboring properties to the south. Downstream capacity issues have been observed and the area is considered a nuisance requiring City maintenance work and there is potential for the proposal to aggravate existing or create new drainage problems. The applicant is proposing to include a pond wall of approximately 7-8-feet in height. However, due to potential seepage in and out of the pond, a SEPA mitigation measure was issued requiring additional secondary review

1 during final engineering design that includes hydro-geotechnical evaluations for
2 buoyancy and lining, structural review and wall drainage relief against potential
3 hydrostatic pressures. The secondary review shall be conducted by an independent
4 reviewer. Additionally, the applicant would be required to provide due diligence in the
5 grading and collection of drainage design during the construction phase so that runoff and
6 erosion does not impact the neighboring properties which will likely include an
7 evaluation of the overflow route conveyance capacity as part of the final TIR to ensure
adequate capacity exists downstream during a 100-year event. The conditions of
approval of this decision also require the creation of a homeowner's association and City
approved maintenance agreement(s) to ensure that all stormwater facilities are properly
maintained.

8 D. Parks/Open Space. City ordinances require the payment of park impact fees prior to
9 building permit issuance. RMC 4-2-115, which governs open space requirements for
10 residential development, does not impose any requirements for open space for residential
development in the R-4 district. The impact fees provide for adequate parks and open
space.

11 E. Streets. The proposal provides for adequate and appropriate streets. The City's public
12 works department has determined the preliminary plat street design to provide for
adequate streets and conform to the City's street standards, subject to approval of two
13 street modifications, which is made a condition of approval. As shown in Ex. 2, all
14 proposed lots have access to a public street.

15 As with the neighboring Enclave preliminary plat recently approved by the City,
16 congestion is a major issue for this plat. City staff have determined that the proposal
meets the City's level of service standard in its concurrency determination, Ex. 16, and
17 the accuracy of this determination is undisputed. In his testimony Mr. Carpenter
accurately identified that the City's level of service standards authorizes development in
18 areas that suffer congestion that would be typically considered at failing levels in
jurisdiction using more traditional intersection level of service standards as opposed to
19 the transportation system-wide standard adopted by the City of Renton. Mr. Carpenter is
likely correct that many if not most jurisdictions in Washington gage level of service on
20 an intersection or similarly localized basis. However, RCW 36.70B.030(2)(c) and (3)
essentially provides that adopted transportation level of service standards are
21 determinative on the adequacy of transportation facilities. The Central Puget Sound
Growth Management Hearings Board has also ruled that level of service is a policy
22 choice and will be found adequate even though some areas may suffer what some
consider to be failing levels of service. See *West Seattle Defense Fund v. City of Seattle*,
23 *Central Puget Sound Growth Management Hearings Board*, Case No. 94-3-0016, Final
Decision and Order. As recognized by Mr. Carpenter during the hearing, the Renton City
24 Council is working on a new level of service standard that addresses a new level of
service standard that may provide for a more localized assessment of transportation
25 congestion. Unless and until that new standard is adopted (or the Council adopts some
interim controls) staff and the examiner are bound by the "system-wide" level of service
26

1 standard still on the books and any decisions or conditions regarding congestion levels
2 must be based upon the currently adopted level of service standard.

3 Although the City's concurrency standard is based on a system wide standard, it still also
4 authorizes reasonable intersection specific mitigation. As a result, the applicant
5 submitted a Traffic Impact Analysis prepared by TraffEx, dated December 31, 2014
6 (Exhibit 9). The report states that the proposed development would generate
7 approximately 267 net new daily trips. During the weekday AM peak hour, the project
8 would generate approximately 21 net new trips (5 inbound and 16 outbound). During the
9 weekday PM peak hour, the project would generate approximately 28 net new trips (18
10 inbound and 10 outbound). The report also analyzed the level of service at the following
11 intersections: 160th Ave SE/SE 144th St and 161st Ave SE/SE 144th St. The traffic study
12 states that these intersections will continue to operate at what staff considers to be an
13 acceptable level of service (LOS B). The proposed project does not disclose likely
14 impacts to the intersections of 156th Ave SE/SE144th St and 156th Ave SE/SE 142nd St. As
15 a result a SEPA mitigation measure was issued requiring the applicant to submit a revised
16 Traffic Study, including an analysis of impacts caused by the proposed development to
17 the 156th Ave SE/SE144th St and the 156th Ave SE/SE 142nd St intersections, and
18 recommend appropriate mitigation as necessary.

19 It should be noted that the City's Transportation Division has conducted an independent
20 study of the existing background traffic situation at the 156th Ave SE/SE 142nd St
21 intersection. Based on the City's study the existing conditions warrant the installation of a
22 traffic signal at this intersection with or without the construction of the proposed
23 subdivision. With the installation of a traffic signal at this intersection, it is anticipated
24 that the traffic conditions in the project vicinity would improve. The installation of a
25 traffic signal is not included on the City's Transportation Improvement Program (TIP),
26 therefore transportation impacts fees would not fund the installation of a signal. Due to
the existing LOS designation 'F' at the 156th Ave SE/SE 142nd St intersection and the fact
that the required traffic impact fees would not fund a traffic signal at this intersection, a
SEPA mitigation measure was issued, requiring the applicant to be responsible for paying
their fair share of the cost of a new signal to be installed at the 156th Ave SE/SE 142nd St
intersection based on any new PM peak hour trips. The fee will be based on new PM
peak hour trips/1,310 Total PM peak hour trips x \$500,000 (cost of new signal) and shall
be paid prior to the recording of the final plat.

Increased traffic created by the development would be mitigated by payment of
transportation impact fees. Currently this fee is assessed at \$2,143.70 per new single-
family home. The fee, as determined by the Renton Municipal Code at the time of
building permit issuance shall be payable to the City.

1 F. Parking. Sufficient area exists, on each lot, to accommodate the two required parking
2 spaces per lot required by RMC 4-4-080(F)(10)(d).

3 G. Schools. The proposal provides for adequate provisions for schools and walking
4 conditions to and from school. It is anticipated that the Issaquah School District can
5 accommodate any additional students generated by this proposal at the following schools:
6 Briarwood Elementary (1.25 miles from the subject site), Maywood Middle School (0.5
7 miles from the subject site) and Liberty High School (1.22 miles from the subject site).
8 RCW 58.17.110(2) provides that no subdivision be approved without making a written
9 finding of adequate provisions for safe walking conditions for students who walk to and
10 from school and/or bus stops. Maywood Middle is within walking distance of the subject
11 site while Briarwood Elementary and Liberty High schools would require future students
12 to be transported to school via bus. The bus stop for Briarwood Middle school is
13 currently located at 160th Ave SE and 144th Ave SE. The bus stop for Liberty High
14 School is located at SE 144th ST and 161st Ave SE.

15 The applicant is proposing to provide street frontage improvements, including sidewalks,
16 along the south side of the street for the frontage of the property (SE 144th St). To the
17 east of the subject site there are intermittent sidewalks on the south side of the street with
18 primarily a 6-9 foot shoulder delineated by a fog line. A majority of the possible school
19 walk route is outside the City of Renton limits and is in the King County jurisdiction.
20 The one crossing intersection in the City at 161st Ave. SE has a Stop Sign Control, which
21 provides adequate protection for crossing children. Outside the City along SE 144th St,
22 King County has installed 20mph School Speed Limit signing with flashing beacons and
23 other warning signs as well as a crosswalk at the school driveway. No other
24 improvements are necessary at this time for safe walking routes to school.

25 A School Impact Fee, based on new single family lots, will also be required in order to
26 mitigate the proposal's potential impacts to Issaquah School District. The fee is payable
to the City as specified by the Renton Municipal Code at the time of building permit
application. Currently the fee is assessed at \$4,560.00 per single family residence.

4. Adverse Impacts. There are no adverse impacts associated with the proposal as conditioned.
Adequate public facilities and drainage control are provided as determined in Finding of Fact No. 3.
The proposal involves single-family housing at a density 3.98 dwelling units per acre, which is
allowed for the R-4 zoning district. 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. There are no critical areas on the project site. There were some
concerns expressed about how 160th would be developed, but these concerns were adequately
addressed during the hearing by staff and the applicant. 160th will be paved to a sufficient width to
accommodate two-way traffic on public right of way. There was a comment made that 160th is a
private road, but no evidence was presented to support this position and staff demonstrated through
their review of assessor maps that there will be sufficient public right of way once the applicant
makes its required dedications to accommodate a two lane public road. Final engineering review
will ensure that underground utilities in 160th do not become harmed by the 160th road improvements

1 and the construction equipment used to develop the proposed subdivision. There were also concerns
2 raised about impacts to adjoining wells. As testified by staff, the groundwater levels and location of
3 the infiltration pond don't raise any red flags about potential impacts to wells. No evidence was
4 submitted identifying any potential adverse impact to the wells. In the absence of any such evidence
5 and the analysis provided by staff, it cannot be concluded that the proposal creates any risk to wells.

6 The proposal retains a sufficient amount of trees as set by City standards. The applicant
7 submitted a Tree Arborist Report prepared by Greenforest Incorporated Consulting Arborist (dated
8 January 5, 2015) (Exhibit 13). There are a total of 598 trees located on site. The applicant is
9 required to retain 30 percent of the trees located on site that are not located within critical areas,
10 proposed rights-of-way and access easements. Of the 598 trees located on site, 260 trees would be
11 excluded from the tree retention requirements. The provided tree retention worksheet indicates 14
12 trees are considered dead diseased or dangerous, and 246 trees are located within proposed public
13 streets. Therefore, the applicant would be required to retain at least 102 trees on site. The applicant
14 has proposed to retain 102 trees thereby complying with Tree Retention requirements of the code
15 (Exhibit 12). The proposed tree retention plan does not reflect the revised plat plan submitted on
16 March 3, 2015 (Exhibit 15). A detailed tree retention plan, complying with RMC 4-4-130, will be
17 required to be submitted to, and approved by, the Current Planning Project Manager prior to
18 engineering permit approval. The conditions of approval and SEPA mitigation measures include
19 requirements that assure that the tree retention plan will be maintained in perpetuity and is
20 responsive to changes in project design submitted after submission of the tree retention plan.

21 **Conclusions of Law**

22 1. Authority. RMC 4-7-020(C) and 4-7-050(D)(5) provide that the Hearing Examiner shall
23 hold a hearing and issue a final decision on preliminary plat applications.

24 2. Zoning/Comprehensive Plan Designations. The property is zoned R-4. The comprehensive
25 plan designations is Residential Low Density (RLD).

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

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

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

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

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

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

4. As to compliance with the Zoning Code, pages 7-8 of the staff report is adopted by reference as if set forth in full. As determined in Finding of Fact No. 3(E), each lot has access to a public road. As determined in Finding of Fact No. 4, there are no critical areas on the project site and no other physical characteristics evident from the record that have not been adequately addressed by the

1 proposal. No flooding problems are anticipated because as determined in Finding of Fact No. 3 the
2 proposal is served by adequate/appropriate stormwater facilities and the project is not located in any
3 critical area, which includes floodplains. As determined in Finding of Fact No. 3, the proposal
4 provides for adequate public facilities.

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

7 **6.** The proposed preliminary plat is consistent with the Renton Comprehensive Plan as outlined
8 in pages 6-7 of the staff report, which is incorporated by this reference as if set forth in full.

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

12 **7.** All of the internal roads of the proposed subdivision connect to existing public roads,
13 specifically 160th and 161st Ave SE.

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

16 **8.** The City's adopted street plans are not addressed in the staff report or anywhere else in the
17 administrative record. The proposal provides for connections to all adjoining through streets, which
18 should assure conformance to any applicable street plan.

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

22 **9.** The subdivision is not located in the area of an officially designated trail. The applicant is
23 proposing a soft surface trail through its tree retention tract in order to connect 160th Ave SE to 161st
24 Ave SE.

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

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

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

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

5 ...

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

8 *4. Streams:*

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

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

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

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

18 10. The criterion is met. The land is suitable for subdivision as the stormwater design assures
19 that it will not contribute to flooding and that water quality will not be adversely affected.
20 Development will not encroach into critical areas or adversely affect streams or any bodies of water
21 as there are no critical areas, streams or other bodies of water on site. No piping or tunneling of
22 streams is proposed. Trees will be retained as required by RMC 4-4-130 as determined in Finding of
23 Fact No. 4.

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

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

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

36 12. The proposal connects to all adjoining existing streets. 160th Ave SE is not extended to the
southern property line in anticipation of any future extension of that street, because the property to
the south has already been platted as discussed in Conclusion of Law No. 16.

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

1
2 13. As conditioned.

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

5 14. The proposal does not intersect with an arterial or public highway.

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

11 15. As determined in Finding of Fact 3, the Public Works Department has reviewed and
12 approved the adequacy of streets, which includes compliance with applicable street standards except
13 for two standards that need approval of a street standard modification. Approval of these
14 modifications is made a condition of approval.

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

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

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

23 *3. Exceptions:*

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

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

ii. Substantial improvements are existing.

4. Connections: Prior to adoption of a complete grid street plan, reasonable connections that link
existing portions of the grid system shall be made. At a minimum, stub streets shall be required
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.*

6 16. The proposal connects to all adjoining through streets. The property is located in the RLD
7 designation so alley access is not encouraged. There is insufficient space for offset or loop roads. A
8 cul-de-sac is necessary because there is no present or future road connection available between 160
9 and 161st in the southern portion of the plat.

9 An extension of 160th Ave SE to the southern property line would normally be required to maintain a grid
10 pattern, but that is not feasible for this project. The original plan did include this extension. However,
11 the existing subdivision abutting the subject property to the south was constructed in the 1980's
12 and is therefore not likely to be redeveloped in the near future. There is however, property
13 immediately to the southwest which has potential to redevelop. As a result, staff's preliminary
14 comments recommended 160th Ave SE be realigned in manner that would allow for the extension
15 of 160th Ave SE to SE 148th St and not require dedications from the existing subdivision abutting the
16 property to the south. The revised plat plan, submitted by the applicant includes a
17 taper/realignment of 160th Ave SE to eliminate the need for the dedications from the properties
18 abutting to the south (Exhibit 15). A street modification is needed in order to modify the street
19 cross-section south of proposed Road 'A' to achieve the realignment. Therefore the conditions of
20 approval require a street modification be submitted to, and approved by, the Current Planning
21 Project Manager prior to engineering permit approval for a modification of the 160th Ave SE street
22 cross section, south of Road 'A', in order to realign the extension of 160th Ave SE to the west. Staff
23 would be supportive of such a request to the extent a pedestrian connection is provided from 160th
24 Ave SE to 161st Ave SE along the southern portion boundary of the site as well as the revised design
25 being a more desirable alignment to the City.

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

22 17. As proposed and as shall be required during engineering review.

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

1 18. As determined in Conclusion of Law No. 16, 160th Ave SE is not a street that can be
2 construed as subject to potential future extension due to the development of the plat to the south.
3 There are no other future street extensions available for the proposal.

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

6 19. As depicted in Ex. 15, the side lines are in conformance with the requirement quoted above.

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

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

10 **RMC 4-7-170(C):** *The size, shape, and orientation of lots shall meet the minimum area and width
11 requirements of the applicable zoning classification and shall be appropriate for the type of
12 development and use contemplated. Further subdivision of lots within a plat approved through the
13 provisions of this Chapter must be consistent with the then-current applicable maximum density
14 requirement as measured within the plat as a whole.*

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

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

22 22. As shown in Ex. 15, the requirement is satisfied.

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

25 23. As conditioned.

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

27 24. There are no critical areas or any other significant natural features at the project site.

28 **RMC 4-7-200(A):** *Unless septic tanks are specifically approved by the Public Works Department
29 and the King County Health Department, sanitary sewers shall be provided by the developer at no
30 cost to the City and designed in accordance with City standards. Side sewer lines shall be installed*

1 *eight feet (8') into each lot if sanitary sewer mains are available, or provided with the subdivision*
2 *development.*

3 25. As conditioned.

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

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

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

18 27. Compliance will be assured during civil plan review prior to final plat approval.

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

25 28. As conditioned.

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

35 29. As conditioned.

1 **RMC 4-7-210:**

2 *A. MONUMENTS:*

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

6 *B. SURVEY:*

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

8 *C. STREET SIGNS:*

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

10 30. As conditioned.

11 **DECISION**

12
13 The proposed preliminary plat is approved subject to the following conditions:

- 14 1. The applicant shall comply with mitigation measures issued as part of the Mitigated
- 15 Determination of Non-Significance for the proposal.
- 16 2. All proposed street names shall be approved by the City.
- 17 3. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have
- 18 minimum radius of fifteen feet (15').
- 19 4. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are
- 20 available, or provided with the subdivision development.
- 21 5. All utilities designed to serve the subdivision shall be placed underground. Any utilities
- 22 installed in the parking strip shall be placed in such a manner and depth to permit the
- 23 planting of trees. Those utilities to be located beneath paved surfaces shall be installed,
- 24 including all service connections, as approved by the Department of Public Works. Such
- 25 installation shall be completed and approved prior to the application of any surface material.
- 26 Easements may be required for the maintenance and operation of utilities as specified by the
- Department of Public Works.
6. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are
- installed to serve each lot. Conduit for service connections shall be laid to each lot line by
- Applicant as to obviate the necessity for disturbing the street area, including sidewalks, or
- alley improvements when such service connections are extended to serve any building. The
- cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore
- required to bring service to the development shall be borne by the developer and/or land
- owner. The applicant 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

1 provide maps and specifications to the applicant and shall inspect the conduit and certify to
2 the City that it is properly installed.

- 3 7. The applicant shall install all street name signs necessary in the subdivision prior to final plat
4 approval.
- 5 8. All structures proposed for removal shall be demolished and all inspections complete
6 prior to Final Plat approval.
- 7 9. The applicant shall establish and record a permanent and irrevocable deed restriction on
8 the property title of the tree protection tract. Such deed restriction shall prohibit
9 development, alteration, or disturbance within the tract except for the purposes of
10 installing Administrator approved amenities or habitat enhancement activities, as part of
11 an enhancement project, which has received prior written approval from the City. A
12 covenant shall be placed on the tract restricting its separate sale and shall be recorded
13 prior to or concurrent with the recording of the Final Plat.
- 14 10. The applicant shall place permanent fencing on the perimeter of the tree protection tract.
15 This shall be accomplished by installing a wood, split-rail fence with applicable signage.
16 The Administrator may approve pedestrian-sized openings for the purpose of facilitating
17 passive recreation within the tract for the benefit of the community. The Administrator
18 may authorize alternate styles and/or materials for the required fencing. The proposed
19 fencing shall be submitted to, and approved by, the Current Planning Project Manager
20 prior to engineering permit approval.
- 21 11. A street modification shall be submitted to, and approved by, the Current Planning
22 Project Manager prior to engineering permit approval for a modification of the 160th Ave
23 SE street cross section, south of Road 'A', in order to realign the extension of 160th Ave
24 SE to the west.
- 25 12. A street modification shall be submitted to, and approved by, the Current Planning
26 Project Manager, prior to engineering permit approval, for a modification to reduce the
required right-of-way width of Road 'A' from 53 feet to 47 feet.
13. The applicant shall be required to record a public access easement across the proposed
soft surface trail extended from the termination of 160th Ave SE sidewalk, through the
proposed Tree Retention Tract (Tract 'C'), to 161st Ave SE. The easement shall be
recorded prior to, or concurrent with, the recording of the Final Plat.
14. A covenant shall be recorded on the face of the plat restricting vehicular access for
proposed Lots 17-20 to the proposed public alley/unnamed road and proposed Lots 1-8,
21-27 from Road 'B'. Additionally, proposed Lots 17-20's front yards and front
façade/elevations shall be oriented to the north (SE 144th St).
15. The applicant shall be required to create a homeowners' association and maintenance
agreement(s) for the shared utilities, stormwater facilities, and maintenance and
responsibilities for all shared improvements of this development. A draft of the
document(s) shall be submitted to Current Planning Project Manager for review and
approval by the City Attorney and Property Services section prior to the recording of the
final plat.

1 DATED this 6th day of April, 2015.
2
3

4 
5 Phil A. Olbrechts

6 City of Renton Hearing Examiner
7
8

9 **Appeal Right and Valuation Notices**

10 RMC 4-8-080 provides that the final decision of the hearing examiner is subject to appeal to the
11 Renton City Council. RMC 4-8-110(E)(14) requires appeals of the hearing examiner's decision
12 to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision.
13 A request for reconsideration to the hearing examiner may also be filed within this 14 day appeal
14 period as identified in RMC 4-8-110(E)(13) and RMC 4-8-100(G)(9). A new fourteen (14) day
15 appeal period shall commence upon the issuance of the reconsideration. Additional information
16 regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall –
17 7th floor, (425) 430-6510.

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