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

**RE: Maertins Ranch Preliminary Plat** )  
 ) **FINAL DECISION**  
 )  
**LUA14-001568** )  
 )  
 )  
 )  
 )

**SUMMARY**

The applicant requests preliminary plat approval for the subdivision of 4.09 acres into 13 single-family residential lots at 1508 Ilwaco Ave NE. The preliminary plat is approved subject to conditions.

**TESTIMONY**

Clark Close, Renton associate planner, summarized the staff report. He noted there are no critical areas on site. Mr. Close noted that during construction staff will monitor whether any project construction would adversely affect tree roots of neighboring properties.

Maher Joudi, on behalf of the applicant, noted that the vault would be shored on the side of adjoining property to ensure that roots of neighboring properties would not be damaged. An arborist has already determined limits of disturbance for the neighboring roots as well.

Claudia Donnelly, neighbor, testified she lives about a quarter mile from the project site. She questioned why best management practices referenced in the staff report for flow control aren't required as conditions of approval. She showed photographs of flooding on her property caused by Windstone development. She read excerpts from the May Creek Basin Plan that concluded that detention ponds were not effective in preventing flooding from new development. The Plan noted

1 that stormwater from new development has adversely affected May Creek. She noted in the Tiffany  
2 Park hearings there was testimony that the removal of trees will remove 75% of the ability of the  
3 property to process stormwater. She noted that pervious pavement should be used to mitigate  
4 stormwater impacts and/or a level 3 vault and level 3 flow controls. She questioned why  
5 downstream analysis did not extend down to her property. She wanted to know why flow control  
6 measures aren't taken now. She noted that Windstone stormwater facilities have broken twice and  
7 flooded her property with yellow water. She noted she had no flooding problems prior to  
8 Windstone. Her husband has measured flood waters up to 18 inches deep.

9 Steve Lee, Renton Development Engineering Manager, testified that the Green's Creek flooding  
10 depicted in Ex. 29 was part of a large flood event. Greens Creek has historically had periods of  
11 flooding in different parts of the river. Windstone was a King County project that started in King  
12 County and ended up in the City of Renton after annexation. Windstone stormwater design was  
13 initially subject to the 1990 manual and later stages were designed under the 1998 manual. The  
14 1990 manual required smaller ponds. The 1998 manual required larger ponds. Under the current  
15 2009 manual, the ponds are required to be even larger.

16 Maher Joudi noted that 2009 manual requires adherence to the best management practices (bmp)  
17 referenced by Ms. Donnelly. The applicant is required to comply with those bmps during final  
18 engineering review whether they are required in the preliminary plat conditions of approval or not.  
19 The prior stormwater manuals used to govern Windstone didn't require the modeling of the rainfall  
20 patterns of the area. Current durational modeling requires assessments to be based upon a storm on  
21 top of a storm on top of a storm and to study the flow characteristics resulting from such events. The  
22 current manual now requires stormwater controls to mimic pre-development conditions, which was  
23 not required for Windstone. Ms. Connelly's flooding complaints were not addressed in the  
24 downstream analysis because the current manual only requires assessment of complaints less than  
25 ten years old. Ms. Connelly's complaints were more than ten years old. Unlike Windstone, the  
26 detention facility for the proposal is an underground vault where breaking is not near as likely as the  
open air facilities of Windstone. Matching pre-development stormwater conditions will reduce  
erosion on off-site properties. The retention capacity analysis done under the manual takes into  
account the loss of trees. It should also be noted that the project site is already heavily cleared and  
developed, so that downstream property owners will likely see a reduction stormwater flows since  
the manual requires the applicant to mimic fully treed (undeveloped) conditions. Mr. Joudi further  
noted that downstream Level 3 analysis is only required for recurring historical stormwater  
problems. If there have been no complaints in the past ten years, as here, Level 3 analysis would not  
be triggered.

Mr. Lee clarified that bmps are not made conditions of subdivision review because they are required  
by the manual. The manual requirements are imposed during the utility construction permit stage of  
review.

## EXHIBITS

1 Exhibits 1-20 identified at page 4-5 of the January 5, 2015 staff report were admitted into the record  
2 during the hearing. The following exhibits were also admitted during the hearing:

- 3 Ex. 26: Claudia Donnelly letter.
- 4 Ex. 27: Staff power point presentation.
- 5 Ex. 28: GIS maps of project area (located on city website).
- 6 Ex. 29: Claudia Donnelly photographs (seven 8x11 photographs)
- 7 Ex. 30: Portions of Environmental Committee Report on application.
- 8 Ex. 31: Pages 5-39 and 6-9 of May Creek Basin Plan
- 9 Ex. 32: Claudia Donnelly testimony.

## 10 **FINDINGS OF FACT**

### 11 **Procedural:**

12 1. Applicant. PNW Holdings, LLC

13 2. Hearing. A hearing on the preliminary plat application was held on February 10, 2015 in the  
14 City of Renton Council City Chambers.

15 3. Project Description. The applicant requests preliminary plat approval for the subdivision of  
16 4.09 acres into 13 single-family residential lots and a drainage tract at 1508 Ilwaco Ave NE. The  
17 parcel would be divided into 13 residential lots and one storm drainage tract and would result in a  
18 net density of 4.32 dwelling units per net acre. The drainage tract measures 10,496 square feet (sf)  
19 and consists of a stormwater detention vault. The proposed lots would range in size from 8,050 sf to  
20 10,985 sf with an average lot size of 9,274 sf. Access to the site would be from NE 16th St.

21 The site currently contains one single-family residence, a detached garage, a barn, and associated  
22 gravel driveways. All existing structures are proposed for demolition. There are 159 significant trees  
23 on the site and 34 original trees are proposing to be retained. The applicant has submitted a Critical  
24 Area Report, Technical Information Report, Traffic Impact Analysis, Arborist Report, and a  
25 Geotechnical Engineering Study. The applicant will dedicate 46,627 sf for public streets with an  
26 access road running north/south, through the property, to serve the new lots.

4. Adequacy of Infrastructure/Public Services. The project will be served by adequate  
infrastructure and public services. Preliminary adequacy of all infrastructure has been reviewed by  
the City's Public Works Department and found to be sufficient. Specific infrastructure/services are  
addressed as follows:

- A. Water and Sewer Service. Water service will be provided by King County Water District  
#90. A water availability certificate was submitted to the City. Sewer service will be  
provided by the City of Renton.

1  
2 B. Police and Fire Protection. Police and Fire Prevention staff indicates that sufficient  
3 resources exist to furnish services to the proposed development; subject to the condition  
4 that the applicant provides Code required improvements and fees. An approved cul-de-  
5 sac type turnaround is required for dead end streets over 300 feet long, and all  
6 homes beyond 500 feet on dead end streets are required to install an approved fire  
7 sprinkler system; this applies to Lots 5 and 6 (RMC 4-6-060H.2). Fire impact fees are  
8 applicable at the rate of \$495.10 per single family unit. This fee is paid at time of  
9 building permit issuance.

10 C. Drainage. The proposal provides for adequate stormwater drainage facilities. A drainage  
11 plan (Exhibit 7) and technical information report (Exhibit 15) has been submitted with  
12 the application. The report addresses compliance with 2009 King County Surface Water  
13 Manual (KCSWM) and City of Renton Amendments to the KCSWM, Chapters 1 and 2.  
14 City staff have found the preliminary design to be consistent with the KCSWM and no  
15 evidence was presented to the contrary. Final compliance with the KCSWM will be  
16 implemented during utility construction permit and final plat review.

17 Claudia Donnelly wrote (Ex. 26 and 32) and testified of severe flooding problems on her  
18 property caused by upstream development. She believes that the Windstone subdivision  
19 was the cause of the flooding in the 1990s. While this may be the case, the City's  
20 stormwater regulations have been upgraded several times since the regulations that  
21 applied to the Windstone development. As testified by the project engineer and the  
22 City's engineer, a major change in stormwater regulations since the stormwaer  
23 regulations that applied to Windstone is that off-site stormwater flows generated by the  
24 project must match pre-development, fully forested conditions. As testified by the  
25 project engineer, since the project site is currently partially developed and cleared, the  
26 matching of predevelopment stormwater conditions will likely reduce stormwater  
impacts to Ms. Donnelly's property over current conditions. Given that the KCSWM  
requires pre-development flows and the project and city engineer's both have concluded  
that this requirement can be achieved, it must be determined that the proposal will not  
create any significant adverse stormwater impacts to Ms. Donnelly's property or the  
property of anyone else.

Given the stormwater problems that Ms. Donnelly and others have had in the past, Ms.  
Donnelly's concerns are certainly legitimate and understandable. However, the City's  
newest stormwater regulations are specifically designed to prevent the stormwater  
problems that occurred in the past. There is also no expert opinion in the record that  
counters the conclusions of Mr. Lee and Mr. Joudi that the KCSWM will prevent adverse

1 stormwater impacts to downstream properties. Ms. Donnelly did raise the point that an  
2 expert in the Tiffany Park hearing identified that trees serve a significant function in  
3 stormwater retention, but the KCSWM requires that stormwater facilities be designed to  
4 substitute for the lost capacity caused by the removal of trees.

5 Ms. Donnelly also questioned why staff is not recommending a condition of approval  
6 requiring compliance with best management practices and also wants to know why  
7 downstream analysis doesn't extend down to her property. The best management  
8 practices will be required during utility construction permit review so there is no need to  
9 require them during preliminary plat review. The extent of downstream analysis is set by  
10 the KCSWM. As testified by Mr. Joudi, the KSCWM did not require downstream  
11 analysis to extend to Ms. Donnelly's property because flooding problems in her area are  
12 documented (based upon stormwater complaints) as having occurred more than ten years  
13 ago.

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

19 E. Streets. No significant traffic impacts are anticipated for the project. Project specific  
20 impacts will not necessitate any off-site improvements and the applicant will be required  
21 to pay its proportionate share of mitigation to the City's transportation system as a whole  
22 through the payment of traffic impact fees. City engineering staff have reviewed the  
23 preliminary street design and found it compliant with applicable street standards. Final  
24 compliance shall be assessed by city staff during final plat review.

25 A Traffic Impact Analysis prepared by TraffEx Northwest Traffic Experts (dated October  
26 27, 2014; Exhibit 14) was submitted with the application materials. The proposed 13-lot  
subdivision would generate 124 average weekday trips: 10 AM peak hour and 13 PM  
peak hour at the future intersection of NE 16th St and the sites proposed access street.  
The study intersection operates at an excellent Level of Service (LOS) A for future  
conditions including project generated traffic. A 3% per year annual background growth  
rate was added for each year of the two-year time period (for a total of 6%) from the 2014  
traffic count to the 2016 horizon year of the proposal. The traffic report concludes by  
listing the following traffic impact mitigation measures: 1) construct the street  
improvements including curb, gutter and sidewalk for the site access street and site

1 frontage on NE 16th Street; and 2) contribute the approximately \$8,550 Transportation  
2 Mitigation fee to the City of Renton.

3 It is also anticipated that the proposed project would result in impacts to the City's street  
4 system. In order to mitigate transportation impacts, the applicant would be required to  
5 meet code-required frontage improvements, City of Renton's transportation concurrency  
6 requirements (Exhibit 24) based upon a test of the citywide Transportation Plan and pay  
7 appropriate Transportation Impact Fees. Currently, this fee is assessed at \$2,214.44 per  
8 net new single family home (13 x \$2,214.44 = \$28,787.72). This fee is payable to the  
9 City at the time of building permit issuance.

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

12 G. Schools. Adequate school facilities are available for the project and safe  
13 walking conditions will be provided to and from school.

14 The staff report concludes that it is anticipated that the Issaquah School District can  
15 accommodate any additional students generated by this proposal at the following schools:  
16 Newcastle Elementary (8400 136<sup>th</sup> Ave SE, Newcastle), Maywood Middle School  
17 (14490 168<sup>th</sup> Ave SE, Renton), and Liberty High School (16655 SE 136<sup>th</sup> St). A School  
18 Impact Fee, based on new single family lots, will also be required in order to mitigate the  
19 proposal's potential impacts to Issaquah School District. The fee is payable to the City as  
20 specified by the Renton Municipal Code at the time of building permit application.  
21 Currently, the 2015 fee is assessed at \$5,730.00 per single family residence.

22 RCW 58.17.110(2) provides that no subdivision be approved without making a written  
23 finding of adequate provision made for safe walking conditions for students who walk to  
24 and from school. As part of the proposed project, sidewalks would be constructed along  
25 on-site roadways which would connect to the existing sidewalk system along NE 16<sup>th</sup> St,  
26 Lyons PI NE, NE 17<sup>th</sup> St, and 148<sup>th</sup> Ave SE to the anticipated bus stops at the intersection  
of NE 17<sup>th</sup> St and 148<sup>th</sup> Ave SE. This anticipated route would provide adequate  
provisions for safe walking conditions for students who walk to and from school and/or  
bus stops (Exhibit 19).

5. Adverse Impacts. There are no adverse impacts associated with the proposal. Adequate  
public facilities and drainage control are provided as determined in Finding of Fact No. 4. The  
City's stormwater regulations are sufficient to prevent flooding both off and on-site. There are no

1 critical areas on site. The proposal is surrounded by single family development that is zoned R-4 or  
2 R-8 so compatibility of use is not an issue.

3 There were concerns raised about tree preservation. City development standards define what is  
4 acceptable tree removal and retention. The proposal is compliant with applicable tree retention  
5 standards. RMC 4-4-130H requires thirty percent of the trees shall be retained in a residential  
6 development. When the required number of protected trees cannot be retained, new trees, with a  
7 two-inch (2") caliper or greater, must be planted. The replacement rate is twelve (12) caliper inches  
8 of new trees to replace each protected tree removed. The property is covered with large Douglas fir  
9 and some Madrona and ornamental trees around the home. There are approximately 159 trees over 6  
10 inches in diameter throughout the site (208 trees including rights-of-ways and on adjoining parcels).  
11 After street and critical area deductions, and the minimum requirement to retain 30%, the applicant  
12 is required to retain 36 trees. The applicant is proposing to retain 34 trees (6" or larger), and thus the  
13 required tree caliper replacement is 24 inches. The average size of the trunk at diameter at breast  
14 height (DBH) for the 34 trees is 11.7 inches (11.7") and the species include 27 Douglas-firs, six (6)  
15 Western red-cedars, and one (1) Madrona. Mathematically, a minimum of 9.6 replacement trees at  
16 2.5 DBH will be used to achieve the required 24 replacement inches. All trees that are proposed to  
17 be retained will be fenced and signed during construction process for preservation (Exhibits 5-8).  
18 The applicant is proposing additional trees beyond the minimum 9.6 trees at 2.5 inches (28  
19 Evergreen Magnolia x 2.5 = 70 replacement inches; 18 Leyland Cypress at 8'-10' height); this  
20 complies with RMC.

21 A concern was also raised about impacts to trees on adjoining properties. Due to the size and  
22 location of the proposed stormwater vault, there is a potential to impact to the off-site trees to the  
23 east of Tract A. The applicant had an arborist to assess the limits of disturbance for construction of  
24 the vault. City staff will also be monitoring the vault construction to ensure that tree roots are not  
25 damaged. The conditions of approval will require implementation of these measures to protect trees  
26 on adjoining properties.

No other significant impacts are reasonably anticipated from the evidence contained within the  
administrative record.

### Conclusions of Law

1. Authority. RMC 4-7-020(C) and 4-7-050(D)(5) provide that the Hearing Examiner shall hold a hearing and issue a final decision on preliminary plat applications. RMC 4-9-070 grants the Examiner authority to review and make final decisions on SEPA appeals.

2. Zoning/Comprehensive Plan Designations. The subject property is zoned Residential 4 dwelling units per net acre (R-4). The comprehensive plan map land use designation is Residential Low Density (RLD).

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

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

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

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

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

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

11 4. As to compliance with the Zoning Code, Finding I(2) of the staff report is adopted by  
12 reference as if set forth in full, with all recommended conditions of approval adopted by this  
13 decision as well. As depicted in the plat map, Ex. 2, each proposed lot will directly access a public  
14 Road, Road A. As determined in Finding of Fact No. 4 and 5, the project is adequately designed to  
15 prevent any impacts to critical areas and will not cause flooding problems. As determined in  
16 Finding of Fact No. 4, the proposal provides for adequate public facilities.

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

19 5. The proposed preliminary plat is consistent with the Renton Comprehensive Plan as outlined  
20 in Finding I(1) of the staff report, which is incorporated by this reference as if set forth in full.

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

24 6. The internal road system connects to NE 16<sup>th</sup> St., an existing public road.

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

7. The City's adopted street plans are not addressed in the staff report or anywhere else in the  
administrative record. However, the only street connection possible for the project is as proposed  
to NE 16<sup>th</sup>. The project site is otherwise completely surrounded by single-family development.

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

4 8. There is nothing in the record to reasonably suggest the proximity of any official designated  
5 trail.

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

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

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

17 b. *Steep Slopes: A plat, short plat, subdivision or dedication which would result in the creation of a*  
18 *lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-*  
19 *050J1a, without adequate area at lesser slopes upon which development may occur, shall not be*  
20 *approved.*

21 ...

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

24 4. *Streams:*

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

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

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

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

3 9. The land is suitable for a subdivision as the stormwater design assures that it will not  
4 contribute to flooding and there are no critical areas at the project site. No piping or tunneling of  
5 streams is proposed. Trees will be retained as required by RMC 4-4-130 as determined in Finding of  
6 Fact No. 5.

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

13 10. City ordinances require the payment of park impact fees prior to building permit issuance.

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

19 11. As shown in the aerial photograph at p 2 of the staff report, the internal road connection to  
20 NE 16<sup>th</sup> St. is currently the only road connection possible for the project.

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

22 12. As conditioned.

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

25 13. The proposed connection to NE 16th is the only connection possible for the project.

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

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

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

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

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

9 *3. Exceptions:*

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

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

13 *ii. Substantial improvements are existing.*

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

17 *5. Alley Access: Alley access is the preferred street pattern except for properties in the Residential*  
18 *Low Density land use designation. The Residential Low Density land use designation includes the*  
19 *RC, R-1, and R-4 zones. Prior to approval of a plat without alley access, the Reviewing Official shall*  
20 *evaluate an alley layout and determine that the use of alley(s) is not feasible...*

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

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

25 15. As shown in Ex. 2, no grid pattern is possible for the proposal due to surrounding residential  
26 development. Alley access is not required since the proposal is in a Residential Low Density  
comprehensive plan land use designation. There is insufficient space for a looped road system. The  
proposed cul de sac is necessary and authorized since no further road connection is possible.

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

1 16. As proposed and as will be required during final plat engineering review.

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

6 17. No additional street extensions are possible for the project so the criterion does not apply.

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

9 18. As depicted in Ex. 2, the side lines are in conformance with the requirement quoted above.

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

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

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

18 20. As previously determined, the proposed lots comply with the zoning standards of the R-4  
19 zone, which includes area, width and density.

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

25 21. As shown in Staff Report Ex. 2, the requirement is satisfied.

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

27 22. As conditioned.

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

1 23. Trees will be retained as required by City code as determined in Finding of Fact No. 5.  
2 There are no other natural features that need preservation as contemplated in the criterion quoted  
3 above.

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

9 24. As conditioned.

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

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

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

24 26. Compliance with City water system design standards is assured during final plat review.

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

31 27. As conditioned.

32 **RMC 4-7-200(E):** *Any cable TV conduits shall be undergrounded at the same time as other basic*  
33 *utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line*

1 *by subdivider as to obviate the necessity for disturbing the street area, including sidewalks, or alley*  
2 *improvements when such service connections are extended to serve any building. The cost of*  
3 *trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required to*  
4 *bring service to the development shall be borne by the developer and/or land owner. The subdivider*  
5 *shall be responsible only for conduit to serve his development. Conduit ends shall be elbowed to*  
6 *final ground elevation and capped. The cable TV company shall provide maps and specifications to*  
7 *the subdivider and shall inspect the conduit and certify to the City that it is properly installed.*

8 28. As conditioned.

9 **RMC 4-7-210:**

10 *A. MONUMENTS:*

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

14 *B. SURVEY:*

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

16 *C. STREET SIGNS:*

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

18 29. As conditioned.

19 **DECISION**

20 The proposed preliminary plat as depicted in Ex. 2 and described in this decision is consistent with  
21 all applicable review criteria as outlined above and is therefore approved, subject to the following  
22 conditions:

- 23 1. The applicant shall comply with mitigation measures issued as part of the Mitigated  
24 Determination of Non-Significance for the proposal.
- 25 2. All proposed street names shall be approved by the City and all street name signs shall be  
26 installed prior to final plat approval.

- 1 3. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have  
2 minimum radius of fifteen feet (15').
- 3 4. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are  
4 available, or provided with the subdivision development.
- 5 5. All utilities designed to serve the subdivision shall be placed underground. Any utilities  
6 installed in the parking strip shall be placed in such a manner and depth to permit the  
7 planting of trees. Those utilities to be located beneath paved surfaces shall be installed,  
8 including all service connections, as approved by the Department of Public Works. Such  
9 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 of Public Works.
- 10 6. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are  
11 installed to serve each lot. Conduit for service connections shall be laid to each lot line by  
12 Applicant as to obviate the necessity for disturbing the street area, including sidewalks, or  
13 alley improvements when such service connections are extended to serve any building. The  
14 cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore  
15 required to bring service to the development shall be borne by the developer and/or land  
16 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  
provide maps and specifications to the applicant and shall inspect the conduit and certify to  
the City that it is properly installed.
- 17 7. The applicant shall comply with the monument and survey requirements of RMC 4-7-210.
- 18 8. The applicant shall submit an arborist report demonstrating to the satisfaction of City staff  
19 that the proposed vault construction will not adversely affect trees on adjoining property.
- 20 9. The applicant shall obtain a demolition permit and complete all required inspections for the  
21 removal of the existing single family residence, detached garage and barn prior to Final Plat  
22 recording.
- 23 10. Upon the extension and completion of the public road from NE 16th Street through to SR  
24 900, the future owners of Lot 5 & 6 may relinquish the combined 3,562 square feet of  
25 temporary cul-de-sac easement, pending installation of complete frontage improvements in  
26 the right-of-way and approval by the City of Renton. Prior to recording, the applicant shall  
include similar language on the face of the plat.

- 1 11. The applicant shall provide two (2) trees within the rear yards of Lots 4, 5, 10, 11, 12, and 13  
2 and one (1) tree within the 10-foot lot landscaping along street frontage of Lot 6. A final  
3 detailed landscape plan shall be submitted to and approved by the Current Planning Project  
4 Manager prior to construction permit issuance.
- 5 12. The cul-de-sac shall be constructed to public street standards, in and out of the dedicated  
6 public right-of-way.
- 7 13. A street lighting plan shall be submitted at the time of construction permit review for review  
8 and approval by the City's Plan Reviewer.
- 9 14. The applicant shall create a Home Owners Association ("HOA") that maintains all  
10 landscaping improvements in Tract "A", all maintenance and repairs of the temporary access  
11 easement for the cul-de-sac turnaround and any and all other common improvements. A  
12 draft of the HOA documents shall be submitted to and approved by the City of Renton  
13 Project Manager and the City Attorney prior to Final Plat recording. Such document shall be  
14 recorded concurrently with the Final Plat.
- 15 15. Any proposal to convert the stormwater vault within Tract "A" to a stormwater detention  
16 pond shall be considered a Major Plat Amendment subject to the requirements outlined under  
17 RMC 4-7-080M.2.
- 18 16. The applicant shall be required to obtain a temporary construction easement for all work  
19 conducted outside of the applicant's property. The temporary construction easement shall be  
20 submitted to the City prior to any permits being issued or demonstrate that offsite trees can  
21 be saved during construction.

22 DATED this 2nd day of March, 2015.

23   
24 Phil A. Olbrechts

25 City of Renton Hearing Examiner

### 26 **Appeal Right and Valuation Notices**

RMC 4-8-080 provides that the final decision of the hearing examiner is subject to appeal to the Renton City Council. RMC 4-8-110(E)(14) requires appeals of the hearing examiner's decision to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision. A request for reconsideration to the hearing examiner may also be filed within this 14 day appeal period as identified in RMC 4-8-110(E)(13) and RMC 4-8-100(G)(9). A new fourteen (14) day

1 appeal period shall commence upon the issuance of the reconsideration. Additional information  
2 regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7<sup>th</sup>  
floor, (425) 430-6510.

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

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