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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Weston Heights Preliminary Plat)
)
 Preliminary Plat) FINAL DECISION
 LUA14-000958)
)
)
)
)

SUMMARY

The applicant requests preliminary plat approval for a 12-lot residential subdivision. The preliminary plat application is approved subject to conditions.

The proposal also includes a requested waiver of RMC 4-6-060(H)(2), which requires a cul-de-sac private roads exceeding 300 feet in length and an 11.5 foot reduction to the 83 feet right of way width required for Nile Avenue by RMC 4-6-060(F)(2). This decision only addresses the right of way reduction request. There is insufficient information to address the cul-de-sac request because the record does not identify what type of deviation (variance¹, modification or waiver) is requested and also does not provide sufficient information to determine whether the applicable criteria (whatever they may be) are satisfied. It is also important to note that the project summary, used to provide public notice of the project and to provide an overview of the most important aspects of the proposal, fails to identify that a street modification and cul-de-sac deviation decision are

¹ The staff report notes that a “variance” is requested, which would suggest that the applicant is requesting a variance governed by RMC 4-9-250(B)(5). However the “variance” term is often used more generically in staff reports and staff have also historically applied the modification criteria of RMC 4-9-250(D)(2) for cul-de-sac deviations. Further, RMC 4-9-250(B) provides for an exclusive list of development standards subject to the RMC 4-9-250(B)(5) variance criteria and cul-de-sac requirements are not included. For these reasons, it appears in fact that the applicant is not requesting a RMC 4-9-250(B)(5) variance and it is entirely unclear whether the request is for a RMC 4-9-250(D)(2) modification or a RMC 4-9-250(C) waiver.

1 consolidated into the requested hearing examiner review. The first and most important piece of
2 information that should be presented to both the public and the hearing examiner is what decisions
3 are subject to review. The deviation requests in this decision are hidden amongst the staff analysis of
4 other permitting criteria and even after a careful reading of the staff report it is still unclear which
5 deviation process staff believes is applicable to the cul-de-sac requirement. The conditions of
6 approval will make approval of the proposal contingent upon administrative approval of the cul-de-
7 sac deviation request. The Nile Street modification request is approved by this decision.

8 TESTIMONY

9 Jill Ding, Renton planner, summarized the staff report. She noted that Exhibits 3-7 originally
10 attached to the staff report have been revised to reflect revisions to design of the preliminary plat.
11 The main difference in design is that the number of lots has been reduced from 14 to 12. The
12 new design also eliminates the wetland buffering that was in the original proposal. In response to
13 questions from the examiner, Vanessa Dolby, planning manager, noted that the stormwater
14 facility would be surrounded by perimeter landscaping that would be of at least a six foot height.
15 Steve Lee, public works, also noted that a four foot high berm would also separate the
16 stormwater tract from adjoining uses.

17 EXHIBITS

18 Exhibits 1-21 listed on page 2 of the November 18, 2014 Staff Report, in addition to the Staff Report
19 itself (Ex. 1), were admitted into evidence during the public hearing.

20 FINDINGS OF FACT

21 **Procedural:**

- 22 1. Applicant. Prospect Development LLC.
- 23 2. Hearing. The Examiner held a hearing on the subject application on November 18, 2014 in
24 the City of Renton Council City Chambers.
- 25 3. Project Description. The proposed preliminary plat involves the subdivision of an existing
26 197,974 square foot (4.54 acre) project site into 12 lots for the future construction of single family
residences and three tracts (Tracts A, B, and C). The proposed plat would be located on the east side
of Nile Avenue NE between NE 6th Street and NE 7th Place at 650 and 684 Nile Avenue NE. The
applicant has proposed to cluster Lots 1-9, which are located on the western portion of the project
site. The proposed lots would range in size from 4,510 square feet to 11,718 square feet. An existing
31,048 square foot Category 2 wetland is centrally located within the project site. The project sites
fronts on Nile Avenue, which is classified as a neighborhood collector arterial² and has no frontage

² Page 11 of the staff report classifies Nile Avenue as a "Collector" and page 3 characterizes it as a "minor arterial".
The engineering review of the requested modification to Nile Avenue, Ex. 19, references the right of way width

1 improvements. Access to Lots 1-9 would be provided via a new public street off of Nile Avenue
2 NE, which terminates in a hammerhead turnaround. Access to Lots 10-12 would be provided via a
3 new 26-foot wide private dead end street over an abutting lot to the north, which connects to NE 7th
4 Place. The private street would terminate in a hammerhead turnaround. As identified in the
5 introduction to this decision, the applicant has also requested a modification request to right of way
6 width standards to Nile Avenue and a deviation request to a cul-de-sac requirement. As further
7 identified in the introduction, only the right of way modification will be addressed by this decision.
8 More detail on the two deviation requests is provided in Finding of Fact No. 4(E) below.

9 Lots 1-9 on the western portion of the project site are proposed as small lot cluster development and
10 are designed to comply with the R-8 zone development standards as authorized by RMC 4-2-110(A).
11 The proposed Open Space Tract B totals 71,616 square feet, which is 36 percent of the gross site area
12 (71,616 square feet / 197,974 square feet = 36 percent). Tract A, Tract, B, and a 10-foot landscaped
13 visual barrier along the north boundary of Lots 10-12 and along the south boundary of Lots 7-9 are
14 proposed to provide a visual buffer of the small lot cluster development from the surrounding R-4
15 development pattern. Lots 10-12 are proposed as R-4 development and would comply with the R-4
16 development standards.

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

19 A. Water and Sewer Service. Water service will be provided by Water District No. 90 and a
20 water availability certificate has been provided. Sewer service will be provided by the
21 City of Renton.

22 B. Police and Fire Protection. Police and fire service would be provided by the City of
23 Renton. Police and fire staff have determined that sufficient resources exist to serve the
24 proposed development, subject to requirement that the applicant install required fire
25 improvements and pay required fire impact fees.

26 C. Drainage. The applicant submitted a drainage plan and drainage report dated August 28,
2014, Ex. 4. Staff have determined that the report demonstrates compliance with 2009
King County Surface Water Manual and additional requirements, based on specific site
conditions, as required by the Department of Community and Economic Development.
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 applicant will also contribute its fair share of
City drainage system costs through payment of a surface water system development fee of
\$1,228.00.

required for the road as 83 feet. The 83 foot requirement of RMC 4-6-060(F)(2) only applies to neighborhood
collector arterials in residential areas. Consequently, as best can be discerned from the record, Nile Avenue is
classified as a neighborhood collector arterial.

1
2 Basic water quality will be provided using a wet pond to be located on the east side of the
3 site (R-4 zone) and wet vault proposed on the west side of the site where the applicant is
4 using small lot clustering. Appropriate individual lot flow control BMPs proposed are
5 basic dispersion to help mitigate the new runoff created by this development.

6
7 A geotechnical report (Exhibit 11), dated July 3, 2104 was submitted by Geo Group
8 Northwest Inc. The report identifies the soils as Ground Moraine soils which is glacial
9 till. The report states that the soils will allow for some infiltration and that the infiltration
10 rate is low but, if infiltration were proposed that an overflow would need to be provided
11 to an off-site storm water system. The City's Environmental Review Committee imposed
12 a mitigation measure requiring compliance with all recommendations made in the geotech
13 report including the need to over excavate past loose fill and placing of compacted
14 structural fill.

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

21
22 E. Streets. The proposal provides for adequate/appropriate streets. Public works staff have
23 determined that no off-site improvements are necessary and that the proposed street
24 improvements meet City standards. Staff issued a determination of concurrency dated
25 November 6, 2014. See Ex. 8. The proposal will generate 84 trips per day. Since the
26 proposal will not generate more than 20 peak hour trips, no traffic study was required.

All lots have access to public roads, although some of the lots make this connection via
private roads. Access to proposed Lots 1-9 would be provided via a new public road
(Road A), which would terminate in a private hammerhead turnaround (Road B) required
for emergency access. Access to Lots 10-12 would be provided via a private street (Road
C), which incorporates a hammerhead turnaround for emergency access. Private Road C
exceeds 300 feet in length and per RMC 4-6-060H.2 requires a 90-foot diameter cul-de-
sac turnaround, which is not provided. The applicant will have to acquire an
administrative deviation to RMC 4-6-060(H)(2) as a condition of approval. The driveway
width standards for the proposed lots will be verified at the time of building and
construction permit review. The hammerhead turnaround (Road B) located at the
terminus of Road A does not meet the City's standards for Residential Access Streets and
must therefore be a private street. Private streets are required to be located within a 26-
foot wide tract with 20 feet of paving for emergency access. Private Road B is currently
not delineated on the preliminary plat map (Exhibit 3). Therefore, a condition of approval
requires that the preliminary plat layout be revised to located the hammerhead turnaround
(Road B) within a 26-foot wide tract and be paved with 20 feet of paving.

1 Existing right-of-way width in Nile Avenue NE fronting the site is approximately 60 feet.
2 Nile Avenue NE is classified as a Collector, with 2 existing lanes would require a right of
3 way width of 83 ft . by RMC 4-6-060(F)(2). However, the Transportation Department’s
4 Nile Avenue Corridor Plan provides for a reduced right of way width. To meet this plan,
5 the required improvement standards are as follows: 22 ft. wide pavement from the
6 centerline of the road, an 8-foot planting strip behind the 0.5 ft. curb and gutter, a 5-foot
7 sidewalk, for a half street right of way dedication of approximately 35.5 ft. The applicant
8 submitted an application to the City requesting a waiver from the requirement to dedicate
9 additional right-of-way along Nile Avenue NE in accordance with RMC 4-9-250C5d.
10 The waiver is approved by this decision as outlined in Conclusion of Law No. 31 below.
11 Staff have also recommended other conditions for frontage improvements, which are
12 imposed by this decision in order to assure conformity to City street standards.

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

15 G. Schools. Adequate/appropriate provision is made for schools. The staff report notes that
16 it is anticipated that the Issaquah School District can accommodate additional students
17 generated by this proposal at the following schools: Apollo Elementary, Maywood
18 Middle School and Liberty High School. These schools are not within walking distance
19 of the proposed development. Transportation would be required. The stop for Apollo
20 Elementary School is located approximately 0.07 miles to the south of the project site at
21 615 Nile Avenue NE. Students would cross Nile Avenue NE and walk to the south along
22 the shoulder to 615 Nile Avenue NE. The stop for Maywood Middle and Liberty High
23 School is located approximately 0.09 miles to the south of the project site at NE 6th Street
24 & Nile Avenue NE. The proposed project includes the installation of frontage
25 improvements along the Nile Avenue NE frontage, including sidewalks. Students would
26 walk a short distance along Nile Avenue NE to the south of the project site along the road
shoulder to the bus stop. However, there appears to be adequate area along the road
shoulder to provide for safe walking conditions (Exhibit 18).

A School Impact Fee, based on new single-family lot, will be required in order to mitigate
the proposal’s potential impacts to the Renton School District. The fee is payable to the
City as specified by the Renton Municipal Code. Currently the 2014 fee is assessed at
\$5,730.00 per single family residence, the 2015 fee is \$4,560 per single family residence.

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

1 5. Adverse Impacts. There are no adverse impacts associated with the proposal as conditioned.
2 Adequate public facilities and drainage control are provided as determined in Finding of Fact No. 4.
3 The proposal involves single-family housing at a density 4.45 dwelling units per acre, which is
4 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.

5 The only comment letter on the application expressed concern over the aesthetic impacts over
6 having a stormwater facility located next to a single-family residence. As testified by staff, the
7 facility will be obscured from sight by a four foot berm and six foot high landscaping. These sight
8 obscuring features should adequately mitigate against the aesthetic impacts of the stormwater
9 facility. The clustering proposed for part of the subdivision also creates an aesthetic issue due to the
higher proposed density. However, as outlined in the project summary, Finding of Fact No. 3, Tracts
A and B as well as a ten foot landscaping buffer provide buffering that adequately mitigates aesthetic
impacts to surrounding properties.

10 The only critical area on site is a wetland. A 31,048 square foot Category 2 wetland is
11 centrally located within the project site. The wetland and its required 50-foot buffer are located
12 within proposed Tract B. The wetland and buffer area are proposed to be located within an Open
13 Space/Critical Area tract and per RMC 4-3-050E.4 would require fencing and signage. The City's
14 Environmental Review Committee (ERC) imposed a SEPA mitigation measure that requires the
15 sewer connection from the east side (Lots 10, 11 & 12) to be made to the west side via a trenchless
16 construction method to be approved by the City that shall be butt-fusion welded HDPE pipe. There
17 shall be no construction trenches located in the wetland or wetland buffer. The manholes used to
18 make the connection for this pipe shall reside within the proposed paved areas. Therefore, provided
19 the above mentioned construction methods are followed, it is anticipated that there would be no
20 adverse impacts to the wetland or buffer area. A condition of approval is imposed by this decision
21 that requires a fencing and signage detail be submitted at the time of Utility Construction Permit
22 review for review and approval by the Current Planning Project Manager.

23 The proposal also retains for adequate tree retention as set by City standards. The site is
24 currently vegetated with a total of 25 significant trees, lawn, and landscaping associated with the
25 existing single family residences. Of the existing 25 significant trees 1 would be located in the
26 proposed public roadway, 10 would be located within the proposed private street, and 5 are located
within the onsite wetland and/or associated buffer resulting in a total of 9 trees that have been
identified as protected trees. Of the 9 protected trees 30 percent or 3 trees are required to be retained
and/or replaced on the project site. The applicant's tree retention calculations state that they are
proposing to retain 3 trees, however the tree retention plan (Exhibit 6) appears to only propose to
retain 2 trees. One tree proposed for retention would be within the rear yard of Lot 6 and the other
would be located on the southeast corner of Private Road C. There are two additional trees to the
north of the tree to be retained on Private Road C that should be retained unless an arborist
determines that these trees are hazard trees, which require removal. The retention of these additional
trees would bring the total number of retained trees onsite to 4 trees, which would comply with the
City of Renton's Tree Retention requirements. A condition of approval requires that the applicant be
required to provide a final tree retention/replacement plan which includes the retention of two

1 additional trees on the southeast corner of Private Road C, or an arborist report classifying these trees
2 as hazard trees which need to be removed.

3 **Conclusions of Law**

4 1. Authority. RMC 4-7-020(C) and 4-7-050(D)(5) provide that the Hearing Examiner shall hold
5 a hearing and issue a final decision on preliminary plat applications. RMC 4-8-080(G) classifies
6 preliminary plat applications as Type III applications. RMC 4-8-080(G) classifies development
7 standard modifications as Type I applications. RMC 4-8-080(C)(2) requires consolidated permits to
8 each be processed under “the highest-number procedure”, which in this case is Type III review,
9 involving a review and a final decision issued by the hearing examiner.

10 2. Zoning/Comprehensive Plan Designations. The developed portion of the property is zoned
11 R-4. The comprehensive plan designations is Residential Low Density (RLD).

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

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

- 15 1. *Legal Lots: Create legal building sites which comply with all provisions of the City Zoning Code.*
- 16 2. *Access: Establish access to a public road for each segregated parcel.*
- 17 3. *Physical Characteristics: Have suitable physical characteristics. A proposed plat may be denied*
18 *because of flood, inundation, or wetland conditions. Construction of protective improvements may*
19 *be required as a condition of approval, and such improvements shall be noted on the final plat.*
- 20 4. *Drainage: Make adequate provision for drainage ways, streets, alleys, other public ways, water*
21 *supplies and sanitary wastes.*

22 4. As to compliance with the Zoning Code, Conclusion I(2) of the staff report is adopted by
23 reference as if set forth in full. As determined in Finding of Fact No. 4(E), each lot has access to a
24 public road. As determined in Finding of Fact No. 4 and 5, the project is adequately designed to
25 prevent any impacts to critical areas. No flooding problems are anticipated because as determined in
26 Finding of Fact No. 4 the proposal is served by adequate/appropriate stormwater facilities and the
project is not located in a floodplain. As determined in Finding of Fact No. 4, the proposal provides
for adequate public facilities.

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

6. The proposed preliminary plat is consistent with the Renton Comprehensive Plan as outlined
in Conclusion I(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.*

7. All of the internal roads of the proposed subdivision eventually connect to public roads.

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

3 8. The City's adopted street plans are not addressed in the staff report or anywhere else in the
4 administrative record, except for the Nile Avenue Corridor Plan. The requested street modification
5 approved by this decision will be bring the frontage improvements required of the proposal into
6 conformance with that plan. There do not appear to be any other street plans that would apply to the
7 proposal.

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.*

27 ...
28 3. *Land Clearing and Tree Retention: Shall comply with RMC 4-4-130, Tree Retention and Land*
29 *Clearing Regulations.*

30 4. *Streams:*

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

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

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

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

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

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

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

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

20 12. There is no opportunity to connect existing streets at the location of the project site.

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

22 13. 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 14. The proposal does involve the addition of an intersection to Nile Avenue, which is classified
26 as a neighborhood collector arterial. This intersection is unavoidable, as the wetlands in the middle
of the proposal prevent access to any other public roads for the lots located on the south side of the
wetlands.

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.

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

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

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

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

10 *3. Exceptions:*

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

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

14 *ii. Substantial improvements are existing.*

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

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

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

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

26 16. The proposed and required connections are the maximum given the wetlands and existing
development. The property is located in the RLD designation so alley access is not encouraged.
There is insufficient space for offset or loop roads. Cul-de-sacs (hammerheads in this case) are
necessary due to the wetlands that entirely cross the middle of the project site.

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

4 17. As proposed.

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

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

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

12 19. As depicted in Ex. 3, the side lines are in conformance with the requirement quoted above.

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

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

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

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

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

24 22. As shown in Ex. 3, the requirement is satisfied.

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

1 23. As conditioned.

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

5 24. The on-site wetland is set-aside from the developed portion of the subdivision in Tract B.
6 The criteria above is met.

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

12 25. As conditioned.

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

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

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

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

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

1 28. As conditioned.

2 **RMC 4-7-200(E):** *Any cable TV conduits shall be undergrounded at the same time as other basic*
3 *utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line*
4 *by subdivider as to obviate the necessity for disturbing the street area, including sidewalks, or alley*
5 *improvements when such service connections are extended to serve any building. The cost of*
6 *trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required to*
7 *bring service to the development shall be borne by the developer and/or land owner. The subdivider*
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.

8 29. As conditioned.

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

10 A. *MONUMENTS:*

11
12 *Concrete permanent control monuments shall be established at each and every controlling corner of*
13 *the subdivision. Interior monuments shall be located as determined by the Department. All surveys*
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
19 30. As conditioned.

20 **Street Modification**

21 **RMC 4-9-250(D)(2):** *Whenever there are practical difficulties involved in carrying out the*
22 *provisions of this Title, the Department Administrator may grant modifications for individual cases*
23 *provided he/she shall first find that a specific reason makes the strict letter of this Code*
impractical, that the intent and purpose of the governing land use designation of the
Comprehensive Plan is met and that the modification is in conformity with the intent and purpose
of this Code, and that such modification:

- 24 a. *Substantially implements the policy direction of the policies and objectives of the*
25 *Comprehensive Plan Land Use Element and the Community Design Element and the*
26 *proposed modification is the minimum adjustment necessary to implement these policies*
and objectives;

- 1
- 2 *b. Will meet the objectives and safety, function, appearance, environmental protection and*
- 3 *maintainability intended by the Code requirements, based upon sound engineering*
- 4 *judgment;*
- 5 *c. Will not be injurious to other property(ies) in the vicinity;*
- 6 *d. Conforms to the intent and purpose of the Code;*
- 7 *e. Can be shown to be justified and required for the use and situation intended; and*
- 8 *f. Will not create adverse impacts to other property(ies) in the vicinity.*

9 31. As identified in Finding of Fact No. 3 and 4(E), the applicant requests a modification to RMC

10 4-6-060(F)(2) in order to reduce the required right of way of Nile Ave from 83 feet to 71.5 feet.

11 Since existing right of way is only 60 feet for Nile Avenue and the Nile Avenue Corridor plan only

12 necessitates 71.5 feet, it is fairly clear that the proposed reduction is consistent with both existing

13 and future built out conditions. Given that the proposed reduction is consistent with the Nile

14 Avenue Corridor plan, absent more, it must be determined that the proposal is consistent with the

15 other street modification criteria as well.

13 **DECISION**

14

15 The proposed preliminary plat and street modification to the right of way width of Nile Avenue are

16 approved, subject to the following conditions:

- 17 1. The applicant shall comply with mitigation measures issued as part of the Mitigated
- 18 Determination of Non-Significance for the proposal.
- 19 2. All proposed street names shall be approved by the City.
- 20 3. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have
- 21 minimum radius of fifteen feet (15').
- 22 4. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are
- 23 available, or provided with the subdivision development.
- 24 5. All utilities designed to serve the subdivision shall be placed underground. Any utilities
- 25 installed in the parking strip shall be placed in such a manner and depth to permit the planting
- 26 of trees. Those utilities to be located beneath paved surfaces shall be installed, including all
- service connections, as approved by the Department of Public Works. 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 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

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

- 8 7. The applicant shall install all street name signs necessary in the subdivision prior to final plat
9 approval.
- 10 8. The applicant shall obtain a demolition permit and all required inspections for the removal of
11 the existing single family residences and detached accessory structures prior to Final Plat
12 recording.
- 13 9. A revised detailed landscape plan that complies with RMC 4-8-120 shall be submitted at the
14 time of Utility Construction Permit for review by the Current Planning Project Manager. The
15 revised landscape plan shall provide a 10-foot landscaped visual barrier within a 10-foot wide
16 easement along the northern portion of Lots 1-3 and along the southern portion of Lots 7-9,
17 shall include the required 15 feet of landscaping outside of the required fencing around the
18 full perimeter of the stormwater pond in Tract C, and shall include two trees within the front
19 yard areas of Lots 7 and 8. The landscaping around the stormwater pond (Tract C), over the
20 stormwater vault (Tract A), and in the public street shall be installed prior to recording of the
21 final plat, the 10-foot landscaped visual barrier and the front yard trees shall be installed prior
22 to Certificate of Occupancy for the new homes.
- 23 10. The applicant shall be required to provide a final tree retention/replacement plan which
24 includes the retention of one tree within the rear yard of proposed Lot 6 and three trees on the
25 southeast corner of Private Road C, or an arborist report classifying these trees as hazard trees
26 which need to be removed. The final tree retention/replacement plan shall be submitted at the
time of Utility Construction Permit review for review and approval by the Current Planning
Project Manager.
11. The preliminary plat layout shall be revised to locate the hammerhead turnaround at the
terminus of Road B to be private and placed within a 26-foot wide tract and be paved with 20
feet of paving. This revision shall be shown on the Construction Permit application for
review and approval by the Plan Reviewer and the Fire Department. The tract shall be
identified on the final plat map prior to recording.
12. Access for Lots 6-8 shall be required to be provided off of the proposed shared driveway
across the north portion of Lot 7. A note to this effect shall be recorded on the face of the plat
prior to recording.
13. Approval of the proposed street design is contingent upon the applicant acquiring
administrative approval of a deviation request to RMC 4-6-060(H)(2) for authorization of the
proposed hammerhead turnaround at the end of Road C. Approval shall be acquired prior to
any construction activity at the project site. The proposed hammerhead turnaround shall
comply with all applicable City development standards except to the extent approved by a
deviation request.

- 1 14. The widths of Lots 2-5 shall be revised to provide a minimum width of 35 feet along the
2 street frontage. A revised plat map shall be submitted at the time of Utility Construction
3 Permit application for review and approval by the Current Planning Project Manager.
4 15. Cross Section B-B on the Preliminary Grading and Utility Plan shall be revised to provide a
5 minimum of a 26-foot wide easement, with a 20-foot pavement width. No sidewalks are
6 required and the pavement thickness shall be a minimum of 4-inches of HMA over 6-inches
7 of crushed surfacing and top course. The revised cross section details shall be submitted at
8 the time of Utility Construction Permit review for review and approval by the City's Plan
9 Reviewer.
10 16. Cross Section A-A on the Preliminary Grading and Utility Plan be revised to provide 53 ft. of
11 right of way, 20 ft of pavement, 6 ft. parking on one side, curb and gutter on both sides with 8
12 ft. planting strip and 5 ft. sidewalks on both sides. The revised cross section details shall be
13 submitted at the time of Utility Construction Permit review for review and approval by the
14 City's Plan Reviewer.
15 17. A street lighting plan shall be submitted at the time of construction permit review for review
16 and approval by the City's Plan Reviewer.
17 18. The applicant shall be required to create a homeowner's association of maintenance
18 agreement for the shared utilities, common landscaping, and maintenance and responsibilities
19 for all shared improvements of this development. A draft of the document(s) shall be
20 submitted to Current Planning Project Manager for the review and approval by the City
21 Attorney and Property Services section prior to the recording of the final plat.
22 19. A copy of the required access easement over the neighboring property to the north for Private
23 Road C shall be submitted at the time of Utility Construction Permit approval.
24 20. Any proposal to convert the Stormwater vault within Tract A to a Stormwater detention pond
25 shall be considered a Major Plat Amendment subject to the requirements outlined under
26 RMC 4-7-080M.2.
21 21. Fencing and signage is required along the boundary of the Wetland buffer. A fencing and
22 signage detail shall be submitted at the time of Utility Construction Permit review for review
23 and approval by the Current Planning Project Manager.

DATED this 3rd day of December, 2014.


Phil A. Olbrechts

City of Renton Hearing Examiner

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

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