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

**RE: The Enclave at Bridle Ridge  
Preliminary Plat**

**Preliminary Plat and SEPA Appeal  
LUA14-000241**

**FINAL DECISION**

**SUMMARY**

The applicant requests preliminary plat approval for the subdivision of 8.8 acres into 31 single-family residential lots on the east side of 156<sup>th</sup> Avenue SE between SE 139<sup>th</sup> Place and SE 143<sup>rd</sup> Street. An appeal of a Mitigated Determination of Nonsignificance (“MDNS”) issued under the Washington State Environmental Policy Act (“SEPA”) was consolidated with the review of the preliminary plat. The preliminary plat is approved subject to conditions and the SEPA appeal is denied.

The SEPA appellants have raised valid and understandable concerns about traffic congestion, but the contribution to that congestion falls within the level of service (“LOS”) standards adopted by the City Council. LOS sets what the City has legislatively determined to be an acceptable level of traffic congestion. The SEPA appellants have not demonstrated that the proposal violates City adopted LOS.

The City’s unique LOS is not very well suited for project level review because it allows for severe congestion in some areas so long as traffic runs more smoothly at a more global level within the City’s transportation network. Nonetheless from a legal standpoint the City’s LOS is largely the only standard that can be applied in this case. The LOS standard represents a balancing of (1) the state’s Growth Management Act mandate for the City to accommodate an allocated amount of population growth; (2) limitations on the availability of public funds to pay for transportation infrastructure; (3) adherence to the state and federal constitutional mandate that developers can only be held financially responsible for the traffic impacts they create (e.g. if a project contributes to 20% of the traffic for a needed traffic

1 improvement, the developer can only be made to pay for 20% of the improvement); and (4) avoiding the  
2 creation of an unconstitutional de facto moratorium by imposing an LOS that indefinitely prohibits  
3 development. Applying a different standard than the City's adopted LOS standard will likely result in a  
4 situation that violates the constitutional rights of the applicant or that is inconsistent with the  
transportation funding priorities set by the City Council, unless some proportionate share improvements  
can be required of the applicant.

5 In this case some proportionate share improvements are being required of the applicant for an  
6 intersection that is not performing well, but as pointed out by one of the project opponents, this money  
7 has to be expended in six years or returned to the applicant. It is entirely possible that those monies will  
8 not be expended in six years, but given the factors that limit the setting of an LOS standard, that is the  
9 most that can be legally required. Project opponents and the record does not reveal any other  
10 proportionate share mitigation that could further reduce congestions. In the absence of any such  
11 mitigation, the City's adopted LOS standard is largely determinative on the issue of assessing congestion  
12 issues. The congestion issue is addressed in more detail in Finding of Fact No. 4(E) at page 12 of this  
13 decision.

## 11 TESTIMONY

### 12 SEPA Appellant Testimony

13  
14 Mr. Roger Paulson stated he is neighbor of the proposed development. His only access to the  
15 city street system is by way of an intersection of SE 5th Place and 156th Avenue SE which makes the  
16 traffic conditions on 156th a primary concern to him and his neighbors. He believes the city has  
17 continually failed to inform the record of the adverse impacts associated with this project. Additionally,  
18 he feels the city's public comment process for the plat and SEPA determination was misleading and  
19 unclear. His neighbors did not understand the limited opportunity they had to provide comments  
20 regarding the project because of the city's failures at providing information.

### 18 Applicant Testimony

19  
20 Mr. Carson stated the appeal raises two issues with one being procedural and one being traffic.  
21 The city used a well-established DNS process and followed it correctly. With regard to the traffic, the  
22 traffic engineer for the project is able to provide information on how the proposal and how it will not  
23 negatively impact traffic.

24 Vincent Gaglia testified that he is a principal engineer with TraffEx. His firm prepared the  
25 traffic analysis for the project. The first traffic analysis was dated December 27, 2013 (Exhibit 2,  
26 attachment 12). The first analysis determined the number of trips generated by the plat and performed  
level of service calculations for the intersections which is a typical analysis. The city has defined the  
scope of traffic analysis by limiting the number of intersections to be analyzed to those that will be  
subjected to an increase of five percent traffic volume due to the project. None of the intersections in  
Renton meet this criteria; however, as a matter of preference, the city asked TraffEx to look at the two  
site access streets to 156th Avenue and the intersection of 142nd and 156th SE. This latter intersection

1 is a stop-controlled sign intersection to the south of the project. The original study looked at the pm  
2 peak-hour and concluded that the two site access streets offered acceptable level of service but the 142nd  
3 intersection did not meet level of service with or without the new project. TraffEx prepared an  
4 addendum to the original traffic report which included am and pm peak hour points at the previously  
5 studied areas and added a new area, the SE 5th Place and 156th Avenue intersection. Once again, the  
6 levels of service were the same with or without the new plat traffic. This information is in tables 1 and 2  
7 of the addendum dated April 29, 2014 (Exhibit 1, attachment d). Generally, the pm peak hour is worse  
8 than the am peak hour. After project completion, the SE 5th Place intersection will continue to operate  
9 at level of service C, the north-side access street will operate at level C, the south side access street will  
10 operate at level B, and the 142nd intersection will operate at level F. The city is in the process of  
11 approving a plan to install a traffic light at 142nd and 156th. The appeal stated that the conditions with  
12 the traffic light have not been analyzed, thus TraffEx prepared a second addendum dated June 20, 2014  
13 in order to analyze the possible new conditions (Exhibit 4). With the traffic signal, the 142nd  
14 intersection would improve to level of service B in the a.m. and p.m. peak hours. The southbound  
15 queue on 156th would be significantly reduced as well, thus it would not block SE 5th Place. The  
16 maximum queue was calculated at 77 peak in the am, and 61 in the pm peak hour. These calculations  
17 are all subject to how the signal is timed. The southside access road to the enclave road is  
18 approximately 175 ft which is north of the stop bar for the signal. With the maximum queue calculated,  
19 this access area should not be affected. In regard to the trips for the project relative to the trips through  
20 the affected intersections, the project will add 7 trips to the am peak hour and 9 trips to the pm peak  
21 hour.

22 Under cross-examination by Mr. Paulson, Mr. Geglia stated that the city requested an am peak  
23 analysis after receiving a letter from Mr. Paulson. In regard to the am peak analysis addendum being  
24 added after city approval, Mr. Geglia noted that typically the pm peak hour is the worst operating  
25 conditions. The observed stop-line queue is longest at the pm peak hour.

26 Mr. Paulson stated that city policy requires both am and pm peak hour analysis. He noted that  
the code citation for this requirement was in his original request for reconsideration. The am peak  
analysis was not included in the proposal until after approval.

Under cross examination by Mr. Paulson, Mr. Geglia testified that traffic analysis considers both  
queue time and opposing traffic.

Under redirect by Mr. Carson, Mr. Geglia said that Renton traffic guidelines apply to 5 percent  
increase in traffic due to a project, and this increase does not occur for this project. It is very rare that  
am traffic is greater than pm traffic.

#### City Testimony

In regard to the procedural issues raised, Mr. Garmon Newsom, Assistant Renton City Attorney,  
stated that there is no evidence that any other person attempted to become a party of record and were  
denied the opportunity for submitting something late. He noted that Mr. Paulson claims other neighbors  
misunderstood the comment process, but Mr. Paulson was able to understand the process so it seems  
likely others would have as well. Additionally, Mr. Paulson does not have standing to raise this issue

1 because he understood the process. The city complied with alternative DNS process. This process  
2 allows a city such as Renton with an integrated review process to utilize an integrated comment period  
3 to obtain comments on the notice of application and likely threshold. The notice points out that the city  
4 was relying on the optional code, and the established comment period was the only opportunity for  
comment. Adequate notice was provided of the process.

5 Jill Ding, Renton Senior Planner, testified that Mr. Paulson submitted a comment letter during  
the SEPA comment period (Exhibit 2, attachment 21).

6 Rohini Nair, Renton Civil Engineer, stated, in regard to Renton's traffic study guidelines, the  
7 policy mentions that it should include am and pm analysis. The Code uses the word "should."  
8 However, when staff reviewed the project, it found there was not a 5 percent increase in the traffic which  
9 is the threshold for the guidelines. Additionally, when reviewing the site, it was clear the pm peak hour  
10 was the more critical situation. Even in the pm there was not a five percent increase. She is a level III  
11 Civil Engineer for the city. She reviews the engineering aspects of projects. For projects with more than  
12 20 trips, she conducts a traffic study. She has a Bachelor's in Civil Engineering and a Master's in Civil  
13 Engineering Investigation from University of Texas. In regard to traffic impacts for the proposal, there  
14 are 31 expected new trips for the project in the pm peak hour. She has worked at several cities in  
15 Washington, including Des Moines and Bellevue, before beginning work in Renton. The 20 threshold  
16 for impacts is not high based on her experience. In some places she has worked, the threshold is 30.  
17 The threshold really depends on the jurisdiction with relevant factors including size and nature of the  
18 area. In regard to the 156th and 142nd intersection, the city has studied the traffic in this area. The city  
19 conducted a study to determine if traffic signals were warranted at this intersections in February, 2014.  
20 The city took traffic counts at the intersection and found a signal was warranted. There are nine  
21 possible criteria that warrant a signal, and two were met. The two satisfied were the incoming volumes  
22 and peak hour counts. The intersection was put at number nine of the priority list for traffic  
23 improvements. The need for the signal is not related to the proposed project because the existing traffic  
was used in conducting the February, 2014 analysis. If the project did not move forward, the city would  
still place the signal installation at nine on the list. The city conducted an additional study of traffic  
counts in June, 2014 (Exhibit 5) for 156th and 142nd. In this new analysis, the city analyzed what level  
of service would be with a signal. The city found that the level of service would be good, and the  
queues would not back up to access points. Currently, the level of service for am is E. For pm, it is F.  
Level of service F means there is lots of delay. With a traffic signal, the am level of service would be C  
and the pm level of service would also be C. These are outright improvements and will move forward  
even if the project does not. The traffic signal is not tied to the proposed project. She does not know the  
likelihood of whether the signal will be installed in the next 6 years. The study was based on existing  
traffic, and did not include projections for increased development. Renton bases its studies on a 2  
percent growth rate. With larger subdivisions, Renton requires more long-term studies, specifically  
studies over 2 years. The 2 percent growth rate is used unless there is huge development such as a mall  
being built close-by.

24 Under cross-examination by Mr. Paulson, Ms. Nair testified that, in regard to the language of  
25 "should," if a site will not have a significant impact, then neither an am or pm study would be required.

26 Under cross-examination by Mr. Paulson, Ms. Ding noted that one public comment was received

1 after the close of the comment period. The city responded to this comment and did not deny its entry  
2 into the record. The comment letter did not include any SEPA related questions. The SEPA mitigation  
3 included a condition that requires the applicant to pay its fair share of the traffic signal. However, the  
4 mitigation clarified that the signal was not linked to the project nor required to be installed as part of the  
5 project.

6 Under cross-examination by Mr. Paulson, Ms. Nair said she did not feel comfortable addressing  
7 the City of Renton 2014-2019 6-year Transportation Improvement Plan document because it was  
8 outside of her Department.

9 Under cross-examination by Mr. Carson, Ms. Nair testified that when she references the city's  
10 guidelines she is talking about the document "Policy Guidelines for Traffic Impact for New  
11 Development." This document is Exhibit 2, attachment 29, ex. C. The city uses this document when  
12 reviewing projects. The first guideline is that generally, a review is necessary if there are 20 or more  
13 trips generated. The next guideline is that the scope of that analysis is those intersections which the  
14 project will cause a five percent increase at peak hour trips. The policy uses five percent as a guideline  
15 and allows Public Works and Community Development decide if the departments believe further review  
16 is necessary if the five percent threshold is not met. The subject project did not meet the five percent  
17 threshold. If five percent was the only factor, there would have not been any analysis. The applicant  
18 used a three percent growth factor in its analysis.

19 Under redirect by Mr. Newsom, Ms. Ding read into the record the comment letter received after  
20 the comment period ended. The letter addressed concern over the area becoming a ghetto and noted  
21 concern about turning out of the 5th Place intersection. The letter did not mention concerns about the  
22 comment process. Next, Ms. Ding read the city's response letter into the record. The response noted  
23 that the comment letter had become part of the record and provided the time, date, and location of the  
24 review hearing.

#### 25 Applicant Response

26 Mr. Carson testified that the city followed the correct process for optional DNS proceedings. In  
regard to the traffic issue, there are now two independent studies in the record which find that traffic will  
be improved once the traffic signal is built. The project contributes very few trips to the problem areas.

#### Appellant Response

Mr. Paulson stated that Exhibit 1, attachment h, the city's Notice of Application, has no  
reference to public comment on the first page. On the second page, there is no change in title so the  
assumption is that the document is still referring to the DNS. The second page says that "If comments  
cannot be submitted in writing by the date indicated above, you may still appear at the Hearing and  
present your comments." Nothing in the document suggests that a person waives their right to comment  
on the SEPA determination by choosing to make their comments at the hearing. In regard to the traffic  
issue, Mr. Paulson's argument is that there was no traffic analysis done with the inclusion of the traffic  
signal by May 19 when the city issued the DNS. Before May 19th, there was nothing on the record to  
ensure the traffic signal would improve conditions.

1 Mr. Newsom added that the first page of the application notes that Renton would be using an  
2 optional SEPA review process which allows for the integration of the comment period into one period.  
3 The notice states that there will be no comment period after the DNS issuance.

4 LUA14-000241 Preliminary Plat Application

5 Staff Testimony

6 Jill Ding, Renton Senior Planner, testified that the Enclave at Bridle Ridge is located on the west  
7 side of 156th Avenue SE. The site is 8.8 acres and currently zoned residential low-density in the  
8 Comprehensive Plan and R-4 in the Zoning Map. The proposal is for the creation of 31 lots and two  
9 tracts (A and B). The net density would be 4.45 units per acre. The lots would range in size from  
10 8,050sqft to 12,566sqft. Tract A is for stormwater, and tract B is a 490sqft open space area. There was  
11 a lot line adjustment processed concurrently which removed 30,175sqft from the subdivision. The  
12 removed area included a single-family residence. This adjustment has been recorded. Access to the new  
13 subdivision will be provided via a new looped public street off of 156th Ave SE. There is an additional  
14 extension to the southeast that terminates in a cul-de-sac turnaround. This road will extend when  
15 development begins to the south. The site is currently developed with a single-family residence and a  
16 detached garage. These structures will be destroyed. There are no critical areas on the site. There are  
17 303 significant trees. 35 of these trees are proposed to remain along the east property line. The 14-day  
18 notice and comment period commenced on March 10th, and the city received two comment letters  
19 during the period. The city received one additional letter after the conclusion of the comment period. A  
20 DNS which included one mitigation measure was issued on March 31st. A request for reconsideration  
21 was filed on April 17th citing concern over public notice and traffic on SE 5th Place. In response to the  
22 request, the city and applicant conducted additional traffic studies. The applicant's review found that  
23 the project would not have significant adverse impacts on the intersection of 156th and SE 5th Place.  
24 The city concluded that a signal was warranted at 156th and 142nd. The city issued a revised DNSM  
25 on May 19th requesting that the applicant pay its fair share of the new traffic signal. A new appeal  
26 period commenced and ended on June 6th. The proposal is consistent with the Comprehensive Plan and  
the zoning regulations assuming the applicant complies with all conditions. The city allowed the new  
road to be curved in order to protect some existing trees on site. 200 trees on-site have been identified as  
protected, thus 30 percent retention or replacement is required. 35 trees will be retained and the rest will  
be replaced. Police and fire have significant resources to serve the project. The school district is able to  
accommodate the additional students as well. All students will be bussed. The applicant submitted a  
preliminary drainage report which shows a stormwater wet pond in tract A. Additionally, the applicant  
submitted a landscape plan. 50ft landscaping strips are required around stormwater ponds; however, in  
this case, the strips are only 10ft and increasing the size would result in the loss of a lot. Staff  
recommends the 10ft strips be approved and be installed as a landscape visual barrier. In conclusion,  
staff recommends approval subject to 11 conditions of approval.

24 In regard to the curved road, Ms. Nair testified that she believes straight road alignments are  
25 policy, not code.

26 Applicant Testimony

1  
2 Maher Joudi stated that, in regard to the curvature of the roadway, the Renton Municipal Code  
3 requires certain tangent lengths, but does not require straight alignments. The applicant can achieve the  
4 necessary tangent length for the reverse curve to meet RMC standards. In regard to traffic, the project  
does not create the need for the traffic signal. The independent studies found that current conditions  
warrant a signal.

5 Public Testimony

6 Tom Carpenter testified that he resides within half a mile of the project. He often utilizes the  
7 transportation system in the area. He was on the King County Traffic Review Panel when it  
8 implemented its current transportation concurrency approach. He is concerned with the roads that will  
9 intersect with 156th. If Renton's concurrency were to use a delay an intersection, this area would fail  
10 concurrency. Renton's concurrency approach will fundamentally never deny development as is because  
11 it does not utilize a delay of intersection even though many other jurisdictions do. Renton also does not  
12 use travel-shed 12 which would result in this area failing concurrency. In a letter when King County  
13 was evaluating a new transportation plan, Renton told King County to establish a concurrency  
14 irrespective of political boundaries to evaluate the true impact of vehicles on infrastructure. Renton has  
15 demonstrated an intent to do inter-jurisdictional transportation planning. Renton's current thresholds for  
when developments must meet greater review standards is too high because it is geared towards larger  
developments. The trend is towards smaller development such as the Enclave, thus Renton's standards  
are not adequate. These intersections are part of a bypass route for I-405 in the Washington State  
Corridor System. The city should not allow more encumbrance on this route; instead, it needs a balance  
between moving traffic through the corridor and providing safe ingress and egress for local residents.  
He has no objection to the development of the area, but believes these transportation issues must be  
addressed. He submitted his written comments as Exhibit 6.

16 Roger Paulson testified that his access to the city is by way of the SE 5th Place. He submitted a  
17 comment letter from him and his wife as Exhibit 8. He submitted a petition signed by 62 of his  
18 neighbors and frequent travelers of the area noting their belief that the Enclave development does not  
19 meet state transportation requirements (Exhibit 9). He entered the city's 6-year Transportation Plan into  
20 the record (Exhibit 10). The Traffic Improvement Plan says the city builds one new traffic signal every  
21 two years, and the traffic signal planned for the area is not the top priority. The MDNS from May 19th  
22 created a nexus between the development and the traffic signal. The May 19th decision failed to include  
a traffic analysis of the impact of the signal. A detailed traffic analysis study needs to be conducted and  
made available to the public. He submitted a request for reconsideration after the May 19th decision,  
but his request was denied (Exhibit 11). He entered the letter denying his second request as Exhibit 12.

23 Kathy Forsell stated that she lives at 13710 156th Ave SE and also owns a home at 142nd  
24 Place. The developers need to be considerate of the people living in the community. The area needs  
25 more stability before it can handle this type of growth. The traffic on 142nd Place backs up at different  
26 times than those tested in the traffic analyses. There is more traffic at 6am than later in the morning.  
She did not hear about the new development until late in the process. A traffic light will not solve the  
problem, and the city needs to consider other road improvements.

1 Gwendolyn High testified that she is the president of the Community Alliance to Reach Out and  
2 Engage which represents households over incorporated and unincorporated boundaries in regards to  
3 planning and land use. She noted that the transportation impact analysis from December, 2013 states  
4 that 156th Avenue is straight through the access points which is true; however, the intersection with  
5 142nd is not straight. The sight lines are terrible. If you are turning left on 156th, you cannot see the  
6 access street. The December, 2013 analysis does not provide a citation for the 3 percent annual rate.  
7 There is no reference to other projects or other basis for this percentage provided in the study. The  
8 analysis also claims there is adequate distance between the intersections; however, an I-Map illustration  
9 in her presentation packet shows that the intersection of 142nd has a stop sign 7ft north of the southern  
10 boundary of the Enclave site. Using the figures from the traffic analysis, the distance from the crosswalk  
11 and proposed access site is approximately 119ft which is less than the standard of 125ft. The entire  
12 corridor is in the I-405 plan and has been identified as needing arterial improvements. 156th is listed as  
13 a minor arterial. The standard for minor arterial right-of-ways is 4-lanes at 91ft. There is no provision  
14 that adequate right-of-ways be made in order to provide for future improvements to this corridor. The  
15 proposal that students cross 156th to be on the southbound side to reach a bus stop will create a  
16 dangerous situation because of poor lighting, a busy road, and bad sight lines. If the city does not use  
17 the money provided by the developer for improvement in 6 years, the money is returned to the  
18 developer. The infrastructure changes are slow and never meet the threshold for actually making  
19 improvements. The Comprehensive Plan fails to deal with the impacts of new development.

20 In regard to stormwater, Ms. High noted that Renton has an underdeveloped stormwater conveyance  
21 system. Previously approved developments have resulted in flooded drain fields and structural damage  
22 of other homes. The project needs a level 3 stormwater system. It is unclear who will have  
23 responsibility over the drainage facilities. There needs to be certainty that new problems will not be  
24 created by the project. In regard to landscaping, the tree retention standard is not defined so it is unclear  
25 what will happen with the project. The city arborist is supposed to do a report on the project. Trees are  
26 part of the character of Renton and its development. To lose 300 significant trees is an enormous  
change, and the city needs to know how they will be replaced. The trees need to be protected from  
accidental removal by homeowners. This can be done via adequate signage in the area. In regard to the  
landscaping around the detention pond, the design standard say setbacks should not be reduced for  
newly planned developments to facilitate increased density. These standards cannot be ignored by city  
planning staff. The city has failed to provide the arborist report, the tree retention plan, the landscaping  
plan, the drainage agreement with the HOA, or the tree protection agreement for review. These are  
required, but the city has not required them or made them available to the public. A lighting plan also  
should be provided. In regard to transportation, route 11 is slated to be cut and this will have an impact  
on the neighborhood, on where people park, etc. She stated that they would like to have these things  
mitigated. She submitted her comments as Exhibit 13.

27 Ronda Bryant testified that she has lived in the area for 25 years. In the next couple of years,  
28 there will be 204 houses impacting the 156th and 142nd main intersection. She is concerned that no  
29 impact analysis has been done on the next intersection down and she believes it is important in this  
30 particular instance. If 156th is considered a secondary bypass for I-405 then this next intersection is also  
31 a bypass route. A traffic light will be going in and because people will not want to sit for this light in the  
32 morning, thus they will make a left onto that street to bypass this light. She estimated that over 2000  
trips a day on these streets with these projects that will appear in the next two years. She also noted that

1 not only the Renton but the Issaquah school buses go through that intersection. There will be issues with  
2 bus stops and crosswalks. The route will change in September and may add a number of bus stops.  
3 People that come to catch the bus there are going to try to park somewhere. These are problems that she  
4 believes have existed for years and additional houses will cause problems for Enclave. With regard to  
5 the landscape plan, she is concerned with the proposed use of Heavenly Bamboo. In googling  
6 information on bamboo, she found that bamboo is not only invasive but toxic to birds. Bamboo should  
7 be taken from the plan.

#### 8 Staff Rebuttal

9 Ms. Ding noted that the city arborist has done an inspection which is located in Exhibit 33 of the  
10 staff report. This report concurred with the applicant's arborist report. With regard to the landscaping  
11 around the storm water pond, the 15ft requirement is not actually in code; it was administrative  
12 interpretation. This allows the city to reduce that requirement to 10ft. In regard to the number of  
13 reports not yet completed, staff noted that there are a list of reports located in the staff report. Some  
14 reports are required and others are not typically received until later in the process. The required reports  
15 are available. Heavenly Bamboo is not found on the invasive plants list. The city would not object to  
16 removing it from the list provided there was similar shrub available. With regard to questions about  
17 level 3 downstream stormwater, it is not recommended as a condition but is in the standard for code. To  
18 clarify questions regarding traffic impact, the cities concurrency policy is a city-wide analysis. Exhibit 2,  
19 attachment 26 from the staff report is a concurrency analysis. When a citywide policy is met, the project  
20 is seen as concurrent. Staff stated that they will talk to the public works department and determine where  
21 the traffic thresholds and standards come from.

#### 22 Applicant Rebuttal

23 Maher Joudi testified that, with regard to Ms. Forsell's comment about her property on 142nd,  
24 the applicant is providing a new sewer main across 142nd down to 140th. The applicant believes that  
25 the project should provide for existing public needs.

26 Regarding the cumulative development questions, Mr. Carson noted that the Growth  
Management Act requires that they adopt transportation standards. Renton has adopted transportation  
concurrency requirements. The city has chosen to look at them on a citywide basis and collect traffic  
impact fees on a citywide basis. This means that a project in one area of the city contributes to the city as  
a whole and this is why it is citywide. The project passed the transportation analysis not just through  
legislative analysis but through their concurrence currency analysis. With regard to SEPA, it evaluates  
known reasonable development under statute and regulations. The 2 percent growth has complied with  
SEPA regulations. It showed that it would not create significant traffic impacts on a cumulative basis.  
This SEPA decision was appealed by Mr. Paulson. Mr. Carson believes that they have answered this  
during the SEPA appeal process because this signal will actually improve instead of create adverse  
impacts. With regard to plot conditions, Mr. Carson stated that the project contributes to improvements  
in road conditions. They have satisfied the code. He noted that the city went beyond its policy even  
though they were not required to analyze anything beyond 5 percent.

#### Staff Response

1  
2 In response to the Hearing Examiner's questions regarding the basis for standards and policies,  
3 Ms. Nair noted that for peak hour times, the city refer to the national standards developed by the  
4 institute of transportation engineers, and that this is a standard reference document for this  
5 determination. With regard to the growth rate, traditionally this information is provided by the  
6 transportation planning section. Regarding the site distance concern noted in Ms. High's  
7 documentation, she noted that the staff walked the street and used this site visit along with analysis to  
8 make their conclusions.

## EXHIBITS

8	Exhibit 1	Notice of Appeal w/ attachments a-h
9	Exhibit 2	Staff Report w/ attachments 1-33
10	Exhibit 3	CV of Vincent Gaglia
11	Exhibit 4	TraffEx Traffic Study Addendum dated June 20, 2014
12	Exhibit 5	Renton Traffic Counts from June, 2014
13	Exhibit 6	City of Renton 2014-2019 6-year Transportation Improvement Plan, Project Number 25
14	Exhibit 7	Tom Carpenter comments
15	Exhibit 8	Paulson Comment Letter
16	Exhibit 9	Petition submitted by Mr. Paulson
17	Exhibit 10	City of Renton Six Year Transportation Improvement Plan
18	Exhibit 11	Paulson second request for reconsideration
19	Exhibit 12	City's denial of Paulson's second request for reconsideration
20	Exhibit 13	Gwendolyn High Comment Packet
21	Exhibit 14	Map provided by Ronda Bryant
22	Exhibit 15	Utility Map
23	Exhibit 16	6/26/14 email from Roger Paulson to Jill Ding
24	Exhibit 17	6/27/14 email from Brent Carson with attachments responding to public comment
25	Exhibit 18	6/27/14 email to Examiner responding to Paulson comments
26	Exhibit 19	4:13 pm 6/27/14 email to Examiner from Jill Ding
	Exhibit 20	7/1/14 email to Jill Ding from Roger Paulson

## FINDINGS OF FACT

### Procedural:

1. Applicant. PNW Holdings, LLC.
2. Hearing. A consolidated hearing on the preliminary plat application and SEPA appeal was held on June 24, 2014 in the City of Renton Council City Chambers. The SEPA appellant, Mr. Paulsen, was given until June 27, 2014 to provide written comment to traffic reports submitted by the applicant during the hearing. The applicant was given until July 1, 2014 to respond and the appellant July 2, 104

1 to reply. The record was also left open through June 27, 2014 for the applicant to provide comment on  
2 Exhibits 8, 13 and 14.

3 3. Project Description. The applicant requests preliminary plat approval for the subdivision of 8.8  
4 acres into 31 single-family residential lots on the east side of 156<sup>th</sup> Avenue SE between SE 139<sup>th</sup> Place  
5 and SE 143<sup>rd</sup> Street. An appeal of a mitigated determination of nonsignificance (“MDNS”) issued  
6 under the Washington State Environmental Policy Act (“SEPA”) was consolidated with the review of  
7 the preliminary plat.

8 The proposed lots would range in size from 8,050 square feet to 12,566 square feet. Access to all lots  
9 would be provided along a new looped public road (Road A and Road B) off of 156<sup>th</sup> Avenue SE. A  
10 dead end access is also provided, terminating in a temporary cul-de-sac at the south property line. It is  
11 anticipated the dead end access would extend onto the adjacent property to the south at a later date,  
12 under a future application for development. The preliminary plat also includes a stormwater tract and  
13 an open space tract. The proposal would result in a density of 4.45 dwelling units per acre.

14 The site generally slopes to the southwest with an elevation change of 20 feet. A geotechnical report for  
15 the site was submitted containing information on the surface conditions, subsurface conditions and  
16 groundwater. The site is currently occupied by a single family residence, a detached garage, and  
17 associated gravel driveways. The existing residence and the detached garage are proposed to be  
18 demolished as a part of the proposed subdivision.

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

23 A. Water and Sewer Service. Water service will be provided by Water District #90. A water  
24 availability certificate was submitted to the City. Sewer service will be provided by the City  
25 of Renton. There is an 8-inch sewer main in 156<sup>th</sup> Avenue SE.

26 B. Police and Fire Protection. Police and Fire Prevention staff indicates that sufficient  
resources exist to furnish services to the proposed development; subject to the condition that  
the applicant provides Code required improvements and fees. Fire impact fees are applicable  
at the rate of \$479.28 per single family unit. This fee is paid at time of building permit  
issuance.

C. Drainage. The proposal provides for adequate stormwater drainage facilities. A drainage  
plan (Exhibit 5) and drainage report (Exhibit 13) has been submitted with the application.  
The report addresses compliance with 2009 King County Surface Water Manual and City of  
Renton Amendments to the KCSWM, Chapters 1 and 2. The Engineer proposes to develop

1 an on-site storm detention/water quality pond located in proposed Tract A. City public work  
2 staff have found the drainage plan to comply with City standards and final engineering plats  
3 will be submitted for City review and approval as part of final plat review.

4 The site is located within the Lower Cedar River Basin and has a discharge to areas  
5 maintained by King County. King County has been provided a copy of these plans and  
6 reports that the project could impact King County's Orting Hills Creek and service area.  
7 Based on the City's flow control map, this site falls within the Flow Control Duration  
8 Standard, Forested Condition. The project is subject to basic water quality treatment and  
9 Level 2 flow control, which could be elevated to Level 3 depending on downstream  
10 conditions. A level 2 flow control facility is typically sized to match the pre-developed rates  
11 for the forested condition extending from 50% of the 2 year up to the 50 year flow. The  
12 engineer has designed a combined detention and wet pond to be located at the southwest  
13 corner of the site. Access and maintenance to the proposed combined water quality and  
14 retention facility will be required per the 2009 King County SWDM and the City of Renton  
15 Amendments to the KCSWDM. A level 3 downstream analysis will be required for the  
16 project. Appropriate individual lot flow control BMPs will be required to help mitigate the  
17 new runoff created by this development. The final drainage plan and drainage report must be  
18 submitted with the utility construction permit application. Secondary review may be  
19 required for the pond with both structural engineer and geotech engineer, and lining may  
20 also be required.

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

26 E. Streets. Congestion was a source of major concern of persons who attended the hearing. It  
is very clear that many people who live in the area find the streets too congested. However,  
what constitutes an acceptable level of congestion is governed City Council adopted LOS  
standards. For purposes of congestion analysis, the threshold for what serves as "adequate"  
traffic infrastructure for preliminary plat review and as an adverse impact for environmental  
(SEPA) review is the LOS standard. Without an LOS standard, attempting to determine  
tolerable congestion would be a highly arbitrary and subjective analysis that would not be  
legally defensible. In addition, use of the LOS to regulate congestion represents a finely  
tuned balancing of the City's state mandate responsibility to accommodate growth; available  
public monies for infrastructure improvements; and due deference to constitutional  
mandates that developers only pay their fair share of infrastructure improvements. Imposing

1 a higher standard than that set by LOS would likely run afoul of one if not all of these  
2 factors. For these reasons, using LOS to serve as the measuring rod for acceptable  
3 congestion levels makes sense from both City transportation funding basis as well as a  
4 specific project review basis.

5 Unfortunately, as testified by Tom Carpenter, Renton uses a very unique LOS measuring  
6 system that makes it very difficult to assess localized congestion impacts. In order to  
7 appreciate the challenges of Renton's system, some background on state LOS requirements  
8 and how it more typically works is necessary.

9 LOS standards for transportation facilities are required by the Growth Management Act,  
10 Chapter 36.70A ("GMA"). The GMA requires cities and counties to adopt LOS standards  
11 for transportation facilities along with ordinances that "...*prohibit development approval if*  
12 *the development causes the level of service on a locally owned transportation facility to*  
13 *decline below the standards adopted in the transportation element of the transportation*  
14 *plan, ...*" See RCW 36.70A.070(6)(b)(the ordinances are referred to as "concurrency  
15 ordinances"). In furtherance of this requirement, most cities and counties adopt LOS for  
16 specific arterial intersections and/or road segments with ratings based upon an ABCDEF  
17 scale, similar to school grades, where A is a well-functioning intersection or road segment  
18 and F is a failing intersection or road segment. An LOS of C or D is often adopted as  
19 minimum LOS for city or county intersections. If a proposed development is projected to  
20 decrease the LOS of an intersection below the adopted C or D, the developer basically has  
21 three choices: (1) make traffic improvements that prevent violation of the LOS; (2) redesign  
22 the project to reduce traffic generation so LOS is not violated; or (3) face denial of the  
23 permit application.

24 The type of site specific concurrency analysis outlined in the preceding paragraph allows for  
25 a very localized assessment of congestion impacts. For example, in a city that adopts an LOS  
26 of C for its intersections, no development can be approved anywhere in that city that would  
lower the LOS of an arterial intersection from an LOS of A, B or C to and LOS of D, E or  
F. The City Council, based upon available financial resources and local land use patterns,  
adopts an acceptable level of congestion (the LOS standard), and this standard is then  
imposed via a site specific analysis on every nonexempt project through the concurrency  
ordinance quoted in the preceding paragraph.

Renton's LOS standards don't allow for this localized assessment of congestion. There is no  
A, B or C grade assigned to intersections or road segments. Instead, Renton has developed a  
city-wide LOS "index" value, based upon the total number of miles one single-occupant  
vehicle, one high occupant vehicle and one transit vehicle can travel in 30 minutes. See

1 Renton Comprehensive Plan, Transportation Element, p. XI-26. The Renton LOS index  
2 standard is 42, i.e. the combined mileage of a single-occupant, high occupant and transit  
3 vehicle must be 42 miles for a half hour of travel time. It's unclear how the mileage for the  
4 LOS index is determined from the comprehensive plan, but it appears that this standard  
5 imposes virtually no limit on how bad congestion could get in one part of the City, so long as  
6 travel times in the City's transportation system overall meet the 42 index value.

7  
8 The City-wide focus of the LOS "index" system makes it a more questionable measuring  
9 tool for congestion levels than the more typical "A, B, C" system used in most other  
10 jurisdictions. However, in the absence of any other comparable objective measuring device  
11 it is still the most compelling standard to use. Given the widespread usage of the "A, B, C"  
12 LOS system, it's fairly clear that the City Council made a very conscious and deliberate  
13 choice to focus on overall transportation system performance even though this may mean  
14 that specific portions of the City could suffer exceedingly severe congestion. Although the  
15 City Council focus in the adoption of its LOS system may have been on its transportation  
16 funding and planning priorities, those same issues directly affect project level review. In the  
17 absence of City planning or funding directives to lower severe congestion in a particular  
18 area, in many if not most cases it will not be possible to impose a stricter congestion standard  
19 for individual development because either (A) no development will be allowed to occur,  
20 creating a de facto unconstitutional development moratorium, or (B) the developer would be  
21 required to pay for more than its fair share of traffic mitigation, which is also  
22 unconstitutional.

23  
24 The long discussion above leads to the conclusion that compliance with the City's  
25 concurrency system, even if it is a city-wide system, establishes an acceptable level of  
26 congestion. City staff have conducted a concurrency analysis and have concluded that the  
proposal will not violate the City's transportation LOS. See Ex. 26. No one has disputed  
this concurrency determination and there is no evidence in the record to contradict it.  
Consequently, the findings of City staff must be taken as a verity. The proposal meets City  
concurrency, therefore the City's road system is adequate to handle the traffic generated by  
the proposal and any additional congestion caused by the proposal would not be considered a  
significant adverse environmental impact.

It should be noted that even if Renton had adopted the more traditional "A, B, C"  
concurrency system, concurrency would still not be violated by the proposal in most  
jurisdictions. As quoted previously, the GMA only requires denial of a proposal if it causes  
"*...the level of service on a locally owned transportation facility to decline below the  
standards adopted in the transportation element...*" This language is taken very literally  
by most jurisdictions – if an intersection is already operating below adopted standards, the

1 provision doesn't apply. It only applies if a proposed development will cause an intersection  
2 or road section that currently meets LOS standards to fail them. If the adopted LOS  
3 standard is D and an intersection currently operates at the LOS E, there can be no violation  
4 of concurrency because the intersection already fails to meet minimum LOS. The  
5 applicant's traffic report applies an "A, B, C" LOS system using professionally recognized  
standards<sup>1</sup> to affected intersections and finds that the proposal doesn't lower LOS to any of  
the intersections. See Ex. 12 of staff report, Ex. 2. All LOS levels stay the same.

6 Although the City's LOS serves as the primary measure for assessing congestion impacts at  
7 project level review, there is still some room left to require proportionate share mitigation of  
8 developers. As demonstrated in the applicant's traffic study, LOS "A, B, C" standards can  
9 be based upon professionally recognized levels of congestion that can be applied in an  
10 objective and uniform manner. It's for this reason that staff was able to require the applicant  
11 to pay for proportionate share mitigation of the 156<sup>th</sup> Ave. SE/SE 142<sup>nd</sup> Street intersection.  
12 However, it needs to be recognized that the ability to rely upon these proportionate share  
13 contributions is very limited because state law requires that mitigation funds be expended  
within five years of receipt. See RCW 82.02.020. This means that if the remaining  
balancing of improvement costs cannot be recovered from other developers or city coffers  
within six years the mitigation money must be returned to the developer.

14 In calculating projected impacts to affected intersections, the applicants used a 3% yearly  
15 rate in traffic growth. This was disputed by some project opponents, who presented a list of  
16 numerous projects in Ex. 13 and 14 that would add traffic to the roads of the vicinity. The  
17 applicant's traffic engineer prepared a report establishing that the 3% growth factor was  
18 more than twice the amount necessary to accommodate traffic from the projects identified in  
19 Ex. 13 and 14. See Ex. 17. Further, City policies dictate the use of a 2% growth factor,  
20 which is based upon historical increases within the City. See Ex. 19. Issues were also raised  
21 about site distance and intersection spacing, which were adequately addressed by the  
22 applicant's traffic engineer in Ex. 17 and the fact that site distance was also reviewed and  
approved by the City engineering department. Project opponents presented no expert  
testimony on any of these issues, so the expert testimony provided by the applicant's expert  
and verified by City experts is found more compelling.

23 One of the SEPA issues raised by Mr. Paulson was that an intersection improvement  
24 required as mitigation for the project area, the signalization of the 156<sup>th</sup> Ave. SE/SE 142<sup>nd</sup>  
Street intersection, would cause queuing conflicts with the access points of the subdivision.  
25 Mr. Paulson provided no engineering analysis or any other evidence to support this position.

26 <sup>1</sup> The applicant's engineers used the Transportation Research Board Highway Capacity Manual to calculate LOS.

1 The applicant prepared a traffic report addendum, Ex. 4, establishing by engineering  
2 calculations that queues created by the intersection would not back up to the point of the  
3 proposed plat access points. The applicant's traffic study addendum was subject to review  
4 by the City's engineering department and they voiced no objections to its methodology or  
5 conclusion. Given the absence of any expert opinion to the contrary, the addendum's  
6 conclusions are taken as verities and it is determined that the intersection will not create any  
7 queuing conflicts with the access points to the intersection.

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

10 G. Schools. It is anticipated that the Renton School District can accommodate any additional  
11 students generated by this proposal at the following schools: Maplewood Elementary,  
12 McKnight Middle School and Hazen High School. Any new students from the proposed  
13 development would be bussed to their schools. The stop is located approximately .06 mile  
14 from the project site at 156<sup>th</sup> Avenue SE & SE 5<sup>th</sup> Place. The proposed project includes the  
15 installation of frontage improvements along the 156<sup>th</sup> Avenue SE frontage, including  
16 sidewalks. Students would walk a short distance along 156<sup>th</sup> Avenue SE north of the project  
17 site along the road shoulder to the bus stop. However, there appears to be adequate area  
18 along the road shoulder to provide for safe walking conditions (Exhibit 25). In addition, the  
19 City is requiring right-of-way dedicated along the frontage of parcel 1423059057 (which is  
20 being removed from the project site via lot line adjustment) to allow for the future  
21 installation of frontage improvements which would be required upon the receipt of a future  
22 subdivision application. The bus is traveling south students would be required to cross 156<sup>th</sup>  
23 Avenue SE at SE 5<sup>th</sup> Place via the existing crosswalk. The driver stops traffic to allow the  
24 students to cross 156<sup>th</sup> Avenue SE and board the bus. There were some public concerns  
25 raised about the safety of this road crossing, so the conditions of approval require further  
26 staff investigation and mitigation as necessary.

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 fee is assessed at \$6,392.00 per  
single family residence.

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. There are no critical  
areas on site. The proposal is surrounded by single family development so compatibility of use is not an  
issue.

1 There were concerns raised by about tree preservation. RMC 4-4-130H requires thirty percent of the  
2 trees shall be retained in a residential development. When the required number of protected trees cannot  
3 be retained, new trees, with a two-inch (2") caliper or greater, must be planted. The replacement rate is  
4 twelve (12) caliper inches of new trees to replace each protected tree removed. The site is currently  
5 vegetated with a total of 303 significant trees, lawn, and landscaping associated with the existing single  
6 family residence. Of the existing 303 significant trees 57 have been determined to be dead, diseased  
7 and/or dangerous per the applicant's Arborist Report (Staff Report Exhibit 15), and 46 would be located  
8 in the proposed roadway resulting in a total of 200 trees that have been identified as protected trees. Of  
9 the 200 protected trees 30 percent or 60 trees are required to be retained and/or replaced on the project  
10 site. The applicant proposes to retain 35 trees and install 150 2-inch caliper replacement trees, which  
11 complies with the City of Renton's Tree Retention requirements.

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

14 6. SEPA Appeal. A mitigated determination of nonsignificance ("MDNS") was issued for the  
15 proposal on March 31, 2014. Roger Paulson filed a request for reconsideration with the City on April  
16 16, 2014. Ex. 29. This request was denied by the City on May 19, 2014. Ex. 30. However, as a result  
17 of the request for reconsideration, the City required the applicant to pay its proportionate share of a  
18 signal for the 156<sup>th</sup> Ave. SE/SE 142<sup>nd</sup> Street intersection. Mr. Paulson then filed the subject SEPA  
19 appeal on May 19, 2014. Ex. 1. The appeal raised two issues: (1) the notice for the comment period on  
20 the SEPA MDNS was confusing, since it could be read as authorizing comment on the MDNS at the  
21 permit hearing; and (2) the SEPA review was inadequate because it didn't include the impacts of  
22 the 156<sup>th</sup> Ave. SE/SE 142<sup>nd</sup> Street intersection improvements. Mr. Paulson argued that back-ups caused  
23 by the intersection could cause queuing conflicts with the access points to the preliminary plat. In  
24 response the applicant prepared an addendum to its traffic analysis that demonstrated that back-ups  
25 caused by the intersection would not extend to the preliminary plat access points.

## 26 **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).

## **SEPA APPEAL**

3. SEPA Review Criteria. There are only two reasons to overturn an MDNS: (1) there are  
unmitigated probable significant adverse environmental impacts; or (2) the SEPA responsible official has

1 not undertaken an adequate review of environmental factors as required by SEPA regulations. Each  
2 grounds for reversal will be separately addressed below.

3 A. Probable Significant Adverse Environmental Impacts.

4 The primary relevant inquiry for purposes of assessing whether County staff correctly issued an MDNS  
5 is whether the project as proposed has a probable significant environmental impact. See WAC 197-11-  
6 330(1)(b). If such impacts are created, conditions will have to be added to the MDNS to reduce impacts  
7 so there are no probable significant adverse environmental impacts. In the alternative, an EIS would be  
8 required for the project. In assessing the validity of a threshold determination, the determination made by  
9 the City's SEPA responsible official shall be entitled to substantial weight. WAC 197-11-6 (3)(a)(viii).

10 B. Adequate Environmental Review

11 The second reason an MDNS can be overturned is if the SEPA responsible official did not adequately  
12 review environmental impacts in reaching his threshold determination. The SEPA responsible official  
13 must make a prima facie showing that he has based his determination upon information reasonably  
14 sufficient to evaluate the impacts of a proposal.

15 An agency's threshold determination is entitled to judicial deference, but the agency must make a  
16 showing that "*environmental factors were considered in a manner sufficient to make a prima facie*  
17 *showing with the procedural requirements of SEPA.*" *Chuckanut Conservancy v. Washington State*  
18 *Dept. of Natural Resources*, 156 Wn. App. 274, 286-287, quoting *Juanita Bay Valley Community*  
19 *Ass'n v. City of Kirkland*, 9 Wn. App. 59, 73 (1973). In applying this adequacy standard, on several  
20 occasions the courts have examined how thoroughly the responsible official reviewed environmental  
21 impacts in addition to assessing whether a proposal has probable significant adverse environmental  
22 impacts. See, e.g., *Boehm v. City of Vancouver*, 111 Wn. App. 711 (2002), *Moss v. City of*  
23 *Bellingham*, 109 Wn. App. 6 (2001). In *Moss*, for example, the court recited the prima facie rule and  
24 then applied it as follows:

25 *The record indicates that the project received a great deal of review. The*  
26 *environmental checklist was apparently deemed insufficient, and therefore the SEPA*  
*official asked for additional information in the form of an EA. The City gathered*  
*extensive comments from agencies and the public, held numerous public meetings,*  
*and imposed additional mitigation measures on the project before finally approving it.*  
*Notably, although appellants complain generally that the impacts were not adequately*  
*analyzed, they have failed to cite any facts or evidence in the record demonstrating*  
*that the project as mitigated will cause significant environmental impacts warranting*  
*an EIS.*

109 Wn. App. at 23-24.

1 WAC 197-11-335 provides that a threshold determination shall be “*be based upon information*  
2 *reasonably sufficient to evaluate the environmental impact of a proposal*”. See, also, *Spokane*  
3 *County v. Eastern Washington Growth Management Hearings Board*, 176 Wn. App. 555 (2013). The  
4 standard of review on adequacy, therefore, is that the SEPA responsible official must make a prima facie  
5 showing that the determination is based upon information reasonably sufficient to evaluate the impacts of  
6 a proposal.

7 4. MDNS Notice. As outlined in Finding of Fact No. 6, one of the two SEPA appeal issues is that  
8 the notice for the comment period on the MDNS is confusing. The notice is arguably confusing, but Mr.  
9 Paulson does not have standing to raise the issue because he was not aggrieved by the notice. Mr.  
10 Paulson in fact submitted comments on the MDNS prior to the comment expiration period and makes no  
11 assertion that the notice language prevented him from making any additional comments.

12 The notice at issue is integrated into the Notice of Application and Proposed Determination of Non-  
13 Significance-Mitigated, att. H to Ex. 1. The first page of the Notice provides that “[c]omment periods  
14 for the project and proposed DNS-M are integrated into a single comment period.” The second page  
15 of the Notice provides that “Comments on the above application must be submitted in writing....by  
16 5:00 pm on March 24, 2014....If comments cannot be submitted in writing by the date indicated  
17 above, you may still appear at the hearing and present your comments...”

18 Mr. Paulson asserts that since the comment period on the MDNS was integrated with the comment period  
19 on the application, a person would reasonably conclude that they could comment at the hearing on the  
20 application given the quoted language above. The Notice is arguably confusing in this regard. However,  
21 the sentence allowing for comment at the hearing refers to “comments on the above application”, not the  
22 MDNS. Further, the first page of the Notice also notes that “[t]here will be no comment period  
23 following the issuance of the Threshold Determination of Non-Significance-Mitigated (DNS-M).” At  
24 the very least, this latter sentence should prompt a citizen intent on commenting on the MDNS to seek  
25 clarification on when the MDNS comment period expires.

26 The language on the MDNS comment period could use some clarification, but whether it merits a new  
threshold determination cannot be addressed in this decision. Mr. Paulson does not have standing to  
pursue his notice issue. As required in RMC 4-8-110(E)(3), one of the requirements for standing on an  
appeal issue is that the appellant must have suffered some injury in fact due to issuance of the decision  
under appeal. Mr. Paulson does not allege that he was denied an opportunity to comment on the MDNS  
because he was lead to believe he could make his comments at the public hearing on the preliminary plat.  
In point of fact Mr. Paulson submitted numerous comments on the MDNS on March 22, 2014, prior to  
the issuance of the MDNS on March 31, 2014. See Ex. A to Ex. 1.

5. Intersection Mitigation. As provided in more detail in Finding of Fact No. 6, Mr. Paulson asserts  
that the impacts of intersection improvements required of the developer were not adequately assessed in  
the SEPA review and also that the queues caused by these improvements would interfere with the access

1 points to the proposed preliminary plat. It is concluded that the SEPA review was adequate and that  
2 the intersection improvements will not create any probable significant adverse environmental  
impacts.

3 On the adequacy issue, as concluded in Conclusion of Law No. 3(B), the standard is that the SEPA  
4 responsible official only has to make a prima facie showing that he has based his determination upon  
information reasonably sufficient to evaluate the impacts of a proposal. The standard has been applied  
5 in numerous SEPA appeal court opinions, and until the recently issued *Spokane County* case, *supra*, no  
6 court has ever found the level of review to be lacking. The *Spokane County* case dealt with site  
7 specific comprehensive plan land use amendment along with an associated rezone. The environmental  
checklist contained no information on any environmental impacts of the proposed legislative  
8 amendments, even though the record was clear as to future development plans for the site and the site  
was located in a critical aquifer area with high susceptibility to contamination.

9 In this case the City clearly made a prima facie showing that it adequately reviewed traffic impacts  
prior to issuance of the MDNS. A traffic report, Staff Report Ex. 12, was prepared analyzing impacts  
10 to several intersections. The traffic report assessed LOS impacts to several intersections, even though  
the number of trips generated for those intersections was not sufficient to trigger an LOS analysis  
11 under City policies. The report and street circulation issues were reviewed by the City's engineering  
department. The advisory notes to the MDNS, Ex. 18, identify six transportation issues that were  
12 assessed by City engineering staff.

13 All of this traffic review conducted by the City easily establishes that the City made a "prima facie"  
14 showing that it had sufficient information to reasonably evaluate the traffic impacts of the proposal. It  
should be understood that the adequacy of review is to be distinguished from whether a proposal will  
15 create probable significant adverse impacts. The adequacy of review just addresses the overall due  
diligence in how review was conducted (hence the requirement that the City only make a "prima facie"  
16 showing of compliance). When dealing with adequacy of review, the City does not have to establish  
that it reviewed every issue that could conceivably lead to significant adverse impacts, only that  
17 information considered was "reasonably sufficient" to evaluate environmental impacts. Of course, if a  
18 single issue is significant and will clearly cause adverse impacts, the failure to consider it could  
undermine a showing of prima facie compliance. The intersection improvements do not rise to that  
19 level. As borne out by the subsequently traffic addendum, Ex. 4, prepared after issuance of the  
MDNS, the intersection improvements in fact did not create any adverse impacts and Mr. Paulson  
20 presented no evidence to the contrary. During preparation of the MDNS it was reasonable for the  
SEPA responsible official to conclude that the impacts of the intersection improvements did not merit  
21 further environmental review.

22 On the second issue of whether the intersection will create probable significant adverse environmental  
23 impacts, the record is clear that the intersection will not create any significant adverse impacts. This  
finding can be made even without the substantial weight required due to the determinations of the  
24 SEPA responsible official. The traffic report addendum, Ex. 4, provides an engineering analysis  
prepared by a  
25  
26

1 qualified traffic expert establishing that queues caused by signalization of the 156<sup>th</sup> Ave. SE/SE 142<sup>nd</sup>  
2 Street intersection will not interfere with the access points to the proposed subdivision. Mr. Paulson  
3 provided no evidence to the contrary.

### 4 PRELIMINARY PLAT

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

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

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

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

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

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

15 7. As to compliance with the Zoning Code, Finding I(2) of the staff report is adopted by reference  
16 as if set forth in full, with all recommended conditions of approval adopted by this decision as well. As  
17 depicted in the plat map, Staff Report Ex. 3, each proposed lot will directly access a public Road, Road  
18 A. As determined in Finding of Fact No. 4 and 5, the project is adequately designed to prevent any  
19 impacts to critical areas and will not cause flooding problems. As determined in Finding of Fact No. 4,  
20 the proposal provides for adequate public facilities.

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

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

25 **RMC 4-7-120(A):** *No plan for the replatting, subdivision, or dedication of any areas shall be  
26 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.*

9. As shown in Staff Report Ex. 3, the internal road system connects to 156 Ave SE, a public road.

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

1 10. The City's adopted street plans are not addressed in the staff report or anywhere else in the  
2 administrative record. However, the only other street connection possible for the proposal would be to  
3 an extension of SE 8<sup>th</sup> Street, which is accommodated by a stub road. Consequently, the criterion above  
is construed as satisfied by the proposal.

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

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

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

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

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

20 *b. Steep Slopes: A plat, short plat, subdivision or dedication which would result in the creation of a*  
21 *lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-*  
22 *050JIa, without adequate area at lesser slopes upon which development may occur, shall not be*  
23 *approved.*

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

26 *4. Streams:*

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

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

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

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

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

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

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

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

23 14. As shown in Staff Report Ex. 3, the internal road connection to 156 Ave. S. is currently the only  
24 road connection possible for the project.

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

26 15. As conditioned.

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

16. The proposed connection to 156 Ave. S. is the only connection possible for the project.

**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*

1 *alignment offsets of less than one hundred twenty five feet (125') are not desirable, but may be*  
2 *approved by the Department upon a showing of need but only after provision of all necessary safety*  
3 *measures.*

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

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

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

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

14 *3. Exceptions:*

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

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

18 *ii. Substantial improvements are existing.*

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

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

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

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

18. As shown in Staff Report Ex. 3, no grid pattern is possible for the proposal. Alley access is not  
required since the proposal is in a Residential Low Density land use designation. The internal roads are

1 looped as encouraged by the criterion above. No cul de sacs are proposed and a stub road is proposed as  
2 encouraged by the criterion above. The criterion is met.

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

6 19. As proposed.

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

10 20. As conditioned. As shown in Ex. 3 to the Staff Report, the stub road extension extends for a  
11 depth greater than an average lot so a temporary turnaround is required.

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

14 21. As depicted in Staff Report Ex. 3, the side lines are in conformance with the requirement quoted  
15 above.

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

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

19 **RMC 4-7-170(C):** *The size, shape, and orientation of lots shall meet the minimum area and width*  
20 *requirements of the applicable zoning classification and shall be appropriate for the type of*  
21 *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.*

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

24 **RMC 4-7-170(D):** *Width between side lot lines at their foremost points (i.e., the points where the*  
25 *side lot lines intersect with the street right-of-way line) shall not be less than eighty percent (80%) of*  
26 *the required lot width except in the cases of (1) pipestem lots, which shall have a minimum width of*

1 *twenty feet (20') and (2) lots on a street curve or the turning circle of cul-de-sac (radial lots), which*  
2 *shall be a minimum of thirty five feet (35').*

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

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

6 25. As conditioned.

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

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

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

17 26. As conditioned.

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

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

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

1 28. Compliance with City water system design standards is assured during final plat review.

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

8 29. As conditioned.

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

18 30. As conditioned.

19 **RMC 4-7-210:**

20 *A. MONUMENTS:*

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

24 *B. SURVEY:*

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

26 *C. STREET SIGNS:*

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

31. As conditioned.

1 **DECISION**

2 The proposed preliminary plat as depicted in Staff Report Ex. 3 and described in this decision is  
3 consistent with all applicable review criteria as outlined above, subject to the following conditions:

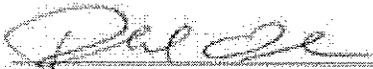
- 4 1. The applicant shall comply with mitigation measures issued as part of the Mitigated  
5 Determination of Non-Significance for the proposal.
- 6 2. All proposed street names shall be approved by the City.
- 7 3. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have  
8 minimum radius of fifteen feet (15').
- 9 4. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are  
10 available, or provided with the subdivision development.
- 11 5. All utilities designed to serve the subdivision shall be placed underground. Any utilities  
12 installed in the parking strip shall be placed in such a manner and depth to permit the  
13 planting of trees. Those utilities to be located beneath paved surfaces shall be installed,  
14 including all service connections, as approved by the Department of Public Works. Such  
15 installation shall be completed and approved prior to the application of any surface material.  
16 Easements may be required for the maintenance and operation of utilities as specified by the  
17 Department of Public Works.
- 18 6. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are  
19 installed to serve each lot. Conduit for service connections shall be laid to each lot line by  
20 Applicant as to obviate the necessity for disturbing the street area, including sidewalks, or  
21 alley improvements when such service connections are extended to serve any building. The  
22 cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore  
23 required to bring service to the development shall be borne by the developer and/or land  
24 owner. The applicant shall be responsible only for conduit to serve his development. Conduit  
25 ends shall be elbowed to final ground elevation and capped. The cable TV company shall  
26 provide maps and specifications to the applicant and shall inspect the conduit and certify to  
the City that it is properly installed.
7. The applicant shall install all street name signs necessary in the subdivision prior to final plat approval.
8. City staff shall investigate whether the proposed 156<sup>th</sup> Ave crossing for school children is safe in terms of lighting and stopping distance. Staff shall require further mitigation as necessary to ensure safe walking conditions for children walking to the school bus.

- 1 9. The proposed stub road shall include a temporary turn around as required by RMC 4-7-  
2 150(G) if this is not already proposed.
- 3 10. The applicant shall comply with the mitigation measures issued as part of the revised  
4 Determination of Non-Significance Mitigated, dated May 19, 2014.
- 5 11. The applicant shall obtain a demolition permit and all required inspections for the removal  
6 of the existing single family residence and detached garage prior to Final Plat recording.
- 7 12. A final detailed landscape plan shall be submitted to and approved by the Current  
8 Planning Project Manager prior to construction permit issuance, including a 10-foot  
9 landscaped visual barrier around the perimeter of the storm drainage tract (Tract A).
- 10 13. The landscaped visual barrier around the perimeter of Tract A shall be installed prior to  
11 recording of the final plat. Street frontage landscaping shall be installed prior to  
12 Certificate of Occupancy for the new single family residences.
- 13 14. An easement for tree protection shall be recorded along the east property line to protect  
14 the trees available for retention (as determined by the City of Renton Arborist). The  
15 easement should be of sufficient width to adequately protect the trees identified for  
16 protection, however staff recommends that the easement width be permitted to vary based  
17 on the width of the stand of trees proposed to be retained. Such easement shall be  
18 identified on the face of the Final Plat.
- 19 15. A final tree retention plan shall be submitted with the construction permit application  
20 identifying all the trees to be retained, as determined by the City Arborist.
- 21 16. A street lighting plan shall be submitted at the time of construction permit review for  
22 review and approval by the City's Plan Reviewer.
- 23 17. The plat map shall be revised to show Tract B as dedicated right-of-way. The revised plat  
24 map shall be submitted to the Current Planning Project Manager prior to recording of the  
25 final plat.
- 26 18. Secondary review may be required for the pond with both structural engineer and geotech  
engineer, and lining may also be required.
19. Site grading shall be limited to the summer months. If the grading is to take place during  
the wetter winter or spring month, a contingency shall be provided in the project budget to  
allow for export of native soil and import of structural fill.
20. The applicant shall be required to create a homeowner's association of maintenance  
agreement for the shared utilities, stormwater facilities, and maintenance and

1 responsibilities for all shared improvements of this development. A draft of the  
2 document(s) shall be submitted to Current Planning Project Manager for the review and  
3 approval by the City Attorney and Property Services section prior to the recording of the  
4 final plat.

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21. Bamboo may not be used for any landscaping required of the proposal.

DATED this 18th day of July, 2014.

  
Phil A. Olbrechts

City of Renton Hearing Examiner

#### Appeal Right and Valuation Notices

RMC 4-8-110(E)(9) provides that the final decision of the hearing examiner is subject to appeal to the Renton City Council. RMC 4-8-110(E)(9) 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 e examiner may also be filed within this 14 day appeal period as identified in RMC 4-8-110(E)(8) and RMC 4-8-100(G)(4). 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 – 7<sup>th</sup> floor, (425) 430-6510.

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