



1 The applicant requests a street modification from the RMC 4-6-060 standards along 3410 NE 12th  
2 St. The applicant proposes 2 feet of right-of-way dedication along the project side of NE 12th St and  
3 new curb and gutter, 5-foot bike lane, 8-foot planting strip, and 5-foot sidewalk.

## 4 **Testimony**

5 **Clark Close, Senior Planner**, summarized the staff report. Mr. Close stated the Highlands  
6 Reservoir site had been in use as a water supply since the U.S. government first constructed a  
7 reservoir there in the 1940s to support the Boeing plant during the Second World War. Mr. Close  
8 noted the reservoirs had outlived their useful life and were in need of replacement.

8 The proposal requires a Hearing Examiner site plan and design review and a conditional use  
9 permit. Additionally, the applicant is requesting a street improvements modification from RMC  
10 4-6-060 along 3410 NE 12<sup>th</sup> Street to include two feet of right-of-way dedication along the  
11 project side of NE 12th St and new curb and gutter, 5-foot bike lane, 8-foot planting strip, and 5-  
12 foot sidewalk.

12 Mr. Close stated there are currently 99 trees on the site. The City proposes to retain 17 trees.  
13 There are no critical areas on site. The site has man-made engineered sloped of 15-25%. The  
14 remainder of the site is flat with an approximately 2% slope.

14 The subject site is very close to residential development. The adjacent residences currently enjoy  
15 territorial views of mature forest. Under the application, the forest will be logged. Some of the  
16 existing trees (17) will remain and new ones will be planted in a proposed 10-15' buffer, though  
17 the site will not return to a forested condition. To compensate for the aesthetic impacts on  
18 residents, the City proposes to have stamped concrete architectural features and vine trellises, in  
19 addition to the landscape buffer. The tank will also be partially buried, though the side nearest  
20 the residences will be 25' above existing grade. The allowed height in the zone is 30 feet.

19 Stormwater will be collected in a vault on site and released into two separate stormwater basins.

20 In response to the examiner, Mr. Close stated the design phase of the project will take about a  
21 year. Then the State Department of Health will begin their review. It will be 2.5-3 years before  
22 construction begins.

22 **Abdoul Gafour, Water Utilities Manager**, spoke in response to the examiner. He stated the  
23 City needed to be able to plan for growth and provide fire protection. He noted prior earthquakes  
24 had caused leaks in the reservoir. The existing reservoir cannot be repaired. It has reached its  
25 useful life and must be replaced with a system with higher capacity.

25 Mr. Gafour noted the reservoir is an necessary public facility. He stated it takes the City about six  
26 years to find suitable reservoir locations. This site is the best available in order to keep water  
pressure at the City's current standard. A site like this is almost impossible to replace elsewhere.

1  
2 Mr. Gafour stated the City was sensitive to the impact of the loss of trees on residents. He stated  
3 the design calls for replacement of as many trees as is feasible with the largest trees that could be  
viable. Even so, it will be approximately 20 years before the trees reach maturity.

4 **King Parker**, Concerned Citizen, lives at 1414 Monroe Avenue NE, Room 310. His home is  
5 directly adjacent to the project site. Mr. Parker is a former Renton City Council member. He  
6 stated the residents of his community, Evergreen Place, generally support the project and  
7 understand why it is so essential. Mr. Parker stated he was disappointed that the City staff had  
not made an effort to directly communicate with his community. Going forward, the residents of  
Evergreen Place would appreciate more communication with staff.

8 Mr. Parker stated several concerns related to the design of the project and its construction. He  
9 stated the time of the work should begin at 8 am rather than 7 am. He is concerned about  
10 construction noise levels and dust. He is also concerned about traffic impacts during  
11 construction. The structure will be very high next to the adjacent residents and may cause  
12 attrition as residents move away from the community due to the aesthetic impacts. He does not  
13 feel the City's proposed aesthetic improvements will be effective. The proposed 10' planting  
14 strip is not wide enough. There will also be a large shadow cast by the water tank and a  
consequent reduction in sunlight to adjacent residences. The removal of mature forest will be a  
large direct impact. The retention of 17 trees and replacement with a narrow planting strip will  
not mitigate the impact. The site currently drains into the residents backyards. Mr. Parker could  
not see how the loss of 73,000sf of turf would help that circumstance.

15 Mr. Parker stated he and his neighbors would appreciate a larger buffer strip with some potential  
16 open space between the lot line and the reservoir. They would also like to see traffic restrictions  
17 during construction. Finally, the residents request a City contact person they can call.

18 **Vanessa Dolbee, Current Planning Manager**, noted the City would keep the adjacent  
19 residences appraised of progress via their homeowners association or by other means.

20 **Ralph Evans**, Concerned Citizen, lives in Room 234 of Evergreen Place. Mr. Evans asked if the  
21 City could move the proposed access road on the south side of the new reservoir to the north.  
22 There is an existing traffic issue that a new access road on the south side of the site could  
exacerbate.

23 **Jay Hale**, Concerned Citizen, lives at 3327 NE 12<sup>th</sup> Street, directly across from the existing site  
24 entrance. Mr. Hale is concerned about the noise from the generator replacement. He asked if the  
25 generator building could be insulated. He also noted that when the existing generator starts up, it  
26 triggers an alarm that rings until someone comes to turn it off. It is loud at all times of the day or  
night. Mr. Hale also stated every time work is performed on NE 12<sup>th</sup> Street, there are negative  
impacts to his property. He's already had his mailbox knocked off its post and quarry spall  
overrun his driveway. In the past he has also been prevented from parking in his own driveway.

1 This is a blind hill. A traffic management plan needs to be in place. Finally, though the City  
2 might only use the site once a week or so, it leases space to wireless communication facilities.  
3 These companies service the site 24/7. Mr. Hale wants to ensure there are strict construction  
4 hours.

5 **Kyle Pettibone, RH2 Engineering**, the City's Consultant, stated the existing generator is not  
6 insulated. The new generator will be housed in an insulated structure and should be much quieter  
7 than the existing generator.

8 Mr. Gafour stated the City will reach out to residents throughout the process. He also stated they  
9 will have an approved haul route with a traffic control plan that will include signage, road  
10 sweeping and flaggers. The staff can create a construction plan to limit hours of construction and  
11 ensure equipment will not be running early in the morning.

12 Mr. Gafour stated he had spoken with the City's Parks Department about creating a pocket park  
13 at the site. The Parks Department does not support parks at this scale. They focus on larger  
14 neighborhood and regional parks with more acreage and facilities. However, Mr. Gafour stated  
15 the City had considered increasing the buffer by reducing the roadway width for the access road  
16 servicing the reservoir. The issue may come down to fire access. The design at this point has not  
17 been finalized. Mr. Gafour also stated the City would inform adjacent residents about the  
18 concrete pour days.

19 **John (JD) Wilson, Engineering Project Manager**, stated the site location is the best location  
20 the City could find without having to condemn adjacent properties. He stated the City could not  
21 bury the reservoir further and thus reduce its aesthetic impact and bulk because the elevation is  
22 required to maintain water pressure within the City's design standards. The overflow elevation  
23 for the entire system is designed at 435 feet above sea level. The reservoir as designed will  
24 maintain the proper elevation for the overflow and thus maintain the proper water pressure in the  
25 City's water system.

## 26 **Exhibits**

The March 8, 2016 Staff Report Exhibits 1-26 identified at Section B of the Staff Report were  
admitted into the record during the hearing. In addition, the following exhibits were admitted  
during the hearing.

- Exhibit 27 City of Renton PowerPoint
- Exhibit 28 March 8, 2016 Staff Report
- Exhibit 29 Comment Letter from Residents of Evergreen Place, February 27, 2016
- Exhibit 30 Comment Letter from Residents of Evergreen Place, March 1, 2016
- Exhibit 31 City of Renton COR Maps

## **FINDINGS OF FACT**

1  
2  
3 **Procedural:**

- 4 1. Applicant. City of Renton.  
5 2. Hearing. The Examiner held a hearing on the subject application on March 8, 2016 at 11:00  
6 am in the City of Renton Council Chambers.

7 **Substantive:**

8 3. Project Description. The applicant is requesting Environmental (SEPA) Review, Site Plan  
9 and Conditional Use Permit Reviews, and a Modification to street improvements for development at  
10 the Highlands Reservoir site and associated improvements within the NE 12th St corridor. The  
11 204,555sf (4.7 acre) property at 3410 NE 12th St is located in the Residential-10 (R-10) zone. The  
12 Comprehensive Plan Land Use Designation is Residential High Density (RHD). The project is  
located within the Wellhead Protection Area zone. It is the Highlands 435 Zone Reservoir and  
Emergency Generator Site. The project is part of the City's public drinking water utility. Portions of  
the site are also used for public and private telecommunications.

13 The proposed on-site improvements are the construction of a 6.3 million gallon reinforced concrete  
14 partially buried water storage tank, replacement of the emergency generator, utilities improvements,  
a new access road, and relocation of existing telecommunication equipment.

15 Off-site improvements within the NE 12th St right-of-way include a new connection to the  
16 wastewater interceptor at NE 12th and NE Sunset Blvd, replacement of water main pipes that  
17 connect to NE 12th Street and Edmonds Ave NE, and street improvements along the reservoir site.

18 Access to the site is through two driveways from NE 12th St. The project would excavate 20,000  
19 cubic yards of soils and import 3,000 cubic yards. Retention of 17 trees is proposed. New  
landscaping and screening is proposed.

20 The applicant requests a street modification from the RMC 4-6-060 standards along 3410 NE 12th  
21 St. The applicant proposes 2 feet of right-of-way dedication along the project side of NE 12th St and  
new curb and gutter, 6-foot parking strips, 8-foot planting strip, and 5-foot sidewalk.

22 The site is surrounded by Residential Multi-Family (RFM), Residential 8 (R-8) and Residential 10  
23 (R-10) zoned properties in Residential Medium Density and Residential High Density Land Use  
24 Designated areas. There are no critical areas on site.

25 4. Adequacy of Infrastructure/Public Services. The project will be served by adequate  
26 infrastructure and public services as follows:

1 A. Water and Sewer Service. The site is served by the City of Renton for all utilities. The site  
2 itself is an existing water tower location in the City of Renton Water District.

3 Sewer service is provided by the City of Renton. A future phase would require a cut and  
4 cap of the existing side sewer connection for the chlorination building and vault. Any  
5 future development will undergo appropriate review and permitting with respect to  
6 utilities.

7 B. Fire and Police. Police and Fire protection are provided by the City of Renton. Adequate  
8 services and facilities exist to service the proposed redevelopment.

9 C. Drainage. Drainage from the site will be controlled by new on-site stormwater detention  
10 vaults. The project will comply with the Proposed Drainage Plan (Ex. 12). A Technical  
11 Information Report (TIR), prepared by RH2 Engineering Inc., dated November 2015, was  
12 submitted with the project application (Ex. 7). The submitted TIR addresses construction  
13 of the subject new storage tank and includes planning information for future phases of the  
14 water utility system expansion.

15 The proposed development would create stormwater runoff from the site development at  
16 3410 NE 12th St for the proposed water storage tank, generator shelter, fuel storage tank  
17 and load bank, and access road. The existing impervious surface coverage of the 3410 NE  
18 12th St property is approximately 33 percent (33%). Following development of the new  
19 water tank and associated improvements, the property would have an approximate 69  
20 percent (69%) impervious surface coverage (Ex. 4). New impervious surfaces would be  
21 collected and conveyed to the proposed on-site stormwater detention vaults and then be  
22 released in a controlled manner to North Renton Basin (aka John's Creek Basin)  
23 Threshold Discharge Area (TDA) and Honey Creek Basin TDA (Ex. 12).

24 Water from within the new 6.3-million-gallon storage tank would be released as part of  
25 maintenance and in emergency situations. The new wastewater/sewer interceptor pipe in  
26 NE 12th St would be used for draining water from the new water storage tank (Ex. 4).  
This use of the interceptor is anticipated to occur for two situations, when the water  
storage tank is drained of water for inspection and maintenance of the interior of the new  
tank and on the rare occasion that water overflows from the new tank.

D. Parks/Open Space. City development standards do not require any set-asides or mitigation  
for parks and open space for utilities.

1 E. Transportation. Access to the site is proposed via two connections. One is located near the  
2 southeast side of the parcel and the other is located on the southwest side of the parcel.  
3 Both are from NE 12th St. No increase in traffic is expected as a result of the proposal.  
4 The applicant has requested a street modification from the RMC 4-6-060 standards along  
5 3410 NE 12th St. The applicant proposes 2 feet of right-of-way dedication along the  
6 project side of NE 12th St and new curb and gutter, 5-foot bike lane, 8-foot planting strip,  
7 and 5-foot sidewalk.

8 F. Parking. There are no specific parking regulations for public activities outside of schools,  
9 post office or cultural facilities. However, the use does require maintenance of the site so a  
10 minimum of one onsite space would be necessary. The water reservoirs site has two (2)  
11 ingress and egress points along NE 12<sup>th</sup> St. Frontage improvements would include  
12 driveway cuts that are a minimum of 5 feet from the east and west property lines and will  
13 be designed with a commercial approach up to 20-foot wide driveway approaches for  
14 access to the maintenance road and areas. There is one existing space for maintenance  
15 vehicle to park in a gravel surface area near the existing booster pump station when visits  
16 to site are made. Ample space is available within the property limits to allow maintenance  
17 vehicles to park onsite.

18 5. Adverse Impacts. There are no significant adverse impacts associated with the project. Few  
19 adverse impacts are anticipated since there are no critical areas on site, the proposal is a  
20 redevelopment for the same use and adequate infrastructure serves the site as determined in Finding  
21 of Fact No. 4. The SEPA MDNS mitigation measures in the Environmental Report (Ex. 16) are  
22 adopted as Conditions of Approval. Adoption of Ex. 6 encompasses both the Findings of Fact and the  
23 Conclusions of Law of Staff. All other adverse impacts discernible from the record are also fully  
24 mitigated. Impacts are more specifically addressed as follows:

25 A. Structure Placement and Scale. As conditioned, the structure placement and scale is not  
26 expected to create undue adverse impact on the adjacent residences. The proposed  
reservoir facility is presently designed so that it is very near the north property line and  
close to adjacent residences. The allowed height in the zone is 30 feet. The structure will  
only be 25 feet in height above the grade on its lot. However, the adjacent residences are at  
a lower grade and therefore the wall will be visually higher from the adjacent property  
than as viewed from the site's ground level. RMC 4-9-200E(3)(b)(i) requires mitigation of  
impacts to surrounding properties by restricting overscale structures and overconcentration  
of development on a particular portion of the site. Presently, the adjacent residences abut  
mature forest. Under the proposed development, a 25 foot high by 259 foot long (Ex. 17  
and 24) wall starting above the grade of the adjacent residences would be placed 33 feet  
from the property line. Windows from the first and second stories of the adjacent  
residential building would face the wall. The third story of this building will look at the

1 reservoir's concrete cap until such time as the proposed landscape trees mature, in  
2 approximately two decades.

3 The City has attempted to mitigate the impacts of this development by burying a portion of  
4 the proposed reservoir to the extent feasible given the City's water system water pressure  
5 requirements in relation to the tank's overflow elevation; by proposing concrete stamping  
6 to increase visual interest and reduce the amount of blank wall; and by providing  
7 vegetation in the form of buffer plantings and vine trellises. The City argues in the staff  
8 report that the building is not overscale in that it complies with the height limits, lot  
9 coverage and setback requirements in the zone. While this is technically true, the visual  
10 impact of a 25 foot high concrete wall so close to the property line is a legitimate concern  
11 for the neighboring residences. One would not expect a building in the residential zone to  
12 consist of a 259 foot long, 25 foot high, unbroken line of concrete holding back in excess  
13 of six million gallons of water. Residential dwellings typically have modulation and  
14 pedestrian scale windows and openings which break up the line and reduce the visual bulk  
15 of the building. This structure, by definition, will be massive and cover more than a full  
16 acre (45,066sf).

17 The City staff testified the design is not yet finished and there may be an opportunity to  
18 move the reservoir structure further south, thus increasing the buffer width adjacent to the  
19 existing residences. The examiner encourages the City to make every attempt to do so  
20 including working with the Fire Department to limit the location and width of access roads  
21 to the minimum required for fire safety. Without being an expert in fire prevention, to the  
22 examiner it seems a concrete water reservoir is an unlikely fire risk. And, though the  
23 City's parks department will not officially maintain a park smaller than 2.5 acres, there is  
24 no reason this additional open space cannot be made available to the public as mitigation  
25 for the lost vegetation and forest backdrop. This is a City owned property that will be  
26 maintained by the City's utilities whether or not the public are allowed to use a portion of  
it. The City may devise a way to allow the public some open space without compromising  
the safety or utility of the facility. A condition of approval will require the City to work  
with the neighboring property owners to devise acceptable facade, articulation,  
modulation, roof and landscape treatments to the extent feasible given the requirements of  
the public facility. A further condition of approval will require the City to explore options  
for increasing the landscape buffer width adjacent to the existing residential properties to  
the north and for creating publicly accessible open space on the subject site.

B. Views. See above under Structure Placement and Scale.

C. Lighting. A lighting plan was not provided. A condition of approval will require the City  
to create a lighting plan at the time of building permit review. All lighting must have  
shielding and cutoffs, with particular attention to the areas where the project site is above  
the surrounding grade and adjacent to residences.

1 D. Operational Noise Levels. As proposed and conditioned, the operational noise levels  
2 should not cause an adverse impact to adjacent properties. Mr. Hale testified that when the  
3 existing generator starts up, it triggers an alarm that rings until someone comes to turn it  
4 off. It is loud at all times of the day or night. The staff report states the replacement  
5 emergency generator would be housed in a metal cabinet that would attenuate the noise  
6 emanating from the generator. The staff report states there are two scenarios for noise  
7 being generated: 1) once a week on a weekday (Monday, Tuesday, Wednesday, Thursday  
8 or Friday) and between the hours of 10:00 am and 2:00 pm, the generator would run for 15  
9 minutes to verify that it remains operational; and 2) when there is a commercial power  
10 outage. Presumably it is the latter scenario that impacts Mr. Hale given its unpredictable  
11 timing and duration. This generator is exempt from WAC 173-60-40, Maximum  
12 permissible environmental noise levels, via exemption WAC 173-60-50(4)(f) ‘Sounds  
13 created by emergency equipment and work necessary in the interests of law enforcement  
14 or for health safety or welfare of the community.’ Mr. Pettibone testified, and the staff  
15 report suggests the generator would meet the requirements of WAC 173-60-40 for daytime  
16 in a residential setting and would represent an overall reduction in noise levels from the  
17 present circumstance. The examiner is not certain why an unmanned station would require  
18 an on-site alarm rather than triggering a remote alarm at a manned location. A condition of  
19 approval will require the City to either install a remote shut off for the alarm or install a  
20 timer switch so that the alarm shuts itself off within 15 minutes of the initial outage.

14 E. Natural Features and Landscaping. The site contains 114 healthy trees. The City proposes  
15 removal of all but 17 trees. RMC 4-4-130(H)(1)(a)(ii) requires that 20 percent of the trees  
16 on site be retained. In this instance, 23 trees would be retained or replaced at a rate of 12  
17 caliper inches of new trees for each tree removed (RMC 4-4-130(H)(1)(e)(i)). However,  
18 RMC 4-4-130(H)(1)(b) exempts utility uses from the tree retention requirements if the  
19 applicant can justify the exemption in writing to the Administrator’s satisfaction. At this  
20 point, the City intends to meet the requirements for tree retention both through retention of  
21 trees on the southern portion of the lot and through additional landscape buffer plantings.  
22 The City has not yet submitted a landscape plan. A condition of approval will require the  
23 City to submit a landscaping plan demonstrating compliance with RMC 4-4-130. As noted  
24 above in Finding of Fact 5(A), the landscaping plan shall demonstrate, to the extent  
25 feasible, an increased landscape buffer width and planting density to reduce the impact of  
26 the scale and bulk of the reservoir structure.

The applicant proposes removal of a majority of the existing trees onsite. The existing  
topography of the site is not proposed to significantly change. There are some sensitive  
slopes (greater than 25 percent and less than or equal to 40 percent) on the project site and  
downstream of the project site. There are also slopes downstream of the project site that  
would be at moderate risk for landslide.

Site preparation for the reservoir would include the removal of all vegetation, root mass,  
organic soils, existing pavement and structures, and any deleterious debris from

1 construction areas including locations where structural fill would be placed. The  
2 applicant's engineer anticipates construction of the new reservoir may require temporary  
3 excavations on the order of 4 to 12 feet below existing adjacent grade. New landscaping is  
4 proposed around the east, west and north sides of the new reservoir.

5 F. Construction Noise and Dust. Members of the public expressed concern regarding  
6 construction noise and dust. The neighboring senior living community, Evergreen Place,  
7 has several residents that are very sensitive to dust (Ex. 29). It is anticipated that most of  
8 the noise impacts would occur during the construction phase of the project. The City has  
9 submitted a Construction Mitigation Plan (Ex. 9) that provides measures to reduce  
10 construction impacts such as noise, control of dust, traffic controls, etc. In addition, the  
11 project would be required to comply with the City's noise ordinance regarding  
12 construction hours. At hearing, City staff stated they would work with residents to limit  
13 the hours of operation of construction machinery. A condition of approval will require the  
14 City to meet with adjacent residents to discuss construction scheduling and hours of  
15 operation. A further condition of approval will require the City to provide a project contact  
16 person for residents.

17 G. Construction Traffic Impact. No increase in traffic is anticipated as a result of the project.  
18 Mr. Parker, Mr. Hale and Mr. Evans as well as two comment letters (Ex. 29 and 30)  
19 expressed concern regarding traffic impacts related to the reconstruction of NE 12<sup>th</sup> St and  
20 at the entrances to the subject site. The project includes the half street reconstruction of  
21 NE 12<sup>th</sup> Street from Edmonds Avenue NE to the subject site at Olympia Avenue NE, a  
22 distance of approximately 3,200 linear feet (0.6 miles) (Ex 3). The staff report requests a  
23 modification to street requirements of RMC 4-6-060(F)(2) at 3410 NE 12<sup>th</sup> Street to revise  
24 the street classification of NE 12<sup>th</sup> Street to be compliant with the City's proposed Sunset  
25 Area Street Classification Map. The City proposes to provide half street improvements  
26 resulting in 2 feet of right-of-way dedication along the project side of NE 12th St.

A portion of the staff report suggests the new profile will include new curb and gutter, 5-  
foot bike lane, 8-foot planting strip, and 5-foot sidewalk (*See* Ex. 28, page 1). Later in the  
report the bike lane becomes a 6-foot parking strip (*See* Ex. 28, pages 15 and 18 and Ex.  
26). The examiner concludes the requested modification includes 6-foot parking strips  
without an additional 5-foot bike lane. The report also mentions off-site improvements  
within the NE 12th St right-of-way will include a new connection to the wastewater  
interceptor at NE 12th and NE Sunset Blvd, replacement of water main pipes that connect  
to NE 12th Street and Edmonds Ave NE, and street improvements along the reservoir site.

NE 12<sup>th</sup> Street is currently classified as a Minor Arterial and under RMC 4-6-060(F)(2)  
would be required to have a 91-foot right of way width to accommodate four lanes of  
traffic with 8-foot planter strips and 8-foot sidewalks. The City has recently adopted the  
Sunset Area and has proposed a new Street Classification Map which reclassifies NE 12<sup>th</sup>  
Street between Edmonds Avenue and Monroe Avenue NE in the subject's vicinity. The

1 proposed right of way is 60 feet with two 10-foot travel lanes, 6-foot parking strips, 8-foot  
2 planters and 5-foot sidewalks. The current code is in conflict with the recently adopted  
3 street standards in this area (Ex. 26).

4 No right of way plans, profiles or other construction drawings were provided. No  
5 Preliminary Traffic Control Plan was provided (Ex. 9). As a condition of approval, the  
6 City will not be able to begin off-site improvements within the NE 12<sup>th</sup> Street right of way  
without an approved Traffic Control Plan.

7 H. Stormwater. No impacts from stormwater are anticipated. A Technical Information Report  
8 (TIR), prepared by RH2 Engineering Inc., dated November 2015, was submitted with the  
9 project application (Ex. 7). The submitted TIR addresses construction of the subject new  
10 storage tank and includes planning information for future phases of the water utility  
system expansion. The proposed development would create stormwater runoff from the  
11 site development at 3410 NE 12th St for the proposed water storage tank, generator  
shelter, fuel storage tank and load bank, and access road.

12 The existing impervious surface coverage of the 3410 NE 12th St property is  
13 approximately 33%. Following development of the new water tank and associated  
14 improvements, the property would have an approximate 69% impervious surface coverage  
15 (Ex. 4). RMC 4-2-110A limits impervious surface in the R-10 zone to 70%. New  
16 impervious surfaces would be collected and conveyed to the proposed on-site stormwater  
detention vaults and then be released in a controlled manner to North Renton Basin (aka  
17 John's Creek Basin) Threshold Discharge Area (TDA) and Honey Creek Basin TDA (Ex.  
18 12).

19 Water from within the new 6.3-million-gallon storage tank would be released as part of  
20 maintenance and in emergency situations. The new wastewater/sewer interceptor pipe in  
21 NE 12th St would be used for draining water from the new water storage tank (Ex. 4).  
22 This use of the interceptor is anticipated to occur for two situations, when the water  
23 storage tank is drained of water for inspection and maintenance of the interior of the new  
24 tank and on the rare occasion that water overflows from the new tank.

25 Mr. Parker testified that stormwater runoff from the site currently flows onto the  
26 Evergreen Place property. He is concerned there will be an increased impact with the  
additional impervious surface. The project will conform to the City's Best Management  
Practices (Ex. 8) and the 2009 King County Surface Water Design Manual (Ex. 15). Both  
of these prohibit an increase in off-site runoff to adjacent properties.

1 **Conclusions of Law**

2  
3 1. Authority. Utilities are allowed in the Residential 10 (R-10) district as a conditional use  
4 subject to Hearing Examiner review (RMC 4-2-060(O)). RMC 4-8-080(G) classifies conditional use  
5 applications as Type III permits when Hearing Examiner review is required. RMC 4-9-200(B)(2)(a)  
6 requires site plan review for all development in the R-10 zones. In the absence of the conditional use  
7 permit application, no Hearing Examiner review would be required for the site plan and it would be  
8 classified as a Type II permit by RMC 4-8-080(G). RMC 4-8-080(G) classifies modifications,  
9 deviations and alternatives of various code standards, such as the street standard modification request  
10 in this proposal, as Type I permits, which are administratively approved by Staff with no required  
11 hearing. All four of the aforementioned permits have been consolidated. RMC 4-8-080(C)(2) requires  
consolidated permits to each be processed under “the highest-number procedure.” The conditional use  
has the highest numbered review procedures, so all four permits must be processed as Type III  
applications. As Type III applications, RMC 4-8-080(G) grants the Examiner with the authority to  
hold a hearing and issue a final decision on them, subject to closed record appeal to the City Council.

12 2. Zoning/Comprehensive Plan Designations. The subject is located in the Residential-10 (R-10)  
13 zone. The Comprehensive Plan Land Use Designation is Residential High Density (RHD).

14 3. Review Criteria. Conditional use criteria are governed by RMC 4-9-030(D). Site plan review  
15 standards are governed by RMC 4-9-200(E)(3). Street modifications are governed by RMC 4-6-  
16 060(Q)(1). All applicable criteria are quoted below in italics and applied through corresponding  
conclusions of law.

17 **Conditional Use**

18 *The Administrator or designee or the Hearing Examiner shall consider, as applicable, the following*  
19 *factors for all applications:*

20 **RMC 4-9-030(C)(1):** *Consistency with Plans and Regulations: The proposed use shall be*  
21 *compatible with the general goals, objectives, policies and standards of the Comprehensive Plan, the*  
22 *zoning regulations and any other plans, programs, maps or ordinances of the City of Renton.*

23 4. The proposal is consistent with Goals L-P, L-U, and L-BB, and Policies L-49, U-3, U-6  
24 through U-13, U-16 and CF-7 as quoted at pages 5-6 of the Staff Report because as designed and  
25 mitigated the project provides an essential public utility, a water reservoir ensuring that adequate  
26 utility services would be available to support existing and future development in the City. As  
conditioned, the proposal is consistent with all applicable zoning and other development standards as  
outlined in Finding 17 of the Staff report, adopted and incorporated by this reference as if set forth in  
full.

1  
2 **RMC 4-9-030(C)(2): *Appropriate Location:*** *The proposed location shall not result in the*  
3 *detrimental overconcentration of a particular use within the City or within the immediate area of the*  
4 *proposed use. The proposed location shall be suited for the proposed use.*

5 5. As testified during the hearing, the present site is likely the only feasible location for the  
6 subject use. The proposal does not result in the detrimental overconcentration of the use because the  
7 proposal expands and existing utility on the same site, rather than adding a new water reservoir  
8 location. As discussed in Conclusion of Law No. 4, the proposed location is suitable for the proposed  
9 use. Given these factors the criterion is met.

10 **RMC 4-9-030(C)(3): *Effect on Adjacent Properties:*** *The proposed use at the proposed location*  
11 *shall not result in substantial or undue adverse effects on adjacent property.*

12 6. As determined in Finding of Fact No. 5, as conditioned and mitigated, there are no adverse  
13 impacts associated with the proposal, so it will not result in substantial or undue adverse effects on  
14 adjacent property. The main issue with the proposal is the scale and placement of the reservoir  
15 facility. The existing site is primarily forested with mature trees. The proposed site will include a 259  
16 foot long wall, 25 feet high within 33 feet of the property line. It will obstruct views of existing  
17 residences and substantially change the character of the neighborhood. The City will mitigate this  
18 impact by providing landscape buffers, trellises on the wall and concrete stamping. Conditions of  
19 approval will require the City to work with the neighbors to devise acceptable facade, articulation,  
20 modulation, roof and landscape treatments to the extent feasible given the requirements of the public  
21 facility. A further condition of approval will require the City to explore options for increasing the  
22 landscape buffer width and planting density adjacent to the existing residential properties to the north  
23 and for creating publicly accessible open space on the subject site.

24 **RMC 4-9-030(C)(4): *Compatibility:*** *The proposed use shall be compatible with the scale and*  
25 *character of the neighborhood.*

26 7. As determined in Finding of Fact No. 4, the proposed use is an existing use that has been in  
place since the 1940s. As such, it predates the adjacent development and is compatible with the scale  
and character of the neighborhood as it has grown up around this use. As noted in Conclusion of Law  
No. 6, the scale of the proposed redevelopment is not compatible with the character of the  
development without mitigation. Conditions of approval will require the City to work with adjacent  
neighbors to improve the compatibility of the site to the existing neighborhood.

**RMC 4-9-030(C)(5): *Parking:*** *Adequate parking is, or will be made, available.*

8. Adequate parking exists on the site currently. Parking needs are not anticipated to increase as  
a result of the project. This criterion is met.

1  
2 **RMC 4-9-030(C)(6): Traffic:** *The use shall ensure safe movement for vehicles and pedestrians and*  
3 *shall mitigate potential effects on the surrounding area.*

4 9. As determined in Finding of Fact No. 5, the project will improve traffic in the general area by  
5 constructing half street improvements in the subject's vicinity. The project will include new  
6 sidewalks, parking strips and landscaping strips that should improve pedestrian mobility and safety  
7 along this portion of NE 12<sup>th</sup> Street. There are rarely more than a few people at the subject site.  
8 Internal circulation will be minimal and safe. A condition of approval will require the City to submit a  
9 Traffic Control Plan prior to work in the right of way. The criterion is met.

10 **RMC 4-9-030(C)(7): Noise, Light and Glare:** *Potential noise, light and glare impacts from the*  
11 *proposed use shall be evaluated and mitigated.*

12 10. As determined in Finding of Fact No. 5, noise and light impacts are adequately addressed and  
13 mitigated. Lighting will comply with City regulations which require lights to be directed inwards and  
14 prohibited light trespass. A condition of approval will require the City to create a lighting plan at the  
15 time of building permit review. As to noise, the Applicant has submitted a Construction Mitigation  
16 Plan to minimize noise impacts during construction and the City's noise regulations, Chapter 8-7  
17 RMC, sets the legislative standard for noise impacts and will adequately regulation noise when  
18 construction is completed.

19 **RMC 4-9-030(C)(8): Landscaping:** *Landscaping shall be provided in all areas not occupied by*  
20 *buildings, paving, or critical areas. Additional landscaping may be required to buffer adjacent*  
21 *properties from potentially adverse effects of the proposed use.*

22 11. The criterion is met for the reasons discussed in Finding of Fact No. 5 under natural features  
23 and landscaping. A condition of approval will require the City to submit a landscaping plan  
24 demonstrating compliance with RMC 4-4-130. As noted in Finding of Fact No. 5A, the landscaping  
25 plan shall demonstrate, to the extent feasible, an increased landscape buffer width and planting  
26 density to reduce the impact of the scale and bulk of the reservoir structure.

### Site Plan

**RMC 4-9-200(E)(3): Criteria:** *The Administrator or designee must find a proposed project to be in*  
*compliance with the following:*

*a. Compliance and Consistency: Conformance with plans, policies, regulations and approvals,*  
*including:*

1  
2 ***i. Comprehensive Plan:** The Comprehensive Plan, its elements, goals, objectives, and*  
3 *policies, especially those of the applicable land use designation; the Community Design*  
4 *Element; and any applicable adopted Neighborhood Plan;*

5 *ii. Applicable land use regulations;*

6 *iii. Relevant Planned Action Ordinance and Development Agreements; and*

7 ***iv. Design Regulations:** Intent and guidelines of the design regulations located in RMC 4-*  
8 *3-100.*

9 12. As discussed in Conclusion of Law No. 4, as conditioned, the proposal is consistent with the  
10 City's comprehensive plan, as well as development and design regulations. The proposal does not  
11 qualify as a Planned Action Ordinance. The Staff Report Findings of Fact and Conclusions of Law  
12 are adopted and incorporated by reference as if set forth in full.

13 **RMC 4-9-200(E)(3)(b): Off-Site Impacts:** *Mitigation of impacts to surrounding properties and*  
14 *uses, including:*

15 ***i. Structures:** Restricting overscale structures and overconcentration of development on a*  
16 *particular portion of the site;*

17 ***ii. Circulation:** Providing desirable transitions and linkages between uses, streets,*  
18 *walkways and adjacent properties;*

19 ***iii. Loading and Storage Areas:** Locating, designing and screening storage areas,*  
20 *utilities, rooftop equipment, loading areas, and refuse and recyclables to minimize views*  
21 *from surrounding properties;*

22 ***iv. Views:** Recognizing the public benefit and desirability of maintaining visual*  
23 *accessibility to attractive natural features;*

24 ***v. Landscaping:** Using landscaping to provide transitions between development and*  
25 *surrounding properties to reduce noise and glare, maintain privacy, and generally*  
26 *enhance the appearance of the project; and*

***vi. Lighting:** Designing and/or placing exterior lighting and glazing in order to avoid*  
*excessive brightness or glare to adjacent properties and streets.*

13. As testified during the hearing, there are few or no locations where this facility could be sited  
other than the present site. The new reservoir is necessarily concentrated on one portion of the site;

1 however the scale and bulk of the building are not compatible with the low rise urban structures that  
2 surround the site. As noted in Conclusions of Law No. 6 and 7, as conditioned, lighting and view  
3 impacts can be adequately mitigated. A shift in the location of the reservoir away from adjacent  
4 residences, an increase in the buffer width and landscaping density on the north side, provision of  
5 open space, and proper facade, articulation, modulation, roof and landscape treatments can be  
6 effectively used to enhance the appearance of the project. No screening of loading areas is required.

7 **RMC 4-9-200(E)(3)(c): *On-Site Impacts: Mitigation of impacts to the site, including:***

8 ***i. Structure Placement:*** Provisions for privacy and noise reduction by building placement,  
9 spacing and orientation;

10 ***ii. Structure Scale:*** Consideration of the scale of proposed structures in relation to natural  
11 characteristics, views and vistas, site amenities, sunlight, prevailing winds, and pedestrian  
12 and vehicle needs;

13 ***iii. Natural Features:*** Protection of the natural landscape by retaining existing vegetation  
14 and soils, using topography to reduce undue cutting and filling, and limiting impervious  
15 surfaces; and

16 ***iv. Landscaping:*** Use of landscaping to soften the appearance of parking areas, to provide  
17 shade and privacy where needed, to define and enhance open spaces, and generally to  
18 enhance the appearance of the project. Landscaping also includes the design and  
19 protection of planting areas so that they are less susceptible to damage from vehicles or  
20 pedestrian movements.

21 14. Landscaping has been well designed to provide for privacy and noise reduction on the subject  
22 site. Enhanced fencing and landscaping along NE 12<sup>th</sup> Street should provide for privacy. There is  
23 nothing in the record to reasonably suggest that the scale, spacing and orientation of the project  
24 could be modified to provide for more privacy and noise reduction within the project site without  
25 unreasonably interfering with the objectives of the facility. There are no residential or public spaces  
26 and only a few workers are ever on the site. The scale of the facility will not create any adverse on-  
site impacts. In addition, there is nothing in the record to reasonably suggest that the on-site scale of  
the project is incompatible with sunlight, prevailing winds or natural characteristics. The comments  
by Staff on this criterion, at Finding No. 14(f), are adopted by this reference and incorporated as if  
set forth in full.

27 **RMC 4-9-200(E)(3)(d): *Access and Circulation: Safe and efficient access and circulation for all***  
28 ***users, including:***

29 ***i. Location and Consolidation:*** Providing access points on side streets or frontage streets  
30 rather than directly onto arterial streets and consolidation of ingress and egress points on  
the site and, when feasible, with adjacent properties;

1  
2 **ii. Internal Circulation:** *Promoting safety and efficiency of the internal circulation system,*  
3 *including the location, design and dimensions of vehicular and pedestrian access points,*  
4 *drives, parking, turnarounds, walkways, bikeways, and emergency access ways;*

5 **iii. Loading and Delivery:** *Separating loading and delivery areas from parking and*  
6 *pedestrian areas;*

7 **iv. Transit and Bicycles:** *Providing transit, carpools and bicycle facilities and access; and*

8 **v. Pedestrians:** *Providing safe and attractive pedestrian connections between parking*  
9 *areas, buildings, public sidewalks and adjacent properties.*

10 15. The proposal provides for adequate access and circulation as required by the criterion above for  
11 the reasons identified in Finding of Fact No. 5(E) and (F).

12 **RMC 4-9-200(E)(3)(e): Open Space:** *Incorporating open spaces to serve as distinctive project*  
13 *focal points and to provide adequate areas for passive and active recreation by the occupants/users*  
14 *of the site.*

15 16. Other than the required landscape buffers in setbacks, the City has not proposed incorporating  
16 open space. As discussed in Finding of Fact 5(A), members of the public proposed the City provide  
17 open space as a mitigation measure for the deforestation of the lot and to lessen the impact of the  
18 bulk of the reservoir structure. As noted above, a condition of approval will require the City to  
19 explore options for increasing the landscape buffer width and planting density adjacent to the  
20 existing residential properties to the north and for creating publicly accessible open space on the  
21 subject site.

22 **RMC 4-9-200(E)(3)(f): Views and Public Access:** *When possible, providing view corridors to*  
23 *shorelines and Mt. Rainier, and incorporating public access to shorelines.*

24 17. There are no view corridors to shorelines or Mt. Rainier affected by the proposal.

25 **RMC 4-9-200(E)(3)(g): Natural Systems:** *Arranging project elements to protect existing natural*  
26 *systems where applicable.*

18. There are no anticipated impacts to the Wellhead Protection Area. There are no other natural  
systems at the site or that would be affected by the proposal.

**RMC 4-9-200(E)(3)(h): Services and Infrastructure:** *Making available public services and*  
*facilities to accommodate the proposed use.*

1  
2 19. The project is served by adequate services and facilities as determined in Finding of Fact No.  
3 4.

4 **RMC 4-9-200(E)(3)(i): *Phasing:*** *Including a detailed sequencing plan with development phases*  
5 *and estimated time frames, for phased projects.*

6 20. The project will be conducted in two phases over several years. A phasing plan was provided  
7 (Ex. 9).

### 8 **Street Modification**

9 **RMC 4-9-250(A)(3): *Modification:*** *To modify a Code requirement when there are practical*  
10 *difficulties involved in carrying out the provisions of this Title when a special individual reason*  
11 *makes the strict letter of this Code impractical.*

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

18 *a. Substantially implements the policy direction of the policies and objectives of the*  
19 *Comprehensive Plan Land Use Element and the Community Design Element and the*  
20 *proposed modification is the minimum adjustment necessary to implement these policies and*  
21 *objectives;*

22 *b. Will meet the objectives and safety, function, appearance, environmental protection and*  
23 *maintainability intended by the Code requirements, based upon sound engineering judgment;*

24 *c. Will not be injurious to other property(ies) in the vicinity;*

25 *d. Conforms to the intent and purpose of the Code;*

26 *e. Can be shown to be justified and required for the use and situation intended; and*

*f. Will not create adverse impacts to other property(ies) in the vicinity.*

27 22. As discussed in Findings of Fact 4 and 5(G), the Applicant is requesting a modification to  
28 street requirements of RMC 4-6-060(F)(2) at 3410 NE 12th Street to revise the street classification  
29 of NE 12th Street to be compliant with the City's proposed Sunset Area Street Classification Map.

1 The City proposes to provide half street improvements resulting in 2 feet of right-of-way dedication  
2 along the project side of NE 12th St. NE 12th Street is currently classified as a Minor Arterial and  
3 under RMC 4-6-060(F)(2) would be required to have a 91-foot right of way width to accommodate  
4 four lanes of traffic with 8-foot planter strips and 8-foot sidewalks. The City has recently adopted  
5 the Sunset Area and has proposed a new Street Classification Map which reclassifies NE 12th Street  
6 between Edmonds Avenue and Monroe Avenue NE in the subject's vicinity. The proposed right of  
7 way is 60 feet with two 10-foot travel lanes, 6-foot parking strips, 8-foot planters and 5-foot  
8 sidewalks. The current code is in conflict with the recently adopted street standards in this area (Ex.  
9 26). The requested modification conforms to the intent and purpose of the street standards by  
10 adopting the new street classification and roadway profiles in the subject's vicinity. This criterion is  
11 satisfied.

## 12 **DECISION**

13 As conditioned below, the site plan, conditional use permit and street standards modification are  
14 approved subject to the following conditions:

- 15 1. The applicant shall comply with the mitigation measure issued as part of the Determination  
16 of Non-Significance Mitigated, dated on January 25, 2016.
  - 17 a. The applicant shall comply with the recommendations included in Technical  
18 Memorandum Review of Existing Geologic, Hydrogeologic, and Geotechnical  
19 Information, prepared by RH2 Engineering Inc., dated December 19, 2014 and  
20 Geotechnical Report, prepared by ZZA-Terracon, dated January 19, 2009 (Ex. 8).
- 21 2. The applicant shall be required to submit a detailed landscaping plan that includes a fully  
22 sight-obscuring landscaped visual barrier along the north property line. The landscaping plan  
23 shall demonstrate, to the extent feasible, an increased landscape buffer width and planting  
24 density to reduce the impact of the scale and bulk of the reservoir structure. The final  
25 landscaping plan shall be submitted to, and approved by, the Current Planning Project  
26 Manager prior to engineering permit approval.
- 27 3. The applicant shall locate the replacement fence behind the required 10-foot wide onsite  
28 landscaping required along the street frontage of NE 12th St. The location of the fence shall  
29 be reviewed and approved by the Current Planning Manager, prior to installation.
- 30 4. The applicant shall provide a lighting plan that adequately provide for public safety without  
31 casting excessive glare on adjacent properties. All lighting must have shielding and cutoffs,  
32 with particular attention to the areas where the project site is above the surrounding grade and  
33 adjacent to residences. The final lighting plan shall be submitted to, and approved by, the  
34 Current Planning Project Manager prior to construction permit approval.
- 35 5. The applicant will diligently work with the neighboring property owners to devise acceptable  
36 facade, articulation, modulation, roof and landscape treatments to the extent feasible given

1 the requirements of the public facility. The design of the reservoir facade shall be submitted  
2 to, and approved by, the Current Planning Project Manager prior to construction permit  
3 approval.

- 4 6. The applicant will explore options for increasing the landscape buffer width and planting  
5 density adjacent to the existing residential properties to the north and for creating publicly  
6 accessible open space on the subject site. The applicant shall take all reasonable measures to  
7 increase the buffer width, as reviewed and approved by the Current Planning Manager.
- 8 7. The applicant shall either install a remote shut off for the emergency generator alarm or  
9 install a timer switch so that the alarm shuts itself off within 15 minutes of the initial outage.
- 10 8. The applicant shall meet with adjacent residents to discuss construction scheduling and hours  
11 of operation.
- 12 9. The applicant shall provide a project contact person and information for residents.
- 13 10. The applicant shall submit a Traffic Control Plan prior to commencing off-site improvements  
14 within the NE 12th Street right of way. The applicant shall develop the Traffic Control Plan  
15 with input from adjacent property owners along NE 12<sup>th</sup> street and residents adjacent to the  
16 reservoir site. The Traffic Control Plan shall be submitted to, and approved by, the Current  
17 Planning Project Manager prior to construction permit approval.
- 18 11. The application is subject to a five (5) year Site Plan and Conditional Use Permit  
19 implementation period with a possible one (1) year extension for good cause by the  
20 Administrator.

21 DATED this 22<sup>nd</sup> day of March, 2016.



22 \_\_\_\_\_  
23 Emily Terrell  
24 City of Renton Hearing Examiner

### 25 **Appeal Right and Valuation Notices**

26 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

1 regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7<sup>th</sup>  
2 floor, (425) 430-6510.

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

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