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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: The Pines Preliminary Plat)	
)	FINAL DECISION
Preliminary Plat)	
LUA16-000413, ECF, PP, MOD)	
)	
)	

SUMMARY

The applicant requests preliminary plat approval for a 14-lot residential subdivision along with three street modifications, located at 850 and 870 Monroe Ave, Renton. The preliminary plat and street modifications are approved with conditions.

TESTIMONY

Matthew Herrera, Renton Senior Planner, summarized the application. Mr. Herrera noted that the applicant held two neighborhood meetings pursuant to a new code requirement.

Maher Joudi, applicant’s engineer, testified in response to examiner questions that a plat to the south with similar width to the project site was able to accommodate a cul-de-sac because at the time it was approved, applicable King County regulations authorized cul-de-sacs of a significantly smaller radius than that required under current regulations. As to a condition that restricts grading into driplines from off-site trees, Mr. Joudi didn’t believe that his client could be required to protect off-site trees unless it is determined that the project would harm them.

Mr. Herrera noted that the dripline grading requirement is from the City’s tree retention standards that driplines be protected and that the standard doesn’t distinguish between on and off-site trees.

1
2 **EXHIBITS**

3
4 Exhibits 1-26 listed on page 2 of the September 26, 2016 Staff Report were admitted into evidence at the public hearing. Additional exhibits admitted during the hearing include:

- 5 Ex. 27 – City of Renton PowerPoint
6 Ex. 28 – City of Renton Core Maps (located on City’s webpage)

7 **FINDINGS OF FACT**

8 **Procedural:**

- 9 1. Applicant. Harbor Homes, LLC.
10 2. Hearing. The Examiner held a hearing on the subject application on September 27, 2016 in the
11 City of Renton Council Chambers.
12 3. Project Description. The applicant requests preliminary plat approval for a 14-lot residential
13 subdivision along with three street modifications for a 2.45-acre project site located at 850 and 870
14 Monroe Ave, Renton. The subdivision will also include four tracts. Proposed lots range in size from
15 5,001 square feet to 5,201 square feet that result in an overall net density of 7.65 dwelling units per
16 acre. The proposed lots will be accessed from a new public residential access street off Monroe Ave
NE. Two existing single-family homes and their associated improvements will be removed to
accommodate the proposed subdivision.

17 The applicant requests three street modifications as follows:

- 18 • Modification Request 1: RMC 4-6-060.F.2: Reduction in pavement width on Monroe
19 Avenue NE (minor arterial) from 54-feet to approximately 44-feet and a reduction in
sidewalk width from 8-feet to 5-feet.
20 • Modification Request 2: RMC 4-6-060.H.2: Allow hammerhead turnaround, in lieu
21 of a cul-de-sac, on a dead end street that is greater than 300 feet in length (Road A).
22 • Modification Request 3: RMC 4-6-060.J.1: Allow the use of a shared driveway in a
23 subdivision with ten (10) or more lots.
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1 4. Adequacy of Infrastructure/Public Services. The project will be served by adequate and
2 appropriate infrastructure and public services as follows:

3 A. Water and Sewer Service. Water and sewer service will be provided by the City of Renton.

4 B. Police and Fire Protection. Police and Fire Prevention staff indicate that sufficient
5 resources exist to furnish services to the proposed development; subject to the condition
6 that the applicant provides code required improvements and fees. Fire impact fees are
7 applicable at the rate of \$495.10 per single family unit.

8 C. Drainage. Drainage will be adequately addressed. According to the Preliminary Technical
9 Information Report (Ex. 10), the project is required to provide Level 2 Flow Control and
10 Basic Water Quality Treatment. The development is subject to Full Drainage Review in
11 accordance with the 2009 King County Surface Water Design Manual (KCSWDM) and
12 the City of Renton Amendments to the KCSWDM. All core and special requirements have
13 been discussed in the TIR.

14 Stormwater improvements proposed to accommodate the new development will consist of
15 a detention vault to provide flow control for the new and replaced impervious surfaces with
16 a wet vault component that will provide the required Basic Water Quality. The vault shall
17 be designed in accordance with the KCSWDM and the City of Renton Amendments to the
18 manual. Separate structural plans will be required to be submitted for review and approval
19 under a separate building permit for the detention and water quality vault. Special
20 inspection from the building department is required.

21 D. Parks/Open Space. The proposal provides for adequate and appropriate provision for parks
22 and open space. The adequacy of parks and open space is set by city code. No park
23 mitigation or open space is required by the Renton Municipal Code beyond park mitigation
24 fees.

25 E. Streets. The proposal provides for adequate and appropriate streets. Preliminary
26 conformance to street standards and adequacy of alignment has been reviewed and
approved by public works. Frontage improvements along Monroe Ave NW, a minor
arterial, will be provided, including curb, gutter, planting strip and sidewalks with a 5.7
foot right of way dedication. Pavement width allows for parking on one side with the
exception of any area needed for the Fire Department turnaround needs. Internal road
access is proposed via the dedication of Road A, which connects to Monroe Ave NE and
contains a hammerhead turn around as opposed to a cul-de-sac as approved by the
modifications approved by this decision.

1
2 The applicant has submitted a Vehicle Trip Memorandum (Exhibit 17) that indicates the
3 proposed 14-lot subdivision would generate 114 new trips per weekday, with 9 of those
4 trips generated during the AM peak hour (2 in, 7 out) and 12 during the PM peak hour (8
5 in, 4 out). The project has passed the City of Renton Traffic Concurrency Test (Exhibit
6 25). No sight distance limitations have been identified at the intersection of proposed Road
7 A and Monroe Ave NE

8
9 Public works staff have determined that it is not anticipated that the proposed project would
10 adversely impact the City of Renton's street system subject to the payment of code-required
11 impact fees and the construction of code-required frontage improvements.

12
13 F. Tree Retention. As conditioned, the proposal complies with the City's tree retention
14 standards. The City's adopted Tree Retention and Land Clearing Regulations require the
15 retention of 30 percent of trees in a residential development. The applicant submitted a
16 Tree Retention Worksheet (Exhibit 23), Arborist report (Exhibit 12) and Tree Cutting and
17 Land Clearing Plan (Exhibit 11) with the project application. Each of these documents
18 identifies 57 trees on the subject property. Of these 57 trees, 15 are located within the
19 proposed new residential street right-of-way or within the right-of-way frontage
20 improvements that will be provided along Monroe Ave NE. The arborist report has also
21 identified 17 trees that are non-viable or otherwise dead, diseased, or dying. This results in
22 25 significant trees subject to the 30 percent retention standard. The applicant's Tree
23 Cutting and Land Clearing Plan proposes to retain a total of 9 significant trees or 36 percent
24 of the subject property's significant trees. A Tree Retention Tract (Tract A) is proposed
25 along the Monroe Ave NE frontage that will contain eight (8) trees and proposed lot 5 will
26 retain one (1) tree along its northern boundary.

19 The Tree Cutting and Land Clearing Plan and Conceptual Road and Grading Plan (Exhibit
20 4) shows grading work within the drip line of offsite trees abutting the subject property,
21 which may not comply with protection measures during construction set forth in RMC 4-
22 4-130H9a. The applicant questioned the validity of this requirement during the hearing,
23 taking the position that they had no responsibility to protect the roots of off-site trees. A
24 recent appeals court decision has ruled that a property owner is entitled to remove tree roots
25 that have encroached onto his property and in so doing has no duty to the tree owner to
26 prevent damage to the off-site tree. *See Mustoe v. Ma*, 193 Wn. App. 161 (2016). Although
the applicant may have no common law obligation to protect the dripline of off-site trees,
this doesn't address the issue of whether City regulations can validly require them to be
protected anyway. The purpose of the City's tree retention standards include preserving
aesthetic character, providing for open space, protecting wildlife habitat, minimizing

1 surface water and groundwater runoff and diversion and enhancing property values. See
2 RMC 4-4-130. These purposes are ultimately directed at mitigating problems caused by
3 development. So long as the drip line protection standards are applied proportionally to all
4 developers, there should not be a legal problem¹ in enforcing them. See, e.g., *Burton v.*
5 *Clark County*, 91 Wn. App. 505, 522-23 (1998)(there must be nexus and rough
6 proportionality between problems caused by development and the exactions imposed to
7 mitigate them). To provide for rough proportionality, however, the driplines that are
8 required to be protected should be the driplines of trees required to be retained by the City's
9 tree retention standards. Otherwise, a developer could be caught having to protect a
10 disproportionate number of trees simply because an adjoining property owner has decided
11 to retain significantly more trees than required by city regulations. In this regard, the
12 requirement of RMC 4-4-130H9a that the driplines of "retained" trees shall be construed
13 as trees required to be protected by the City's tree retention ordinance and the associated
14 condition recommended by staff will be revised accordingly.

11 G. Landscaping. As determined by staff in the staff report, as conditioned the proposal
12 satisfies the City's landscaping requirements. The applicant proposes an 8-foot wide
13 planting strip along project street frontage and 56 new trees throughout the project site
14 including various maple, flowering pear and cherry, and western red cedar. Deciduous trees
15 are to be planted with 1.5-inch caliper and the western red cedar will have a minimum
16 height of 6-feet at time of planting. The applicant is proposing a 1,020 square foot
17 landscape tract at the dead end of the new residential street. The tract will include trees,
18 shrubs, groundcover, and mulch. All proposed vegetation within the tract is identified as
19 drought tolerant in the landscaping plan plant schedule. Additional trees, shrubs, and
20 groundcover are proposed to augment the Tree Retention Tract A and eastern perimeter
21 planting within Stormwater Tract D. All proposed vegetation within these tracts has also
22 been identified as drought tolerant. No vegetation other than lawn is shown for the
23 remainder of Tract D. Therefore, as a condition of approval, a final landscaping plan shall
24 be submitted that provides a landscaping strip 15-feet in width surrounding the drainage
25 tract as required by RMC 4-4-070H6. Additionally, during the required neighborhood
26 meeting (Exhibit 24) there was concern regarding children playing within the tract abutting

¹ Although the Examiner has to make every effort to construe City development standards in a manner that is consistent with superseding constitutional and statutory requirements, the Examiner has no authority to otherwise rule on the validity of a City development standard. Vegetation retention standards have been overturned by the courts on the basis that the retention standards are reasonably necessary as a direct result of the proposed development. See *Citizens Alliance for Property Rights v. Sims*, 145 Wn. App. 649 (2008), review denied, 165 Wn.2d 1030 (2009). The Examiner makes no conclusions or findings as to the validity of the City's tree retention standards under *Citizens Alliance*, since this addresses the validity of the tree regulation standards as a whole as opposed to facilitating the interpretation of any potentially ambiguous terms.

1 Monroe Ave NE without a barrier. Therefore, a condition of approval requires a berm at
2 least three (3) feet in height along the Monroe Ave NE frontage to provide a physical barrier
3 in addition to the landscaping noted above.

4 H. Parking. Sufficient area exists, on each lot, to accommodate off-street vehicular parking.
5 This is typically achieved by providing a two (2) car garage for each single-family home.
6 Compliance with individual driveway requirements would be reviewed at the time of
7 building permit review.

8 I. Schools. It is anticipated that the Renton School District can accommodate any additional
9 students generated by this proposal at the following schools: Highlands Elementary,
10 Dimmitt Middle School and Renton High School. Any new students from the proposed
11 development would be bussed to middle and high schools. The stops are located at Monroe
12 Ave NE and NE6th Pl. and Olympia Ave NE and NE 10th Lane, respectively. Students
13 are within walking distance of Highlands Elementary. The proposed project includes the
14 installation of frontage improvements along the Monroe Ave NE frontage, including
15 sidewalks. Students would walk south on the west side of Monroe Ave NE to NE 7th St.
16 and proceed west to Harrington Ave NE and then proceed north to Highlands Elementary.
17 There are existing sidewalks on at least one side of each walking route with the exception
18 of the Renton High School bus stop stretch along Olympia Ave NE between NE 10th St.
19 and NE 10th Ln. which is classified as a residential access street containing an approximate
20 18-foot shoulder with typical residential lawns. Therefore, there are safe walking routes to
21 Highlands Elementary and the school bus stops.

22 A School Impact Fee, based on new single-family lots, will be required in order to mitigate
23 the proposal's potential impacts to the Renton School District. The fee is payable to the
24 City as specified by the Renton Municipal Code. Currently the fee is assessed at \$5,643.00
25 per single family residence.

26 5. Adverse Impacts. There are no adverse impacts associated with the proposal. As discussed in
Finding of Fact No. 4, the proposal provides for adequate infrastructure and is served by adequate
public services. Beyond the adequacy of infrastructure, there are no other significant adverse impacts
discernable or reasonably suggested from the record. The site is mapped with a moderate landslide
hazard area in the central and western portion of the subject property. Existing site topography is
relatively flat with 10-feet of relief over approximately 500-feet and geotechnical analysis prepared
by the applicant (Exhibit 8) indicated no potential hazard on or near the subject property. Beyond the
landslide hazard refuted by the applicant, there are no other critical areas on the site. There are no
compatibility issues associated with the development as all surrounding development is residential at
a similar density.

1
2 **Conclusions of Law**

3
4 1. Authority. RMC 4-9-080(G) classifies preliminary plat permit review as a Type III decision
5 and a street modification as a Type I decision. RMC 4-8-080(C)(2) requires consolidated permits to
6 each be processed under “the highest-number procedure”, which in this case is Type III. A Type III
7 process authorizes the hearing examiner to hold a hearing and issue a final decision.

8 2. Zoning/Comprehensive Plan Designations. The subject property is zoned Residential-8
9 dwelling units per net acre (R-8). The comprehensive plan map land use designation is Residential
10 Medium Density.

11 3. Review Criteria/Street Modification. Chapter 4-7 RMC governs the criteria for subdivision
12 review. Applicable standards are quoted below in italics and applied through corresponding
13 conclusions of law. Finding of Fact No. 20 of the staff report is adopted in full as the findings and
14 conclusions for approval of the street modification requests identified in Finding of Fact No. 3 of this
15 decision.

16 **Preliminary Plat**

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

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

25 4. As conditioned, this criterion is satisfied. The proposed lots comply with the zoning code as
26 set out in Finding of Fact No. 18 of the staff report. Each of the lots will have access to Monroe
Avenue NE via Road A, which will be dedicated as a public street. As determined in Finding of Fact
No. 5, there are no critical areas on the project site, including frequently flooded areas or wetlands.
As determined in Finding of Fact No. 4, the proposal will be served by adequate infrastructure and
public services.

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

1 5. The proposed preliminary plat is consistent with the Renton Comprehensive Plan as outlined
2 in Finding of Fact No. 17 of the staff report.

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

5 6. All lots will access Monroe Avenue via Road A, which will be dedicated to the public.

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

8 7. Public works has reviewed the proposal and found conformance to all City street standards,
9 including street plans. Therefore, in the absence of any evidence to the contrary, the preponderance
10 of evidence establishes that the proposal conforms to adopted plans for streets in the City.

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

13 8. Public works has reviewed the proposal and found conformance to all City street standards,
14 including trail plans. Therefore, in the absence of any evidence to the contrary, the preponderance of
15 evidence establishes that the proposal accommodates plans for trails in the City.

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

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

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

24 *b. Steep Slopes: A plat, short plat, subdivision or dedication which would result in the creation of a*
25 *lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-*
26 *050J1a, without adequate area at lesser slopes upon which development may occur, shall not be*
approved.

1 ...

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

4 *4. Streams:*

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

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

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

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

14 9. As discussed in Conclusions of Law No. 4 and Finding of Fact No. 5, and as conditioned, the
15 land is suitable for development. The property is not designated as a floodplain and no adverse impacts
16 to critical areas are anticipated since no critical areas (including streams, wetlands and steep slopes)
17 are on site. The proposal conforms to the City's tree retention standards as determined in Finding of
18 Fact No. 4.

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

24 10. The developer will be required to pay park impact fees at the time of building permit
25 issuance as required by City code.

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

11. The internal road, Road A, connects to Monroe Avenue NE. No other road connections are
possible due to the existence of intervening lots.

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

2 12. As conditioned.

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

5 13. The proposed street connection, to a minor arterial, is the only street connection possible for
6 the development.

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

12 14. As determined in Finding of Fact 4, the Public Works Department has reviewed and approved
13 the street alignment. Street alignment is clearly more than 125 feet as required.

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

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

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

22 *3. Exceptions:*

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

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

26 *ii. Substantial improvements are existing.*

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

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

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

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

9 15. The project provides as much connectivity as is feasible given that it is completely surrounded
10 by development on three sides. Alley access is not possible given the narrow width of the project site.
11 Similarly, the hammerhead (which serves the same function as a cul-de-sac) is necessary due to the
12 narrow width of the project site.

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

17 16. As proposed and as will be required during engineering review.

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

22 17. There are no further street extensions possible for the proposed subdivision.

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

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

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

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

RMC 4-7-170(C): *The size, shape, and orientation of lots shall meet the minimum area and width*
requirements of the applicable zoning classification and shall be appropriate for the type of
development and use contemplated. Further subdivision of lots within a plat approved through the

1 *provisions of this Chapter must be consistent with the then-current applicable maximum density*
2 *requirement as measured within the plat as a whole.*

3 20. As previously determined, the proposed lots comply with the zoning standards of the R-8 zone,
4 which includes area, width and density.

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

10 21. As shown in Ex. 2, the requirement is satisfied.

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

13 22. As proposed.

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

17 23. There are no critical areas on-site and significant trees are retained to the extent required by
18 the City 's tree retention ordinance as determined in Finding of Fact No. 4 so the criterion is deemed
19 met.

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

25 24. As conditioned.

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

1 25. As determined in Finding of Fact No. 4, the proposal provides for adequate drainage that conforms
2 to all applicable drainage standards.

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

6 26. This requirement will be imposed during engineering review or final plat approval.

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

13 27. As conditioned.

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

23 28. As conditioned.

24 **RMC 4-7-210:**

25 **A. MONUMENTS:**

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

29 **B. SURVEY:**

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

31 **C. STREET SIGNS:**

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

2
3 29. This requirement will be imposed during engineering review for final plat approval.

4 **DECISION**

5 The proposed preliminary plat, site plan is approved and street modifications are approved, subject to
6 the following conditions:

- 7 1. The applicant shall provide a final detailed landscaping plan compliant with RMC 4-8-
8 120D at the time of Utility Construction Permit review that provides 15-feet of landscaping
9 surrounding stormwater Tract D. The vault may encroach into the landscaping screen,
10 provided the landscaping can still be planted on top of the vault. The final landscaping plan
11 shall be approved prior to Utility Construction Permit issuance. All tract landscaping shall
12 be installed and inspected prior to plat recording.
- 13 2. The applicant shall provide a final landscaping plan for review and approval by the Current
14 Planning Project Manager at the time of Utility Construction Permit review that provides
15 a berm within the 15-foot landscaping screen in stormwater Tract D along the Monroe Ave
16 NE frontage. The final landscaping plan shall be approved prior to Utility Construction
17 Permit issuance. The berm shall be installed and inspected prior to plat recording.
- 18 3. The applicant shall be required to create a homeowner's association for the shared
19 maintenance and responsibility of the shared tracts and all other shared improvements of
20 this development. A draft of the document(s) shall be submitted to Current Planning
21 Project Manager for the review and approval by the City Attorney and Property Services
22 section prior to the recording of the final plat. The HOA documents shall be recorded
23 concurrently with the final plat.
- 24 4. The applicant shall provide a Road and Grading Plan for review and approval by the
25 Current Planning Project Manager at the time of Utility Construction Permit review that
26 provides tree protection measures identified in RMC 4-4-130H9 for offsite trees with drip
lines that are within the subject property; Provided that the "retained" trees referenced in
4-4-130H9 are construed as trees required to be retained (either by the applicant or
previously by adjoining property owners) by the City's tree retention standards.
5. The applicant shall provide a final landscaping plan for review and approval by the Current
Planning Project Manager at the time of Utility Construction Permit review that provides
details of split-rail fencing around Tree Retention Tract A and signage identifying the tract
as tree protection. Split-rail fencing and signage shall be installed and inspected prior to
final plat recording.
6. The applicant shall revise the Preliminary Plat for review and approval by the Current
Planning Project Manager at the time of Utility Construction Permit review that provides
a front yard setback variation for at least one (1) lot for every four (4) abutting street
fronting lots and the varied setbacks shall be provided as a note on the face of the plat.

- 1 7. The applicant shall provide a plat layout color palette for the new single family homes for
2 review and approval by the Current Planning Project Manager prior to plat recording.
- 3 8. The applicant shall provide a revised paving plan for review and approval by the Current
4 Planning Project Manager, at the time of Utility Construction Permit review identifying
5 the modified Monroe Ave NE street section, as approved through Modification Request 1.
- 6 9. All future homes within the subdivision shall have a fire sprinkler system approved by the
7 Renton Fire Authority.
- 8 10. The applicant shall provide a note on the face of the plat restricting access for lots 5 and 6
9 to the shared driveway. The front of the future homes on lots 5 and 6 shall be oriented to
10 the new residential street (Road A) with garages located on the side or rear of the homes.
- 11 11. The applicant shall submit revised plans for review and approval by the Current Planning
12 Project Manager at the time of Utility Construction Permit review removing the four (4)
13 pedestrian ramps facing east along Monroe Ave NE.
- 14 12. All proposed street names shall be approved by the City.
- 15 13. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are
16 available, or provided with the subdivision development.
- 17 14. All utilities designed to serve the subdivision shall be placed underground. Any utilities
18 installed in the parking strip shall be placed in such a manner and depth to permit the planting
19 of trees. Those utilities to be located beneath paved surfaces shall be installed, including all
20 service connections, as approved by the Department of Public Works. Such installation shall
21 be completed and approved prior to the application of any surface material. Easements may be
22 required for the maintenance and operation of utilities as specified by the Department of Public
23 Works.
- 24 15. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are
25 installed to serve each lot. Conduit for service connections shall be laid to each lot line by
26 Applicant as to obviate the necessity for disturbing the street area, including sidewalks, or alley
improvements when such service connections are extended to serve any building. The cost of
trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required
to bring service to the development shall be borne by the developer and/or land owner. The
applicant shall be responsible only for conduit to serve his development. Conduit ends shall be
elbowed to final ground elevation and capped. The cable TV company shall provide maps and
specifications to the applicant and shall inspect the conduit and certify to the City that it is
properly installed.

1 DATED this 12th day of October, 2016.

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3 
4 Phil A. Olbrechts

5 City of Renton Hearing Examiner

6
7 APPEAL RIGHTS AND VALUATION NOTICES

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

16
17 Affected property owners may request a change in valuation for property tax purposes
18 notwithstanding any program of revaluation.
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