

Denis Law
Mayor

City of
Renton



City Clerk - Jason A. Seth

November 4, 2014

Wayne Potter
Novastar Development, Inc.
18215 72nd Avenue South
Kent, WA 98032

Re: Final Decision for Copperwood Preliminary Plat
LUA-14-000550

Dear Mr. Potter

Attached is your copy of the Hearing Examiner's Final Decision dated October 31, 2014, in the above-referenced matter.

If I can provide further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason A. Seth', written over a light blue grid background.

Jason A. Seth
City Clerk

Enc.: Hearing Examiner's Decision

cc: Hearing Examiner
Rocale Timmons, Associate Planner
Jennifer Henning, Planning Director
Vanessa Dolbee, Current Planning Manager
Steve Lee, Development Engineering Manager
Craig Burnell, Building Official
Sabrina Mirante, Secretary, Planning Division
Ed Prince, City Councilmember
Julia Medzegian, City Council Liaison
Barbara Rodgers, Quadrant Corp, Applicant
Parties of Record (22)

1 and open space to comply with small lot cluster requirements. A portion of this space is around the
2 proposed detention pond. There is a 25ft wide open space tract on the western perimeter. There are
3 272 existing trees, and the applicant proposes to retain 34. Access would be from SE 2nd place via
4 a looped public street. There are two dead-end shared driveways that will provide access to 4 lots as
5 well as Tract B. Lot 47 is proposed as a pipe stem lot and lot 46 is will be accessed directly from
6 SE 2nd Place. The applicant proposes a stormwater pond to be located at Tract B. This stormwater
7 pond would discharge into Maplewood Creek.

8 According to Ms. Timmons, the applicant is requesting preliminary plat and environmental review.
9 The application included a street modification and critical area exemption as well. Staff received
10 multiple comment letters noting concern with a variety of issues including traffic, privacy, and
11 environmental impacts. On September 15th, the environmental committee issued a determination of
12 non-significance mitigated with six mitigation measures. There was an appeal period that ended on
13 October 3rd with no appeals filed. However, staff received a request for clarification in regard to
14 mitigation number 3. Mitigation measure number 3 relates to site construction and seasonal
15 limitations to construction. Ms. Timmons submitted Exhibits 22 and 23 which provide clarification
16 about the construction limitations. Exhibit 23 is a clarification memo that notes that landscaping,
17 housing, and sidewalk construction would not be limited to dry-weather months. Site clearing and
18 grading would be restricted to dry-weather months. The other mitigation measures included setback
19 from the crest of the site, additional downstream analysis, and enhanced water treatment quality.

20 Ms. Timmons noted that the proposal was found to comply with Renton's Comprehensive Plan and
21 its policies if all conditions of approval are met. In regard to development standards, the proposal
22 meets the standards as modified through the R-8 standards via clustering. In regard to density, using
23 rounding provisions found in RMC 4-11-040, the density meets the R-4 zoning designation. Staff is
24 in support of lot-clustering if all conditions of approval are met. Neighboring property owners have
25 historically enjoyed a large separation between homes as well as views of natural vegetation on the
26 subject site that will change as a result of the proposal. The proposed 3.5 acres of native and
passive open space is intended to meet the small lot clustering requirements. The retained stream
and buffer is intended to act as a buffer to the east. The proposed tract along the western perimeter
also would serve as a visual buffer. There was no visual buffer provided along the south portion of
the site, thus staff is recommending additional trees. Specifically, staff is recommending two trees
per lot along the southern border. Evergreen trees fall within this recommendation. Staff is also
recommending additional trees be planted in a 25ft buffer area on the western edge.

The proposal complies with all critical area regulations. There is a class 2-3 stream on site. The
applicant is not proposing any alterations to the stream on site, but it is proposing a stormwater
outfall to the stream buffer, a small walking trail, and a drainage tract. These impacts would be
addressed by buffer averaging and enhancement actions. A loss of 1700ft of buffer would be
averaged by 3200ft. The modified buffers are more than adequate to protect stream functions. The
proposal is compliant with the community asset regulations. The applicant is required to retain 30
percent of trees not located in critical areas, proposed rights-of-way, and access easements. Of the
272 trees, 160 trees would be excluded from the tree retention requirements. The applicant is

1 proposing to retain 34 trees which meets code requirements. The proposal complies with
2 subdivision regulations in RMC 4-7 if all conditions of approval are met.

3 According to Ms. Timmons, pipe stem lots are permitted to achieve minimum density if there are no
4 alternatives, thus staff recommends the elimination of proposed pipe stem lot 47. Shared driveways
5 are encouraged, thus staff recommends lot 46 have access via the loop road and not direct access via
6 SE 2nd. This would eliminate the curb cut along SE 2nd. The applicant submitted a traffic impact
7 analysis which showed there would be 390 new daily trips generated. The study found impacted
8 intersections will continue to operate at an acceptable level of service. In regard to sight distance
9 concerns for the intersection of 139th at SE 2nd Place, the study determined that a stop sign is
10 needed for this intersection. Also, intersection warning signs are needed along SE 2nd place to
11 warn westbound traffic of the upcoming intersection. She does not know if any analysis was done
12 of 138th. The sight issue at 139th is existing so the city will not be placing the burden of mitigation
13 on the applicant. In regard to street modification requests, the applicant has applied to eliminate the
14 requirement for frontage improvements along 143rd Ave SE and to rearrange required
15 improvements for SE 2nd Place. The improvements along 143rd would be encumbered by the
16 existing stream on site. The applicant is requesting not to make the improvements along 143rd so as
17 not to place the stream in a culvert. The applicant is requesting to flip the sidewalk with the
18 landscape planter on SE 2nd Place for a small section of street to make the sidewalk closer to the
19 street to eliminate the need to increase the culvert for Maplewood Creek. The remaining portions of
20 SE 2nd will comply with code required frontage improvements. Staff requests approval of these
21 modifications as they do reduce proposed impacts. Staff does want the sidewalk and landscape
22 flipped back at approximately 20ft of the eastern sidewalk area of SE 2nd. Staff is also asking that
23 the applicant construct a split rail fence along the open space and critical areas near 143rd to provide
24 a clear delineation between the actual roadway and the critical area. In regard to the availability of
25 public services, there are sufficient resources to support the proposed development. Maplewood
26 Elementary is located within walking distance of the proposed subdivision. The applicable middle
and high schools are not within walking distance. The proposed frontage improvements along SE
2nd Place would provide safe walking conditions for students to Maplewood Elementary. Staff is
recommending a condition that the applicant provide a designated sidewalk across SE 2nd Place
and/or provide a designated walking path along the south side of SE 2nd Place, east of the subject
site. A water availability certificate would be required at the time of utility construction. There is
an existing 8 inch sewer main under SE 2nd Place which the applicant plans on extending to the
subject site. In regard to drainage, a drainage report was provided by the applicant according the
2009 King County Manual. Staff received several comments from surrounding property owners
with respect to drainage and erosion concerns. The environmental review committee issued two
mitigation measures with respect to drainage, Staff recommends approval of the application subject
to the 14 conditions of approval listed in the staff report.

24 Steven Lee testified that staff has reviewed the intersection of 139th and SE 2nd Place. In regard to
25 Duvall Avenue, which is 138th, the intersection with SE 2nd Place is a 90 degree turn. He is unsure
26 if staff reviewed the intersection of 138th and SE 2nd.

1 Ms. Timmons noted that the buffer averaging was included in the notice of hearing and was one of
2 staff's conditions of approval.

3 Applicant Testimony

4 Wayne Potter, Barghausen Consulting Engineers, stated that the project has been revised multiple
5 times to ensure it meets code regulations. The project provides 28 percent open space, which
6 exceeds the 20 percent requirement. The majority of this open space is to provide buffering along
7 Maplewood Creek. There is no direct access to the project from 143rd. The storm pond will be in
8 the southeast corner of the site and will have buffering around it. In regard to the fourteen
9 conditions, the applicant mostly agrees with the conditions. In regard to Exhibit 23, the applicant
10 agrees with the seasonal construction restraints. In regard to the south and west property lines, the
11 applicant is fine with adding fencing in this area. The west property line would be lots 1-11, thus
12 there would be the lot fences and a 25ft buffer. The applicant is willing to work with staff on the
13 types of trees planted along the south lot line. In regard to lots 46 and 47, the pipe stem lot, the
14 applicant has reconfigured the layout to allow a shared driveway for lots 46 and 47.

15 Kevin Jones, Transpo Group, testified that he is licensed as an engineer in Washington and is
16 licensed as a professional traffic engineer. Mr. Jones reviewed the comment letters submitted to the
17 city. In regard to the intersection at 139th and SE 2nd Place, the intersection is located just west of
18 the proposed plat. There was concern expressed with respect to sight distance at this intersection.
19 His firm conducted an analysis of this intersection (Exhibit 26). He reviewed the intersection from
20 both a safety standpoint and a traffic operations standpoint. From a safety standpoint, he measured
21 what the available stopping sight distance is at the intersection. He compared this measurement to
22 the national standards recommended for a minimum stopping sight distance. For both directions,
23 the available stopping sight distance as of today is in excess of the recommended minimum. He
24 also reviewed the collision history from 2010-2013. There has not been a single collision reported
25 at the intersection in those 4 years. From a safety standpoint, there is not an existing safety hazard
26 nor will the increase in traffic from the new subdivision create one. From an operations standpoint,
he calculated how well the intersection will function during the peak periods. He focused on the
morning commute hour because that is the hour the 139th approach has the greatest demand. The
analysis showed the intersection operates with less than 10 seconds of delay during this peak hour.
This finding is largely due to the low volumes. The level of service was calculated at "A."
Additionally, he calculated entering sight distance and found there is adequate distance to the west,
but limited distance to the east because of an existing crest-vertical curve. Based on this inadequate
entering sight distance, a westbound motorist on SE 2nd may have to decelerate if a motorist was
making a left-hand turn from 139th. This is not a significant traffic operations issue because there
are so few motorists during the peak hour. In regard to the intersection of 138th (Duvall Ave) and
SE 2nd Place, his firm also observed this intersection. He found that today the city has added
double-yellow striping to keep motorists on the proper side of the street. Additionally, signage is
posted that identifies the bend and recommends a reduced speed limit. He also reviewed the 2010-
2013 collision history for this intersection and found no reported collisions for that time period. He
does not believe there is a safety hazard. With respect to increases in traffic, there are roughly 1,000

1 vehicles that travel on SE 2nd Place over the course of a day. The project will increase this daily
2 trips on 138th Ave by approximately 230 daily trips which is not a significant increase.

3 Under cross-examination by Russell Berg, Mr. Jones stated that his firm conducted the traffic
4 analysis at 139th and SE 2nd Place on Tuesday, September 9 from 7am-9am. During that two-hour
5 period, the peak hour was between 8am-9pm. The volumes are noted in Exhibit 26. To determine
6 the average daily traffic, he utilizes tubes in the street. For turning movements, he uses cameras and
7 watch the videos to determine the numbers.

8 Under cross-examination by Ms. Luquette, Mr. Jones testified that, in regard to future
9 demographics, he looks at the future year that represents the build-out of the plat. The future
10 volumes are forecasted for 2016 with a 2 percent growth factor. In regard to demographics, there
11 will be nominal changes in the volumes with changeover in the neighborhood. Even if the volumes
12 that 139th serves doubled, the value is still so small that it would not have a great impact on level of
13 operation. From a safety standpoint, the traffic being doubled increases the likelihood that the flow
14 westbound may be decreased but this does not affect safety. The safety hazard is tied to the
15 stopping sight distance, and the stopping sight distance is adequate both east and west bound.

16 Public Testimony

17 Liz Mencil stated she is representing the 180 homeowners who live in Maplewood Heights. Over
18 the years, there have been many new developments in the surrounding area. As development has
19 increased, the water in Maplewood Creek has increased. The holding ponds built with the
20 developments do not control the natural springs. When the trees are taken down, all of the water
21 drainage increases. This has caused several slides, and property owners are concerned about their
22 homes on the edge. In the past, there was a huge slide at the edge of Maplewood Heights which
23 blocked Cedar River. This project will cause even more drainage and may cause another slide.

24 Russell Berg testified that all of the safety analysis done of SE 2nd Place was assuming a certain
25 speed of cars traveling the road.

26 Steven Lee answered that Mr. Jones did the analysis based on actual speeds.

Russell Berg noted that cars speed on SE 2nd Place often. In regard to 138th, the guardrail has had
to been replaced at least once a year because of cars hitting it.

Richard Thompson stated that he lives in the Maplewood Heights area. He is concerned about
143rd Avenue. He asked if the city has reviewed the erosion on the shoulder of the road and the
slides that have taken place on its edge. He has asked the city to put signage on the road so people
stop dumping their yard race into the crick on the road's side.

Rick Jackson testified that he lives on SE 2nd Place on the north side of the proposed development.
He is concerned for the safety of the public who walk on his side of the street. From his corner

1 eastbound all the way to north 138th there are no sidewalks. People run through the stop sign often.
2 Children walk on the streets to get home from school because there are no sidewalks on the north
3 side of SE 2nd Place. If sidewalks are not placed on the north side, appearance wise it will be
strange as the rest of the street will be fully developed.

4 Staff Rebuttal

5 Steven Lee asked that staff extend the timeline to review the erosion on 143rd.

6 Rocale Timmons said staff would also like additional time to review the traffic analysis conducted
7 by the applicant. In regard to the drainage, staff is very sensitive to the downstream concerns. Staff
8 is including mitigation measures that ensure water is treated on site and meets with enhanced basic
9 water quality standards. Staff also added measures for increased buffers for the drainage pond and
10 seasonal construction limitations to help with drainage concerns. In regard to sidewalks on the
north side of the street, staff does not have the nexus to require the applicant to construct street
improvements on the north side of the street. The applicant has provided safe walking conditions if
all conditions are met.

11 Applicant Rebuttal

12
13 Mr. Jones said, in response to questions about speed data, that his analysis did not rely on the posted
14 speed limit. Instead, he collected speed data via tubes placed on SE 2nd Place over a complete
15 three-day period. The dates were September 9, 10, and 11. Over that period, he found that the 85th
16 percentile, the criteria used in traffic engineering for design and represents the speed 85 percent of
17 the motorists were travelling, was 29 mph in the westbound direction and 28 mph in the eastbound
18 direction. These were the speeds used for the sight-distance analysis. On average, over the 3-day
period, in the westbound direction, there were a total of 7 motorists captured going 35 mph or
greater out of an average of 345. In regard to traffic collisions, he checked for collision reports from
Duvall to the west at Jericho Ave.

19 Mr. Potter testified that 143rd Street, at one point recently, was repaired. This collision is very close
20 to the top bank of Maplewood Creek. The subject property has no direct access to 143rd, thus the
21 proposal has large buffers. The markings referenced by Mr. Thompson are likely from surveying for
22 utilities. Staff has recommended that fencing be provided around 143rd, which will include signage
23 that it is a sensitive area. As part of the project, the applicant will be cleaning the areas where
24 dumping has occurred and replanting vegetation. In regard to children walking to school, there is a
25 bus stop at the south side of SE 2nd Place for the middle and high schools. The bus stop is at the
approximate location of where the new entrance into the project will be. For the elementary school,
it is a walkable distance. The applicant will be providing curb-gutter sidewalks all along the
frontage on SE 2nd Place, which will provide access for children to the school. The applicant will
also be providing a cross-walk or proper striping for crossing the street. On the north side of SE 2nd
Place, there is an existing sidewalk approximately halfway.

1 Barry Talkington, PE Civil Engineer with Barghausen Engineers, testified that the project will have
2 a detention pond on site. Per the King County Manual, the pond will be a level 2 flow control
3 facility and basic water quality. Staff has asked for additional downstream water analysis, and the
4 applicant will be providing this analysis during final engineering design. Additionally, staff has
5 asked for enhanced water quality, which the applicant will be providing. In regard to erosion
6 control for downstream water flow, typically to deal with these types of concerns, a project needs to
7 provide level 2 flow control. This project will already be providing level 2 flow control. These
8 flow control requirements should be adequate, but the applicant will continue to monitor the flows.
9 In regard to the number of springs in the area, in his opinion, these do not make a difference for
10 flow analysis because they are existing conditions that are in many downstream courses. The
11 project will not be paving over any steams.

12 Mr. Thompson asked Mr. Talkington if there was an analysis of the flow rate of the creek and the
13 amount of increased silt. Mr. Talkington answered that as part of the analysis he looked at the
14 overall drainage basin that contributes to the crick. The project will not be increasing those flows
15 because the level 2 flow requirement ensures that the applicant model the site as a completely
16 forested site to begin with even though the subject site is mostly cleared as of today.

17 In regard to looking at springs, Mr. Talkington stated that the downstream analysis requires a
18 quarter mile review downstream of the site. If he sees a spring, then it is documented. If there is a
19 stream on site, and he finds its on site, then it would need to be addressed. There are no springs on-
20 site for this project. It is possible that spring could be discovered on site.

21 Ms. Mencil stated that she has lived in the area since 1965 and knows there are springs all over.
22 The springs have caused landslides in the past. New springs develop every year. Renton owns the
23 property on the golf course, and this project could cause water issues for that property. The area
24 cannot handle all of the new building developments.

25 Mr. Lee, Renton Engineer, said the city is aware of the off-site spring issues with Maplewood
26 Creek. The city has an annual project that is within a 1-mile downstream point of the Copperwood
development. It is a collection system that collects sediment. Maplewood Creek has ongoing
erosion issues that are the result of past developments discharging from slopes, increased run-off,
and the number of springs. Past developments have been subjected to lower stormwater standards.
Renton's current standards are a forested condition, which regulates applicants to develop with
conditions as if they are forested with the runoff being less than existing amounts. The city has a
capital improvement plan for Maplewood Creek to address many of the top-of-hill discharges from
point sources discharging from streets. In regard to the springs, if there are springs found on site
during construction, the applicant will need to address them. Renton does not have codes for
addressing off-site springs. In regard to runoff, the city is requiring a level 2 downstream analysis,
which includes upstream issues that may be found. The level 2 analysis is quantitative and will look
for issues downstream from a quarter to one mile downstream. A level 1 analysis is qualitative. If
during the level 2 analysis there are new impacts found, it could cause the size of the detention pond
to be upgraded to a level 3 flow-control which would discharge at a lesser rate. The city is not overly

1 concerned with springs that are not found during on-site construction. However, the city does look
2 at the geotech report. The geotech report submitted by the applicant did not indicate a spring
system. It indicated that the water table was a little bit deeper than 5ft.

3 Mr. Berg commented that his neighbor owns property adjoining the subject property. His neighbor
4 has a spring and has to run a pump 24hrs/day to deal with overflow. His neighbor's property is in
5 the southern area near planned lots 13 and 14. His neighbor wrote a letter to city staff noting his
concerns.

6 Ms. Timmons noted that the letter is Exhibit 11C. She said there are no mentions of a spring in the
7 letter; however, the letter notes concerns about grading impacting his property.
8 Mr. Berg clarified that there are springs on the neighbor's property.

9 Mr. Potter testified that erosion control and water quality are major issues for the Maplewood
10 Community. The city continues to implement projects to deal with downstream water issues into
11 Maplewood Creek. Staff has required additional water quality analysis conditions for the applicant.
The applicant had a biologist review on-site springs as part of its proposal.

12 Jeremy Downs, biologist at Soundview Consultants, stated that he personally walked the subject
13 property and had a professional wetlands scientist with him. He inspected the site in Spring of
14 2014, which was officially the wettest Spring ever. The project has been designed to King County
15 water quality standards, which are very stringent. Previous developments in the area did not have to
16 meet these strict standards. He and the other professionals walked the entire property looking for
17 wetlands, including springs. They found no springs or "wetland seeps" with the exception of the
18 tributary to Maplewood Creek. There is a drainage collection system built in 1993 in the center of
19 the site that has taken shallow groundwater and taken this water to the northwest corner of the site.
20 Exhibit 11C does not say the neighbor, Mr. Pilot, has a spring on his site, just groundwater.
Additionally, according to Mr. Downs, Mr. Pilot has a septic system and in-ground pool. Shallow-
groundwater is typical of the entire area. Water infiltrating into the subject property will not create
increased springs like other areas because it is on the opposite side of the ravine. Water would have
to flow upstream to create these springs. If shallow groundwater is found on-site, it would be dealt
with as a construction issue. There are underground collection systems onsite that will have to be
maintained or incorporated accordingly.

21 Mr. Thompson asked where the silt comes from that flows downstream into the golf-course area.

22 Mr. Downs answered that there are many upstream properties that have been designed to a much
23 lower standard than the subject proposal. All water from the applicant's proposal will go through a
24 detention pond.

25 Mr. Lee testified that he has a background in traffic and stormwater engineering. He has a Masters
26 in hydraulics. He has over 24 years of professional experience. The city is not concerned with
shallow groundwater. From the geotech report, the closest test pit was test pit 6 which indicated a

1 groundwater depth of 8ft. A spring is anywhere from surface to 2.5ft. He is not concerned about
2 groundwater that could affect the hydrology different than the stormwater analysis.

3 EXHIBITS

4 Exhibits 1-21 listed on page 2 of the October 7, 2014 Staff Report, in addition to the Staff Report
5 itself (Ex. 1), were admitted into evidence during the public hearing. Additional exhibits admitted
6 during the hearing are the following:

7 Exhibit 22 Email dated October 22 from Wayne Potter to Rocale Timmons
8 Exhibit 23 Memo from Renton Staff clarifying grading construction seasonal limitations
9 Exhibit 24 Staff power point
10 Exhibit 25 Kevin Jones resume
11 Exhibit 26 Transpo Group report on intersection at 139th dated October 6th
12 Exhibit 27 10/13/14 memo from Rocale Timmons to Examiner
13 Exhibit 28 10/17/14 letter from Wayne Potter to Examiner

14 FINDINGS OF FACT

15 Procedural:

- 16 1. Applicant. Quadrant Corp.
- 17 2. Hearing. The Examiner held a hearing on the subject application on October 7, 2014 in the
18 City of Renton Council City Chambers. The record was left open until Monday, October 13th for
19 the City to address specified street and erosion issues. The public was given until Wednesday,
20 October 15th to address the city comments. The applicant was given until Friday, October 17th for
21 a final reply to the city and public comments.
- 22 3. Project Description. The applicant requests preliminary plat approval, a street improvement
23 modification and a critical areas exemption for a 47-lot residential subdivision.

24 The subject property is a collection of eight parcels located on the south side of SE 2nd Place
25 between Field Place SE and Hoquiam/143rd Ave SE. The applicant is requesting a concurrent Lot
26 Line Adjustment (LUA14-000730) to three of the subject parcels, and an abutting parcel, in order to
define the Preliminary Plat boundaries. The resulting 12.68-acre site is located within the
Residential-4 dwelling units per acre (R-4) zoning classification. The 47 lots would result in a
density of 4.44 dwelling units per acre. The applicant is proposing a small lot cluster due to critical
areas on site for which R-8 development standards would be applied. Lot sizes would range from
4,996 square feet to 19,429 square feet. In addition to the 47 lots, 5 tracts are proposed for sensitive
areas, storm drainage, open space and access. Access to the plat would be gained from SE 2nd Place
via a new looped public street. The site currently contains six single family residences and several

1 detached structures all of which all would be removed with the exception of one residence to be
2 relocated to the proposed Lot 44. The site contains a Class 2/Class 3 stream (Maplewood Creek) and
3 critical slopes (exceeding 40%). A stormwater pond is proposed within Tract B, which would
discharge into Maplewood Creek.

4 The proposal includes two street modifications. The applicant is requesting a street modification,
5 from RMC 4-6-060, in order to eliminate the requirement for frontage improvements along 143rd
6 Ave SE and the rearrangement of required improvements for portions of SE 2nd Place. The
7 modification request for SE 2nd Place is to solely allow for the rearrangement of required
improvements for a small portion of SE 2nd Place to construct the sidewalk adjacent to the curb
(Exhibit 2) as opposed to having a landscape planter in between the curb and the sidewalk.

8
9 The critical areas exemption is for an outfall in a stream buffer, as described in more detail in
Finding of Fact No. 5.

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

12 A. Water and Sewer Service. The site is served by Water District 90 for water and the City
13 of Renton for sewer. Water District 90 has provided a certificate of water availability for
the proposal to the City of Renton.

14
15 B. Police and Fire Protection. Police and fire service would be provided by the City of
16 Renton. Police and fire service staff have concluded they have sufficient resources to
17 serve the proposal. Fire impact fees will be collected during building permit review to
pay for proportionate share fire system improvements.

18 C. Drainage. The applicant submitted a drainage report and drainage plan dated June 2,
19 2014, Ex. 8. Staff have determined that revisions are necessary to ensure compliance
20 with the 2009 King County Surface Water Manual. Specifically, staff is recommending
21 that the drainage report be revised to include a Level 2 downstream analysis to better
22 understand erosion and possible concentration of runoff in erosion sensitive downstream
23 bodies. The recommendations of staff in this regard are made conditions of approval of
this decision. As conditioned, the proposal is found to provide for adequate/appropriate
stormwater controls.

24 There was a significant amount of valid public concern expressed about slope failures in
25 the vicinity caused by development with inadequate stormwater treatment. Some
26 neighbors also believed that there were springs at the project site that could be adversely
affected by the development. As testified by Steven Lee, prior development was based on

1 significantly less comprehensive and effective stormwater regulation. Presumably in
2 response to problems such as those faced by the City of Renton, the state required Renton
3 and all other municipalities to adopt more stringent stormwater controls that ensured that
4 stormwater volumes and velocities after development were the same as pre-development
5 "forested" conditions. These stormwater controls are based upon meticulous calculations
6 and the most advance stormwater science to ensure that post-development flow
7 predictions are accurate. Engineers such as Mr. Lee are confident that the stormwater
8 controls required by modern day stormwater regulation (specifically the 2009 King
9 County Stormwater Manual) will adequately and appropriately mitigate against any
10 stormwater impacts created by development. There is no expert testimony to the contrary
11 so the preponderance of evidence clearly establishes that the stormwater controls required
12 of the applicant will prevent the contribution to any off-site slope failures or similar
13 problems the community has experienced in the past.

14
15 With regard to the presence of springs or shallow ground water, the applicant has
16 conducted both a wetlands and geotech review, Ex. 5, 6 and 7, and found no springs or
17 shallow ground waters (less than 8 feet deep) on-site. Mr. Lee testified that from the
18 geotech reports he is confident that there are no springs on site and there is no expert
19 testimony to the contrary. Consequently, the staff's findings on this issue are taken as
20 verities.

21 Written comments expressed concern over the adequacy of proposed retention pond
22 capacity. The applicant's calculations were prepared by qualified engineers and reviewed
23 by the City's engineers. There has been no numerical analysis presented establishing any
24 error in these calculations or any counter expert opinion provided on this issue. The
25 preponderance of evidence establishes that the applicant's proposed stormwater system
26 has adequate capacity to mitigate against adverse stormwater impacts as required by City
regulations.

- 27
28 D. Parks/Open Space. It is anticipated that the proposed development would generate future
29 demand on existing City parks and recreational facilities and programs. A Parks Impact
30 Fee, based on new single family lots, will be required in order to mitigate the proposal's
31 potential impacts to City parks and recreational facilities and programs. Payment of the
32 park impact fee will provide for adequate/appropriate park facilities.

33
34 The proposal includes a significant amount of open space in order to qualify for the City's
35 small lot cluster provisions. The project development plan proposes 3.55 acres (28.02%
36 of the site) in native and passive open space to meet the Small Lot Cluster requirements.

1 A portion of this open space surrounds the proposed storm pond (wet pond) (Exhibit 2).
2 Additional areas include a 25-foot wide open space tract along the western perimeter and
3 the provision of a pedestrian pathway within the stream buffer (Exhibit 2). Public access
4 is proposed in these open spaces. Given that RMC 4-2-115, which governs open space
5 requirements, doesn't require any open space for subdivisions in the R-4 zone, it has to be
6 concluded that the proposal provides for appropriate/adequate open space.

- 6 E. Streets. The proposal provides for adequate/appropriate streets. City engineering staff
7 have determined that the proposal will extend and create connections between existing
8 city streets pursuant to the City's street standards, RMC 4-6-060.

8 The internal public streets have been proposed with a right-of-way width of 53 feet,
9 which meets the City's complete street requirements for residential access streets.
10 Pavement width of 26 feet, 0.5 foot wide curbs, 8 foot wide landscaped planters (on both
11 sides of the street), 5 foot wide sidewalks (on both sides of the street), drainage
12 improvements, and street lighting are required.

12 Staff received comments from interested parties concerning the existing SE 139th Ave
13 and SE 2nd Place intersection specifically related to sight distance concerns (Exhibit
14 11.h). A substantial portion of the hearing was also devoted to this issue. City staff
15 conducted an analysis of the intersection and determined a STOP sign is needed at the
16 intersection in order to address horizontal sight distance. Additionally, staff has
17 concluded due to the vertical curve in the street there is a visibility concern and that an
18 intersection warning sign on the north side of SE 2nd Place is necessary to warn west
19 bound traffic of the SE 139th Ave and SE 2nd Place intersection. While the proposed
20 project will increase traffic at this intersection the site distance issues at this intersection
21 are existing and were determined by staff to not be the responsibility of the applicant for
22 complete mitigation. Therefore, the City of Renton Transportation Department is
23 planning on providing the necessary improvements to this intersection.

20 The examiner would normally be inclined to require the applicant to be for at least a
21 portion of this new signage. City engineering analysis, Ex. 27, determined that there are
22 some "outlier" vehicles travelling at speeds fast enough to cause site distance problems at
23 the SE 139th/SE 2nd intersection. It would appear that the 390 daily trips added by the
24 project to the road network would cause a proportionate increase in the "outlier" vehicles,
25 with possibly a reduction factor to account for the vehicles of project residents who are
26 familiar with the curve. However, staff have determined that the applicant will not
contribute, at least in any material way, to this site distance problem. Given the absence
of any expert testimony to counter the findings of staff, the preponderance of evidence
establishes that the applicant's proposal will not materially contribute to site distance
problems at the SE 139th and SE 2nd Place intersection.

1 The applicant submitted a Traffic Impact Analysis prepared by Transpo Group, dated
2 May, 2014 (Exhibit 9). The report states that the proposed development would generate
3 approximately 390 net new daily trips. During the weekday AM peak hour, the project
4 would generate approximately 31 net new trips (8 inbound and 23 outbound). During the
5 weekday PM peak hour, the project would generate approximately 41 net new trips (26
6 inbound and 15 outbound). The report also analyzed the level of service at the
7 following intersections: NE 4th St/Jericho Ave NE, SE 2nd Place/Hoquiam Ave SE, and
8 SE 2nd Place/Jericho Ave SE. The traffic study states that these intersections will continue
9 to operate at an acceptable level of service. Staff have determined that the proposal
10 meets the City's concurrency standards based upon a test of the citywide Transportation
11 Plan, consideration of growth levels included in the LOS-tested Transportation Plan,
12 payment of a Transportation Mitigation Fee, and an application of site specific mitigation
13 (Exhibit 18).

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

16 G. Schools. Adequate/appropriate provision is made for schools. It is anticipated that the
17 Renton School District can accommodate any additional students generated by this
18 proposal at the following schools: Maplewood Elementary (0.4 miles from the subject
19 site), McKnight Middle School (3.3 miles from the subject site) and Hazen High School
20 (1.8 miles from the subject site). RCW 58.17.110(2) provides that no subdivision be
21 approved without making a written finding of adequate provisions for safe walking
22 conditions for students who walk to and from school and/or bus stops. Maplewood
23 Elementary is within walking distance of the subject site while McKnight Middle and
24 Hazen High schools would require future students to be transported to school via bus.
25 The bus stop for McKnight Middle school is located at SE 2nd Place and 144th Ave SE.
26 The bus stop for Hazen High School is located at Hoquiam Ave SE and SE 2nd Place
(Exhibit 20).

The applicant is proposing to provide street frontage improvements, including sidewalks,
along the south side of the street for the frontage of the property (SE 2nd Place). To the
east of the subject site there are no existing sidewalks on the south side of the street. On
the north side of SE 2nd Place there are existing sidewalks to the east of the subject site.
A safe walking route to Maplewood Elementary and bus stops for McKnight Middle and
Hazen High schools would necessitate either the provision of a designated crosswalk
across SE 2nd Place and/or the installation of the sidewalks on the south side of SE 2nd St,
east of the subject property.

Therefore, a condition of approval requires the applicant to either provide a designated
crosswalk, across SE 2nd Place, to connect to the existing sidewalk on the north side of
street. Alternatively the applicant may install designated walking path, on the south side
of SE 2nd Place, east of the subject property to an existing SE 2nd place crosswalk, in

1 order to provide a safe route to school/designated school bus stops. A safe route to
2 school/designated school bus stops plan shall submitted to, and approved by the Current
3 Planning Project Manager, prior to construction permit approval.

4 A School Impact Fee, based on new single family lots, will also be required in order to
5 mitigate the proposal's potential impacts to Renton School District. The fee is payable to
6 the City as specified by the Renton Municipal Code at the time of building permit
7 application. Currently the fee is assessed at \$5,455.00 per single family residence and
8 would increase to \$5,541.00 on January 1, 2015.

9 At least one neighbor was of the opinion that the north side of SE 2nd Place should be
10 developed with sidewalks both to provide safer school walking conditions and for
11 aesthetic reasons as well. Staff correctly responded during the hearing that the City
12 doesn't have the legal "nexus" to require sidewalks on both sides of the street. Case law
13 is very clear that developers can only be required to make street improvements
14 proportionate to their project impacts, and this this means half street (half of the street
15 width along project frontage) improvements for street frontage. *See, Sparks v. Douglas*
16 *County*, 127 Wn.2d 901, 918 (1995); *Burton v. Clark County*, 91 Wn. App. 505, 516-17
17 (1998).

18 5. Adverse Impacts. There are no adverse impacts associated with the proposal as conditioned.
19 Adequate public facilities and drainage control are provided as determined in Finding of Fact No. 4.
20 Impacts of particular concern are individually addressed below:

21 A. Compatibility. The proposal involves single-family housing at a density 4.44 dwelling
22 units per acre, which when rounded as permitted by City code is consistent with the
23 maximum of 4 dwelling units per acre allowed in the R4 zoning classification. This is a
24 legislatively set standard of what is considered a compatible density for the area.
25 Consequently, there are no issues of compatibility with surrounding development based
26 on density. The proposed design and conditions of approval also provide buffering on all
sides adjoined by residential uses to maximize compatibility. The retained stream and
buffer is intended to act as a buffer to the east. The proposed tract along the western
perimeter also serves as a visual buffer. There was no visual buffer provided along the
south portion of the site, so the conditions of approval require additional trees,
specifically, two trees per lot. Evergreen trees fall within this recommendation. The
condition also require that additional trees be planted in a 25ft buffer area on the western
edge.

B. Critical Areas. Critical areas located on site are Maplewood Creek, an artificially created
swale with emergent wetland vegetation that drains into the creek and 50-70% slopes that
line the creek. No construction is proposed upon or across these steep slopes, as shown in
the site plans included in the geotechnical report, Ex. 7. The creek was initially classified

1 as a Type 3 stream, but then a portion of the creek below a fish barrier was re-classified to
2 a Type 3 stream in response to Mukleshoot comments regarding the presence of fish. The
3 buffer for the Type 2 portion of the stream is 100 feet and for the Type 3 portion is 75
4 feet. Buffer averaging has been approved by City staff to allow deviation from these
5 buffers width, resulting in a net increase of overall buffer area by 1,442 square feet. Staff
6 recommended restoration and enhancement measures are also imposed by this decision in
7 order to ensure that the proposal does not significantly adversely affect the creek or its
8 buffers. Staff determined that with this mitigation the proposal would substantially
9 improve stream buffer functions including enhanced wildlife habitat and improvements to
10 water quality functions by establishing a highly structured native plant community and
11 constructing a protective fence with signage to prevent continued disturbance of buffer
12 areas. The mitigation measures would also help ensure that water quality and fish and
13 wildlife habitat functions would be improved from its current state.

14 The applicant also proposes a stormwater outfall into the stream buffer, necessitating a
15 critical areas exemption. The outfall is found to qualify as an exemption in the
16 Conclusions of Law below.

17 C. Slope Failure Along 143rd Ave SE. Residents expressed concern over slope failure 143rd
18 Ave, adjacent to the ravine for Maple Creek. Neighbors have witnessed some slope
19 failure along this area. In Ex. 27, staff determined that there has been some top of bank
20 movement over the last two years caused by the dumping of yard debris into the ravine,
21 steep slopes and high creek flows. The proposal does not contribute to this problem, as
22 the creek and its ravine will be placed in a sensitive areas tract and the development will
23 not increase stormwater flows to this area. The conditions of approval also require split
24 rail fence along 143rd along with critical areas signage that will help prevent any further
25 dumping into the ravine. As further discussed in Ex. 27, additional stormwater analysis
26 and mitigation require of the proposal is designed to mitigate against any erosion impacts
to the creek.

Conclusions of Law

1. Authority. RMC 4-7-020(C) and 4-7-050(D)(5) provide that the Hearing Examiner shall hold
a hearing and issue a final decision on preliminary plat applications. RMC 4-8-080(G) classifies
preliminary plat applications as Type III applications. RMC 4-8-080(G) classifies development
standard modifications as Type I applications. The process for critical area exemption review
outlined in RMC 4-3-050(C) also appears to be a Type I review. RMC 4-8-080(C)(2) requires
consolidated permits to each be processed under “the highest-number procedure”, which in this case
is Type III review, involving a review and a final decision issued by the hearing examiner.

1 2. Zoning/Comprehensive Plan Designations. The subject property is zoned R-4 and has a
2 comprehensive plan land use designation of Residential Low Density.

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

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

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

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

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

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

13 4. As to compliance with the Zoning Code, Finding 24(2) of the staff report is adopted by
14 reference as if set forth in full. As depicted in the plat map, Ex. 2, each proposed lot will directly
15 access a public road. As determined in Finding of Fact No. 4 and 5, the project is adequately
16 designed to prevent any impacts to critical areas. No flooding problems are anticipated because as
17 determined in Finding of Fact No. 4 the proposal is served by adequate/appropriate stormwater
18 facilities and the project is not located in a floodplain. As determined in Finding of Fact No. 4, the
19 proposal provides for adequate public facilities.

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

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

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

7. All of the internal roads of the proposed subdivision connect to SE 136th St., an existing road.

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

1 8. The City's adopted street plans are not addressed in the staff report or anywhere else in the
2 administrative record. However, the only other street connections that appear possible within steep
3 slope and existing development pattern are those proposed by the applicant.

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

7 9. The subdivision is not located in the area of an officially designated trail.

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

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

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

19 b. *Steep Slopes: A plat, short plat, subdivision or dedication which would result in the creation of a*
20 *lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-*
21 *050J1a, without adequate area at lesser slopes upon which development may occur, shall not be*
22 *approved.*

23 ...

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

26 4. *Streams:*

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

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

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

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

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

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

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

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

24 12. The proposed street system connects to existing streets.

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

26 13. As conditioned.

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

14. There is no intersection with a public highway or major or secondary arterial.

RMC 4-7-150(D): *The alignment of all streets shall be reviewed and approved by the Public Works*
Department. The street standards set by RMC 4-6-060 shall apply unless otherwise approved. Street

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

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

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

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

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

14 3. *Exceptions:*

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

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

18 ii. Substantial improvements are existing.

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

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

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

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

1 16. The proposed and required connections are the maximum that can be included given the steep
2 slopes and existing development constraints. Alley access is not required because the proposal is in
3 the Residential Low Density land use designation. The proposal includes a looped road as
encouraged by the criterion above.. The criterion above is met.

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

7 17. As proposed.

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

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

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

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

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

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

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

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

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

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

3 22. As shown in Ex. 2 and modified by the conditions of approval, the requirement is satisfied.

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

6 23. As conditioned.

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

10 24. The on-site wetland and stream is set-aside from the developed portion of the subdivision.
11 The criteria above is met.

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

17 25. As conditioned.

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

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

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

1 27. The details of the water distribution system and location of fire hydrants will be subject to
2 City engineering civil review as part of final plat review.

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

9 28. As conditioned.

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

19 29. As conditioned.

20 **RMC 4-7-210:**

21 **A. MONUMENTS:**

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

25 **B. SURVEY:**

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

C. STREET SIGNS:

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

30. As conditioned.

1
2 **Critical Areas Exemption**

3 **RMC 4-3-050(C)(5)(d)(i):** [The following is exempt:]
4

5 *New surface water discharges to wetland Categories 1, 2 and 3, or buffers of Categories 1, 2*
6 *and 3, and to streams or lakes from detention facilities, presettlement ponds or other surface*
7 *water management structures; provided, the discharge meets the requirements of the Storm and*
8 *Surface Water Drainage Regulations (RMC 4-6-030); will not result in significant adverse*
9 *changes in the water temperature or chemical characteristics of the wetland or stream/lake*
10 *water sources; and there is no increase in the existing rate of flow unless it can be*
11 *demonstrated that the change in hydrologic regime would result in equal or improved wetland*
12 *or stream/lake functions and values. Where differences exist between these regulations and*
13 *RMC 4-6-030, these regulations will take precedence.*

14 31. As conditioned, the outfall into Maple Creek proposed by the applicant qualifies for a critical
15 areas exemption as outlined at pages 13 of the staff report.

16 **Modifications**

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

- 23 *a. Substantially implements the policy direction of the policies and objectives of the*
24 *Comprehensive Plan Land Use Element and the Community Design Element and the*
25 *proposed modification is the minimum adjustment necessary to implement these policies and*
26 *objectives;*
b. Will meet the objectives and safety, function, appearance, environmental protection and
maintainability intended by the Code requirements, based upon sound engineering judgment;
c. Will not be injurious to other property(ies) in the vicinity;
d. Conforms to the intent and purpose of the Code;
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.

32. The criterion above are met for the requested street modifications identified in Finding of Fact
No. 3 for the reasons identified at pages 16-17 of the staff report.

1 **DECISION**

2 The proposed preliminary plat, street improvement modifications and critical areas exemption are
3 approved, subject to the following conditions:

- 4 1. The applicant shall comply with mitigation measures issued as part of the Mitigated
5 Determination of Non-Significance for the proposal.
- 6 2. All proposed street names shall be approved by the City.
- 7 3. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have
8 minimum radius of fifteen feet (15').
- 9 4. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are
10 available, or provided with the subdivision development.
- 11 5. All utilities designed to serve the subdivision shall be placed underground. Any utilities
12 installed in the parking strip shall be placed in such a manner and depth to permit the planting
13 of trees. Those utilities to be located beneath paved surfaces shall be installed, including all
14 service connections, as approved by the Department of Public Works. Such installation shall
15 be completed and approved prior to the application of any surface material. Easements may
16 be required for the maintenance and operation of utilities as specified by the Department of
17 Public Works.
- 18 6. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are
19 installed to serve each lot. Conduit for service connections shall be laid to each lot line by
20 Applicant as to obviate the necessity for disturbing the street area, including sidewalks, or
21 alley improvements when such service connections are extended to serve any building. The
22 cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore
23 required to bring service to the development shall be borne by the developer and/or land
24 owner. The applicant shall be responsible only for conduit to serve his development. Conduit
25 ends shall be elbowed to final ground elevation and capped. The cable TV company shall
26 provide maps and specifications to the applicant and shall inspect the conduit and certify to
the City that it is properly installed.
7. The applicant shall be required to record the Copperwood lot line adjustment (LUA14-
000730) prior to Final Plat Recording.
8. Additional trees shall be planted within the provided 25-foot open space tract along the
western border of the site, specifically the planting of additional trees to replace removed
trees within the tract that have been considered dead, diseased or dangerous (Exhibit 13).
Additionally, the applicant shall be required to plant two evergreen trees, per lot, along
the southern perimeter of the site. These shall be placed into an easement identifying the
requirement for retention of the trees in perpetuity, if removed such trees shall be
replaced at a 1:1 ratio. Such landscaping or landscape plus fencing shall be, at a
minimum, 6-feet high at maturity and at least 50% sight-obscuring. Existing healthy
mature trees which are located within the 25-foot wide open space tract shall be
maintained and protected during construction unless determined by an Arborist that such
tree is dead, diseased, or dangerous. A revised landscape plan shall be submitted to, and
approved by, the Current Planning Project Manager prior to construction permit approval.

- 1 9. Open space tracts shall be shown and recorded on the face of the plat to be preserved in
2 perpetuity.
- 3 10. All structures proposed for removal or relocation shall be demolished and/or relocated
4 and all inspections complete prior to Final Plat approval.
- 5 11. The applicant shall be required to submit a revised landscape plan, depicting a 10-foot
6 wide on-site landscape strip for all lots. The final detailed landscape plan shall be
7 submitted to and approved by the Current Planning Project Manager prior to construction
8 permit approval. Such landscaping shall include a mixture of trees, shrubs, and
9 groundcover as approved by the Department of Community and Economic Development.
- 10 12. The applicant shall eliminate access directly from SE 2nd Place for proposed Lot 46. As
11 an alternative the applicant may provide shared access to Lot 46 via the internal looped
12 road. The revised plat plan shall be submitted to, and approved by, the Current Planning
13 Project Manager prior to construction permit approval. Should the revised plat plan result
14 in an additional access easement/right-of-way dedication the applicant shall be required to
15 submit a revised density worksheet with the revised plat plan demonstrating compliance
16 with the density requirements of the R-4 zone.
- 17 13. The applicant shall submit a Final Stream Mitigation Plan for impacts (tight-lining of
18 drainage system, trail, and buffer averaging) to the critical area buffer. The Final
19 Mitigation Plan shall be submitted to, and approved by, the Current Planning Project
20 Manager prior to utility construction permit approval. The applicant shall also establish a
21 Native Growth Protection Easement over that part of the site encompassing the stream
22 and buffer area and place fencing and signage along the outer buffer edge which would
23 include the buffer edge along the west side of 143rd Ave SE.
- 24 14. The applicant shall revise the SE 2nd Place cross section to transition to the code required
25 street standard (landscaping in between the sidewalk and the curb) at the eastern
26 boundary of the Maplewood Creek buffer. The revised street cross section shall be
submitted to, and approved by, the Current Planning Project Manager prior to
construction permit approval.
15. The applicant shall be required to place a split rail fence along the eastern boundary of the
critical area/open space tract adjacent to the modified 143rd Ave SE street.
16. The applicant shall be required to submit a Final Mitigation Plan demonstrating
compliance with the discharge meets the requirements of the Storm and Surface Water
Drainage Regulations (RMC 4-6-030); will not result in significant adverse changes in
the water temperature or chemical characteristics of the stream; and there is no increase in
the existing rate of flow (RMC 4-3-050C.5.d.i). The Final Mitigation Plan shall be
submitted to, and approved by, the Current Planning Project Manager prior to
construction permit approval.
17. The applicant shall submit a revised plat plan depicting the elimination of the lot (Lot
47) within the subdivision. The applicant may submit an alternative plan which provides
access to Lot 47 according to RMC 4-6-060, Street Standards. Should the revised plat
plan result in an additional access easement/right-of-way dedication the applicant shall be
required to submit a revised density worksheet demonstrating compliance with the
density requirements of the R-4 zone. The revised plat plan, and density worksheet if

1 needed, shall be submitted to and approved by the Current Planning Project Manager
2 prior to construction permit approval.

3 18. The applicant shall provide a designated crosswalk, across SE 2nd Place, to connect to
4 the existing sidewalk on the north side of street. Alternatively the applicant may
5 designated walking path, on the south side of SE 2nd Place, east of the subject property to
6 an existing SE 2nd place crosswalk, in order to provide a safe route to school/designated
7 school bus stops. A safe route to school/designated school bus stops plan shall submitted
8 to, and approved by the Current Planning Project Manager, prior to construction permit
9 approval.

10 19. The applicant shall be required to create a homeowners' association and maintenance
11 agreement(s) for the shared utilities, stormwater facilities, and maintenance and
12 responsibilities for all shared improvements of this development. A draft of the
13 document(s) shall be submitted to Current Planning Project Manager for review and
14 approval by the City Attorney and Property Services section prior to the recording of the
15 final plat.

16 20. The signage required for the split rail fence along 143rd Ave S. shall provide that dumping
17 into the ravine is prohibited.

18 21. The proposal shall be subject to the mitigation measures recommended in the 10/13/14 memo
19 to the Examiner, Ex. 27.

20 DATED this 31st day of October, 2014.

21 
22 Paul A. Oibrecht

23 City of Renton Hearing Examiner

24 **Appeal Right and Valuation Notices**

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

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