



CITY OF RENTON

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
REPORT TO THE HEARING EXAMINER
EXHIBITS

Project Name: Elliott Farms Preliminary Plat		Project Number: LUA15-000242, ECF, PP, SA-H, MOD	
Date of Meeting August 9, 2016	Staff Contact Clark H. Close Senior Planner	Project Applicants Patrick O. Lennon, 35815 SE David Powell Road, Fall City, WA 98024 Todd Levitt, 14410 Bel-Red Road, Suite 200, Bellevue, WA 98007	Project Location SR 169 East of 140th Way SE (APN 222305-9004)

The following exhibits were admitted and added to the administrative record:

- Exhibits 1-43: Hearing Examiner Staff Report and Exhibits
- Exhibit 44-48: Exhibits Admitted During the Public Hearing
- Exhibit 49: September 12, 2016 Jami Balint objection to Gregory Reconsideration Request
- Exhibit 50: First Order on Request for Reconsideration, dated September 13, 2016
- Exhibit 51: September 19, 2016 Gregory Request for Reconsideration
- Exhibit 52: September 26, 2016 City response to reconsideration request
- Exhibit 53: September 30, 2016 Applicant response
- Exhibit 54: October 9, 2016 Gregory Reply (received by examiner 10/11/16)
- Exhibit 55: October 12, 2016 Applicant objection to Gregory Reply



September 12, 2016

Mr. Phil Olbrechts
Hearing Examiner
City of Renton
1055 South Grady Way
Renton, WA 98057

Re: Request for Reconsideration for Elliott Farms Preliminary Plat
LUA – 15 – 000242

Dear Mr. Olbrechts,

I am in receipt of the Request for Reconsideration filed by Leland and Joanne Gregory in the above-referenced matter. On behalf of the Applicant, I'm writing to object to the Request for Reconsideration as an improper attempt to re-open the record. Though present at the hearing, the Leland's did not testify, nor did they provide written comment, and they are now attempting to improperly use the process for reconsideration to do what they failed to do when the record was open. The Leland's request contains information and arguments that are not part of the record, and there is no reason to believe such information was not available to the Lelands had they desired to submit it prior to the close of the record.

A request for reconsideration cannot be used to submit new evidence; rather, a party requesting reconsideration has only limited grounds for making such request as set forth in Renton Municipal Code section 4-8-100.G.9, namely that the Hearing Examiner's decision is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing. The Leland's request for reconsideration does not fit into any of the categories set forth in RMC 4-8-100.G.9, and as such should be denied. Allowing the Lelands to submit new information and arguments after the close of the record violates the procedures established by the City of Renton for preliminary plat applications, and will substantially prejudice the applicant.

Respectfully,

Jami Balint
General Counsel

cc:

Clark Close, Senior Planner
Vanessa Dolbee, Current Planning Manager

Exhibit
49

Denis Law
Mayor

City of
Renton



City Clerk - Jason A. Seth, CMC

September 13, 2016

Ivana Halvorsen
Barghausen Consulting Engineers, Inc.
18215 72nd Av S
Kent, WA 98032

Subject: Request for Reconsideration Objection & HEX's First Order on Request for Reconsideration for Elliott Farms Preliminary Plat (LUA-15-000242)

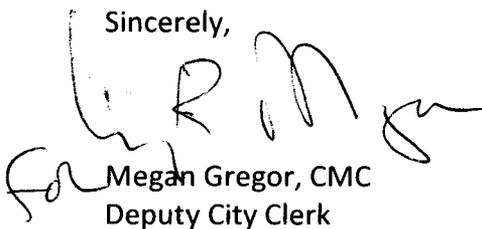
Dear Ms. Halvorsen:

I have attached the following:

- 1) Request for Reconsideration Objection filed by Jami Balint of Murray Franklyn, dated September 12, 2016; and
- 2) Hearing Examiner's First Order on Request for Reconsideration, dated September 13, 2016.

If I can provide further information, please feel free to contact me or Clark Close, Senior Planner at (425) 430-7289.

Sincerely,


Megan Gregor, CMC
Deputy City Clerk

cc: Hearing Examiner
Clark Close, Senior Planner
Jennifer Henning, Planning Director
Vanessa Dolbee, Current Planning Manager
Brianna Bannwarth, Development Engineering Manager
Craig Burnell, Building Official
Sabrina Mirante, Secretary, Planning Division
Julia Medzegian, City Council Liaison
Parties of Record (12)

Exhibit
50



September 12, 2016

Mr. Phil Olbrechts
Hearing Examiner
City of Renton
1055 South Grady Way
Renton, WA 98057

Re: Request for Reconsideration for Elliott Farms Preliminary Plat
LUA – 15 – 000242

Dear Mr. Olbrechts,

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A request for reconsideration cannot be used to submit new evidence; rather, a party requesting reconsideration has only limited grounds for making such request as set forth in Renton Municipal Code section 4-8-100.G.9, namely that the Hearing Examiner's decision is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing. The Leland's request for reconsideration does not fit into any of the categories set forth in RMC 4-8-100.G.9, and as such should be denied. Allowing the Lelands to submit new information and arguments after the close of the record violates the procedures established by the City of Renton for preliminary plat applications, and will substantially prejudice the applicant.

Respectfully,

Jami Balint
General Counsel

cc:

Clark Close, Senior Planner
Vanessa Dolbee, Current Planning Manager

<http://www.murrayfranklyn.com>

1 decision makers from holding one new hearing after another *ad infinitum* as new
2 factual issues occur and also to prevent public confusion about when to participate in
3 an on-going series of public hearings. See RCW 36.70B.010. For these reasons, once
4 a hearing is closed, any new evidence would be considered a prohibited second
5 hearing. RMC 4-8-100(G)(9) recognizes this limitation by noting that
6 reconsideration may be based upon “*the discovery of new evidence which could not*
7 *be reasonably available at the prior hearing*”. There is nothing to suggest that any of
8 the new evidence included in the Gregory request for reconsideration was not
9 reasonably available to them at the time of the hearing. The new evidence included in
10 the Gregory request for reconsideration was not timely provided prior to the close of
11 the hearing and cannot be considered at this time.

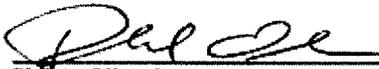
- 12 2. Jami Balint argues in the September 12, 2016 objection that the Gregory’s don’t have
13 standing to file for reconsideration because they did not provide verbal or written
14 comment on the application prior to the close of the hearing. RMC 4-8-100(G)(9)
15 authorizes “[*a*]ny interested person” to file for reconsideration. This is in stark
16 contrast to provisions such as RMC 4-8-110(E)(3) that expressly limit standing in
17 various types of land use actions to parties who have participated in a prior land use
18 proceeding. Given the broad and plain meaning of “[*a*]ny interested person”, it is
19 concluded that the Gregory’s can file a motion for reconsideration even though they
20 may not have provided written or verbal comment prior to the close of the hearing.
- 21 3. Although the Gregory’s request for reconsideration is largely based upon new
22 evidence, it is recognized that the City’s regulations do not clearly restrict new
23 evidence in a motion for reconsideration. Some allowances must be made for the fact
24 that local land use hearings need to be accessible to the general public and that the
25 general public cannot be reasonably expected to have a detailed understanding of
26 Chapter 36.70B in order to effectively participate. In this regard the Gregory’s will
be given another opportunity to revise their request for reconsideration to limit it to
evidence admitted into the record. It is recognized that this is likely not possible for
their stormwater and septic system arguments, but they may be able to appropriately
express their traffic concerns based upon the maps and traffic analysis contained in
the record.

Based upon the findings and conclusions above, it is NOW ORDERED as follows:

1. The Gregory’s may submit a revised request for reconsideration by 5:00 pm,
September 19, 2016. The revised request must be **received** by the Renton City
Clerk’s office by that deadline. The request may be sent by email to
CMoya@Rentonwa.gov. If the Gregory’s choose to not submit a revised request for
reconsideration that conforms to this order, their currently filed request shall be
denied forthwith by a second written order of the examiner.

- 1 2. Any evidence used in the Gregory's motion for reconsideration must be based upon
2 evidence admitted into the administrative record. All exhibits used must be clearly
3 identified by page and exhibit number. Any testimony relied upon must be clearly
4 attributed to the speaker. No evidence will be considered by the examiner unless its
5 source is clearly identified as required by this paragraph.
6
3. Upon receipt of a timely filed revised request for reconsideration that conforms to the
7 terms of this order, the examiner shall forward the request to the City and Applicant
8 for response and give the Gregory's an opportunity for reply.
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DATED this 13th day of September, 2016.
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Phil A. Olbrechts

City of Renton Hearing Examiner

Denis Law
Mayor

City of
Renton



City Clerk - Jason A. Seth, CMC

September 19, 2016

Ivana Halvorsen
Barghausen Consulting Engineers, Inc.
18215 72nd Av S
Kent, WA 98032

**Subject: Re-Submitted Request for Reconsideration of HEX Final Decision
Elliott Farms Preliminary Plat (LUA-15-000242)**

Dear Ms. Halvorsen:

Attached is your copy of the Re-Submitted Request for Reconsideration of HEX Final Decision filed by Leland & Joanne Gregory in the above-referenced matter.

If I can provide further information, please feel free to contact me or Clark Close, Senior Planner at (425) 430-7289.

Sincerely,


Jason A. Seth, CMC
City Clerk

cc: Hearing Examiner
Clark Close, Senior Planner
Jennifer Henning, Planning Director
Vanessa Dolbee, Current Planning Manager
Brianna Bannwarth, Development Engineering Manager
Craig Burnell, Building Official
Sabrina Mirante, Secretary, Planning Division
Julia Medzegian, City Council Liaison
Parties of Record (12)

Exhibit
51

REQUEST FOR RECONSIDERATION OF HEARING EXAMINER FINAL DECISION,
Dated 8-25-16 and FIRST ORDER ON REQUEST FOR RECONSIDERATION
RESPONSE Dated September 13, 2016

RE: Elliott Farms

Preliminary Plat

LUA15-000242, ECF,PP,SA-H,MOD

CITY OF RENTON

SEP 19 2016

RECEIVED
CITY CLERK'S OFFICE

11:49 am
SW

Leland and Joanne Gregory

14235 Maple Valley Hwy

Renton, WA 98058

We own the single family residence directly south of the Elliott Farms Plat on the Southeast corner of the plat. Access to our property is a private road over property owned by the Pioneer Homes HOA on which we there are recorded easements for our use.

Our request is based on the following item.

1. SR – 169 ENTRANCE TO ELLIOTT FARMS

We have attached Exhibit 24 from the original hearing documents which is a letter from the City of Renton regarding the Spacing Deviation Determination for the access to WA – 169 with areas highlighted by us. We have also attached the Final Approved Channelization Plan which is Exhibit 38 from the documents.

The City states that the spacing does not meet minimum standards of 330 feet of spacing between other connections and apparently approves the plan because there is no feasible alternative because of proposed elevation grades.

In looking at the Preliminary On Site Grading and Drainage Plan dated 2-11-15, which is Exhibit 6 from the documents, the elevations at the approved location are no different than the elevations shown at Alley 2 or Alley 3, so our question are:

1. How can this be used as the basis for accepting the design when there are no differences in the elevations all along the property line adjacent to SR – 169?

2. Why can't the access to 169 be placed at Alley 2 or Alley 3 so that the 330 foot spacing minimum standard is adhered to?
3. What does the collision rate at the Molasses Creek access have to do with the approval of the design?

The acceptance of this new plan forces us to exit only to the right from our existing road on to 169, and go down and turn around somewhere down the road if we wish to travel west on SR – 169. The new left turn only lane into Elliott Farm when approaching from the east will not allow us to cross to 169.

The new entrance is only 90 feet from our driveway, not the 133 ft. noted in Exhibit 24. When we approach from the West to turn into our property now, we usually turn into the shoulder approximately 120 ft. before our entrance to avoid the traffic that usually is travelling at 50MPH. This may not be legal but it seems to make sense to get out of the traffic rather than slow the traffic down at this point. This shoulder will now be reduced to 5 ft. wide with the new construction.

We are now going to have to put on our blinker after passing the proposed Elliott Farm entrance, slow down in the 90 ft. space, check to make sure no one is exiting in the right turn only lane only from Elliott Farms and turn into our driveway. There is no longer a shoulder available to exit into. We think that this has the potential of creating a real cluster in a short distance on this stretch of 169. We hope that this area will have an accident rate of .0 in a 3 year period.

Moving the entrance to the West may not be preferable to the Elliott Farm owners but we feel this should be reexamined, because the only criteria for the original placement of this was because of an elevation issue which simply does not exist. The proposed exit road should be reduced in width so that Alley 2 or Alley 3 can be increased to meet the City Road design criteria.

Thank you.

Leland Gregory 9/19/16
Leland Gregory Date

Joanne Gregory 9/19/16
Joanne Gregory Date

Denis Law
Mayor

City of Renton



May 12, 2016

Community & Economic Development Department
C.E. "Chip" Vincent, Administrator

Ivana Halvorsen
Barghausen Consulting
18215 72nd Ave S
Kent, WA 98032

**SUBJECT: State Route 169 Access Spacing Deviation Determination
Elliott Farms Preliminary Plat, LUA15-000242, ECF, PP, SA-H, MOD**

Dear Ms. Halvorsen:

This letter is written in response to the proposed 45-unit Elliott Farms multi-family residential development and associated design deviation request from WSDOT's standard requirements under WAC 468-52-040 (3) for managed access to Maple Valley Highway (State Route 169). Elliott Farms Preliminary Plat is a 6.07-acre site located along SR-169 between 140th Way SE and 145th Ave SE within the Residential-14 zoning district (APN 2223059004). All new residential subdivisions are required by Renton Municipal Code to establish access to a public road for each segregated parcel (RMC 4-7-080B.2); therefore, a direct public connection to SR 169 is being pursued. Vehicular access to the vacant site is proposed via a new channelized residential access connection to SR-169, which is located approximately 875 feet east of the Molasses Creek development access, approximately 133 feet west of the single family driveway access to 14235 Maple Valley Hwy, and approximately 552 feet west of Pioneer Place at 145th Ave SE. The proposed project is estimated to generate 321 new weekday daily trips with 27 new trips occurring during the weekday AM peak hour (5 entering, 22 exiting), and 31 new trips occurring during the weekday PM peak hour (21 entering, 10 exiting). The proposed project also includes abandoning the former single family driveway connection approximately 515 feet east of the Molasses Creek development access. The spacing of new public street connection and the existing single family driveway to 14235 Maple Valley Hwy does not meet the minimum standard requirements of 330 feet of spacing between other public or private connections to the state route, **nor can any feasible alternative as a result of proposed elevation grades.** The collision rate for the three-year period from January 1, 2012 to December 31, 2014 at the intersection of SR-169 and Molasses Creek access was 0.00 collisions per million entering vehicles (MEV) and million vehicle miles of travel (MWM).

Staff has completed a review of the subject request and finds the proposed access spacing deviation request is approved, subject to the following conditions:

Exhibit
24

1. Covenant: A covenant would be required to be placed on the face of the plat to vacate the plats direct public access to SR 169 when a future access to a public road can be achieved either through the existing Molasses Creek Condominiums (parcel no. 5568900000) road network or via a redevelopment of the Molasses Creek parcel.

2. Channelization: Public access from Elliott Farms subdivision to SR 169 would be required to provide channelization (right-in/right-out only) from Road B to SR 169, subject to WSDOT approval.

Please contact me at (425) 430-7382 if you have any questions.

Sincerely,



Ann Fowler
Civil Engineer II

Enclosure: Elliott Farms (SR-169) Draft Channelization Plan (CH1)

cc: Ramin Pazooki, Local Agency & Development Services Manager WSDOT
Jennifer Henning, Planning Director
Vanessa Dolbee, Current Planning Manager
Clark Close, Senior Planner
Lennon Investments, Inc. and Cedar River Lightfoot, Inc. / Owners
Patrick O. Lennon and Todd Levitt / Applicants
Bonaudi, Gregory, Harrison, Knight, O'Meara, Thierry, Wruble / Party(ies) of Record
File LUA15-000242, ECF, PP, SA-H, MOD

Denis Law
Mayor



City Clerk - Jason A. Seth, CMC

September 26, 2016

Ivana Halvorsen
Barghausen Consulting Engineers, Inc.
18215 72nd Av S
Kent, WA 98032

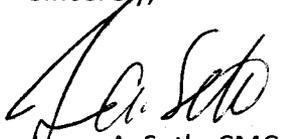
**Subject: City's Response to Re-Submitted Request for Reconsideration
of HEX Final Decision
Elliott Farms Preliminary Plat (LUA-15-000242)**

Dear Ms. Halvorsen:

Attached is your copy of the City's Response to the Re-Submitted Request for Reconsideration of HEX Final Decision filed by Leland & Joanne Gregory in the above-referenced matter.

If I can provide further information, please feel free to contact me or Clark Close, Senior Planner at (425) 430-7289.

Sincerely,



Jason A. Seth, CMC
City Clerk

cc: Hearing Examiner
Clark Close, Senior Planner
Jennifer Henning, Planning Director
Vanessa Dolbee, Current Planning Manager
Brianna Bannwarth, Development Engineering Manager
Craig Burnell, Building Official
Sabrina Mirante, Secretary, Planning Division
Julia Medzegian, City Council Liaison
Parties of Record (12)

Exhibit
52

Denis Law Mayor



Community & Economic Development C. E. "Chip" Vincent, Administrator

September 26, 2016

Mr. Phil Olbrechts
Hearing Examiner
City of Renton
1055 South Grady Way
Renton, WA 98057

CITY OF RENTON

SEP 26 2016

RECEIVED
CITY CLERK'S OFFICE

RE: Request for Reconsideration for Elliott Farms Preliminary Plat
LUA15-000242

Dear Mr. Olbrechts,

I have reviewed the re-submitted request for reconsideration of HEX Final Decision submitted by Leland and Joanne Gregory for the Elliott Farms Preliminary Plat at 14207 Maple Valley Hwy (APNs 2223059004) and provide the following comments which expand upon the State Route 169 Access Spacing Deviation Determination, written on May 12, 2016, included in the official public record, and describes in detail all of the criteria used to evaluate the development and the creation of new roads as it relates to City of Renton Code and State requirements.

Renton-Maple Valley Highway (SR-169) is classified by the City of Renton as a Principal Arterial Road. Site access to/from a principal arterial road is determined on a case-by-case basis. The added complexity of it being a state highway provides additional requirements which were considered when evaluating the proposed site access. The City and State requirements below, listed in order of priority, were reviewed when approving the location of the new access point to the proposed Elliott Farms development.

1. Life Safety

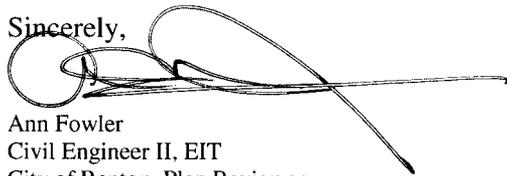
- 1.1. Fire and Emergency vehicle access to the development is required. Per RMC 4-6-060H.5, secondary access is required when a development of three (3) or more buildings is located more than two hundred feet (200') from a public street. Two access points are provided through the development. One access point provides a direct connection to SR-169 while the second access point proposed is available through the existing private lane through the Molasses Creek Condominiums to the west.
 - 1.1.1. If the through access point to SR-169 were to be located at Alley 3 or Alley 2, the remaining length of Road A (approximately 650 feet and 475 feet, respectively, to the furthest end of Lot 18) would then have been considered a dead-end road.
 - 1.1.2. Per RMC 4-6-060H, cul-de-sac and dead end streets are limited in application and may only be permitted where, due to demonstrable physical constraints, no future connection to a larger street pattern is physically possible.
 - 1.1.3. If allowed, the maximum length of dead-end streets is 700 feet and over 300 feet requires a cul-de-sac. Locating the through access at Alley 3 would have created a dead-end road greater than 700 feet and would not be approved. Locating the through access at Alley 2 would create a dead-end road greater than 500 feet and would require a cul-de-sac, if it was to be approved.
 - 1.1.4. The proposed through access point to SR-169 is located so as to create the longest length of a through public street and to minimize the length of dead-end alleys servicing the homes. Since an

alternative to creating dead-end streets and cul-de-sacs is feasible to the site, the need for such a request would not be approved.

- 1.2. Accident history of the impacted intersection is reviewed and considered when approving new intersections and/or access points on a roadway. It was determined that the new peak hour trips into and out of the proposed development via SR-169 would not cause a decrease in the level of service with the conditioned right-in/right-out turning movements and the proposed location of the new access point to be acceptable. In this case the three-year collision rate (1/1/2012 – 12/31/2014) for the entrance to the Molasses Creek Condominiums revealed that the added entrance to the highway did not result in any reported accidents over the three-year study period. Therefore, the added incoming and outgoing trips from the proposed Elliott Farms development are expected to have minimal impact to the existing traffic flows and accident history. Additionally, the three-year collision rate for the intersection at SR-169 and 140th Way SE to the west of the development was 24 total collisions (8 annual average). Therefore, it was determined that the entrance should be placed as far from the intersection as possible.
2. **State Requirement - Intersection spacing of less than ½-mile may be allowed, but only when no reasonable alternative access exists (WAC 468-52-040 (3)).**
 - 2.1. The required minimum spacing from the intersection of 140th Way SE and SR-169 is ½ mile or 2,640 feet. The intent is to provide maximum spacing from the major intersection while providing adequate distance between neighboring driveways.
 - 2.1.1. The proposed distance from the 140th Way SE and SR-169 to the proposed access point to the Elliott Farms Road B intersection is approximately 2,093 feet, roughly 547 feet short of meeting the minimum required spacing.
 - 2.1.2. Based on proposed elevations at the neighboring property lines it could not be located any further to the east.
3. **State Requirement - The minimum distance to another (public or private) access point is 330 feet on the same side of the highway.**
 - 3.1. Based on the requirements of Items #1 and #2 (above), the distance between the proposed access and the private driveway to the east (approximately 90 feet as shown on the approved WSDOT Channelization Plan) was reviewed. The proposed elevation grades on the Elliott Farms project were reviewed to determine if a shared access point could be made with the neighboring property to the east. The grade difference between the two properties at the east property line would not allow a safe access connection between the two properties. Therefore, the access spacing was found to be an acceptable distance based on the minimal number of trips which would be generated from the single family residence and the proposed Elliott Farms development.

It was determined through the review that the intersection to SR-169 from the Elliott Farms development could not be located at any other location while still providing reasonable and safe access to public and private properties, maintaining a maximum distance from the major intersection, and meeting the development and design standards for the site.

Sincerely,



Ann Fowler
Civil Engineer II, EIT
City of Renton, Plan Reviewer

cc: Jennifer Henning, Planning Director
Brienne Bannwarth, Development Engineering Manager
Vanessa Dolbee, Current Planning Manager
Cynthia Moya, Records Management Specialist
Clark Close, Senior Planner
File LUA15-000242, ECF, PP, SA-H, MOD



October 3, 2016

City Clerk - Jason A. Seth, CMC

Ivana Halvorsen
Barghausen Consulting Engineers, Inc.
18215 72nd Av S
Kent, WA 98032

**Subject: Applicant's Response to Re-Submitted Request for Reconsideration
of HEX Final Decision
Elliott Farms Preliminary Plat (LUA-15-000242)**

Dear Ms. Halvorsen:

Attached is your copy of the Applicant's Traffic Engineer's Response to the Re-Submitted Request for Reconsideration of HEX Final Decision filed by Leland & Joanne Gregory in the above-referenced matter.

If I can provide further information, please feel free to contact me or Clark Close, Senior Planner at (425) 430-7289.

Sincerely,


Jason A. Seth, CMC
City Clerk

cc: Hearing Examiner
Clark Close, Senior Planner
Jennifer Henning, Planning Director
Vanessa Dolbee, Current Planning Manager
Brienne Bannwarth, Development Engineering Manager
Craig Burnell, Building Official
Sabrina Mirante, Secretary, Planning Division
Julia Medzegian, City Council Liaison
Parties of Record (12)

Exhibit
53

September 30, 2016

Mr. Phil Olbrechts
Hearing Examiner
City of Renton
1055 South Grady Way
Renton, WA 98057

Subject: Request for Reconsideration for Elliott Farms Preliminary Plat – LUA15-000242

Mr. Olbrechts:

This letter supports the findings of the September 26, 2016 letter from the City of Renton regarding the appropriateness of the proposed site access location of the Elliott Farms Plat. The City letter was written in response to the request for reconsideration of the HEX final decision submitted by Leland and Joanne Gregory. Specifically, the request for reconsideration focused on the proximity of the Elliott Farms access in relation to the existing single-family driveway approximately 100 feet east of the project access.

Among other arguments, the request for reconsideration cited that the new access location precludes further use of the existing 8 to 9-foot shoulder as a defacto right-turn deceleration lane into the adjacent property. This suggests that adjustment of the driveway further west may allow continued use of the shoulder for this purpose.

The Elliott Farms project is required to construct "urban" improvements along the entire project frontage, including vertical-curb, gutter, sidewalk, and a (narrower) 5-foot shoulder. The eastern terminus of the frontage improvements is the Gregory property line. These frontage improvements will effectively eliminate the existing use of the shoulder for deceleration purposes, by virtue of the reduced shoulder width and vertical curb/sidewalk, regardless of the new site access location. Further, use of the shoulder for deceleration is discouraged given the potential safety conflicts with non-motorized users.

The proposed site access location and improvements were closely coordinated and vetted through WSDOT and City of Renton review and approval process, and have been deemed appropriate based on all factors. We appreciate your consideration of this letter. Please contact me with any questions at (425) 250-5002 or bicket@tenw.com

Sincerely,
Transportation Engineering NorthWest



Chris T. Bicket, P.E.
Design Manager



City Clerk - Jason A. Seth, CMC

October 11, 2016

Ivana Halvorsen
Barghausen Consulting Engineers, Inc.
18215 72nd Av S
Kent, WA 98032

**Subject: Gregory's Final Response
Elliott Farms Preliminary Plat (LUA-15-000242)**

Dear Ms. Halvorsen:

Attached is your copy of the Gregory's final response to the City's & the Applicant's Traffic Engineers Responses in the above-referenced matter.

If I can provide further information, please feel free to contact me or Clark Close, Senior Planner at (425) 430-7289.

Sincerely,


Jason A. Seth, CMC
City Clerk

cc: Hearing Examiner
Clark Close, Senior Planner
Jennifer Henning, Planning Director
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Julia Medzegian, City Council Liaison
Parties of Record (12)

Exhibit
54

LELAND W. GREGORY

14235 Maple Valley Highway
Renton, WA 98058

PHONE 206-713-8920

October 9, 2016

Mr. Phil Olbrechts
Hearing Examiner
City of Renton
1055 South Grady Way
Renton, WA 98057

Subject: Request for Reconsideration for Elliott Farms Preliminary Plat – LUA 15-000242

Mr. Olbrechts:

This letter is in response to the City of Renton letter of 9-26-16 submitted by Ann Fowler and the 9-30-16 letter submitted by Chris Bicket of Transportation Engineering NorthWest regarding the above Reconsideration Request.

We have no further comments on the Chris Bicket letter.

Regarding the City of Renton letter we have the following comments and additional questions.

Paragraph 1.1.2 states that using Alley 2 as the through access would create a dead end road greater than 500 feet (paragraph 1.1.1 says this distance is 475 feet) and would require a cul-de-sac. The second sentence in paragraph 1.1.4 states "Since an alternative to creating dead-end streets and cul-de-sacs is feasible to the site, the need for such a request would not be approved." We are curious why if this is feasible, it is simply being denied without any further explanation?

The information provided in paragraph 1.2 seems to support the theory that the location of any entrance to the Plat would have minimal impact to the existing traffic flows and accident history. However, based on this, it was determined that the entrance should be placed as far from the intersection as possible, which puts it in the present location. If Alley 2 was the designated entrance, the same logic used to support the conclusion reached would also apply.

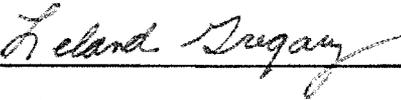
Paragraph 2 allows an alternative access if there is less than ½ mile of spacing.

Regarding paragraph 3, the City did not review any alternate to the West of the present proposed access. They looked at the existing elevation of the road into our property and found that with the proposed elevations of Elliott Farms "would not allow a safe access connection between the two properties." Using this criteria, they waived the 330' rule. If they had looked to the West, they would find that the access available at Alley 2 would be more than 330' from both Molasses Creek and our access. This seems like a reasonable compromise.

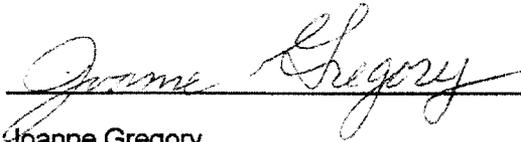
In recent discussions with the Elliott Farms owners, they have stated that the proposed elevations on the property have been reduced by 3 feet. They have also determined that in order to provide replacement water and sewer services to our property, that will be destroyed when construction begins, the road elevation may have to be raised. This would probably eliminate the elevation differences referred to in paragraph 3.

We believe that using the criteria of the City in choosing the presently proposed access and applying it to Alley 2 as an access is a reasonable alternative for the Plat. Thank you for your consideration in this matter.

Respectfully,



Leland Gregory



Joanne Gregory

Clark Close

From: Jami Balint <jamib@murrayfranklyn.com>
Sent: Wednesday, October 12, 2016 10:00 AM
To: Cynthia Moya
Cc: Clark Close; Todd Levitt; Ivana Halvorsen; Rick Lennon
Subject: Elliott Farms Preliminary Plat

Ms. Moya,

Please inform the Hearing Examiner that the Applicant objects to the October 9, 2016 letter submitted by Leland Gregory regarding the Elliott Farms Preliminary Plat (LUA-15-000242). Mr. Gregory has once again included information that is not in the record, in direct violation of the Hearing Examiner's First Order on Reconsideration (Order #2, "Any evidence used in the Gregory's motion for reconsideration must be based on evidence admitted into the administrative record"). The following excerpt from the Gregory's October 9, 2016 letter is not based on evidence in the administrative record:

In recent discussions with the Elliott Farms owners, they have stated that the proposed elevations on the property have been reduced by 3 feet. They have also determined that in order to provide replacement water and sewer services to our property, that will be destroyed when construction begins, the road elevation may have to be raised. This would probably eliminate the elevation differences referred to in paragraph 3.

Regards,

Jami Balint
General Counsel
Murray Franklyn Family of Companies
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Bellevue, WA 98007
Office 425-644-2323
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Exhibit
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