

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

MUNICIPAL

CODE SECTIONS: RMC 4-9-200(L)(1), Expiration and Extension of Site Plan Approval

REFERENCE: N/A

SUBJECT: Clarification of the expiration period for the Hawk's Landing Master Site Plan approved by the Hearing Examiner on September 10, 2009. City File number LUA09-060, ECF, SA-M, SA-H.

BACKGROUND: RMC 4-9-200(L)(1) requires the Examiner to set an expiration period for a proposed Master Plan within a 2 to 5 year period. Staff referenced a 5 year expiration period in their staff report on the Hawk's Landing Master Site Plan application, but the Examiner never set an expiration period in his September 2009 decision. Staff requested the current Hearing Examiner clarify the expiration period on the Master Site Plan approval in his October 3, 2011 Extension Request Decision (Attachment A). The Hearing Examiner concluded that he does not have the authority to clarify the Hearing Examiner's 2009 decision approving the master site plan application and that the issue of expiration for the subject project should be clarified by a code interpretation that should be submitted to the Community and Economic Development Administrator under RMC 4-1-080(A).

JUSTIFICATION: Pursuant to the Hearing Examiner's conclusion of law, the expiration period for the approved Hawk's Landing Master Site Plan shall be determined through a code interpretation. An expiration period of 5 years was established in the Staff Report to the Hearing Examiner. However, this expiration was not noted in the Hearing Examiner's decision. The intent was for the subject Master Site Plan to be approved for a 5 year period.

DECISION: The Hawks Landing Master Site Plan, City File number LUA09-060, ECF, SA-M, SA-M is approved for five years, expiring on September 10, 2014.

**FUTURE CODE
AMENDMENT**

NEEDED: None

PLANNING DIRECTOR

APPROVAL:

C. E. "Chip" Vincent

DATE: November 8, 2011

APPEAL

PROCESS:

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057 no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Hawks Landing LLC	}	DECISION
Extension Request		
LUA09-060; ECF, SA-M, SA-H		

Summary

The Applicant has applied for a two year extension of the expiration period for a site plan approved on September 10, 2009. The extension is approved to September 10, 2013.

Exhibits

The following documents were considered in evaluating the application for final plat:

1. Applicant's Request for Extension of the Site Plan Review approval, date August 30, 2011.
2. September 10, 2009 decision approving site plan and master site plan applications; LUA 09-060, ECF, SA-M, SA-H.
3. Email string between staff and examiner ending 10/3/11.
4. Preliminary Report to the Hearing Examiner, LUA 09-060, ECF, SA-M, SA-H.
5. 8/31/11 assignment request for LUA 09-060, ECF, SA-M, SA-H.

Findings of Fact

1 **Procedural:**

- 2 1. Applicant. Hawks Landing, LLC, assignee of site plan approval from original applicant,
3 Alpert International, LLP.
- 4 2. Hearing. RMC 4-9-200(L)(2) provides that the Examiner may require a public hearing at his
5 discretion for the site plan extension request. Given that permit extension requests are routinely
6 given in this challenging economic climate and that there is nothing in the record to suggest that the
7 impacts of the project would materially change over an additional two year period, there is no need
8 for a hearing on this extension request.

8 **Substantive:**

- 9 3. Description of Proposal. The Applicant is requesting extension of the two year expiration
10 period for site plan approval as governed by RMC 4-9-200(L)(2). The hearing examiner decision
11 approving the site plan is Ex. 2.

12 **Conclusions of Law**

13 **Procedural:**

- 14 1. Authority of Hearing Examiner. RMC 4-9-200(L)(2) provides that the hearing examiner may
15 grant an extension of the two year expiration period for site plan approvals.

16 **Substantive:**

- 17 2. Applicable Standards. RMC 4-9-200(L)(2) provides that the Examiner may grant a two year
18 extension on site plan approval expiration upon a showing of "good cause". The Applicant
19 references the current economic climate as the reason for additional time. The severe economic
20 climate has routinely served as grounds for extension of permit expiration and there is nothing in
21 this case to compel a different result. The extension is granted.
- 22 3. Master Site Plan Extension. In the email correspondence of Ex. 3, staff has also requested
23 that the Examiner clarify what the expiration period is for the master site plan. RMC 4-9-
24 200(L)(1) requires the Examiner to set an expiration period for a proposed master plan within a
25 two to five year period. Staff referenced a five year expiration period in its staff report on the
26 master site plan application, but the Examiner never set an expiration period in his decision. The
current Examiner does not have the authority to clarify the Examiner's 2009 decision approving
the master site plan application. The issue of what expiration period applies when the Examiner
fails to address it as required by RMC 4-9-200(L)(1) is a code interpretation that should be
submitted to the Community and Economic Development Administrator under RMC 4-1-080(A).
That decision may then be brought to the Examiner by administrative appeal under RMC 4-8-
110(E)(1)(a). Another way to address the situation would be to amend the site plan decision with

1 the addition of a specified expiration period as a major adjustment, providing the public an
2 opportunity to comment on any proposed expiration period.

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4 **DECISION**

5 The request to extend the September 10, 2011 expiration date of site plan approval LUA09-060;
6 ECF, SA-M, SA-H to September 10, 2013 is approved.

7 DATED this 3rd day of October, 2011.

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10 Phil A. Olbrechts
11 City of Renton Hearing Examiner

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13 **Appeal Right and Valuation Notices**

14 RMC 4-8-110(E)(9) provides that the decision of the hearing examiner is final subject to appeal to
15 the Renton City Council. RMC 4-8-110(E)(9) requires appeals of the hearing examiner's decision
16 to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision. A
17 request for reconsideration to the hearing e examiner may also be filed within this 14 day appeal
18 period as identified in RMC 4-8-110(E)(8) and RMC 4-8-100(G)(4). A new fourteen (14) day
19 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.

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