

D# 60 HEARING EXAMINER SITE VISITS

General Description

This proposal is to officially allow Hearing Examiner site visits as part of the evaluation process for permits or appeals that the Examiner makes decisions on. Renton does not currently prohibit the Hearing Examiner from making site visits, but there should be a formal decision by Council or code clarification that allows such visitations as it has not been historical practice.

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan

This proposal will not have an impact on the rate of growth, development, and conversion of land as envisioned in the Comprehensive Plan.

Effect on the City's capacity to provide adequate public facilities

This proposal is only clarifying administrative procedures. This proposal will not impact the City's capacity to provide adequate public facilities.

Effect on the rate of population and employment growth

This proposal is only clarifying administrative procedures. The City's rate of population and employment growth should not be affected due to the proposal.

Whether Plan objectives are being met as specified or remain valid and desirable

The Renton Comprehensive Plan states "the Plan is a broad statement of community goals, objectives, and policies that directs the orderly and coordinated physical development of the City. Renton's Plan anticipates change and provides specific guidance for future legislative and administrative actions" (Introduction, I-1). Although not specific to the Hearing Examiner's role as a decision maker in land use matters, the Plan provides general guidance that orderly and coordinated development occur within the city. Site visits as part of an Examiner's review of applications or appeals would more thoroughly allow such coordinated development.

Effect on general land values or housing costs

This is a procedural clarification that would not impact general land values or housing costs.

Whether capital improvements or expenditures are being made or completed as expected

There are no capital improvements or expenditures associated with this proposal.

Consistency with GMA, the Plan, and Countywide Planning Policies

This proposal is consistent with the statewide Growth Management Act and City Comprehensive Plan which call for sound planning including effective administration of current and future residential and nonresidential uses in Urban Growth Areas. The proposal provides for a more effective structure to administer specific land use permit approvals in the City.

Effect on critical areas and natural resource lands

This is a procedural clarification only. The effect of the proposal on critical areas or natural resource lands would be considered as part of the decision to issue a permit when an application is reviewed. The proposal would clarify that an Examiner could visit a site that has applied for a land use action and if a critical or natural resource area were part of the action, the Examiner could visit the area.

Effect on other considerations

There are different perspectives on whether a Hearing Examiner can go on site visits. Renton does not currently prohibit Hearing Examiner site visits but does not formally acknowledge that such site visits may occur.

Staff Recommendation

Staff recommends that clarification be made to allow the Hearing Examiner the ability to go on site visits as part of the review of projects, appeals, and other situations that would add value to the Examiner's decision. The proposal is supported by practices of other decision making bodies throughout the state.

- Many jurisdictions in the Puget Sound allow this activity.
- Upon appeals of a shoreline permit application decision by a local body (ie. City of Renton), the state Shorelines Hearing Board to make site visits to investigate the physical situations of proposals and appeals.
- At the state level, the decision on a lawsuit titled "Sonneland v. Spokane" in 1971 provides the case law to allow a land use application decision maker to make a site visit as part of the evaluation process.