

**CITY OF RENTON**  
**Community and Economic Development Department**

**#D: Land use appeal procedures. Item is not on current docket or work program.**

**Staff:** Matt Herrera, Planning Director

**Date:** January 15, 2025

**Applicant or Requestor:** City Staff

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**GENERAL DESCRIPTION:** Proposed text amendments to Title IV “Development Regulations” that would remove City Council’s role as a quasi-judicial appellate body hearing appeals of land use decisions.

**BACKGROUND:** At the December 9, 2024, Renton City Council meeting, this item was referred to Planning Commission to consider in a combined briefing/public hearing on January 15, 2025. The proposed text amendments (Attachment A) are exempt from State Environmental Policy Act (SEPA) review as it is a procedural action meeting Categorical Exemption WAC 197-11-800(19).

The City’s current appeal procedures under Chapter 4-8 Renton Municipal Code (RMC) allow project applicants, parties of record, and others with standing to appeal development permits that are both issued administratively by the Community and Economic Development (CED) Administrator and those permits issued by the Hearing Examiner following a public hearing.

Decisions issued by the Administrator are appealable to the Hearing Examiner in an open record appeal. Currently, those with standing can further appeal the Hearing Examiner’s decision to the City Council in a closed record appeal (see chart at [RMC 4-8-080G](#)). At that point, a party will have exhausted the city’s administrative remedies and may then further appeal the City Council decision to King County Superior Court. Development permits that are issued by the Hearing Examiner directly, may also be appealed to City Council for a closed record hearing and decision, with limited exceptions. After exhausting the city’s administrative remedies, a party may then appeal the council’s decision to King County Superior Court.

The proposed ordinance and text amendment would remove the City Council from its current role in hearing closed record appeals. This will have the effect of reducing the administrative remedies and referring appeals of the Hearing Examiner directly to King County Superior Court.

As noted in the attached Agenda Bill Summary (Attachment A), the rationale for this change is that the City Council’s primary role as a legislative body conflicts with the quasi-judicial nature of a closed record appeal. Currently, to avoid an appearance of conflict in case a project is appealed through the City Council, councilmembers are limited in their ability to discuss development projects with constituents. In their roles as decision-makers related to appeals, councilmembers are only allowed to consider evidence that was incorporated into the Hearing Examiner process and are not allowed to hear new evidence or comments from the public.

As noted in the attached article from the Municipal Research and Services Center (MSRC) (Attachment B), many jurisdictions have professional Hearing Examiners hold public hearings and issue appeal decisions and have moved away from City Councils hearing appeals of Hearing Examiner decisions. Further research by planning staff provides a sample of jurisdictions that have

appeals of Hearing Examiner decisions adjudicated by courts instead of city council: Everett, Edmonds, Shoreline, Redmond, Kirkland, Bellevue, Mercer Island, Covington, Kent, Auburn, Federal Way, Tacoma, and Lakewood.

The result of the proposed text amendments would maintain due process rights for appellants by maintaining open record appeals via the Hearing Examiner and judicial appeals heard by King County Superior Court. Additionally, councilmembers would then be free to discuss and engage with concerned citizens, property owners, and business owners on development projects within the city.

**STAFF RECOMMENDATION:** Amend Renton Municipal Code to remove the Renton City Council from Closed Record Appeals as noted above and provided in the attached agenda bill and proposed ordinance.

**IMPACT ANALYSIS:**

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

The proposed text amendments are procedural only and related to appeal procedures. There are no anticipated effects on the rate of growth, development, and conversion of land.

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

The proposed text amendments are procedural only and related to appeal procedures. There are no anticipated effects on public facilities.

Effect on the rate of population and employment growth:

The proposed text amendments are procedural only and related to appeal procedures. There are no anticipated effects on population or employment growth.

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

The proposed text amendments are procedural only and related to appeal procedures. There are no anticipated effects on Plan objectives.

Effect on general land values or housing costs:

The proposed text amendments are procedural only and related to appeal procedures. There are no anticipated effects on land values or housing costs.

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

Not applicable. The proposed text amendments are procedural only and related to appeal procedures.

Consistency with GMA and Countywide Planning Policies:

Not applicable. The proposed text amendments are procedural only and related to appeal procedures.

Effect on critical areas and natural resource lands:

The proposed text amendments are procedural only and related to appeal procedures. There are no anticipated effects on critical areas or natural resource lands.