

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 345

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
CONDITIONALLY APPROVING THE WESTWOOD RIDGE
SUBDIVISION PRELIMINARY PLAT AND ADOPTING THE
HEARING EXAMINER'S FINDINGS OF FACT AND CONCLUSIONS
IN SUPPORT OF SAID APPROVAL**

WHEREAS, the City of Burien Hearing Examiner conducted an open record public hearing on May 14, 2013 at which testimony from city staff, the applicant and public was heard regarding preliminary plat approval of the Westwood Ridge Subdivision; and

WHEREAS, on May 23, 2013 the Hearing Examiner issued a recommendation to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council, having considered the Westwood Ridge Subdivision preliminary plat application and the Hearing Examiner's recommendation, conditionally approves the Westwood Ridge Subdivision preliminary plat and adopts the Hearing Examiner's findings and conclusions attached as Exhibit "A", as fully incorporated herein as if fully set forth.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 3RD DAY OF JUNE, 2013.

CITY OF BURIEN, WASHINGTON

/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: May 29, 2013

Passed by the City Council: June 3, 2013

Resolution No.: 345

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BURIEN**

In the Matter of the Application of)	No. PLA 13-0136
)	
Millennial Builders, LLC)	Westwood Ridge Subdivision
)	
<u>For a Preliminary Plat</u>)	FINDINGS, CONCLUSIONS, AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the request for approval of a preliminary plat to subdivide 3.63 acres into 16 single-family residential lots on property located on 4th Avenue S, in Burien, Washington, should be **GRANTED**, subject to conditions.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the preliminary plat on May 14, 2013.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Stephanie Jewett, City Planner
Ramesh Davad, City Development Review Engineer
Heungkook Lim, City Surface Water Management Engineer Public Works
Todd McKittrick, Applicant Representative
Harold Duncanson, Applicant Engineer
Mary Lanae Pearson

Exhibits:

The following exhibits were admitted into the record at the open record hearing:

1. Staff Report, dated April 30, 2013, with the following attachments:
 - i. Vicinity Map
 - ii. Residential Subdivision Development Regulations
 - iii. Preliminary Plat Site Plan
 - iv. Conceptual Road and Utility Plan
 - v. Tree Retention Plan
 - vi. Letter from Don Keele, dated February 26, 2013
 - vii. Preliminary Technical Information Report, Duncanson Company, Inc., dated January 15, 2013
 - viii. Level II Traffic Letter, Jack Traffic Engineering, dated January 10, 2013

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- ix. Addendum letter – Lots 8 and 9 Building Setback Recommendation, Earth Solutions NW, LLC, dated February 11, 2013
 - x. Public Works Recommended Conditions of Land Use Approval, dated March 19, 2013, Ramesh Davad, Development Review Engineer
 - xi. Public Works Stormwater Conditions of Land Use Approval, dated April 25, 2013, Heungkook Lim, Surface Water Management Engineer
 - xii. Certificate of Water Availability, Highline Water District, dated December 17, 2012
 - xiii. Certificate of Sewer Availability, Midway Sewer District, dated November 29, 2012
 - xiv. Certificate of Fire Hydrant Availability, King County Fire District #2, dated January 8, 2013
2. Agreement between Midway Sewer District and Southwest Suburban Sewer District, dated May 7, 2013
 3. Preliminary Subdivision Application, dated January 16, 2013

Based upon the testimony and documents submitted at the open record hearing, the Hearings Examiner enters the following findings, conclusions, and recommendation:

FINDINGS

Application and Notice

1. Todd McKittrick, on behalf of Millennial Builders, LLC (Applicant),¹ requested approval of a preliminary plat to subdivide approximately 3.63 acres into 16 single-family residential lots. The property consists of two parcels located at 187xx 4th Avenue S, in Burien, Washington.² *Exhibit 3.*
2. The City of Burien (City) determined the application was complete on February 6, 2013. *Exhibit 1, Staff Report, page 1.* The City mailed notice of the application to all owners of property within 500 feet of the property on February 11, 2013. On February 11, 2013, the City distributed notice to Puget Sound Energy, Highline Water District, King County Fire District #2, SW Suburban Sewer District, and Burien Police Services. On February 13, 2013, the City posted notice on the property and published notice in the newspaper of record. Stephanie Jewett, City Planner, testified that the City posted notice of the open record hearing associated with the application on the property on April 30, 2013, and mailed notice to owners of property with 500 feet of the property on April 26, 2013. *Exhibit 1, Staff Report, pages 4 and 5; Testimony of Ms. Jewett.*

¹ Todd McKittrick, Applicant Representative, testified that Millennial Builders, LLC, is the property developer and V4 Partners, LLC, is the property owner but in essence the two are facets of the same company. *Testimony of Mr. McKittrick.*

² Stephanie Jewett, City Planner, testified the property will be fully addressed upon development. The property is identified by Tax Assessor Parcel Nos. 3223049333 and 3223049213. A legal description is found within the preliminary site plan. *Exhibit 1, Attachment iii; Exhibit 3; Testimony of Ms. Jewett.*

State Environmental Policy Act

3. The City acted as lead agency and determined that the subdivision proposal is exempt from review under the State Environmental Policy Act (SEPA), chapter 43.21C RCW, in accord with City ordinances. City ordinances exempt proposed subdivisions of less than 20 lots from a requirement for a SEPA checklist and SEPA determination. *Burien Municipal Code (BMC) 14.10.040(1)*.

Comprehensive Plan, Zoning, and Surrounding Property

4. The property is designated Moderate Density Residential Neighborhood under the City Comprehensive Plan. The designation encourages primarily single-family residential uses in neighborhoods suitable for that type of development, where community improvements and facilities necessary for development can be provided. Development within the designation includes existing neighborhoods subdivided into an average of five to six units per acre. Ms. Jewett testified that Comprehensive Plan housing element policies are also applicable to the subdivision proposal. *City Comprehensive Plan, page 2-9 and pages 2-64 to 2 – 69 (December 12, 2011); Exhibit 1, Staff Report, pages 13 to 14; Testimony of Ms. Jewett.*
5. The property is located in the City's RS 7200 Single-Family Residential (RS 7200) zoning district. The purpose of the zoning district is to establish areas where a wide range of single-family housing opportunities can be provided while preserving the character of the surrounding neighborhood and protecting environmentally sensitive areas. The intent is to provide a variety of well-designed, attractive housing choices that meet the needs of existing and future city residents. *BMC 19.15.005*. Development of single-family residential detached housing units is an allowed use within the zone. Single-family residential development within the zone must include front setbacks at least 20 feet wide, interior setbacks five feet wide, and structures 35 feet high or less. Building coverage is limited to 35 percent of a lot. At least two parking spaces per unit must be provided. Lots within in the zone must be at least 7,200 square feet, which can be met through lot averaging, with no lot created with an area less than 90 percent of the required minimum area. *BMC 19.15.005.1; BMC 19.15.005.2*. Ms. Jewett testified that proposed lots meet the minimum area requirement with the use of lot averaging. *Testimony of Ms. Jewett.*
6. Existing single-family residential development and the Shinnyo-en Temple is located adjacent to the north of the property. Existing single-family residential development is also located adjacent to the south and west. Fourth Avenue S is also located adjacent to the west. The New Testament Church and surrounding parking lot is located adjacent to the east of the property. Eighth Avenue S is located further east. Ms. Jewett testified that 8th Avenue S is part of the City of SeaTac. All adjacent property is located within the City's RS 7200 zoning district. *Exhibit 1, Staff Report, page 4; Exhibit 1, Attachment iii.*

Existing Conditions and Subdivision Proposal

7. The two parcels that comprise the property are currently vacant and gradually slope to the east at approximately a five percent gradient. A paved asphalt path extends west from the parking lot to 4th Avenue S. The remainder of the property contains trees and grassy cleared areas. Approximately 120 linear feet at the east of the property contains an existing parking lot. Ms. Jewett testified that this parking lot was formerly owned by the adjacent church, to the east, until the church recorded a boundary line adjustment (BLA). Ms. Jewett added that analysis conducted at the time of the BLA confirmed the remaining parking area on the church property would be sufficient to serve the church use in the future. Ms. Jewett added that 43 percent of existing significant trees on the property would be retained following proposed development, meeting the City requirement for retaining of at least 30 percent of significant trees. Ms. Jewett testified that trees would be retained primarily along the north and south boundary of the property for a buffer between proposed development and adjacent property. *Exhibit 1, Staff Report, pages 3 to 4; Exhibit 1, Attachment ii; Exhibit 1, Attachment iii; Testimony of Ms. Jewett.*

8. As proposed, a cul-de-sac road would extend east from 4th Avenue S to provide access to proposed subdivision lots. Mr. McKittrick testified that the cul-de-sac bulb is sufficiently wide for emergency vehicle turnaround access. A landscaping tract, Tract B, would be located adjacent to the north of the cul-de-sac road and a stormwater management tract, Tract A, would be located in the northeast portion of the subdivision. Proposed lots would border the central and east portion of the cul-de-sac road; existing single-family residential lots that are not part of the subdivision proposal are located north and south of the west portion of the road and Tract B. Ms. Jewett testified that approximately 200 linear feet of on-street parking would be provided along the west portion of the cul-de-sac road, west of proposed lots. Ms. Jewett added that deeds to subdivision lots would require two off-street parking spaces be provided per lot. The City Development Review Engineer reviewed the proposed development for compliance with 2008 City Road Standards and submitted comments in a March 19, 2013, memorandum. Prior to issuance of development permits for any construction activities on site, the Applicant must submit to the City Development Review Engineer for review and approval final engineered drawings for all required street improvements consistent with the memorandum comments. *Exhibit 1, Staff Report, page 9; Exhibit 1, Attachment iii; Exhibit 1, Attachment iv; Exhibit 1, Attachment v; Exhibit 1, Attachment x; Testimony of Mr. McKittrick; Testimony of Ms. Jewett.*

9. No on-site recreational space meeting City code requirements would be provided within the subdivision, so a fee in lieu of actual recreational space is required under BMC 19.17.013. Sidewalks five feet wide would be provided on both sides of the cul-de-sac access road and along the subdivision's 4th Avenue S frontage. Ramesh Davad, City Development Review Engineer, testified that the 4th Avenue S frontage sidewalk would

not initially connect with other sidewalk in the area, but the City's long-term plan is for future connection. Harold Duncanson, Applicant Engineer, testified that a mix of paved and gravel shoulder and parking lane is located along the remainder of 4th Avenue S that would not contain subdivision frontage improvements. Mr. Davad added that a transit stop is located along 4th Avenue S. Mary Lanae Pearson testified that this stop is a high school bus stop. Ms. Pearson added that an alternative high school is located north of the property. Mr. McKittrick testified that the alternative high school is drop-off only, with no bus service. Mr. Duncanson added that a transit stop is also located along 1st Avenue S, and that one can travel on sidewalks to and from an elementary school located at 200th Street. *Exhibit 1, Staff Report, page 12; Exhibit 1, Attachment iii; Exhibit 1, Attachment iv; Testimony of Mr. Davad; Testimony of Mr. Duncanson; Testimony of Ms. Pearson.*

Traffic Impacts

10. Proposed development would generate approximately 152 vehicle trips on the surrounding road system during the average weekday, with 12 trips during the A.M. peak period and 16 during the P.M. peak period. Over 500 feet of stopping and entering sight distance would be provided at the 4th Avenue S entrance to the subdivision. The access to the proposed subdivision would be located about 150 feet south of S 187th Street, which is part of the surrounding road system that connects to SR 509. Payment of a transportation impact fee is required in accord with City code before building permits can be issued for development on each of the subdivision lots. *Exhibit 1, Staff Report, page 13; Exhibit 1, Attachment viii.*

Stormwater Control

11. Soils in the south and east portion of the property are suitable for infiltration. Stormwater runoff that does not infiltrate on the property currently flows west to east until it is intercepted by existing parking lot curbing. The runoff then enters a pipe and catch basin system that conveys the runoff to the public drain line in 8th Avenue S. Runoff from residential property to the west and the eastern half of 4th Avenue S also runs onto the property. Runoff from property north, south, and east of the property primarily flows east, not onto the property. *Exhibit 1, Attachment vii.*
12. The existing parking lot in the eastern portion of the property would be removed before development. Proposed development resulting in a new road, sidewalks, driveways, and roof areas would result in approximately 89,900 square feet of new impervious surface, runoff from which would be collected in a new, onsite pipe and catch basin system, routed through a wetvault for water quality treatment, then directed to an infiltration/detention pond within Tract A for flow control. Runoff released from the infiltration/detention pond would be released to a new public storm drain connecting to the existing system within 8th Avenue S. Runoff from development on lots 9 to 15 would infiltrate on each of these lots. Runoff from other lots would be partially mitigated by

employment of onsite stormwater best management practices (BMPs). *Exhibit 1, Attachment vii.*

13. A public utility and drainage easement 40 feet in width is located along the north boundary of the adjacent church lot to the east of the property. The easement would contain the new public storm drain that would connect to the existing system within 8th Avenue S. Mr. McKittrick testified that the existing system within 8th Avenue S is owned by the City of SeaTac and that the developer will check that the new public storm drain is size appropriately to conform to the existing system. Mr. Davad testified that the City would maintain all discharge from the street, the infiltration/detention pond, and sewer and water lines within the easement. Mr. Davad added that the Applicant would dedicate the easement to the City at final plat. Mr. Duncanson testified that the new public storm drain would bypass the church's onsite detention system within its parking lot, and no proposed construction would impact the church's system. *Exhibit 1, Attachment iii; Testimony of Mr. McKittrick; Testimony of Mr. Davad; Testimony of Mr. Duncanson.*
14. Mr. McKittrick testified that the infiltration/detention pond would be surrounded by a wood cedar fence along the north boundary of lot 9 and the east boundary of lot 8, and that a wood fence would be constructed along the perimeter of the proposed subdivision, including replacement or enhancement of the existing fence along the west perimeter of proposed lots 1 and 16, abutting existing single-family residential development. Mr. McKittrick testified that the pond would be surrounded by a chain-link fence on the remaining sides. Mr. McKittrick added that the Applicant is working with the church to add landscape buffer on the east side of the pond, outside the fence. Lots 8 and 9 would incorporate a five-foot building setback from Tract A. Ms. Jewett testified that the City does not object to the setback. *Exhibit 1, Attachment ix; Testimony of Mr. McKittrick; Testimony of Ms. Jewett.*
15. The City's Surface Water Management Engineer reviewed the proposed development for compliance with the 2009 King County Surface Water Design Manual and 2009 Stormwater Pollution Prevention Manual, and recommended conditions in an April 25, 2013, memorandum. The memorandum conditions concern activities to be completed by the Applicant prior to issuance of development permits for any construction activities, prior to recording the final subdivision, and prior to issuance of any building permits for single-family residential development on each of the new lots. Heungkook Lim, City Surface Water Management Engineer Public Works, testified that the City would require maintenance covenants for stormwater facilities and would inspect the onsite detention facility periodically over time. Mr. Lim explained that stormwater BMPs include rain gardens and onsite infiltration mechanisms. *Exhibit 1, Attachment xi.*

Utilities and Services

16. Ms. Jewett testified that, of the two parcels that comprise the property, the parcel comprising the northwest corner of the property is currently served by the Southwest Suburban Sewer District, and the other parcel is served by the Midway Sewer District. An interlocal agreement executed on May 7, 2013, between the two sewer districts requires Midway to provide sewer service to the property until Southwest provides permanent service. A letter from Don Keele, dated February 26, 2013, inquired whether there would be a sewer assessment affecting his property as a result of proposed development. Ms. Jewett testified that, to her knowledge, proposed development would not result in any assessment. *Exhibit 2; Testimony of Ms. Jewett.*
17. Highline Water District would provide water service to the property. Fire flow is available to the property. The Fire Marshal approved the proposed development for water flow, hydrant spacing, and access, with conditions. *Exhibit 1, Staff Report, page 9; Exhibit 1, Attachment xii; Exhibit 1, Attachment xiv.*

Staff Recommendation and Applicant Response

18. Ms. Jewett testified that City staff recommends the preliminary plat request be granted with seven proposed conditions. Proposed conditions concern applicable City code requirements; activities that must occur before development permits for any construction activities onsite can be issued, including stormwater, street, and utility improvements; activities that must occur prior to recording the final subdivision, including stormwater, street, and utility improvements and a recreation fee-in-lieu; activities that must occur before building permits can be issued, including maintenance covenants and transportation impact fees; right-of-way permits; and a construction stormwater general permit. Mr. McKittrick testified the Applicant has read, understands, and agrees to comply with proposed conditions. *Testimony of Ms. Jewett; Testimony of Mr. McKittrick.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to receive and examine available information on a preliminary plat application; conduct a public hearing on the application; prepare a record of the hearing; enter findings of fact and conclusions; and, based upon those facts, make a recommendation to the City Council to grant the application, grant the application with conditions, or deny the application. *BMC 2.15.070 (2) (a); BMC 2.15.080; BMC 17.55.040.*

Criteria for Review

The Hearing Examiner's decision must be supported by the evidence presented and must be consistent with the objectives and goals of the comprehensive plan, zoning code, subdivision

code, and other City codes and ordinances. *BMC 2.15.070 (2); BMC 2.15.080 (1); BMC 17.55.040(3)*.

The preliminary plat application review standards and criteria are found in Title 17 BMC and chapter 58.17 RCW. Subdivisions shall conform to chapter 17.15 BMC, chapter 17.20 BMC, and chapter 17.40 BMC.

A. Pursuant to chapter 17.15 BMC:

- a. The proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area and the subdivider shall present evidence to this effort when requested by the city of Burien;
- b. Subdivision streets shall conform in effect to the master plan as adopted and/or to the general pattern of the highway system of the city of Burien;
- c. The tract to be subdivided shall not be part of or encroach on an area or areas designated in the master plan for future public facilities;
- d. No plan for the replatting, subdivision or dedication of any area shall be approved by the city of Burien unless the streets shown therein are connected by a surfaced road or street (according to city specifications) to an existing dedicated highway of the city;
- e. Sidewalks or walkways shall be required for all existing and proposed streets including perimeter streets in business and residential subdivisions as specified in chapter 17.20 BMC;
- f. No lot or portion of a lot in this plat shall be divided and sold or resold or ownership changed or transferred whereby the ownership of any portion of this plat shall be less than the area required for the use (zone) district in which located;
- g. All lots must be served by or provision made for an adequate public sewage disposal system; and
- h. All lots must have an adequate water supply before the plat may be recorded.

Pursuant to chapter 17.20 BMC, the minimum dimensions for lots shall conform to the dimensions established in the zoning code and shall not be less than the requirements for the use district in which located. *BMC 17.20.010*. Every proposed plat must also show the area to be platted is provided with a public domestic water supply and distribution system within or without

the plat installed according to approved by the City and the County department of health. *BMC 17.40.010(3)*.

The criteria and standards set forth in Title 17 BMC are essentially identical to those in chapter 58.17 of the Revised Code of Washington (RCW). The application must meet the RCW criteria before a decision of approval may be made. *BMC 17.10.310*. RCW 58.17.110 requires that:

Appropriate provisions must be made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and the public interest must be served by the subdivision.

The criteria for review adopted by the Burien City Council are designed to implement the requirement of chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040*.

Conclusion Based on Findings

- 1. With conditions, the proposed development is consistent with Title 17 BMC provisions and chapter 58.17 RCW.** The City provided adequate notice and opportunity to comment on the proposed subdivision. The Applicant presented evidence that the proposed development would be in the best interests of the public welfare because the development would provide housing compatible with surrounding residential development, consistent with the Comprehensive Plan designation for the property. The access to the proposed subdivision would be located about 150 feet south of S 187th Street, which is part of the surrounding road system that connects to SR 509. Single-family residential development is an allowed use within the City's RS 7200 zoning district. Lots would conform to the minimum lot size required within the zone through lot averaging. Adequate sewer and water, including water meeting Fire Marshal requirements, would be provided to the proposed subdivision. Together with onsite infiltration on some lots, the proposed onsite detention pond and water quality facility would provide adequate stormwater drainage of the proposed subdivision site. Payment will be made in lieu of providing on-site recreation, park area, or open space. Existing significant trees would be retained on site. Conditions are necessary to ensure the following: compliance with applicable City code; City approval of onsite street improvement and stormwater plans; erosion and sediment control; installation of street, stormwater, and utility improvements; maintenance of stormwater facilities; right-of-way permits are obtained; and a construction stormwater general permit is obtained. *Findings 1 – 18*.

Findings, Conclusion, and Recommendation
City of Burien Hearing Examiner
Westwood Ridge Preliminary Plat, No. PLA13-0126

RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends that the City Council **GRANT** the request for a preliminary plat to subdivide approximately 3.63 acres into 16 single-family residential lots on property located on 4th Avenue S, in Burien, Washington, with the following conditions:³

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Residential Subdivision Development Regulations, is provided to the Staff Report, dated April 30, 2013, to familiarize the Applicant with some of the additional requirements that may apply to the proposal. This attachment does not include all of the additional requirements.
2. Prior to the issuance of development permits for any construction activities on-site the applicant shall:
 - a. Submit detailed on-site street improvement plans for review and approval by the Development Review Engineer. The Plans shall be in accordance with the requirements of the 2008 Burien Road Standards and address the issues expressed in the Development Review Engineer's memorandum dated March 19, 2013 (Attachment 10) and the Fire Marshal's Certificate of Fire Hydrant Availability (Attachment 14). The plans shall include an illumination plan for the proposed street and a channelization and signing plan.
 - b. Submit an updated Technical Information Report (TIR) and Engineering Plans to apply Level 2 flow control standards for review and approval by the Surface Water Management Engineer. The Report and Plans shall be in accordance with the 2009 King County Surface Water Design Manual and address the issues expressed in the Surface Water Management Engineer's memorandum dated April 25, 2013 (Attachment 11). Specifically, Page 3 of the TIR shall be updated to show the flow control standards checked as Level 2.
 - c. Submit an Erosion and Sediment Control plan prepared by a Washington State Licensed engineer in accordance with the KCSWDM, Appendix C and D for review and approval by the Surface Water Management Engineer.
 - d. Submit an approved Interlocal Agreement between Southwest Suburban Sewer District and Midway Sewer District.
 - e. Protect the significant trees proposed for retention consistent with the requirements of BMC 19.25.

³ Conditions are necessary to mitigate specific impacts of proposed development and comply with City Code.

3. Prior to recording the final subdivision, the applicant shall:
 - a. Install all street, stormwater and utility improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer.
 - b. Pay a fee-in-lieu of providing 390 square feet of recreation space on the property for each of the 14 additional lots created. The fee shall be 5,460 square feet multiplied by the current assessed value per square foot of the property.
4. Prior to issuance of building permits for future development of single-family homes on each of the new lots, the applicant shall:
 - a. Submit flow control Best Management Practices for the proposed homes for review and approval by the Surface Water Management Engineer.
 - b. Record a Declaration of Covenant, provided by the City of Burien, per page 1-46 of the King County Surface Water Design Manual declaring that all individual flow control Best Management Practices shall be privately maintained and operated.
 - c. Pay a Transportation Impact Fee as set forth in BMC 19.35.
5. Prior to beginning any work in the public right-of-way or on-site, the applicant shall apply for and obtain a right-of-way use construction permit and a grading & clearing Permit.
6. A right-of-way use permit shall be required from the City of SeaTac for any disturbance to 8th Avenue S.
7. A Construction Stormwater General Permit (also known as "NPDES" permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities.

DATED this, 23rd day of May 2013.


KRISTEN J. LARSON
Hearing Examiner
Sound Law Center



CITY OF BURIEN, WASHINGTON

Department of Community Development
400 SW 152nd St., Suite 300, Burien, Washington 98166
Phone: (206) 241-4647 Fax: (206) 248-5539

TYPE 3 LAND USE REVIEW STAFF RECOMMENDATION TO THE HEARING EXAMINER

DATE: April 30, 2013

FILE NO.: PLA 13-0136

APPLICANT: Millennial Builders, LLC

REQUEST: Subdivide two (2) existing residential lots totaling 3.63 acres into sixteen (16) single-family residential lots in the RS 7200 zone.

LOCATION: 187xx 4th Avenue South, Burien, WA (see Attachment 1)

PARCEL: 322304-9333, 322304-9213

APPLICATION SUBMITTED: January 17, 2013

APPLICATION COMPLETE: February 6, 2013

RECOMMENDATION: Approval with conditions

DECISION MAKER: City Council

HEARING EXAMINER DATE: May 14, 2013

PROJECT PLANNER: Stephanie Jewett, AICP, Project Planner

I. INTRODUCTION

A. PROJECT SUMMARY

The applicant is proposing a 16-lot single-family residential subdivision. The lots are proposed to gain access to 4th Avenue South from an improved public access street. Site work includes development of a public access street and on-site stormwater facilities. Tract A, located in the northeast portion of the site, is proposed for onsite stormwater facilities including a wetvault for water quality treatment and an infiltration/detention pond for flow control. Tract B, located in the northwest portion of the site adjacent to the access street, is proposed for landscaping (see Attachments 3 & 4).

B. RECOMMENDATION

Based on the Findings of Fact and Conclusions (Section II) and Attachments to this report, it is recommended that the application be approved subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Residential Subdivision Development Regulations, is provided in this report to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements (see Conclusion II.E.1).
2. Prior to the issuance of development permits for any construction activities on-site the applicant shall:
 - a. Submit detailed on-site street improvement plans for review and approval by the Development Review Engineer. The Plans shall be in accordance with the requirements of the 2008 Burien Road Standards and address the issues expressed in the Development Review Engineer's memorandum dated March 19, 2013 (Attachment 10) and the Fire Marshal's Certificate of Fire Hydrant Availability (Attachment 14). The plans shall include an illumination plan for the proposed street and a channelization and signing plan (see Conclusions II.E.3 and II.E.4).
 - b. Submit an updated Technical Information Report (TIR) and Engineering Plans to apply Level 2 flow control standards for review and approval by the Surface Water Management Engineer. The Report and Plans shall be in accordance with the 2009 King County Surface Water Design Manual and address the issues expressed in the Surface Water Management Engineer's memorandum dated April 25, 2013 (Attachment 11). Specifically, Page 3 of the TIR shall be updated to show the flow control standards checked as Level 2 (see Conclusion II.E.5).
 - c. Submit an Erosion and Sediment Control plan prepared by a Washington State Licensed engineer in accordance with the KCSWDM, Appendix C and D for review and approval by the Surface Water Management Engineer (see Conclusion II.E.5).
 - d. Submit an approved Interlocal Agreement between Southwest Suburban Sewer District and Midway Sewer District (see Conclusion II.E.4).
 - e. Protect the significant trees proposed for retention consistent with the requirements of BMC 19.25 (see Conclusion II.E.7).

3. Prior to recording the final subdivision, the applicant shall:
 - a. Install all street, stormwater and utility improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer (see Conclusions II.E.3, 4 and 5).
 - b. Pay a fee-in-lieu of providing 390 square feet of recreation space on the property for each of the 14 additional lots created. The fee shall be 5,460 square feet multiplied by the current assessed value per square foot of the property (see Conclusion II.E.6).
4. Prior to issuance of building permits for future development of single-family homes on each of the new lots, the applicant shall:
 - a. Submit flow control Best Management Practices for the proposed homes for review and approval by the Surface Water Management Engineer.
 - b. Record a Declaration of Covenant, provided by the City of Burien, per page 1-46 of the King County Surface Water Design Manual declaring that all individual flow control Best Management Practices shall be privately maintained and operated (see Conclusion II.E.5).
 - c. Pay a Transportation Impact Fee as set forth in BMC 19.35 (see Conclusion II.E.8).
5. Prior to beginning any work in the public right-of-way or on-site, the applicant shall apply for and obtain a right-of-way use construction permit and a grading & clearing Permit (see Conclusion II.E.3 & II.E.5).
6. A right-of-way use permit will be required from the City of SeaTac for any disturbance to 8th Avenue South (see Conclusion II.E.3).
7. A Construction Stormwater General Permit (also known as “NPDES” permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities (see conclusion II.E.5).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Facts:
 - a. Size: 158,101 square feet (3.63 acres)
 - b. Land Use: Currently vacant

- c. Terrain: The site slopes gradually down from the west (elevation 385) to the east (elevation 358) for an elevation change of 27 feet across the site with an average slope of approximately 5%.
 - d. Vegetation: The eastern 120 feet of the site is a paved parking lot. A paved asphalt pathway extends west from the parking lot to 4th Avenue South. The remainder of the site consists of areas of trees and cleared areas covered with grass. Blackberry and English Ivy are also located on the site. See Section II.E.7 for further analysis of trees located on site.
 - e. Bulk Regulations: For future development of single detached dwelling units, the proposed development standards are:
 - Front Setback: 20 feet minimum
 - Interior Setback: 5 feet minimum
 - Building Coverage: 35% maximum
 - Impervious Surface Coverage: 70% Maximum
 - Height: 35' maximum
 - Minimum Parking Required: 2 off-street spaces per dwelling unit
 - f. Neighboring Development and Zoning: The subject site is bordered to the North by single family development and the Shinnyo-en Temple, to the East by the New Testament Church, and to the South and West by single-family development. All adjacent property is zoned RS 7200 (single-family Residential).
2. Conclusions: Size, land use, terrain, and vegetation are not constraining factors in the consideration of this application. Site specific requirements including, but not limited to, building height, setback, impervious surface coverage and building coverage will be reviewed when building permits are filed for each new lot. This application is consistent with neighboring single-family development.

B. PUBLIC & AGENCY COMMENT

1. Public Comments

- a. Facts: Public notice of this application was posted on the site and published in the newspaper February 13, 2013 and mailed to all property owners within 500 feet of the site on February 11, 2013. One public comment letter was received during the 30-day comment period, which ended on March 15, 2013. This comment letter has been summarized and addressed below.

Don Keele, (see Attachment 6)

States that he owns a rental property in the area and asks how the sewer service for the proposed subdivision will be designed and if it will result in a sewer assessment of surrounding properties.

City's Response: The Applicant has proposed sewer service for the proposed subdivision from Midway Sewer District via a developer extension from 8th

Avenue South across the church property (see attachment 4). For more detailed information see Section II.E.4 Utilities following.

- b. Conclusions: The public comment requirement has been addressed for the proposal.

2. Agency Comments

- a. Facts: On February 11, 2013, notice of this application was distributed to Puget Sound Energy, Highline Water District, King County Fire District # 2, SW Suburban Sewer District, and Burien Police Services. The water, sewer and fire districts have completed availability forms with comments and requirements (see Section II.E.4). No responses were received from Puget Sound Energy or Burien Police Services.
- b. Conclusions: The agency comment requirement has been addressed for the proposal.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Facts: The City's adopted regulations related to the State Environmental Policy Act (SEPA), requires a SEPA Checklist and SEPA determination for all proposed subdivisions of more than twenty (20) dwelling units (BMC 14.10.040 (1)). Therefore, the proposed subdivision of sixteen (16) residential lots is exempt from SEPA.
2. Conclusions: The proposed sixteen (16) lot subdivision is exempt from SEPA requirements.

D. APPROVAL CRITERIA

1. Subdivision Code Compliance

- a. Facts: The Burien Subdivision Code outlines various standards which are to be met when creating a subdivision. The purpose of the City of Burien's subdivision regulations is to:
 - (1) Set forth the rules and regulations for the division of real property into subdivisions;
 - (2) Provide for the proper location and width of streets, building lines; open spaces, safety and recreation facilities, utilities, and drainage;
 - (3) Provide for the avoidance of congestion of population through requirements of minimum lot area and compatibility of design;
 - (4) Require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections of other physical improvements shall be installed; and

(5) Provide for and secure the actual construction of such physical improvements.

b. Conclusions: The application, as conditioned, meets the subdivision standards (see Section II.E).

2. Revised Code of Washington Section 58.17.110

a. Facts:

(1) RCW 58.17.110, as amended, states that "A proposed subdivision shall not be approved unless the city... makes written findings that:

- i) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts...; and
- ii) The public use and interest will be served by the platting of such subdivision and dedication."

(2) Pursuant to BMC 17.35.120.2 the preliminary plat decision shall be based on conformance to adopted city rules and regulations and RCW 58.17.110 states that prior to approval of the subdivision the city must find that the public use and interest must be served by the platting of such subdivision.

b. Conclusions: The proposal, as conditioned, complies with RCW 58.17.110. As conditioned, it will serve the public use and interest and is consistent with the public health, safety, and general welfare because it will contribute to the community's ability to provide additional single-family residential units and additional home ownership opportunities within the community. The property will develop in accordance with the Comprehensive Plan for this area (see Section II.F).

E. DEVELOPMENT REGULATIONS

1. General Compliance

- a. Fact: This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the City of Burien 2008 adopted Road Design and Construction Standards.
- b. Conclusion: It is the responsibility of the applicant to ensure compliance with the various provisions contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), 2009 King County

Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the City of Burien 2008 adopted Road Design and Construction Standards. Attachment 2, Residential Subdivision Development Requirements, is provided to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements.

2. Lot Size and Layout

- a. Facts: The site is zoned RS 7200 Single-Family Residential. The minimum lot area per each single-family dwelling unit for this zone is 7,200 square feet. No lot may be created less than the minimum lot area except through the application of lot averaging (BMC 19.15.005.2). Lot averaging allows for lots to be created that are 90 percent of the minimum lot area, or 6,480 square feet in the RS 7200 zone, as long as the overall average lot size of the development remains at or greater than 7,200 square feet. The proposal for 16 lots (Attachment 3) meets the minimum lot size requirement through the use of lot averaging. Proposed lot sizes and overall lot average are as follows:

Lot No.	Square Feet	Lot No.	Square Feet
1	6,568	9	7,159
2	7,193	10	9,138
3	7,192	11	7,420
4	7,191	12	6,934
5	7,191	13	7,534
6	6,995	14	7,612
7	7,220	15	7,684
8	6,777	16	7,598
Lot Size Average			
117,406/16 = 7,338			

- b. Conclusion: The proposed preliminary plat satisfies the minimum lot area requirements for the RS 7200 zone as outlined in BMC 19.15.005.2.

3. Street Improvements & Access

- a. **Facts:** City of Burien Municipal Code section 17.35.120 requires that access and street improvements comply with the 2008 Burien Road Standards. The City of Burien Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and provided comments in a memorandum dated March 19, 2013 (Attachment 10) including, but not limited to, the following:
- (1) The proposed new street shall be designed as a Minor Access Street in accordance with Table 2.1 of the 2008 Burien Road Standards (BRS). This includes 22 feet of pavement with curb, gutter, drainage and 5 foot wide cement concrete sidewalk on both sides.
 - (2) The proposed new street shall be dedicated to the City as a Public Street.
 - (3) Frontage improvements along 4th Avenue South shall consist of curb, gutter and sidewalk in accordance with the 2008 Burien Road Standards.
 - (4) A stop sign will be required at the intersection of the new street and 4th Avenue South.
 - (5) All required utilities, drainage and street improvement plans shall be designed by a Washington State Licensed Civil Engineer in accordance with the 2008 Burien Road Standards and 2009 King County Surface Water Design Manual.
 - (6) All driveways shall be designed and constructed in accordance with Burien Road Standards, Section 3.01. Specifically, all driveways shall: 1) be located at least 5 feet from side property lines; and 2) have a minimum width of 10 feet and a maximum width of 20 feet.
 - (7) All utilities serving the property shall be placed underground.
 - (8) A channelization and signing plan shall be submitted for review and approval by the Public Works Department prior to issuance of construction permits.
 - (9) Approved utility plans for the various underground utilities serving or proposed to serve the site shall be submitted prior to issuance of construction permits.
 - (10) A Right-of-way use permit will be required for all work performed in the public right-of-way, as required by BMC 12.17 and 12.18.
 - (11) A Right-of-way use permit will be required from the City of SeaTac for any disturbance to 8th Avenue South.

- (12) A Clearing & Grading permit will be required for all on-site work, including installation of on-site drainage and street improvements, prior to beginning any construction.
 - (13) An illumination plan for the proposed street shall be submitted to the Public Works Department for review and approval prior to issuance of construction permits. Lights shall be designed in accordance with the 2008 Burien Road Standards, Section 5.05. The Applicant shall coordinate with Puget Sound Energy for street illumination design, standards and maintenance requirements.
 - (14) Restoration, Performance and maintenance security bonds are required for site and right-of-way improvements.
- b. Conclusions: Prior to issuance of development permits for any construction activities on-site, the applicant shall submit for review and approval to the Development Review Engineer final engineered drawings for all required street improvements consistent with the Development Review Engineer's comments dated March 19, 2013 (see Attachment 10). The plans shall include an illumination plan for the proposed street and a channelization and signing plan. Prior to recording the final subdivision the applicant shall install all required street improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer. A right-of-way construction permit is required prior to any work performed in the public right-of-way and a clearing & grading permit is required for all on-site work, including on-site drainage and street improvements. A right-of-way use permit will be required from the City of SeaTac for any disturbance to 8th Avenue South.

4. Utilities

a. Facts:

- (1) The site is located within Highline Water District. Highline Water District approved the development for public water service based on the findings that water service is provided by connection to an existing 8-inch water main located approximately 10 feet from the site and the nearest fire hydrant is located approximately 210 feet from the site with a flow rate of 1,000 gallons or more for a duration of 2 hours or more (see Attachment 12).
- (2) The majority of the site (approximately 149,000 square feet) is located on tax parcel 3223049333 and is within the Midway Sewer District. The remainder of the site (approximately 9,000 square feet) is located on tax parcel 3223049213 and is within Southwest Suburban Sewer District. Midway Sewer District issued a certificate of sewer availability to serve tax parcel 3223049333 based on the satisfactory completion of a required developer extension, the recording of a sewer easement and the payment of connection charges (see Attachment 13). According to the Applicant Midway Sewer District is preparing an interlocal agreement with Southwest Suburban Sewer

District to allow tax parcel 3223049213 to be served by the sewer extension that will be constructed for Midway Sewer District.

- (3) Fire District #2 provides fire protection to the area. The Fire Marshal approved the development for water flow, hydrant spacing and access with the following conditions: 1) The right of way shall be marked fire lane with no parking allowed within the cul-de-sac and where the travel lanes are less than 28 feet wide; 2) The fire lane and maintenance provisions shall be recorded on the face of the final plat; and 3) A new fire hydrant is required on site (see Attachment 14).
- b. Conclusion: Prior to issuance of development permits for any construction activities on-site, the approved Interlocal Agreement between Southwest Suburban Sewer District and Midway Sewer District shall be submitted to the City. Prior to recording the Final Subdivision, water and sewer service shall be provided to each lot, or a bond submitted, consistent with the requirements of the serving utility and the Subdivision Code. The applicant shall show any access and utility easements or reference documents pertaining to sewer and water utility easements, which are necessary to provide service to the lots. Prior to issuance of development permits for any lots, the applicant shall demonstrate conformance with all requirements of the Fire Marshal.

5. Surface Water Management

a. Facts:

- (1) The City of Burien adopted the 2009 King County Surface Water Design Manual (KCSWDM) and 2009 Stormwater Pollution Prevention Manual (SPPM) as the City's drainage control regulations.
- (2) The applicant submitted a Preliminary Technical Information Report (TIR) for storm drainage by Duncanson Company, Inc (see Attachment 7), addressing surface water management facilities for the proposed development.
- (3) The City of Burien Public Works Surface Water Management Engineer reviewed the proposed development for compliance with the 2009 KCSWDM and 2009 SPPM and provided comments in a memorandum dated April 25, 2013 (see Attachment 11), including the following:
 - (i) In general, the proposed wet vault for water quality treatment and infiltration/detention pond for flow control appears reasonable, refinement of the final design to incorporate water quality treatment and accurate pond sizing (for level 2 detention) will be required prior to issuance of development permits for any construction activities on-site.
 - (ii) Prior to issuance of development permits for any construction activities on-site, the submitted TIR and Engineering plans shall be updated to apply Level 2 flow control standard and check as level 2 in the TIR (page

- 3). TIR must be evaluated and approved by a licensed civil engineer.
- (iii) Erosion and Sediment Control (ESC) shall be prepared by a Washington State licensed engineer and be in accordance with the KCSWDM, Appendix C and D. At least three ESC inspections are required i.e., prior to clearing and construction, during construction, upon completion of construction.
- (iv) Conveyance systems and flow control facilities to be maintained and operated by the City of Burien must be located in a drainage easement, tract, or right-of-way granted to the City of Burien.
- (v) The individual lots are required to have Flow control BMPs. The individual lot BMPs shall be maintained and operated by the property owners. All privately maintained flow control BMPs must be maintained as specified in the site/lot's declaration of covenant and grant of easement per Section 5.2.1. of the KCSWDM.
- (vi) A Declaration of Covenant must be recorded prior to engineering plan approval per page 1-46 of the KCSWDM. The form and the instruction of the covenant will be provided during building permit process.
- (vii) The Department of Ecology's Construction Stormwater General Permit (also known as the "NPDES" permit) shall be required. The Applicant must submit the Notice of Intent (NOI) to Ecology at least 60 days before discharging stormwater from construction activities. More detail about the permit can be found at -
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/>

b. Conclusions:

- (1) Prior to issuance of development permits for any construction activities on-site, the applicant shall:
 - (i) Submit an updated Technical Information Report (TIR) and Engineering Plans to apply Level 2 flow control standards for review and approval by the Surface Water Management Engineer. Page 3 of the TIR shall be updated to show the flow control standards checked as level 2.
 - (ii) Submit an Erosion and Sediment Control (ESC) plan prepared by a Washington State Licensed engineer in accordance with the KCSWDM, Appendix C and D for review and approval by the Surface Water Management Engineer.
- (2) Prior to recording the final subdivision, the applicant shall:

- (i) Install approved stormwater improvements and provide restoration, performance and maintenance security bonds or other security methods as required by the Surface Water Management Engineer.
- (3) Prior to issuance of building permits for future single-family home development on each of the new lots, the applicant shall:
 - (i) Submit flow control Best Management Practices for the proposed homes for review and approval by the Surface Water Management Engineer.
 - (ii) Record a Declaration of Covenant, provided by the City of Burien, per page 1-46 of the King County Surface Water Design Manual declaring that all individual flow control Best Management Practices shall be privately maintained and operated.
- (4) An engineer licensed in the State of Washington shall prepare all plans for storm water improvements.
- (5) A right-of-way construction permit is required prior to any work in the right-of-way and a grading and clearing permit is required for all on-site drainage and access improvements.
- (6) A Construction Stormwater General Permit (also known as “NPDES” permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities.

6. Fee-In-Lieu of Recreation Space

- a. Facts: The Burien Zoning Code requires residential developments to provide on-site recreational areas or pay a fee-in-lieu of actual recreational space when the space is not provided (BMC 19.17.013). Since no on-site recreation space meeting the Code requirements has been provided, a fee-in-lieu of recreation space will be required. The applicant shall pay for 390 square feet of recreation space for each additional lot being created. For the proposed subdivision 14 additional lots are being created (credit is received for the two lots currently located on site). This fee shall be based on the assessed value per square foot of the land at the time of recording.
- b. Conclusions: To comply with the requirements of BMC 19.17.013, the Applicant shall pay a fee in lieu of providing 390 square feet of recreation space on the property for each of the 14 additional lots created. The fee shall be 5,460 square feet multiplied by the current assessed value per square foot of the property. The fee shall be paid prior to recording the final plat.

7. Tree Retention and Protection

- a. Facts: Single Detached Dwelling Units in the RS 7200 zone are required to

comply with Landscape Category A (BMC 19.15.005.2). Landscape Category A requires 30% of the significant trees located on site to be retained (BMC 19.25.120.2). A significant tree is defined as a healthy tree, which when measured four feet above grade, has a minimum diameter of 8 inches for evergreen trees or 12 inches for deciduous trees (BMC 19.10.493). Each significant tree that is retained may be credited as two trees for complying with the retention requirements if it exceeds 24 inches in diameter for evergreen trees or is located in a grouping of at least five trees with canopies that touch or overlap (BMC 19.25.140).

The submitted tree retention plan (Attachment 5) shows that 191 significant trees are located on the site and of these trees 19 solo significant trees, 31 significant trees in groupings of five or more trees with canopies that touch or overlap, and one evergreen tree greater than 24 inches in diameter will be retained for a total significant tree retention credit of 83 (43%).

- b. Conclusions: The significant tree retention plan meets the City's significant tree retention requirements. Prior to or in conjunction with any development activity, the applicant shall protect the significant trees proposed for retention located on the site. Protective measures shall comply with the requirements of BMC 19.25 (see Residential Subdivision Development Regulations, Attachment 2).

8. Transportation Impact Fee

- a. Facts: Any person who receives a building permit or any other construction permit for any development activity or who undertakes any development activity within the City's corporate limits for which a building permit or other construction permit is not required, shall pay a transportation impact fees as set forth in Table 19.35-2 at the time of issuance of the permit (BMC 19.35.060).
- b. Conclusions: Prior to issuance of building permits for future development on each of the new lots, the applicant shall pay a Transportation Impact Fee as set forth in Table 19.35-2.

F. COMPREHENSIVE PLAN

- 1. Facts: The subject property is designated Moderate Density Residential Neighborhood. Burien Comprehensive Plan Policy RE 1.6 indicates that the Moderate Density Residential Neighborhood designation should provide primarily single-family residential uses in neighborhoods suitable for this type of development, where community improvements and facilities that are normally necessary for development can be provided. Development within this designation includes existing neighborhoods that have been platted at an average of five to six units per acre.

2. Conclusions: The proposed subdivision is consistent with the Moderate Density Residential Neighborhood land use designation. As conditioned, the proposal complies with the Comprehensive Plan.

III. APPEALS AND JUDICIAL REVIEW

State law allows the city's final decision to be appealed by a party of record with standing by filing a land use petition in King County superior court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C.

IV. LAPSE OF APPROVAL

Under BMC 17.40.140(3)(a), subdivision preliminary approvals shall be valid for seven (7) years. If any condition is not satisfied and the final plat is not recorded within the 7-year period the preliminary subdivision approval shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the 7-year period, the city may grant a single extension of up to 90 days to obtain additional information or for the processing and recording of final plat documents. Applicants will have a maximum of 30 days to comply with requests for additional information made within the extension period.

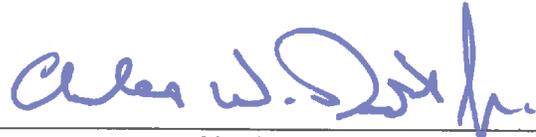
V. ATTACHMENTS

1. Vicinity Map
2. Residential Subdivision Development Regulations
3. Preliminary Plat
4. Conceptual Road & Utility Plan
5. Tree Retention Plan
6. Comment Letter, Don Keele, received February 28, 2013
7. Preliminary Technical Information Report, Duncanson Company, Inc., January 15, 2013
8. Level II Traffic Letter, Jake Traffic Engineering, dated January 10, 2013.
9. Addendum letter - Lots 8 & 9 Building Setback Recommendations, Earth Solutions NW, LLC, dated February 11, 2013.
10. Public Works Recommended Conditions of Land Use Approval, dated March 19, 2013, Ramesh Davad, Development Review Engineer
11. Public Works Stormwater Conditions of Land Use Approval, dated April 25, 2013, Huengkook Lim, Surface Water Management Engineer.
12. Certificate of Water Availability, Highline Water District, December 17, 2012
13. Certificate of Sewer Availability, Midway Sewer District, November 29, 2012
14. Certificate of Fire Hydrant Availability, King County Fire District #2, dated January 8, 2013

VI. PARTIES OF RECORD

Name	Address
Don Keele	683 E Runnion Road Sequim, WA 98382
Todd McKittrick, Millennial Builders, LLC	17837- 1 st Avenue South PMB#2 Normandy Park, WA 98148

Dated this 30th day of April, 2013.



Charles W. "Chip" Davis, AICP
Community Development Director

File: PLA 13-0136

Westwood Ridge Preliminary Subdivision

Address: 187xx 4th Avenue South



RESIDENTIAL SUBDIVISION DEVELOPMENT REGULATIONS

For Subdivisions and Consequent Building Permits

In addition to the standards addressed in the staff report, the City of Burien and other agencies will review the Final Plat and the Building Permits to ensure compliance with all applicable city, county, and state codes and policies. At a minimum, the following sections of the Burien Municipal Code (BMC), King County Code (KCC), and state laws will be analyzed during those reviews.

BMC 13.10 Surface Water Management

BMC 12.05 Road Design and Construction Standards

BMC 12.40.070 Undergrounding of Utilities

This section applies to new construction on an undeveloped site, to any substantial improvement on a developed site and any new or altered service. All utility lines on a site must be undergrounded. All existing overhead utility lines in the right of way adjacent to the site must be undergrounded unless the Public Works Director determines that this is infeasible. The Public Works Director may require the applicant to submit a statement from all utility companies with existing overhead lines indicating if undergrounding in the right-of-way is feasible. If the Public Works Director determines that undergrounding in the right of way is not feasible, the property owner must sign a concomitant agreement for future undergrounding.

BMC Title 17 Subdivision Code

17.15.280 Sewage disposal.

Prior to recording the final plat, either the approved public sewage system shall be installed to serve each lot, or a bond or similar security shall be deposited with the city of Burien and may be assigned to a purveyor to assure the construction of such facilities within two years of the date of plat recording.

17.15.290 Water supply.

Prior to recording the final plat, the approved public water system shall be installed to serve each lot unless a bond or similar security has been deposited with the city of Burien in a form and amount, and with conditions satisfactory to the city of Burien to provide for the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of the date of plat recording.

17.25.010 Site Improvements.

Prior to approval of the final plat, all streets shall be improved in full compliance with and pursuant to a construction permit issued by the city of Burien. In lieu of the full compliance herewith, the platlor may deposit a performance bond with the city in an amount equal to the cost as a guarantee that the platlor will, within one year from the date of acceptance of the plat, fully comply with all the requirements set forth to the satisfaction of the development engineer.

17.40.040.3 Qualifications governing preliminary plat approval.

Prior to approval of the final plat, engineering details of the proposed streets, storm drainage, sanitary sewer and water systems and other proposed public facilities shall be approved by the city engineer and the King County department of public health.

17.45.030 Monuments.

All monuments shall be set after the grading of the streets. In case the plat is approved before the grading is complete, the grading shall be done and the monuments shall be set before the release of the road guarantee bond.

17.55.070 Performance Bond.

A performance bond or other satisfactory security shall be submitted to secure the successful operation of improvements for a period of 12 months in an amount and form satisfactory to the city. Such bond or security shall cover workmanship and materials, damage from reasonable expected usage and damage due to construction activities.

BMC Title 19 Zoning Code

19.10.265 Structure height.

Structure height is the vertical distance measured from average natural grade to the highest point of the structure. Natural grade is the topography of the lot immediately prior to any site preparation or grading, including excavation or filling. Prior to issuance of any development permits for the site, the city must have on file a topographic survey showing natural grade of the site prior to any development activity.

19.20.100.10 Parking for single detached dwelling units.

All vehicle parking and storage must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Parking spaces shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the public right-of-way or vehicular access easement or tract.

19.35 Transportation Impact Fees.

19.35.060 Imposition of transportation impact fees.

Any person who receives a building permit or other construction permit for any development activity or who undertakes any development activity within the city's corporate limits for which a building permit, or other construction permit if a building permit is not required, shall pay the transportation impact fees as set forth in this chapter to the city. The impact fees shall be paid at the time of issuance of the permit.

19.17.013 Fee in lieu of on-site recreation space.

In lieu of providing 390 square feet of on-site recreation space for each new lot created, the applicant shall pay a fee in lieu.

19.17.240 Sight Distance Requirements.

A sight distance triangle area shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade. The sight distance triangle at a site access point (driveway) is determined by measuring 15 feet along the street line and 15 feet along the edges of the driveway starting at the point of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle.

19.17.290 (1) Fences.

Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located.

19.25.120 Significant trees - Retention required.

Significant trees shall be retained as follows:

Landscape Category A: Thirty percent (30%) of the *significant trees* located on the *site*, excluding *critical areas* or their *buffers*.

19.25.150 Significant trees - Protection.

To provide the best protection for *significant trees*:

1. No clearing shall be allowed on a *site* until approval of tree retention and landscape plans;
2. An area of prohibited disturbance, generally corresponding to the drip line of the *significant tree* shall be protected during construction with a temporary five-foot-high chain link or plastic net *fence*. The fencing shall be installed prior to issuance of development permits for the *site*;
3. No *impervious surfaces*, fill, excavation, or storage of construction materials shall be permitted within the area defined by such *fencing*;
4. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the drip line of the tree;
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - A. The drip line of the tree(s); or
 - B. An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground; and
6. Alternative protection methods may be used if determined by the *Director* to provide equal or greater tree protection. [Ord. 293 § 1, 2000]

19.70.050 Surface Water Management.

All new development shall be served by an adequate surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the 2009 Surface Water Design Manual and KCC Title 9.

19.70.100 Adequate Vehicular access.

All new development shall be served by adequate vehicular access meeting the standards of this section.

19.70.110 Adequate Fire Protection.

All new development shall be served by adequate fire protection. The water supply system must provide at least minimum fire flow and the road system must provide life safety/rescue access. Other fire protection requirements for buildings must be met as required by the fire code and IBC, and building and construction standards.



DUNCANSON
 Company, Inc.
 14000 14th Avenue, NW
 Shoreline, WA 98148
 Phone: 206.331.1111
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V4 PARTNERS, LLC
 C/O TODD MCKITTRICK
 7837 181 AVE S PMB #2
 NORMANDY PARK, WA 98148

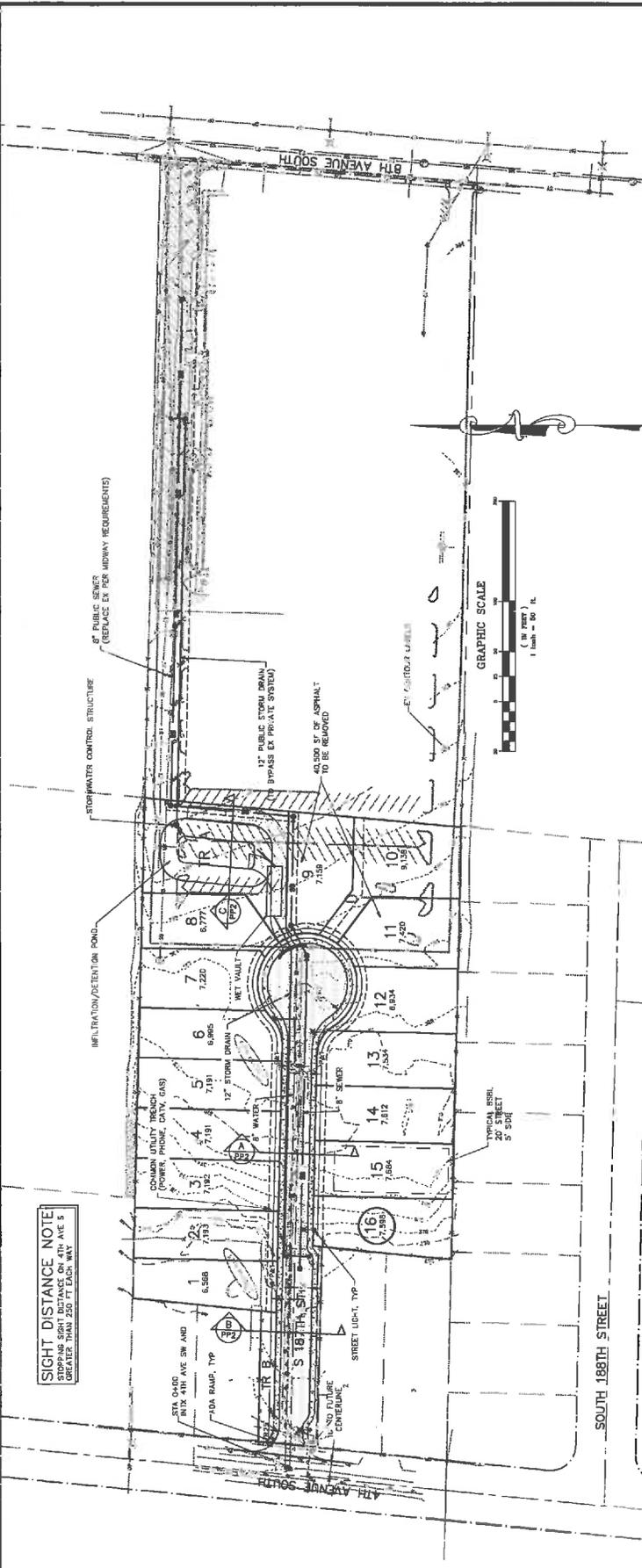
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WESTWOOD RIDGE
 AND UTILITY PLAN

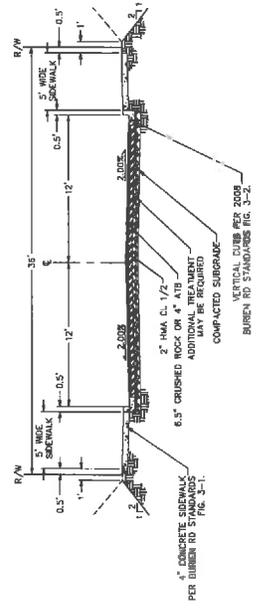
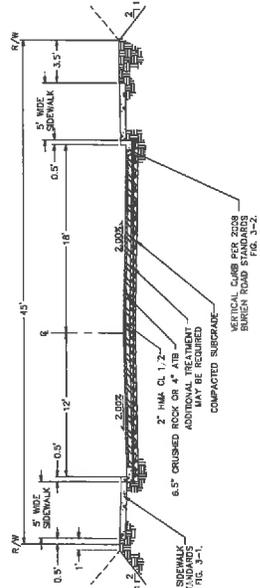
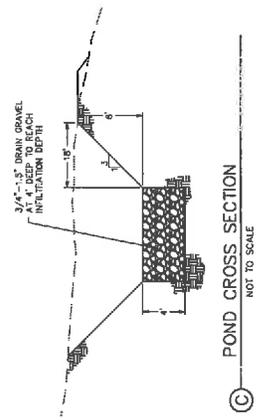
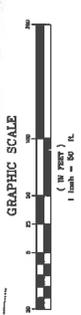
MOH
 DCI NO: 12116
 DATE: 1/15/2012



PP2
 2 OF 3 SHEETS



SIGHT DISTANCE NOTE
 STOPPING SIGHT DISTANCE ON 4TH AVE S
 GREATER THAN 250 FT EACH WAY



Know what's below.
 Call 48 hours before you dig.

© POND CROSS SECTION
 NOT TO SCALE

© ROAD SECTION W/PARKING LANE
 NOT TO SCALE

© RESIDENTIAL LOCAL MINOR ACCESS ROAD SECTION
 NOT TO SCALE



DUNCANSON
CONSULTANTS
14207 15th Ave SW
Seattle, Washington 98148
Tel: 206.835.1234
Fax: 206.835.1237

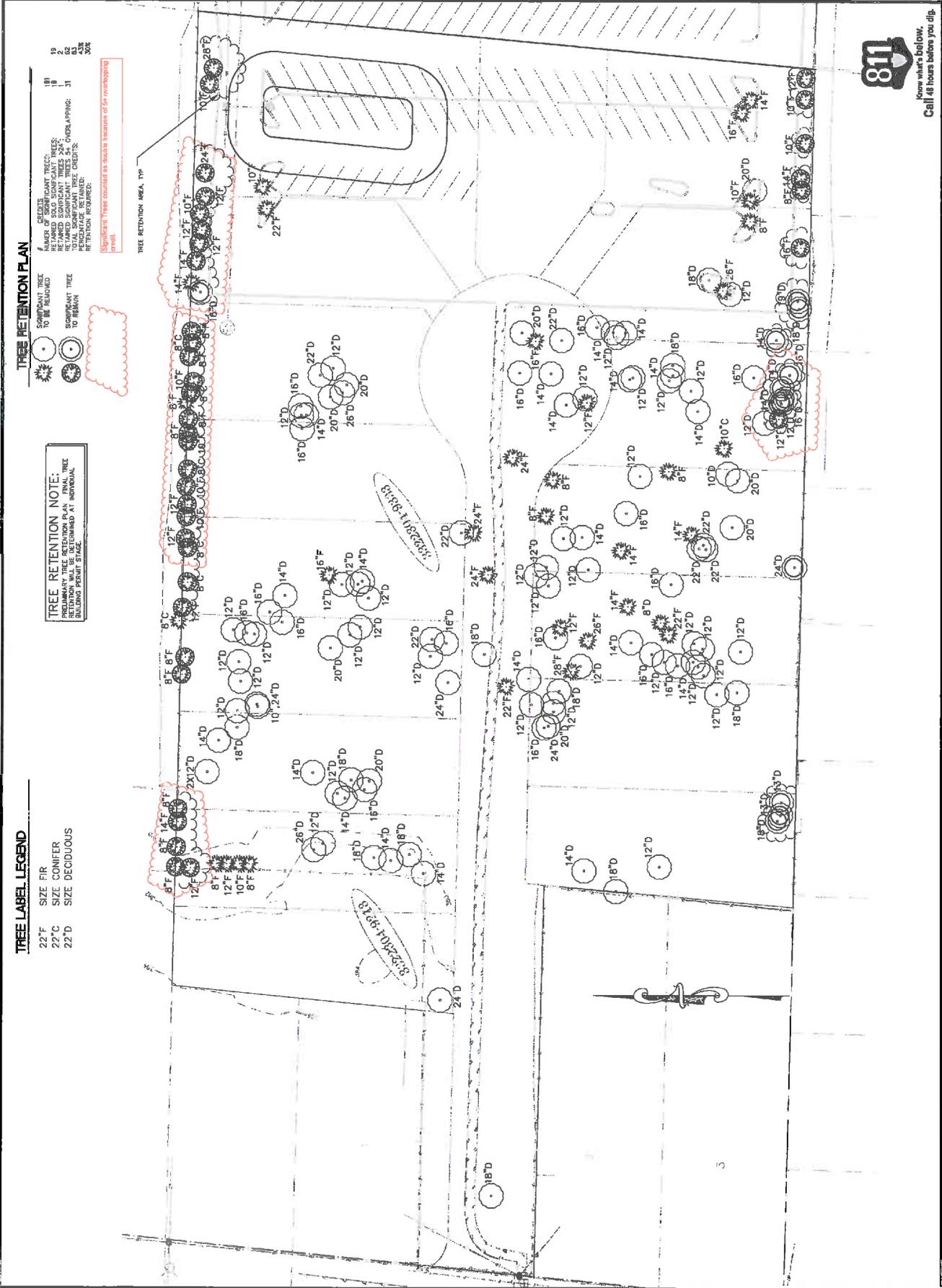
V4 PARTNERS, LLC
C/O TODD MCKITTRICK
7837 1ST AVE S PAB #2
NORMANDY PARK, WA 98149

NO.	DATE	DESCRIPTION

WESTWOOD RIDGE
PRELIMINARY
TREE RETENTION PLAN

DRAWN: MCH
DCI NO: 12116
DATE: 1/15/2013

PP3
3 OF 3 SHEETS



TREE RETENTION PLAN

- 22'F SIZE FIR
- 22'C SIZE CONIFER
- 22'D SIZE DECIDUOUS

TREE RETENTION NOTE:
RETENTION WILL BE DETERMINED AT INDIVIDUAL BUILDING PERMIT STAGE.

- SIGNIFICANT TREE TO BE REMOVED
- SIGNIFICANT TREE TO REMAIN
- SIGNIFICANT TREE TO BE RETAINED

TREE LABEL LEGEND

- 22'F SIZE FIR
- 22'C SIZE CONIFER
- 22'D SIZE DECIDUOUS

TREE RETENTION AREA, 10% PERCENTAGE RETAINED:

- NUMBER OF SIGNIFICANT TREES TO BE REMOVED: 18
- NUMBER OF SIGNIFICANT TREES TO BE RETAINED: 62
- PERCENTAGE SIGNIFICANT TREES TO BE RETAINED: 77%
- PERCENTAGE SIGNIFICANT TREES TO BE REMOVED: 23%
- PERCENTAGE SIGNIFICANT TREES TO BE RETAINED: 77%
- PERCENTAGE SIGNIFICANT TREES TO BE REMOVED: 23%

811

Know what's below.
Call 48 hours before you dig.

RECEIVED

FEB 28 2013

CITY OF BURIEN

2/26/13

SUBJECT; QUESTION ABOUT PROPOSED LONG PLAT

REFERENCE: PLA 13-0136
Located at 187xx 4th

ATTENTION: Stephanie Jewett

My concern with this proposed plat has to do with availability of sewers. I know that the church on S 186th St is hooked to a sewer line. My rental property is approximately 200 yards to the West. My question is how the sewer hook-in for the plat designed to run? Is it to go up S 186th or hook-in along the East side of the proposed property line?

I have no problem with the proposal as long as it does not affect my property with a sewer assessment. In fact, I think new construction in the area would increase existing property values. Please advise as soon as possible.

Sincerely,

Don Keele



Property owner of 414 S 186th St, in the City of Burien.
Mailing address is 683 E Runnion Rd, Sequim, Wa 98382
Phone Number is 360-683-1217

ATTACHMENT 6

**Attachments 7-14 on file and available for review at the
Department of Community Development**

AGREEMENT

This Agreement is entered into between MIDWAY SEWER DISTRICT, a municipal corporation, referred to as "Midway", and SOUTHWEST SUBURBAN SEWER DISTRICT, a municipal corporation, referred to as "Southwest".

RECITALS

1. The parcel of real property identified below "Property" is located within the boundaries of Southwest.

The East 70 feet of the West 230 feet of the North half of the South half of the Southwest quarter of the Northeast quarter of the Southwest quarter of Section 32, Township 23 North, Range 4 East, W.M. in King County, Washington: Except the South 30feet thereof. Situate in the County of King, State of Washington.

Parcel Number 322304-9213

2. Midway is able to provide service to the Property consistent with the terms of this Agreement until such time as Southwest can directly serve the Property.

AGREEMENT

In consideration of the mutual rights and obligations established herein, the parties agree as follows:

1. Midway shall provide sewer service to the Property until permanent service is provided by Southwest.
2. During the time Midway is serving the Property, Midway shall be entitled to charge the Property the usual and normal sewer service fees, including but not limited to any GFC and LFC, charged at that time by Midway for the same category of property within Midway, and to enforce collection of such charges by the foreclosure procedures provided for under Title 57 RCW.
3. Either party may cancel this Agreement upon 90 days written notice by certified mail, return receipt requested, addressed to the manager of the other district at that district's then current office, except that the provisions of paragraph 2 above shall remain in force for so long as service is being provided by one district for property in the other district.

4. This Agreement shall automatically terminate, without further action of the parties, at such time as the Property is annexed into the jurisdictional boundaries of Midway.

DATED: 5-7-2013

SOUTHWEST SUBURBAN
SEWER DISTRICT

By: *William A. Toney*
Commissioner

By: *[Signature]*
Commissioner

By: *Luan Sample*
Commissioner

MIDWAY SEWER DISTRICT

By: *Jack W. Fisher*
Commissioner

By: *George London*
Commissioner

By: *[Signature]*
Commissioner

By: *[Signature]*
Commissioner

By: *Jane Bailey*
Commissioner



Burien

Washington, USA

Westwood Ridge

Preliminary Subdivision Application (Five or more lots)

400 SW 152nd Street, Suite 300 Burien, WA 98166
Phone: (206) 241-4647 • FAX: (206) 248-5539
www.burienwa.gov

File Number
PLA 13-0136

APPLICANT INFORMATION		
Name: <u>TODD MCKITTRICK</u>	Company: <u>V4 PARTNERS, LLC</u>	Daytime Phone: <u>(206) 571-8080</u>
Mailing Address: <u>17837 1ST AVE S., PMB #2, NORMANDY PARK 98148</u>	E-Mail: <u>todd@millennial.biz</u>	
Contact person: <u>JOHN EVERETT</u>	E-Mail: <u>JohnE@millennial.biz</u>	Daytime Phone: <u>(206) 429-3884</u>
Property owner: <u>V4 PARTNERS, LLC</u>	Daytime Phone: <u>(206) 571-8080</u>	
Mailing Address: <u>17837 1ST AVE S., PMB #2, NORMANDY PARK 98148</u>	E-Mail: <u>todd@millennial.biz</u>	

PROJECT INFORMATION		
Site Address: <u>187XX 4TH AVE S.</u>	Parcel Number: <u>3223049333, 3223049213</u>	
Zoning District: <u>RS 7200</u>	Comprehensive Plan designation:	
Number of Acres: <u>3.63 ac</u>	Number of Lots: <u>16 (PROPOSED)</u>	Number of Units:
Legal description of property: <u>PTNS SW 1/4, 32-23-4</u> <u>SEE PLAT DRAWING FOR FULL LEGAL</u>		
Review Process: <input type="checkbox"/> Type 1 <input type="checkbox"/> Type 2 <input checked="" type="checkbox"/> Type 3		
Affected critical areas: <input type="checkbox"/> Wetlands <input type="checkbox"/> Streams <input type="checkbox"/> Critical Aquifer <input type="checkbox"/> Landslide Hazard Area <input type="checkbox"/> Fish & Wildlife		
Description of proposal (attach additional sheets if necessary): <u>SUBDIVISION OF 2 LOTS INTO 16 SINGLE FAMILY LOTS</u>		

RECEIVED
JAN 17 2013
CITY OF BURIEN

SIGNATURE

I, Todd MCKITTRICK (V4 PARTNERS, LLC) declare that I am the owner of the property involved in this application, and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I designate _____ to act as my agent with respect to this application. I agree to reimburse the City of Burien for the costs of professional Engineers and other Consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff.

Dated: 1/16/13

Signature: _____

Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for other important information. The checklist(s) must be submitted with the application and the required submittals.