



CITY COUNCIL STUDY SESSION AGENDA

October 28, 2013

7:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CORRESPONDENCE FOR THE RECORD

- a. Email Dated October 15, 2013, from Rachel Levine.
- b. Letter Dated October 18, 2013, from Julia A. Mine.

Page #

3.
5.

5. BUSINESS AGENDA

- c. Discussion and Direction Regarding Council Compensation Package (VEBA Replacement). 7.
- d. Discussion on Interlocal Agreement Regarding Self Insurance for AWC Health Care Program. 13.
- e. Motion to Adopt Proposed Resolution No. 349, Entering Findings of Fact and Conclusions of Law Regarding Preliminary Approval of the Boulevard Landing Subdivision. 35.
- f. Motion to Adopt Proposed Ordinance No. 592, Approving the Final Plat of the Westwood Ridge Subdivision. 99.

6. STUDY SESSION AGENDA

- a. Discussion on Economic Development Strategic Plan.
- b. Discussion on Business Impediments.

7. ADJOURNMENT

COUNCILMEMBERS

Brian Bennett, Mayor Lucy Krakowiak, Deputy Mayor Jack Block, Jr.
Rose Clark Bob Edgar Joan McGilton Gerald F. Robison

City Hall, 400 SW 152nd Street, 1st Floor

Carol Allread

From: Public Council Inbox
Sent: Wednesday, October 23, 2013 4:24 PM
To: 'P Levine'
Subject: RE: Annexation As A Means of Improving Life for Everyone In North Highline

Dear Ms. Levine,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager Office City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

-----Original Message-----

From: Carol Allread On Behalf Of Burien
Sent: Wednesday, October 23, 2013 8:47 AM
To: Public Council Inbox
Subject: FW: Annexation As A Means of Improving Life for Everyone In North Highline

-----Original Message-----

From: P Levine [<mailto:levinepr@comcast.net>]
Sent: Tuesday, October 15, 2013 3:11 PM
To: editor@b-townblog.com
Cc: Burien
Subject: Annexation As A Means of Improving Life for Everyone In North Highline

After having just read a number of the blogs about pro- and con- annexation, I'm wondering why the opportunity to improve life for everyone in North Highline, including Burien, seems to remain unexamined.

Being annexed to Burien means having a local governmental venue in which to participate. It may be true that some do not want any government at all. However, when it comes to safety and services, most want a responsible local entity to whom appeals may be made and responses may be solicited.

Having a competitive position for resources also comes to mind. With tax benefits from the State of Washington, the White Center/Top Hat/Boulevard areas could have more than 2 deputies per shift and would not have to call on Burien for necessary back-up. Diminishing resources from King County for unincorporated area roads means that snow plows will be available only for main thoroughfares this coming winter.

A larger footprint for Burien would give more advantage in making grant applications and would contribute to increased tax revenue as growth proceeds.

Cc: Nhan Nguyen, management Analyst

In my opinion, the most important reason for annexation is that of strengthening our entire community. As a Burien resident, I encourage the annexation of the rest of North Highline to help build a great future for this area.

Rachael Levine
430 S. 124th St.
Burien, WA 98168

RECEIVED

October 18, 2013

OCT 21 2013

City of Burien
Burien, Washington

City of Burien

Re: Small Public Boat Launch Use at Three Tree Point

Burien City Councilmembers:

At the present time the City of Burien does not provide a safe passage to carry a small boat to the water's edge at the Public Beach Small Boat Launch at Three Tree Point. In years past we have had an unobstructed sand pathway to the beach until large size "rockery rocks" were dumped in our path to the water. Publicly the Three Tree Point area residents have expressed their dislike of the public right-of-way to the water. See attached Highline Times article.

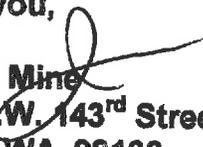
As the sign states "Small Boat Launch Use" the City of Burien has the responsibility to preserve and enhance public access and recreation opportunities in providing a pathway without this obstacle of rocks that blocks a safe walk to the shoreline.

A lawsuit would surely be filed against the City of Burien if someone should fall and be injured while trying to carry their boat to the water while maneuvering over this pile of rocks because of the City's negligence in not providing a safe passage way to the water.

Perhaps the attached picture you can see for yourself how difficult and dangerous it is to walk down to the beach over these rocks while carrying a small boat.

Please appropriate the necessary funds in the November budget to solve this problem.

Thank you,


Julia A. Mine
1423 S.W. 143rd Street
Burien, WA 98166
206-242-0266

cc:

Brian Bennett, Mayor; Lucy Krakowiak, Deputy Mayor; Craig Knutson, Interim Manager; Councilmembers: Jack Block, Rose Clark, Bob Edgar, Joan McGilton and Gerald Robison. Candidate Councilmembers: Lauren Berkowitz, Debi Wagner, Nancy Tosta, Steve Armstrong and Joey Martinez; Maiya Andrews, Public Works Director

cc: David Johanson, Senior Planner
Chip Davis, Community Development Director
Maiya Andrews, Public Works Director



Three Tree residents must post own

By Ralph Nichols
TIMESNEWS

Residents of Burien's Three Tree Point community have been informed by city manager Gary Long that public access to city-owned street ends leading to beaches in this exclusive neighborhood will remain open.

Blocking public rights-of-way that extend from the ends of Southwest 172nd Street, Southwest 170th Street and Southwest 163rd Street to the water line "would not be practical or legally acceptable," Long told Three Tree Point resident Joanna McLean in a letter dated Wednesday, June 26.

The city of Burien desires to maintain its points of public access to Puget Sound.

McLean was instrumental in airing demands by community residents last month that city officials block both access routes to keep trespassers off the residents' private beach-front property.

"We pay dearly for our private beaches and should be allowed to have them unavailable to the public," she stated at that time.

McLean pointed out that "private beaches like ours do not have rules enforced like parks" and boundary lines are not respected.

Long added that while city officials encourage members of the public "to respect the rights of private property owners," the issue of posting signs to restrict trespassing on private beach properties is a private-property matter.

In a written response to Long's letter, McLean indicated to city officials that beach-front residents plan to install "no trespassing" signs at the points of public access to discourage unwanted visitors from walking on private beaches.

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion and Direction Regarding Council Compensation Package (VEBA Replacement)		Meeting Date: October 28, 2013
Departments: Human Resources	Attachments: 1. <u>Salary Survey for Councilmembers' Salary.</u> 2. <u>Salary Survey for Mayor's Salary.</u>	Fund Source: General Fund Activity Cost: Amount Budgeted: Unencumbered Budget Authority:
Contact: Angie Chaufty		
Telephone: (206) 248-5504		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/> X	Work Plan Item Description:	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss their current compensation/benefit package in light of certain changes required by the Affordable Care Act (ACA) and the benefit/compensation packages received by their counterparts in comparable cities, and to provide direction regarding any desired changes.</p> <p>BACKGROUND (Include prior Council action & discussion): During its 2008 budget process, Council included \$33,600 for funding for health reimbursement accounts (HRAs or VEBAs) for Councilmembers at \$400 per month per Councilmember. As this was specifically identified as a medical-related benefit, the change was able to be effective January 1, 2008.</p> <p>Due to certain federal health care reform regulations that take effect January 1, 2014, the City may no longer be able to make contributions to the current VEBA plan on behalf of some or all Councilmembers.</p> <p>Council can:</p> <ol style="list-style-type: none"> 1. Choose to maintain the VEBA contribution's medical-related benefit designation. Contributions would be made to Councilmembers' Standard HRA Plan or Post-separation HRA plan, depending upon the individual's source of medical coverage. 2. Choose to convert the \$400 VEBA contribution to salary, depending on Councilmembers' terms of office and dates. By January 1, 2016, all VEBA contributions will be phased out. <p>In addition, as part of the employee salary survey process required by Financial Management and Organizational Review Policy No. J.4, staff has conducted compensation surveys for the Councilmember and Mayor positions. The results are attached (Attachment 1 and 2).</p> <p>State law prohibits current Councilmembers from voting themselves an increase or decrease in compensation. Converting the VEBA contribution to salary will be considered an increase in Council's compensation. Therefore, if Option No. 2 is selected or Council decides to increase their salary, changes must be made effective at the beginning of a new term of office.</p> <p>OPTIONS (Including fiscal impacts): To be determined.</p>		
<p>Administrative Recommendations:</p> <ol style="list-style-type: none"> 1) Increase salary by an additional \$200 per month for Councilmembers taking office January 1, 2014. Increase VEBA contribution by an additional \$200 per month for Councilmembers whose terms of office expire December 31, 2015. 2) Option 2. 3) Schedule the proposed revisions for adoption on the November 4, 2013 Consent Agenda. 		
Advisory Board Recommendation: N/A		
Suggested Motions:		
Submitted by: Angie Chaufty Administration <i>ae</i>		City Manager <i>CK</i>
Today's Date: October 16, 2013	File Code: R:/CC/Agenda Bills 2013/102813cm-1 Council Compensation	

Salary Survey

Position: Councilmember

Date: 10/18/2013

Comparable City	Annual Total Cost of Compensation	Comments/Notes
Auburn	11,700	Salary = \$975/mo
Des Moines	10,000	Salary = \$250/mtg; 40 mtg maximum
Edmonds	18,804	Salary = \$1567/mo
Federal Way	19,500	Salary = \$1150/mo; VEBA = \$475/mo
Lakewood	8,400	Salary = \$700/mo.
Lynnwood	43,224	Salary = \$1650/mo; Med & Dental = \$717 - 1952/mo
Puyallup		Awaiting response.
Sammamish	11,040	Salary = \$850/mo; Dental = \$51/mo; Vision = \$19/mo
SeaTac	28,464	Salary = \$1000/mo; VEBA = \$1372/mo.
Shoreline	18,912	Salary = \$700/mo; Deferred Comp = \$876/mo.

City Average 18,894

Burien	12,000	Salary = \$600/mo; VEBA = \$400/mo.
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Difference -6,894 (\$575/mo)

Without SeaTac or Lynnwood

Comparable City	Annual Total Cost of Compensation	Comments/Notes
Auburn	11,700	Salary = \$975/mo
Des Moines	10,000	Salary = \$250/mtg; 40 mtg maximum
Edmonds	18,804	Salary = \$1567/mo
Federal Way	19,500	Salary = \$1150/mo; VEBA = \$475/mo
Lakewood	8,400	Salary = \$700/mo.
Lynnwood		Salary = \$1650/mo; Med & Dental = \$717 - 1952/mo
Puyallup		Awaiting response.
Sammamish	11,040	Salary = \$850/mo; Dental = \$51/mo; Vision = \$19/mo
SeaTac		
Shoreline	18,912	Salary = \$700/mo; Deferred Comp = \$876/mo.

City Average 14,051

Burien	12,000	Salary = \$600/mo; VEBA = \$400/mo.
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Difference -2,051 (\$171/mo)

Salary Survey

Position: Mayor

Date: 10/18/2013

Comparable City	Annual Total Cost of Compensation	Comments/Notes
Auburn		Strong Mayor
Des Moines	14,000	Salary = \$350/mtg; 40 mtg maximum
Edmonds		Strong Mayor
Federal Way		Strong Mayor
Lakewood	10,800	Salary = \$900/mo.
Lynnwood		Strong Mayor
Puyallup		No response.
Sammamish	12,240	Salary = \$950/mo; Dental = \$51/mo; Vision = \$19/mo
SeaTac	30,864	Salary = \$1200/mo; VEBA = \$1372/mo.
Shoreline	21,012	Salary = \$875/mo; Deferred Comp = \$876/mo.

City Average 17,783

Burien	13,800	Salary = \$750/mo; VEBA = \$400/mo.
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Difference -3,983 (\$332/mo)

Without SeaTac

Comparable City	Annual Total Cost of Compensation	Comments/Notes
Auburn		Strong Mayor
Des Moines	14,000	Salary = \$350/mtg; 40 mtg maximum
Edmonds		Strong Mayor
Federal Way		Strong Mayor
Lakewood	10,800	Salary = \$900/mo.
Lynnwood		Strong Mayor
Puyallup		No response.
Sammamish	12,240	Salary = \$950/mo; Dental = \$51/mo; Vision = \$19/mo
SeaTac		
Shoreline	21,012	Salary = \$875/mo; Deferred Comp = \$876/mo.

City Average 14,513

Burien	13,800	Salary = \$750/mo; VEBA = \$400/mo.
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Difference -713 (\$59/mo)

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on Interlocal Agreement Regarding Self Insurance for AWC Health Care Program		Meeting Date: October 28, 2013
Departments: Human Resources	Attachments: 1. <u>AWC Employee Benefit Trust Self-Funded Health Care Program Fact Sheet</u> 2. <u>Health Care Program Interlocal Agreement</u> 3. <u>Draft Resolution No. 350</u>	Fund Source: General Fund Activity Cost: \$0 Amount Budgeted: Unencumbered Budget Authority:
Contact: Angie Chaufy		
Telephone: (206) 248-5504		
Adopted Work Plan Priority: Yes No X	Work Plan Item Description:	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss Draft Resolution No. 350, adopting the Association of Washington Cities (AWC) Employee Benefit Trust Health Care Program Interlocal Agreement.</p> <p>BACKGROUND (Include prior Council action & discussion): The AWC Employee Benefit Trust (EBT) was formed in 1970 by the Association of Washington Cities to offer affordable health coverage for cities and towns. Today the Trust serves 275 participating entities and insures approximately 36,000 employees and family members, including the City of Burien's eligible employees and their dependents.</p> <p>After a year of studying the impacts of self-insurance, the EBT Trustees directed AWC staff to submit a self-insurance application to the State Risk Manager. Approval was granted on August 26, 2013 and the EBT will transition its Regence/Asuris, Group Health, WDS, and VSP plans to self-insurance effective January 1, 2014.</p> <p>In order to conduct business as a self-insured program, EBT is now required to comply with RCW 48.62 and WAC 200-110. One of the requirements is that each member must approve, by resolution, an Interlocal Agreement (Attachment 2) authorizing participation in the self-insured program. AWC is asking member jurisdictions to sign the attached resolution (Attachment 3) and Interlocal Agreement no later than November 15, 2013.</p> <p>Members who do not return the signed Interlocal Agreement and resolution will not be eligible to purchase medical, dental, and vision benefits from the EBT as of January 1, 2014.</p> <p>As a result of the transition to self-insurance, the EBT Trustees have approved a 0% rate increase for all plans for 2014.</p> <p>Attachment 1 provides information regarding:</p> <ul style="list-style-type: none"> • The cost savings realized by transitioning to a Self-Funded Health Care Program. • The minimal impacts to participating employees and their family members. • The minimal impacts to participating employers. • The EBT's Health Care Program reserve funding information. <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Place Draft Resolution No. 350 on the November 4, 2013 consent agenda for adoption. 2. Decline to advance Draft Resolution No. 350. 		
Administrative Recommendation: Direct staff to place Draft Resolution No. 350 on the November 4, 2013 Consent Agenda for adoption.		
Advisory Board Recommendation: N/A		
Suggested Motion: I move that Draft Resolution No. 350 be placed on the November 4, 2013 consent agenda for adoption.		
Submitted by: Angie Chaufy Administration <i>ac</i>		City Manager <i>CK</i>
Today's Date: October 16, 2013	File Code: <u>R:/CC/Agenda Bills 2013/102813cm-2</u> <u>Interlocal for Self Insurance</u>	



Self-Funded Health Care Program

On August 26, 2013, the State Risk Manager approved the AWC Trust's application to self-insure the medical plans through Group Health and Regence Blue Shield, the Vision Service Plan, and Washington Dental Service plan effective January 1, 2014. The remaining insurance products will continue to be fully-insured. This fact sheet is intended to provide background of the Trust and insight into the Board of Trustee conversation ultimately leading to the decision to self-insure.

Trust history

The AWC Employee Benefit Trust is a Voluntary Employees' Beneficiary Association (VEBA), as defined in IRC 501 (c) (9). The Trust was formed in 1970 by the Association of Washington Cities to offer affordable coverage for its cities and towns with participants in Law Enforcement Officers and Fire Fighters Pension Plan 1 (LEOFF 1). Since that time, the Trust has broadened its insured membership to include all walks of municipal government and their families. Today, the Trust serves 275 participating entities and insures approximately 36,000 employees and family members.

The Trust currently offers medical, dental, vision, employee assistance program, life insurance, long-term disability insurance, and long-term care insurance.

In 1984, the Board of Trustees proved to be true visionaries in the health care industry and adopted an innovative health promotion project (wellness) as a cost containment tool. Today, the award-winning Total Health Management services of the Trust (available to Regence and Group Health medical subscribers) continues to reduce health care costs and improve quality of life for our insured members.

The AWC Trust, one of the first of its kind as a municipal league pool, is nationally recognized for excellence and innovation. Industry respect and long-term, stable relationships with insurance carriers, vendors, and consultants have benefited the pool members with quality health care programs, trust-worthy technical assistance and financial predictability. Customer advocacy and member-driven decisions continue to be the cornerstone of the Trust mission, vision and goals.

Planning retreat priority: self-insurance

As one of the highest priorities emerging from the 2011 Long Range Strategic Planning Retreat, the Trustees dedicated its 2013 meetings to learning about the world of self-insurance; hearing in-depth analysis from benefit, legal and actuarial consultants; and weighing the pros and cons of self-insuring the health care plans.

On July 25, Trustees instructed staff and consultants to proceed with a self-insurance application to the State Risk Manager. Approval was granted on August 26, and the Trust will transition its **Regence/Asuris, Group Health, WDS and VSP** plans to self-insurance effective January 1, 2014.

Self-Insurance means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

Cost savings

One of the overriding factors in the decision is the potential for cost savings to members. Self-insurance allows the Trust to eliminate several taxes mandatory for fully insured plans including a 2% state tax and a 2% - 3% new 2014 federal insurer tax. While our retention and stop loss fees were extremely competitive as a fully insured plan, these fees were also lowered with the aid of a competitive self-insurance marketplace. Along with all these cost savings, we'll be able to focus on our own trend line, which has been lower than carriers' trends for many years. This bodes well for not only this year's rate projections, but future year's as well.

continued

The transition to self-insurance will not change the manner in which plans are rated (i.e., the Trust will continue to pool all member claims rather than develop rates based upon individual employer loss experience). However, the discussion of large city claims rating is slated to be discussed by the Board of Trustees in 2014, and being self-insured certainly enables a broader scope of analysis.

With all these factors considered, the Trust's 2014 rate projections are very favorable with 0% increase projected for most plans.

Self-insurance plans		Fully-insured plans	
Regence/Asuris Medical	0%	LEOFF I Medicare Advantage Plan	8%
Group Health Medical	0%	Willamette Dental	0%
WDS Dental	0%	Life & LTD	0%
VSP Vision	0%	EAP	0%

Final rates will be adopted by the Board of Trustees on September 26. Look to our website by end of day on Friday, September 27, for an updated posting.

WellCity rate impact

The WellCity discount is 2% less than the base rate. Ongoing WellCity Award recipients - your current rate will be 2% less than the base rate - which means your rate stays the same. For cities earning the 2013 WellCity Award for the first time, you'll get a 2% discount on the 2014 base rate, meaning your rate this year is actually a 2% savings from your 2013 rate.

Employee impacts

For now, know that the impact to employees and their family members is minimal to none:

- Benefit plan designs remain the same, including the mandated benefit changes under the ACA for 2014
- Employees have access to the same provider networks.
- Claims will be processed by the same carriers.
- It is possible that a new ID card will be generated.

Member employer impacts

Impact to employers is equally minimal:

- Members will still be part of the Trust's large pool, which will now be self-insured.
- The monthly bill will still be generated by NWA and due at the same time as current (by the 10th of the month).
- The most notable change for employers will be the council-adoption by resolution of an Interlocal Agreement between the jurisdiction and the AWC Trust.

Interlocal Agreement

RCW 48.62 authorizes local government entities to self-insure for health care benefits, and delegates rule-making authority and oversight to the Washington State Risk Manager. Chapter 200-110 Washington Administrative Code sets forth that members of the health care program (pool) must be a signatory to the health care program's Interlocal Agreement, and the Interlocal Agreement must be adopted by the local governing body by resolution.

In order for the Trust to meet the state deadlines, member jurisdictions must provide the adopted resolution and Interlocal Agreement no later than **November 15, 2013**.

AWC Employee Benefit Trust Health Care Program reserve funding

Self-insured health care programs must establish reserves necessary to fund the termination costs of the program and to insulate the program against unusual severity or frequency of claims. The Board of Trustees have pledged reserve funds pursuant to actuarially established amounts to satisfy this requirement.

Health Care Program 2014 financials at a glance	
Beginning program deposits/assets ¹	\$15,420,000
Projected employer contributions	\$174,672,167
Projected employee contributions	\$19,408,091
Other projected revenues	\$308,400
Total projected revenues	\$194,388,586
Projected claims payments	\$179,155,972
Projected operational expenses ²	\$12,334,777
Projected Stop Loss Insurance Policy	\$813,875
Projected Wellness Program expenses	\$1,775,561
Total projected annual expenses	\$194,080,186
Projected year-end program assets/reserves	\$15,728,400

¹Projected reserves as of December 31, 2013 are \$75,471,971 of which \$15,420,000 are pledged as beginning health care program assets.

²Includes claims adjudication, broker fee-for-service, actuary, legal, consultants, and operations.

Questions

As always, the Trust is committed to communicating with members. You can expect ongoing communications in upcoming **For Your Health** e-newsletters. If you have any questions regarding the Trust's decision to self-insure, the new rate projections, or the Interlocal Agreement feel free to contact an AWC Trust staff member at 1-800-562-8981 or benefitinfo@awcnet.org.

ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST HEALTH CARE PROGRAM INTERLOCAL AGREEMENT

This Agreement is made and entered into in the State of Washington by and among the Association of Washington Cities Employee Benefit Trust (the "Trust") and cities and towns, and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust ("Participating Cities and Towns," or "Participating Non-City Entities"), all of whom are signatories to this Agreement.

RECITALS

WHEREAS, the Trust is an entity to which contributions by Participating Cities and Towns and Non-City Entities (defined below) and Participating Employees (defined below) are paid and through which the Board of Trustees provides one or more insured health and welfare benefit plans or programs to Participating Employees, their covered dependents and other beneficiaries ("Beneficiaries"), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code ("VEBA"), providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and the Participating Cities and Towns have determined that it is in the best interest of Participating Cities and Towns to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which health and welfare benefit plan or program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to this Agreement (defined below) to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under Chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, each local government entity that is a signatory hereto, as required by WAC 200-110-030, acts upon the authority of a resolution adopting this Agreement and the Health Care Program (defined below) created herein;

NOW, THEREFORE, for and in consideration of all of the mutual benefits, covenants and agreements contained herein, the parties hereto agree as follows:

ARTICLE 1

DEFINITIONS

The following are definitions of terms used in the Agreement. Unless indicated otherwise, other terms are defined where they are first used. Defined terms are capitalized when used in the defined context.

- 1.1 **Agreement** means this Interlocal Agreement entered into under the authority of Chapter 39.34 RCW and as required by RCW 48.62.031(2) between the Trust and Participating Employers.
- 1.2 **Association of Washington Cities** or **AWC** means the Association of Washington Cities, a not-for-profit membership association established pursuant to the laws of the state of Washington for the purpose of providing various services to and on behalf of its member cities.
- 1.3 **Association of Washington Cities Employee Benefit Trust** or the **Trust** means the trust and all property and money held by such entity, including all contract rights and records, established for the sole purpose of providing life, sick accident or other health and welfare benefits to Participating Employees, their covered dependents and other beneficiaries, and which is approved by the Internal Revenue Service as a VEBA.
- 1.4 **Employee Benefits Advisory Committee** or **EBAC** means the committee defined in Article V of the Trust Agreement that may be delegated responsibility by the Board of Trustees, including but not limited to: overseeing the operations of the Health Care Program, analyzing and developing annual premium levels and benefit coverage changes for recommendation to the Board of Trustees and performing other duties necessary to ensure that the needs of Participating Employers are met and the long-term financial health of the Health Care Program is maintained.
- 1.5 **Health Care Program** means the joint self-insurance program offering self-insured health benefit options through the HCP Account.
- 1.6 **HCP Account** means a designated account within the Trust and created by this Agreement, the Trust Agreement and Trust Health Care Program policies all under the authority of Chapter 48.62 RCW to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries and further described in Article 6.
- 1.7 **Non-City Entity** means any public agency, public corporation, intergovernmental agency or political subdivision, within the state of Washington that meets the requirements of Article IX, Section 1(c)(ii) and (iii) of the Trust Agreement for participation in the Health Care Program.
- 1.8 **Participating City** means any city or town within the state of Washington that meets the requirements of Article IX, Section 1(a) or Section 1(b) of the Trust Agreement.

- 1.9 **Participating Employee** means any individual employed by a Participating Employer and for whom the Participating Employer makes contributions to the Trust, and any individual who may have been so employed but is subsequently laid off, terminated, or retired.
- 1.10 **Participating Employer** means a Participating City or Non-City Entity that is also a party to this Agreement.
- 1.11 **Resolution** means the resolution adopted by each Participating City or Non-City Entity that authorizes the Health Care Program.
- 1.12 **State Risk Manager** or **Risk Manager** means the risk manager of the Risk Management Division within the Department of Enterprise Services.
- 1.13 **Stop Loss Insurance** or **Reinsurance** means a promise by an insurance company that it will cover losses of the Health Care Program over and above an agreed-upon individual or aggregated amount, which definition shall be modified by any changes to the definition of stop loss insurance in WAC 200-110-020.
- 1.14 **Third-Party Administrator** means the independent association, agency, entity or enterprise which, through a contractual agreement, provides one or more of the following ongoing services to the Health Care Program: pool management or administration services, claims administration services, risk management services, or services for the design, implementation, or termination of an individual or joint self-insurance program.
- 1.15 **Trust Agreement** means the Trust Agreement Governing the Trust amended and restated July 1, 2013, and any subsequent amendments thereto.
- 1.16 **Trustees** or **Board of Trustees** means the following individuals and their successors, who together, govern the Trust and the Health Care Program:
- 1.16.1 the AWC President and the AWC Vice President;
- 1.16.2 the EBAC Chair and the EBAC Vice Chair; and
- 1.16.3 an individual elected pursuant to the procedures in Article III, Section 5 of the Trust Agreement to serve as the trustee from one of the following regions:
- (a) North East Region (known as the “North East Region Trustee”);
- (b) North West Region (known as the “North West Region Trustee”);
- (c) South East Region (known as the “South East Region Trustee”); and
- (d) South West Region (known as the “South West Region Trustee”).

Individuals from Non-City Entities are not eligible to serve as Trustees.

ARTICLE 2

PURPOSE

This Agreement is entered into for the purpose of authorizing the Health Care Program created by the Trust to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries. The Health Care Program shall comply with the statutory provisions found in Chapters 48.62 and 39.34 RCW and the regulatory requirements contained in WAC 200-110 applicable to joint self-insurance programs.

ARTICLE 3

PARTIES

Each party to this Agreement certifies that it intends to participate in the Health Care Program. Participating Employers are signatories of this Agreement to become effective on a date to be mutually determined (the "Effective Date") and with such other Participating Cities and Non-City Entities as may later be added to and become signatories to this Agreement.

ARTICLE 4

DURATION OF AGREEMENT

- 4.1 This Agreement shall become effective on the Effective Date.
- 4.2 This Agreement shall have perpetual duration unless terminated as hereinafter provided.

ARTICLE 5

MEMBERSHIP COMPOSITION

The Health Care Program shall be open to Participating Cities and Non-City Entities. Participation in the Health Care Program is voluntary and not a requirement of AWC membership. The Board of Trustees shall provide for the reasonable admission of new Participating Cities and Non-City Entities.

ARTICLE 6

HCP ACCOUNT

- 6.1 All premium contributions by Participating Employers, Non-City Entities and Participating Employees for use in the Health Care Program are deposited into the HCP Account.
- 6.2 The HCP Account represents a pool of funds that is independent of all other Trust or AWC funds and independent of all other Participating Employer and Non-City Entity funds. The funds deposited into the HCP Account are held, managed and expended only for the Health Care Program and reasonable expenses, consistent with applicable state

and federal statutes and rules governing joint self-insurance programs and self-insurance programs generally.

- 6.3 The HCP Account is subject to audit by the State Auditor's Office.

ARTICLE 7

TRUSTEE POWERS RELATED TO HEALTH CARE PROGRAM

The Board of Trustees is provided with the powers and functions established under RCW 48.62.031 to accomplish the following:

- 7.1 Promote the economical and efficient means by which health benefits coverage is made available to Participating Employers and Non-City Entities and provided to Participating Employees, their covered dependents and other beneficiaries;
- 7.2 Protect the financial integrity of the Health Care Program through purchase of Stop Loss Insurance or Reinsurance in such form and amount as needed;
- 7.3 Contract for or otherwise provide risk management and loss control services;
- 7.4 Contract for or otherwise provide legal counsel for the defense of claims and other legal services;
- 7.5 Consult with the state insurance commissioner and the State Risk Manager;
- 7.6 Obligate the Participating Employers and Non-City Entities to pledge revenues or contribute money to secure the obligations or pay the expenses of the Health Care Program, including the establishment of a reserve or fund for coverage; and
- 7.7 Exercise all other powers and perform all other functions reasonably necessary to carry out the purposes of the Health Care Program, Chapter 48.62 RCW and Chapter 200-110 WAC.

ARTICLE 8

ORGANIZATION OF HEALTH CARE PROGRAM

- 8.1 The operations of the Health Care Program are managed by the Board of Trustees or its delegates. The Trustees or any delegates review and analyze Health Care Program-related matters and make operational decisions regarding premium contributions, reserves, plan options and benefits in compliance with Chapter 48.62 RCW.
- 8.2 The Board of Trustees has decision authority consistent with the Trust Agreement, Health Care Program policies, Chapter 48.62 RCW and Chapter 200-110 WAC.

ARTICLE 9

RESPONSIBILITIES OF THE TRUSTEES

- 9.1 The Board of Trustees shall discharge its responsibilities under this Agreement as follows:
- 9.1.1 Provide for the efficient management and operation of the Health Care Program;
 - 9.1.2 Provide for health benefit coverage options for Participating Employees, their covered dependents and other beneficiaries;
 - 9.1.3 Determine the level of Stop Loss Insurance or Reinsurance coverage for claims expenses above the amounts deemed appropriate for self-insurance;
 - 9.1.4 Ensure that the Health Care Program meets required state and federal statutes and rules;
 - 9.1.5 Contract with vendors required to meet the responsibilities established by the Trust Agreement, Health Care Program policies, and applicable state and federal statutes and rules;
 - 9.1.6 Maintain the balance between meeting the Health Care Program needs of Participating Employers and the long-term financial integrity of the Health Care Program;
 - 9.1.7 Prepare an annual financial report on the operations of the Health Care Program; and
 - 9.1.8 Provide for other services deemed appropriate by the Board of Trustees to meet the purposes of this Agreement.
- 9.2 The Board of Trustees may delegate the responsibilities described in this Article 9 to the EBAC or other delegates at its complete discretion.

ARTICLE 10

RESPONSIBILITIES OF THE PARTICIPATING EMPLOYERS

In order to participate in the Health Care Program, Participating Employers shall:

- 10.1 Be a Participating City or Non-City Entity in good standing and comply with the requirements of admission or qualification as established by the Board of Trustees;
- 10.2 Adopt this Agreement by Resolution, agreeing to its terms and provisions;
- 10.3 Submit the Resolution and Agreement to the Trust;

- 10.4 Read the terms, conditions and representations set forth in the application agreement related to participation in the Health Care Program;
- 10.5 Designate an employee of the Participating Employer to be a contact person for all matters relating to the Participating Employer's participation in the Health Care Program;
- 10.6 Pay premiums for the Health Care Program to the Third-Party Administrator no later than the tenth day of the month in which the premium is due;
- 10.7 By formal action of the legislative body of the Participating Employer, approve policies and procedures necessary to secure protected health information ("PHI") in accordance with Chapter 70.02 RCW and the Health Insurance Portability and Accountability Act ("HIPAA") privacy and security rules, codified at 45 C.F.R. Parts 160-164;
- 10.8 Provide the Health Care Program with such information or assistance as is necessary for the Health Care Program to meet its responsibilities under this Agreement; and
- 10.9 Cooperate with and assist the Health Care Program and any insurer of Stop Loss Insurance or Reinsurance, in all matters relating to the administration and operation of the Health Care Program and all matters relating to this Agreement.
- 10.10 Comply with all bylaws, rules, regulations and policies adopted by the Board of Trustees relating to the Health Care Program.

ARTICLE 11

RESERVE FUND INVESTMENT

All reserve fund investments from the HCP Account shall be made in a manner that is consistent with RCW 48.62.111, Chapter 39.59 RCW, WAC 200-110-090 and the Health Care Program Investment Policy.

ARTICLE 12

FINANCIAL RECORDS

- 12.1 The Board of Trustees shall develop estimated revenue and expenditures to establish a budget for each fiscal year covering January 1 through December 31 annually. Actual Health Care Program revenues and expenditures shall be monitored monthly by the Board of Trustees and reported at its quarterly meetings.
- 12.2 The accounting records of the Health Care Program are maintained in accordance with methods prescribed by the State Auditor's office under the authority of Chapter 43.09 RCW. The Health Care Program also follows applicable accounting standards established by the Governmental Accounting Standards Board ("GASB"). Year-end financial reporting is done on an accrual basis and submitted to the Office of the State Auditor as required by Chapter 200-110 WAC. Once reviewed and approved by the

Office of the State Auditor the year-end financial report is transmitted to the Office of the State Risk Manager.

- 12.3 Financial records of the Health Care Program shall be subject to audit by the Office of the State Auditor. Year-end financial reports and audit results shall be made available to interested parties. The Health Care Program shall provide financial information as required by state statute and rule to the Office of the State Risk Manager.

ARTICLE 13

PARTICIPATING EMPLOYER TERMINATION AND WITHDRAWAL

- 13.1 A Participating Employer must remain in good standing with the Trust and adhere to the requirements of this Agreement. In the event that a Participating Employer fails to be a Participating City or Non-City Entity in good standing, participation in the Health Care Program shall automatically terminate without notice as shall all health and welfare benefits provided through the Health Care Program.
- 13.2 The Board of Trustees may take action to terminate membership or deny membership in the Health Care Program where it determines that such termination or denial is in the best interest of the Health Care Program
- 13.3 When a Participating Employer's eligibility in the Health Care Program is affected due to merger or annexation, the affected Participating Employer may petition the Board of Trustees to remain in the Health Care Program.
- 13.4 A Participating Employer may only withdraw its participation in the Health Care Program at the end of the calendar year and must provide written notice to the Trust at least thirty-one (31) days in advance of the end of the calendar year (December 31st).
- 13.5 In the event of withdrawal or non-renewal, the Health Care Program will cover any of the Participating Employer's remaining outstanding Health Care Program claims expenses incurred prior to the Participating Employer's withdrawal from or non-renewal in the Health Care Program.
- 13.6 No Participating Employer, because of withdrawal or any other reason, has any right or interest in the HCP Account because of its nature as a rate stabilization fund. In the event any Participating Employer withdraws from the Health Care Program, its Participating Employees, their covered dependents and other beneficiaries and any Consolidated Omnibus Budget Reconciliation Act of 1985 as amended (COBRA) participants and contract personnel and dependents approved by the Board of Trustees, shall forfeit all right and interest to the HCP Account.

ARTICLE 14

TERMINATION OF HEALTH CARE PROGRAM

- 14.1 In the event the Health Care Program is terminated, the Board of Trustees shall distribute the remaining funds in the HCP Account to the Trust or any successor association authorized by Chapter 39.34 RCW for like purposes for use in any program with similar purposes.
- 14.2 Upon termination, this Agreement and the HCP Account shall continue for the purpose of paying remaining outstanding claims and expenses and fulfilling all other functions necessary to complete the business of the Health Care Program.

ARTICLE 15

MEETINGS, NOTICES AND COMMUNICATIONS

- 15.1 The Board of Trustees and the EBAC, if any responsibilities for Trust management have been delegated thereto, shall provide notice of their regular and special meetings and hold their meetings in accordance with Chapter 42.30, RCW Open Public Meetings Act.
- 15.2 Communications with Participating Employers may occur using mail, email or posting on the Health Care Program website. The website shall be partitioned to provide information for the general public and information specific to Participating Employers and their employees.
- 15.3 Communications may come directly from the Health Care Program, through the Third-Party Administrator or through another vendor on behalf of the Health Care Program.

ARTICLE 16

AMENDMENTS TO INTERLOCAL AGREEMENT

- 16.1 The Board of Trustees shall review and analyze any proposed amendment to this Agreement. An amendment may be proposed for review by any party to this Agreement.
- 16.2 The Board of Trustees upon its discretion may take action by resolution on any amendment at any regular meeting of the Board of Trustees.

ARTICLE 17

PROHIBITION ON ASSIGNMENT

- 17.1 No Participating Employer may assign any right or claim of interest it may have under this Agreement.

- 17.2 No creditor, assignee or third-party beneficiary of any employer shall have the right, claim or title to any party, share, interest, premium or asset of the Trust, HCP Account or the Health Care Program.

ARTICLE 18

HEALTH CLAIM DISPUTES AND APPEALS

In the event that a dispute arises over a health claim, the procedures, adjudication requirements and administrative remedies shall be found in the Health Care Program's plan document applicable to the Health Care Program covering the claimant.

ARTICLE 19

PLAN ADMINISTRATION DISPUTES AND APPEALS

- 19.1 In the event that a dispute arises between a Participating Employer and the Health Care Program, the Participating Employer shall document the circumstances causing the dispute and submit a written request for review of the disputed circumstances to the Board of Trustees. Upon review of such information, the Board of Trustees shall attempt to resolve the dispute.
- 19.2 If the Board of Trustees' resolution to the dispute is deemed unsatisfactory, then alternative dispute resolution through mediation or binding arbitration may be necessary.

ARTICLE 20

ENFORCEMENT OF TERMS OF AGREEMENT

- 20.1 The Board of Trustees may enforce the terms of this Agreement.
- 20.2 In the event legal action is initiated to enforce any term or provision of this Agreement against any present or previous Participating Employer, the prevailing party shall receive such reimbursement of costs as the court deems reasonable for attorneys' fees and costs related to the relevant legal action.

ARTICLE 21

DEFAULT

- 21.1 If any Participating Employer fails to perform any term or condition of this Agreement and such failure continues for a period of sixty (60) days after the Board of Trustees has given the Participating Employer written notice describing such failure, the Participating Employer shall be considered in default.
- 21.2 Upon default, the Board of Trustees may immediately cancel the Participating Employer's participation in the Health Care Program without additional notice or exercise some other remedy otherwise provided by law.

21.3 The rights and remedies of the Board of Trustees are cumulative in nature and pursuit of any particular remedy shall not be deemed an election of remedies or a waiver of any other remedies available hereunder or otherwise available by law.

ARTICLE 22

NO WAIVERS

No waiver or forbearance of a breach of any covenant, term, or condition of this Agreement shall be construed to be a waiver or forbearance of any other or subsequent breach of the same or of any other covenant, term or condition, and the acceptance of any performance hereunder, or the payment of any sum of money after the same has become due or at a time when any other default exists hereunder, shall not constitute a waiver or right to demand payment of all sums owing or a waiver of any other default then or thereafter existing.

ARTICLE 23

CONTRACT MANAGEMENT

The Health Care Program shall designate a person to whom the State Risk Manager shall forward legal process served upon the Risk Manager; The AWC Chief Executive Officer (designee or successor). The Health Care Program Director shall be responsible for and shall be the contact person for all communications regarding the performance of this Agreement.

ARTICLE 24

SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

ARTICLE 25

COUNTERPART COPIES

This Agreement may be signed in counterpart or duplicate copies and any signed counterpart or duplicate copy shall be equivalent to a signed original for all purposes.

ARTICLE 26

HEADINGS

The Article and Section headings in this Agreement are inserted for convenience only and are not intended to be used in the interpretation of the contents of the Articles and Sections they introduce.

ARTICLE 27

AGREEMENT COMPLETE

This Agreement and the documents referenced herein contains all the terms and conditions agreed to by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the parties hereto.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement.

**Association of Washington Cities
Employee Benefit Trust**

Participating Employer

Signature: 

Signature: _____

Name: **Michael A. McCarty**

Name (print): _____

Title: **Chief Executive Officer**

Title: _____

Date: August 30, 2013

Date: _____

Effective Date: January 1, 2014

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, STATING APPROVAL OF THE ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST HEALTH CARE PROGRAM INTERLOCAL AGREEMENT.

WHEREAS, the Association of Washington Cities Employee Benefit Trust (the "Trust") is an entity to which contributions by cities and towns and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust ("Participating Cities and Towns," and "Participating Non-City Entities") and their employees can be paid and through which the Board of Trustees of the Trust ("Trustees") provides one or more insured health and welfare benefit plans or programs to Participating Cities and Towns' and Non-City Entities' employees, their dependents and other beneficiaries ("Beneficiaries"), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code, providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and Participating Cities and Towns and Non-City Entities have determined that it is in the best interest of Participating Cities and Towns and Non-City Entities to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which other insured health and welfare benefit program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, the Association of Washington Cities Employee Benefit Trust Interlocal Agreement (the "Interlocal Agreement") attached hereto creates a joint self-insured health and welfare benefit program (the "Health Care Program") to be administered by the Trustees for the purposes of providing self-insured health benefits to Beneficiaries; and

WHEREAS, WAC 200-110-030 requires every local government entity participating in a joint self-insurance health and welfare benefit program to adopt such program by resolution; and

WHEREAS, Chapter 48.62 requires Health Care Program assets to be managed consistent with existing authority over use of municipal funds in RCW 35.39.030. The Trust will manage Health Care Program reserves in compliance with Chapter 48.62 RCW; RCW 35.39.030, and the Health Care Program Investment Policy; and

WHEREAS, all premium contributions for use in the Health Care Program are deposited into a designated account within the Trust, the Health Care Program Account (the "HCP Account"), and the HCP Account represents a pool of funds that is independent of all other Trust or AWC funds; and

WHEREAS, the Trust intends to manage the HCP Account assets in compliance with federal and state laws and the Interlocal Agreement; and

WHEREAS, the City of Burien believes it is in the best interest of the Health Care Program to allow the Trust to manage the HCP Account;

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

Section 1. The City of Burien hereby approves the Association of Washington Cities Employee Benefit Trust Health Care Program Interlocal Agreement; acknowledges that the City shall be subject to assessments as required by the Health Care Program, and authorizes the City Manager or his designee to enter into this Agreement.

Section 2. Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2013.

CITY OF BURIEN

Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Ann Marie Soto, Acting City Attorney

Filed with the City Clerk:

Passed by the City Council:

Resolution No. 350

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Resolution No. 349, Entering Findings of Fact and Conclusions of Law Regarding Preliminary Approval of the Boulevard Landing Subdivision		Meeting Date: October 28, 2013
Department: Community Development	Attachments: 1. Proposed Resolution No. 349, with Exhibit A - Hearing Examiner's Findings, Conclusions and Recommendation	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Charles W. "Chip" Davis, Community Development Director		
Telephone: (206) 248-5501		
Adopted Initiative Priority: Yes No <input checked="" type="checkbox"/>	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to review the Hearing Examiner's Findings, Conclusions and Recommendation and consider adopting a resolution granting approval of the Boulevard Landing Subdivision preliminary plat application.		
BACKGROUND (Include prior Council action & discussion): The proposal is to subdivide 2.19 acres into fourteen (14) single-family lots. The site is bordered on the west by Military Road South, on the north by single-family residences, on the east by 28 th Avenue South, and on the south by single family homes and South 125 th Street. The lots are proposed to gain access to Military Road South from an improved cul-de-sac road and stormwater facilities are proposed in Tract C. The Hearing Examiner conducted an open record public hearing on September 24, 2013. On October 8, 2013, the Hearing Examiner issued findings, conclusions, and a recommendation to the City Council to approve the preliminary subdivision with conditions outlined in the staff report (see Exhibit A of proposed Resolution No. 349). The Council's role in all Type 3 decisions is to review and take action on the Hearing Examiner's recommendation. The City Council's decision on a preliminary subdivision application must be based on the record developed by the Hearing Examiner, which includes her recommendation. By passing proposed Resolution No. 349, the City Council will grant preliminary approval for the Boulevard Landing Subdivision with recommended conditions. The resolution will also adopt the findings of fact and conclusions as set forth by the Hearing Examiner. Following approval of the preliminary plat the applicant will be required to satisfy all required conditions of approval, including installation of infrastructure or provisions of financial security, prior to presenting the plat for final adoption by the City Council.		
OPTIONS (Including fiscal impacts): <ol style="list-style-type: none"> 1. Approve the application (Adopt proposed Resolution No. 349). 2. Approve the application with modifications (Adopt proposed Resolution No. 349 with modifications). 3. Deny the application. 4. Remand the application to the Hearing Examiner for an additional hearing on specific issues. 		
For options 2 or 3, the Council must also adopt written findings of fact and conclusions that support its decision.		
Administrative Recommendation: Adopt Proposed Resolution No. 349, Entering Findings of Fact and Conclusions of Law and Granting Preliminary Approval of the Boulevard Landing Subdivision.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to Adopt Resolution No. 349, Granting Preliminary Plat Approval of the Boulevard Landing Subdivision, and Adopting Findings of Fact, Conclusions and Conditions as Set Forth by the Hearing Examiner.		
Submitted by: Charles W. "Chip" Davis Administration		Interim City Manager
Today's Date: October 22, 2013	File Code: \\File01\records\CC\Agenda Bill 2013\102813cd-2 Boulevard Landing Preliminary Subdivision.docx	

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 349

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
CONDITIONALLY APPROVING THE BOULEVARD LANDING
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 September 24, 2013 at which testimony from city staff, the applicant and public was heard regarding preliminary plat approval of the Boulevard Landing Subdivision; and

WHEREAS, on October 8, 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 Boulevard Landing Subdivision preliminary plat application and the Hearing Examiner's recommendation, conditionally approves the Boulevard Landing 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 28th DAY OF OCTOBER, 2013.

CITY OF BURIEN, WASHINGTON

Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.: 349

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

In the Matter of the Application of)	No. PLA 12-2131
)	
Troy Schmeil, on behalf of)	Boulevard Landing Subdivision
Callidus Development, Inc.)	
)	FINDINGS, CONCLUSIONS,
<u>For a Preliminary Plat</u>)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the request for approval of a preliminary plat to subdivide approximately 2.19 acres into 14 single-family residential lots located at 12414 Military Road 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 September 24, 2013.

Testimony:

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

Stephanie Jewett, City Planner
Ramesh Davad, City Development Review Engineer
James Lindberg
Scott Sundquist
Debra Cahill
Jon Nelson
Gary Norris, Applicant Senior Traffic Engineer
Troy Schmeil, Applicant Representative

Exhibits:

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

1. Staff Report, dated September 5, 2013, with the following attachments:
 1. Vicinity Map, last updated March 19, 2013
 2. Residential Subdivision Development Regulations, undated
 3. Boundary/Topographic Survey, dated October 12, 2012
 4. Conceptual Planting Plan and Tree Replacement Plan, dated October 17, 2012
 5. Preliminary Plat Map, dated October 17, 2012
 6. Preliminary Grading, Drainage & Utility Plan, dated October 2012

*Findings, Conclusions, and Recommendation
City of Burien Hearing Examiner
Boulevard Landing Preliminary Plat, No. PLA12-2131*

7. Letter from James & Trudy Lindberg, received April 22, 2013
8. Letter from Scott Sundquist, received April 23, 2013
9. Email from Debra Cahill, received April 23, 2013
10. Email from Ron Steinman, received April 23, 2013
11. Offsite/Level 1 Downstream Analysis, Land Development Advisors, LLC, dated October 2012
12. Traffic Impact Analysis, DN Traffic Consultants, Inc., dated October 15, 2012
13. Roads Standards Variance, dated March 12, 2013
14. Memorandum from John Nelson, DA Land Development Advisors, LLC, dated October 15, 2012
15. Public Works Recommended Conditions of Land Use Approval, dated August 2, 2013, Ramash Davad, City Development Review Engineer
16. Public Works Stormwater Conditions of Land Use Approval, dated August 7, 2013, Huengkook Lim, City Surface Water Management Engineer
17. SEPA Checklist, received October 23, 2013
18. Environmental Review Report, dated September 5, 2013
19. Determination of Nonsignificance, dated September 5, 2013
20. Certificate of Water Availability, King County Water District 20, dated September 10, 2012
21. Certificate of Sewer Availability, Valley View Sewer District, dated September 7, 2012
22. Certificate of Fire Hydrant Availability, King County Fire District #2, dated October 12, 2012
23. Preliminary Subdivision Application, received October 23, 2012
24. Notice of Application, dated March 26, 2013
25. PowerPoint presentation slides, received September 24, 2013
26. Revised Preliminary Plat Map, dated September 23, 2013
27. Public Hearing Notice, dated September 10, 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. Troy Schmeil, on behalf of Callidus Development, Inc. (Applicant), requests approval of a preliminary plat to subdivide approximately 2.19 acres into 14 single-family residential lots located at 12414 Military Road S, in Burien, Washington.¹ *Exhibit 1, Attachment 23; Exhibit 1, Attachment 26.*

¹ The subject property is identified by Tax Parcel Nos. 025700-0080 and 025700-0087. A legal description of the property is included within a proposed preliminary plat map. *Exhibit 1, Attachment 5; Exhibit 1, Attachment 23.*

2. The City of Burien (City) determined the application was complete on March 12, 2013. On March 22, 2013, the City mailed notice of the application to owners of property within 500 feet of the property, and distributed notice to Seattle City Light, King County Water District #20, King County Fire District #2, Valley View Sewer District, Highline School District, and Burien Police Services. On March 26, 2013, the City posted notice of the application on the property and published notice in the local newspaper of record. Stephanie Jewett, City Planner, testified that on September 6, 2013, the City mailed notice of the hearing to owners of property within 500 feet of the subject property. On September 10, 2013, the City posted notice of the open record hearing on the property and published notice in the local newspaper of record. *Exhibit 1, Staff Report, pages 1, 6, and 8; Exhibit 1, Attachment 24; Exhibit 1, Attachment 27; Testimony of Ms. Jewett.*

State Environmental Policy Act

3. The City acted as lead agency and analyzed the environmental impact of the proposal, as required by the State Environmental Policy Act (SEPA), chapter 43.21C RCW. The City determined that the proposal would not have a probable significant adverse impact on the environment, and issued a Determination of Nonsignificance (DNS) on September 5, 2013. Ms. Jewett testified that the DNS was not appealed. *Exhibit 1, Attachment 19; Testimony of Ms. Jewett.*

Comprehensive Plan, Zoning, and Surrounding Property

4. The east 1.7 acres of the property is designated Low Density Multi-family Residential, and the west 0.49 acres is designated Moderate Density Residential, under the City Comprehensive Plan. The Low Density Multi-family Residential designation encourages primarily multi-family residential uses, and development may be characterized by single-family residential homes, duplexes, garden style apartments, townhomes, condominiums, or apartment buildings. The Moderate Density Residential designation encourages 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. *City Comprehensive Plan, page 2-9 to 2-11 (December 12, 2011); Exhibit 1, Staff Report, page 23.*
5. The east 1.7 acres of the property is located in the City's Multi-Family (RM-12) zoning district, and the west 0.49 acres is located in the City's RS 7200 Single-Family Residential (RS 7200) zoning district. The purpose of the RM-12 zoning district is to establish areas in which a wide range of single-family and multi-family housing opportunities can be provided that are compatible with adjacent

lower-density, single-family housing and that protect environmentally sensitive areas. The intent is to provide a variety of stable and attractive, well-designed housing choices that are located near transit, employment, shopping, and recreational facilities and to meet the needs of existing and future city residents. Redevelopment of existing housing complexes is encouraged. *Burien Municipal Code (BMC) 19.15.010*. The purpose of the RS 7200 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*.

6. Development of single-family residential detached housing units is an allowed use within the RS 7200 and RM-12 zones. *BMC 19.15.005.2; BMC 19.15.010.4*. Single-family residential development within the RS 7200 zone must include at least 20-foot front setbacks and five-foot interior setbacks, and structures must be 35 feet high or less. Building coverage is limited to 35 percent of a lot. Impervious surface coverage is limited to 70 percent of a lot. At least two off-street parking spaces per unit must be provided. Lots within in the zone must be at least 7,200 square feet in size, 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*. Single-family residential development within the RM-12 zone must include at least 10-foot front setbacks and five-foot interior setbacks, and structures must be 35 feet high or less. Building coverage is limited to 55 percent of a lot. Impervious surface coverage is limited to 75 percent of a lot. At least two off-street parking spaces per unit must be provided. Lots within the RM-12 zone must be at least 3,600 square feet. *BMC 19.15.010.4; BMC 19.15.015.1*.
7. Ms. Jewett testified that the Applicant submitted a revised proposed preliminary plat map to the City on September 23, 2013, consisting of a minor revision of the size of lots 9 – 14 and Tract C for detention. As revised, lot 9 would be approximately 3,496 square feet, lot 10 would approximately 3,272 square feet, lot 11 would be approximately 3,318 square feet, lot 12 would be 3,263 square feet, and Tract C would be 9,972 square feet. Lot 13 would be 7,224 square feet and lot 14 would be 7,215 square feet. Ms. Jewett testified that with lot averaging, as allowed under the City code, proposed lot sizes would comply with the minimum lot size requirements of the RS 7200 and RM-12 zones. *Exhibit 1, Attachment 26; Testimony of Ms. Jewett*.
8. Single-family residential development located within the City's RS 7200 zoning district is located to the north and west of the property. Multi-family residential

development located in the City's RM-18 zoning district is located to the east and south of the property. Ms. Jewett testified that Hilltop Elementary School is located to the northwest of the property and can be accessed from the property and paved shoulders along Military Road S through use of an existing crosswalk across Military Road S. The crosswalk is located north of the property frontage along Military Road S. *Exhibit 1, Staff Report, page 5; Exhibit 1, Attachment 26; Testimony of Ms. Jewett.*

9. BMC 19.17.015 provides standards for creation of a buffer between a residential zone and a zone that permits higher-intensity development, and between an RM zone and RS zone. The purpose of the standards is to create a buffer between residential single-family zones and multi-family zones that permit higher-intensity development. BMC 19.17.015.2.A requires a 20-foot wide Type I landscape buffer along the portions of the property zoned RM-12 that are adjacent to RS 7200-zoned properties. The portion of the subject property zoned RM-12 is adjacent to off-site properties located in RS zones along the north and west boundary. The Applicant requests an administrative adjustment under BMC 19.17.015 to reduce the buffer from 20 feet to 10 feet along the north and west property lines and to eliminate the otherwise required buffer between lots 12 and 13, the boundary between RS- and RM-zoned land within the subject property. The Applicant would provide 100 percent evergreen trees within the buffer instead of the 70 percent minimum required for Type I landscaping under the City code, BMC 19.25.050.1, and would space evergreen trees at 18 feet on center instead of the required minimum 25 feet on center. Shrubs selected for the buffer would have good characteristics for screening. *Exhibit 1, Staff Report, pages 21 to 22; Exhibit 1, Attachment 4; Exhibit 1, Attachment 26.*
10. Ms. Jewett testified that it is City policy to consider a transition standards administrative adjustment request, a Type 1 administrative decision under City code, as part of an overall preliminary plat proposal. City staff analyzed the administrative adjustment request and found that the proposed landscaping would ensure the reduction is not detrimental to surrounding properties, the proposed removal of the buffer between lots 12 and 13 would not be detrimental because the lots would be located within the same proposed development, the proposal would comply with the intent and purpose of BMC 19.17.015.1, and the proposal would provide equal or greater protection for the zone receiving transition than strict compliance with the section would provide. *Exhibit 1, Staff Report, pages 21 to 22; Exhibit 1, Attachment 4; Exhibit 1, Attachment 26; Testimony of Ms. Jewett.*

Existing Conditions and Proposal

11. The subject property is currently vacant. A cleared area on the property signals where a single-family residence was recently demolished. Trees, grasses, and shrubs are located onsite. The property slopes gradually to the southeast at a 0 to 15 percent grade. *Exhibit 1, Staff Report, page 5.*
12. There are currently 14 trees on the property that are significant under the City code. As proposed, the Applicant would remove the 14 significant trees and plant 93 new trees on site, including 67 new trees with a caliper of two inches or greater. BMC 19.25.160 allows replacement with new trees at a replacement rate of two inches in diameter for every one inch in diameter of the removed significant tree when significant trees otherwise required to be retained cannot be retained. BMC 19.25.120.2 would otherwise require 30 percent of significant trees onsite to be retained. *Exhibit 1, Staff Report, pages 20 to 21; Exhibit 1, Attachment 4.*
13. As proposed, a cul-de-sac road, Road A, would extend east from Military Road S to provide access to proposed subdivision lots. A detention tract, Tract C, would be located in the northeast corner of the proposed subdivision. Troy Schmeil, Applicant Representative, testified that the detention tract would consist of a below-grade detention vault, with graded inlet and manhole covers. Two access tracts, Tract A and Tract B, would extend into the proposed lots from the cul-de-sac. A 15-foot sewer easement would extend east from access Tract B. A 10-foot water easement would extend south from access Tract A. Tract D, a road tract, would occupy the extreme southeast corner of the property. Sidewalk would be constructed on each side of proposed Road A. Ms. Jewett testified that subdivision lots would include two off-street parking spaces per lot. The City Development Review Engineer, Ramash Davad, reviewed an October 15, 2012, traffic, road, and drainage drawing; an October 11, 2012, preliminary site plan; and a February 20, 2013, Traffic Study Report for compliance with 2008 City Road Standards, and recommended conditions in an August 2, 2013, memorandum. *Exhibit 1, Attachment 15; Exhibit 1, Attachment 26; Testimony of Ms. Jewett; Testimony of Mr. Schmeil.*
14. BMC 19.17.013 requires that residential developments provide onsite recreational areas at a rate of 390 square feet for each lot created, or pay a fee-in-lieu of actual recreational space when the space is not provided. The fee would be 4,680 square feet multiplied by the current assessed value per square foot of the property, paid prior to recording the final plat. Ms. Jewett testified that proposed Tract C could be used as a recreational area, or “tot lot,” or the Applicant could pay a fee-in-lieu of providing recreational open space within the proposed subdivision. Mr. Schmeil testified that no final decision has been made whether the detention tract

would be used as a tot lot or whether a fee-in-lieu would be paid. Mr. Schmeil testified that this decision would be made during the design phase of the proposed subdivision. *Exhibit 1, Staff Report, pages 19 to 20; Testimony of Ms. Jewett; Testimony of Mr. Schmeil.*

Traffic Impacts

15. Proposed development would generate approximately 134 vehicle trips on the surrounding road system during the average weekday, with 11 trips during the A.M. peak period and 14 during the P.M. peak period. With demolition of the single-family residence formerly on the property, the proposed development would generate a net impact of 124 vehicle trips during the average weekday, with 10 trips during the A.M. peak period and 13 trips during the P.M. peak period. With the proposed development, Level of Service (LOS)² in 2014 at the Military Road S/S 128th Street intersection and the Military Road S/S 120th St/24th Avenue S intersection would not change from projected conditions without the project in 2014. The City approved an administrative variance from the 2008 Burien Road Standards for which, prior to submittal of the final plat map, the Applicant's Traffic Engineer must provide sight distance analysis to verify the proposed minimum entering sight distance (ESD) of 400 feet after construction of the proposed intersection and frontage improvements along Military Road S. If the proposed intersection does not meet minimum ESD (400 feet) after construction of proposed intersection and frontage improvements along Military Road S, then the Applicant must sign the intersection to prohibit left turns both in and out. The variance approved by the City reduces the entering sight distance to the south of the intersection of the subdivision access road with Military Road S from 445 feet to 400 feet. *Exhibit 1, Staff Report, page 12; Exhibit 1, Attachment 13.*

16. The required mitigation for the City-approved road standards variance includes: removing landscaping that encroaches into the right-of-way within the line of sight; paving the shoulder, from the edge of the existing roadway to the right-of-way line, from the proposed subdivision access to S 125th Street in order to restrict future vegetation growth; installing storm drainage facilities along Military Road S to accommodate the additional impervious surface created by the shoulder paving; installing an intersection warning sign; installing "No Parking" signs from the proposed subdivision access to S 125th Street; installing raised pavement markings; and installing street lighting at the intersection. *Exhibit 1, Staff Report, pages 3 to 4; Exhibit 1, Attachment 13.*

² Level of Service (LOS) describes the degree of traffic congestion and driver comfort on streets or at intersections. LOS A indicates a relatively free-flowing condition and LOS F indicates operational breakdown. *Exhibit 1, Attachment 12.*

17. Military Road S is a Minor Arterial³ that runs generally north-south between International Boulevard on the south and Des Moines Memorial Drive on the north. Military Road S in the subject property vicinity is 20 feet wide with eight-foot paved shoulders on both sides. No parking is allowed on either side of the street. The Military Road S/S 144th Street intersection to the south of the subject property is controlled with a four-way stop. The Military Road S/S 120th Street intersection to the north is also controlled with a four-way stop. Along the subject property frontage, there is a posted school zone speed limit of 20 mph. Elsewhere on Military Road S, there is a 35 mph posted speed limit. A 25 mph warning sign is located on the approach to S 128th Street. *Exhibit 1, Attachment 12.*

Stormwater Control

18. Stormwater runoff from the subject property currently sheet-flows to the east, then enters an existing swale along the property's east boundary. Runoff generally flows north through the swale, then flows through a 12-inch culvert and outfall into a ditch north of the property. Minor erosion occurs at the outfall and in the channel for several feet downstream, then erosion becomes moderate to severe at a point in the ditch further north. Even further north, the ditch becomes stable and well-vegetated, continues into an open ditch to Tukwila International Boulevard, then finally feeds into the Duwamish River. There were no drainage issues or concerns reported with the Tukwila International Boulevard drainage system. *Exhibit 1, Attachment 11.*
19. As proposed, stormwater runoff from impervious surface within the proposed subdivision and offsite flows from the west would be captured onsite within a proposed detention vault located in Tract C. Basic water quality treatment of stormwater runoff would occur through dead storage in the vault. Vault size would be based on basic water quality treatment through dead storage and Level 2 flow control. The Applicant's stormwater engineer recommended providing onsite detention to a Level 2 flow control standard to avoid exacerbating erosion occurring downstream from the subject property. A 15-foot stormwater easement would be located along the east boundary of the property. The City Surface Water Management Engineer, Huengkook Lim, reviewed the Applicant's October 2012 Offsite/Level 1 Downstream Analysis, October 2012 preliminary plat map, and October 2012 preliminary grading, drainage, and utility plan for compliance with the 2009 King County Surface Water Design Manual (KCSWDM), the 2009 Stormwater Pollution Prevention Manual (SPPM) as adopted by the City, and

³ A minor arterial is a roadway that provides intra-community connections that accommodate predominantly non-local, or through, traffic. Military Road is also an Auto/Truck Priority Route. *Exhibit 1, Attachment 12.*

chapter 13.10 BMC, and recommended conditions in an August 7, 2013, memorandum. *Exhibit 1, Attachment 6; Exhibit 1, Attachment 11; Exhibit 1, Attachment 16.*

Utilities and Services

20. King County Water District 20 would provide public water service to the proposed development through connection to an existing eight-inch main 10 feet from the property. The Valley View Sewer District would provide sewer service upon completion of a required developer extension, recording of a sewer easement, and payment of connection charges. *Exhibit 1, Attachment 20; Exhibit 1, Attachment 21.*
21. Fire flow is available to the property. The Fire Marshal approved the proposed development for water flow, hydrant spacing, and access, with conditions: prohibiting parking on both sides of roads less than 28 feet in unobstructed width, requiring fire land and maintenance provisions to be recorded in the homeowners covenants, and requiring a new fire hydrant in the proposed cul-de-sac. *Exhibit 1, Staff Report, pages 16 to 17; Exhibit 1, Attachment 22.*

Public Comment

22. Jim Lindberg, neighboring property owner at 12415 Military Road S, testified to inquire whether traffic-count hoses over Military Road S that came loose during the testing phase interfered with traffic count accuracy; why speed design calculations assumed 30 mph when the posted speed limit on Military Road S is 35 mph, and whether the section of roadway entering and exiting the proposed subdivision from Military Road S can be relocated and redesigned to avoid vehicle headlights shining into his home. Mr. Lindberg added that vegetation could possibly also help block vehicle headlights. *Testimony of Mr. Lindberg.*
23. A letter from Mr. Lindberg, dated April 19, 2013, expresses concern about the number of vehicles per proposed dwelling, compliance with Fire Marshal requirements, vehicle accident potential at the Military Road S/proposed subdivision access intersection, and the potential for vehicle headlights entering and exiting the subdivision to shine into his residence. *Exhibit 1, Attachment 7.*
24. Scott Sundquist, a resident of 12402 Military Road S, which abuts the subject property's north property line, testified to inquire how widening Military Road S, if widening were to occur, would affect his property, and to inquire about proposed buffer and building setbacks along the subject property's north boundary. Mr. Sundquist also testified that the Applicant's traffic impact study is less reliable because vehicles often travel at 50 mph along Military Road S instead of the posted speed and that the crosswalk across Military Road S to

access Hilltop School is not correctly painted. Mr. Sundquist also inquired about the proposed placement and height of homes on proposed lots 13 and 14, and the impact of that proposed development on his property adjacent to the north. Debra Cahill testified that pedestrians use the cross-walk across Military Road S, located north of the subject property, to access Hilltop School, but that the crosswalk is unpainted and vehicles exceed the posted speed limit when travelling on the street. Ms. Cahill testified to her concern about safe walking conditions, particularly for students. *Testimony of Mr. Sundquist; Testimony of Ms. Cahill.*

25. A letter from Mr. Sundquist, received April 23, 2013, expresses concern about an official survey of the north boundary of the subject property, which abuts his property; speeding vehicles on Military Road S; potential multi-family home construction on subdivided single-family residential lots within the subject property; and potential disturbance of the roots of large fir trees along his property boundary. *Exhibit 1, Attachment 8.*
26. An email from Debra Cahill, dated April 23, 2013, expresses concern about use of the crosswalk across Military Road S, in light of speeding vehicles along the road, and about communication with neighboring property owners upon construction. *Exhibit 1, Attachment 9.*
27. An email from Ron Steinman, General Manager/Owner of Boulevard Park Place Retirement Community at 2805 S 125th Street, dated April 23, 2013, expresses concern about traffic volume and speed along Military Road S. The email states a Metro bus stop and a school bus stop are located at the Military Road S/S 125th Street intersection, south of the proposed access to the subdivision from Military Road S. The email also mentions the crosswalk across Military Road S located north of the proposed access. According to the email, the crosswalk and bus stop are heavily used by schoolchildren and senior citizens. The email suggests a flashing light and lighted crosswalk at the Military Road S/S 125th Street intersection to decrease vehicle speed for pedestrian safety. *Exhibit 1, Attachment 10.*
28. Jon Nelson, Applicant consultant, testified that he would be open to a proposed condition requiring an examination of existing signage to protect pedestrians at the crosswalk, with implementation of additional signage and painting, if needed. Mr. Nelson added that vehicle speed enforcement by the City is an issue along Military Road S. Gary Norris, Applicant Senior Traffic Engineer, testified that a 20 mph school zone sign and intersection warning signs suggesting 25 mph speeds exist near the crosswalk. Mr. Norris testified that traffic-count hose studies were performed to ensure accuracy and that design speed was set at 40 mph, so not to promote a higher-level speed along the street. Mr. Norris added

that the illumination plan required by the City does not deal directly with vehicles, and that he would not recommend implementing the measures suggested by Mr. Lindberg because of concerns over sight distance and access at the proposed subdivision entrance/exit from Military Road S. *Testimony of Mr. Nelson;*
Testimony of Mr. Norris.

29. Ramesh Davad, City Development Review Engineer, responded that 85 percent of vehicles on Military Road S travel at approximately 40 mph. Mr. Davad testified that the width of the paved shoulder along both sides of Military Road S meets the City standard for pedestrian and ADA access. Mr. Davad added that the crosswalk used to cross Military Road S, to continue along the route to Hilltop School, is uncontrolled. *Testimony of Mr. Davad.*

Staff Recommendation and Applicant Response

30. Ms. Jewett testified that City staff recommends the preliminary plat request be granted with six 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 street, stormwater, utility, and common recreation space or fee-in-lieu; activities that must occur prior to applying for final subdivision, including street and stormwater improvements; compliance with Fire Marshal requirements prior to issuance of development permits for any lots; and a construction stormwater general permit. Proposed conditions for activities occurring before applying for final subdivision include implementing the approved mitigation for the City-approved road standards variance. *Exhibit 1, Staff Report, pages 2 to 4; Testimony of Ms. Jewett.*
31. Troy Schmeil, Applicant Representative, testified that he would explore screening or hedging, if feasible, to reduce glare. The illumination plan required by the City could explore use of lights that produce less glare. Mr. Schmeil also testified that he would explore additional signage or painting, if feasible, to increase safety at the crosswalk over Military Road S, but that required development is limited to improvements along the proposed subdivision's Military Road S frontage. Any street widening would occur within the public right-of-way and not on private property. The developer would install a common mailbox, as governed by the USPS. Two off-street parking spaces can be provided within each proposed lot. *Testimony of Mr. Schmeil.*

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 and chapter 17.20 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;

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- 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*.

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 City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040*.

Conclusions 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 and consistent with the Comprehensive Plan designation for the property. The access to the proposed subdivision would be located on Military Road S, a Minor Arterial. Single-family residential development is an allowed use within the City's RS 7200 and RM-12 zoning districts. Lots would conform to the minimum lot size required within the zones through lot averaging. Setbacks are required on subdivision lots under City code. The administrative adjustment request to reduce buffer width and eliminate buffer between lots 12 and

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13 should be granted because, as proposed, the reduced buffer would not be detrimental to surrounding properties, would comply with the purpose and intent of BMC 19.17.015.1, and would provide equal or greater protection for the zone receiving transition than strict compliance with BMC 19.17.015.1 would provide. The reduced buffer would be planted with 100 percent evergreen trees, planted 18 feet on center, and planted with shrubs with good characteristics for screening. Adequate sewer and water would be provided to the proposed subdivision. Conditions are necessary to ensure that proposed development complies with Fire Marshal requirements. The proposed onsite detention vault within Tract C would provide adequate stormwater drainage of the proposed subdivision site and water quality treatment. Either recreational space would be provided within Tract C or a fee-in-lieu of providing such space would be paid. Sufficient new, replacement trees would be planted onsite to mitigate for removal of existing significant trees. Transit stops exist in the property vicinity. Paved shoulders along Military Road S are sufficient to accommodate pedestrians. A condition is necessary to ensure that safe walking conditions for pedestrians crossing Military Road S at the crosswalk and to safely use transit stops are reviewed. Conditions are necessary to ensure compliance with applicable City code; City approval of street improvement and stormwater plans; installation of street, stormwater, and utility improvements; compliance with Fire Marshal requirements; maintenance of stormwater facilities; implementation of the approved mitigation for the City-approved road standards variance; and that right-of-way permits and a construction stormwater general permit are obtained. *Findings 1 – 31.*

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 2.19 acres into 14 single-family residential lots located at 12414 Military Road S, in Burien, Washington, with the following conditions:⁴

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, 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

⁴ Conditions are necessary to mitigate specific impacts of proposed development and comply with City Code.

that may apply to the project. 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 August 2, 2013 (Attachment 15). The plans shall include an illumination plan for the proposed street, a channelization and signing plan, and approved utility plans for the various underground utilities serving or proposed to serve the site. The channelization and signing plan shall include consideration of additional traffic calming measures, such as additional painting or signage, which would provide additional protection to pedestrians using the crosswalk across Military Road S or crossing Military Road S at S 125th Street to access transit stops.
 - b. Submit an updated Downstream Analysis and Engineering Plans to reflect final design and calculation and to include all the requirements of the King County Surface Water Design Manual (KCSWDM). Engineering plans include a "Technical Information Report" (TIR), "Site Improvements Plans", and a "Construction Stormwater Prevention Plan" (CSWPP), which includes an "Erosion and Sediment Control (ESC) Plan" and a "Stormwater Pollution Prevention and Spill (SWPPS) plan" for review and approval by the Surface Water Management Engineer. The Analysis 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 August 7, 2013 (Attachment 16).
 - c. Record a Declaration of Covenant and grant of easement per Section 5.2.1 of the KCSWDM for drainage facilities proposed on private properties.
 - d. Submit detailed plans for the proposed common recreation space indicating that it will:
 - i. Be of a grade and surface suitable for recreation.
 - ii. Contain at least 5,000 square feet of area.
 - iii. Have no dimensions less than 30 feet.
 - iv. Have a street roadway or parking area along 10 to 50 percent of the recreation space perimeter.

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- v. Be centrally located and accessible and convenient to all residents within the development.
- vi. Provide a tot/child play area. Any play apparatus that is provided shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is at least 400 square feet in size with no dimension less than 20 feet and be adjacent to main pedestrian paths.

If the common recreation space cannot be developed consistent with the above requirements, the Applicant shall pay a fee-in-lieu of providing 390 square feet of recreation space on the property for each of the 12 additional lots created. The fee shall be 4,680 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.

3. Prior to applying for Final Subdivision, the Applicant shall:

- a. Implement the approved mitigation for the approved Road Standards Variance, including:
 - i. Remove landscaping that encroaches into the right-of-way within the line of sight.
 - ii. Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125th Street to constrain future growth of obstructing landscaping.
 - iii. Install storm drainage facilities in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) along Military Road South to accommodate the additional impervious surface created by the additional shoulder paving.
 - iv. Install Intersection Warning Sign in accordance with MUTCD standards on Military Road South, north of South 125th Street to alert motorist of the approaching intersection.
 - v. Install “No Parking” signs from the site access to South 125th Street.
 - vi. Install raised pavement markings along the centerline and fog line of Military Road South from the site access intersection to a point approximately 400 feet south along the sight line.
 - vii. Provide street lighting at the intersection in accordance with 2008 BRS, section 5.05.
- b. Provide sight distance analysis to verify that the proposed minimum Entering Sight Distance (ESD) of 400 feet has been met. If the intersection does not

meet the minimum ESD of 400 feet, the Applicant shall sign the intersection to prohibit left turns both in and out.

- c. Install all required street and stormwater improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer and Surface Water Management Engineer.
 - d. Provide water and sewer service to each lot, or submit a bond, consistent with the requirements of the serving utility and the Subdivision Code.
 - e. Install all required landscaping and submit a landscaping maintenance bond or other appropriate security for a period of two years after planting to ensure proper installation, establishment and maintenance.
4. Prior to issuance of development permits for any lots, the applicant shall demonstrate conformance with all requirements of the Fire Marshal (see Conclusion of II.E.4).
 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 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.

RECOMMENDED this 8th day of October 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

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TYPE 3 LAND USE REVIEW STAFF RECOMMENDATION TO THE HEARING EXAMINER

DATE: September 5, 2013

FILE NO.: PLA 12-2131

APPLICANT: Troy Schmeil, Callidus Development, Inc.

REQUEST: Subdivide two (2) existing residential lots totaling 2.19 acres into fourteen (14) single-family residential lots.

LOCATION: 12414 Military Road, Burien, WA (see Attachment 1)

PARCEL: 025700-0080; 025700-0087

APPLICATION SUBMITTED: October 23, 2013

APPLICATION COMPLETE: March 12, 2013

RECOMMENDATION: Approval with conditions

DECISION MAKER: City Council

HEARING EXAMINER DATE: To be determined

PROJECT PLANNER: Stephanie Jewett, AICP, Project Planner

I. INTRODUCTION

A. PROJECT SUMMARY

The Applicant is proposing a 14-lot single-family residential subdivision on a 2.19 acre site. The lots are proposed to gain access to Military Road South from an improved cul-de-sac road. Site work includes development of a private access cul-de-sac road, on-site stormwater facilities and landscaping. Tract C, located in the northeast portion of the site, is proposed for an onsite stormwater detention facility and recreation area. Tract A is proposed for

shared access to lots 1, 2 and 3 and Tract B is proposed for shared access to lots 6 and 7. Tract D is proposed to accommodate the existing roadway (see attachments 4, 5 and 6 for project plans).

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 for review and approval an updated preliminary subdivision plat map showing that lots located in the RS zoned portion of the site will meet the minimum lot area requirements. Lots 13 and 14 do not meet the minimum lot area requirement. In order to meet the lot size requirements, lots 13 and 14 will likely need to be combined into one lot (see Conclusion II.E.2).
 - b. 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 August 2, 2013 (Attachment 15). The plans shall include an illumination plan for the proposed street, a channelization and signing plan, and approved utility plans for the various underground utilities serving or proposed to serve the site (see Conclusion II.E.3).
 - c. Submit an updated Downstream Analysis and Engineering Plans to reflect final design and calculation and to include all the requirements of the King County Surface Water Design Manual (KCSWDM). Engineering plans include a "Technical Information Report" (TIR), "Site Improvements Plans", and a "Construction Stormwater Prevention Plan" (CSWPP), which includes an "Erosion and Sediment Control (ESC) Plan" and a "Stormwater Pollution Prevention and Spill (SWPPS) plan" for review and approval by the Surface Water Management Engineer. The Analysis 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 August 7, 2013
(Attachment 16) (see Conclusion II.E.5).

- d. Record a Declaration of Covenant and grant of easement per Section 5.2.1 of the KCSWDM for drainage facilities proposed on private properties (see Conclusion II.E.5).
- e. Submit detailed plans for the proposed common recreation space indicating that it will:
 - i) Be of a grade and surface suitable for recreation.
 - ii) Contain at least 5,000 square feet of area.
 - iii) Have no dimensions less than 30 feet.
 - iv) Have a street roadway or parking area along 10 to 50 percent of the recreation space perimeter.
 - v) Be centrally located and accessible and convenient to all residents within the development.
 - vi) Provide a tot/child play area. Any play apparatus that is provided shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is at least 400 square feet in size with no dimension less than 20 feet and be adjacent to main pedestrian paths.

If the common recreation space cannot be developed consistent with the above requirements, the Applicant shall pay a fee-in-lieu of providing 390 square feet of recreation space on the property for each of the 12 additional lots created. The fee shall be 4,680 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 (see Conclusion II.E.6).

3. Prior to applying for Final Subdivision, the Applicant shall:
 - a. Implement the approved mitigation for the approved Road Standards Variance, including:
 - i) Remove landscaping that encroaches into the right-of-way within the line of sight.
 - ii) Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125th Street to constrain future growth of obstructing landscaping.
 - iii) Install storm drainage facilities in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) along Military Road South to accommodate the additional impervious surface created by the additional shoulder paving.

- iv) Install Intersection Warning Sign in accordance with MUTCD standards on Military Road South, north of South 125th Street to alert motorist of the approaching intersection.
 - v) Install “No Parking” signs from the site access to South 125th Street.
 - vi) Install raised pavement markings along the centerline and fog line of Military Road South from the site access intersection to a point approximately 400 feet south along the sight line.
 - vii) Provide street lighting at the intersection in accordance with 2008 BRS, section 5.05 (see Conclusion II.E.3).
- b. Provide sight distance analysis to verify that the proposed minimum Entering Sight Distance (ESD) of 400 feet has been met. If the intersection does not meet the minimum ESD of 400 feet, the Applicant shall sign the intersection to prohibit left turns both in and out (see Conclusion II.E.3).
 - c. Install all required street and stormwater improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer and Surface Water Management Engineer (see Conclusion II.E.3 and II.E.5).
 - d. Provide water and sewer service to each lot, or submit a bond, consistent with the requirements of the serving utility and the Subdivision Code (see Conclusion II.E.4).
 - e. Install all required landscaping and submit a landscaping maintenance bond or other appropriate security for a period of two years after planting to ensure proper installation, establishment and maintenance (see Conclusion II.E.8).
- 4. Prior to issuance of development permits for any lots, the applicant shall demonstrate conformance with all requirements of the Fire Marshal (see Conclusion of II.E.4).
 - 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 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: 95,412 square feet (2.19 acres)
- b. Land Use: Currently vacant
- c. Terrain: The site slopes gradually down from the northwest boundary of the site (elevation 490) to the southeast corner of the site (elevation 342) for an elevation change of 46 feet across the site with slopes on the site ranging from 0-15%.
- d. Vegetation: The site consists of trees, grasses and shrubs, including blackberry and english ivy. There is also a cleared area on the site where a single-family home was recently demolished. See Section II.E.7 for further analysis of trees located on site.
- e. Bulk Regulations: Future development of single detached dwelling units on the new lots in the RM-12 zone will be required to meet the following development standards:

Front Setback: 10 feet minimum
Interior Setback: 5 feet minimum
Building Coverage: 55% maximum
Impervious Surface Coverage: 75% Maximum
Height: 35' maximum
Minimum Parking Required: 2 off-street spaces per dwelling unit

Future development of single detached dwelling units on the new lots in the RS 7,200 zone will be required to meet the following development standards:

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 and west by single family development zoned for single-family use (RS 7200) and to the east and south by multi-family development zoned for multifamily use (RM-18).

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 and multi-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 March 26, 2013 and mailed to all property owners within 500 feet of the site on March 22, 2013. See Attachment 24 for a copy of the Notice of Application. Four public comment letters were received during the 30-day comment period, which ended on April 25, 2013. These comment letters have been summarized and addressed below.

James & Trudy Lindberg (see Attachment 7)

Expresses concern with possible increased parking impacts to the neighborhood and asks how many vehicles will be allowed per dwelling. Inquires about and expresses concern with potential impacts from increased traffic on Military Road South and expresses concern with potential light and glare impacts to their single-family house from cars entering and exiting the development

City Response: Each single family home that is developed in the City of Burien is required to provide space for two vehicles to park on-site. Compliance with this requirement is reviewed at the time of building permit submittal for each of the single-family homes. Additionally, after the single-family homes are developed, no more than four motor vehicles may be parked on a residential lot at any one time per section 10.11.030 of the Burien Municipal Code.

The Applicant is required to comply with the 2008 Burien Road Standards. The City's Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and is requiring improvements to Military Road South to meet the City's standards, including removing landscaping that encroaches into the right-of-way within the line of sight, installing an intersection warning sign, "no parking" signs and raised pavement markings. See section II.E.3 Traffic, Access & Street Improvements for a more detailed discussion of the traffic impacts and Road Standards requirements of this project.

The headlights of vehicles leaving the development and entering onto Military Road South may shine onto property located on the west side of Military Road South. The City has not identified measures which could be taken on the development site that could mitigate such impacts without adversely impacting sight distance requirements on Military Road South.

Scott Sundquist (see Attachment 8)

Asks if there will be an official survey that clearly marks the northern property line of the site prior to development and if the roots of the fir trees located on his site could be damaged during the construction. Expresses concern with the impacts to Military Road from increased traffic and the potential for multi-family homes to be built in the development.

City's Response: After preliminary approval of the proposed subdivision, during the clearing and grading permit approval, the Applicant will be required to stake the boundaries of the site and install erosion control measures. The exact location and extent of grading on the site and potential impacts to neighboring trees will be identified and mitigated at that time. An area of prohibited disturbance, generally corresponding to the drip line of the neighboring trees will be required to be protected during construction with a temporary five-foot high chain link or plastic net fence as required by BMC 19.25.150(2).

The Applicant is required to comply with the 2008 Burien Road Standards. The City's Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and is requiring improvements to Military Road South to meet the City's standards, including removing landscaping that encroaches into the right-of-way within the line of sight, installing an intersection warning sign, "no parking" signs and raised pavement markings. See section II.E.3 Traffic, Access & Street Improvements for a more detailed discussion of the traffic impacts and Road Standards requirements of this project.

Multi-family homes are not proposed as part of this Preliminary Subdivision application. The Applicant is proposing to subdivide the property into 14 single family home lots with the stated intent of building a single-family home on each of the newly created lots.

Debra Cahill (see Attachment 9)

Expresses concern over increased traffic in the neighborhood and possible impacts to children crossing Military Road South at the existing cross walk en route to Hilltop Elementary School and points out that the existing crosswalk does not have a crossing guard.

City's Response: The Applicant is required to comply with the 2008 Burien Road Standards. The City's Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and is requiring improvements to Military Road South to meet the City's standards, including removing landscaping that encroaches into the right-of-way within the line of sight, installing an intersection warning sign, "no parking" signs and raised pavement markings. These improvements will increase sight distance in the area of the development and will contribute to traffic safety. See section II.E.3 Traffic, Access & Street Improvements for a more detailed discussion of the traffic impacts and Road Standards requirements of this project. Your concerns about the school crosswalk not having a crossing guard have been forwarded to Highline Public School District for consideration.

Ron Steinman (see Attachment 10)

Expresses concern over increased traffic on Military Road South and possible impacts to school children crossing the street en route to Hilltop Elementary School as well as possible impacts to school children, senior citizens from Boulevard Park Place Retirement Community, and other pedestrians accessing both the metro bus stop and school bus stop located at the intersection of 125th and Military Road South.

City's Response: The Applicant is required to comply with the 2008 Burien Road Standards. The City's Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and is requiring improvements to Military Road South to meet the City's standards, including removing landscaping that encroaches into the right-of-way within the line of sight, installing an intersection warning sign, "no parking" signs and raised pavement markings. These improvements will increase sight distance in the area of the development and will contribute to traffic safety. See section II.D.3 Traffic, Access & Street Improvements for a more detailed discussion of the traffic impacts and Road Standards requirements of this project.

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

2. Agency Comments

- a. Facts: On March 22, 2013, notice of this application was distributed to Seattle City Light, King County Water District #20, King County Fire District # 2, Valley View Sewer District, Highline School 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 Highline School District, Seattle City Light 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 Applicant submitted a SEPA checklist (Attachment 17) and the City prepared an Environmental Review Report (Attachment 18). A Determination of Nonsignificance (DNS) was issued by the City of Burien's SEPA Responsible Official on September 5, 2013 (Attachment 19).
2. Conclusions: The Applicant has satisfactorily completed the SEPA process.

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 eastern 1.70 acres of site is zoned Residential Multi-family (RM-12) and the western .49 acres of the site is zoned Residential Single-family (RS 7200). The minimum lot area per each single-family dwelling unit for the RS 7200 zoned portion of the site is 7,200 square feet and the minimum lot area for the RM-12 zoned portion of the site is 3,600 square feet. No lot may be created less than the minimum lot area in each zone except through the application of lot averaging (BMC 19.15.005.2 & 19.15.010.4). Lot averaging allows for lots to be created that are 90 percent of the minimum lot area (6,480 square feet in the RS 7200 zone and 3,240 square feet in the RM-12 zone) as long as the overall average lot size of the development remains at or greater than minimum lot size for the zone.

The proposal for lots 1-12, located in the RM-12 zoned portion of the site (Attachment 5) meets the minimum lot size requirement through the use of lot averaging. Proposed lot sizes and overall lot average is as follows:

Lot No.	Square Feet	Lot No.	Square Feet
1	5,391	7	5,021
2	3,533	8	4,469
3	4,143	9	3,485
4	3,339	10	3,258
5	3,325	11	3,281
6	3,287	12	3,932
Lot Size Average			
46,464/12 = 3,872			

The proposal for lots 13 and 14, located in the RS-7,200 zoned portion of the site (Attachment 5) does not meet the minimum lot size requirement through the use of lot averaging. Proposed lot sizes and overall lot average is as follows:

Lot No.	Square Feet	Lot No.	Square Feet
13	6,591	14	7,056
Lot Size Average			
13,647/2 = 6,823 square feet			

- b. **Conclusion:** The proposed preliminary plat satisfies the minimum lot area requirement for lots 1-12. Lots 13 and 14 do not meet the minimum lot area requirement. In order to meet the lot size requirements, lots 13 and 14 will likely need to be combined into one lot. Prior to any development permits, the preliminary subdivision shall be revised to show that the lots proposed in RS zoned portion of the site will meet the minimum lot area requirement.

3. Traffic, Access & Street Improvements

- 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 Applicant submitted a Traffic Impact Analysis by DN Traffic Consultants, Inc. (Attachment 12) and a road standards variance approved by the City's Public Work's Director (Attachment 13) as part of the initial plat submittal. The road standards variance approved a reduction in the entering sight distance to the south of the proposed new street's intersection with Military Road South from 445 lineal feet to 400 feet. The Traffic Impact Analysis estimates that the proposed subdivision will generate 134 daily trips, with 11 AM peak hour trips and 14 PM peak hour trips. 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 August 2, 2013 (Attachment 15) including, but not limited to, the following:
- (1) The proposed Road "A" 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 located within a 40 foot wide Tract.
 - (2) The proposed new street shall be a private road in accordance with 2008 BRS, Section 2.05. It shall be maintained and owned by a Home Owners Association (HOA). A HOA shall be created by the Developer at the time of Final Plat application.
 - (3) The proposed cul-de-sac shall be designed in accordance with Section 2.08 of the 2008 BRS. This includes the following:
 - i) Minimum diameter across bulb section: 100 feet in permanent cul-de-sac.
 - ii) Minimum diameter of surfacing across bulb: 80 feet of paving in curb type road.
 - iii) Sidewalks shall be constructed on both sides of the cul-de-sac.
 - (4) Frontage improvements along Military Road South shall consist of curb, gutter, sidewalk and streetlight at the proposed intersection of the new Road

“A” and Military Road South in accordance with the 2008 Burien Road Standards. The existing pavement should be sawcut at a minimum 1 ft. from edge in a straight line parallel to roadway centerline.

- (5) A stop sign will be required at the intersection of the new access road and Military Road South per the Manual on Uniform Traffic Control Devices (MUTCD).
- (6) Prior to Final Plat Application and after construction of the proposed intersection and frontage improvements along Military Road South, the Applicant’s Traffic Engineer shall provide sight distance analysis to verify that the proposed minimum Entering Sight Distance (ESD) of 400 feet has been met. If the intersection does not meet the minimum ESD of 400 feet, the Applicant shall sign the intersection to prohibit left turns both in and out.
- (7) Consistent with the approved Roads Standards Variance, prior to Final Plat application the Applicant shall implement the approved mitigation, including:
 - i) Remove landscaping that encroaches into the right-of-way within the line of sight.
 - ii) Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125th Street to constrain future growth of obstructing landscaping.
 - iii) Install storm drainage facilities in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) along Military Road South to accommodate the additional impervious surface created by the additional shoulder paving.
 - iv) Install Intersection Warning Sign in accordance with MUTCD standards on Military Road South, north of South 125th Street to alert motorist of the approaching intersection.
 - v) Install “No Parking” signs from the site access to South 125th Street.
 - vi) Install raised pavement markings along the centerline and fog line of Military Road South from the site access intersection to a point approximately 400 feet south along the sight line.
 - vii) Provide street lighting at the intersection in accordance with 2008 BRS, section 5.05.
- (8) 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.

- (9) 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 except if a joint use driveway tract is proposed to serve the two parcels (per BRS Drawing 3-006); and 2) have a minimum width of 10 feet and a maximum width of 20 feet (per BRS Drawing 3-007). Curb ramps and driveways shall be designed consistent with the requirements in BRS Section 3.05 and 3.01.
- (10) All utilities serving the property shall be placed underground (BMC 12.40.070).
- (11) A channelization and signing plan shall be submitted for review and approval by the Public Works Department prior to issuance of construction permits.
- (12) Approved utility plans for the various underground utilities serving or proposed to serve the site shall be submitted prior to issuance of construction permits.
- (13) A Right-of-way use permit will be required for all work performed in the public right-of-way of Military Road South, as required by BMC 12.17 and 12.18.
- (14) 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.
- (15) An illumination plan for the proposed private street (Road "A") shall be submitted to the Public Works Department for review and approval prior to issuance of construction permits for any work onsite. Any required pole installation (or relocations) shall be coordinated with Seattle City Light (SCL), and meet applicable City of Burien and SCL Standards. Applicant shall design minimum 25 feet steel post street light with LED fixture to meet the City's foot-candle requirements (BRS section 5.05). The Applicant shall provide assurance to collect streetlight billing either through Water District #20 or a Home Owner Association.
- (16) Restoration, Performance and maintenance security bonds are required for site and right-of-way improvements.

- (17) The Applicant shall submit a channelization and signing plan prior to issuance of construction permits.
- (18) The Applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.

b. Conclusions:

- (1) 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 August 2, 2013 (see Attachment 15). The plans shall include an illumination plan for the proposed street, a channelization and signing plan, and approved utility plans for the various underground utilities serving or proposed to serve the site.
- (2) Consistent with the approved Roads Standards Variance, prior to applying for Final Subdivision, the Applicant shall implement the approved mitigation, including:
 - i) Remove landscaping that encroaches into the right-of-way within the line of sight.
 - ii) Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125th Street to constrain future growth of obstructing landscaping.
 - iii) Install storm drainage facilities in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) along Military Road South to accommodate the additional impervious surface created by the additional shoulder paving.
 - iv) Install Intersection Warning Sign in accordance with MUTCD standards on Military Road South, north of South 125th Street to alert motorist of the approaching intersection.
 - v) Install "No Parking" signs from the site access to South 125th Street.
 - vi) Install raised pavement markings along the centerline and fog line of Military Road South from the site access intersection to a point approximately 400 feet south along the sight line.
 - vii) Provide street lighting at the intersection in accordance with 2008 BRS, section 5.05.
- (3) Prior to applying for Final subdivision and after construction of the proposed intersection and frontage improvements along Military Road South, the Applicant's Traffic Engineer shall provide sight distance analysis to verify

that the proposed minimum Entering Sight Distance (ESD) of 400 feet has been met. If the intersection does not meet the minimum ESD of 400 feet, the Applicant shall sign the intersection to prohibit left turns both in and out.

- (4) Prior to applying for 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.
- (5) A Home Owner's Association shall be created to own and maintain the private street.
- (6) 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.

4. Utilities

a. Facts:

- (1) The site is located within King County Water District 20. King County Water District 20 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 230 feet from the site with a flow rate of 1,000 gallons or more for a duration of 2 hours or more (see Attachment 20).
- (2) The site is located within the Valley View Sewer District. Valley View Sewer District issued a certificate of sewer availability to serve the site based on the satisfactory completion of a required developer extension, the recording of a sewer easement and the payment of connection charges (see Attachment 21).
- (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) Roads less than 28 feet in unobstructed width shall be marked fire lane with no parking allowed on both sides; 2) The fire lane and maintenance provisions shall be recorded in the home owners covenants; and 3) A new fire hydrant is required in the cul-de-sac (see Attachment 22).

- b. Conclusion: Prior to applying for 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 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 an Offsite/Level 1 Downstream Analysis by Land Development Advisors, LLC (Attachment 11) and a Preliminary Drainage Plan (Attachment 6), 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 August 7, 2013 (see Attachment 16), including, but not limited to, the following:
 - i) In general, the proposed storm drain detention facilities appear reasonable, refinement of the final design of water quality and flow control facilities 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 Downstream Analysis and Engineering Plans shall be updated to reflect final design and calculation and to include all the requirements in the KCSWDM. Engineering Plans include a "technical information report (TIR)", "site improvement plans", and a "construction stormwater pollution prevention plan (CSWPPP)", which includes an "erosion and sediment control (ESC) plan" and a "stormwater pollution prevention and spill (SWPPS) plan". The TIR must be prepared to include all the requirements in the KCSWDM, including all eight core requirements in Section 1.2 and all five special requirements in Section 1.3.
 - iii) At least three ESC inspections are required i.e., prior to clearing and construction, during construction, upon completion of construction.
 - iv) Engineering plans and calculations must be prepared and stamped by a Washington State Licensed civil engineer. At least three ESC inspections

are required i.e., prior to clearing and construction, during construction, upon completion of construction.

- v) The location, condition and size of existing drainage systems and drainage easements, if any shall be verified. The existing drainage systems on the proposed excavation area shall be removed relocated, or appropriately treated.
- vi) Any offsite conveyance system element shall be located in a drainage easement.
- vii) A tightline conveyance system is recommended for steep slope. The tightline must be located in the drainage easement and conform to the materials and design requirements of Section 4.2 of the KCSWDM. The location of discharge point must be approved locations.
- viii) New conveyance system alignments should be located adjacent and parallel to property lines so that required drainage easements can be situated along property lines.
- ix) In computing runoff from the site, the assumed impervious coverage shall not be less than 4,000 square feet per lot in urban residential development, or the maximum impervious coverage permitted by city code (BMC 19.15.005), whichever is less.
- x) All drainage facilities on private properties, including proposed Tract C, shall be private. The facilities shall be owned and maintained by a Home Owner's Association. All privately maintained facilities 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.
- xi) 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.
- xii) 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 Downstream Analysis and Engineering Plans to reflect final design and calculation and to include all the requirements of the KCSWDM. Engineering plans include a “Technical Information Report” (TIR), “site improvement plans”, and a “construction stormwater pollution prevention plan” (CSWPPP), which includes an “erosion and sediment control (ESC) plan” and a “stormwater pollution prevention and spill (SWPPS) plan”.
 - (ii) Record a Declaration of Covenant and grant of easement per Section 5.2.1 of the KCSWDM for drainage facilities proposed on private properties.
- (2) Prior to submitting for the final subdivision, the Applicant shall 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) An engineer licensed in the State of Washington shall prepare all plans for storm water improvements.
- (4) 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.
- (5) 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. On-site 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). Residential subdivisions are required to provide 390 square feet of on-site commonly owned recreation space for each new lot created. For the proposed subdivision, 12 additional lots are being created (credit is received for the two lots currently located on site), requiring 4,680 square feet of common recreation space. The submitted Preliminary Plat Map (Attachment 5) notes that the common recreation space will be provided within Tract C. At the time of clearing and grading permit submittal for required on-site improvements, the Applicant will be required to show detailed plans for

the common recreation space that show compliance with the development standards for common recreation space found in BMC 19.17.013.

- b. Conclusions: To comply with the requirements of BMC 19.17.013, at the time of clearing and grading permit submittal for required on-site improvements, the Applicant shall show detailed plans for the common recreation space indicating that it will:
- (1) Be of a grade and surface suitable for recreation.
 - (2) Contain at least 5,000 square feet of area.
 - (3) Have no dimensions less than 30 feet.
 - (4) Have a street roadway or parking area along 10 to 50 percent of the recreation space perimeter.
 - (5) Be centrally located and accessible and convenient to all residents within the development.
 - (6) Provide a tot/child play area. Any play apparatus that is provided shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is at least 400 square feet in size with no dimension less than 20 feet and be adjacent to main pedestrian paths.

If the common recreation space cannot be developed consistent with the above requirements, the Applicant shall pay a fee in lieu of providing 390 square feet of recreation space on the property for each of the 12 additional lots created. The fee shall be 4,680 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 and RM-12 zones are required to comply with Landscape Category A (BMC 19.15.005.2 & 19.15.010.4). 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). When the required number of significant trees cannot be retained, they may be replaced with new trees at a replacement rate of two inches diameter for every one-inch diameter of the removed significant tree (BMC 19.25.160).

The submitted Conceptual Planting and Tree Replacement Plan (Attachment 4) shows there are 14 significant trees located on the site. In lieu of the 30% retention requirement, the Applicant is proposing to remove the 14 significant trees and plant 93 trees on the site, with 67 of those trees each having a caliper of two inches or greater to meet the City's tree retention requirements.

- b. Conclusions: The Applicant's proposal to plant a total of 93 trees on the site with 67 of those trees each having a caliper of two inches or greater, meets the City's significant tree retention requirements.

8. Transition Standards

a. Facts:

- (1) The eastern 1.7 acres of the 2.19 acre project site is zoned for Multi-family (RM-12) use and abuts properties zoned for Residential Single-Family (RS-7,200) use along the north and west property boundaries. As such the City's transition standards apply to the site.
- (2) The purpose of the City's transition standards is to create a buffer between residential single-family zones and multi-family zones that permit development of higher intensity. The City's transition standards require a 20-foot wide Type 1 (Full Screen) landscape buffer to be provided along those portions of the site zoned multi-family (RM-12) adjacent to residential single-family (RS-7200) zoned properties. The Applicant is requesting an administrative adjustment to this requirement to reduce the buffer from 20 feet to 10 feet along the northern and western property lines and to eliminate the required buffer between proposed lots 12 and 13 (see Attachment 14). Burien Municipal Code Section 19.17.015 sets forth the decision criteria for an adjustment to the Transition Standards through a Type 1 decision. The Director may only approve the application if all of the following criteria are met:

- i. Will not be detrimental to surrounding properties; and

City Analysis: The proposed development will consist of single-family homes. The minimum lot size requirement of 3,600 square feet for single-family development in the RM-12 zone allows for development at densities of 12 dwelling units per acre, while the minimum lot size requirement of 7,200 square feet for single-family development in the adjacent single-family residential zoned properties allows for development at densities of 6 dwelling units per acre. Although the density allowed for single-family homes is higher in the RM-zoned portion of the site than the adjacent zones, the single-family housing types are consistent and compatible with adjacent single-family housing. In addition, to compensate for the requested buffer reduction from 20 feet to 10 feet, the Applicant proposes to provide 100% evergreen trees in the buffer instead of the 70% minimum required for Type 1 landscaping (BMC 19.25.050.1) and the tree spacing will be at 18 feet on center instead of the required minimum of 25 feet on center (see attachment 4, Conceptual Planting Plan). Also, the Applicant has stated in the submitted reduction request (Attachment 14) that the shrubs to be selected for the Type

1 Landscaping will have good characteristics for screening. Although lot 12 is located within the Residential Multi-family (RM-12) zone and Lot 13 is located within the Residential Single-family (RS 7,200) zone, they are within the same proposed development of single-family homes and will not be detrimental to each other.

- ii. Will comply with the purpose and intent of this section (BMC 19.17.015.1).

City Analysis: The stated purpose of the Transition Standards is to create a buffer between a Residential Multi-family zone and a Residential Single-family zone. As stated above, to compensate for the requested buffer reduction from 20 feet to 10 feet, the Applicant proposes to provide 100% evergreen trees in the buffer instead of the 70% minimum required for Type 1 landscaping (BMC 19.25.050.1) and the tree spacing will be at 18 feet on center instead of the required minimum of 25 feet on center (see attachment 4, Conceptual Planting Plan). Also, the Applicant has stated in the submitted reduction request (Attachment 14) that the shrubs to be selected for the Type 1 Landscaping will have good characteristics for screening to compensate for the requested buffer reduction from 20 feet to 10 feet along the western and northern property lines. As noted above, although lot 12 is located within the Residential Multi-family (RM-12) zone and Lot 13 is located within the Residential Single-family (RS 7,200) zone, they are within the same proposed development and the uses do not require buffering from one another.

- iii. Will provide equal or greater protection for the zone receiving transition than strict compliance with this section would provide.

City Analysis: Given the Applicant is proposing to use 100 % evergreen trees instead of the required 70 % minimum and increase the planting densities, the proposed reduction from a 20 foot buffer to a 10 foot buffer will provide equal protection for the properties located to the north and west of the site. As noted above, although lot 12 is located within the Residential Multi-family (RM -12) zone and Lot 13 is located within the Residential Single-family (RS 7,200) zone, they are within the same proposed development and the uses do not require buffering from one another.

- b. Conclusions: The proposal is consistent with the approval criteria of BMC 19.17.015. Prior to application for Final Subdivision the Applicant shall submit a landscaping maintenance bond or other appropriate security shall be required for a period of two years after planting to ensure proper installation, establishment and maintenance.

9. 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 fee 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 eastern 1.70 acres of the site is designated Low Density Multi-family Residential and the western .49 acres of the site is designated Moderate Density Residential Neighborhood.
 - (a) Burien Comprehensive Plan Policy RE 1.7 indicates that the Low Density Multi-family Residential designation should provide primarily for multi-family residential uses and development in these areas may be characterized by single-family homes, duplexes, garden style apartments, townhouses, condominiums or apartment buildings. Development within this designation includes existing neighborhoods that have been platted at an average of eight to twelve units per acre.
 - (b) 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 Low Density Multifamily Residential and Moderate Density Residential Neighborhood land use designations. 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.

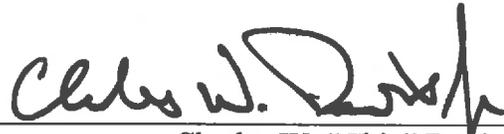
V. ATTACHMENTS

1. Vicinity Map
2. Residential Subdivision Development Regulations
3. Boundary/Topographic Survey
4. Conceptual Planting Plan and Tree Replacement Plan
5. Preliminary Plat Map
6. Preliminary Grading, Drainage & Utility Plan
7. Comment Letter, James & Trudy Lindberg, received April 22, 2013
8. Comment Letter, Scott Sundquist, received April 23, 2013
9. Comment email, Debra Cahill, received April 23, 2013
10. Comment email, Ron Steinman, received April 23, 2013
11. Offsite/Level 1 Downstream Analysis, Land Development Advisors, LLC, October, 2012
12. Traffic Impact Analysis, DN Traffic Consultants, Inc., dated October 15, 2012
13. Roads Standards Variance, granted March 12, 2013
14. Memo from John Nelson, DA Land Development Advisors, LLC, dated October 15, 2012
15. Public Works Recommended Conditions of Land Use Approval, dated August 2, 2013, Ramesh Davad, Development Review Engineer
16. Public Works Stormwater Conditions of Land Use Approval, dated August 7, 2013, Huengkook Lim, Surface Water Management Engineer.
17. SEPA checklist, received October 23, 2013
18. Environmental Review Report
19. Determination of Nonsignificance
20. Certificate of Water Availability, King County Water District 20, September 10, 2012
21. Certificate of Sewer Availability, Valley View Sewer District, September 7, 2012
22. Certificate of Fire Hydrant Availability, King County Fire District #2, dated October 12, 2012
23. Preliminary Subdivision Application
24. Notice of Application

VI. PARTIES OF RECORD

Name	Address
Troy Schmeil, Callidus Development, Inc.	16834 SE 43 rd Street Issaquah, WA 98027
Jon Nelson, Land Development Advisors, LLC	12865 SE 47 th Place Bellevue, WA 98006
James and Trudy Lindberg	PO Box 68483 Seattle, WA 98168
Scott Sundquist	12402 Military Road South Burien, WA 98168
Debra Cahill	12312 Military Road South Burien, WA 98168
Ron Steinman, General Manager/Owner	Boulevard Park Place Retirement Community 2805 South 125 th Street Burien, WA 98168

Dated this 5th day of September, 2013.

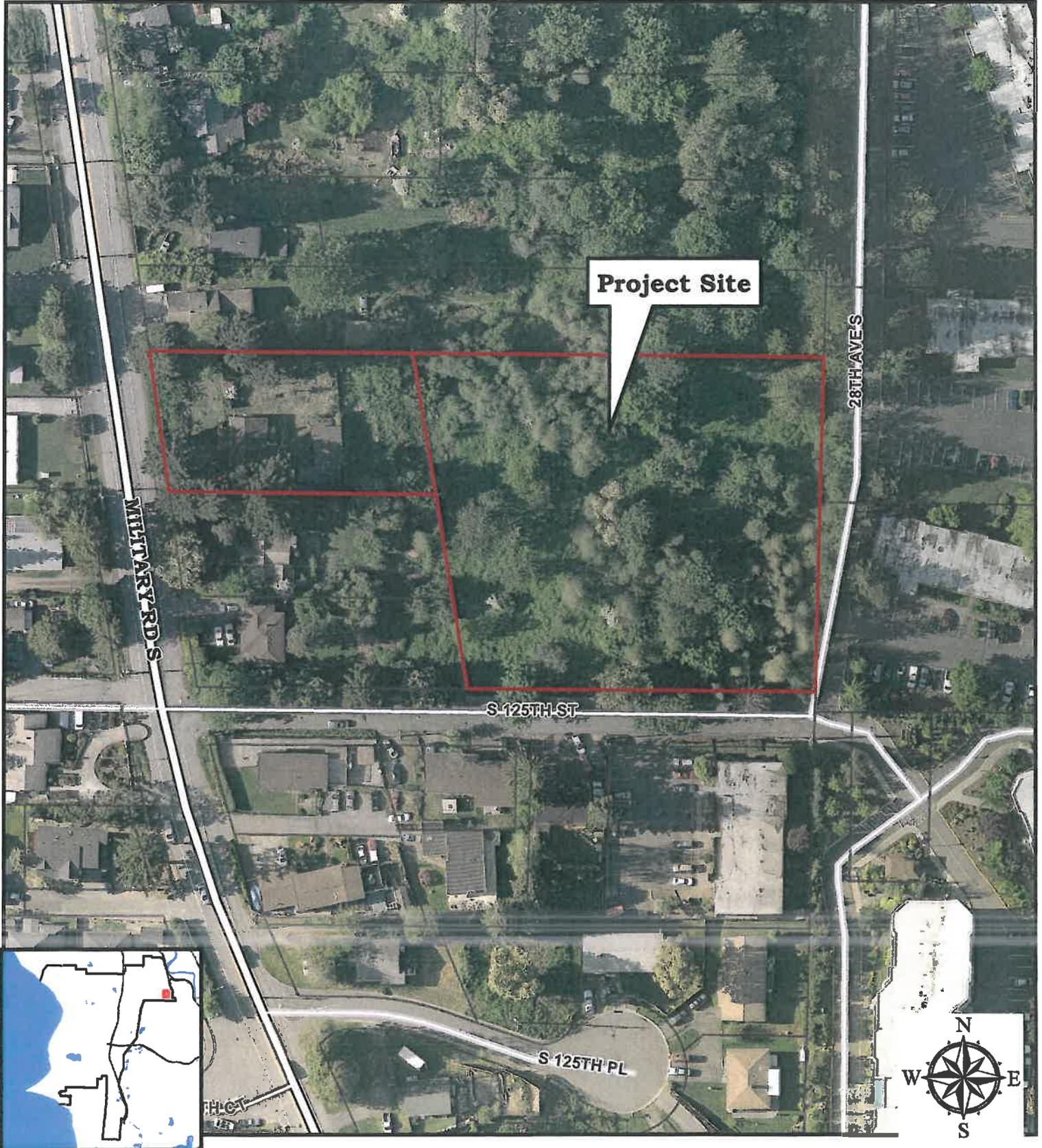


Charles W. "Chip" Davis, AICP
Community Development Director

Vicinity Map

File: PLA 12-2131 (Boulevard Landing Subdivision)

Address: 12414 Military Road 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 Residential Recreation Space.

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.

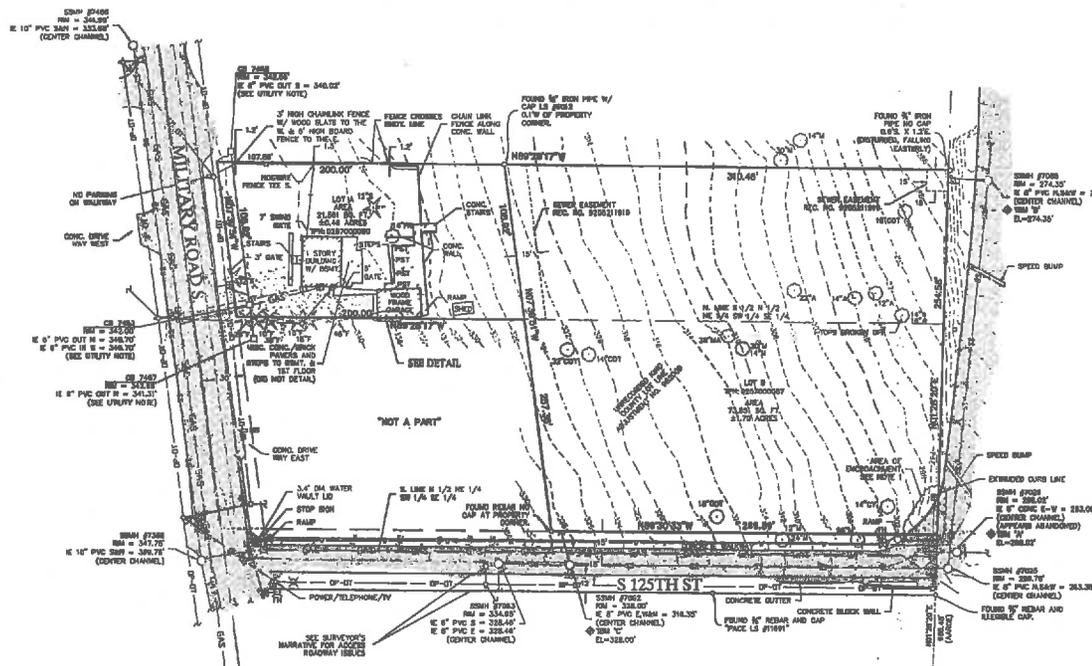
19.70.110 Adequate Fire Protection.

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.

BOUNDARY / TOPOGRAPHIC SURVEY

FOUND NUDGE IN 7" BRASS PIN IN CONCRETE FELLOE 3" HOOT PVC LINE 1.10" IN CASE.

COURTESY OF THE KING COUNTY DEPARTMENT OF PUBLIC UTILITIES



LEGEND

- UTILITY POLE W/ LIGHT & UNDERGROUND CABLE
- UTILITY POLE W/ LIGHT & TRANSFORMER
- SHARED BENCH MARK
- WATER MANNHOLE
- WATER METER
- WATER VALVE
- GAS VALVE
- POWER METER
- UTILITY POLE
- POST
- CONCRETE FOUNDATION WALL
- FOUND IRON PIPE
- FOUND IRON PIPE IN CASE
- FOUND REBAR AND CAP AS NOTED
- SET BENCHMARK
- 15" ALUM
- 15" OAK
- 15" PINE
- 15" MAPLE
- 15" BIRCH
- 15" SPRUCE
- BATTERY SERIES LINE
- OVERHEAD POWER LINE
- OVERHEAD POWER AND TELECOMMUNICATIONS
- OVERHEAD TELECOMMUNICATIONS LINE
- WATER LINE
- GAS LINE
- CHAIN LINK FENCE LINE
- WOOD FENCE LINE
- NEW FENCE LINE
- CONCRETE PAVING
- ASPHALT PAVING
- GRAVEL SURFACE
- GRASS

DATA/BASE OF BENCHMARKS

- FIELD MONUMENT ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 4 EAST, WASHINGTON COUNTY, WASHINGTON, PER GPS OBSERVED VALUES.
- CONCRETE BENCHMARK:**
BENCH MONUMENT NO. 210708-72, AS PUBLISHED IN WEDNET REPORT OF BENCHMARK.
- VERTICAL DATUM:** NAVD 83 (FOR REDDOT)
ELEVATION: 274.41
- TEMPORARY BENCHMARK:**
 • BM 'A' SET ON CEMENT 'X' IN NORTH END BRN 7702, ELEVATION: 283.02
 • BM 'B' SET ON CEMENT 'X' IN NORTH END BRN 7703, ELEVATION: 283.02
 • BM 'C' SET ON CEMENT 'X' IN WEST END BRN 7704, ELEVATION: 283.02

LEGAL DESCRIPTION (TPN: 0257000087)

PART 1: THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 4 EAST, WASHINGTON COUNTY, WASHINGTON.

PART 2: EXCEPT THAT NORTH LINE NORTHERLY BY A LINE BEARING PARALLEL TO AND 200 FEET EASTERLY OF THE EASTERLY MARSH OF OLD MILITARY ROAD AS DESCRIBED BY THE SOUTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 4 EAST, WASHINGTON COUNTY, WASHINGTON.

PART 3: AND EXCEPT THE SOUTH 15 FEET OF THE REMAINDER.

SCALE & SPECIAL EXPANSIONS (TPN: 0257000087)

EXAMINER AND LEGAL DESCRIPTION ARE BASED ON THE PLAT CERTIFICATE BY CHASCO TEE ENGINEERING COMPANY, CHASCO, OR, LICENSED SURVEYOR, DATED FEBRUARY 6, 2012, AT 8:00 A.M.

- THIS PROPERTY SUBJECT TO EASEMENT AND THE TERMS AND CONDITIONS THEREOF RELATING DETACHED GARAGE FOR INSTRUMENT UNDER KING COUNTY RECORDING NUMBER 820310001.
- THIS PROPERTY SUBJECT TO AGREEMENT AND THE TERMS AND CONDITIONS THEREOF RELATING EASEMENT RELATING TO THE SOUTH 15 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 4 EAST, WASHINGTON COUNTY, WASHINGTON, LINDA EAST OF THE OLD MILITARY ROAD.
- THIS PROPERTY SUBJECT TO EASEMENT AND THE TERMS AND CONDITIONS THEREOF RELATING EASEMENT RELATING TO THE SOUTH 15 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 4 EAST, WASHINGTON COUNTY, WASHINGTON, LINDA EAST OF THE OLD MILITARY ROAD.
- THIS PROPERTY SUBJECT TO EASEMENT AND THE TERMS AND CONDITIONS THEREOF RELATING EASEMENT RELATING TO THE SOUTH 15 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 4 EAST, WASHINGTON COUNTY, WASHINGTON, LINDA EAST OF THE OLD MILITARY ROAD.

SURVEYOR'S NARRATIVE

THE TRAIL ALONG THE SOUTH BOUNDARY OF THE SUBJECT PARCEL IS OF AN UNUSUAL NATURE AND CHARACTER AND PUBLIC ACCESS CONSIDERED.

THE PUBLIC HIGHWAY SECTION IS 45 FEET WIDE WITH THE SOUTHERLY 15 FEET CONSTITUTE THE FULL WIDTH OF THE DESIGNATED PUBLIC HIGHWAY. THE NORTHERLY 30 FEET IS HELD IN 2 TRACTS EACH HELD IN UNDIVIDED INTEREST WITH THE OTHER BY PARCELS LINDA EASTERN AND SUBSEQUENTIALLY OF THE SUBJECT PARCEL. WHEN IT IS DECIDED TO REDEVELOP ACCESS AND FACILITY TO THE ENTIRE 45 FEET OF CURRENTLY TRAVELED THROUGHLY.

REFERENCES

- (A) RECORD OF SURVEY REG. NO. 84003099A, 80018800A, 80018800B, 80018800C
- (B) RECORD OF SURVEY REG. NO. 80018800A
- (C) RECORD OF SURVEY REG. NO. 83101000A

LEGAL DESCRIPTION (TPN: 025700008003)

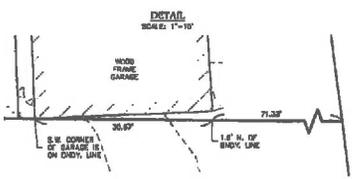
THE WEST 500 FEET AS MEASURED ALONG THE NORTHERLY LINE AND THE SOUTHERLY LINE THEREOF OF THE SOUTH TWO-THIRDS OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LINDA EAST OF THE OLD MILITARY ROAD.

ALSO KNOWN AS PARCEL A OF UNRECORDED KING COUNTY LOT LINE ADJUSTMENT NO. 822008.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

SCALE & SPECIAL EXPANSIONS (TPN: 025700008003)

- EASEMENT AGREEMENT FOR DETACHED GARAGE AND ADJACENT EASEMENT AND THE TERMS AND CONDITIONS THEREOF.
- TERMS AND CONDITIONS OF UNRECORDED KING COUNTY LOT LINE ADJUSTMENT NO. 822008, AS AMENDED BY KING COUNTY TAX RECORDS.



NOTES

- EVIDENCE OF OCCUPATION OF LAND FOR EXAMPLE, FENCES, STRUCTURES, BARRIERS, CHAINED SURFACES, ETC. MAY NOT CONFORM WITH THE BOUNDARY LINES AS SHOWN ON THIS DRAWING. THERE ARE AREAS ON THIS SURVEY APPEARING TO HAVE DISCREPANCIES BETWEEN THE BOUNDARY LINES AND CERTAIN EVIDENCE OF OCCUPATION. WHEN DISCREPANCIES EXIST AND DISCREPANCIES MAY BE POTENTIAL PURCHASER CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW BEST TO PROTECT YOUR PROPERTY RIGHTS AND ADDRESS ANY POTENTIAL BOUNDARY DISPUTES.
- PRIMARY CONTROL POINTS AND ACCESSIBLE MONUMENT POINTS WERE FIELD MEASURED USING GLOBAL POSITIONING SYSTEM (GPS) SURVEY TECHNIQUES USING LEICA SYSTEM 1200 EQUIPMENT. BENCHMARK POSITIONS THAT WERE NOT DIRECTLY OBSERVED USING GPS SURVEY TECHNIQUES WERE TIED INTO THE CONTROL POINTS USING LEICA ELECTRONIC TIE TOTAL STATION FOR THE MEASUREMENT OF BENCH MARKS AND DISTANCES. THE SURVEY MEETS OR EXCEEDS THE STANDARDS SET BY NAC 322-130-080.

NOTES (CONT)

- UTILITY LOCATIONS SHOWN HEREIN ARE BASED UPON FIELD LOCATION OF THE TRACE COINCIDE OF EXISTING STRUCTURES. UNRECORDED UTILITY LOCATIONS SERVICES WERE NOT PROVIDED FOR THIS TOPOGRAPHIC SURVEY AND THE UNRECORDED POSITIONS OF REPORTED PUBLIC UTILITIES HAS NOT BEEN VERIFIED OR CONFIRMED WITH THE UTILITY PROVIDERS. ADDITIONAL UTILITY LOCATIONS AND UNRECORDED UTILITY LOCATION PLOT MAPS WILL BE RECORD PRIOR TO ANY CONSTRUCTION.
- THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY CONCLUDED ON FEBRUARY 22, 2012, AND HAS ONLY BE CONSIDERED AS HONORING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
- THE PRIVATE STORM SYSTEM ON THE NORTHERLY SIDE OF THE SUBJECT DOES NOT HAVE ANY APPARENT CONNECTIONS TO ANY DOWNSPREAD SYSTEMS.

ATTACHMENT 3

DESCRIPTION OF REVISION	DATE	BY
1) ADD BOUNDARY TYPED FOR WAC 025700008003	10/04/2012	EW
2) UPDATED BATEY NUMBER FOR CLIENT	10/12/2012	JW

SITE ADDRESS
13413 MERRIMAN TR. & SCOTTIE WA 98148



SURVEY
OF
**TPN: 0257000087 &
TPN: 025700008003**

TROY SCHMEIL
16825 642ND ST
SEASIDE, WA 98148



www.axismap.com	
JOB NO.	DATE
12-017	10/04/12
DRAWN BY	CHECKED BY
JM / EW	MTSE
SCALE	SHEET
1"=40'	SI OF 1

Stephanie Jewett , AICP
Department of Community Development
City of Burien
400 SW 152nd Street
Suite 300
Burien, Wa 98166-3066

April 19, 2013

RECEIVED

APR 22 2013

CITY OF BURIEN

RE: File 12-2131

Proposal of sub-divide - 12414 Military Road S.

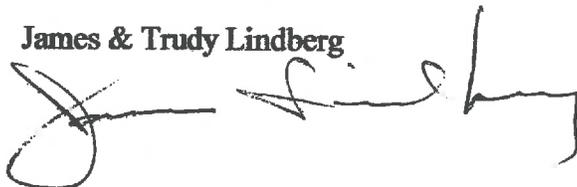
Ms Jewett

Received your notice of application for proposal of sub-divide and access to the site.
The following items are my concerns to this site.

- Item 1. How many vehicles will be allowed per dwelling?
- Item 2. Are all vehicles to be parked on dwelling property?
(Fire department requirements)
- Item 3. With 30 or more vehicles entering and exiting this proposed site, and the short distance of 125th st. and the busy military road; is this an accident waiting to happen? I know some one put a traffic counter on military road but the counter hoses that were strung across military road came lose for a couple days. Check the accuracy of the traffic.
- Item 4. My personal concern of this proposal is the entering and exiting of vehicles, especially at night. The proposal would shine head lights into my living room window every morning and evening; this would disturb my living environment. In the past, the neighbors only had one car entering or exiting their drive area. I have lived here for almost 50 years , many of the neighbors are retired . This has been a peaceful neighborhood and this development will bring another disturbance to our community.
- Item 5. As a tax payer to the city of Burien , will the city of Burien be liable in any accident that will come from this multi-car exit.

Thank you for your time and response.

James & Trudy Lindberg



ATTACHMENT 7

RECEIVED
APR 23 2013
CITY OF BURIEN

To Stephanie Jewett AICP

from Scott Sundquist

City of Burien

12402 Military Rd So

Dept of Community Development

Burien Wa 98168

File no pla 12-2131

1| The northern boundary property line abuts my land. I have only seen 2 survey stakes on this 510 foot line. Will there be an official survey of this property line and will it be clearly marked?

2 Speeding vehicles are a daily problem on this section of military road. Even metro buses speedby..

Additional traffic problems will result when cars and trucks backed up by a stop sign try to merge

Onto this dangerous arterial.

3. Im concerned that multi-family homes will be built on these 14 single family lots if subdivided.

4. There are large Fir trees on my property line that I do not want disturbed. If digging damages the tree roots these large trees could fall on my house in a wind storm.

Thank you

Scott Sundquist
4-24-13

ATTACHMENT 8

Stephanie Jewett

From: Debbie Cahill [Debbie.Cahill@AlaskaAir.com]
Sent: Tuesday, April 23, 2013 6:58 PM
To: Stephanie Jewett
Subject: file # pla 12-2131-Callidus Development Inc

My name is Debra Cahill address is 12312 Military Rd S Burien 988168- 38 year resident in this home

I have some concerns about the development planned for 12414 Military Rd S.

1 - traffic is an issue now - we have no light at 128th or 125th - the outflow of traffic onto Military from 12414 will be between 2 curves - right where cars pick up speed. A school crosswalk

is right in front of my house (with no crossing guard) I see the traffic and the speed some of cars and it is a huge concern/ for the children crossing to go to the apartments

I also hope that the neighbors will be a huge consideration to this company planning to move in all there equipment etc..

Thank you Stephanie for viewing these concerns and keeping me informed on this project.

Debra Cahill

Stephanie Jewett

From: Ron Steinman [rwsteinman@aol.com]
Sent: Tuesday, April 23, 2013 4:26 PM
To: Stephanie Jewett
Subject: Callidus Dev

Stephanie Jewett
Department of Community Development
City of Burien
400 SW 152nd St (Suite 300)
Burien, WA 98166-3066

Ref: Callidus Development
12414 Military Road, S. Burien, WA

Dear Stephanie,

I am writing in response to the public notice regarding the potential development of two lots into 14 lots located at 12414 Military Rd. S.

My family owns Boulevard Park Place Retirement Community 2805 S. 125th St, Burien, WA 98168. We are located very near this proposed development. Our street access is from S. 125th St which some of these proposed lots will be adjacent to.

My primary concerns for this proposal is the ingress and egress from Military Road. We have owned our property since 1986 and have a lot of concern for the traffic volume and speed on Military Road.

There is a Metro bus stop and a school bus stop at the intersection of 125th & Military Road, located south of the proposed access point to this development. There is also a cross walk located just north of the proposed site that the local school kids use to gain access to the local grade school. Both of these areas are heavily used at different times throughout the day, with many grade school children as well as many senior citizens trying to get on and off their busses.

I would ask the city to look at the traffic flow and speed on military road and address a way to slow it down to at least the posted speed limit. A flashing light and a lit cross walk at 125th & Military intersection would help considerably to create a safer environment for the school age pedestrians as well as our senior citizens.

I believe that if there was a flashing light on military road, the traffic speed would decrease. As a result, it would create a safer ingress and egress environment for the additional flow of traffic created by this proposed development.

Sincerely,

Ron Steinman
General Manager/Owner
Boulevard Park Place Retirement Community
2805 S. 125th St
Burien, WA 98168
rwsteinman@aol.com
206 779-8942

**ATTACHMENTS 11-25 ON FILE AND AVILABLE FOR REVIEW AT THE
DEPARTMENT OF COMMUNITY DEVELOPMENT**



Public Hearing Notice

City of Burien

400 SW 152nd Street, Suite 300

Burien, Washington 98166-3066

Hearing Information

The City of Burien Hearing Examiner will hold a public hearing on **September 24, 2013 at 9:30 AM** at the Miller Creek Conference Room, Burien City Hall, 400 SW 152nd Street, Suite 300, to receive public comments on the following application:

Applicant Troy Schmeil, Callidus Development, Inc.

Proposal Subdivide two (2) existing residential lots totaling 2.19 acres into fourteen (14) single-family residential lots.

File No. PLA 12-2131

File is available for viewing at Burien City Hall during regular business hours

Location 12414 Military Road, Burien, WA

Tax Parcel No. 025700-0080; 025700-0087

Current Zoning RS 7,200 (Residential Single Family) and RM-12 (Residential Multi-family 12 units per acre)

How to Comment Any person may submit written or oral comments or testimony at the public hearing, or may submit written comments prior to the hearing. Written comments may be submitted in person, via mail, e-mail or by facsimile. Only persons who submit written or oral comments prior to the close of the hearing may appeal the decision. All documents submitted or requested as part of this application, including the City staff report are available for review at City Hall during regular business hours.

Project Planner Stephanie Jewett, AICP

(for submittal of written comments or for more information)
Department of Community Development
City of Burien

400 SW 152nd Street (Suite 300)

Burien, WA 98166

Phone: (206) 439-3152 E-Mail: stephaniei@burienwa.gov

Published in the
Seattle Times

Date of Notice: September 10, 2013

cc: Burien City Council
Burien Staff
B-Town Blog
Burien Daily
Burien Library

Discover Burien
Highline Times
Seahurst Post Office
White Center Now
Web site: www.burienwa.gov

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Ordinance No. 592, Approving the Final Plat of the Westwood Ridge Subdivision		Meeting Date: October 28, 2013
Department: Community Development	Attachments: 1. Proposed Ordinance No. 592, with Exhibit A Hearing Examiner's Findings, Conclusions and Recommendation. 2. Vicinity Map 3. Highline Village Subdivision Final Plat Map	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Charles W. "Chip" Davis, Community Development Director		
Telephone: 248-5501		
Adopted Initiative Priority: Yes No <input checked="" type="checkbox"/>	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to consider adopting an ordinance approving the final plat application for the Westwood Ridge Subdivision.		
BACKGROUND (Include prior Council action & discussion): The proposal is to subdivide a 3.63 acre (158,101 square foot) parcel into sixteen (16) single-family lots. The site is bordered on the west by 4 th Avenue South, a paved arterial street, on the north by single-family residences and the Shinnyo-en Temple, on the east by the New Testament Church and on the south by residences, as shown in the attached vicinity map. The City Council on June 3, 2013 adopted Resolution No. 345, which granted preliminary approval of the Westwood Ridge Subdivision with conditions. The resolution also adopted the findings of fact and conclusions as set forth by the Hearing Examiner. Per BMC Title 17.45 Final Plats, the City Council is required to determine if the applicant has satisfied preliminary conditions of approval for the plat and has completed or bonded for all required improvements for the plat as required by the Public Works Department. The applicant has met the required conditions of approval for the development and has constructed or bonded for all of the required improvements. The Development Engineer has reviewed the final plat map and all construction improvements and has recommended final approval of the plat. By passing proposed Ordinance No. 592, the City Council will grant final approval for the Westwood Ridge Subdivision. The plat documents will then be recorded, which will formally create the new lots for the purpose of sale, and allow the issuance of building permits.		
OPTIONS (Including fiscal impacts): 1. Approve the final plat (Adopt Ordinance No. 592). 2. Deny the final plat		
Administrative Recommendation: Adopt proposed Ordinance No. 592, granting approval of the final plat for the Westwood Ridge Subdivision.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to Adopt Ordinance No. 592, Approving the Final Plat of the Westwood Ridge Subdivision, and Directing the Mayor to Sign the Final Plat Documents.		
Submitted by: Charles W. "Chip" Davis		
Administration 	Interim City Manager 	
Today's Date: October 22, 2013	File Code: \\File01\records\CC\Agenda Bill 2013\102813cd-1 Westwood Ridge Final Subdivision.docx	

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 592

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, APPROVING THE SUBDIVISION AND FINAL PLAT KNOWN AS WESTWOOD RIDGE.

WHEREAS, on January 17, 2013, application was made to the City of Burien for the preliminary approval of a subdivision known as Westwood Ridge; and

WHEREAS, on June 3, 2013, the City Council adopted Resolution 345, which concurred with the Findings, Conclusions, and Recommendation of the City's Hearing Examiner and preliminarily approved the Westwood Ridge Subdivision, subject to a number of terms and conditions; and

WHEREAS, pursuant to Ch. 58.17 RCW and Ch. 17.45 BMC, the City's Department of Community Development has reviewed the final plat of Westwood Ridge Subdivision and determined it to comply with all terms and conditions of preliminary plat approval and all applicable zoning and subdivision code requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Findings. The City Council makes the following findings:

A. The Findings, Conclusions, and Recommendation of the City's Hearing Examiner attached hereto as Exhibit A are hereby adopted and incorporated herein by this reference.

B. The Final Plat for the Westwood Ridge Subdivision complies with all terms and conditions of preliminary plat approval and all applicable zoning and subdivision code requirements.

Section 2: Approval. The City Council hereby approves the Westwood Ridge Subdivision and Final Plat subject to all terms and conditions set forth in the attached Exhibit A.

Section 3: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or

circumstances.

Section 4: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 5: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28TH DAY OF OCTOBER __, 2013, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS __ DAY OF OCTOBER, 2013.

CITY OF BURIEN

Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Burien City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 592
Date of Publication:

**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.*

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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.*

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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

*Findings, Conclusion, and Recommendation
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Westwood Ridge Preliminary Plat, No. PLA13-0126*

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

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

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.

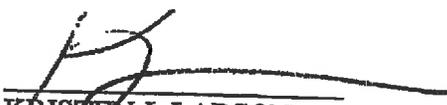
 - d. Submit an approved Interlocal Agreement between Southwest Suburban Sewer District and Midway Sewer District.

 - 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.

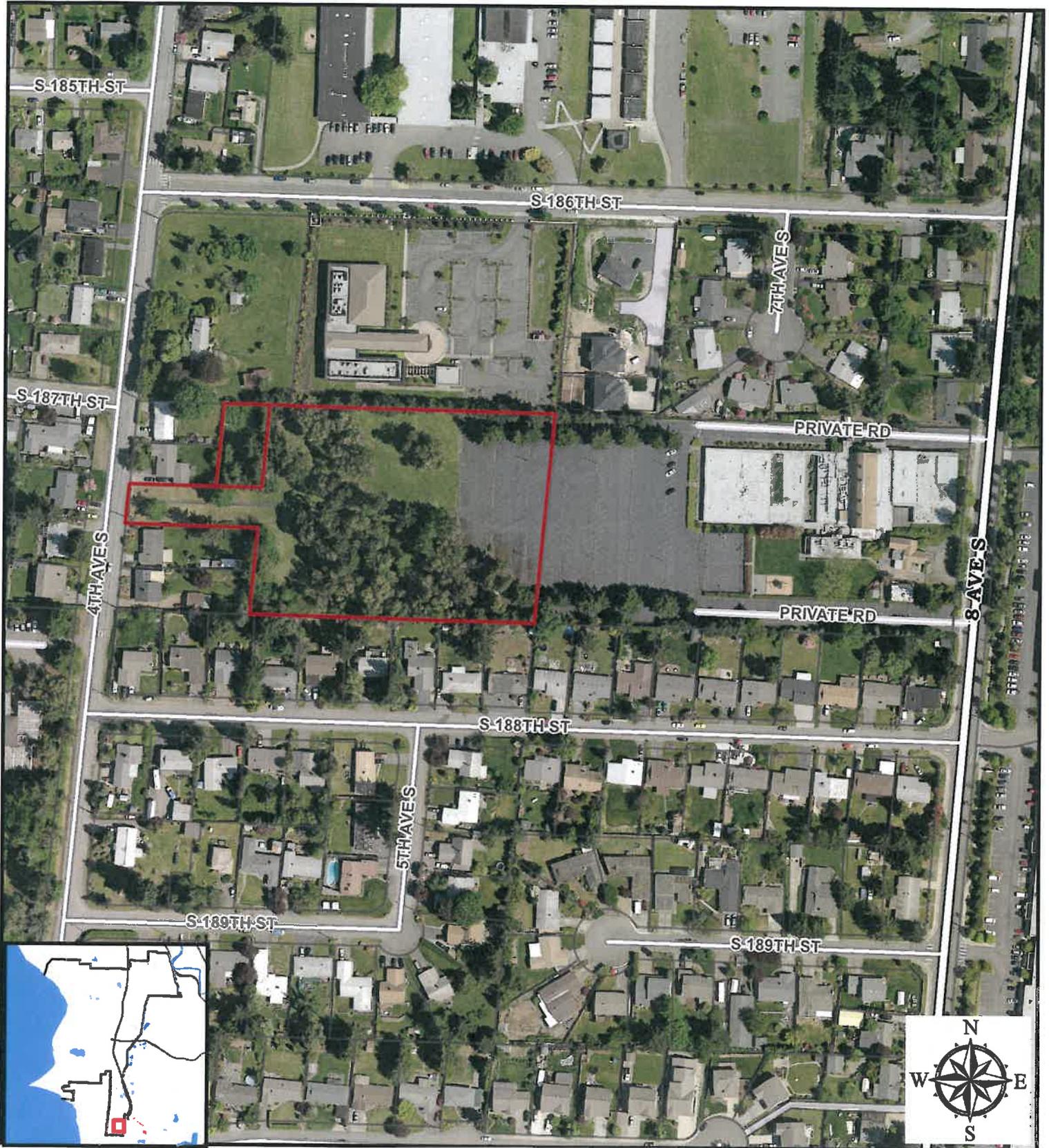

KRISTEN J. LARSON
Hearing Examiner
Sound Law Center

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

File: PLA 13-0136

Westwood Ridge Preliminary Subdivision

Address: 187xx 4th Avenue South





CITY OF BURIEN, WASHINGTON
DEPARTMENT OF COMMUNITY
DEVELOPMENT NO. PLA 13-1849

PLAT OF WESTWOOD RIDGE

RECORDING NO.	VOL./PAGE
PORTION OF <u>NE 1/4 of SW 1/4, S. 32 T. 23 N., R. 04 E., W.M.</u>	

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE HEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS, AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED. FURTHER THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF BURIEN, ITS SUCCESSORS AND ASSIGNS TO WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF BURIEN, FURTHER THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF BURIEN, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGES, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELINQUISHING THE CITY OF BURIEN, ITS SUCCESSORS AND ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF BURIEN, ITS SUCCESSORS, OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

ON BEHALF OF DENOVA NORTHWEST, LLC _____ DATE

ON BEHALF OF U.S. BANK NATIONAL ASSOCIATION _____ DATE

STATE OF _____)
COUNTY OF _____)
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT

IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (HE/SHE) SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF _____ TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____
SIGNATURE OF _____
NOTARY PUBLIC
PRINTED NAME OF _____
NOTARY PUBLIC

TITLE _____
MY APPOINTMENT EXPIRES _____

STATE OF _____)
COUNTY OF _____)
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT

IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (HE/SHE) SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF _____ TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____
SIGNATURE OF _____
NOTARY PUBLIC
PRINTED NAME OF _____
NOTARY PUBLIC

TITLE _____
MY APPOINTMENT EXPIRES _____

RECORDER'S CERTIFICATE

filed for record this _____ day of _____, 20____ at _____ M
in book _____ of _____ at page _____ at the request of
Jonathan M Backer.

Mgr. _____ Supt. of Records _____

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

ASSESSOR _____

DEPUTY ASSESSOR _____

ACCOUNT NUMBER _____

KING COUNTY FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID IN ACCORDANCE WITH RCW 88.08.030 AND 88.08.040 AND THAT A DEPOSIT HAS BEEN MADE WITH THE KING COUNTY FINANCE DEPARTMENT IN SUFFICIENT AMOUNT TO PAY THE TAXES FOR THE FOLLOWING YEAR. THIS _____ DAY OF _____, 20____

MANAGER, FINANCE DIVISION _____

DEPUTY _____

CITY OF BURIEN APPROVALS:

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____
CITY ENGINEER _____
EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____
DIRECTOR OF COMMUNITY DEVELOPMENT _____
EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____
CITY CLERK _____
MAYOR, CITY OF BURIEN _____

GENERAL NOTES:

- THE WESTWOOD RIDGE HOMEOWNER'S ASSOCIATION (HOA) WAS ESTABLISHED ON _____ THE ARTICLES OF INCORPORATION ARE ON FILE WITH THE STATE OF WASHINGTON IN OLYMPIA.
- AN NON-EXCLUDE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO: HIGHLINE WATER DISTRICT, MIDWAY SEWER DISTRICT, CENTURYLINK, COMCAST COMMUNICATIONS CABLE AND FOR PUGET SOUND ENERGY AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS OR TRACTS SHOWN HEREON IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND PIPES, MAINS, CONDUITS, MAIN CABLES AND WIRES WITH WATER, SEWER, ELECTRIC, TELEPHONE, TV AND GAS SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. THE EASEMENT ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY - SEE (A) ON SHEET 3.
- THE VARIOUS PRIVATE STORM DRAINAGE EASEMENTS, AS DELINEATED AND CONVEYED HEREON ARE PRIVATE. THE LOTS BENEFITED BY THE EASEMENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THE DRAINAGE FACILITIES WITHIN THE EASEMENT. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THOSE PARTIES RESPONSIBLE.
- A NON-EXCLUDE PRIVATE STORM DRAINAGE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE LOTS 1 THROUGH 7 AND LOTS 11 THROUGH 16 UNDER AND UPON THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS SHOWN HEREON - SEE (A) ON SHEET 3.
- A NON-EXCLUDE DRAINAGE ACCESS EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF BURIEN UNDER AND UPON THAT PORTION OF LOT 8, AS DELINEATED ON SHEET 3 OF 3, HEREON TO PROVIDE ACCESS TO THE DRAINAGE FACILITIES WITHIN TRACT A - SEE (C) ON SHEET 3.
- A NON-EXCLUDE SEWER EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO MIDWAY SEWER DISTRICT UNDER AND UPON LOT 9 AND TRACT A, AS DELINEATED ON SHEET 3 OF 3, MIDWAY SEWER DISTRICT SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR SEWER FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (D) ON SHEET 3.
- A NON-EXCLUDE PRIVATE SIDE SEWER EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO TAX PARCEL 322304-8217 UNDER AND UPON LOT 1, AS DELINEATED ON SHEET 3 OF 3, THE OWNER OF TAX PARCEL 322304-8217 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR SIDE SEWER FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (E) ON SHEET 3.
- A NON-EXCLUDE PRIVATE SIDE SEWER EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO TAX PARCEL 885200-0010 UNDER AND UPON LOT 1, AS DELINEATED ON SHEET 3 OF 3, THE OWNER OF TAX PARCEL 885200-0010 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR SIDE SEWER FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (E) ON SHEET 3.
- A NON-EXCLUDE PRIVATE SIDE SEWER EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO TAX PARCEL 885200-0020 UNDER AND UPON LOT 18, AS DELINEATED ON SHEET 3 OF 3, THE OWNER OF TAX PARCEL 885200-0020 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR SIDE SEWER FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (E) ON SHEET 3.
- A NON-EXCLUDE PRIVATE SIDE SEWER EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO TAX PARCEL 885200-0030 UNDER AND UPON LOT 18, AS DELINEATED ON SHEET 3 OF 3, THE OWNER OF TAX PARCEL 885200-0030 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR SIDE SEWER FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (E) ON SHEET 3.
- THE ADDRESSES RANGE FOR THIS PLAT WILL BE FROM 400 TO 588.
- SOUTH 187TH LANE SHALL BE DEDICATED TO THE CITY OF BURIEN UPON RECORDING OF THIS PLAT.
- ALL STRUCTURE, FILL OR OBSTRUCTION (INCLUDING BUT NOT LIMITED TO DECKS, PATIOS OUTBUILDING, OR OVERHANGS) SHALL NOT BE PERMITTED BEYOND THE BUILDING SETBACK LINE OR WITHIN PRIVATE & PUBLIC DRAINAGE AND UTILITIES EASEMENTS, ADDITIONALLY, GRADING AND CONSTRUCTION OF FENCING SHALL NOT BE ALLOWED WITHIN THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT MAP UNLESS OTHERWISE APPROVED BY CITY OF BURIEN OR ITS SUCCESSOR AGENCY.
- PARKING SHALL NOT BE ALLOWED ON ANY PORTION OF THE STREET THAT IS 40-FEET IN WIDTH. HOMEOWNERS ASSOCIATION OR OTHER OWNERSHIP ORGANIZATION SHALL SPECIFICALLY ENFORCE THIS PROVISION TO ENSURE A CLEAR VEHICLE AND PEDESTRIAN PATH AT ALL TIMES. ALL FIRE LANE SIGNS SHALL BE INSTALLED AND MAINTAINED BY HOMEOWNERS ASSOCIATION OR OTHER OWNERSHIP ORGANIZATION PER BMC 15.20.100. PARKING SHALL BE ALLOWED ALONG THE SOUTH SIDE OF THE STREET IN THE FIRST 200 FEET IMMEDIATELY ADJACENT TO 4TH AVENUE S WHERE THE ROAD IS WIDENED TO ACCOMMODATE PARKED VEHICLES.
- THE HOA WILL BE RESPONSIBLE FOR STREET LIGHT BILLING. THE CITY OF BURIEN WILL NOT TAKE ANY RESPONSIBILITY FOR STREET LIGHT BILLING AND MAINTENANCE.

TRACT NOTES:

- TRACT A IS A TRACT FOR STORM DRAINAGE FACILITIES FOR THE BENEFIT OF THE PUBLIC AND WILL BE DEDICATED TO THE CITY OF BURIEN UPON RECORDING OF THIS PLAT FOR THE MAINTENANCE OF THE STORM DRAINAGE FACILITIES LOCATED IN TRACT A.

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF WESTWOOD RIDGE IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 20, TOWNSHIP 23N, RANGE 04E, W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS WILL BE STAKED CORRECTLY ON THE GROUND AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISION OF THE PLATTING REGULATIONS

Jonathan M. Backer, PLS
Certificate No. 41277



DUNCANSON
Company, Inc.

CIVIL ENGINEERING · SURVEYING · LAND PLANNING
145 SW 15th Street, Ste 212, Seattle, Washington 98106
Phone (206) 244-4141 Fax (206) 244-4433

CITY OF BURIEN SUBDIVISION NO.:
PLA 13-1849
FOR:
DENOVA NORTHWEST, LLC

DWN. BY	JMB	DATE	10/09/2013	JOB NO.	12116
CHKD. BY	KJW/JMB	SCALE	N/A	SHEET	1 OF 3

ATTACHMENT 3



CITY OF BURIEN, WASHINGTON
DEPARTMENT OF COMMUNITY
DEVELOPMENT NO. PLA 13-1849

PLAT OF WESTWOOD RIDGE

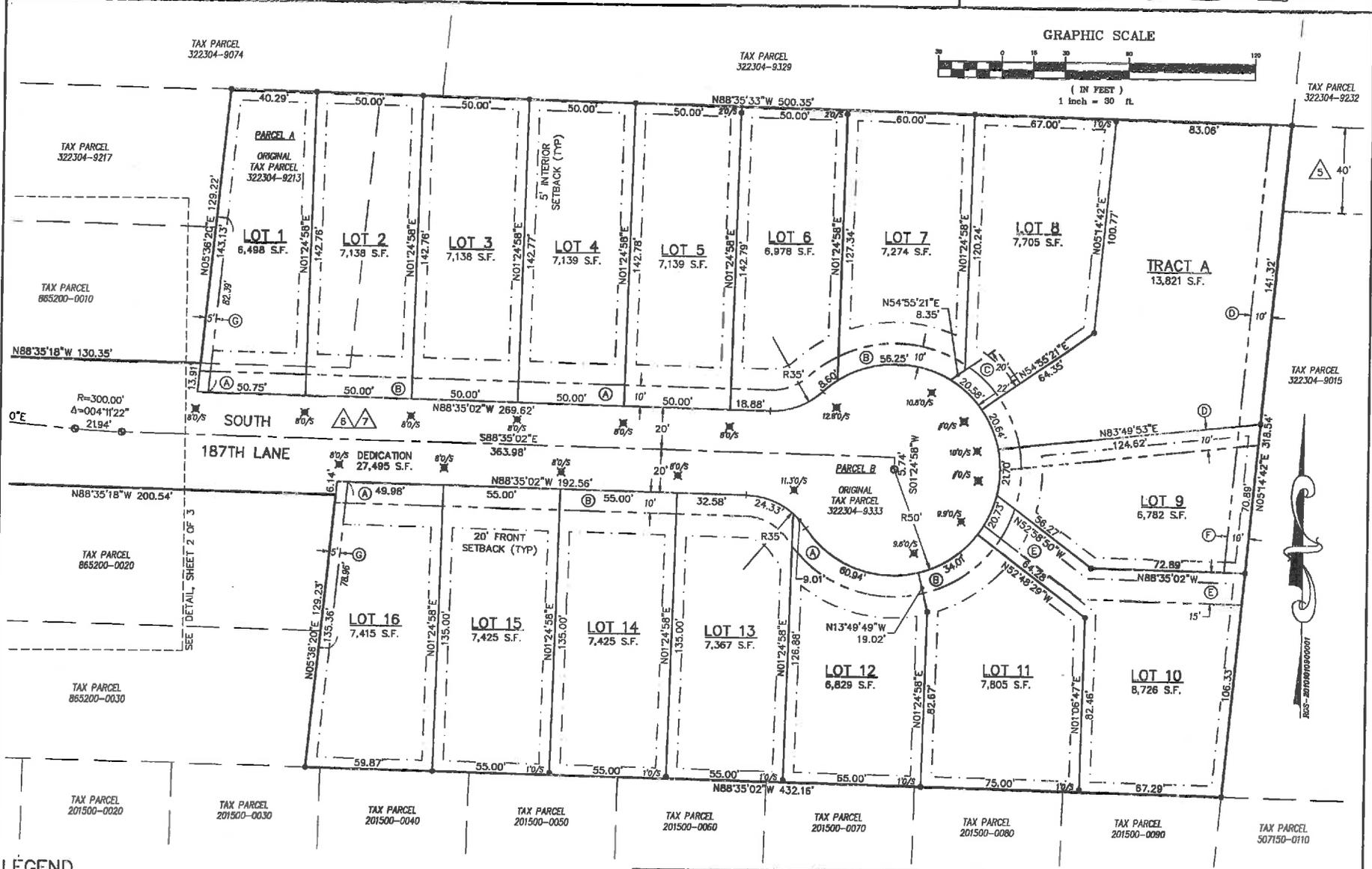
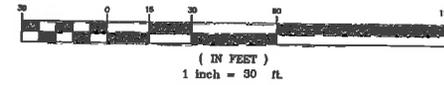
RECORDING NO.

VOL./PAGE

PORTION OF

NE 1/4 of SW 1/4, S. 32, T. 23 N., R. 04 E., W.M.

GRAPHIC SCALE



LEGEND

- SET 5/8" REBAR & CAP, L.S. # 41277
- ✱ SET LEAD & TACK/WASHER, L.S. # 41277
- 10/S LEAD & TACK OFFSET DISTANCE
- FOUND REBAR & CAP, AS NOTED
- ⊙ SET MONUMENT IN CASE
- EXTERIOR BOUNDARY OF PLAT PROPERTY
- - - EXISTING STREET RIGHT-OF-WAY MARGIN
- - - BUILDING SETBACK LINE, AS NOTED
- (A) UTILITY EASEMENT - SEE NOTE 2, SHEET 1
- (B) STORM DRAINAGE EASEMENT - SEE NOTE 4, SHEET 1
- (C) ACCESS EASEMENT - SEE NOTE 5, SHEET 1
- (D) SEWER EASEMENT - SEE NOTE 6, SHEET 1
- (E) WATER EASEMENT - SEE NOTE 7, SHEET 1
- (F) SIDE SEWER EASEMENT - SEE NOTE 8, SHEET 1
- (G) SIDE SEWER EASEMENTS - SEE NOTES 9-12, SHEET 1



DUNCANSON
Company, Inc.

CIVIL ENGINEERING · SURVEYING · LAND PLANNING
143 SW 155th Street, Ste. 102, Seattle, Washington 98166
Phone: (206) 244-4141 Fax: (206) 244-4455

CITY OF BURIEN SUBDIVISION NO.:

PLA 13-1849

FOR:
DENOVA NORTHWEST, L.L.C

DWN. BY	DATE	JOB NO.
CHKD. BY: KJW/JMB	10/09/2013	12116
SCALE	1" = 30'	SHEET 3 OF 3

