

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 28TH DAY OF OCTOBER, 2013.

CITY OF BURIEN

/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Ann Marie Soto, Acting Burien City Attorney

Filed with the City Clerk: October 28, 2013

Passed by the City Council: October 28, 2013

Ordinance No. 592

Date of Publication: October 31, 2013

**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.*

Utilities and Services

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

Staff Recommendation and Applicant Response

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

CONCLUSIONS

Jurisdiction

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

Criteria for Review

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

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

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

A. Pursuant to chapter 17.15 BMC:

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

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

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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*.

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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

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