

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 629

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

WHEREAS, on August 4, 2008, application was made to the City of Burien for the preliminary approval of a subdivision known as Walker Creek Ridge; and

WHEREAS, on September 14, 2009, the City Council adopted Resolution 303, which concurred with the Findings, Conclusions, and Recommendation of the City's Hearing Examiner and preliminarily approved the Walker Creek Ridge Subdivision, subject to a number of terms and conditions. At time of final subdivision application, the applicant changed the name of the subdivision to Walker Creek; 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 Walker Creek 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 Walker Creek 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 Walker Creek 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 SEPTEMBER, 2015, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 28th DAY OF SEPTEMBER, 2015.

CITY OF BURIEN

/s/ Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Soojin Kim City Attorney

Filed with the City Clerk: September 28, 2015

Passed by the City Council: September 28, 2015

Ordinance No. 629

Date of Publication: October 1, 2015

**CITY OF BURIEN
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Jason Running for Walker Creek Ridge, LLC

CASE NO.: PLA 08-1524

LOCATION: NW corner of Des Moines Memorial Drive & South 176th Street
(see Exhibit A, Attachment 1)

APPLICATION: Request to subdivide a 3.98 acre parcel into seventeen single family lots in an RS-7,200 zoning district (see Exhibit A).

REVIEW PROCESS: Hearing Examiner conducts an open record hearing and makes a recommendation to the City Council, who then makes the final decision.

SUMMARY OF RECOMMENDATIONS

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING

After reviewing the official file, which included the Staff Recommendation; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Walker Creek Ridge application was opened at 2:00 p.m., August 14, 2009, in City Hall, Burien, Washington, and closed at 2:33 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Community Development Department.

Hearing Comments:

The following is a summary of the comments offered at the public hearing.

From the City

- Chip Davis, Project Planner: Provided a summary of the project components, provided staff's analysis regarding approval criteria, specifically discussed street improvements and critical areas mitigation (wetland and stream), and staff recommendation (see Exhibit A).

From the Applicant

Jason Running, Project Manager
Bill Lihudis, Builder

Mr. Running indicated that they understood the staff report, analysis and recommendations, and had no questions at this time. Mr. Lihudis noted that the target market was disabled veterans and that the homes were based on a "universal design" that is intended to include ADA components in all aspects of the residence. They provided clarification relative to retaining wall height, access and length of project.

From the Community

Diane Cloutier
Gary Boersma
Ellen Negron
Jacoub Awabdy

Mrs. Cloutier has had on-going problems with people crossing her property as a pedestrian route to Des Moines Way. She wanted to know if the project would address this situation. It was noted by Mr. Running and staff that there would be a retaining wall developed along the perimeter of the subject property, with fencing and/or landscaping for screening installed along the top of the wall, which should keep people from crossing the two properties.

Mr. Boersma Wanted to know what would happen to the existing on-site trees. It was noted by staff that trees would be removed to accommodate construction, and that the City has the requirement to replant as part of required landscaping. In addition, the wetland buffer area will be planted with numerous native trees and plants, which will add to the number of trees and vegetation to the overall site.

Ms. Negron currently has access to her property via an easement over the subject property and wondered how the project may affect her access. One of the conditions of approval is to abandon the easement and make the access a public street, which will involve moving the right-of-way a few feet north and removal of two trees. This work may involve closing the access for about 48 hours for paving.

Mr. Awabdy was curious as to how long the construction would take, noting concerns about noise and dust. Mr. Running noted that at this time a specific schedule is largely market driven and uncertain, but that once underway construction time would likely be from 6 to 8 months or at most a year.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on pages 6 and 7 in Exhibit A, Staff Recommendation, July 27, 2009, accurately reflects the site circumstances, zoning requirements and land use, and are hereby adopted by reference.
2. The Fact and Conclusion regarding compliance with SEPA review on page 13 in Exhibit A, Staff Recommendation, July 27, 2009, is accurate and hereby adopted by reference.

3. The Facts and Conclusions regarding compliance with Approval Criteria on pages 13 and 14 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with Development Regulations on pages 14 through 27 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference. In particular, they include the following:

General Compliance	pages 14 and 15
Lot Size and Layout	page 15
Street Improvements, Access & Parking	pages 16 through 18
Utilities	pages 18 through 20
Surface Water Management	pages 20 through 22
Fee-In-Lieu of Recreation Space	page 22
Tree Retention and Landscaping	page 23
Critical Area Evaluation	pages 23 through 27
5. The Facts and Conclusion regarding compliance with the Preliminary Plat Map requirements on page 27 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.
6. The Facts and Conclusion regarding compliance with the Comprehensive Plan on pages 27 and 28 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for a 17 lot residential subdivision be approved, subject to the conditions found on pages 2 through 6 of Exhibit A, Staff Recommendation, July 27, 2009.

Entered this 21st day of August, 2009.



Donald B. Largen, AICP
Hearing Examiner

CITY COUNCIL REVIEW AND DECISION

The City Council will take final action on this application in accordance with the provisions of BMC 19.65.075.

JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for judicial review.

BMC 19.65.060 allows the city's final decision to be appealed 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. Requirements for fully exhausting City administrative appeal opportunities must first be fulfilled.

EXHIBITS

The following exhibits were offered and entered into the record:

- A. Staff Recommendation to the Hearing Examiner with attachments dated July 27, 2009.
- B. Two emails in response to DNS from Seattle Public Utilities and METRO Transit.

PARTIES OF RECORD

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Community Development Department
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