

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Resolution No. 291, Entering Findings of Fact and Conclusions of Law Regarding Approval of the Habtebold Preliminary Subdivision (13032 Ambaum Blvd. SW)		Meeting Date: April 6, 2009
Department: Community Development	Attachments: Proposed Resolution No. 291, 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: Stephanie Jewett, AICP Planner		
Telephone: (206) 439-3152		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Work Plan Item Description: N/A	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to review the Hearing Examiner's Findings, Conclusions and Recommendation on the proposed Habtebold preliminary subdivision application and consider adopting a resolution granting approval of the Habtebold Subdivision preliminary plat application.</p> <p>BACKGROUND (Include prior Council action & discussion): The proposal is to subdivide a 1.67 acre parcel into six (6) single-family lots. The site is bordered to the west by existing single-family development and by Ambaum Boulevard SW. Existing single-family development also borders the site to the south and east. Properties located along the northern border of the site include a residential nursing facility and single-family homes. All proposed lots will have access via a private street and cul-de-sac extending east from Ambaum Boulevard SW. Tract A is proposed in the eastern portion of the site for stormwater detention.</p> <p>The Hearing Examiner conducted an open record public hearing on March 9, 2009. On March 23, 2009, the Hearing Examiner issued findings, conclusions, and a recommendation to the City Council to approve the preliminary subdivision with conditions (see Exhibit A of proposed Resolution No. 291). The Council's role in all Type 3 decisions is to review and take action on the Hearing Examiner's recommendation.</p> <p>The City Council's decision on a preliminary subdivision application must be based on the record developed by the Hearing Examiner, which includes his recommendation. By passing proposed Resolution No. 291, the City Council will grant preliminary approval for the Habtebold Subdivision with recommended conditions. The resolution will also adopt the findings of fact and conclusions as set forth by the Hearing Examiner.</p> <p>Following approval of the preliminary plat the applicant will be required to satisfy all required conditions of approval prior to presenting the plat for final adoption by the City Council.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Approve the application (Adopt proposed Resolution No. 291). 2. Approve the application with modifications (Adopt proposed Resolution No. 291 with modifications). 3. Deny the application. 4. Remand the application to the Hearing Examiner for an additional hearing on specific issues. <p>For options 2 or 3, the Council must also adopt written findings of fact and conclusions that support its decision.</p>		
Administrative Recommendation: Adopt proposed Resolution No. 291, entering findings of fact and conclusions of law and granting preliminary approval of the Habtebold Subdivision.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to adopt Resolution No. 291, granting preliminary plat approval of the Habtebold Subdivision, and adopting findings of fact, conclusions and conditions as set forth by the Hearing Examiner.		
Submitted by: Stephanie Jewett, AICP, Planner		
Administration _____	City Manager _____	
Today's Date: March 31, 2009	File Code: R:\CC\Agendabill2009\040609cd-2 Habtebold Preliminary Plat.doc	

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 291

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
ENTERING FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING APPROVAL OF THE HABTEWOLD SUBDIVISION**

WHEREAS, the City of Burien Hearing Examiner conducted an open record public hearing on March 23, 2009 at which testimony from city staff, the applicant and public was heard regarding the preliminary plat approval of the Habtewold Subdivision; and,

WHEREAS, on March 23, 2009 the Hearing Examiner made 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 Habtewold preliminary plat application and the Hearing Examiner's recommendation, conditionally approves the Habtewold 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, AT A REGULAR MEETING THEREOF THIS ____ DAY OF APRIL, 2009.

CITY OF BURIEN, WASHINGTON

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk: March 31, 2009
Passed by the City Council:
Resolution No.: 291

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

APPLICANT: NPC Engineers for Wondimu Habtewold

CASE NO.: PLA 08-1556

LOCATION: 13032 Ambaum Boulevard SW (see Exhibit A, Attachment 1).

APPLICATION: Request for preliminary approval of a six lot subdivision on a 1.67 acre parcel located in an RS-7,200 zoning district (see Exhibit A and Attachments).

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 Habtewold application was opened at 2:03 p.m., March 9, 2009, in City Hall, Burien, Washington, and closed at 2:40 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

Stephanie Jewett, Project Planner: Described the specifics of the project noting that the six proposed lots all met minimum lot areas, lot widths basically lined up with the existing lots adjacent to the south, that access would be provided with a private road, including five feet of sidewalk on the south side of the private road. See Exhibit A, Attachments #3 through #7.

Ramesh Davad, Public Works: Clarified the configuration of the City's storm drainage system in the immediate vicinity of the project site, noting the proposed drain tie to 130th Street by the neighbors would be possible as long as the connection did not exceed the system's design capacity. Mr. Davad clarified that the drainage issue raised by the neighbors was not the result of runoff from the subject property, but rather from 132nd Street to the south.

From the Applicant

Brandon McDowell: Described how on-site storm drainage would be handled. He noted that all impervious surface run-off would be conveyed to a storm drain tract at the east end of the project, where run-off would be collected into a detention pond and allowed to infiltrate. During severe rain events an overflow connection would be provided to the City storm drain system located north of the site at 130th Street. Mr. McDowell noted that while the applicants would be willing to work with the east neighbors to address their drainage issue, he did not feel the applicants should be required to carry the total cost of providing the bypass to their system.

Gary Hall: Stated that the applicants were willing to let the neighbors connect a stub to their drainage system to allow overflow bypass from their trench drain system.

George Anderson: A former owner of the subject property, he noted that in the 45 years he lived there he had not witnessed any significant storm flows on the property.

From the Community

Ken Cramer
Jeremiah Easter

Neighbors immediately east and adjacent to the site are requesting that the application include the ability for them to address an existing drainage situation. Their properties are in a low spot relative to 132nd Street to the south, such that a significant amount of water collects on their properties. They have constructed trench drains, but they do not adequately handle runoff from heavy rain events. They would like to connect to the bypass proposed for the subdivision.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on pages 3 and 4 in Exhibit A, Staff Recommendation, February 18, 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 6 in Exhibit A, Staff Recommendation, February 18, 2009, is accurate and hereby adopted by reference.
3. The Facts and Conclusion regarding compliance with the Approval Criteria on pages 6 and 7 in Exhibit A, Staff Recommendation, February 18, 2009, are accurate and are hereby adopted by reference.

4. The Facts and Conclusions regarding compliance with Development Regulations on pages 7 through 13 in Exhibit A, Staff Recommendation, February 18, 2009, are accurate and are hereby adopted by reference. In particular they include:

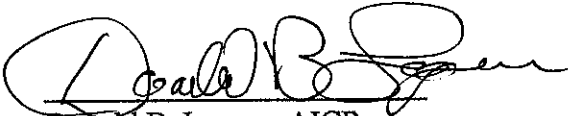
General Compliance	pages 7 and 8
Lot Size and Layout	page 8
Street Improvements, Access and Parking	page 9
Utilities	page 10
Surface Water Management	pages 10 through 13
Fee-In-Lieu of Recreation Space	page 13
Tree Retention and Landscaping	page 13

5. The Facts and Conclusion regarding compliance with the Comprehensive Plan on pages 13 and 14 in Exhibit A, Staff Recommendation, February 18, 2009, are accurate and are hereby adopted by reference.
6. Relative to the neighbors' request to have the application requirements address an existing, off-site drainage issue it was noted that source of the drainage problem is not a result of conditions or activities on the subject site. However, testimony and discussions that occurred at the hearing indicate that the project applicants are willing to work with the neighbors to address the issue. Any such efforts should be coordinated with the City Engineer.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for a six lot subdivision be approved, subject to the recommended conditions found on pages 2 and 3 of Exhibit A.

Entered this 23rd day of March, 2009.



Donald B. Lergen, 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 February 18, 2009.

PARTIES OF RECORD

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