


**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Ordinance No. 501, Approving the Final Plat of the Highline Village Subdivision		Meeting Date: November 17, 2008
Department: Community Development	Attachments: 1. Proposed Ordinance No. 501 2. Resolution No. 254, with Exhibit A - Hearing Examiner's Findings, Conclusions and Recommendation. 3. Notice of Decision 4. Vicinity Map and 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, Planner		
Telephone: (206) 248-5501		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Work Plan Item 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 Highline Village Subdivision.		
BACKGROUND (Include prior Council action & discussion): The proposal is to subdivide a 3.14 acre (136,778 square feet) parcel into 35-lots. The site is located between South 150 th and South 152 nd Streets, just south of SR 518, as shown on the attached vicinity map. The City Council on December 18, 2006 adopted Resolution No. 254, which granted preliminary approval of the Highline Village 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 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. 501, the City Council will grant final approval for the Highline Village Subdivision, with the noted conditions as set forth in the attached Hearing Examiner Report. 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. 501). 2. Approve the final plat with modifications, based on the Hearing Examiner's Record (Adopt proposed Ordinance No. 501, with modifications). 3. Deny the final plat, based on the Hearing Examiner's Record. 4. Remand the final plat 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 Ordinance No. 501, granting approval of the final plat for the Highline Village Subdivision.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to Adopt Ordinance No. 501, Approving the Final Plat of the Highline Village Subdivision, and Directing the Mayor to Sign the Final Plat Documents.		
Submitted by: Charles W. "Chip" Davis		
Administration		City Manager
Today's Date: November 12, 2008	File Code: 111708cd-2 - Highline Village Final Plat.doc	

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 501

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, CONCURREING WITH CITY OF BURIEN'S PRELIMINARY APPROVAL AND RECOMMENDATION FOR FINAL APPROVAL, SUBJECT TO CONDITIONS, OF THE SUBDIVISION KNOWN AS HIGHLINE VILLAGE.

WHEREAS, on February 1, 2006, application was made to the City of Burien for the preliminary approval for a subdivision known as Highline Village; and

WHEREAS, on December 18, 2006, the City of Burien preliminarily approved the Highline Village subdivision subject to conditions; and

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

Section 1: Adoption. The City Council adopts and incorporates herein the findings, recommendations, and conclusions contained in the report of the City of Burien Hearing Examiner as amended by City of Burien Resolution 254, (attached hereto as Exhibit A) dated December 18, 2006, for final approval, subject to conditions, of the Highline Village subdivision.

Section 2: 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 3: 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 4: 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 17TH DAY OF NOVEMBER, 2008, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ___ DAY OF NOVEMBER, 2008.

ATTACHMENT 1

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Burien City Attorney

Filed with the City Clerk: November 12, 2008

Passed by the City Council:

Ordinance No. 501

Date of Publication:

EXHIBIT A

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 254

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, ENTERING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE HIGHLINE VILLAGE SUBDIVISION

WHEREAS, the City of Burien Hearing Examiner conducted an open record public hearing on November 21, 2006 at which testimony from city staff, the applicant and public was heard regarding the preliminary plat approval of the Highline Village Subdivision; and,

WHEREAS, on November 30, 2006 the Hearing Examiner made a recommendation to the City Council; and,

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

Section 1. The City Council, having considered the Highline Village preliminary plat application and the Hearing Examiner's recommendation, conditionally approves the Highline Village 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 18th DAY OF DECEMBER,
2006.

CITY OF BURIEN, WASHINGTON

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha, Interim City Attorney

Filed with the City Clerk: December 13, 2006
Passed by the City Council: December 18, 2006
Resolution No.: 254

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

APPLICANT: Carl Shaw for CGS, LLC.

CASE NO.: PLA 06-0160

LOCATION: 526 South 152nd Street (see Exhibit A, Attachment 1).

APPLICATION: Request to subdivide a 3.14 acre parcel into 35 lots for construction of townhouse dwellings (see Exhibit A).

REVIEW PROCESS: Hearing Examiner conducts a public hearing and provides a recommendation to City Council, who makes the final decision.

SUMMARY OF RECOMMENDATION AND DECISION:

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING:

After reviewing the official file, which included the Planning Division Staff Advisory Report, and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Shaw application was opened at 10:00 a.m., November 21, 2006, in the Council Chambers, Burien, Washington, and closed at 10:15 a.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 Planning Division.

HEARING COMMENTS:

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

From the City:

Chip Davis, Planner: Provided an overview of the project noting the retention of three existing homes, that the proposed lot sizes were all greater than the minimum required, and explained the project had received a road standards variance (see Exhibit A, Attachment 12). Mr. Davis summarized staff's analysis and related recommendations.

From the Applicant:

Harold Duncanson: Mr. Duncanson detailed site access and roadway design, noting the narrower width and curvilinear layout would contribute to lower vehicle speeds. He also clarified the configuration and access to lots 1 and 35.

From the Community:

No comments received.

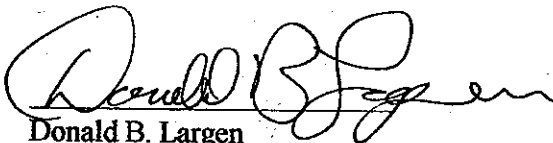
FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on page 5 and 6 in Exhibit A, Staff Recommendation, October 24, 2006, 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 7 in Exhibit A, Staff Recommendation, October 24, 2006, is accurate and hereby adopted by reference.
3. The Facts and Conclusions regarding Approval Criteria on pages 7 and 8 in Exhibit A, Staff Recommendation, October 24, 2006, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with Development Regulations on pages 9 through 18 in Exhibit A, Staff Recommendation, October 24, 2006, are accurate and are hereby adopted by reference.
5. The Facts and Conclusions regarding the Preliminary Plat Map on page 18 in Exhibit A, Staff Recommendation, October 24, 2006, are accurate and are hereby adopted by reference.
6. The Facts and Conclusion regarding compliance with the Comprehensive Plan on page 18 in Exhibit A, Staff Recommendation, October 24, 2006, are accurate and are hereby adopted by reference.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for a 35 lot subdivision be approved, subject to the recommended conditions found on pages 2 through 4 of Exhibit A, Staff Recommendation, October 24, 2006.

Entered this 30th day of November, 2006.



Donald B. Lagen
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 dated October 24, 2006.

PARTIES OF RECORD:

Carl Shaw
CGS, LLC.
8924 119th Street Court E
Puyallup, WA 98373

Harold Duncanson
Duncanson Company, Inc.
145 SW 155th Street, Ste 102
Burien, WA 98166

Department of Community Development
Department of Public Works



CITY OF BURIEN, WASHINGTON

Department of Community Development

415 SW 150th Street

Burien, Washington 98166

Phone: (206) 241-4647 Fax: (206) 248-5539

Notice of Decision

DATE:	December 20, 2006
FILE NO:	PLA 06-0160
APPLICANT:	Carl Shaw representing CGS, LLC.
LOCATION:	526 South 152 nd Street, Burien, WA
TAX ACCOUNT NUMBER(S):	176060-0315, 176060-0317 and 176060-0318
REQUEST:	Subdivide a 3.14 acre residential lot into 35 lots and construction of townhouse dwelling units in the RM-24 Residential Multi-Family zone.
DECISION:	City Council approved the application with conditions by Resolution No. 254 on December 18, 2006.
SEPA DETERMINATION:	Determination of Nonsignificance (DNS)

The City of Burien has issued the final decision described above. This decision may be appealed to Superior Court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's Office at (206) 296-7300.

Notice of Decision distributed to parties of record on December 20, 2006.

ATTACHMENTS: Conditions of approval and development standards

ATTACHMENT 3

