

Resolution No. 1998-09

[\(Council Minutes 98/02/17\)](#)

RESOLUTION NO. 1998-9

A RESOLUTION of the City Council of the City of Lakewood, Washington, taking final action on the appeal of the Hearing Examiner's decision on the Gravellywood PDD, Cause No. LU-97012

WHEREAS, in connection with the application by the proponent of the Gravellywood PDD filed under LU-97012, a decision was previously rendered by the Hearing Examiner for the City of Lakewood on the issues involved in the proposed PDD; and,

WHEREAS, following the decision of the Hearing Examiner, wherein he ruled that the project had vested, and ruled that SEPA review on the Pierce County Comprehensive Plan and the City of Lakewood Interim Comprehensive Plan were deficient, thereby precluding his ability to determine the application of certain necessary criteria set forth in section 18.75.050 (J), appeals were filed from that decision; and,

WHEREAS, commencing on January 20th, 1998, the City Council heard, in its quasi judicial capacity, the appeals from the Hearing Examiner's decision, having received the written materials and arguments presented by the representatives of the parties to the appeal; and,

WHEREAS, the City Council, in its quasi judicial capacity, deliberated on the appeals and reached a decision thereon, which decision is hereby presented in this Resolution, in accordance with Section 1.36.260 of the Lakewood Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES, as Follows:

Section 1. The City Council affirms the Hearing Examiner's decision regarding vesting. The project is vested.

Section 2. The determinations made by the Hearing Examiner regarding SEPA are reversed. Although the Hearing Examiner deemed the SEPA review for both the Pierce County Comprehensive Plan (used as a basis for the City of Lakewood Interim Comprehensive Plan) and for the City of Lakewood Interim Comprehensive Plan, as defective, that ruling is reversed. The City Council deems it inappropriate to allow the challenges to the SEPA review to be determinative of this issue where the SEPA reviews were not appealed or challenged in the normal course, as those decisions would have been appealable in 1995 and 1996, respectively.

Section 3. The decision of the Hearing Examiner denying the PDD is upheld and affirmed. The City Council could find no fault with the Hearing Examiner's decisions relative to criteria number 2 and 5 of section 18.75.050 (J).

Section 4. That this Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 17th day of February, 1998.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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