

Resolution No. 1999-06

[\(Council Minutes 99/02/01\)](#)

RESOLUTION NO. 1999-6

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 San Moritz Planned Development District and preliminary plat, Case No. LU 97115

WHEREAS, in connection with the application by the proponents of the San Moritz PDD and preliminary plat, filed under case number LU 97115, a decision was previously rendered by the Hearing Examiner for the City of Lakewood, Washington, on issues involved with the proposal; and,

WHEREAS, following the decision of the Hearing Examiner, wherein he ruled that the project would be permitted on certain conditions and in accordance with necessarily criteria set forth in the City's zoning and land use codes, an appeal was filed from the decision of the Hearing Examiner; and,

WHEREAS, in accordance with the procedures of the Lakewood Municipal Code, that appeal is to be heard by the City Council, and a hearing on that appeal was scheduled before the City Council, commencing on December 14, 1998 and continued for deliberation by the City Council to January 19, 1999, during which appeal, the City Council acting in its quasi-judicial capacity, received and considered the materials, information 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 issues raised in the appeal and reached a decision thereon which decision is hereby presented in accordance with the provisions of 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. That the decision of the City Council is to uphold the decision of the Hearing Examiner and the conditions set forth in his decision except as specifically modified hereinbelow.

MODIFICATION OF HEARING EXAMINER'S DECISION AND CONDITIONS:

The Conditions imposed by the Hearing Examiner shall be supplemented by the following additional requirements:

A. Concrete sidewalks to City standards shall be installed on both sides of the interior streets. This requirement replaces the previous requirement that only one side of the streets have concrete sidewalks installed and that the other side of the streets have a gravel sidewalk.

B. The developer shall pay for the extension of sidewalks along Idlewild Road from the southern subdivision boundary to Idlewild School. Sidewalks shall be constructed to City standards.

C. The improvements on 83rd Avenue shall be installed as approved by the Hearing Examiner. In addition, 83rd Avenue shall be resurfaced with a 2 inch asphalt overlay from the project boundary to the intersection of 83rd Avenue and 112th Street.

D. There shall be an adopted tree retention program that will include, in addition to the other requirements of City codes, the following:

1) Prior to any preliminary sight development activity, a survey of the plat indicating all Western Yew and Garry Oak trees six (6) inches or greater in diameter at breast height and all other trees ten (10) inches or greater in diameter at breast height, and shall be provided to and approved by the Community Development Department. All trees shown on the approved survey shall be indicated on the final plat and clearly flagged in the field prior to preliminary site development.

2) No Western Yew and Garry Oak trees six (6) inches or greater in diameter at breast height and no other trees ten (10) inches or greater in diameter at breast height shall be removed from any property of the development before, during, or after construction on, or sale of, such property, unless the applicant or developer proves to the satisfaction of the Community Development Department of the City of Lakewood that building pads, driveways and/or proposed roads could not otherwise be placed on the site in general and an individual lots in specific. Developments of building pads, driveways and/or proposed roads shall be sited to preserve tree groupings rather than individual trees as much as possible in order to improve the longevity of the trees;

Section 2. That City staff shall take necessary steps to connect the sidewalks around the corner of 104th to Idlewild. This shall be a City project, and is not a requirement or a part of the San Moritz PDD project, nor shall it be a cost to or obligation to the developer.

Section 3. That this Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council on this 1st day of February, 1999.

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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