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BEFORE THE HEARING EXAMINER FOR THE CITY OF LAKEWOOD

RE: Harwood Glenn)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION
)	
Preliminary Plat and Planned Development District)	
)	
LU18-00015/18-00016)	

Summary

The Applicant has applied for preliminary plat and planned development district (“PDD”) approval to subdivide 7.01 acres located at 12404 & 12502 Gravelly Lake Dr. SW into nineteen single family lots. The proposal is approved subject to conditions.

Testimony

Note: This summary of testimony is solely provided for the convenience of the reader, for an overview of testimony. Nothing in this summary should be construed as a Finding of Fact or Conclusion of Law, or signifying any priority or importance to the comments of any individual. No representations are made as to accuracy. For an accurate rendition of the testimony, the reader is referred to the recording of the hearing.

Staff Presentation

Andrea Bell, City of Lakewood Associate Planner, provided an overview of the city’s PDD requirements and summary of the staff report. Staff has determined that with conditions, the project is in compliance with all applicable criteria.

Regarding walking conditions for children going to and from school, Ms. Bell stated that bus stops

1 would be provided and there would unlikely be walkers due to the distance from public schools. The
2 community will have sidewalks. Ken Smith from the City's Public Works Department noted that
3 there are plans to eventually provide sidewalks in the surrounding area.

4 Applicant Presentation

5 Craig Deaver, a principle with CES Northwest, is the civil engineering surveyor and planner for the
6 project. He noted the elements of the general design of the project that demonstrate compliance with
7 city requirements and stated that the Applicant agrees with the staff report. Regarding the gated
8 access, Mr. Deaver stated that there would be access for emergency vehicles and that the gate system
9 would be like those they had done for many other gated communities.

8 Public Comments

9
10 Mark Pfeiffer stated the staff report is based on conclusory arguments and that "superior" and
11 "efficient" are not synonymous. He doesn't see anything superior about a development of this
12 density. Regarding transportation impact analysis, he doesn't believe that the city considered the
13 totality of what is going on in the neighborhood. There are other developments in the area that will
14 impact traffic. He stated that these are tract homes unlike the other homes in the area. He noted that
15 staff from Lakewood tried to rezone the property to R3 at an earlier date to try to help the owner sell
16 the property, but this was voted down. In an additional comment, Mr. Pfeiffer noted that the
17 development behind the proposed site is what should be considered superior design and was done in
18 the late 60s-early 70s.

15 Jim Woods doesn't see superior features in the project. This is R2 zoning, and he doesn't understand
16 why the developer wants to double this. He doesn't see what this does for the community. From the
17 documents provided, he can't tell what the houses and neighborhood will look like from the street.
18 Other developments like this are built tight together and close to the street. Traffic is getting worse.

18 Staff Rebuttal

19
20 Ms. Bell stated that Public Works has different low-impact development standards. Regarding the
21 superiority of the development, the 10-foot landscaping buffer proposed for the back portion of the
22 property to provide space between neighboring dwellings is not required. The Applicant has provided
23 a layout proposing planted trees along the buffer and will use additional landscaping beyond what is
24 required. The open space tracts within the development all lead to one another. They are not all
25 recreational but should be aesthetically pleasing. The proposed fence on southwest side is also not
26 required by code. The Applicant may also provide other area of fencing. The open space within the
development is along the perimeter to offset the impact of smaller lots.

25 Regarding traffic, Ken Smith noted that traffic was not significant enough under City standards to
26 trigger more detailed traffic analysis.

1 Courtney Brunell, City of Lakewood Planning Manager, stated that the development's interior
2 sidewalks are not required. In addition, based on the housing design options provided by the
3 developer there are up to 39 potential home designs to choose from. The variety of materials is also
4 part of the superior design. The variety of design is not locked into conditions of approval. In
5 addition to sidewalks, for standard subdivisions there are no requirements for open space, landscape
6 buffers or cedar fencing. There are no residential design standards for a standard subdivision. This
7 proposal allows the city to have more control of the design. In addition, PDD allows a base zoning of
8 4 and the Applicant is proposing 3.2.

9 **Exhibits**

10 The May 18, 2018 staff report along with attachment A-ff were admitted into the record during the
11 May 18, 2018 hearing as Exhibit 1. Google aerial maps of the project site were admitted as Exhibit 2.

12 **FINDINGS OF FACT**

13 **Procedural:**

14 1. Applicant. Entitle Fund Two, LLC.

15 2. Hearing. A hearing was held on the subject application on May 18, 2018 in the Lakewood
16 City Hall Council Chambers.

17 **Substantive:**

18 3. Project Description. The Applicant has applied for preliminary plat and PDD
19 approval to subdivide 7.01 acres located at 12404 & 12502 Gravelly Lake Dr. SW into nineteen
20 single family lots with associated common open space, a gated 24-foot wide private road and other
21 site improvements. The Applicant is using the PDD process to acquire a density bonus in order to
22 increase the maximum density for the project from 2.2 du/ac allowed in the R2 zone to 3.2 du/ac.
23 The Applicant is also using the PDD process to reduce minimum lot size from the 17,000 square feet
24 authorized by the R2 zone to 10,000 square feet.

25 The project site currently consists of 2 lots. One of the lots has a dilapidated single-family
26 residence that will be removed prior to development. The other lot is vacant. Frontage
improvements as well as landscaping will all be required as part of the proposal. Access will be
provided from Veterans Dr. SW and a new interior private access road will be established along with
necessary storm drainage facilities, street lighting and landscaping features. The site topography is
relatively flat with a large number of trees and open space. Project plans are provided as Exhibit
1(B).

4. Surrounding Area. Surrounding uses are single-family residential at lower density than that
proposed by the Applicant.

1
2 5. Adverse Impacts. There are no significant adverse impacts associated with the project. A
3 SEPA Determination of Nonsignificance, Ex.1(Y), was issued for the proposal on April 6, 2018.
4 Pertinent impacts are addressed as follows:

5 A. Critical Areas. There are no critical areas on the project site as identified in Section B(8) of the
6 SEPA checklist.

7 B. Compatibility. In written and verbal testimony neighbors pointed out that adjoining residential
8 uses have been constructed at a lower density, which makes the proposal incompatible with the
9 residential character of the area. However, the density proposed by the Applicant is in fact less
10 than what the City Council has designated as acceptable for this area – the PDD regulations
11 authorize 4.0 du/ac and the Applicant is only proposing 3.2 du. Further, as outlined in Finding
12 of Fact No. 7 below, the higher densities of the project site are buffered from adjoining uses by
13 a significant amount of open space and perimeter landscaping along with a six-foot fence. As
14 noted in the staff report, beyond the authorized smaller lot sizes and greater density, the
15 proposed homes will be subject to the same zoning standards that apply to the surrounding
16 residential development. Further, the proposed use, single-family residential, is the same as all
17 of the surrounding uses. For these reasons, it's determined that the proposal is compatible with
18 adjoining use.

19 C. Trees. No tree preservation is required by City standards. LMC 18A.50.300 provides tree
20 preservation criteria for certain types of projects. Pursuant to LMC 18A.50.320.B.1.a and LMC
21 18A.50.320.B.2.b for subdivisions where the proposed lots are less than 17,000 square feet, no
22 specific tree preservation is required for interior or perimeter trees. Despite this, tree
23 preservation will be required in open space tracts and along the perimeter of the property.

24 6. Adequacy of Infrastructure/Public Services. The project will be served by adequate and
25 appropriate infrastructure and public services. Adequacy is more specifically addressed as outlined
26 below:

27 A. Water and Sewer Service. Water will be provided by the Lakewood Water District and sewer
28 by Pierce County Public Works. The staff report notes that both utilities have adequate
29 capacity to provide the sewer and water.

30 B. Fire and Police Protection West Pierce Fire and Rescue will be providing fire service to the
31 project and the City of Lakewood Police Department police protection. West Pierce Fire and
32 Rescue submitted comments regarding conditions for fire-flow, fire hydrants, emergency
33 vehicle access road and turn-around. These conditions are imposed by this decision and
34 assure that the proposal will have adequate infrastructure for fire protection services.

35 C. Drainage. Lakewood has adopted the Stormwater Management Manual for Western
36 Washington, published by the Washington State Department of Ecology. See LMC

1 12A.03.020. The Manual requires detailed calculations on projected stormwater flows and
2 imposes numerous water quality standards to ensure that off-site properties are not impacted
3 by any increases in stormwater runoff and that any waters discharged from the site are cleared
4 of pollutants that could adversely affect public waters and environmental resources. A key
5 requirement is that the Applicant design a stormwater control system that prevents off-site
6 stormwater flows from exceeding pre-development, forested conditions. The Applicant has
7 to submit a detailed drainage report that mathematically establishes that pre-development
8 flow rates are not exceeded. The Applicant's drainage plans will be reviewed by City staff
9 for final plat approval. The requirements of the stormwater manual assure that the proposal
10 will include an adequate and appropriate drainage system that will prevent adverse
11 stormwater impacts to neighbors and the environment.

12 As outlined in Section B(3) of the SEPA checklist, Ex. 1(Z), to meet the requirements of the
13 stormwater manual, the Applicant proposes a closed-conveyance stormwater system that
14 collects runoff from the proposed private roadway, access tracts and driveways to two separate
15 below ground infiltration facilities. Stormwater filters will be placed up stream of the
16 infiltration facilities for stormwater treatment. Runoff directed towards the infiltration
17 facilities will be discharged into the ground at a rate supported by measurable infiltration
18 rates. Runoff from the roof tops will be controlled with individual on-lo infiltration trenches
19 sized to accommodate the expected volumes.

20 D. Parks/Open Space. City regulations do not require any open space dedication for subdivisions.
21 PDD standards require a minimum of 20% open space, which is 51, 791 square feet for this
22 project. The Applicant exceeds this minimum amount by proposing 54,674 square feet of
23 open space.

24 E. Schools. The record contains almost no information on schools. As far as can be ascertained
25 from Lakewood's development regulations, Lakewood has not adopted any school impact
26 fees. In the absence of requiring school impact fees, there is little that can be legally required
of a developer to mitigate impacts to school facilities. The record also contains very little
information on walking conditions to and from school. State law (specifically RCW
58.17.110(2)) and City regulations require a finding that walking conditions are safe for
students walking to and from school. At the hearing staff testified that students would likely
not have to walk to school as all schools serving the site are too far for walking. The record
contains no specific information on the location of the schools. The schools have also
evidently not been consulted as to where school bus stops are likely to be located. However,
the proposal does include interior sidewalks and 710 feet of frontage sidewalks along
Veterans Dr. SW. Further, staff testified that plans are in the works for a sidewalks to be
installed in the vicinity of the project. Given that the Applicant has done everything that can
be reasonably required of it to accommodate school facilities and safe walking conditions in
the absence of school impact fees by the installation of frontage and interior sidewalks, it is
determined that the proposal makes adequate and appropriate provision for schools and
walking conditions to and from school.

1
2 F. Streets and Traffic. Initial review from the City of Lakewood Public Works Department
3 indicate that as proposed, the interior private road and proposed sidewalks appear to comply
4 with City standards for construction of streets. This includes access, road width and
5 emergency vehicle ingress/egress and turnaround. Public Works staff will review final street
6 design as part of the site development permit process to ensure compliance with any and all
7 road standards for streets and frontage construction. Details regarding how the frontage
8 improvements are to be constructed are included in the comment letter from Public Works,
9 Ex. 1(U).

7 Public Works staff has determined that the interior private street and the new sidewalks
8 appear suitable and adequate to carry anticipated traffic within the proposed project and
9 immediate project vicinity. The reasoning for this determination stems primarily from results
10 of the Trip Generation Letter (Exhibit AA) which indicate that the level of added traffic
11 resulting from the proposal is considered 'insignificant' since the forecasted total increase for
12 average daily traffic is less than 2%. Beyond frontage improvements, no off-site traffic
13 improvements are necessary due to the insignificant increase in traffic created by the proposal.

12 One public comment letter expressed concern over diversion of traffic into neighborhood
13 streets during construction of frontage improvements. Staff clarified that the frontage
14 construction will not interfere with two-way traffic so it is concluded that diversion is
15 unlikely.

15 7. Superior Design. The proposal provides for superior plat design by including several features
16 not required of a preliminary plat. Significantly, the proposal provides for significant buffering
17 from adjoining residential development. The proposed open space, which exceeds minimum PDD
18 standards by almost 3,000 square feet and isn't required at for standard subdivisions, is located
19 along the northeastern corner of the plat at its most visible location along the Veteran's
20 Drive/Gravelly Lake Dr. intersection. The buffering is further enhanced along the only adjoining
21 residential development on the southwestern side with a five to ten-foot landscape buffer and six-
22 foot fence, of which both features are not required for standard subdivisions. Large native trees are
23 retained within the open space and buffer to further enhance buffering, while no tree retention
24 would be required for a standard subdivision. In addition to serving as buffering, the proposed open
25 space is also well designed in that it is assembled into one area and is easily accessible to all plat
26 properties, as opposed to being delegated to areas that the developer found difficult to develop. The
proposal also exceeds minimum code standards and thereby provides for superior design by
including interior sidewalk and low impact development features.

24 The Applicant's landscaping plan includes significantly more trees than required by code, further
25 adding to the superiority of design. The Applicant is proposing streetscape landscaping buffers
26 along Gravelly Lake Dr. SW and Veterans Dr. SW in addition to the 10-foot landscape buffer
identified above along the southwestern side of the development. The proposed landscaping plan
shows that the streetscape buffer will be 5 feet in width and will provide new trees 25' on center as

1 opposed to the code which requires 30' on center. The ten-foot buffer on the southwestern portion
2 of the development will also provide for more trees than required by installing trees 18' on center as
3 opposed to the code requirement of 20' on center. Landscaping is also being provided within the
4 interior of the development in order to provide aesthetically pleasing features and a harmonious
design.

5 **Conclusions of Law**

6 1. Authority. LMC 18A.02.502 Table 3 classifies preliminary plat applications as Process III
7 applications subject to hearing examiner review. LMC 18A.40.530 and .540 authorizes the hearing
examiner to hold hearings and make decisions on PDD applications.

8 2. Zoning Designations. R2.

9 3. Review Criteria. LMC 17.14.030 governs the criteria for preliminary plat approval. LMC
10 18.A.540 governs he criteria for PDD approval. Applicable criteria are quoted below in italics and
11 applied through corresponding conclusions of law.

12 **LMC 17.14.030:** *A proposed subdivision and dedication shall not be approved unless the Examiner
makes written findings that:*

13 *A. Appropriate provisions are made for the public health, safety, and general welfare, for open
14 spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water
15 supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all
other relevant facts, including sidewalks and other planning features that assure safe walking
conditions for students who walk to and from school; and*

16 *B. The public use and interest will be served by the platting of such subdivision and dedication. If the
17 Examiner finds that the proposed subdivision and dedication make such appropriate provisions and
18 that the public use and interest will be served, then the Examiner shall approve the proposed
subdivision and dedication.*

19 4. As conditioned, the proposal meets the criteria quoted above. The proposal provides for
20 appropriate infrastructure such as streets and water as determined in Finding of Fact No. 6. The
21 proposal makes appropriate provision for public health, safety and welfare because it provides for
22 adequate infrastructure as outlined in Finding of Fact No. 6 without any associated adverse impacts as
23 identified in Finding of Fact No. 5. For the same reasons and the fact that it provides for the
reasonable use of land and accommodates urban growth in urban growth areas as encouraged by the
Growth Management Act, the proposal is in the public interest.

24 **PLANNED DEVELOPMENT DISTRICT**

25 **LMC 18A.40.540:** *A PDD shall only be granted after the Hearing Examiner has reviewed the
26 proposed use and has made written findings that all of the standards and criteria set forth below
have been met or can be met subject to conditions of approval:*

1
2 A. *The PDD is consistent with the comprehensive plan; and*

3 5. The PDD is consistent with the comprehensive plan for the reasons identified at p. 4 of
4 the staff report.

5 **LMC 18A.40.540(B):** *The PDD, by the use of permitted flexibility and variation in design, is a*
6 *development practice that results in better urban design features than found in traditional*
7 *development. Net benefit to the City may be demonstrated by one or more of the following:*

- 8 1. *Placement, type or reduced bulk of structures, or*
- 9 2. *Interconnected usable open space, or*
- 10 3. *Recreation facilities, or*
- 11 4. *Other public facilities, or*
- 12 5. *Conservation of natural features, or*
- 13 6. *Conservation of critical areas and critical area buffers beyond, or*
- 14 7. *Aesthetic features and harmonious design, or*
- 15 8. *Energy efficient site design or building features, or*
- 16 9. *Use of low impact development techniques;*

17
18 6. The Harwood Glen PDD design demonstrates net benefit to the City by providing many of the
19 above listed elements. These include building elevations which display quality design and
20 architecture; multiple open space tracts which are interconnected to provide for both passive and
21 recreational enjoyment; conservation of native mature trees along the project perimeter and within
22 open space areas; aesthetic features such as, exceptional landscape and building design; a site layout
23 which incorporates a private road, sidewalks, interior and perimeter landscaping and architectural
24 quality to ensure a harmonious community design; and use of low impact development techniques
25 related to on-site stormwater management and water quantity/quality treatment.

26 **LMC 18A.40.540(C):** *The PDD results in no greater burden on present and projected public*
utilities and services than would result from traditional development and the PDD will be served
by adequate public or private facilities including streets, fire protection, and utilities; and

1 7. As determined in Finding of Fact No. 6, the proposal will be served by adequate public and
2 private facilities. The greater density of the PDD means that greater demand will be placed upon
3 public and private facilities¹, but such the demand for such facilities is fully mitigated.

4 **LMC 18A.40.540(D):** *The perimeter of the PDD is compatible with the existing land use or*
5 *property that abuts or is directly across the street from the subject property. Compatibility*
6 *includes but is not limited to size, scale, mass and architectural design of proposed structures;*
7 *and*

8 8. As determined in Finding of Fact No. 5(B), the perimeter of the proposal provides for
9 compatibility due to the Applicant's use of fencing, a landscape buffer and open space.

10 **LMC 18A.40.540(E):** *Landscaping within and along the perimeter of the PDD is superior to*
11 *that required by LMC 18A.50.425 and 18A.50.430, and landscaping requirements applicable to*
12 *specific districts contained in LMC 18A.50.430, and enhances the visual compatibility of the*
13 *development with the surrounding neighborhood; and*

14 9. The landscaping within and along the perimeter of the PDD is superior to that required by
15 LMC 18A.50.425 and 18A.50.430 for the reasons identified in the second paragraph of Finding of
16 Fact No. 7.

17 **LMC 18A.40.540(F):** At least one major circulation point is functionally connected to a public
18 right-of-way; and

19 10. As shown in the plat map, Ex. 1(B), the major circulation point, which will be the proposed
20 interior private road named by the Applicant as Harwood Lane SW, is directly connected to the public
21 right of way on Veterans Dr. SW.

22 **LMC 18A.40.540(G):** *Open space within the PDD is an integrated part of the project rather*
23 *than an isolated element of the project; and*

24 11. As determined in Finding of Fact No. 7 and as clearly shown in the plat map, the proposed
25 open space is an integrated part of the project.
26

¹ It could be argued that making greater demand upon public services is equivalent to greater burden and that hence the criterion is not met. However, taking this position would render the density bonus of PDD provisions completely meaningless, since any time a PDD would qualify for a density bonus it would have to be denied under LMC 18A.40.540(C). In order to harmonize LMC 18A.40.540(C) with the PDD density bonus, it is concluded that a density burden doesn't create a greater burden on public utilities and services if there is adequate capacity and the impacts of demand are fully mitigated.

1 **LMC 18A.40.540(H):** *The design is compatible with and responds to the existing or intended*
2 *character, appearance, quality of development and physical characteristics of the subject property*
3 *and immediate vicinity; and*

4 12. For the reasons identified in Finding of Fact 5(B), the proposal is fully compatible with
5 surrounding uses as required by the criterion above.

6 **LMC 18A.40.540(I):** *Roads and streets, whether public or private, within and contiguous to the*
7 *site comply with guidelines for construction of streets; and*

8 13. As determined in Finding of Fact No. 6(F), preliminary road design complies with City street
9 standards. Final road design shall be made to conform to applicable development standards during
civil review for final plat approval.

10 **LMC 18A.40.540(J):** *Streets and sidewalks, existing and proposed, are suitable and adequate*
11 *to carry anticipated traffic within the proposed project and in the vicinity of the proposed*
12 *project; and*

13 14. As determined in Finding of Fact No. 6(F), preliminary road and sidewalk design complies
14 with City street standards. Conformance to City sidewalk standards and the fact that the Applicant
15 proposes a fully interconnected system of interior sidewalks that connects to frontage sidewalks
16 assures that the sidewalks will provide adequate pedestrian capacity. As further determined in Finding
of Fact No. 6(F), the traffic report submitted by the Applicant establishes that existing and proposed
roads provide for adequate traffic capacity.

17 **LMC 18A.40.540(K):** *Each phase of the proposed development, as it is planned to be*
18 *completed, contains the required parking spaces, open space, recreation space, landscaping and*
19 *utility area necessary for creating and sustaining a desirable and stable environment.*

20 15. As determined in Finding of Fact No. 6, as mitigated and designed the proposal will be served
21 by adequate and appropriate infrastructure and utilities, including all those required in the criterion
22 above. City parking requirements only require parking for each individual residential lot. The lots
contain enough space for parking and parking standards will be enforced during building permit
review.

23 **DECISION**


24 The proposed preliminary plat and PDD satisfies all review criteria as conditioned for the reasons
25 identified in the Conclusions of Law. Consequently, the preliminary plat and PDD applications are
26 approved subject to the following conditions:

- 1 1. The developer/Applicant shall abide by the requirements set forth in the agency comment letter
2 issued by Washington State Department of Ecology, dated March 9, 2018 (Exhibit T).
- 3 2. The developer/Applicant shall abide by the requirements set forth in the agency comment letter
4 issued by Puget Sound Clean Air Agency, dated February 23, 2018 (Exhibit V).
- 5 3. The developer/Applicant shall abide by the requirements set forth in the agency comment letter
6 issued by City of Lakewood Public Works Department, dated March 9, 2018 (Exhibit U).
- 7 4. A Site Development Permit is required. There shall be no site work or improvements made prior
8 to issuance of an approved Site Development Permit through the City of Lakewood Public Works
9 Department. The Site Development Permit shall be evaluated for compliance with standards set forth in
10 this PDD approval and the Hearing Examiners final decision.
- 11 5. A Tree Removal Permit is required prior to the removal of any trees on the subject site. An
12 arborist report and tree survey shall accompany the tree removal permit application.
- 13 6. Final landscaping plans shall be submitted as part of the Site Development Permit Process. The
14 City requests that the Applicant honor the proposed landscaping plan depicted in Exhibit B. Although
15 staff can allow for flexibility regarding the planting style and schedule, we would like for the basic
16 foundation (location, buffer widths, etc.) to be a set standard for the project.
- 17 7. The Applicant shall provide a 6ft solid wood fence on the property line between the existing
18 homes and the subject site as shown on the proposed site and landscaping plans (Exhibit B).
- 19 8. Building elevations shall remain visually and architecturally similar to those provided in Exhibit
20 C and FF. Future building permits for the individual homes will be evaluated against the exterior
21 building elevations approved for the PDD to ensure compliance and harmonious design.
- 22 9. Pursuant to LMC 18A.50.465, if any required landscaping or fencing is not completed and/or
23 installed by the time the Final Plat is ready for approval, the Applicant shall be required to reserve a
24 cash guarantee in the amount of one hundred fifty (150) percent of the estimated cost of the required
25 landscaping/fencing. The cash guarantee or other appropriate security shall forfeited to the City if the
26 work is not completed within one hundred eighty (180) days of the date of posting of the cash guarantee
or other appropriate security, or upon such other date as agreed to between the City and the property
owner or authorized person acting on the property owner's behalf.
10. The project will comply with Low Impact Development Standards (LID's) set forth in either the
2014 Department of Ecology Stormwater Manual for Western Washington or the 2015 Pierce County
Stormwater Site Development Manual. Public Works shall evaluate the Site Development permit for
compliance with these standards.
11. Pursuant to LMC 17.14.040, the associated Final Plat, meeting all of the requirements of law
shall be submitted to the City within five years of the date of preliminary plat approval if the date of
preliminary plat approval is on or after January 1, 2015. The approval of a preliminary plat shall be

1 automatically null and void if final plat approval is not obtained within the time limitations specified
2 herein.

3 12. Any major modifications to the proposal shall require an amendment to the original application,
4 additional review and a new public hearing before the Hearing Examiner. Fees for additional review
5 time, consultations and the new hearing shall apply.

6 DATED this 4th day of June, 2018.

7
8 
9 Phil A. Olbrechts

10 Pro Tem Hearing Examiner for Lakewood

11 **Appeal Right and Valuation Notices**

12
13 LMC 18A.02.502 Table 3 provides that the final preliminary plat decision of the Hearing Examiner
14 is subject to appeal to superior court. LMC 18A.40.550(C) provides that PDD decisions are also
15 final. Appeals of final land use decisions to superior court are governed by the Land Use Petition
16 Act (“LUPA”), Chapter 36.70C RCW. LUPA imposes short appeal deadlines with strict service
17 requirements. Persons wishing to file LUPA appeals should consult with an attorney to ensure that
18 LUPA appeal requirements are correctly followed.

19
20 Affected property owners may request a change in valuation for property tax purposes
21 notwithstanding any program of revaluation.
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