



Burien
WASHINGTON

CITY COUNCIL MEETING AGENDA

September 13, 2010

SPECIAL MEETING, Council Chambers

6:00 p.m.

REGULAR MEETING

7:00 p.m.

&

TRANSPORTATION BENEFIT DISTRICT BOARD MEETING

7:30 p.m.

(or as soon thereafter as the Council meeting adjourns)

		PAGE NO.
1. CALL TO ORDER	2. PLEDGE OF ALLEGIANCE	3. ROLL CALL
4. AGENDA CONFIRMATION		
5. PUBLIC COMMENT	To receive comments on <i>topics other than public hearing topics</i> . Individuals will please limit their comments to three minutes, and groups to five minutes.	
6. CORRESPONDENCE FOR THE RECORD	a. Letter Dated August 20, 2010, from Regional Commission on Airport Affairs Regarding Third Runway Noise.	3.
	b. Email Dated August 26, 2010, from Robbie Howell Regarding SMP Draft.	23.
	c. Email Dated August 27, from JoAnn Pasek Regarding Public Access to Lake Burien, Shorewood, and Three Tree Point Waters and Beaches.	25.
	d. Email Dated August 26, 2010, from Chestine Edgar Regarding Shoreline Master Plan/Appendix E.	27.
	e. Letter Dated August 26, 2010, from Winona Deyman Regarding Shoreline Master Plan.	33.
	f. Letter Dated August 24, 2010, from Sandy Gledhill-Young Regarding the SMP.	35.
	g. Letter Dated August 30, 2010, from Janis Freudenthal, Regarding Shoreline Master Plan.	37.
	h. Letter Dated August 30, 2010, from Greg Anderson Regarding the SMP.	39.

COUNCILMEMBERS

Joan McGilton, Mayor
Jack Block, Jr.

Rose Clark, Deputy Mayor
Kathy Keene
Lucy Krakowiak

Brian Bennett
Gordon Shaw

CITY COUNCIL MEETING AGENDA

September 13, 2010

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6. CORRESPONDENCE FOR THE RECORD (cont'd.)	i. Letter Dated August 30, 2010, from Don Warren, Lake Burien Shore Club President and Lake Steward, Regarding Comments for Public Hearing on Burien Shoreline Master Program, Public Hearing Draft.	41.
	j. Letter Dated August 30, 2010, from Chestine Edgar Regarding Shoreline Master Plan (SMP August Draft) Public Hearing.	47.
	k. Email Dated September 6, 2010, from Michael Noakes Transmitting a Letter Dated August 31, 2010, Regarding BMHA Public Forum Comments.	89.
	l. Email Dated September 2, 2010, from Chloe Swain Regarding Public Access to Lake Burien.	97.
	m. Email Dated September 7, 2010, from Stan and Dawn Lemmel Transmitting Letter Regarding Clarification of SW 172 nd and Maplewild Projects in the City's Six-Year Transportation Improvement Program.	99.
7. CONSENT AGENDA	a. Approval of Vouchers: Numbers 25840 - 26118 in the Amounts of \$1,807,179.96 with Voided Check Nos. 25840 & 25912.	101.
	b. Approval of Council Meeting Minutes: August 2, 2010; August 16, 2010, and August 30, 2010.	137.
8. BUSINESS AGENDA	a. City Business.	153.
	b. Public Hearing on the Preliminary 2011-2012 Biennial Budget.	181.
	c. Discussion of Draft Shoreline Master Program.	185.
9. COUNCIL REPORTS		
10. ADJOURNMENT		

BURIEN TRANSPORTATION BENEFIT DISTRICT (TBD NO. 1)

BOARD MEETING AGENDA

September 13, 2010

7:30 p.m.

(or as soon thereafter as the Council meeting adjourns)

1. CALL TO ORDER		
2. CONSENT AGENDA	a. Approval of TBD Board Meeting Minutes: August 3, 2009; July 19, 2010.	195.
3. BUSINESS AGENDA	a. Motion to Approve the Interlocal Agreement Between TBD No. 1 and Department of Licensing.	199.
4. ADJOURNMENT		

TBD BOARD MEMBERS

Joan McGilton, Chair	Rose Clark	Brian Bennett	
Jack Block, Jr.	Kathy Keene	Lucy Krakowiak	Gordon Shaw

REGIONAL COMMISSION ON AIRPORT AFFAIRS

BULLETIN

Almost no noise reduction or mitigation will be proposed by Sea-Tac Airport's Part 150 study team

23 August 2010

The situation with the noise study at Sea-Tac Airport is even worse than is described in our attached report. According to the study consultants Landrum & Brown, and the Port of Seattle, Airport noise has been reduced to the point that almost nothing needs to be done. **No** noise-mitigation measures will be proposed, & **almost** no noise-reduction measures. There will be **no** mapping beyond the 65 YDNL contour. **No** changes are needed to deal with the third runway noise.

This new information (not included in the attached report) comes from a posting that appeared on the website for the Part 150 study on Friday, 20 August, as our attached report was being prepared for copying. That post describes the meeting of the study team with the Technical Review Committee on 29 July.

Unless something dramatic happens, the Sea-Tac noise study will be a total waste of time, effort & money.

CSTR: 09/14/10



20 August 2010

City of Des Moines
21630 11th So.
Des Moines, Washington 98198-6398

Re: Third runway noise

Dear Mayor Sheckler, City Manager Piasecki, & Councilmembers:

In November 2008, the third runway at Sea-Tac Airport began operation. Immediately there was a great outcry from the public about the unexpected new, loud noise. The Port of Seattle responded by assuring local elected officials & the public-at-large that the problem of noise from the third runway would be dealt with through a new, official noise study, under the provisions of 14 Code of Federal Regulations Part 150.

The Port has started such a study, but as it is presently structured & administered, the study seems almost certain not to do anything to reduce Airport-related noise, & especially, third-runway noise. We recommend that the City of Des Moines join together in a formal structure with other local governments (in co-operation & with members of the Legislature and the King County Council representing the affected areas) to bring their combined moral force & good names to bear on the Port Commission, to bring about needed changes in the pending study.

Our organization has made numerous comments, suggestions & recommendations to the consultants & Airport staff, in efforts to move this study forward with the scope & direction needed to make it a success. We have summarized this work in the report that accompanies this letter. You will see that this sort of study has great potential, & you will also see that as of now the pending study is far too narrow in scope to achieve real results. Nothing that the study team has done to date offers the slightest hope of reducing third-runway noise. But there is time left to turn this effort around, if local governments work together.

Yours very truly,


Stuart J. Creighton
President

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C.A.S.E. (Citizens
Against Sea-Tac
Expansion)

Seattle Community
Council Federation

Seattle Council on
Airport Affairs

Operations Manager
Chas. H.W. Talbot

Webmistress
J. Beth Means

RCAA

City of Des Moines
Re: Sea-Tac Airport noise study
20 August 2010
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cc: Manager, Mayor, & Council, City of Normandy Park
Manager, Mayor, & Council, City of Burien
Manager, Mayor, & Council, City of Federal Way
Manager, Mayor, & Council, City of Tukwila
Superintendent & Board of Directors, Highline School District
Superintendent & Board of Directors, Federal Way School District
Sen. Karen Keiser
Rep. Dave Upthegrove
Rep. Tina Orwall
Sen. Margarita Prentice
Rep. Zack Hudgins
Rep. Bob Hasegawa
Sen. Joe McDermott
Rep. Sharon K. Nelson
Rep. Eileen L. Cody
County Executive Dow Constantine
County Councilmember Jan Drago
County Councilmember Julia Patterson

The Noise-Compatibility &
Noise-Reduction Study (“Part 150 Study”)
At Seattle-Tacoma International Airport

Further & Different Actions by
Local Governments Are Needed
If the Potential Benefits of a Part
150 Noise Study Are To Be
Realized

Second interim report to the City of Des Moines

20 August 2010

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REGIONAL COMMISSION ON AIRPORT AFFAIRS

Noise studies at Sea-Tac Airport -- A progress report to the City of Des Moines

20 August 2010

1. Introduction; purpose, scope, & summary

1-1 Purpose & scope of report

This is the second in a series of interim reports on the Part 150 noise study at Seattle-Tacoma International Airport. It supplements our first report, issued on 26 January. It covers available information through 29 July. It reviews the reasons for having a Part 150 study, analyzes the problems that have arisen to date (impairing the usefulness of the work), summarizes the activities to date, & recommends further action by local governments.

1-2 Part 150 study background

As readers will be aware, the three key purposes of a Part 150 study are to reduce airport-related noise, to mitigate such noise, & to prevent incompatible land uses.

Initiatives in these three areas are left to the operators of airports (in our case, the Port of Seattle), but the Federal Aviation Administration is intimately involved. Many potential noise-reduction actions have implications for flight procedures & other matters in the jurisdiction of the Federal Aviation Administration. Federal money is available to help with the costs of mitigation.

The Part 150 regulation provides an orderly & standard way for airports to address noise & make proposals to the FAA for action & funding. These studies involve some highly specialized work, & so the services of aviation consultants are almost always used. The present study is being conducted by a consultant (Landrum & Brown, of Cincinnati, Ohio), working with Noise Office staff at the Airport. The details of the study have been defined by a contractual Scope of Work.

1-3 Difficulties to date

In the sections that follow, the reader will see in detail the subjects & the valid concerns that have been presented by RCAA to the study team & to the Port Commission. The reader will also see the lack of responsiveness.

To date, the consultants to the study have not presented the public (including local governments) with any useable information or actionable recommendations. They are months behind schedule in performance of critical elements of the work as provided in their contract with the Port.

Local governments are left with significant problems in terms of future growth at the Airport, & potential for unacceptable levels of noise, especially from the third runway. A study that is supposed to help local governments & the private sector with their long-term planning is failing. Conducted properly, a Part 150 noise study can accomplish a great deal to reduce & to mitigate airport-related noise, so it is definitely worthwhile for local governments to be involved.

1-4. RCAA's recommendations summarized -- Further & different actions by local governments are needed if the potential benefits of a Part 150 noise study are to be realized.

Further & different actions by local governments are needed if the potential benefits of a Part 150 noise study are to be realized. Our recommendation is that local governments come forward to deal directly with the Port of Seattle about problems in this study. A working committee of interested cities & other local governments, in close liaison with the local legislative delegation, should be created (preferably by a formal agreement) to monitor the study very closely & to work with the Port Commission so that this study can be re-structured & administered to maximize its potential benefits.

1-5 Structure of report

This report covers the following major topics:

- * What a Part 150 study can & should cover, & what is not being considered in this study;
- * Public participation, information sharing, & collaboration discussed by the study team, but not accomplished;
- * RCAA's conclusions & recommendations to local authorities

2. What a Part 150 study can & should cover, & what is not being considered in this study.

2-1 Purposes of a Part 150 study

As noted in the Introduction, the three purposes of a Part 150 study are to reduce airport-related noise, to mitigate such noise, & to prevent incompatible land uses. The regulation (& its two appendices), are published in 14 CFR Part 150.

2-2 Numerous standard, approved noise-reduction measures are NOT being included in this study, but they should be.

Reducing noise is better than allowing noise & then having to mitigate it. Mitigation involves costly programs like insulation of homes, buying-out residents & businesses in the most-heavily impacted areas, & in some instances entirely replacing & rebuilding noise-impacted structures (such as schools).

Decades of experience have resulted in a fairly standard toolkit of possible noise-mitigation measures. The Part 150 regulation actually provides that some of these possible alternatives **shall** be analyzed & reported on in the study. (14 CFR Part 150 sec. B150.7 (b).) Unfortunately, the work program for this study, as laid out by Sea-Tac Airport, does **not** provide for consideration of most of these measures. By omission, they are in fact excluded from consideration. The two following tables tell the story. The comment, "required study item" refers to the requirement of 14 CFR Part 150 sec. B150.7 (b) that the item be analyzed & reported on in Part 150 studies.

TABLE 1: Usual noise-reduction measures included in current Sea-Tac study

Possible action	Comment(s)
Ground-run-up enclosure (hush house)	Already fully studied in STIAP Comprehensive Development Plan (2005)
Noise barriers	Required study item

These two possible measures are unrelated to noise from overflights, & thus would have only minimal effect in reducing intrusive noise as actually experienced throughout the community.

Compare Table 1 to Table 2, on the following page, for a sense of just how limited the pending study is, compared to studies conducted under normal ground rules.

RCAA

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20 August 2010
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TABLE 2: Usual noise-reduction measures NOT included in current Sea-Tac study

<u>Possible action</u>	<u>Comment(s)</u>
Regulation (limiting) of engine run-ups during maintenance	
Flight management procedures <ul style="list-style-type: none">-- reverse thrust-- changed flight profiles-- glide slope changes	Required study items
Continuous-descent approach plan	Required study item
Preferential runway usage	Required study item
Partial or complete curfews	Required study item
Other measures to minimize night-time flights	
Modification of flight tracks	Required study item; but <u>specifically</u> ruled out of consideration in Scope of Work
Compliance with noise abatement corridors (Elliott Bay / I-5)	
Review & establish noise-abatement corridors (in this case, the Duwamish flight corridor)	

The FAA has repeatedly given approval to various noise-reduction measures that are not being studied here. Table 3, on the following page, lists some of these alternatives, & the airports involved. This is a mere sampling of the numerous additional examples could be provided.

* * *

TABLE 3: Part 150 actions recently approved or allowed by FAA in Part 150 studies at other airports

Possible Part 150 action	Approved
Recommend continuous descent approach	Mather, 2006, approved for further study Detroit, 2009
Mapping of non-DNL metrics	Portland, Ore, 2005 Detroit, 2009 Sea-Tac, 2002 BFI, 2002
Multiple-airport noise mapping	BFI, 2002
Noise mitigation beyond 65 DNL contour	O'Hare Dallas-Fort Worth Detroit, 2009\

2-3 Will the study examine noise-reduction & noise-mitigation measures that were considered in the 2002 study, or not?

Mixed messages are being sent about the failure to study standard noise-prevention measures. It has been said repeatedly that the pending study will not look at anything that was considered in the study that ended in 2002. Period, end of discussion. As the website for the study puts it, the study team will "look for opportunities that have not been thought of versus re-visiting old issues." The members of the study team say they only want new ideas, without suggesting any of their own. (Who are the highly-paid experts here, anyway?)

This position has recently been hedged, however. As of 29 July, the consultants are now saying that matters considered in the 2002 study might be studied but only if there have been changes in circumstances that merit re-visiting. But how will they know if there have been such changes, if they don't study them in some detail? What sort of change of circumstances?

2-4 Exclusion of measures considered in 2002 study leaves very little that can be considered now. If one excludes from consideration everything was recommended by the 2002 study, there really is not much left. The recommendations from the joint advisory committee for that study covered almost every potential noise-reduction measure.

2-5 Proposals for noise-reduction measures are still not on the table.

The study team has yet to propose anything that would reduce actual noise. At this writing, mid-August, the study has been under way for nearly two-thirds of a year, with two public "workshops" for community input having been held, as well as numerous public presentations (starting in November 2009) to local elected officials.

Seemingly, nothing ever will be proposed (other than the perennial hush-house & perhaps some noise berms). What, then, is the real purpose of this study?

2-6 . Noise measuring & noise mapping issues that should be addressed.

To give any serious consideration to measures that might reduce (or mitigate) airport-related noise, it is essential to know where noise is actually experienced, & to what extent. Unsurprisingly then, the heart of a Part 150 study is the preparation of one or more noise exposure maps. The maps show noise contours, as calculated by means of a complex standard computer model known as the Integrated Noise Model (INM).

The INM is capable of producing noise contour maps for each of several standard noise metrics, each of which displays noise in a different aspect. The one metric that must be used, like it or not, is the YDNL (yearly day-night level). YDNL maps show an annual average of noise as calculated from theoretical data about the noise characteristics of various models of planes & engines, coupled with known local data as to location of flight corridors, numbers of flights, time of day of flights, local meteorological & topological conditions, & various other data. No-one can hear an annualized average, of course.

More useful are maps showing noise per such other metrics as SEL (single-event level, also known as sound exposure level), TA (time above, or time audible), Lmax, & others. These metrics report noise as people on the ground actually experience it. Such maps can be produced on a theoretical basis by the INM, & on the basis of actual field data from noise monitors located at appropriate sites. Also of interest are maps that show locations from which noise complaints were phoned in to Sea-Tac's noise office. (Some preliminary mapping of this sort, performed by RCAA in Spring 2010, showed that noise complaints from outside the 65 YDNL contour far outnumbered complaints from within it.)

Some areas are impacted by airport-related noise from both Sea-Tac & Boeing Field. YDNL calculations & mapping for just one of the two airports involved will not present a complete picture of airport-related noise in such areas. The public & local governments would find it helpful if the DNL & other noise mapping included airport-related noise from both airports. The most recent Boeing Field noise study submitted such maps. They showed that there was a considerable area where noise from both airports combined exceeded 65 YDNL (the FAA's test for significant noise). Noise maps for each airport, separately, did not include that area. The study team seems to believe that this joint-airport mapping is either not permissible or not desirable.

RCAA

It has been suggested that the INM mapping should display the YDNL contours out to the 55 YDNL level, to present a fuller picture of noise impacts. As yet, this does not seem to figure in the plans of the study team, though it seems to be done routinely in other Part 150 studies. Although FAA funding is not available for the purpose, the Port is perfectly free to provide noise mitigation outside the 65 YDNL contour with other funding, as other airports have done. A decision **not** to map noise outside that contour is tantamount to a decision to do very little by way of mitigation. It is a decision to give no consideration to use non-FAA funding. That in term is a decision **not** to deal with real noise where it is actually experienced by most people.

While mapping on the basis of the yearly day-night average is required to be performed as part of any Part 150 study, mapping on the basic of other metrics or data is voluntary – & permissible. In various presentations, the study team has created the impression that only YDNL mapping is permissible. That is not true.

Table 4 summarizes unresolved mapping issues. As one will see at a glance, mapping in this study is much curtailed from earlier studies.

TABLE 4: Noise-exposure mapping in current study compared to earlier studies

<u>Possible mapping method</u>	<u>Current study</u>	<u>Used in other studies</u>
SEL	Unclear; no written commitment	Sea-Tac 2002
TA	No commitment	Sea-Tac 2002
YDNL contours to 55 YDNL	No	Sea-Tac 2002 BFI 2002
Joint YDNL contours for Sea-Tac AND Boeing Field	No	BFI 2002
L_{eq}	No	
L_{max}	No	
Noise complaints	No commitment	Sea-Tac 2002

2-7 Long-term planning is needed.

One product from a well-conducted Part 150 study is reliable information about future levels & locations of airport-related noise. Thus, local jurisdictions can prepare land-use plans that exclude or limit non-compatible uses in especially noisy areas near airports. Some uses are more noise-sensitive than others, & so it is required that they be shown in the noise-exposure maps. The regulation requires that the study prepare noise-exposure maps five years into the future.

An obvious difficulty is that five years is a very short time in terms of official land-use planning, or in terms of planning for capital expenditures by government or business. It is typical that long-term planning look at least 20 years into the future. RCAA has therefore pressed the study team & the Port Commission to project noise impacts from Sea-Tac Airport for 20 years ahead, rather than the minimum five years, or the 10 years that the team has now orally accepted.

The most recent official forecasts of commercial traffic at Sea-Tac show greatly-expanded traffic at Sea-Tac beyond the 10-year horizon. Consider the following table:

TABLE 5: Operations at Sea-Tac, selected years

Year	Operations (nearest thousand)	Data source
2009	318 000	Port of Seattle website
2024	550 000	Sea-Tac Comprehensive Development Plan.
2030	634 000	State-wide Aviation Planning Council

The table clearly shows that there is expected to be very important growth in traffic at Sea-Tac **after** year 2020 or 2021.

Therefore it seems evident that the study team should provide noise mapping out to 2030 – a date by which it is expected that Sea-Tac will be operating beyond “capacity” (undesireable level of delay). Local governments, local business, groups such as churches, & the general public need to have a good idea of what the noise will be when the Airport is operating at its greatest. Otherwise, it is simply not possible for them to prepare long-range plans that take noise-compatibility problems into account. Given that there are uncertainties in long-range forecasting, it would be prudent to prepare such maps on the basis of three or four of the most probable scenarios, as viewed by the experts.

Readers may wonder why 20-year noise exposure maps are not being clamored for at other busy airports, why one does find that other Part 150 studies are not considering long-term impacts & final build-out question as we are here. The simple answer is that at most other airports the operators are actively talking with & working with their affected communities to reduce present noise, so that

there is understandably a lot less concern about future noise. In addition, with exceptions, most other major airports have either reached build-out or have been forthcoming in defining their plans for future expansion.

2-9 Third-runway usage not addressed.

The impetus for this whole exercise was the public outcry about the unexpected new noise that resulted from the third runway going into operation in November 2008. Port of Seattle officials at the highest levels reassured local governments & the public that this study was the tool by which that new third-runway noise would be brought under control. As yet, this sensitive topic has been completely avoided by the study team. There are measures that could be recommended to the FAA to reduce third-runway noise. (See Table 2 above.) They should have been discussed with the public at the very outset of the study, but were not.

This situation is worse than it might appear at first glance. Not only is there nothing in the works to cut back third-runway noise, the study team apparently has no clear idea of how that runway will be used in the future or how it should be used. But preparation of noise-exposure maps requires making assumptions about which flights of which aircraft types will use each of the runways at the airport.

3. Public participation, information-sharing, & collaboration – discussed by the study team but not accomplished.

3.1 Lots of meetings & presentations ...

One of the more frustrating aspects of this study has been the poor noise-to-signal ratio. There have been numerous meetings & presentations, starting back in November 2009, but very little useful information has come out of all those Powerpoint slide shows & all that talking.

Three of these meetings have been aimed at the interested public -- two general public workshops at the initiative of the study team, followed by a workshop on technical noise issues, requested by councilmembers from Burien & Normandy Park. There have been presentations to the Port Commission & to the Highline Forum, & one discussion at a meeting of C.A.S.E. Most of these occasions have featured Powerpoint presentations. Copies of these Powerpoint shows are to be found on the special website set up by Landrum & Brown for this study,

<http://www.airportsites.net/SEA-Part150/>

The study team has prepared & published reports on some of the meetings, & those reports are also to be found at the special website.

Not open to the public have been the meetings of the Technical Review Committee. However, agendas, presentations, & reports on those meetings are also published on the website.

3.2 ... but very little information & few accomplishments

For all of this seeming activity, very little has been accomplished. (1) The study team has provided almost no response to the numerous comments received from the public, including written comments from our organization. The consultants invited the public to comment on the scope of the study. After discussion with various interested parties, RCAA submitted scoping comments on 20 February, addressing what we believe to be 16 key issues in the study, & what seemed to us to be the questions that needed to be answered (30, with subparts). Supplemental comments were later submitted on 2 April & 23 April. In addition, we have had direct correspondence with the Port Commission & the consultants about our concerns. The responses have been less than forthcoming, less than helpful. Other commenters have had similar experiences.

Public participation without active two-way communication is rather meaningless.

* * *

In the next section, we will discuss the work that has not been done, but that should have been by now.

4. Study far behind schedule – delays will adversely affect public participation

4-1 No public consultation about scope of work or schedule.

There was no public consultation about the scope of work for the consultants, or about the schedule for the consultants' work. As a result, some of the work elements that should have been done early on were scheduled for much later, & vice versa.

4-2 How the work might have been scheduled, to better effect.

The following work elements should have been proceeding at roughly the same time, commencing at the start of the process:

- * Public meetings to explain noise metrics (partly done), possible noise-abatement measures, & possible noise mitigation measures; public meetings to discuss & consult about each of the following four work elements.

- * Develop current list of existing incompatible use, noise-sensitive areas, noise-sensitive facilities

- * Make initial assessment (hopefully with FAA concurrence) of future third-runway usage

- * Develop traffic forecasts for each five-year benchmark of the study

- * Noise-measuring & mapping program (including public participation in siting of temporary noise monitors)

Following normal procedures, after the foregoing was accomplished, the consultants would prepare & review with the public preliminary noise exposure maps for current conditions & for each five-year segment in the planning horizon.

4-3 Work product withheld from the public

As of the cut-off date for this report (close of day, 29 July), **none** of the following has been presented for discussion in general public workshops or posted on the project's website:

- * Listing of noise-sensitive facilities & areas (scheduled for completion in mid-April)
- * Traffic projections (including fleet mix, third-runway usage, level of operations). These projections were scheduled for completion in early May.
- * Mapping issues -- what metrics, what boundaries. Partial exception: the study team has steadfastly said that the maps would only extend to the 65 YDNL contour.
- * Noise exposure maps -- existing conditions (scheduled to be released in late July). Under the planned schedule, these maps would not be discussed with the public before becoming final.
- * Possible noise-abatement measures (other than the semi-mythical hush house & in a mere passing mention, noise berms). Scheduled to be final at end of February 2011. The Highline Forum was told on 26 May that the 9 June public workshops would address abatement measures, but (aside from hush house & a passing mention of berms) this did not happen.
- * Possible mitigation measures. Seemingly scheduled to be final at end of February 2011. None have been discussed in public workshops to date nor discussed in webpostings as of 29 July.

4-4 Usual Christmas rush? That seems to be the plan.

Not enough time is being allowed for genuine public participation in developing recommendations for noise-reduction or noise-abatement procedures.

The next public workshop is tentatively scheduled for early October 2010. The schedule provides that the team's recommendations about noise abatement will be developed starting in September, to be final at the end of February 2011. If the study is to examine the noise-abatement (reduction) measures as the regulation requires, with meaningful public participation, **at least** two serious workshops will be needed. So it is questionable whether the public will have any (meaningful) input on this topic before recommendations become final. Or is the plan to have a public workshop on this topic at some convenient date during the winter holiday, such as Friday, 24 December? How many times over the years have we seen critical documents issued for comment in the period between Thanksgiving & New Year's Day!

The published schedule suggests a workshop in the first week of December & another in mid-April 2011, after the recommendations become final.)

Actually, two workshops are probably not enough. In the last prior Part 150 study at Sea-Tac, the working-out of recommendations for noise abatement was assigned to the Operations Subcommittee of the joint advisory committee. The subcommittee met regularly, with 11 meetings scheduled over a period of 15 months. That gives a measure of the complexity of serious discussion of noise abatement measures (mostly flight procedures). On the basis of the workshops & presentations held to date in this study, there seems to be no prospect of serious public involvement in preparing significant recommendations for noise abatement.

5. Conclusions & recommendations

5-1. Issues for local governments

For local governments, there remain three imperative requirements, not yet addressed by the study team, Airport senior staff, or the Port Commission:

* (1) A clear, reliable runway-utilization plan for the entire period of the study (especially important for the third runway). This plan in any final form can only come from the regional office of the FAA, & the FAA has been conspicuous by its non-participation to date. However, the study team could at least make suggestions.

* (2) Forecasts of traffic at Sea-Tac for the next 20 years.

* (3) Unveiling of the Port's long-term plan for the Airport – letting everyone know what the Airport will look like & what its planned operations will be at final build-out. The senior staff & the Commission have not yet come to grips with the challenge of the present official forecast of 80 to 85 percent growth in operations by the year 2030. (See Table 5, p. 8, above.)

No city government or school district can make realistic long-range plans with the present uncertainties about the future size of the Airport & about its future negative effects.

5-2. Issues for schools.

Even though there is no official connection between city governments & school administrations, no city government can be indifferent to the schools within its boundaries. There are special, & serious, problems for schools resulting from aircraft noise. We are endeavoring to persuade the Highline and Federal Way school systems to become much more involved in this study, so that school problems are not ignored.

In particular, the 65 YDNL contour mapping will be of no assistance in long-range planning for the schools. It is simply not the metric that is used for measuring the extent of interruptive noise events during the instructional hours.

5-3 Issues for the general public.

The problems that bring ordinary citizens out to meetings in their hundreds are rather different from those that face local government. Some well-informed members of the general public are quite aware of, & concerned about, the broader issues, discussed above. Most people understand on first hearing that using the 65 YDNL metric to measure impacts of overflight noise is utterly unrealistic. But in general, their concerns are much more immediate & personal. Will their homes be bought out, insulated, or perhaps re-insulated? Will the unpredicted heavy use of the third runway, which has brought new noise over them, continue? Or will it be brought under control? Will noise from the other two runways be reduced or mitigated?

Although the study has officially been underway for more than half a year, members of the general public are as much in the dark about such issues now as they were in November 2009.

5-4 Excessively noisy night-time flights by FedEx

One particular issue has come sharply into focus in the last few weeks: especially-noisy individual flights in the hours between midnight & 6 a.m. We had suggested that the noise study team investigate to find out what carriers were responsible. But instead of waiting for that to happen, we did a little research on our own. Clearly, those middle-of-the-night flights that awaken thousands are almost entirely attributable to cargo operations by FedEx at Sea-Tac, using very noisy, & almost obsolete, DC-10s & MD-11s. Contrary to rumor, they are not attributable to Renton Municipal, & nor to Boeing Field.

This issue can & should be addressed before the end of the Part 150 process. The changes that are needed do not require action or approval by the FAA. Dealing promptly & effectively with this matter will be a test of the depth of commitment of the Port Commission & their staff to serious noise reduction.

5-5. Other general issues

A couple of other important general issues are also of concern.

First is the idea that this study should be almost completely limited to third-runway noise. This is wrong for at least three reasons. (1) There was too much noise before the third runway went operational, & that noise needs to be addressed, rather than shrugged off. (2) We doubt that it is technically feasible to describe noise impacts on a runway-by-runway basis, & to arrive at a realistic conclusion as to the noise that is being experienced by residents: noise is not experienced separately runway by runway, & this is especially true for people living east of 12th Avenue So. (center line of the new runway). (3) As noted above, as yet there is no definitive runway-usage plan for the third runway; it's all guesswork as to what noise will be experienced under the third-runway flight paths.

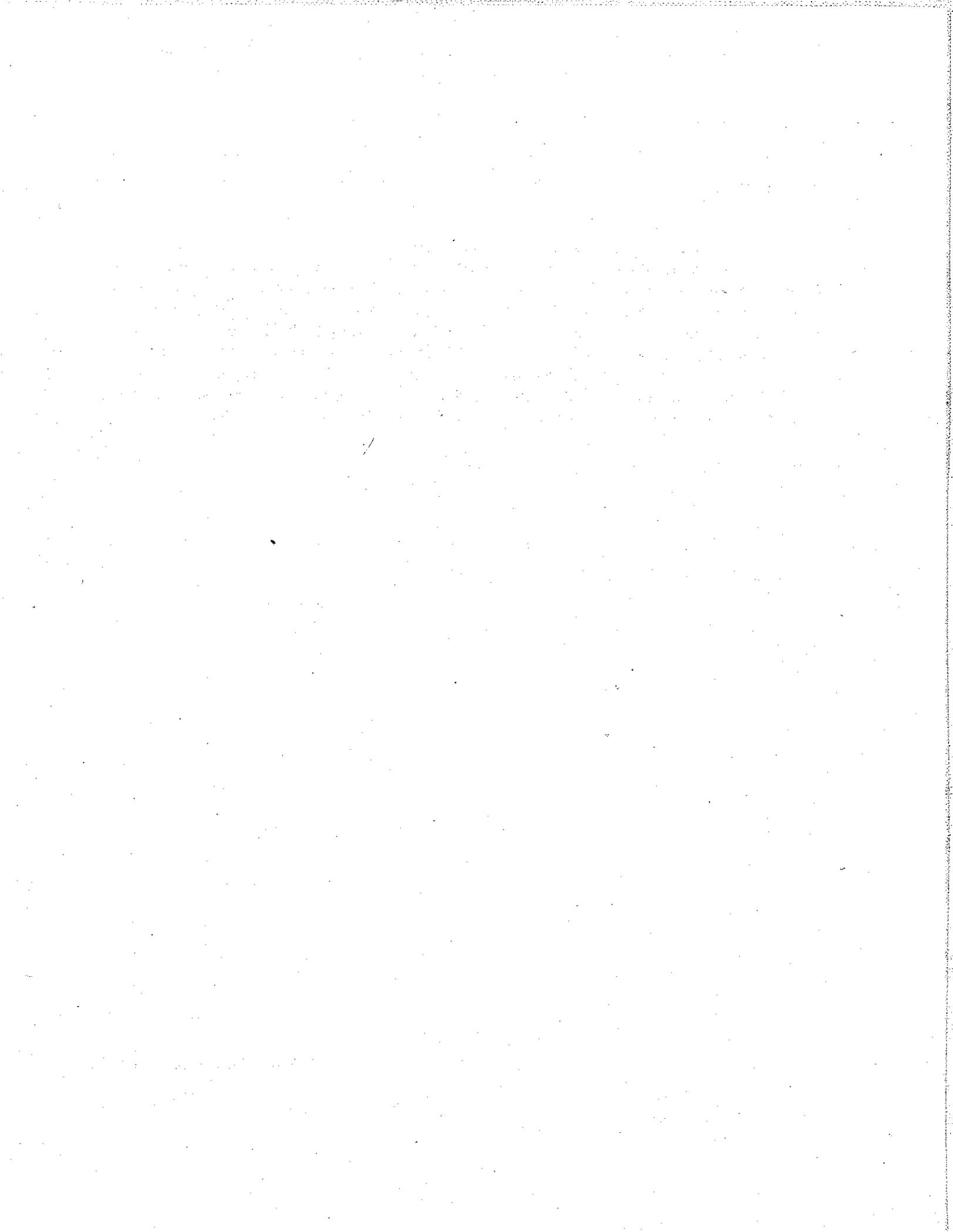
Second, implicit in much of the earlier part of this report -- will the study team identify real noise where & when it is experienced by real people?

The official noise-exposure maps showing DNL contours will report an annualized average of noise, according to a computer simulation. No-one can hear DNL. However, as noted above in section 2, there are several other standard noise metrics (based directly on actual noise monitoring) that report noise in ways that people experience it. The two most often used in this type of noise study are single-event level (SEL) and time above (TA). We have been pressing for a commitment from the study team to present noise data using those two metrics. A member of the team now appears to have said orally that single-event-level mapping (SEL) will occur. Good, if we heard the team correctly. Better would be to have the commitment in writing. The study team is silent on time-above mapping (TA) -- but that should be done.

5-6. Recommendations for future actions by local governments.

We recommend that local governments come forward to take action to get this study on track. A working committee of interested cities & other local governments, in close liaison with the local legislative delegation, should be created (preferably by a formal agreement). Through such a committee, local government should monitor the study very closely & should work with the Port Commission so that the study can be re-structured & administered to maximize its potential benefits. Local government should seek the support of members of the County Council & the Legislature for the kind of study that is really needed. Members of the Port Commission should hear from their colleagues at the city, school-district, County & State levels – often.

X X X



Lisa Clausen

From: Public Council Inbox
To: Robbie Howell
Subject: RE: SMP draft

Thank you for your message. It will be included in the Public Record.

L. Clausen
Burien City Manager's Office

From: Robbie Howell [mailto:robbieh@windermere.com]
Sent: Thursday, August 26, 2010 8:07 PM
To: Public Council Inbox
Subject: SMP draft

August 26, 2010

Honorable Mayor and Council Members:

We won't be able to attend the August 30th hearing. Please enter the following remarks in the Public Record.

The latest August 2010 SMP draft has shockingly removed the 15' set back for Lake Burien. Is this an error or was it really recorded in the minutes this way?

By eliminating this set back you are increasing the property rights of special interests at the expense of destroying the total ecology of Lake. You are trading the fish and wild life for short-sided commercial gain. In the future when the value of the lake has been destroyed everyone loses.

We are for people's property rights, but not for increasing the property rights of special interest and special people at the expense of destroying the ecology of the lake and other people's views of the lake. Having been involved in Real Estate Consulting for many years, we are aware of those things that drive property values up or down in the sales market. Properties on unclean lakes or that have significantly diminished views don't sell for as much money as properties on clean lakes with expansive views.

If you leave the 30' buffer plus the 15' set back in the SMP there will be no net loss to the Lake's ecological functioning as this is the established baseline for the lake right now. Also the homeowners whose houses are at the earlier King County and City of Burien setbacks of 100', 50' and 45' will suffer no further net loss to their visual access and the character of the neighborhood will be maintained.

Please place the 15' building set back into the Burien 2010 SMP!

Sincerely,

Robert and Robbie Howell

Robbie Howell
Your Real Estate Consultant for Life
Windermere Real Estate/South Inc.

Cell~ 206 948 8227

Pager~ 206 244 5925 ext.154

FAX~ 206 241 6837

Web~ www.homesbyrobbie.com

Lisa Clausen

From: Public Council Inbox
To: Pasek, Joann
Subject: RE: Public Access to Lake Burien, Shorewood, Seahurst, and Three Tree Point waters and beaches

Thank you for your message. It will be provided to the Councilmembers as part of the Public Record.

L. Clausen
Burien City Manager's Office

From: Pasek, Joann [mailto:Joann.Pasek@swedish.org]
Sent: Friday, August 27, 2010 1:43 PM
To: Public Council Inbox
Subject: Public Access to Lake Burien, Shorewood, Seahurst, and Three Tree Point waters and beaches

August 27, 2010

Letter to the Burien City Council regarding public access to
Lake Burien and the Shorewood, Seahurst, and Three Tree Point shorelines

In all the discussions on homeowner setbacks, floats, and piers, etc., I don't want the primary issue of public access to public waters to get lost.

I do support public access to all the above waters and beaches. It is very disheartening to hike along the Seahurst and Eagle Landing park beaches and come across "No Trespassing" signs at their borders. It is also ridiculous that I live less than a mile from Lake Burien but am not able to even see at it. I do support the city of Burien buying any vacated properties in these areas to create public access.

In addition, I find it very disturbing that the discussion involving public access too often devolves into an "us vs. them" mentality. There is an assumption on the part of some homeowners that the general public will automatically trash the waters and surrounding environment. Funny, Angle Lake in SeaTac has had public access for many years and I haven't heard homeowner complaints about public pollution.

I realize some people will always fear change but we are all part of the same community and should be respectful of each other.

Signed,

JoAnn Pasek
14628-7th Ave. SW
Burien, WA 98166

*C57R: ca/Bd/10
for Hearing*

To Burien City Council
To David Johansen
Re Shoreline Master Plan/ Appendix E
August 26, 2010

To The Burien City Council;

I am requesting that the attached inventories that are referenced in the report by Rob Zissette relating to Lake Burien be included with his report in Appendix E. These inventories help to establish a baseline of data for the plant and animal species that use Lake Burien.

Sincerely,
Chestine Edgar

CFTR: 08/30/10
for Hearing

Re-Bird Inventory –February, 2010
Data- Gathered from Lake Burien Residents
Prepared by-C. Edgar

- American Bald Eagle-seen all year long perching and hunting(1-3)
 - American Coot-Nov.-March(40-60)
 - American Goldfinch
 - American Widgeon-Nov.-March(40-60)
 - Anna's Hummingbird-all year long(1-3)
 - Belted Kingfisher-all year long
 - Band-tailed Pigeon-spring-summer(2-3)
 - Black-headed Grosbeak *EE 09*
 - Bufflehead Ducks-Nov.- March(30-40)
 - Bushtits-all year long
 - Canvas back duck
 - Chickadees-Black-capped-all year long
 - Chestnut-backed-all year long
 - Cinnamon Teal-rare-migratory(2-4) *EE 09*
 - Cormorants-all year long(8-10)Double crested
 - Pelagic Cormorant
 - Coopers Hawk
 - Canada Goose-all year long and Migratory groups (25)
 - Canada Goose-cackling-stays very short while-migratory *EE 09*
 - Cassin's Finch
 - Cedar Waxwing-rare sighting- summer to fall
 - Common Merganser-Sept.-March.-migratory(20)
 - Common Grackle-all year long
 - Brown Headed Cowbirds-spring to fall
 - Creeper-all year long *EE 09*
 - Crows-all year long
 - Dark eyed Junco
 - Downy Woodpecker-all year long
 - Evening Grosbeak
 - Pileated Woodpecker
 - Flicker-all year long
 - Pied-Billed Grebe
 - Western Grebe
 - Red-Necked Grebe
 - Great Blue Heron-all year long
 - Greater Scaup-fall to winter
 - Green winged Teal-rare-migratory
 - Goldfinch-all year long
 - Barrow's Goldeneye-migratory
 - Gadwall- migratory
 - Green Heron
-

- ✓ Goldeneye(Common)-rare-migratory 0209
 - ✓ Gulls-all year long
 - ✓ Hairy Woodpecker-all year long 0209
 - ✓ Hawk- Sharp shinned
 - ✓ Hooded Merganser-migratory-Sept.-March(20)
 - ✓ House Finch
 - ✓ Purple Finch
 - ✓ House Wren 0209
 - ✓ Junco
 - ✓ Killdeer
 - ✓ Lesser Goldfinch
 - ✓ Lesser Scaup-migratory-Sept.-Dec.
 - ✓ Loons-all year long
 - ✓ Pacific Loon
 - ✓ Mallard Duck-all year long and migratory (35-40)
 - ✓ Northern Pintail-migratory
 - ✓ Northern Shoveler-migratory
 - ✓ Red-breasted Nuthatch-all year long
 - ✓ Osprey-spring to fall
 - ✓ Owl-hear but do not see
 - ✓ Pine Siskin
 - ✓ Raven 0209
 - ✓ Redwing Blackbird-all year long
 - ✓ Ring necked duck-migratory
 - ✓ Robin
 - ✓ Rufous Hummingbird-Migratory-March to June, August to Sept.
 - ✓ Ruby-crowned Kinglet
 - ✓ Ruddy duck-Dec. to Feb. (2 to 4)
 - ✓ Sapsucker-all year long.
 - ✓ Sparrows- all year long-cannot identify all of the kinds
 - ✓ House Sparrow
 - ✓ Golden-crowned sparrow
 - ✓ Stellar Jay-all year long
 - ✓ Startling-all year long
 - ✓ Swallows-spring to fall-hunt over the water
 - ✓ Barn Swallow
 - ✓ Titmouse
 - ✓ Rufous-sided Towhee
 - ✓ Trumpeter Swan-migratory-stays a few days(3)
 - ✓ Varied Thrush-spring to fall
 - ✓ Violet Green Swallow
 - ✓ Warbler-cannot tell species?-
 - ✓ Western Tanager-rare sightings
 - ✓ Wood Duck-migratory
 - ✓ Yellow-rumped Warbler
-

Long legged, long billed shorebirds-several varieties-summer

Contributors to this list;
Carl & LeeAnna Hauke
Durwood Smith
Cheryl Merritt
Robbie & Robert Howell
John & Cyndi Upthegrove
Les Boscarine
Chestine & Bob Edgar
Danna Sivert

Stephen Armstrong
Donna Lynch

Plant Inventory of Lake Burien

February 28, 2010

Prepared by C. Edgar

Data Sources- King Country Lake Steward Program from 1994-2003-web site King
County Lakes—Sound Citizen/University of Washington ^{from} 2009, 2010-web site,
www.sound citizen.org

Currently no infestations of Noxious Aquatic Weeds

Phytoplantons

- unidentified chrysophyte species
- cryptophyte, Cryptomonas
- chrysophyte, Dinobryon
- chlorophyte, Crucigenia
- chlorophyte, unidentified colony
- chlorophyte, Botryococcus
- diatom, Fragilaria crotonensis
- diatom, Asterionella formosa
- diatom, Cyclotella
- dinoflagellate, Peridinium
- dinoflagellate, Ceratium hirundinella
- bluegreen, Anabaena
- bluegreen, Aphanizomenon
- bluegreen, Aphanothece
- bluegreen, Anacystis

Animal Inventory of Lake Burien
February 28, 2010
Prepared by C. Edgar
Data gotten from neighbors on the lake

Small Mammals

- Bats
- Mice
- Wood Rats
- Voles
- Shrews
- Raccoons
- Weasels
- Opossum
- Historically one otter in the 1990s
- Squirrels

Reptiles

- Western Painted Turtle
- Red Slider Turtle ?
- Garter Snake

Amphibians

- Bull Frog
- Cascade Frog

Crustaceans

- Crayfish

Fish

- Bass
- Perch
- small unidentified fish
- Trout

To The Mayor and the Burien City Council
August 26, 2010

Dear Mayor and City Council Members;

I will not be able to attend your public meeting on the Shoreline Master Plan and so I would like this to be filed as my testimony for that Aug. 30th hearing. About one month ago, I sent you a letter listing the scientific and good sense reasons for why there should be no physical public access to Lake Burien. Apparently, that was not good enough logic for you. So once again, I want to state that I believe that there should be no physical public access to Lake Burien. The lake is a very small lake. It has only 3 ways that it gets its water; storm water runoff (filthy stuff), rain and some groundwater seepage. At least 3 to 4 months a year, the water does not even flow out of the lake down by the Ruth Dykeman Center. The lake bottom is muck and that kind of material makes it easy for pollutants to stick to it and stay in the lake. The lake is shallow and has lots of lake weeds covering the bottom. It is a great place for fish and birds but it's not a great swimming beach area. We don't need every boat in Burien in it either. Those boats carry in pests and invasive weeds.

So once a lot of pollution gets into the lake, it is almost impossible to drain it out. The lake is in pretty good condition for water quality right now. But add thousands of people and their dogs and their poop to the lake or on the shore of the lake and then there are real pollution problems for the lake. Also public parks bring crimes, drugs and garbage to the park area and surrounding neighbors. Burien has lots of parks and places to enjoy the water. So let's take care of those places and encourage people to use them. Seahurst Park is a much better swimming and wading beach but people really abuse that park and litter it. Gangs and vandals damage the tables and restrooms. Even though it is gated off at night, the damage still goes on. I am requesting that there be no physical public access to Lake Burien and that it be written into the Shoreline Master Plan.

Also I am requesting that the 15' setbacks remain on Lake Burien and Seahurst Park. The people on the Marine shorelines have built right out to the water's edge. There's not much to save there because they have damaged the shoreline so much. That's too bad but Burien let them do that in its previous Shoreline Master Plan. Let's not make that same mistake again on Lake Burien and Seahurst Park. Let's save as much of the working buffer and keep that land open to filter runoff water so we can keep these 2 shorelines and waters from degrading. Keep the 15' setbacks on Lake Burien and Seahurst Park.

If there is any money, please build a good Community Center with a nice swimming pool so we can swim in clean water. We have been waiting a long time for a facility like this.

Thank you for considering my comments.

Wendina Dayman

1817 SW 152nd ST

CFTR:cs/3010
for Hearing

August 24, 2010

To the Burien City Council members,

My requests today are:

1. Fix the August 2010 Shoreline Management Plan to include the 15 foot setback for Lake Burien to assure no net loss to Lake Burien's ecological functioning and include it in the final SMP sent to the Department of Ecology.
2. Stop couching this issue in terms of "Free Lake Burien" and playing the haves (characterized as the selfish rich Lake Burien property owners)) against the have nots (characterized as the downtrodden and low income residents of Burien.) Rather recognize and acknowledge that Lake Burien cannot ecologically tolerate physical public access for all of Burien's 44,000 citizens. Protect this fragile ecology of Lake Burien by not allowing physical public access to Lake Burien now or at any time in the future.
3. Use any extra funds the city has (or does not have?) for providing low income/fixed income/seniors and families free admission and access to swimming lessons and other services at Evergreen pool and build another free pool within the city limits of Burien.
4. Listen to Police Officer Glasgow's concern about crime in other City of Burien parks (which I referenced in previous testimony before the council.) More money is needed to provide more law enforcement support for this and other crime related issues already facing the City of Burien. Also protect the fragile population of youth at the Ruth Dykeman Center and consider that there are several preschools and a K-8 school very near Lake Burien . A public park would be problematic at best and dangerous in a worst case scenario for these young people.

I agree with John Upthegrove's concern about the rush to judgment regarding something this important . It puzzles me that some references have been made that the lack of science regarding Lake Burien is troubling. I understand that the expert selected to testify by the Lake Burien Shore Club was not allowed to do so. The scientist's (Sarah Cooke and Rob Zisette) report is located in Appendix E of the new Shoreline Master Plan draft. Anyone "troubled" by a lack of science can read it there. The Lake Burien homeowner's objections regarding allowing physical public access to this small, fragile lake is based on solid science. Physical public access would have ruinous effects on this fragile lake and its ecology including the species of local significance which I referenced in previous testimony before this council.

For the record my parents were never rich. They lived frugally (in a federal housing project and in rental homes for twenty-five years), and for the last five of those years spent every weeknight after work and all weekend long building their Lake Burien family home. Five generations of our family has enjoyed this property for which my parents worked so hard. I would suggest that anyone willing to make these kinds of sacrifices might one day have what my parents worked so hard for so long to achieve. One more time-DO NOT ALLOW PHYSICAL PUBLIC ACCESS TO LAKE BURIEN -NOT NOW- NOT EVER!

CFTR: 08/30/10
for hearing 08/30/10

How can you, as people of good conscience, ignore the irrefutable testimony and scientific evidence that the damage to Lake Burien would be disastrous and for what... a few momentary political/economic and or ego related gains? Who really is behind the "Free Lake Burien" effort and what is their real motivation?

Hmmm.... it does give one (hopefully) pause for thought!

A handwritten signature in cursive script that reads "Sandy Gledhill-Young". The signature is written in black ink and is positioned above the printed name.

Sandy Gledhill-Young

1936 S.W. 168th Street

Burien, Washington 98166

Janis Freudenthal
13229 12th Ave SW #233
Burien, Wa. 98146
206-246-5574

August 30th, 2010

David Johanson, AICP
Senior Planner
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166
Phone: (206) 248-5522

Dear Mr. Johanson,

I am writing to express my concerns regarding the newest draft of the Shoreline Master Plan. I would like this letter to be part of the public record for the final hearing on the SMP on August 30th, 2010.

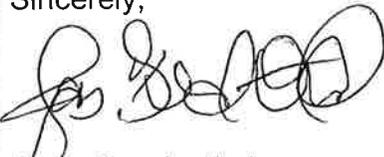
In the last draft (see Chapter IV Shoreline Uses and Modifications Policies and Regulations pg. 16 & 17), the 15' setback has been stripped from both of the buffers for Seahurst Park (Urban Conservancy) as well as Lake Burien. The Urban Conservancy/Seahurst Park buffer is set at 50' but the setback of 15' has been removed. Why would we be less protective of these vital filtering lands and vegetation rather than more strict?

My property overlooks Seahurst Park so I try to keep on top of what is happening there. I know of no plans to build any new structures there, all that I am aware of is the second phase of the restoration project. The Architects for new Environmental Science Center were very careful and responsible to keep within to the original carriage house footprint. A healthy nearshore environment=more survival of juvenile salmon. Again who or what entity requested that the setback be removed for the Urban Conservancy?

I also have concerns for my friends and neighbors that own Lake Burien waterfront property. If someone were to build a structure so close to the waterline it would be a loss for the other homeowners and endanger the health of the lake. Why not have 15 more feet of filtering of pollutants happening all around the lake? Though I don't live there, I'm sad to think that we did not do enough to protect the lake that all of us Burien residents are so proud of.

Restore the 15' setbacks for the Urban Conservancy and Lake Burien before the revised SMP is adopted.

Sincerely,



Janis Freudenthal
Volunteer
Neighbors of Seahurst Park

CFR: 09/13/10
for Hearing 08/30/10

August 30, 2010

From: Greg Anderson
15451 11th Ave. S.W.
Burien, Wa. 98166

Mayor McGilton, and council members,

I am Greg Anderson and am a 60 plus year resident of Lake Burien. Thank you so much for your efforts to make the SMP a good regulation. The council has greatly improved the SMP. Removing the 15' setback was a great help in ensuring property owners could build, rebuild, and remodel in a reasonable manner. Other changes large and small will help make this a better regulation.

After reading about setbacks, shoreline buffers, wetland impact, mitigation impact, shoreline vegetation buffers, and residential development, (I have read it all), I don't understand the total impact if a property owner wanted to build a single family home.

Could you please "test drive" this SMP and use a 2500 sq.ft. house footprint on a lot approximately 75' x 100', with the 75' on the shoreline, with a 20' wetland along the shoreline. This would be a typical house with a public road in the front of the house, and shoreline in the rear, and with a typical driveway, deck, and patio. The property owner would like to get the most use out of the shoreline for access to the beach, enjoyment of the shoreline, a boat, a picnic table, and appurtenant structures. Please consider what is allowable for a single family residence in BMC 20.35.025 e, RCW 90.58, and WAC 173.26 & 27. This will test the SMP and you will see if it has the desired outcome. I don't think the first "test driver" of the SMP should be a property owner. By doing this, we can all find out if there is a problem now.

When the council is done with the SMP, the shoreline property owners will not be done, they will have to live with this everyday. It is important to get it right.

Please note RCW 90.58.100 states, in part, "to ensure that the strict implementation of a program will not create unnecessary hardships, or thwart the policy enumerated in RCW 90.58.020". RCW 90.58.020 (priority for single family residences and their appurtenant structures).

Thanks so much,

Greg Anderson
206-915-8148

CFTR: 09/13/10

To: City of Burien, City Council, City Manager, Community Development Director, Sr. Planner, etc.

From : Lake Burien Shore Club President and Lake Steward, Don Warren

Date : Monday 8/30/2010

Regarding : Comments for Public Hearing on Burien Shoreline Master Program, Public Hearing Draft

Introduction

I am speaking today on behalf of the Lake Burien Shore Club, which has a 60 year history as a community organization protecting the lake from any and all threats to its health and ecological function.

In today's packet you have a new letter from Herrera's Rob Zissette, which is associated with a recent water sample reported on by Dennis Clark who is the King County Steward of Miller Creek and Walker Creek. Dennis Clark reported to you separately that the recent bloom of blue green algae was tested for toxins and found to be just below the threshold at which the public would be warned of possible hazards to pets and people thru ingestion of the waters of the lake. Rob Zissette, in his letter to you this past week, noted that blue green algae is in all lakes and through increased nutrient loading can be expected to thrive and increase in its impact to the waters of the Lake. One key reminder is that the Lake, having no outflow during the summer can be significantly impacted by the introduction of submerged invasive species that would add to the nutrient load. Increased pressures to the lake vis a vis increased nutrient load (phosphorous and nitrogen) would occur through increased access. Decisions you make tonight and in the coming weeks can either assure best possible protection or allow an increased opportunity for a net loss to the ecological function of the lake.

I'll now address a few of our present concerns with the draft SMP as it now stands. Questions on applicability and intent as well as requests for appropriate changes to the draft will be noted.

Is the document clear and unambiguous ?

I have yet to hear the council or staff run through a handful of development or alteration scenarios that would regularly come before the permit desk in the planners office. If the council does not give the document a test drive to see if intended outcomes are well supported and unintended misinterpretations of council's intent are not encountered, we will end up doing those tests in the permitting process. This is not the best place for a test drive of new regulations. We strongly urge you to run through this document with a handful of hypothetical or real, normal development and alterations projects that would require permits affected and controlled by this document. Failing to do so prior to formal approval and adoption will burden staff, the citizens, and possibly the legal staff for the city.

Regarding the weir, specifically in 20.30.030 – Flood Control

Thanks for acknowledging in a past Council session that the weir is not a flood control device. Staff acted on your decision, removing item 1.f regarding the maintenance of the weir. **To complete properly your direction to staff, the reference to the weir in flood control device examples in the introductory paragraph stills need to be stricken out. To wit , "...Flood hazard reduction measures may also include structural measures such as ~~the weir at Lake Burien, floodwalls, dikes,~~"**

A quick reminder about the difference between a float and a vessel

On the 16th of August, the mayor replied to the question regarding the difference between Barges and Floats. Mayor McGilton noted that a barge is a vessel and a float is not. Although this is encouraging, the difference is not called out in the Draft SMP definitions section. It would be well warranted to note in 20.40.070 by adding the following sentence at the end of that existing definition, that "Powered barges are vessels and are not floats." Vessels are well defined by the United States Coast Guard on their website. That definition is clear regarding barges as being vessels.

20.30.075 Over-water Structures (docks/piers/floats) – (OWS)

After your consideration of this section, you made a decision. And after re-reading the current version of this section's language, I have some remaining concerns.

Water Dependent Use

Throughout 20.30.075 there are limitations to just "*water dependent use*". And in the Definitions section, 20.40.210 Water Dependent .. means .. examples .. none of which include residential purposes. So, is the city really trying to say that Single Family residences cannot construct any new Over Water Structures at all ?? here are the referenced items from 20.30.075 that cause the concern...

20.30.075.1.b – requires for approving a permit that *"..demonstrated ... need exists ... to support the water dependent use."*

20.30.075.2.a – limits new OWS's to *".. those required as part of a permitted water dependent use ..."*

20.30.075.2.b – limits design and construction of new OWS's to by restricting them to *".. the minimum necessary to meet the needs of the proposed water dependent use."*

Further in the deintions section we see "Water Dependent", "Water Related", "Water oriented", and "Water Enjoyment" ..NONE of which are associated to single family residential use of the water as associated with an OWS .. **How will a single family residential property owner EVER get a permit to build an OWS??**

No differentiation between Marine and Lake OWS's

The marine and lake reaches are vastly different in their ecologies and in the impacts of OWS's. for example, Salmonids in the marine reaches are negatively impacted by shading. This is not the case for fish in shallow, warm water lakes. Shading is actually a benefit. So, shouldn't the SMP differentiate between the two disparate ecologies and allow for separate consideration and treatment?

20.30.075.2.c and 20.30.075.2.d read completely as relevant only to the marine reaches.

Dock/pier combination construction and the impact of just one OWS specific impacts to Lake Burien

20.30.075.2.g limits each single family residence to just one OWS.

What if someone designs a combination Pier/Dock, is that just one structure?

The level of lake drops as much as three feet from April to November. This exposes a fair amount of grungy, gooey lake bottom. So, one must build their dock to reach past that to the water at a point deep enough to be able to swim and moor any boat they may want to use. Should someone construct just a pier (fixed height on pilings .. they will not easily be able to reach down three feet to their vessel or climb the three feet out of the water onto the deck of the pier. So, should they construct just a dock (floats on the surface of the water or gets a ground in low water), then that dock will incur progressive wear and tear beyond that of a permanently floating structure. So, the best design is a combination Pier to reach across the area exposed in summer/fall, and then attach a floating portion, a dock. This allows for easy access across the muck and to the water. It also assures the dock portion is not subjected to accelerated demise since it would never be resting on the land, which injures the float bodies over time.

The best way forward is to add a new paragraph stating the Lake residences can build what they like

There was a specific intention by the Planning Commission in its very well considered treatment of this section of the SMP. The Planning commission in its 3/23 and 3/30/2010 meetings decided that for the Lake, anything that the Department of Fish and Wildlife or the Army Corps of Engineers would permit, would be allowed to built on and over the lake by and for single family residential property owners' use.

The permit matrix on page IV-1

The permit matrix presently requires a "Conditional Use Permit" for constructing or significantly repairing or replacing an Over Water structure. The purpose of a conditional use permit is noted in the WAC's and in the Burien Draft SMP. Essentially, it appears to be the most well reviewed of all permit types. In fact the city does not even get to approve a Conditional Use Permit. That is left to the Department of Ecology.

Dave Douglas in his 8/2/2010 letter to David Johansen noted (excerpted from his letter) that

WA Department of Ecology essentially has no design parameters for these structures so they depend and require local governments to assign standards. How is the City meeting this responsibility?

What has been the reaction of property owners, homeowner groups

and any their legal counsel? Has this been a point of discussion or simply passed by because people don't understand what this means in terms of restrictions, process and cost?

I am quite puzzled by this approach and hope you can provide some answers to all the questions above. I appreciate your time, energy and expertise.

Sincerely,

Dave Douglas
Permit Manager/Shoreline Consultant
Integrity Shoreline Permitting

So, please, change the permit matrix entry on page IV-1 for Over Water Structures from "CU" to "SDP" (substantial development permit).

Other requested changes to the Permit Matrix on Page IV-1

As we have requested in previous council sessions, the required permit type for those extremely rare projects that would cause a significant spike in use of the shoreline, should be "Conditional Use" not "Substantial Development". This elp the city by getting Dept of Ecology's review and approval of the project and will assure their best science is brought to bear where none exists within the city.

Our requested changes are for the lines noted here (an excerpt from our previous red-line submissions)

The Shore Club requests the following modifications to the "Shoreline Permit Matrix" to ensure that incompatible uses are not introduced in the shoreline and that potentially problematic uses go through the Conditional Use permit ("CUP") process:

20.30.001 Figure 4 Shoreline Permit Matrix

Note: Only those table lines for which changes are requested are included in table excerpt below:

	Shoreline Residential	Aquatic	Urban Conservancy
Personal Wireless Facility	CU X	N/A	X
Government Facility	SDP X (or CU)	X	SDP
Public Park and Recreation Facilities	SDP CU	X	SDP
Recreation	SDP CU	SDP CU	SDP
Transportation Facilities and Parking	SDP X (or CU)	X	SDP

Clarifying Notes:

"Personal Wireless Service Facility" should not be permitted and should therefore show as an "X" in the Shoreline Residential column. The shoreline and residences within them are unique in that they are afforded special aesthetic and view protection under the Shoreline Management Act (SMA). Wireless facilities (such as cell towers) are incompatible with and in such a shoreline environment

"Government Facility" should not be permitted and should therefore show as an "X" in the Shoreline Residential column. Except for shoreline facilities that qualify under other use provisions (e.g. public marina), location of generic government facilities in the shoreline is not an appropriate use under the SMA.

"Public Park and Recreation Facilities" should show as "CU" in the Shoreline Residential column. Such facilities should be subject to the assurance of compatibility that the conditional use process and standards provide.

"Recreation", as referred to in the table, is not clearly defined in the SMP draft. Assuming this refers to recreational facilities, this category potentially overlaps with other potential uses that are called out and defined. Therefore, this line of the matrix may either be removed, or depending on its purpose, modified to show as "CU" in both the Shoreline Residential and Aquatic columns. Recreational use facilities should be subject to the assurance of compatibility that the conditional use process and standards provide.

"Transportation Facilities and Parking" should be prohibited and should therefore show as an "X" in the Shoreline Residential column. Point sources of oily pollution associated with all transportation and parking facilities are not supportive of "no net loss of ecological function" particularly within an enclosed small lake shoreline environment.

In summary and with Much Thanks for all you do!

With sincere thanks for all you do for our fair city. Having myself worked so hard for these past three years on this SMP document, I know that the work you do on this is not easy. The language remains vague and contradictory to intent in various passages, only a few of which I have noted to today in my limited time. Please consider our suggestions. And, do please consider doing a better job instead of a quicker job. I strongly and appreciatively urge you to extend the timeline for the process for refining the SMP for the City of Burien.

Best regards

Don Warren – 206 679 1550 mobile

15702 13th Ave SW, Burien, WA 98166-2120

To The Burien City Council
Re Shoreline Master Plan (SMP August Draft) Public Hearing
August 30, 2010
From Chestine Edgar

To the City Council Members;

I am requesting that the following changes be made to the August 2010 Draft of the SMP (The pages of that draft are attached to this letter and the requested changes are written in red ink);

1. Page IV-14 Figure 5 Building Setback from the Riparian Buffer- the setbacks for Lake Burien Shoreline Residential and the Urban Conservancy should be restored to 15 ft. Both of these shorelines are not or will not be hardened in this 15' setback area (with the seawall removal work to be completed in Seahurst Park) and there is no scientific reason for why these areas be now hardened. To allow development in these areas would result in net loss to Lake Burien and the Urban Conservancy. The marine residential shorelines for M-1, M-3 and M-4 are significantly different in their development and history. These marine shoreline reaches have been armored and hardened for a long time at 20 feet in a manner that is not so for Lake Burien and the Urban Conservancy. Lake Burien has never had home development at 30 feet from the OHWM on the lake shoreline. In addition to the net loss issue, development at 30 feet would alter the existing character of home development/neighborhood on the lake. The City has just received grant monies to restore the shoreline at Seahurst and there is no logical reason from removing the setback from this shoreline.

2. Page IV-1 Figure 4, Docks, Piers and Floats- for the Shoreline Residential this should read SDP otherwise each of these structures would require the DOE to approve their construction. In other cities in the area, these are taken care of at the city level.

3. Page I-1, after second paragraph- insert the list of 7 priority uses as stated in RCW 90.58.020.

4. Page I-4, Figure 2-Identify the technical documents with a label and correctly connect them to the SMP.

5. Page III-4, Criteria for Designation- all of the shorelines of Burien are developed at low density. I have attached the lot sizes to the attached page.

6. Page II-2, Pol.PA 3-should read "...protect private property and public health and safety."

7. Page II-4-remove the section "...and chances for personal discoveries."

8. Page III-1, 20.25.001- remove the term marine from the first paragraph as that list applies to all of the shorelines of Burien.

9. Pages IV-27, IV-28, IV-29 –All of the strikeouts in red in the draft document referring to the building setbacks for residential Lake Burien need to be restored back into the draft document.

10. Cumulative Impacts Analysis- correct the section on Lake Burien because under this section it implies that only a small amount of new development will occur on this lake at a 7,200 sq ft lot size. While in fact, according to the City's calculations done in 1998, 1999, the City claims that at lot size 7,200 the Lake Burien Neighborhood will increase 66%. The current average lot size on Lake Burien (excluding the Ruth Dykeman

CFTR: 09/13/10
for hearing 08/30/10

Children's Center) is 20,000+ sq ft. (including the secondary shore land). No where in this analysis is the impact of the short platting of the current lots analyzed. I am requesting that this analysis be included in the Cumulative Impacts analysis and the buffer and setback be discussed in relation to that analysis.

Additionally, I am requesting that the Summary Section be corrected to show the setbacks and buffers that will be used in this SMP.

11.Appendix 8-C- this appendix which is referenced in **Figure 5 as well as in the Critical Areas Section** of the SMP is not clearly explained in how it will be used and applied. I am requesting that the use and application of this appendix be clarified someplace in the SMP.

Lastly I am requesting that based on the scientific reports written by Sarah Cooke and Rob Zissette, that **no physical public access be granted to Lake Burien until an EIS be completed on the lake.** This EIS should be based on the sensitive and critical areas (26 acres of wetlands and aquifer recharge area) associated with this lake as well as the amount of habitat it provides for species of importance as designed by King County, 2008.

Attachments

20.30.050 Dimensional Standards for Shoreline Development

The following buffers ~~and setbacks~~ are based on the City of Burien Shoreline Inventory (Appendix 1), City of Burien Shoreline Analysis and Characterization (Appendix 2), and the City of Burien Shoreline Cumulative Impacts Analysis (Appendix 4) reports contained in this shoreline master program. The shoreline riparian buffers ~~and~~ vegetation conservation buffers, ~~and building setbacks~~ are calculated from the ordinary high water mark or from the landward face of a bulkhead or other shoreline stabilization structure if one is present. For measurement methods, refer to BMC 19.17 [Misc. Use, Development and Performance Standards].

The riparian buffers ~~and~~ vegetation conservation buffers, ~~and building setbacks~~ shown in Table 5 and in BMC 20.30.055 [Shoreline Buffers]:

1. Do not apply to legally established structures ~~legally~~ existing on _____ (effective date of the SMP).
2. Apply to new development, new structures, and additions/expansion of legally existing structures.

Figure 5 Dimensional Standards for Shoreline Development

SHORELINE ENVIRONMENT DESIGNATION

	Shoreline Residential	Urban Conservancy	Aquatic
Marine Riparian Buffer ⁽³⁾	50-20 ft.	50 ft.	N/A
Lake Burien Riparian Buffer ⁽¹⁾	30 ft.	N/A	N/A
Vegetation Conservation Buffer ⁽²⁾	150 ft.	200 ft.	N/A
Building Setback from Riparian Buffer	15 ft.	15 ft.	N/A
Height Limit (see BMC 19.15)	35 ft.	35 ft.	35 ft.
Lot Size ⁽⁴⁾ (see BMC 19.15)	RS-12,000 RS-7,200 (Lake Burien)	RS-12,000	N/A
Building Coverage (see BMC 19.15)	35%	30%	N/A

Restore Lake Burien + Urban Conservancy setbacks to 15'

(1) Consistent with BMC 19.40 ~~critical areas~~ and BMC 20.30.040 (2) ~~(a)~~.
 (2) See BMC 20.30.040 Shoreline Vegetation Conservation for specific requirements.
 (3) For single family residential development, the buffers ~~and setbacks~~ prescribed in this section may be reduced pursuant to BMC 20.30.095, through the conditional use permit process.
 (4) ~~(4)~~ See BMC 19.17.170 of the zoning code for minimum lot area requirements.

20.30.045 Water Quality, Storm Water and Nonpoint Pollution

Storm water picks up oil, grease, metals, yard and garden chemicals, dirt, bacteria, nutrients, and other pollutants from paved areas, and carries them to Puget Sound and Lake Burien without treatment. The higher rate of runoff from more impervious areas also results in decreased water quality by flushing more sediment into the water.

1. Policies

- a. The City of Burien should protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:
 - i) Prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.
 - ii) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards. The regulations that are most protective of ecological functions shall apply, except as otherwise provided in RCW 36.70A.480 [\[Growth Management, shorelines of the state\], regarding the level of protection for critical areas within shorelines of the state-](#)

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 12.)

2. Regulations

- a. Construction materials that come in continuous, direct contact with surface waters shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the City of Burien building official determines that there is no feasible alternative to toxic treatments that will provide the structural characteristics necessary for the project.
- b. Low impact development methods shall be incorporated into any development or redevelopment in shoreline jurisdiction when feasible.

General Provisions

20.30.001 Figure 4 Shoreline Permit Matrix

Type of Shoreline Permit Required for Shoreline Uses and Modifications*			
	Shoreline Environment Designations <small>(Please see Chapter 20.25 for shoreline designation descriptions and section 20.25.025 Figure 3 for a map showing the locations of each designation)</small>		
	Shoreline Residential	Aquatic	Urban Conservancy
Aquaculture	X	CU ¹	X
Boat Mooring Buoy	N/A	P ³	N/A
Boat Ramp	X	X	X
Boat House (covered moorage)	X	X	X
Breakwater & other in-water structures	N/A	X	N/A
Bulkheads	SDP ⁴	CU	SDP ⁴
Personal Wireless Service Facility	CU	N/A	X
Community Beach	CU	CU	X
Community residential facility	CU	X	X
Docks, Piers and Floats	CU SDP	CU	CU
Dredging	N/A	X	N/A
Fill ²	X	X	X
Floating home	N/A	X	N/A
Flood protection	SDP	SDP	SDP
Forestry (clearing)	CU	N/A	CU
Grading	CU	N/A	CU
Government facility	SDP	X	SDP
Habitat Enhancement or Restoration	SDP	SDP	SDP
Industrial & Ports	X	X	X
Jetty	X	X	X
Mining	X	X	X
Office	X	X	X
Public park and recreation facilities	SDP	X	SDP
Recreation	SDP	SDP	SDP
Residential - Single family**	SDP	N/A	SDP
Residential - Multi family	SDP	N/A	CU
Retail	X	X	X
Schools	CU	N/A	CU
Transportation Facilities & Parking	SDP	X	SDP
Utilities	SDP	CU	SDP

- SDP Shoreline substantial development permit [\(City Decision\) – See Chapter 20.35 for specific procedures](#)
- CU Shoreline conditional use permit [\(Department of Ecology Decision\) – See Chapter 20.35 for specific procedures](#)
- X Prohibited
- N/A Not applicable
- 1 Prohibited in critical saltwater habitats and Lake Burien
- 2 Allowed if necessary to construct a permitted use
- 3 Private mooring buoys are exempt from the shoreline substantial development permit process but shall comply with BMC 20.30.090 [\[Recreational Mooring Buoys\]](#).

- 4 Construction of the normal protective bulkhead common to single-family residences must comply with BMC 20.30.070 [Bulkheads and other shoreline stabilization structures] but is not required to obtain a substantial development permit, is exempt from the shoreline-substantial-development-permit process but shall comply with BMC 20.30.070.
- * Shoreline uses not listed in the matrix above are subject to a shoreline conditional use permit.
- ** Exempt from shoreline substantial development permit requirements if this is for construction of only one detached unit built by an owner, lessee, or contract purchaser who will be occupying the residence, in accordance with WAC 173-27-040(g) [single-family residential exemption], as amended.

20.30.005 Applicability

The following provisions shall apply to all uses and activities within the City of Burien's shoreline jurisdiction unless otherwise noted. These regulations are based on general goals and policies without regard to shoreline designation based upon elements of the shoreline detailed in Chapter II of this shoreline master program consistent with RCW 90.58.100(2) [SMP required contents] and implement the principles as established in WAC 173-26-186 [Governing principles of the guidelines] and WAC 173-26-221 [General Master Program Provisions].

- Land Use
- Archaeological and Historic Resources
- Critical Areas
- Flood Hazard Reduction
- Public Access
- Shoreline Vegetation Conservation
- Water Quality, Storm Water, and Nonpoint Pollution

20.30.007 Existing Development

1. **Existing Single-Family Homes, Appurtenances, and Other Existing Structures.** Single-family homes, appurtenances and other structures that were legally established by _____ (effective date of this SMP) are considered to be conforming to the SMP. Any addition, expansion or reconstruction beyond the existing footprint of the single-family home, appurtenance or other structure must comply with the SMP.

Replacement of any portion of any structure in the Aquatic shoreline designation shall comply with the SMP requirements for materials that come in contact with the water pursuant to 20.30.070-045 [2.b-e] [Water Quality, Storm Water and Nonpoint Pollution].

2. **Other Existing Uses or Structures.** Uses or structures other than single-family homes that were legally established by _____ (effective date of this SMP) are considered to be conforming to the SMP. Any enlargement or expansion of the use must comply with the SMP.

20.10.001 Overview of State Shoreline Management Act

The State of Washington's Shoreline Management Act (RCW 90.58) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The following is an excerpt from the Shoreline Management Act stating Washington State's policy regarding shorelines.

RCW 90.58.020 - The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

In 1995, the Legislature amended the Growth Management Act (GMA) and the Shoreline Management Act (SMA) to partially integrate the two statutes. The amendments incorporated the goals and policies of the SMA as the 14th goal of the GMA, specifically designating the goals and policies of a local shoreline master program as a segment of the jurisdiction's development regulations (RCW 36.70A.480). The diagram below indicates the relationship.

Include list of 7 priority uses from the RCW 90.58

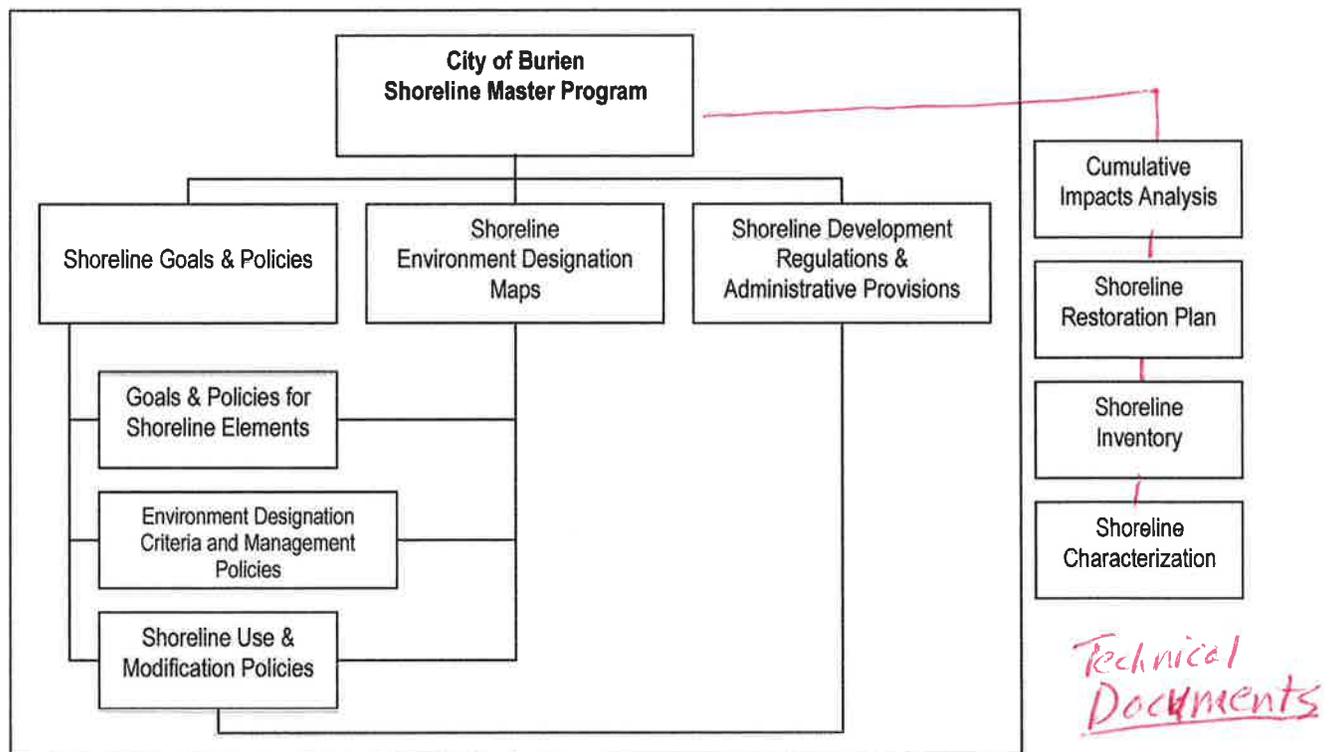
Chapter I. User's Guide

Chapter 90.58 RCW, the Shoreline Management Act, and this Shoreline Master Program.

20.10.010 Components of Burien Shoreline Master Program

The City of Burien Shoreline Master Program was originally adopted at the time of the City's incorporation in 1993. Under new shoreline master program guidelines adopted by Ecology in 2004, cities within King County are required to update their local shoreline master programs.

Figure 2: Structure of City of Burien Shoreline Master Program



Label + Connect Technical Documents to Shoreline Master Program

20.10.015 Amendments and State Role

The City of Burien Shoreline Master Program may be amended when new information is obtained, local circumstances change, or shoreline management approaches are improved. The city will follow procedures identified in BMC 19.65.080 ([Type 4 Decisions](#)) for Type 4 Legislative Decision which allow for public notice and hearing, review and recommendation by the Shoreline Administrator and the City Planning Commission with formal approval given by the City Council. After local adoption, all amendments to the City of Burien Shoreline Master Program must be approved by the Washington State Department of Ecology before they can be locally in effect.

Appeals of approved amendments to the Burien Shoreline Master Program are under the jurisdiction of the Central Puget Sound Growth Management Hearings Board. Appeals involving a shoreline permit are under the jurisdiction of the State of Washington Shorelines Hearings Board.

20.25.020 Shoreline Residential

Single Family Residential
Low = 12,000sq'
Moderate = 7,200'

1. Purpose

The purpose of the "Shoreline Residential" environment designation is to accommodate residential development and appurtenant structures as well provide appropriate public access.

2. Criteria for Designation

A Shoreline Residential environment designation is assigned to shoreline areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development. These are areas that are developed at a moderate density or intensity including residences and outdoor recreation. Low intensity institutional uses may be allowed if their impacts on the shoreline environment are mitigated.

Low Density

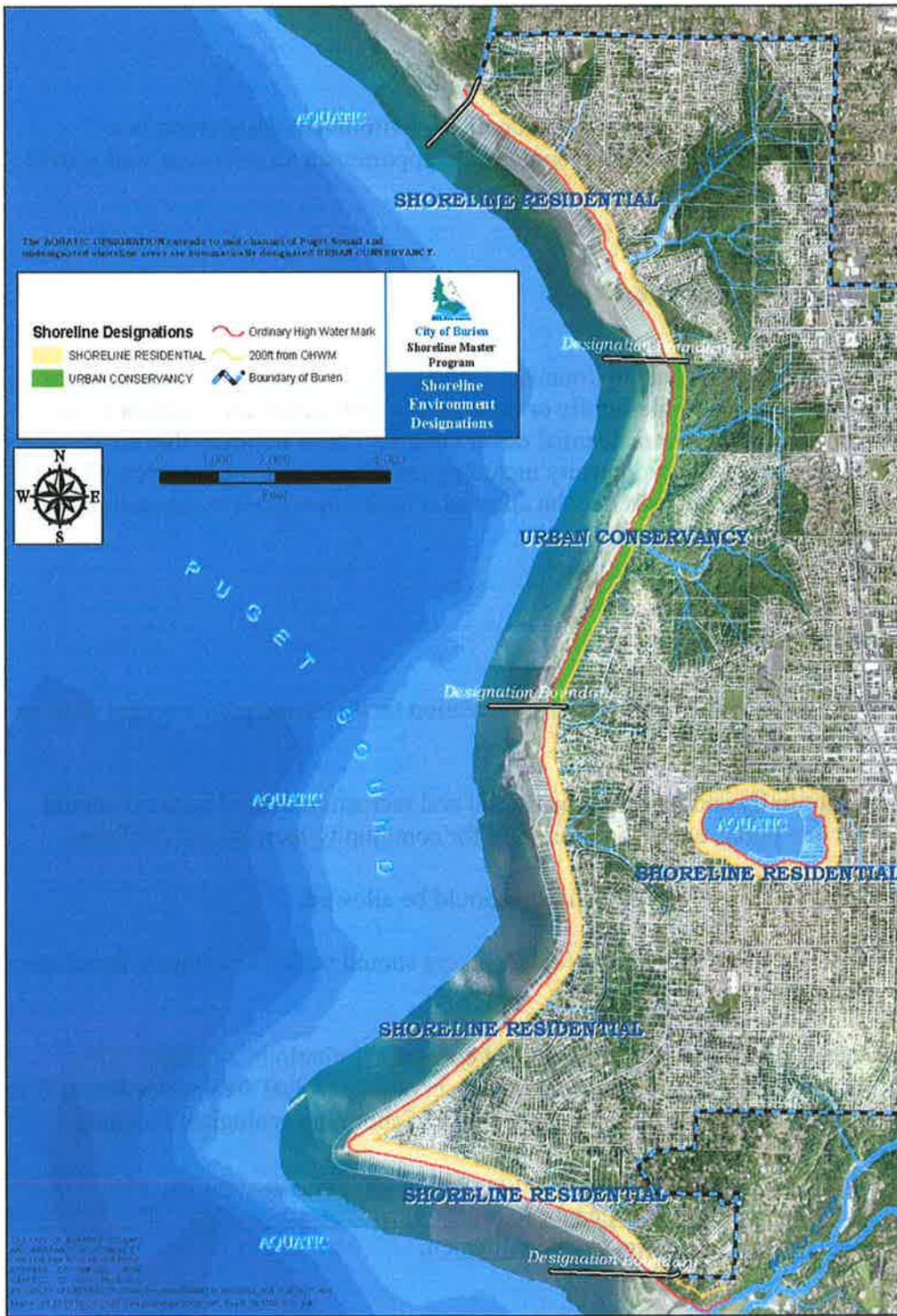
For S Family Residential
Current Average lot sizes are:

3. Management Policies

- a. Residential and accessory uses, recreation facilities and public access shall be the preferred uses.
- b. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
- c. Water-oriented recreational uses should be allowed.
- d. Any new development or redevelopment should utilize low impact development techniques where feasible.
- e. Standards for building setbacks, lot coverage limitations, riparian buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions.
- f. Public access and public recreation objectives should be implemented if feasible and wherever any significant ecological impacts, such as importation of invasive species to Lake Burien, can be mitigated.

Marine Shoreline Landward
M₁ = 10,640sqft.
M₂ = Conservancy
M₃ = 11,060sqft.
M₄ = 10,360sqft.
Lake Burien Shorelands = 20,658sqft.

20.25.025 Figure 3 Shoreline Environment Designation Map



- Pol. ALL 6 When Shoreline Master Program regulations are developed and applied, they should consider site-specific characteristics.
- Pol. ALL 7 Regulation and management of the City's shorelines should be coordinated with relevant local, state, federal, and other programs. Such programs include, but are not limited to, those administered by: City of Seattle, City of Normandy Park, City of SeaTac, King County, Washington Department of Ecology, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, Puget Sound Partnership, United States Army Corps of Engineers, Muckleshoot Tribe, Puyallup Tribe, and Water Resource Inventory Area 9.
- Pol. ALL 8 Consider an incentive base system to encourage redevelopment projects to comply with accepted shoreline best management practices and standards.

20.20.010 Economic Development Element

Goal ED

Insure healthy, orderly economic growth by allowing those economic activities which will be an asset to the local economy and which result in the least possible adverse effect on the quality of the shoreline and surrounding environment.

- Pol. ED 1 Protect the beauty and function of the natural environment to maintain a community where workers want to live and work.
- Pol. ED 2 Promote actions ensuring a clean and attractive community.

20.20.015 Shoreline Public Access Element

Goal PA

Increase and enhance public access to shoreline areas, consistent with the natural shoreline character, private property rights, and public safety.

- Pol. PA 1 Developments, uses, and activities on or near the shoreline should not impair or detract from public access to the water.
- Pol. PA 2 Publicly owned shorelines should be limited to water dependent or public recreational uses, otherwise such shorelines should remain protected open space.
- Pol. PA 3 Public access to the City's shorelines should be designed to provide for ~~public safety and to minimize potential impacts to private property and individual privacy.~~ *protect private property and public health and safety*

- Pol. PA 4 Public access should be provided as close as possible to the water's edge with no net loss of shoreline ecological function and without adversely impacting private property rights and personal privacy. Public access should be designed for handicapped and physically impaired persons.
- Pol. PA 5 The City should seek opportunities to develop new public access areas in locations dispersed throughout the shoreline.
- Pol. PA 6 The vacation or sale of street ends, other public right of ways and tax title properties that abut shoreline areas shall be prohibited except as provided for in RCW 35.79.035 (Streets-Vacation). The City should protect these areas for public access and public viewpoints.
- Pol. PA 7 Waterfront street ends should be recognized as:
- a. An important community resource that provides visual and physical access to the Puget Sound;
 - b. Special use parks which serve the community, yet fit and support the character of the surrounding neighborhoods;
 - c. A destination resource, where limited facilities and enhancements are provided.
- Pol. PA 8 The City should manage and develop waterfront street ends by:
- a. Supporting their use by residents city-wide, yet ensuring that the street ends and their supporting facilities are developed at a level or capacity which are appropriate to the neighborhood character, promotes safety, protects private property rights and individual privacy, and is consistent with City risk management practices;
 - b. Ensuring that public parking is available and limited to a level appropriate to the capacity of the public access site, and is harmonious with the surrounding neighborhood;
 - c. Ensuring that the waterfront street ends are preserved and maintained with limited enhancements, such as places to sit or rest which fit in with the natural environment of the area;
 - d. Installing signs that indicate the public's right of access, the rules of use, and penalties for misuse;
 - e. Installing limited trail improvements and enhancements to allow access to the water;
 - f. Protecting adjacent private property including but not limited to protecting individual privacy and ensuring public safety; and
 - g. Developing a street ends plan that promotes waterfront access and public safety.
- Pol. PA 9 Waterfront street ends or other shoreline access should be planned in conjunction with the affected neighborhoods. However, the broader community should be notified during the public notification process.

- Pol. PA 10 The City should disseminate information that identifies all locations for public access to the shorelines.
- Pol. PA 11 The public's visual access to the City's shorelines from streets, paths, trails and designated viewing areas should be conserved and enhanced.
- Pol. PA 12 Public views from the shoreline upland areas should be enhanced and conserved, while recognizing that enhancement of views should not be necessarily construed to mean removal of vegetation.
- Pol. PA 13 Promote a coordinated system of connected pathways, sidewalks, passageways between buildings, beach walks, and shoreline access points that increase the amount and diversity of opportunities for walking and ~~chances for personal discoveries.~~

remove as personal discoveries are an unclear set of behaviors - some legal + some illegal

20.20.020 Recreation Element

Goal REC

Develop a well-maintained, interconnected system of multi-functional parks, recreation facilities, and open spaces that: is attractive, safe, and accessible for all geographic regions and population segments within the City; supports the community's well-established neighborhoods and small town atmosphere; protects private property rights and results in no net loss of shoreline ecological functions and processes.

- Pol. REC 1 Recreation facilities in the shoreline area should be restricted to those dependent upon a shoreline location, or those benefiting from a shoreline or in-water location that are in the public interest.
- Pol. REC 2 Recreational developments should be located, designed and operated to be compatible with, and minimize adverse impacts on, environmental quality and valuable natural features as well as on adjacent surrounding land and water uses. Favorable consideration should be given to proposals which complement their environment and surrounding land and water uses, and result in no net loss of ecological functions.
- Pol. REC 3 Public information and education programs should be developed and implemented to help ensure that the public is aware of park regulations and private property rights, and to prevent the abuse of the shoreline and its natural ecological system.
- Pol. REC 4 The City shall plan to provide, in coordination with other agencies, a range of park facilities that serve a variety of recreational and open space purposes. Such planning should use the following designations and guidelines to provide such diversity:

1. Mini or Pocket Park

Use Description: Passive recreation or specialized facilities that *may* serve a concentrated or limited population such as children or senior citizens.

Service area: Approximately 1/3 of a mile radius.

Size: No minimum to approximately one acre.

Desirable Characteristics: These parks should be in close proximity to dwellings and or other centers of activity. Mini parks should be designed for intensive use and should be accessible and visible from surrounding area.

Examples: In Burien these types of parks are primarily private parks consisting of beach access for adjacent subdivisions, view appreciation areas (bench or platform), picnic tables and trees in a small area, children's play area, game tables, or planted areas.

Other Considerations: Since maintenance costs of these smaller parks are high relative to their service areas, few jurisdictions are able to meet the desired quantity. This type of park is most suitable to provide unique local needs, such as shore access, or as a consideration in the design of new development. The City should seek a variety of means for financing and maintaining mini-parks, including considering opportunities for community stewardship and grant or private funding.

2. Regional Parks

Use Description: Areas of natural or ornamental quality for outdoor recreation such as picnicking, boating, beach activities, swimming, and trails. Such parks may contain special amenities, facilities or features that attract people from throughout the surrounding region. Such facilities require extensive on-site parking and good access by automobile.

Service area: Approximately 1/2 to 1 hour driving time.

Size: Approximately 90 acres.

Desirable Characteristics: Contiguous to or encompassing significant natural resources.

Examples: Seahurst Park.

3. Special Use Park

Use Description: Specialized or single-purpose recreational activities such as walking and bicycle trails, street ends, or areas that preserve buildings, sites or features of historical significance.

20.25.001 Shorelines of Statewide Significance

The State of Washington Shoreline Management Act (SMA) designates certain shoreline areas as shorelines of statewide significance. These shorelines are considered important major resources from which all people in the state derive benefit. The SMA states that local shoreline master programs must give preference to uses which favor public and long-term interests of the people of the state. In the City of Burien, only the marine shorelines below the extreme low tide are designated shorelines of statewide significance. Lake Burien is a “shoreline of the state” and is not a “shoreline of statewide significance.” The following policies apply to Burien’s ~~marine~~ shorelines:

- Recognize and protect the statewide interest over local interest.
- Preserve the natural character of the shoreline.
- Result in long-term over short-term benefit.
- Protect the resources and ecology of the shoreline.
- Increase public access to publicly owned areas of the shoreline.
- Increase recreational opportunities for the public on the shoreline.

*Remove
These policies
apply to all
of the
shorelines*

20.25.005 Shoreline Environment Designation Map

The shoreline designation map, Figure 3, establishes the general locations of each of the shoreline designations within the City of Burien. This map generally illustrates the extent of shoreline jurisdiction, but is only a depiction that will need to be reviewed and determined on a case by case basis based on the relevant definitions in the SMA. In the event that there are any undesignated shorelines of the state, they will be automatically designated Urban Conservancy under this SMP. If any part of a proposed development or activity is located within shoreline designation, the entire proposal must be reviewed for consistency with the City of Burien’s Shoreline Master Program.

20.25.010 Aquatic

1. Purpose

The purpose of the “Aquatic” shoreline environment designation is to protect, restore, and manage the unique characteristics and resources of shoreline areas waterward of the ordinary high water mark, including both Lake Burien and Puget Sound. This is accomplished by managing water dependent uses and modifications to:

- Preserve/restore ecological functions of the nearshore area;
- Preserve critical saltwater and freshwater habitat;
- Provide public access and recreation opportunities;
- Assure compatibility between shoreland and aquatic uses.

Chapter III. Shoreline Environment Designations

20.30.095 Residential Development

Single family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Residential development shall mean the construction or exterior alteration of one or more buildings, structures or portions thereof which are designed for and used to provide a place of abode for human beings including one and two family detached dwellings, multi-family residences, townhouses and condominiums, together with appurtenances and accessory structures. Bed and Breakfast establishments are considered an accessory use.

1. Policy

Residential development should demonstrate that the development and its related activities will not be detrimental to the public interest and uses of the shoreline and its associated water bodies.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 8-15.)

2. Regulations

- a. **General.** Consistent with WAC 173-26-221(4)(d)(iv) [General master program provisions, Standards for height limits, setbacks, and view corridors], residential development shall protect existing shoreline and water views promote public safety, avoid adverse impacts to marine bluffs and nearshore habitat, and not result in a net loss of shoreline ecological functions.
- b. **Dimensional Standards.** Residential development in shoreline jurisdiction shall conform to the dimensional standards found in BMC 20.30.050.
- c. **Common-line riparian buffer and building setback standards.** Riparian buffer ~~and building setback~~ standards for new or expanded single-family primary residential structures may be reduced through the shoreline conditional use permit process. In addition to the conditional use criteria the Shoreline Administrator may approve reduced buffer ~~and setback~~ for residential development under the following conditions:
 - i. Where there are existing legally constructed- single-family primary residential structures that are located within the riparian buffers ~~and/or building setbacks~~ designated in BMC 20.30.050 and within 50 feet of either side of the proposed building site, the required riparian buffer ~~and/or building setback~~ of the new or expanded home may be reduced. As an alternative in such cases, the proposed new or expanded single-family primary residential

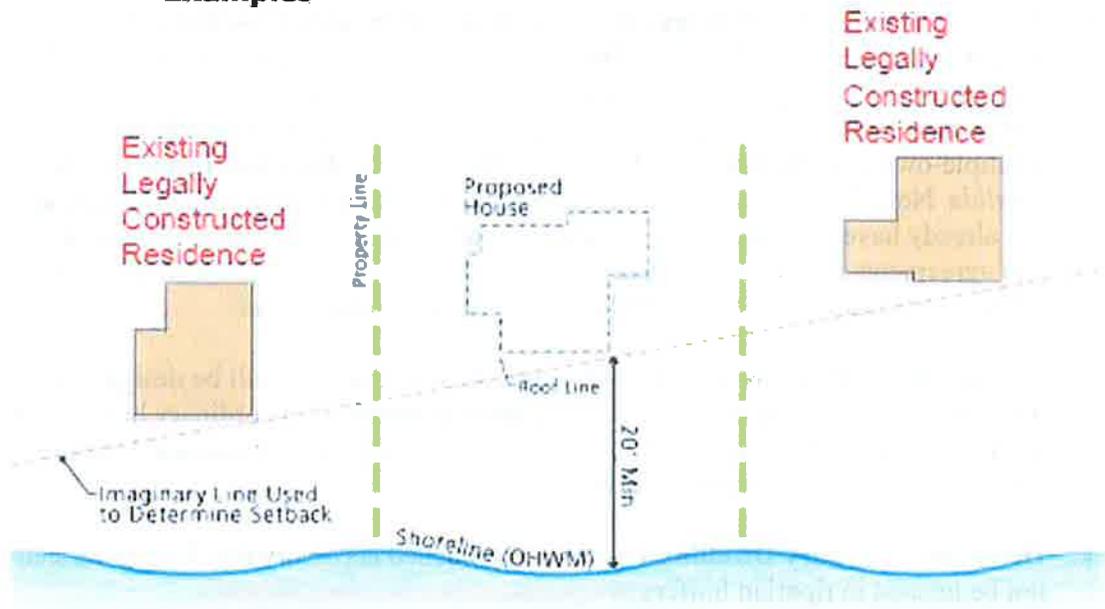
*Restore
the term
building
setbacks
in all
areas
IV 27
IV 25
IV 29*

structure may be set back from the *OHWM* common to the average of the buffers ~~and setbacks~~ of the existing adjacent residences. (see Figure 6)

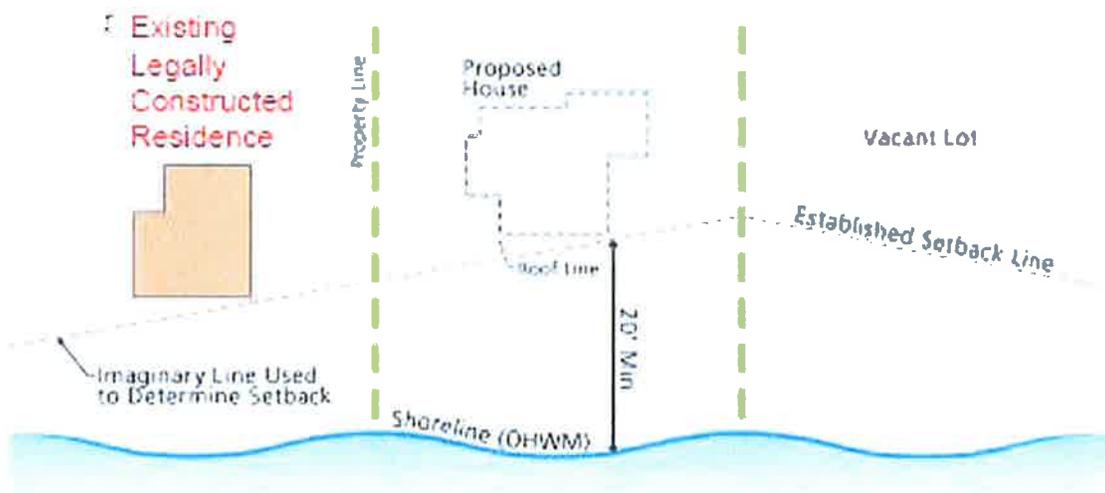
- ii. In those instances where only one existing single family primary residence is within 50 feet of the proposed building site, the *OHWM* setback of the proposed structure may be reduced to the average of the *OHWM* setbacks for the existing adjacent residence and the applicable setback for the adjacent vacant parcel (65-feet for marine shorelines, 45-feet for Lake Burien).
 - iii. In no case shall the reduced buffer ~~and setback~~ be less than 20 feet landward of the *OHWM* without a variance.
 - iv. In cases where the common line setback does not apply, expansion of existing single-family primary residential structures within the designated riparian buffer ~~and building setback~~ may be allowed through a conditional use permit, if there is no development waterward of the existing primary residential structure.
 - v. Any riparian buffer ~~or building setback~~ reduction beyond that allowed in this section shall require approval of a shoreline variance permit.
- d. **Lot size calculations.** Lot size calculations shall not include portions of the lot that are waterward of the ordinary high water mark.
- e. **Bluff top protection.** New development located at the top of bluffs in shoreline jurisdiction must be setback to ensure that shoreline stabilization is unlikely to be necessary for the life of the structure as demonstrated by a geotechnical analysis.
- f. **Vegetation removal for access.** Private access from single family detached residences to the shoreline shall avoid removal of trees and other woody vegetation when *feasible*.
- g. **Accessory structures and appurtenances.** Accessory structures and appurtenances must be proportional in size and purpose to the residence and compatible with onsite and adjacent structures, uses and natural features. Accessory structures and appurtenances are not permitted within the riparian buffer ~~or building setbacks~~ except for:
- a. Fences less than 6 feet high or less
 - b. Water-dependent features (buoys, docks and floats) used for recreational or personal use.
 - c. Stairs and trams pursuant to section i below.

- h. **Floating homes or houseboats.** Floating homes or houseboats are prohibited in shoreline jurisdiction.
- i. **Stairs and trams.** Construction of new stairs and trams to the beach are allowed within required riparian buffer ~~and building setback~~ areas, except on feeder bluffs, provided the project proponent demonstrates that existing shared, public or community facilities are not adequate or available for use and the possibility of a multiple-owner or multiple-user facility has been thoroughly investigated and is not *feasible*. New facilities are encouraged to be share with adjacent properties that do not already have such facilities, and shall include shared maintenance easements and agreements as necessary. Only one stair or tram system is allowed for each primary residential structure – duplicate facilities are not allowed.
- j. **Beach stairs and trams design.** New beach stairs and trams shall be designed and located such that no fill or other modification waterward of the ordinary high water mark is necessary to construct or use the structure. Stairways, trams and landings shall be located upland of existing bulkheads.
- k. **Detached Accessory Dwelling Units.** New detached accessory dwelling units shall not be located in riparian buffers ~~or riparian buffer building setbacks~~.

Figure 6 Common-line Riparian Buffer and Building Setback Reduction Examples



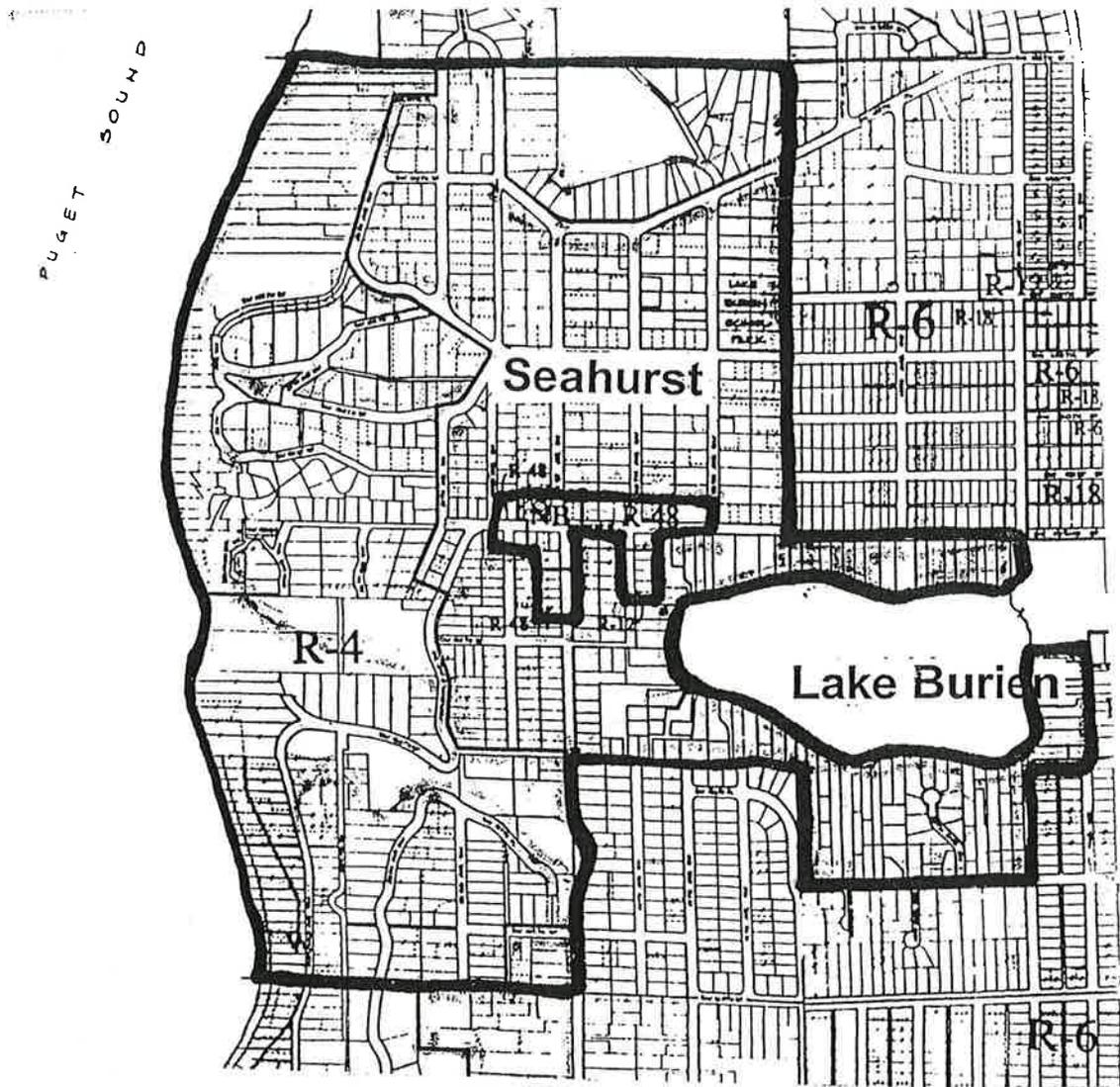
OHWM = Ordinary High Water Mark



OHWM = Ordinary High Water Mark

**City of Burlington Shoreline Master Program
COMMON-LINE SETBACKS FOR RESIDENTIAL USES**

In reference to the Cumulative Impacts Analysis



SEAHURST ANALYSIS AREA

Potential new lots per existing zoning (at 7,200 or 9,600 square feet per lot)	413 (45% increase over existing number of lots)
Potential new lots per Comprehensive Plan (between 12,000-15,000 square feet per lot)	162 (18% increase over existing number of lots)
Base number of potential new lots per compromise "metering" system (at 7,200 or 9,600 square feet per lot)	162 (18% increase over existing number of lots)

LAKE BURIEN ANALYSIS AREA

Potential new lots per existing zoning (at 7,200 square feet per lot)	53 (66% increase over existing number of lots)
Potential new lots per Comprehensive Plan (12,000 square feet per lot)	2 (3% increase over existing number of lots)
Base number of potential new lots per compromise "metering" system (at 7,200 square feet per lot)	2 (3% increase over existing number of lots)

TAKEN FROM 1999 ADDENDUM TO COMP. PLAN E.I.I.F. DRAFT

Appendix 8-C

Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Western Washington Wetland Rating System

8C.1 Introduction

This appendix provides guidance on widths of buffers, ratios for compensatory mitigation, and other measures for protecting wetlands that are linked to the *Washington State Wetland Rating System for Western Washington-Revised* (Hruby 2004b). Refer to Appendix 8-D for guidance for eastern Washington. Appendices 8-C through 8-F have been formatted similar to the main text of this volume (i.e., with a numbering system) to help with organization.

The tables below list the recommended widths of buffers for various alternatives, examples of measures to minimize impacts, and ratios for compensatory mitigation.

- **Table 8C-1.** Width of buffers needed to protect wetlands in western Washington if impacts from land use and wetland functions are NOT incorporated (Buffer Alternative 1). [Page 4]
- **Table 8C-2.** Width of buffers based on wetland category and modified by the intensity of the impacts from changes in proposed land use (Buffer Alternative 2). [Page 5]
- **Table 8C-3.** Types of land uses that can result in high, moderate, and low levels of impacts to adjacent wetlands (used in Buffer Alternatives 2 and 3). [Page 5]
- **Table 8C-4.** Width of buffers needed to protect Category IV wetlands in western Washington (Buffer Alternative 3). [Page 6]
- **Table 8C-5.** Width of buffers needed to protect Category III wetlands in western Washington (Buffer Alternative 3). [Page 6]
- **Table 8C-6.** Width of buffers needed to protect Category II wetlands in western Washington (Buffer Alternative 3). [Page 7]
- **Table 8C-7.** Width of buffers needed to protect Category I wetlands in western Washington (Buffer Alternative 3). [Page 8]
- **Table 8C-8.** Examples of measures to minimize impacts to wetlands from different types of activities. [Page 10]

Which will be used in these alternatives?

- **Table 8C-9.** Comparison of recommended buffer widths for high intensity land uses between Alternative 3 (step-wise scale) and Alternative 3A (graduated scale) based on score for habitat functions [Page 14].
- **Table 8C-10.** Comparison of recommended widths for buffers between Alternative 3 and Alternative 3A for proposed land uses with high impacts with mitigation for impacts. [Page 15]
- **Table 8C-11.** Mitigation ratios for projects in western Washington. [Page 21]

The guidance in this appendix can be used in developing regulations such as critical areas ordinances for protecting and managing the functions and values of wetlands. The recommendations are based on the analysis of the current scientific literature found in Volume 1. The detailed rationale for the recommendations is provided in Appendices 8-E and 8-F.

The recommendations on buffer widths and mitigation ratios are general, and there may be some wetlands for which these recommendations are either too restrictive or not protective enough. The recommendations are based on the assumption that a wetland will be protected only at the scale of the site itself. They do not reflect buffers and ratios that might result from regulations that are developed based on a larger landscape-scale approach.

8C.2 Widths of Buffers

Requiring buffers of a specific width has been one of the primary methods by which local jurisdictions in Washington have protected the functions and values of wetlands. Generally, buffers are the uplands adjacent to an aquatic resource that can, through various physical, chemical, and biological processes, reduce impacts to wetlands from adjacent land uses. The physical characteristics of buffers (e.g., slope, soils, vegetation, and width) determine how well buffers reduce the adverse impacts of human development. These characteristics are discussed in detail in Chapter 5, Volume 1.

In addition to reducing the impacts of adjacent land uses, buffers also protect and maintain a wide variety of functions and values provided by wetlands. For example, buffers can provide the terrestrial habitats needed by many species of wildlife that use wetlands to meet some of their needs.

The review of the scientific literature has shown, however, that buffers alone cannot adequately protect all functions that a wetland performs. Additional guidance is, therefore, provided on other ways in which wetlands can be managed and regulated to provide some of the necessary protection that buffers alone do not provide. The following guidance for protecting the functions and values of wetlands is based on their category as determined through the rating system for western Washington.

Basic assumptions for using the guidance on widths for buffers

Recommendations for widths of buffers assume that:

- The wetland has been categorized using the *Washington State Wetland Rating System for Western Washington-Revised* (Hruby 2004b).
- The buffer is vegetated with native plant communities that are appropriate for the *ecoregion* or with a plant community that provides similar functions. Ecoregions denote areas of general similarity in ecosystems and in the type, quality, and quantity of environmental resources. The U.S. Environmental Protection Agency maintains updated maps of ecoregions that are available at <http://www.epa.gov/naaujydh/pages/models/ecoregions.htm>. Ecoregions currently mapped for Washington are: Coast Range, Puget Lowland, Cascades, Eastern Cascades Slopes and Foothills, North Cascades, Columbia Plateau, Blue Mountains, and Northern Rockies.
- If the vegetation in the buffer is disturbed (grazed, mowed, etc.), proponents planning changes to land use that will increase impacts to wetlands need to rehabilitate the buffer with native plant communities that are appropriate for the ecoregion, or with a plant community that provides similar functions.
- The width of the buffer is measured along the horizontal plane (see drawing below):



- The buffer will remain relatively undisturbed in the future within the width specified.

Three alternatives for protecting the functions of wetlands using buffers are described in the following sections:

- **Buffer Alternative 1.** Width based only on wetland category.
- **Buffer Alternative 2.** Width based on wetland category and the intensity of impacts from proposed changes in land use.
- **Buffer Alternative 3.** Width based on wetland category, intensity of impacts, and wetland functions or special characteristics. This alternative has two options for determining the widths of buffers when they are based on the score for habitat. Alternative 3 provides three buffer widths based on habitat scores, while Alternative 3A provides a graduated scale of widths for buffers based on habitat scores.

The buffer widths recommended for each alternative were based on the review of scientific information in Volume 1. The guidance in this appendix synthesizes the information about the types and sizes of buffers needed to protect the functions and special characteristics of wetlands.

Appendices 8-C and 8-D do not provide the metric equivalents for buffer widths even though most of the research on buffers uses the metric scale. This decision was made because most local governments use the English Customary measures. For example, a buffer width is set at 50 feet rather than 15 meters.

8C.2.1 Buffer Alternative 1: Width Based Only on Wetland Category

This alternative, in which the width of buffers is based only on the category of the wetland, is the simplest (Table 8C-1). The width recommended for each category of wetland in Alternative 1 is the widest recommended for that category in both Alternatives 2 and 3 (discussed below). Alternative 1 provides the least flexibility because many different types of wetlands and types of human impacts are combined. For example, not all wetlands that fall into Category I or II need a 300-foot buffer. If no distinctions are made between the wetlands that fall into Category I or II, all wetlands that fall into these categories have to be protected with a 300-foot buffer so adequate protection is provided for those wetlands that do need a buffer this wide. Also, the widths recommended for this alternative are those needed to protect the wetland from proposed land uses that have the greatest impacts since no distinctions between impacts are made.

Table 8C-1. Width of buffers needed to protect wetlands in western Washington if impacts from land use and wetland functions are NOT incorporated (Buffer Alternative 1).

Category of Wetland	Widths of Buffers
IV	50 ft
III	150 ft
II	300 ft
I	300 ft

8C.2.2 Buffer Alternative 2: Width Based on Wetland Category and Modified by the Intensity of the Impacts from Proposed Land Use

The second alternative increases the regulatory flexibility by including the concept that not all proposed changes in land uses have the same level of impact (Table 8C-2). For example, one new residence being built on 5 acres of land near a wetland is expected to have a smaller impact than 20 houses built on the same 5 acres. Three categories of impacts from proposed land uses are outlined: land uses that can create high impacts, moderate impacts, and low impacts to wetlands. Different land uses that can cause these levels of impacts are listed in Table 8C-3.

Table 8C-2. Width of buffers needed to protect wetlands in western Washington considering impacts of proposed land uses (Buffer Alternative 2).

Category of Wetland	Land Use with Low Impact *	Land Use with Moderate Impact *	Land Use with High Impact*
IV	25 ft	40 ft	50 ft
III	75 ft	110 ft	150 ft
II	150 ft	225 ft	300 ft
I	150 ft	225 ft	300 ft

* See Table 8C-3 below for types of land uses that can result in low, moderate, and high impacts to wetlands.

Table 8C-3. Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations *
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.) • High-intensity recreation (golf courses, ball fields, etc.) • Hobby farms
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Conversion to moderate-intensity agriculture (orchards, hay fields, etc.) • Paved trails • Building of logging roads • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	<ul style="list-style-type: none"> • Forestry (cutting of trees only) • Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management.

* Local governments are encouraged to create land-use designations for zoning that are consistent with these examples.

8C.2.3 Buffer Alternative 3: Width Based on Wetland Category, Intensity of Impacts, Wetland Functions, or Special Characteristics

The third alternative provides the most flexibility by basing the widths of buffers on three factors: the wetland category, the intensity of the impacts (as used in Alternative 2), and the functions or special characteristics of the wetland that need to be protected as determined through the rating system. The recommended widths for buffers are shown in Tables 8C-4 to 8C-7. Using this alternative, a wetland may fall into more than one category in the table. For example, an interdunal wetland may be rated a Category III wetland because it is an isolated interdunal wetland, but it may be rated a Category II wetland based on its score for functions.

If a wetland meets more than one of the characteristics listed in Tables 8C-4 to 8C-7, the buffer recommended to protect the wetland is the widest one. For example, if a Category I wetland (Table 8C-7) scores 32 points for habitat and 27 points for water quality functions, a 300-foot buffer is needed for land uses with high impacts because the widths needed to protect habitat are wider than those needed for the other functions.

Table 8C-4. Width of buffers needed to protect Category IV wetlands in western Washington (Buffer Alternative 3 for wetlands scoring less than 30 points for all functions).

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Score for all 3 basic functions is less than 30 points	Low - 25 ft Moderate - 40 ft High - 50 ft	No recommendations at this time ¹

Table 8C-5. Width of buffers needed to protect Category III wetlands in western Washington (Buffer Alternative 3 for wetlands scoring 30 – 50 points for all functions).

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate - 110 ft High - 150 ft	No recommendations at this time ¹
Not meeting above characteristic	Low - 40 ft Moderate - 60 ft High - 80 ft	No recommendations at this time ¹

¹ No information on other measures for protection was available at the time this document was written. The Washington State Department of Ecology will continue to collect new information for future updates to this document.

Table 8C-6. Width of buffers needed to protect Category II wetlands in western Washington (Buffer Alternative 3 for wetlands scoring 51-69 points for all functions or having the “Special Characteristics” identified in the rating system).

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use (Apply most protective if more than one criterion is met.)	Other Measures Recommended for Protection
High level of function for habitat (score for habitat 29 - 36 points)	Low - 150 ft Moderate – 225 ft High – 300 ft*	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time ²
High level of function for water quality improvement and low for habitat (score for water quality 24 - 32 points; habitat less than 20 points)	Low - 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Estuarine	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time ²
Interdunal	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time ²
Not meeting above characteristics	Low - 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time ²
<p>* Fifty of the 122 wetlands used to calibrate the rating system for western Washington were Category II. Of these 50, only five (10%) would require 300-foot buffers to protect them from high-impact land uses. The maximum buffer width for the remaining 45 wetlands would be 150 feet.</p>		

² See footnote on the previous page.

Table 8C-7. Width of buffers needed to protect Category I wetlands in western Washington (Buffer Alternative 3 for wetlands scoring 70 points or more for all functions or having the “Special Characteristics” identified in the rating system).

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use (Apply most protective if more than one criterion is met)	Other Measures Recommended for Protection
Natural Heritage Wetlands	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft of wetland Restore degraded parts of buffer
Bogs	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer width to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connections to other habitat areas Restore degraded parts of buffer
Estuarine	Low - 100 ft Moderate – 150 ft High – 200 ft	No recommendations at this time ³
Wetlands in Coastal Lagoons	Low - 100 ft Moderate – 150 ft High – 200 ft	No recommendations at this time ³
High level of function for habitat (score for habitat 29 - 36 points)	Low – 150 ft Moderate – 225 ft High – 300 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time ³
High level of function for water quality improvement (24 – 32 points) and low for habitat (less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time ³

³ See footnote on page 6.

8C.2.4 Special Conditions for a Possible Reduction in Buffer Widths

8C.2.4.1 Condition 1: Reduction in Buffer Width Based on Reducing the Intensity of Impacts from Proposed Land Uses

The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions:

- For wetlands that score moderate or high for habitat (20 points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:
 - 1) A relatively undisturbed, vegetated corridor at least 100-feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife (“relatively undisturbed” and “vegetated corridor” are defined in questions H 2.1 and H 2.2.1 of the *Washington State Wetland Rating System for Western Washington – Revised*, (Hruby 2004b)). Priority Habitats in western Washington include:
 - Wetlands
 - Riparian zones
 - Aspen stands
 - Cliffs
 - Prairies
 - Caves
 - Stands of Oregon White Oak
 - Old-growth forests
 - Estuary/estuary-like
 - Marine/estuarine shorelines
 - Eelgrass meadows
 - Talus slopes
 - Urban natural open space (for current definitions of Priority Habitats, see <http://wdfw.wa.gov/hab/phshabs.htm>)

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

- 2) Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 8C-8, are applied.
- For wetlands that score less than 20 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 8C-8).

Table 8C-8. Examples of measures to minimize impacts to wetlands from proposed change in land use that have high impacts. (This is not a complete list of measures.)

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Parking lots • Warehouses • Manufacturing • Residential 	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Manufacturing • Residential 	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland
Toxic runoff*	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Application of agricultural pesticides • Landscaping 	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping 	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer
Change in water regime	<ul style="list-style-type: none"> • Impermeable surfaces • Lawns • Tilling 	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Residential areas 	<ul style="list-style-type: none"> • Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	<ul style="list-style-type: none"> • Tilled fields 	<ul style="list-style-type: none"> • Use best management practices to control dust
<p>* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.</p>		

8C.2.4.2 Condition 2: Reductions in Buffer Widths Where Existing Roads or Structures Lie Within the Buffer

Where a legally established, non-conforming use of the buffer exists (e.g., a road or structure that lies within the width of buffer recommended for that wetland), proposed actions in the buffer may be permitted as long as they do not increase the degree of non-conformity. This means no increase in the impacts to the wetland from activities in the buffer.

For example, if a land use with high impacts (e.g., building an urban road) is being proposed next to a Category II wetland with a moderate level of function for habitat, a 150-foot buffer would be needed to protect functions (see Table 8C-6). If, however, an existing urban road is already present and only 50 feet from the edge of the Category II wetland, the additional 100 feet of buffer may not be needed if the road is being widened. A vegetated buffer on the other side of the road would not help buffer the existing impacts to the wetland from the road. If the existing road is resurfaced or widened (e.g., to add a sidewalk) along the upland edge, without any further roadside development that would increase the degree of non-conformity, the additional buffer is not necessary. The associated increase in impervious surface from widening a road, however, may necessitate mitigation for impacts from stormwater.

If, however, the proposal is to build a new development (e.g., shopping center) along the upland side of the road, the impacts to the wetland and its functions may increase. This would increase the degree of non-conformity. The project proponent would need to provide the additional 100 feet of buffer extending beyond the road or apply buffer averaging (see Section 8C.2.6).

8C.2.4.3 Condition 3: Reduction in Buffer Widths Through an Individual Rural Stewardship Plan

A Rural Stewardship Plan (RSP) is the product of a collaborative effort between rural property owners and a local government to tailor a management plan specific for a rural parcel of land. The goal of the RSP is better management of wetlands than what would be achieved through strict adherence to regulations. In exchange, the landowner gains flexibility in the widths of buffers required, in clearing limits, and in other requirements found in the regulations. For example, dense development in rural residential areas can be treated as having a low level of impact when the development of the site is managed through a locally approved RSP. The voluntary agreement includes provisions for restoration, maintenance, and long-term monitoring and specifies the widths of buffers needed to protect each wetland within the RSP.

8C.2.5 Conditions for Increasing the Width of, or Enhancing, the Buffer

8C.2.5.1 Condition 1: Buffer is Not Vegetated with Plants Appropriate for the Region

The recommended widths for buffers are based on the assumption that the buffer is vegetated with a native plant community appropriate for the ecoregion or with one that performs similar functions. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided. Generally, improving the vegetation will be more effective than widening the buffer.

8C.2.5.2 Condition 2: Buffer Has a Steep Slope

The review of the literature (Volume 1) indicates that the effectiveness of buffers at removing pollutants before they enter a wetland decreases as the slope increases. If a buffer is to be based on the score for its ability to improve water quality (see Tables 8C-4 through 8C-7) rather than habitat or other criteria, then the buffer should be increased by 50% if the slope is greater than 30% (a 3-foot rise for every 10 feet of horizontal distance).

8C.2.5.3 Condition 3: Buffer Is Used by Species Sensitive to Disturbance

If the wetland provides habitat for a species that is particularly sensitive to disturbance (such as a threatened or endangered species), the width of the buffer should be increased to provide adequate protection for the species based on its particular, life-history needs. Some buffer requirements for priority species are available on the Washington State Department of Fish and Wildlife web page (<http://wdfw.wa.gov/hab/phsrecs.htm>). The list of priority species for vertebrates is at <http://wdfw.wa.gov/hab/phsvert.htm>; for invertebrates it is at <http://wdfw.wa.gov/hab/phsinvert.htm>. Information on the buffer widths needed by some threatened, endangered, and sensitive species of wildlife is provided in Appendix 8-H.

8C.2.6 Buffer Averaging

The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a parcel. There is no scientific information available to determine if averaging the widths of buffers actually protects functions of wetlands. The authors have concluded that averaging could be allowed in the following situations:

Averaging may not be used in conjunction with any of the other provisions for reductions in buffers (listed above).

- Averaging to **improve wetland protection** may be permitted when **all** of the following conditions are met:
 - The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area
 - The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion
 - The total area of the buffer after averaging is equal to the area required without averaging
 - The buffer at its narrowest point is never less than 3/4 of the required width
- Averaging to **allow reasonable use** of a parcel may be permitted when **all** of the following are met:
 - There are no feasible alternatives to the site design that could be accomplished without buffer averaging
 - The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a report from a qualified wetland professional (see Appendix 8-G for a definition of a qualified wetland professional)
 - The total buffer area after averaging is equal to the area required without averaging
 - The buffer at its narrowest point is never less than 3/4 of the required width

8C.2.7 Modifying Buffer Widths in Alternative 3 Using a Graduated Scale for the Habitat Functions (Alternative 3A)

Alternative 3 contains recommendations for protecting the habitat functions of wetlands using only three groupings of scores (0-19, 20-28, 29-36). As a result, a one-point difference between 28 and 29 can result in a 150-foot increase in the width of a buffer around a wetland. The habitat scores were divided into three groups to simplify the regulations based on this guidance. This division is not based on a characterization of risks since the scientific information indicates that the decrease in risk with increasing widths of buffers is relatively continuous for habitat functions.

Such a large increase in width with a one-point increase in the habitat score may be contentious. A jurisdiction may wish to reduce the increments in the widths for buffers by developing a more graduated (but inherently more complicated) scale based on the scores for habitat. Table 8C-9 provides one example of a graduated scale for widths of buffers where the width increases by 20 feet for every one point increase in the habitat score (Figure 8C-1 shows the buffer widths graphically).

Table 8C-9. Comparison of widths for buffers in Alternatives 3 (step-wise scale) and 3A (graduated scale) for proposed land uses with high impacts based on the score for habitat functions in western Washington

Points for Habitat from Wetland Rating Form	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Alternative 3	100	150	150	150	150	150	150	150	150	150	300	300	300	300	300	300	300	300
Alternative 3A	100	100	100	120	140	160	180	200	220	240	260	280	300	300	300	300	300	300

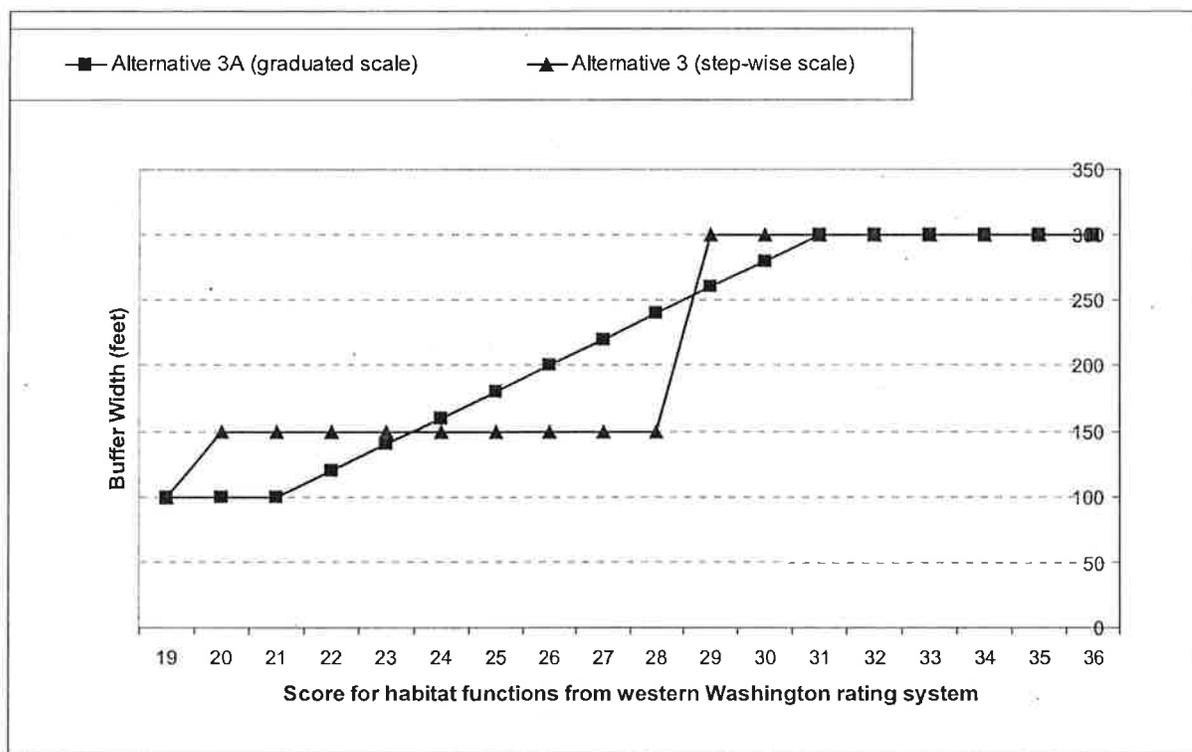


Figure 8C-1. Graphical comparison of widths for buffers in Alternative 3 and 3A for proposed land uses with high impacts based on the score for habitat functions in western Washington.

Other scales are possible as long as they keep within the limits established from the scientific information currently available: wetlands with scores for habitat that are higher than 31 points need buffers that are at least 300-feet wide; wetlands with a score of 26 points need buffers of at least 150 feet; and wetlands with a score of 22 points need buffers that are at least 100-feet wide.

These buffer widths can be further reduced by 25 percent if a proposed project with high impacts implements the mitigation measures such as those described in Table 8C-8. The measures are part of “Condition 1” in Section 8C.2.4 (Special Conditions for a Possible Reduction in Buffer Widths). The buffer widths under Buffer Alternatives 3 and 3A, and the corresponding 25 percent reduction (per buffer reduction condition 1) are shown in Table 8C-10 and represented graphically below in Figure 8C-2.

Table 8C-10. Comparison of widths for buffers in Alternatives 3 (step-wise scale) and 3A (graduated scale) for proposed land uses with high impacts based on the score for habitat functions in western Washington if the impacts are mitigated.

Points for Habitat from Wetland Rating Form	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Alternative 3 (with mitigation of impacts)	75	110	110	110	110	110	110	110	110	110	225	225	225	225	225	225	225	225
Alternative 3A (with mitigation of impacts)	75	75	75	90	105	120	135	150	165	180	195	210	225	225	225	225	225	225

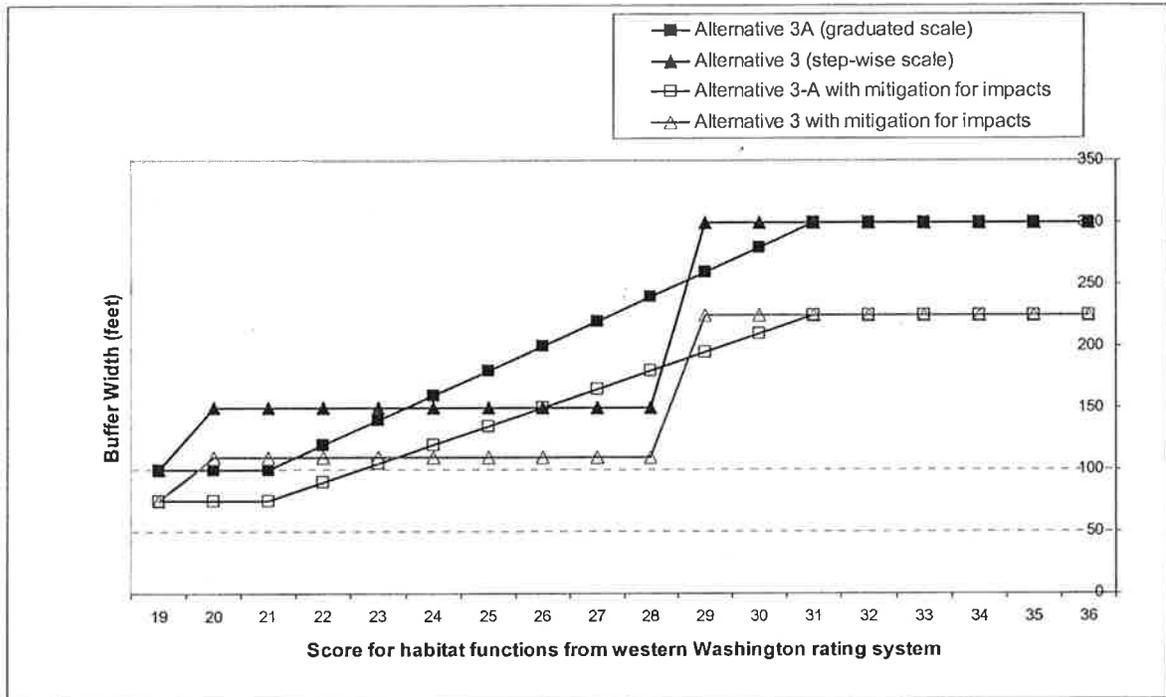


Figure 8C-2. Graphical comparison of widths for buffers in Alternatives 3 and 3A based on the score for habitat functions in western Washington with and without mitigating impacts of proposed development outside the buffer.

Alternatives 3 and 3A represent two separate approaches for determining widths of buffers for wetlands scoring between 20 and 31 points for the habitat functions. Local governments should select one of the two approaches and should not hybridize the approaches or adopt both at the same time.

Monica Lusk

From: Monica Lusk
Sent: Wednesday, September 08, 2010 2:27 PM
To: 'Michael Noakes'
Cc: Mike Martin; David Johanson; Scott Greenberg
Subject: RE: BMHA Public Forum Comment

Mr. Noakes,
Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record for the 9/13 upcoming Council meeting.
Sincerely,

Monica Lusk, City Clerk
City of Burien
400 SW 152nd St., Suite 300
Burien, WA 98166
206.248.5517
"Innovative Stewards of Public Trust"

-----Original Message-----

From: Michael Noakes [mailto:noakes.michael@gmail.com]
Sent: Monday, September 06, 2010 11:42 AM
To: Monica Lusk; Mike Martin; David Johanson; Scott Greenberg
Subject: BMHA Public Forum Comment

Ms Lusk,

Please find attached a 6 page PDF of a letter that we would like to include in the packet that will be provided to the City Council in preparation for the meeting of Monday September 13.

Mr Martin, Johanson, and Greenberg,

We provide this document to you in advance of the packet so that you can integrate the content in to the discussion matrix you are preparing for the City Council meeting.

This document provides the comments that we made at the public forum on August 30 and includes a comment matrix in the format that you used on August 16.

With best regards,

Michael D. Noakes

CFTR: 09/13/10



August 31, 2010

Burien City Council
City of Burien
400 SW 152nd St Suite 300
Burien WA 98166

RE: BMHA Public Forum Comments

Council Members and Staff of Burien,

On Monday August 30, 2010 members of the BMHA discussed three topics in the City's draft SMP update that we believe require additional consideration:

- Michael Noakes addressed the draft regulations on the replacement of existing bulkheads and the construction of new bulkheads.
- Carol Jacobson addressed concerns with the Vegetation Conservation regulations
- Craig Johnson addressed elements of the Public Access language.

The City Council asked that the items that we discussed be captured within the discussion matrix that will be used at the September 13, 2010 meeting. This letter summarizes the core detail that was used as the basis for our presentations and includes references to relevant passages and our suggestion for amendments.

CFTR: 09/13/10

Replacement Bulkheads

Existing bulkheads are integral to the protection and preservation of single family structures.

- RCW 90.58.100(6) requires that any standards governing bulkheads “shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion.”
- Development on the shoreline was created using bulkheads, and the existing structures now depend on those structures.

Preserving or replacing existing stabilization structures within the shoreline is consistent with the “no net loss” standard that utilizes existing conditions as the baseline for evaluating change.

We ask Council to alter the language to make it more clear that an owner has a right to replace a failing bulkhead.

- Amend 20.30.070(2)(c) to apply only to **new** bulkheads.

This section includes standards that would unnecessarily limit a homeowner’s ability to replace a failing bulkhead that is necessary to protect his or her home and appurtenances. RCW 90.58.100(6)

These extensions are not recommended in the SMP guidelines.

Under the “no net loss” standard, these extra precautions are not necessary.

- Amend 20.30.070(2)(a)(ii):

There was much discussion about this section in the August 16 meeting and it was suggested that the draft text is lifted directed from the guidelines. This is not strictly true and we have submitted a letter, included in the City Council packet for the Public Forum, that recommends additional changes to better track the guidelines.

We would also urge the Council to consider some alteration from guidelines to recognize unique circumstances in Burien:

The guidelines are written to address a wide range of shorelines in the state, including rural areas.

Deviation to address unique local circumstances is allowed. WAC 173-26-171(3)(a).

In an area such as Burien, bulkheads are prevalent in the developed residential area and are necessary to support the existing residential development.

Accordingly, we support deletion of 20.30.070(2)(a)(ii)(1) or, at the very least, adding a statement of intent that demonstrates the Council’s understanding of the way this section should be applied. We believe that the fact that an existing bulkhead is failing is a de facto evidence of a “demonstrated need.”

New Bulkheads

We ask Council to amend the language on new shoreline stabilization structures to reflect a more reasonable standard.

- The City's standard in BMC 20.30.070(2)(b)(ii)(1) is more stringent than what the regulations recommend:

The language in WAC 173-26-231(3)(a)(iii)(D), recommends language that allows new structures "when a report confirms that that there is a **significant possibility** that such a structure will be damaged within three years as a result of ..."

In contrast, the City has adopted a standard that requires a report that "indicates that the primary structure **will be** damaged within three years as a result of ..."

We believe the City's standard is an impossibly high standard to meet.

We also ask Council to amend the portion of BMC 20.30.070(2)(c)(iv), which currently applies to both new and replacement bulkheads, which specifies that the maximum height of a new bulkhead on the marine shoreline shall be no greater than four (4) vertical feet above the OHWM.

- The regulations only recommend provisions that limit the size to the "minimum" necessary. That is a site specific consideration.
- During our surveys of the Marine shoreline we observed bulkheads that varied in height from just 1 or 2 feet to those that stood well over our heads as dictated by the nature of the terrain at the site.
- We believe that site-specific judgments are to be preferred over "one size" fits all regulations..

Vegetation Conservation Requirements

The BMHA appreciates some of the changes staff has made, including the removal of the “75% revegetation” standard from earlier drafts, but more work needs to be done.

The BMHA urges the Council to amend the vegetation conservation requirements to apply only to new development that results in removal of existing vegetation.

- Specifically, we ask you to amend 20.30.040 to replace “Alterations” with “new development that removes existing native vegetation.”
- At the very least, the council should make it clear that the standards only apply to those activities (whether alterations or development) that result in removal of existing natural vegetation.
- Beyond this requirement, efforts to restore the shoreline vegetation should be voluntary.

This approach, limiting the applicability to new development that replaces existing natural conditions, is consistent with Ecology’s regulations:

- Ecology limits its vegetation conservation requirements to “new development” activities and emphasize preservation of existing vegetation from things like new land clearing activities.
- The regulations indicates that “vegetation conservation standards do not apply retroactively to existing uses and structures” WAC 173-26-221(5)(a)
- While the regulations reference restoration activities, that is in the context of voluntary efforts, city-sponsored efforts or mitigation.
- The regulations do not authorize the City to impose restoration beyond what is required to replace removal of existing vegetation on a property due to new development activities.

One last point regarding lawns:

- Currently 20.30.040(2)(d)(vi) is overly broad and suggests that someone can’t restore an existing lawn. City should limit that language to clarify its intent.
- Our preference would be that 20.30.040(2)(d)(vi) be removed. An alternative is that it be replaced with the following text: “New substantial development projects may not replace existing vegetation in the shoreline riparian buffer with new lawn areas due to their limited functional benefits and need for chemical and fertilizer application.”

Public Access

We urge the Council to amend the draft SMP to require a site-specific planning process before the City creates or develops specific public access opportunities. We believe that the BMHA redline of May 18, 2010 provides alternatives. In particular we direct your attention to our proposals for 20.20.015, 20.20.020, 20.30.035, and 20.30.085. We also recommend that you delete 20.30.035(2)(c).

Site-specific planning is needed for two reasons:

- (1) Identify and mitigate impacts on surrounding neighborhoods (including screening and parking issues); and
- (2) Ensure that the specific use for access and any planned amenities and infrastructure are consistent with the underlying dedication or easement.

Consistent with the shoreline regulations:

- Regulations require a planning process. WAC 173-26-221(4)(c).
- According to regulations, process must “comply with all relevant constitutional and other legal limitations that protect private property rights.” WAC 173-26-221(4)(c).

The approach we recommend is consistent with good planning principles and with SEPA because it avoids generalized mandates and focuses on site-specific issues

- would allow the city to evaluate impacts to adjacent property owners on a site-specific basis.
- would also allow evaluation of whether the planned use of the right of way is consistent with the site-specific underlying dedication or easement.

Respectfully,

Michael D. Noakes

President Burien Marine Homeowners Association

#	Topic	PG	Summary
1	Public access	Multiple	Amend 20.20.015, 20.20.020, 20.30.035, and 20.30.085 to require site-specific planning process. BMHA redline provides reference text.
2	Public access	IV-9	Delete 20.30.035(2)(c). Decision should be site-specific.
3	20.30.040 Vegetation	IV-10	Replace "Alterations" with "new development that removes existing native vegetation".
4	20.30.040(2)(d)(vi) Lawns	IV-11	Prefer this to be removed. Alternative is to replace with "New substantial development projects may not replace existing vegetation in the shoreline riparian buffer with new lawn due to their limited functional benefits and need for chemical and fertilizer application."
5	20.30.070(2)(a)(ii) Replacement Bulkhead	IV-18	Amend to follow structure of SMP guidelines more closely
6	20.30.070(2)(a)(ii)(1) Replacement Bulkhead	IV-18	Delete passage or else add statement that the fact that an existing bulkhead is failing is de facto evidence of a "demonstrated need".
7	20.30.070(2)(c) Replacement Bulkhead	IV-19	Amend to only apply to new bulkheads
8	20.30.070(2)(b)(ii)(1) New Bulkhead	IV-19	Follow WAC 173-26-231(3)(a)(iii)(D) to use "significant possibility" of damage rather than "will be" standard in BMC.
9	20.30.070(2)(c)(iv) New Bulkhead	IV-19	Eliminate max height of 4' and follow WAC guidance of "minimum size necessary". Determination should be site specific

Janet Stallman

From: Public Council Inbox
To: Chloe Swain
Subject: RE: Public Access to Lake Burien

Ms. Swain,

Thank you for your comments. Your email will be included in the next agenda packet as Correspondence for the Record. The SMP document does not preclude the City from pursuing physical access to the lake in the future.

Janet S.

From: Chloe Swain [mailto:chloe@thegsdgroup.com]
Sent: Thursday, September 02, 2010 10:48 PM
To: Public Council Inbox
Subject: Public Access to Lake Burien

Hello,

I haven't been able to discern from looking through the current iteration of the SMP whether or not there is any possibility that at some point the majority of the citizens of Burien (i.e. those who don't own property on the lake) will ever have physical access to the lake itself. Can you tell me whether or not this is a possibility based on the SMP? In the meantime, before any land would be available to provide public access, I propose a public art project. On the side of the road closest to the chain-link fence with the "private property" sign on it (the only view the rest of us have of our lake other than on Google maps), where SW 156th St curves into 12th Ave SW is where the art piece would stand. It would be similar in concept to the "Waiting for the Interurban" statue in Fremont. Only we would call it "Waiting for our lake". Maybe a statue of a family sitting on the bench staring through the fence longingly? The property adjacent to the fence belongs to the city. Why not use it to express what the majority of us feel?

Thanks for your time and tireless effort on the thankless endeavor known as the SMP.

Regards,
Chloe Swain

CFTR: 09/13/10

Lisa Clausen

From: Public Council Inbox
Sent: Tuesday, September 07, 2010 3:36 PM
To: 'Stan Lemmel'
Subject: RE: Larry Blanchard Thank you

Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record for an upcoming Council meeting.

Lisa Clausen
Burien City Manager's Office

From: Stan Lemmel [mailto:slemmel@comcast.net]
Sent: Tuesday, September 07, 2010 2:08 PM
To: Public Council Inbox
Subject: Larry Blanchard Thank you

Please find attached a letter to Larry Blanchard, Director of Public Works, from Stan and Dawn Lemmel, residents of Burien, WA.

CFTR: 09/13/10
cc: City Manager

Larry Blanchard
Director of Public Works for the City of Burien
CC: City Council Members

Tuesday, September 07, 2010

RE: Clarification of SW 172nd and Maplewild Projects in the City's Six-Year Transportation Improvement Program

Dear Larry,

On behalf of the citizens and neighbors surrounding Three Tree Point, we'd like to take this opportunity to thank you for listening to the concerns expressed when we met with you in late July regarding the City's Six-Year Transportation Improvement Program (TIP), most specifically the classification and scope of the Plan's projects 13 and 14, which included proposals for SW 172nd and Maplewild respectively.

Not only did you listen to our initial concerns during that meeting, later summarized by Carol Jacobsen in a letter to the City Council, dated July 28th, 2010, but you actively engaged in very positive and proactive manner by clarifying the proposal for SW 172nd and Maplewild at the Monday, August 30th City Council meeting. By adding the language "Road reconstruction, including storm drain improvements, street lighting, pedestrian access, parking or other improvements be . . . built within the existing pavement footprint . . ." and, "Bicycle movement through this area shall be accommodated by shared bicycle/vehicle usage" to the TIP, you have acknowledged our immediate concerns. Additionally, you have effectively laid the ground work toward a continuing, co-operative relationship between the Department of Public Works' and the citizens of Burien and Three Tree Point, those most directly affected by the City's decisions and actions.

After having first met with Doug Lamothe, followed by Ramesh Davad, and then with you personally, it is obvious you are committed to running a department which is open to resident input and focused on bringing the citizens together during the creative process of a shared community transportation vision, well before any construction. During our meeting with you, it was refreshing to hear you state your department's objective in working toward the betterment of our community as, "Our policy is that we ask (the citizens)." Following the City Council meeting on August 30th, it is apparent that you are both open to listening to concerns and willing to act toward a mutual resolution.

We thank you again for your department's refreshing open door policy in response to residents' concerns and for taking the time and giving thought to understanding the uniqueness of Maplewild and SW 172nd as much more than simply roadways. We truly appreciate your willingness to engage in a productive dialogue with residents most affected by any transportation project. You and your department are to be commended.

We look forward to working with you and your staff as these projects potential move forward.

Regards,

Stan and Dawn Lemmel
3138 S.W. 172nd St.
Burien, WA 98166
(206) 241-4492
slemmel2@comcast.net

COMPUTER CHECK REGISTER

CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY APPROVE FOR PAYMENT ON This 13th day of September, 2010 the FOLLOWING:

CHECK NOS. 25840-26118

IN THE AMOUNTS OF \$1,807,179.96

WITH VOIDED CHECK NOS. 25840 & 25912

Accounts Payable
Checks for Approval



User: liliac
Printed: 09/08/2010 - 9:48 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
25840	08/02/2010	General Fund	Miscellaneous	King County Recorder	77.00	0.00
					Check Total:	0.00
25841	08/02/2010	General Fund	Miscellaneous	King County Recorder		67.00
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25842	08/09/2010	Payroll Clearing	A/P Liability for Payroll	BRIAN BENNETT		553.40
					Check Total:	553.40
25843	08/16/2010	General Fund	Miscellaneous	ABC Legal Messengers, Inc.		64.00
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25845	08/16/2010	General Fund	Office and Operating Supplies	AIRGAS-NORPAC, INC.		50.58
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25846	08/16/2010	General Fund	Professional Services	Sally Andrews		25.00
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25850	08/16/2010	General Fund	Professional Services	Stephen Botkin		1,071.20
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25851	08/16/2010	General Fund	Professional Services	Philip Hwang Kwang Nam		2,693.70
25851	08/16/2010	General Fund	Professional Services	Philip Hwang Kwang Nam		153.30
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25852	08/16/2010	General Fund	Prof. Svcs-instructors	Viola Brumbaugh		225.00
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25853	08/16/2010	General Fund	Mis Plan Implementation	CDW-G		925.28
25853	08/16/2010	Parks & Gen Gov't CIP	Project Development	CDW-G		1,015.67
25853	08/16/2010	General Fund	Office And Operating Supplies	CDW-G		550.79
					Check Total:	2,491.74
25854	08/16/2010	General Fund	Utilities	COMCAST		59.95
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25855	08/16/2010	General Fund	Office And Operating Supplies	Complete Office		1,689.66
25855	08/16/2010	General Fund	Office And Operating Supplies	Complete Office		28.32
25855	08/16/2010	General Fund	Office/Operating Supplies	Complete Office		28.32
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25855	08/16/2010	General Fund	Office/operating Supplies	Complete Office		227.03
25855	08/16/2010	General Fund	Office/operating Supplies	Complete Office		255.61
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Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	2,910.33
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25856	08/16/2010	General Fund	Citizens Patrol/ Crime Prevent	CONOCOPHILIPS		40.50
25856	08/16/2010	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS		65.57
25856	08/16/2010	General Fund	Fuel/Gas Consumption	CONOCOPHILIPS		250.04
25856	08/16/2010	General Fund	Gasoline/Senior Center	CONOCOPHILIPS		299.85
25856	08/16/2010	General Fund	Fuel/Gas Consumption	CONOCOPHILIPS		280.82
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25857	08/16/2010	General Fund	Nuisance Abatement Costs	Clean Property Services & Exte		246.38
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25858	08/16/2010	General Fund	Utilities	City of Seattle		399.84
25858	08/16/2010	General Fund	Utilities	City of Seattle		1,161.37
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25858	08/16/2010	General Fund	Utilities	City of Seattle		1,370.71
25858	08/16/2010	General Fund	Utilities	City of Seattle		57.33
25858	08/16/2010	Street Fund	Utilities-street Lighting	City of Seattle		3,906.96
25858	08/16/2010	Street Fund	Utilities - Traffic Signals	City of Seattle		691.28
25858	08/16/2010	General Fund	Utilities	City of Seattle		10.95
25858	08/16/2010	Surface Water Management Fund	Util - Pump 28: Hermes Deprssn	City of Seattle		133.48
25858	08/16/2010	General Fund	Utilities	City of Seattle		19.41
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25859	08/16/2010	General Fund	Utilities	City Of Seattle		542.65
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					Check Total:	2,635.00
25861	08/16/2010	Surface Water Management Fund	Machinery And Equipment	Dell Computer Corporation		4,090.40
					Check Total:	4,090.40
25862	08/16/2010	General Fund	Operating Rentals And Leases	Emerald City Water, LLC		147.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
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					Check Total:	1,575.00
25864	08/16/2010	General Fund	Att Svcs - Litigation - 1st So	Global Construction Services,		2,183.00
					Check Total:	2,183.00
25865	08/16/2010	General Fund	Professional Services	Corry Bakker		394.95
					Check Total:	394.95
25866	08/16/2010	General Fund	Parks Building Security	Guardian Security		65.00
					Check Total:	65.00
25867	08/16/2010	Street Fund	Traffic & Speed Limit Signs	Hansen Supply Company		144.06
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25868	08/16/2010	General Fund	Human Services-Arts & Culture	Hi-liners, Inc.		1,750.00
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25869	08/16/2010	Surface Water Management Fund	Other Travel	HEUNGKOOK LIM		84.50
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25870	08/16/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions		364.64
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25870	08/16/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions		321.93
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					Check Total:	2,254.31
25874	08/16/2010	General Fund	Police Contract - King Co	King County Sheriff's Office		775,612.00
					Check Total:	775,612.00
25875	08/16/2010	General Fund	District Court contract	King County District Court		56,909.00
					Check Total:	56,909.00
25876	08/16/2010	General Fund	Jail Contract	KING COUNTY FINANCE		28,458.58
25876	08/16/2010	General Fund	Miscellaneous	KING COUNTY FINANCE		3,462.22
					Check Total:	31,920.80
25877	08/16/2010	General Fund	Lodging	KATHLEEN KEENE		333.30
25877	08/16/2010	General Fund	Meals	KATHLEEN KEENE		134.00
25877	08/16/2010	General Fund	Mileage	KATHLEEN KEENE		231.00
25877	08/16/2010	General Fund	Travel	KATHLEEN KEENE		40.90
					Check Total:	739.20
25878	08/16/2010	General Fund	Prosecution - City Atty	Kenyon Disend, PLLC		12,845.90
25878	08/16/2010	General Fund	Attorney Srvc - Litigation	Kenyon Disend, PLLC		3,737.14
					Check Total:	16,583.04
25879	08/16/2010	General Fund	Office and Operating Supplies	Kimmel Athletic Supply Co.		59.29
					Check Total:	59.29
25880	08/16/2010	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S		5,255.00
					Check Total:	5,255.00
25881	08/16/2010	General Fund	Prof. Svcs-instructors	Kim Klose		116.40

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	116.40
25882	08/16/2010	General Fund	Prof. Svcs-instructors	Dyanne Kruger		110.00
					Check Total:	110.00
25883	08/16/2010	General Fund	Mileage	DOUG LAMOTHE		192.00
25883	08/16/2010	General Fund	City Hall Bldg Maintenance	DOUG LAMOTHE		157.07
					Check Total:	349.07
25884	08/16/2010	General Fund	Prof. Svcs-instructors	Lori Leberer		90.00
					Check Total:	90.00
25885	08/16/2010	General Fund	Prof. Svcs-instructors	Alexander Lewis		806.25
					Check Total:	806.25
25886	08/16/2010	General Fund	Prof. Svcs-instructors	Anne Marie Littleton		316.55
					Check Total:	316.55
25887	08/16/2010	General Fund	Repairs And Maintenance	Magnum		65.70
25887	08/16/2010	General Fund	Machinery/eqpt - Noncapitalize	Magnum		792.74
					Check Total:	858.44
25888	08/16/2010	General Fund	Prof. Svcs-instructors	Galina Malevannaya		360.00
					Check Total:	360.00
25889	08/16/2010	General Fund	Auto Allowance	MIKE MARTIN		400.00
					Check Total:	400.00
25890	08/16/2010	General Fund	Prof. Svcs-instructors	Susy McAleer		120.00
					Check Total:	120.00
25891	08/16/2010	General Fund	Professional Services	Nancy Buckingham McKenney		1,360.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	1,360.00
25892	08/16/2010	Surface Water Management Fund	Repairs And Maintenance	McLendon Hardware, Inc.		16.92
25892	08/16/2010	Street Fund	Small Tools & Minor Equipments	McLendon Hardware, Inc.		42.66
25892	08/16/2010	Street Fund	Small Tools & Minor Equipments	McLendon Hardware, Inc.		32.83
25892	08/16/2010	Street Fund	Repairs And Maintenance	McLendon Hardware, Inc.		30.61
					Check Total:	123.02
25893	08/16/2010	General Fund	Sales Tax Auditing Costs	Microflex, Inc.		1,037.80
25893	08/16/2010	Street Fund	Dt Business License Svcs	Microflex, Inc.		14,126.98
25893	08/16/2010	General Fund	B&O Tax collect & audit	Microflex, Inc.		2,205.54
25893	08/16/2010	General Fund	Sales Tax Auditing Costs	Microflex, Inc.		1,953.36
					Check Total:	19,323.68
25894	08/16/2010	Street Fund	Repairs And Maintenance	Miller Paint Co.		10.41
25894	08/16/2010	Street Fund	Repairs And Maintenance	Miller Paint Co.		44.84
					Check Total:	55.25
25895	08/16/2010	General Fund	Prof. Svcs-instructors	Scott A. Miller		1,080.50
					Check Total:	1,080.50
25896	08/16/2010	General Fund	Admission and Entrance Fees	Metropolitan Park District of		726.00
					Check Total:	726.00
25897	08/16/2010	General Fund	Small Tools & Equipment	Mountain Mist		198.05
25897	08/16/2010	General Fund	Office/operating Supplies	Mountain Mist		13.69
					Check Total:	211.74
25898	08/16/2010	General Fund	Strawberry Festival	National Barricade Co. LLC		309.15
25898	08/16/2010	Street Fund	Special Event Clean up	National Barricade Co. LLC		1,745.32
					Check Total:	2,054.47
25899	08/16/2010	General Fund	Sales Of Maps & Publications	NEW NWF, LLC		374.56

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	374.56
25900	08/16/2010	General Fund	Professional Services	National Maintenance		150.00
					Check Total:	150.00
25901	08/16/2010	General Fund	Prof. Svcs-instructors	Pamela Odegard		165.00
					Check Total:	165.00
25902	08/16/2010	General Fund	Machinery And Equipment	Bruce Mildenerger		1,971.00
					Check Total:	1,971.00
25903	08/16/2010	Surface Water Mgmt CIP	Predevelopment	OTAK, Inc		5,929.09
					Check Total:	5,929.09
25904	08/16/2010	General Fund	Prof. Svcs-instructors	Fritzi Oxley		96.00
					Check Total:	96.00
25905	08/16/2010	General Fund	Professional Services	Pacific Stage, Inc.		1,480.00
					Check Total:	1,480.00
25906	08/16/2010	Equipment Reserve Fund	Machinery And Equipment	Pape' Machinery Exchange		21.71
					Check Total:	21.71
25907	08/16/2010	General Fund	Mileage	Petty Cash Custodian		19.50
25907	08/16/2010	General Fund	Mileage	Petty Cash Custodian		13.60
25907	08/16/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian		45.00
25907	08/16/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian		9.46
25907	08/16/2010	General Fund	Repair/maint-vehicle	Petty Cash Custodian		3.00
25907	08/16/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian		11.00
25907	08/16/2010	General Fund	Mileage	Petty Cash Custodian		17.00
25907	08/16/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian		35.81
25907	08/16/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian		25.00
25907	08/16/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian		25.00
25907	08/16/2010	General Fund	Meals	Petty Cash Custodian		25.69
25907	08/16/2010	General Fund	Office/Operating Supplies	Petty Cash Custodian		5.99

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
25907	08/16/2010	Surface Water Management Fund	Other Travel	Petty Cash Custodian		33.00
25907	08/16/2010	General Fund	Travel	Petty Cash Custodian		17.00
25907	08/16/2010	General Fund	Office/operating Supplies	Petty Cash Custodian		26.98
25907	08/16/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian		40.00
25907	08/16/2010	General Fund	Office/operating Supplies	Petty Cash Custodian		4.36
25907	08/16/2010	Street Fund	Repairs And Maintenance	Petty Cash Custodian		10.77
25907	08/16/2010	General Fund	Mileage	Petty Cash Custodian		3.00
25907	08/16/2010	General Fund	Meals	Petty Cash Custodian		11.99
25907	08/16/2010	General Fund	Miscellaneous	Petty Cash Custodian		15.00
25907	08/16/2010	General Fund	Mileage	Petty Cash Custodian		6.50
25907	08/16/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian		39.30
					Check Total:	443.95
25908	08/16/2010	General Fund	Online Video Streaming	Puget Sound Access		607.50
25908	08/16/2010	General Fund	Channel 21 Video Production	Puget Sound Access		650.00
					Check Total:	1,257.50
25909	08/16/2010	General Fund	Utilities	Puget Sound Energy		106.04
25909	08/16/2010	General Fund	Utilities	Puget Sound Energy		301.09
25909	08/16/2010	Street Fund	Utilities-street Lighting	Puget Sound Energy		1,604.34
					Check Total:	2,011.47
25910	08/16/2010	General Fund	Repair and Maintenance	Rescue Rooter LLC		825.61
					Check Total:	825.61
25911	08/16/2010	Street Fund	Business Licenses	Rittenhouse Consulting		37.50
					Check Total:	37.50
25912	08/16/2010	General Fund	Refund Clearing Account -Parks	Rosario Luna-Morales	44.00	0.00
					Check Total:	0.00
25913	08/16/2010	General Fund	Refund Clearing Account -Parks	Blanca Navarro		46.00
					Check Total:	46.00
25914	08/16/2010	General Fund	Refund Clearing Account -Parks	Randall Parsons		290.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	290.00
25915	08/16/2010	General Fund	Electrical Permit	Protection One Alarm Monitorin		72.00
					Check Total:	72.00
25916	08/16/2010	General Fund	Rental Housing License Fee	Windermere		50.00
					Check Total:	50.00
25917	08/16/2010	General Fund	Att Svcs - Litigation - 1st So	Ryan, Swanson & Cleveland		24,695.93
					Check Total:	24,695.93
25918	08/16/2010	General Fund	Prof. Svcs-instructors	Sandra Schneider		240.00
					Check Total:	240.00
25919	08/16/2010	General Fund	Citizens Patrol/ Crime Prevent	Safeway		34.01
					Check Total:	34.01
25920	08/16/2010	General Fund	Office and Operating Supplies	ALISA SAVAGE		89.32
					Check Total:	89.32
25921	08/16/2010	General Fund	Registration - Trainng/workshp	Suburban Cities Association		43.00
25921	08/16/2010	General Fund	Registration - Trainng/workshp	Suburban Cities Association		43.00
					Check Total:	86.00
25922	08/16/2010	General Fund	Prof. Svcs-instructors	Alan Schmitz		600.00
					Check Total:	600.00
25923	08/16/2010	General Fund	Advertising	Seattle Times		177.16
25923	08/16/2010	Street Fund	Advertising	Seattle Times		884.08
25923	08/16/2010	General Fund	Advertising	Seattle Times		130.72
					Check Total:	1,191.96

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
25924	08/16/2010	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC		6,700.82
					Check Total:	6,700.82
25925	08/16/2010	General Fund	Professional Services	Nancy Shattuck		1,580.00
					Check Total:	1,580.00
25926	08/16/2010	General Fund	Instructors Prof Srvs	Kevon Shea		676.80
					Check Total:	676.80
25927	08/16/2010	General Fund	Admission and Entrance Fees	Slide Waters		285.00
					Check Total:	285.00
25928	08/16/2010	General Fund	Office and Operating Supplies	Suburban Propane		1,163.64
25928	08/16/2010	General Fund	Office and Operating Supplies	Suburban Propane		964.36
					Check Total:	2,128.00
25929	08/16/2010	General Fund	Neighborhood Fund Grant	Sustainable Burien		125.19
					Check Total:	125.19
25930	08/16/2010	General Fund	Office and Operating Supplies	The Part Works, Inc.		854.89
25930	08/16/2010	General Fund	Office And Operating Supplies	The Part Works, Inc.		130.37
					Check Total:	985.26
25931	08/16/2010	General Fund	Registration & Training	The Seminar Group		495.00
					Check Total:	495.00
25932	08/16/2010	General Fund	Operating Rentals and Leases	United Site Services		165.00
					Check Total:	165.00
25933	08/16/2010	General Fund	Operating Rentals & Leases	Valley View Sewer District		1,000.00
					Check Total:	1,000.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
25934	08/16/2010	General Fund	Strawberry Festival	Brian Vogan		275.00
					Check Total:	275.00
25935	08/16/2010	Street Fund	Small Tools & Minor Equipments	Washington Chain & Supply, Inc		594.00
					Check Total:	594.00
25936	08/16/2010	General Fund	Human Svc-family/youth	White Center Food Bank		1,250.00
					Check Total:	1,250.00
25937	08/16/2010	General Fund	Utilities	Water District No. 20		4,392.90
25937	08/16/2010	General Fund	Utilities	Water District No. 20		197.30
					Check Total:	4,590.20
25938	08/16/2010	General Fund	Utilities	Water District No. 49		71.00
25938	08/16/2010	General Fund	Utilities	Water District No. 49		649.90
25938	08/16/2010	General Fund	Utilities	Water District No. 49		1,037.65
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		198.50
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		266.90
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		195.00
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		97.50
25938	08/16/2010	General Fund	Utilities	Water District No. 49		97.50
25938	08/16/2010	General Fund	Utilities	Water District No. 49		97.50
25938	08/16/2010	General Fund	Utilities	Water District No. 49		195.41
25938	08/16/2010	General Fund	Utilities	Water District No. 49		101.35
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		571.05
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		48.75
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		48.75
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		48.75
25938	08/16/2010	Street Fund	Landscape Maint - Utilities	Water District No. 49		48.75
					Check Total:	3,774.26
25939	08/16/2010	General Fund	Probatn/public Defndr Screenng	Tammy Weigel		960.00
					Check Total:	960.00
25940	08/16/2010	General Fund	Repairs And Maintenance	Wescom Communications, Inc		87.60

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	87.60
25941	08/16/2010	General Fund	Jury & Witness Fees	Sean Tooley		11.50
					Check Total:	11.50
25942	08/16/2010	General Fund	Jury & Witness Fees	Andrew Garcia, Sr.		40.00
					Check Total:	40.00
25943	08/16/2010	General Fund	Jury & Witness Fees	Vincent Hines		10.50
					Check Total:	10.50
25944	08/16/2010	General Fund	Jury & Witness Fees	Kaisha Hess Gillis		12.00
					Check Total:	12.00
25945	08/16/2010	General Fund	Registration - Trainng/workshp	W.R.P.A.		99.00
					Check Total:	99.00
25946	08/16/2010	General Fund	Registration - Trainng/workshp	Washington State Association		315.00
					Check Total:	315.00
25947	08/16/2010	General Fund	Professional Services	Washington State Patrol		50.00
					Check Total:	50.00
25948	08/16/2010	General Fund	Telephone	Yes of Course, Inc.		67.64
					Check Total:	67.64
25949	08/13/2010	General Fund	Utilities	COMCAST		186.53
					Check Total:	186.53
25950	08/13/2010	General Fund	Office And Operating Supplies	Joline Wright		336.90

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	336.90
25951	08/17/2010	Street Fund	Traffic & Speed Limit Signs	BRENDON ECKER		80.00
					Check Total:	80.00
25952	08/17/2010	Street Fund	Office And Operating Supplies	MONICA FOWLER		52.55
					Check Total:	52.55
25953	08/20/2010	General Fund	Professional Services	Dr. Leslie Kasper		8,812.65
					Check Total:	8,812.65
25954	08/20/2010	Parks & Gen Gov't CIP	Pre-Design Engineering	FAO, USAED, Seattle		55,060.00
					Check Total:	55,060.00
25955	08/23/2010	General Fund	Surplus - City Properties	THOMAS PHILLIPS		100.00
					Check Total:	100.00
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		351.01
25956	08/25/2010	General Fund	Admission and Entrance Fees	Cardmember Service		896.00
25956	08/25/2010	General Fund	Admission and Entrance Fees	Cardmember Service		407.00
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		65.69
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		114.14
25956	08/25/2010	General Fund	Other Travel	Cardmember Service		20.00
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		100.95
25956	08/25/2010	General Fund	Admission and Entrance Fees	Cardmember Service		744.51
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		9.84
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		22.71
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		15.41
25956	08/25/2010	General Fund	Subscriptions & publications	Cardmember Service		27.32
25956	08/25/2010	General Fund	Office And Operating Supplies	Cardmember Service		163.30
25956	08/25/2010	General Fund	Meals	Cardmember Service		71.45
25956	08/25/2010	Street Fund	Registration - Trainng/workshp	Cardmember Service		135.00
25956	08/25/2010	Surface Water Management Fund	Surface Water Mgmt Inventory	Cardmember Service		47.27
25956	08/25/2010	General Fund	Small Tools & Minor Equipments	Cardmember Service		210.13
25956	08/25/2010	General Fund	Telephone	Cardmember Service		19.06
25956	08/25/2010	General Fund	Miscellaneous	Cardmember Service		59.95
25956	08/25/2010	Street Fund	Traffic & Speed Limit Signs	Cardmember Service		81.53

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
25956	08/25/2010	General Fund	Computer Related Supplies	Cardmember Service		182.68
25956	08/25/2010	General Fund	Registration - Trainng/workshp	Cardmember Service		400.00
25956	08/25/2010	General Fund	Subscriptions/publications	Cardmember Service		31.17
25956	08/25/2010	General Fund	Subscriptions/publications	Cardmember Service		125.00
25956	08/25/2010	General Fund	Meals	Cardmember Service		64.33
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		61.93
25956	08/25/2010	General Fund	Office and Operating Supplies	Cardmember Service		631.76
25956	08/25/2010	General Fund	Admission and Entrance Fees	Cardmember Service		819.00
25956	08/25/2010	General Fund	Office And Operating Supplies	Cardmember Service		10.13
25956	08/25/2010	General Fund	Repairs And Maintenance	Cardmember Service		3.27
25956	08/25/2010	General Fund	Registration - Trainng/workshp	Cardmember Service		65.00
25956	08/25/2010	General Fund	Operating Rentals and Leases	Cardmember Service		85.41
Check Total:						6,041.95
25957	08/25/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management		38.85
25957	08/25/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management		354.40
Check Total:						393.25
25958	08/25/2010	General Fund	Instructors Prof Svcs	Shariana Mundi		528.00
Check Total:						528.00
25959	08/25/2010	General Fund	Instructors Prof Svcs	Julene Brogan		892.00
Check Total:						892.00
25960	08/25/2010	General Fund	Instructors Prof Svcs	Janet S. Crawley		407.00
Check Total:						407.00
25961	08/25/2010	General Fund	Instructors Prof Svcs	Pam Fredback		94.50
Check Total:						94.50
25962	08/25/2010	General Fund	Instructors Prof Svcs	Alex Galstaun		126.00
Check Total:						126.00
25963	08/25/2010	General Fund	Instructors Prof Svcs	Victoria E. Hamilton		231.00
25963	08/25/2010	General Fund	Instructors Prof Svcs	Victoria E. Hamilton		146.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	377.25
25964	08/25/2010	General Fund	Instructors Prof Svcs	Lauren Laughlin		210.00
					Check Total:	210.00
25965	08/25/2010	General Fund	Instructors Prof Svcs	Kelda J. Martensen		240.00
					Check Total:	240.00
25966	08/25/2010	General Fund	Instructors Prof Svcs	J. D. Paulson		200.00
					Check Total:	200.00
25967	08/25/2010	General Fund	Instructors Prof Svcs	Diana Amaranta Sandys		60.00
					Check Total:	60.00
25968	08/25/2010	General Fund	Instructors Prof Svcs	Ken Turner		702.00
					Check Total:	702.00
25969	09/06/2010	General Fund	Building Maintenance	Affordable Backflow Testing		-73.70
25969	09/06/2010	General Fund	Professional Services	Affordable Backflow Testing		675.20
25969	09/06/2010	Surface Water Management Fund	Repairs And Maintenance	Affordable Backflow Testing		635.63
					Check Total:	1,237.13
25970	09/06/2010	Street Fund	Small Tools & Minor Equipments	ACE Hardware		153.29
25970	09/06/2010	Street Fund	Small Tools & Minor Equipments	ACE Hardware		20.25
					Check Total:	173.54
25971	09/06/2010	General Fund	Repairs And Maintenance	ADT Security Services		88.88
					Check Total:	88.88
25972	09/06/2010	General Fund	Operating Rentals And Leases	AIRGAS-NORPAC, INC.		8.21
25972	09/06/2010	General Fund	Rental & Lease	AIRGAS-NORPAC, INC.		8.22
25972	09/06/2010	General Fund	Office and Operating Supplies	AIRGAS-NORPAC, INC.		87.10

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	103.53
25973	09/06/2010	General Fund	Office And Operating Supplies	Al Book's Custom Weldin		131.40
					Check Total:	131.40
25974	09/06/2010	Street Fund	Repairs And Maintenance	Alpine Fence Company		317.00
25974	09/06/2010	Street Fund	Repairs And Maintenance	Alpine Fence Company		943.89
25974	09/06/2010	Street Fund	Repairs And Maintenance	Alpine Fence Company		70.52
25974	09/06/2010	Street Fund	Traffic & Speed Limit Signs	Alpine Fence Company		309.34
					Check Total:	1,640.75
25975	09/06/2010	Parks & Gen Gov't CIP	Pre-Design Engineering	Anchor Environmental, L.L.C.		442.25
					Check Total:	442.25
25976	09/06/2010	General Fund	Instructors Prof Svcs	The Anunnaki Project		500.00
					Check Total:	500.00
25977	09/06/2010	Surface Water Management Fund	Surface Water Management	Analytical Resources, Inc.		1,399.65
					Check Total:	1,399.65
25978	09/06/2010	General Fund	Office and Operating Supplies	American Swing Products		173.95
					Check Total:	173.95
25979	09/06/2010	General Fund	Telephone	AT&T Mobility		19.08
					Check Total:	19.08
25980	09/06/2010	General Fund	Federal Lobbying Services	Ball Janik LLP		3,900.00
					Check Total:	3,900.00
25981	09/06/2010	General Fund	Quarterly Newsletter	Kenneth Barger		135.52
					Check Total:	135.52

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
25982	09/06/2010	General Fund	Registration - Trainng/workshp	Bellevue Community College		347.60
25982	09/06/2010	General Fund	Registration - Trainng/workshp	Bellevue Community College		347.60
					Check Total:	695.20
25983	09/06/2010	Transportation CIP	Project Development	Builders Exchange of WA, Inc.		158.50
					Check Total:	158.50
25984	09/06/2010	General Fund	Telephone	JACK BLOCK, JR.		55.48
					Check Total:	55.48
25985	09/06/2010	Street Fund	Street Maintenance-non-county	The Brickman Group, Ltd.		11,512.50
					Check Total:	11,512.50
25986	09/06/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam		27.38
25986	09/06/2010	General Fund	Quarterly Newsletter	Philip Hwang Kwang Nam		5,168.40
					Check Total:	5,195.78
25987	09/06/2010	General Fund	Prof. Svcs-instructors	Viola Brumbaugh		150.00
					Check Total:	150.00
25988	09/06/2010	General Fund	Instructors Prof Svcs	Jared Buck		100.00
					Check Total:	100.00
25989	09/06/2010	General Fund	Small Tools & Minor Equipments	Budget Batteries		76.60
					Check Total:	76.60
25990	09/06/2010	General Fund	Office And Operating Supplies	CDW-G		550.79
25990	09/06/2010	Street Fund	Office And Operating Supplies	CDW-G		275.39
25990	09/06/2010	Surface Water Management Fund	Office And Operating Supplies	CDW-G		275.39
					Check Total:	1,101.57
25991	09/06/2010	General Fund	Office and Operating Supplies	Clay Art Center, Inc.		157.79

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	157.79
25992	09/06/2010	General Fund	Telephone	COMCAST		71.64
25992	09/06/2010	General Fund	Telephone	COMCAST		0.80
25992	09/06/2010	General Fund	Telephone	COMCAST		64.90
25992	09/06/2010	General Fund	Channel 21 Video Production	COMCAST		57.59
25992	09/06/2010	General Fund	Utilities	COMCAST		71.63
					Check Total:	266.56
25993	09/06/2010	General Fund	Office And Operating Supplies	Crystal and Sierra Springs		69.36
					Check Total:	69.36
25994	09/06/2010	Surface Water Management Fund	Land	CITY OF BURIEN		507.38
					Check Total:	507.38
25995	09/06/2010	General Fund	Jail Contract	City of Renton		35.00
					Check Total:	35.00
25996	09/06/2010	General Fund	Utilities	City of Seattle		116.57
25996	09/06/2010	General Fund	Utilities	City of Seattle		8.70
25996	09/06/2010	Street Fund	Utilities-street Lighting	City of Seattle		29.18
25996	09/06/2010	Surface Water Management Fund	Util - Pump 21: Chelsea Park	City of Seattle		16.66
25996	09/06/2010	Surface Water Management Fund	Chelsea Pond	City of Seattle		15.93
25996	09/06/2010	Street Fund	Utilities - Traffic Signals	City of Seattle		1,199.81
					Check Total:	1,386.85
25997	09/06/2010	General Fund	Utilities	City Of Seattle		649.56
					Check Total:	649.56
25998	09/06/2010	Street Fund	Operating Rentals And Leases	City of SeaTac		575.00
					Check Total:	575.00
25999	09/06/2010	General Fund	Prof. Svcs-instructors	Donald Custer		700.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	700.00
26000	09/06/2010	Surface Water Management Fund	Endangered Species Act Study	DAS Manufacturing, Inc.		1,921.50
					Check Total:	1,921.50
26001	09/06/2010	Street Fund	Discover Burien	Discover Burien		4,850.00
26001	09/06/2010	Street Fund	Special Event Clean up	Discover Burien		3,331.00
					Check Total:	8,181.00
26002	09/06/2010	Transportation CIP	Project Development	Daily Journal of Commerce		565.20
26002	09/06/2010	Transportation CIP	Project Development	Daily Journal of Commerce		884.08
26002	09/06/2010	Street Fund	Advertising	Daily Journal of Commerce		-884.08
					Check Total:	565.20
26003	09/06/2010	General Fund	Professional Services	Dorchester Consulting		787.50
					Check Total:	787.50
26004	09/06/2010	General Fund	Mis Plan Implementation	Susanne Dubois, Inc.		425.50
					Check Total:	425.50
26005	09/06/2010	General Fund	Office and Operating Supplies	Dunn Lumber Co.		69.75
26005	09/06/2010	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.		7.09
26005	09/06/2010	Street Fund	Office And Operating Supplies	Dunn Lumber Co.		2.72
26005	09/06/2010	Street Fund	Office And Operating Supplies	Dunn Lumber Co.		22.46
26005	09/06/2010	Street Fund	Office And Operating Supplies	Dunn Lumber Co.		1.91
					Check Total:	103.93
26006	09/06/2010	General Fund	Office/operating Supplies	Express Business Systems		185.84
					Check Total:	185.84
26007	09/06/2010	General Fund	City Hall Bldg Maintenance	Eastside Glass & Sealants		2,190.00
					Check Total:	2,190.00
26008	09/06/2010	General Fund	Admission and Entrance Fees	Experience Music Project		115.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	115.00
26009	09/06/2010	General Fund	Environmental Science Center	Environmental Science Center		2,500.00
					Check Total:	2,500.00
26010	09/06/2010	General Fund	Professional Services	FRAUSE		1,479.96
					Check Total:	1,479.96
26011	09/06/2010	General Fund	Rental & Lease	FunRent		383.25
					Check Total:	383.25
26012	09/06/2010	Street Fund	Traffic & Speed Limit Signs	Gamma Scientific		280.00
					Check Total:	280.00
26013	09/06/2010	General Fund	Att Svcs - Litigation - 1st So	Global Construction Services,		6,530.50
					Check Total:	6,530.50
26014	09/06/2010	General Fund	Professional Services	Goodbye Graffiti		1,761.86
					Check Total:	1,761.86
26015	09/06/2010	Town Square CIP	Construction Inspection	GGLO, LLC		223.65
					Check Total:	223.65
26016	09/06/2010	Payroll Clearing	A/P Liability for Payroll	Gabrielle Gonzales		77.77
					Check Total:	77.77
26017	09/06/2010	General Fund	Office And Operating Supplies	Grainger		147.25
26017	09/06/2010	General Fund	Office Supplies	Grainger		62.57
26017	09/06/2010	General Fund	Office And Operating Supplies	Grainger		181.65
					Check Total:	391.47
26018	09/06/2010	General Fund	Computer Related Supplies	GraybaR		270.62

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	270.62
26019	09/06/2010	Street Fund	Operating Rentals And Leases	Greenbaum Burien		1,036.00
					Check Total:	1,036.00
26020	09/06/2010	General Fund	Attorney Srvcs - Litigation	Gordon, Thomas, Honeywell		4,478.00
					Check Total:	4,478.00
26021	09/06/2010	General Fund	Office And Operating Supplies	BENJAMIN GUMMERE		80.00
					Check Total:	80.00
26022	09/06/2010	Street Fund	Repairs And Maintenance	H.D. Fowler Company		182.33
					Check Total:	182.33
26023	09/06/2010	General Fund	Office And Operating Supplies	RAY HELMS		156.37
					Check Total:	156.37
26024	09/06/2010	General Fund	Human Services-Arts & Culture	Highline Historical Society		1,254.00
					Check Total:	1,254.00
26025	09/06/2010	General Fund	Operating Rentals and Leases	Head-quarters		81.50
					Check Total:	81.50
26026	09/06/2010	General Fund	Printing/binding/copying	Ikon Office Solutions		29.30
26026	09/06/2010	General Fund	Operating Rentals And Leases	Ikon Office Solutions		660.28
					Check Total:	689.58
26027	09/06/2010	General Fund	Machinery/eqpt - Noncapitalize	Integrity Furniture		3,270.00
26027	09/06/2010	General Fund	Machinery/eqpt - Noncapitalize	Integrity Furniture		5,232.00
26027	09/06/2010	General Fund	Machinery/eqpt - Noncapitalize	Integrity Furniture		4,125.00
26027	09/06/2010	General Fund	Machinery/eqpt - Noncapitalize	Integrity Furniture		5,220.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	17,847.00
26028	09/06/2010	General Fund	Telephone	Integra Telecom		159.39
26028	09/06/2010	General Fund	Telephone	Integra Telecom		318.78
26028	09/06/2010	General Fund	Telephone	Integra Telecom		132.83
26028	09/06/2010	General Fund	Telephone	Integra Telecom		53.13
26028	09/06/2010	General Fund	Telephone	Integra Telecom		265.65
26028	09/06/2010	General Fund	Telephone	Integra Telecom		132.83
26028	09/06/2010	General Fund	Telephone	Integra Telecom		106.27
26028	09/06/2010	General Fund	Telephone	Integra Telecom		159.39
26028	09/06/2010	General Fund	Telephone	Integra Telecom		555.07
					Check Total:	1,883.34
26029	09/06/2010	General Fund	Repair/maint-vehicle	Interstate Tire & Automotive		38.06
26029	09/06/2010	General Fund	Office And Operating Supplies	Interstate Tire & Automotive		34.05
					Check Total:	72.11
26030	09/06/2010	General Fund	Burien Marketing Strategy	Impact Studio Pro		71.00
					Check Total:	71.00
26031	09/06/2010	General Fund	Office And Operating Supplies	Dane C. Johnson		167.56
					Check Total:	167.56
26032	09/06/2010	General Fund	Telephone	LUCY KRAKOWIAK		54.99
					Check Total:	54.99
26033	09/06/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff's Office		472.14
26033	09/06/2010	General Fund	Miscellaneous Contingencies	King County Sheriff's Office		837.07
26033	09/06/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff's Office		751.82
					Check Total:	2,061.03
26034	09/06/2010	Surface Water Management Fund	Swm Billed By King Co Roads	KING COUNTY FINANCE		42,038.41
26034	09/06/2010	Surface Water Mgmt CIP	Construction	KING COUNTY FINANCE		6,708.30
26034	09/06/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		702.98
26034	09/06/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		19,007.28
26034	09/06/2010	Street Fund	Street Maint. Contract-kc	KING COUNTY FINANCE		2,468.76

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26034	09/06/2010	Surface Water Management Fund	Swm Billed By King Co Roads	KING COUNTY FINANCE		15,962.03
26034	09/06/2010	Street Fund	Street Maint. Contract-kc	KING COUNTY FINANCE		17,397.49
26034	09/06/2010	Transportation CIP	Construction-engineering	KING COUNTY FINANCE		669.91
26034	09/06/2010	Town Square CIP	Construction	KING COUNTY FINANCE		368.89
26034	09/06/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		8,600.62
26034	09/06/2010	General Fund	Office and Operating Supplies	KING COUNTY FINANCE		17.25
26034	09/06/2010	General Fund	Repairs And Maintenance	KING COUNTY FINANCE		230.64
26034	09/06/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		41,272.05
26034	09/06/2010	Town Square CIP	Construction	KING COUNTY FINANCE		92.22
26034	09/06/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		338.30
26034	09/06/2010	Transportation CIP	Construction	KING COUNTY FINANCE		11,753.76
26034	09/06/2010	Street Fund	Special Event Clean up	KING COUNTY FINANCE		1,186.20
26034	09/06/2010	Transportation CIP	Construction	KING COUNTY FINANCE		83.98
26034	09/06/2010	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		7,482.95
26034	09/06/2010	Transportation CIP	Construction	KING COUNTY FINANCE		2,770.65
26034	09/06/2010	Surface Water Management Fund	Swm Billed By King Co Roads	KING COUNTY FINANCE		7,329.66
26034	09/06/2010	Street Fund	Street Maint. Contract-kc	KING COUNTY FINANCE		3,238.88
26034	09/06/2010	Surface Water Management Fund	Swm Billed By King Co Roads	KING COUNTY FINANCE		22,851.07
				Check Total:		212,572.28
26035	09/06/2010	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2		764.01
				Check Total:		764.01
26036	09/06/2010	General Fund	City Hall Custodial	King County Library System		5,000.00
				Check Total:		5,000.00
26037	09/06/2010	General Fund	City Hall Custodial	King County Library Sytem & Ci		42,719.00
				Check Total:		42,719.00
26038	09/06/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff, Pcnt. #4		1,180.00
				Check Total:		1,180.00
26039	09/06/2010	Surface Water Management Fund	Swm Billed By Swm Dept	King County Office of Finance		25,959.85
26039	09/06/2010	Surface Water Management Fund	Miller/salmon/seola Basin Plan	King County Office of Finance		24,182.22
26039	09/06/2010	Surface Water Management Fund	Regional Watershed (wria9)	King County Office of Finance		4,282.00
				Check Total:		54,424.07

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26040	09/06/2010	General Fund	Telephone	K. SCOTT KIMERER		77.55
					Check Total:	77.55
26041	09/06/2010	General Fund	Prof. Svcs-instructors	Kim Klose		73.20
26041	09/06/2010	General Fund	Prof. Svcs-instructors	Kim Klose		30.00
26041	09/06/2010	General Fund	Prof. Svcs-instructors	Kim Klose		153.60
					Check Total:	256.80
26042	09/06/2010	Transportation CIP	Design-engineering	KPG, Inc.		5,549.27
					Check Total:	5,549.27
26043	09/06/2010	General Fund	Mileage	DOUG LAMOTHE		58.50
					Check Total:	58.50
26044	09/06/2010	Surface Water Management Fund	Professional Services	Thomas D. Mortimer		3,339.00
					Check Total:	3,339.00
26045	09/06/2010	General Fund	Recreation Guide	Larry Cederblom Design		1,919.10
					Check Total:	1,919.10
26046	09/06/2010	Equipment Reserve Fund	Machinery And Equipment	Magnum		1,426.56
					Check Total:	1,426.56
26047	09/06/2010	Street Fund	Repairs And Maintenance	McLendon Hardware, Inc.		63.16
26047	09/06/2010	Street Fund	Repairs And Maintenance	McLendon Hardware, Inc.		4.37
26047	09/06/2010	Street Fund	Repairs And Maintenance	McLendon Hardware, Inc.		246.19
					Check Total:	313.72
26048	09/06/2010	General Fund	Community Survey	Market Decisions Corporation		9,182.50
					Check Total:	9,182.50
26049	09/06/2010	Street Fund	Repairs And Maintenance	Miller Paint Co.		122.36
26049	09/06/2010	General Fund	Office And Operating Supplies	Miller Paint Co.		25.03
26049	09/06/2010	Street Fund	Repairs And Maintenance	Miller Paint Co.		18.62

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26049	09/06/2010	Street Fund	Repairs And Maintenance	Miller Paint Co.		45.39
26049	09/06/2010	Street Fund	Repairs And Maintenance	Miller Paint Co.		17.43
					Check Total:	228.83
26050	09/06/2010	Transportation CIP	Bond Issue Costs	Moody's Investors Service		9,600.00
					Check Total:	9,600.00
26051	09/06/2010	General Fund	Building Maintenance	Mayes Testing Engineers, Inc.		2,160.00
					Check Total:	2,160.00
26052	09/06/2010	Surface Water Management Fund	Repairs And Maintenance	National Barricade Co. LLC		136.88
26052	09/06/2010	Surface Water Management Fund	Repairs And Maintenance	National Barricade Co. LLC		68.99
					Check Total:	205.87
26053	09/06/2010	Equipment Reserve Fund	Machinery And Equipment	Nelson Truck Equipment Co. Inc		20,646.77
26053	09/06/2010	Equipment Reserve Fund	Machinery And Equipment	Nelson Truck Equipment Co. Inc		1,083.06
					Check Total:	21,729.83
26054	09/06/2010	General Fund	City Hall Custodial	National Maintenance		1,032.29
26054	09/06/2010	General Fund	Professional Services	National Maintenance		150.00
					Check Total:	1,182.29
26055	09/06/2010	General Fund	Recreation Guide	Northwest Publishing Center		10,394.24
					Check Total:	10,394.24
26056	09/06/2010	General Fund	Repair and Maintenance	Bruce Mildenerger		822.34
					Check Total:	822.34
26057	09/06/2010	General Fund	NE Redevelopment Area	OTAK, Inc		1,235.00
					Check Total:	1,235.00
26058	09/06/2010	General Fund	Professional Services	The Pacific Institute		9,260.55

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	9,260.55
26059	09/06/2010	General Fund	Repairs And Maintenance	Park Place Professional Buildi		490.00
					Check Total:	490.00
26060	09/06/2010	Street Fund	Repairs And Maintenance	Partner Construction Products		4,885.89
					Check Total:	4,885.89
26061	09/06/2010	Transportation CIP	design engineering	Perteet Inc.		51,930.70
					Check Total:	51,930.70
26062	09/06/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian		18.38
26062	09/06/2010	General Fund	Admission and Entrance Fees	Petty Cash Custodian		129.59
26062	09/06/2010	General Fund	Repairs And Maintenance	Petty Cash Custodian		6.00
					Check Total:	153.97
26063	09/06/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian		15.00
26063	09/06/2010	General Fund	Other Travel	Petty Cash Custodian		7.00
26063	09/06/2010	General Fund	Cash Over & Short	Petty Cash Custodian		-11.85
26063	09/06/2010	General Fund	Other Travel	Petty Cash Custodian		15.00
26063	09/06/2010	General Fund	Office and Operating Supplies	Petty Cash Custodian		21.87
26063	09/06/2010	General Fund	Office and Operating Supplies	Petty Cash Custodian		19.13
26063	09/06/2010	General Fund	Other Travel	Petty Cash Custodian		10.50
26063	09/06/2010	General Fund	Office and Operating Supplies	Petty Cash Custodian		12.46
26063	09/06/2010	General Fund	Other Travel	Petty Cash Custodian		10.00
26063	09/06/2010	General Fund	Other Travel	Petty Cash Custodian		15.00
26063	09/06/2010	General Fund	Office and Operating Supplies	Petty Cash Custodian		7.50
26063	09/06/2010	General Fund	Office and Operating Supplies	Petty Cash Custodian		20.20
26063	09/06/2010	General Fund	Other Travel	Petty Cash Custodian		20.00
26063	09/06/2010	General Fund	Other Travel	Petty Cash Custodian		20.00
26063	09/06/2010	General Fund	Other Travel	Petty Cash Custodian		10.00
					Check Total:	191.81
26064	09/06/2010	General Fund	Small Tools & Minor Equipments	Pacific Industrial Supply		147.97
					Check Total:	147.97

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26065	09/06/2010	General Fund	Repairs and Maintenance	Performance Mechanical Group		265.54
26065	09/06/2010	General Fund	Building Maintenance	Performance Mechanical Group		109.50
26065	09/06/2010	General Fund	Repairs and Maintenance	Performance Mechanical Group		575.97
Check Total:						951.01
26066	09/06/2010	General Fund	City Hall Bldg Maintenance	PRG Investment Company, LLC		2,000.00
Check Total:						2,000.00
26067	09/06/2010	General Fund	Building Maintenance	Protection One, Inc		244.09
Check Total:						244.09
26068	09/06/2010	General Fund	Subscriptions & publications	Puget Sound Business Journal		93.00
Check Total:						93.00
26069	09/06/2010	Transportation CIP	Project Development	Pipeline Video & Cleaning Nort		51,126.88
26069	09/06/2010	Surface Water Management Fund	Surface Water Mgmt Inventory	Pipeline Video & Cleaning Nort		8,280.16
Check Total:						59,407.04
26070	09/06/2010	General Fund	Telephone	QWEST		104.46
26070	09/06/2010	General Fund	Telephone	QWEST		61.11
26070	09/06/2010	General Fund	Telephone	QWEST		43.28
26070	09/06/2010	General Fund	Telephone	QWEST		42.15
26070	09/06/2010	General Fund	Telephone	QWEST		87.99
26070	09/06/2010	General Fund	Telephone	QWEST		46.87
Check Total:						385.86
26071	09/06/2010	Street Fund	Repairs And Maintenance	R & R Rentals		1,151.50
26071	09/06/2010	Street Fund	Repairs And Maintenance	R & R Rentals		1,890.61
Check Total:						3,042.11
26072	09/06/2010	General Fund	Refund Clearing Account -Parks	Erlinda Domingo		500.00
Check Total:						500.00
26073	09/06/2010	Street Fund	Business Licenses	Western Neon Inc.		90.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	90.00
26074	09/06/2010	General Fund	Refund Clearing Account -Parks	Rosario Luna-Morales		44.00
					Check Total:	44.00
26075	09/06/2010	General Fund	Business & Occupation Tax	HAIRMASTERS		302.37
					Check Total:	302.37
26076	09/06/2010	General Fund	Refund Clearing Account -Parks	Anna Feske		500.00
					Check Total:	500.00
26077	09/06/2010	General Fund	Refund Clearing Account -Parks	Sharon Gordon		60.00
					Check Total:	60.00
26078	09/06/2010	General Fund	Refund Clearing Account -Parks	Cindy Ramales		500.00
					Check Total:	500.00
26079	09/06/2010	General Fund	Other Miscellaneous Revenue	Jaffe's Jewelry & Loans		38.25
					Check Total:	38.25
26080	09/06/2010	Street Fund	Business Licenses	Christian Brothers Floor Servi		90.00
					Check Total:	90.00
26081	09/06/2010	Street Fund	Business Licenses	AT&T Network Procurement LP		90.00
					Check Total:	90.00
26082	09/06/2010	General Fund	Other Miscellaneous Revenue	Gartin Marc & Robin		9.00
					Check Total:	9.00
26083	09/06/2010	General Fund	Right Of Way Use Permit	Shorewood Community Club		250.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	250.00
26084	09/06/2010	General Fund	Printing/binding/copying	Claude McAlpin, III		19.64
					Check Total:	19.64
26085	09/06/2010	General Fund	Advertising	Robinson Newspapers		195.00
					Check Total:	195.00
26086	09/06/2010	General Fund	Repairs And Maintenance	The Safety Team, Inc.		119.25
					Check Total:	119.25
26087	09/06/2010	General Fund	Citizens Patrol/ Crime Prevent	Safeway		336.41
					Check Total:	336.41
26088	09/06/2010	General Fund	Public Defender	Society of Counsel Representin		200.00
					Check Total:	200.00
26089	09/06/2010	General Fund	Office Supplies	Seatown Locksmith		246.38
26089	09/06/2010	General Fund	Repairs and Maintenance	Seatown Locksmith		843.70
					Check Total:	1,090.08
26090	09/06/2010	General Fund	Operating Rentals And Leases	SECAP Finance		969.09
					Check Total:	969.09
26091	09/06/2010	Street Fund	Small Tools & Minor Equipments	Six Robblees' Inc.		282.95
26091	09/06/2010	Street Fund	Small Tools & Minor Equipments	Six Robblees' Inc.		38.85
26091	09/06/2010	Street Fund	Small Tools & Minor Equipments	Six Robblees' Inc.		7.70
					Check Total:	329.50
26092	09/06/2010	General Fund	Instructors Prof Srvs	Skyhawks Sports Academy, Inc.		450.80
					Check Total:	450.80

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
26093	09/06/2010	General Fund	Instructors Prof Svcs	Marc Smason		900.00
					Check Total:	900.00
26094	09/06/2010	General Fund	Misc. EOC	SPRINT		49.99
					Check Total:	49.99
26095	09/06/2010	General Fund	Burien Marketing Strategy	Sunyata Association		195.00
					Check Total:	195.00
26096	09/06/2010	General Fund	Professional Services	Swank Motion Pictures, Inc.		630.72
					Check Total:	630.72
26097	09/06/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.		57.64
					Check Total:	57.64
26098	09/06/2010	General Fund	Miscellaneous	DEAN TATHAM		205.13
					Check Total:	205.13
26099	09/06/2010	Street Fund	Street Maintenance-non-county	Trugreen-landcare/NW Region		677.56
26099	09/06/2010	General Fund	Parks Maintenance	Trugreen-landcare/NW Region		42,097.93
26099	09/06/2010	Street Fund	Street Maintenance-non-county	Trugreen-landcare/NW Region		890.83
26099	09/06/2010	General Fund	Parks Maintenance	Trugreen-landcare/NW Region		1,113.07
26099	09/06/2010	Surface Water Management Fund	Repairs And Maintenance	Trugreen-landcare/NW Region		336.17
					Check Total:	45,115.56
26100	09/06/2010	General Fund	Operating Rentals & Leases	Valley View Sewer District		1,000.00
26100	09/06/2010	General Fund	Utilities	Valley View Sewer District		40.90
					Check Total:	1,040.90
26101	09/06/2010	General Fund	Professional Services	Pep Productions, Inc.		2,290.00
					Check Total:	2,290.00
26102	09/06/2010	General Fund	Dues/memberships	WACE		40.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	40.00
26103	09/06/2010	General Fund	Professional Services	Washington Audiology Services,		130.50
					Check Total:	130.50
26104	09/06/2010	General Fund	Utilities	Water District No. 49		392.50
26104	09/06/2010	General Fund	Utilities	Water District No. 49		42.80
					Check Total:	435.30
26105	09/06/2010	Street Fund	Garbage Franchise Tech Assist	Wilder Environmental Consultin		4,493.64
26105	09/06/2010	Street Fund	Garbage Franchise Tech Assist	Wilder Environmental Consultin		1,175.50
					Check Total:	5,669.14
26106	09/06/2010	Street Fund	Small Tools & Minor Equipments	Wilbur-Ellis Company		637.96
					Check Total:	637.96
26107	09/06/2010	Street Fund	Operating Rentals And Leases	Wilken Properties, LLC		760.00
26107	09/06/2010	Surface Water Management Fund	Operating Rentals And Leases	Wilken Properties, LLC		760.00
					Check Total:	1,520.00
26108	09/06/2010	General Fund	Jury & Witness Fees	Max Korvell		15.00
					Check Total:	15.00
26109	09/06/2010	General Fund	Dues/memberships/subscriptions	Washington Municipal Clerks As		75.00
					Check Total:	75.00
26110	09/06/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.		292.93
26110	09/06/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.		39.54
26110	09/06/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.		490.03
					Check Total:	822.50
26111	09/06/2010	Transportation CIP	design engineering	Washington State Department		125.27

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	125.27
26112	09/06/2010	Surface Water Management Fund	Repairs And Maintenance	Western Safety Products, Inc.		169.73
26112	09/06/2010	General Fund	Small Tools & Minor Equipments	Western Safety Products, Inc.		87.92
					Check Total:	257.65
26113	09/06/2010	General Fund	State Surcharge	STATE TREASURER		390.50
					Check Total:	390.50
26114	09/06/2010	Street Fund	Registration - Trainng/workshp	WSU Conference Management		359.00
					Check Total:	359.00
26115	09/06/2010	General Fund	Jail Contract	Yakima County Department		7,689.24
26115	09/06/2010	General Fund	Jail Contract	Yakima County Department		10,311.78
26115	09/06/2010	General Fund	Jail Contract	Yakima County Department		4,396.79
					Check Total:	22,397.81
26116	09/06/2010	Surface Water Management Fund	Storm Water Facility Maint	Yardsmen Company		2,432.03
					Check Total:	2,432.03
26117	09/06/2010	General Fund	Telephone	Yes of Course, Inc.		147.37
26117	09/06/2010	General Fund	Telephone	Yes of Course, Inc.		37.71
26117	09/06/2010	General Fund	Telephone	Yes of Course, Inc.		24.96
26117	09/06/2010	General Fund	Telephone	Yes of Course, Inc.		151.90
					Check Total:	361.94
26118	09/07/2010	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS		275.15
26118	09/07/2010	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS		2,446.31
26118	09/07/2010	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS		91.84
26118	09/07/2010	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS		43.91
26118	09/07/2010	General Fund	Fuel/Gas Consumption	CONOCOPHILIPS		236.06
26118	09/07/2010	General Fund	Gasoline/Senior Center	CONOCOPHILIPS		368.17
26118	09/07/2010	General Fund	Fuel/Gas Consumption	CONOCOPHILIPS		272.22
					Check Total:	3,733.66

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
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Report Total:

1,807,179.96



CITY COUNCIL MEETING MINUTES

August 2, 2010

7:00 p.m.

Burien City Hall, Council Chambers
400 SW 152nd Street, 1st Floor
Burien, Washington 98166

To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library

CALL TO ORDER

Mayor McGilton called the Burien City Council meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers, Jack Block, Jr., Kathy Keene, Lucy Krakowiak, and Gordon Shaw. Councilmember Brian Bennett arrived at 7:10 p.m.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Gary Coleman, Acting Finance Director; Scott Greenberg, Community Development Director; Larry Blanchard, Public Works Director; Ramesh Davad, Project Engineer; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to affirm the August 2, 2010, Agenda.

PUBLIC COMMENT

Bill Block, 401 5th Avenue, Suite 500, Seattle
Mr. Block, Committee to End Homelessness of King County Project Director, noted the following from the organization's 2009 Annual Report: created housing for those without homes; provided economic assistance; streamlined the application process involving multiple organizations; and created the landlord liaison project and regional assessment areas.

The following people spoke in opposition to public access to Lake Burien:
Sandra Shull, 15211 26th Avenue SW, Burien
Sandy Gledhill, 1936 SW 168th Street, Burien
Robert Tacy, 8416 133rd Street E, Puyallup
Robbie Howell, 15240 20th Avenue SW, Burien
Leslie Sims, 1616 SW 156th Street, Burien
Doug Weber, 15602 16th Avenue SW, Burien
Linda Plein, 1600 SW 156th Street, Burien

Robert Howell, 15240 20th Avenue SW, Burien
Don Warren, Lake Burien Shore Club, 15702 13th Avenue SW, Burien
Sandy Gledhill, 1936 SW 168th Street, Burien
Homer Lockett, 1825 SW 152nd Street, Burien

Councilmember Bennett arrived at 7:10 p.m.

Chestine Edgar, 1811 SW 152nd Street, Burien
Ms. Edgar voiced her concern regarding the unavailability of the Shoreline Master Plan technical documents, moving to a biennial forecasting model, the unknown timeframe for the vehicle tax for the overlay program, and that specific fees were moved to the General Fund.

Bob Edgar, 12674 Shorewood Drive SW, Burien
Mr. Edgar asked the Council to consider changes to the current version of the Shoreline Master Program related to substantial development and conditional use permits.

Kathleen A. Korpela, 2685 SW 172nd Street, Burien
Ms. Korpela voiced her support for the widening of SW 172nd Street and Council consideration of having lesser restrictions for rebuilding in the shoreline update.

Ralph Davis, 2103 SW 174th Street, Burien
Mr. Davis voiced his concern about the affects of the Shoreline Master Program on his property and the Puget Sound.

Clark Mounsey, 3721 SW 171st Street, Burien
Regarding the Shoreline Master Program, Mr. Mounsey noted the issue of manufacturing and shipping discharge and storm sewers.

Tim Pratt and Don Clark, Orphan Relief and Rescue
Mr. Pratt, president of Orphan Relief and Rescue, spoke to his organization noting that the work is fighting against child slavery and child soldiers in Liberia and West Africa. He invited all to an Open House on September 1 from 4:00 p.m. to 8:00 p.m. at 15003 14th Avenue SW, to learn more about the organization's work.

Bent Carson, 2025 1st Avenue, Seattle
Mr. Carson, attorney with Gordon Derr representing the Burien Marine Homeowners Association, reviewed the comments on the draft Shoreline Master Program that was included in the packet under Correspondence for the Record Item "j."

Greg Anderson, 15451 11th Avenue SW, Burien
Mr. Anderson asked the Council to make sure that the SMP provided the minimum procedural requirements as necessary to comply with the statutory requirements as stated in the Washington Administrative Code (WAC) 173-27-20 and conforms with WAC 173-26 and 173-27 and the Revised Code of Washington (RCW) 90-58.

John Upthegrove, 1808 SW 156th Street, Burien
Mr. Upthegrove asked the Council to take the time to listen to the folks and not rush the SMP process.

Ed Dacy, 20116 SW 146th Street, Burien
Mr. Dacy, Board Member for Hospitality House, announced a downtown charity walk as part of the Octoberfest on September 25.

CORRESPONDENCE FOR THE RECORD

- a. Letter Received July 19, 2010, from Lloyd Hara, King County Assessor, Requesting Submittal of Building Permits and CAD Drawings in Digital Formats.
- b. Written Public Comments for Council Meeting of July 29, 2010, from Jana Kleitsch Regarding Public Access, Rebuilding, and Widening SW 172nd Street.
- c. Letter Received July 19, 2010 from Michael Noakes, Burien Marine Homeowners Association, Transmitting Memorandum Describing Existing Conditions of Burien Marine Shoreline.
- d. Email Dated July 20, 2010, from Clark Mounsey Regarding Monday's (July 19) Council Meeting.
- e. Letter Dated July 17, 2010, from Homer and Dorothy Lockett Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- f. Letter Dated July 19, 2010, from Winona Deyman Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- g. Email Dated July 22, 2010, from Hadiye Rafi Regarding Glass Steagall Resolution.
- h. Email Dated July 26, 2010, from Diane M. Patterson Regarding Shoreline Management.
- i. Letter Dated July 16, 2010, from Ruth Barnes Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- j. Email Dated July 28, 2010, from Jessica Roper, Legal Assistant, Transmitting Letter Dated July 28, 2010, from Tadas Kisielius, GordenDerr LLP, Regarding Comments on City Council Draft SMP for August 2, 2010, Public Meeting.
- k. Letter Received July 28, 2010, from Sandy Gledhill Regarding Not Allowing Physical Public Access to Lake Burien.
- l. Letter Received July 28, 2010, from Dave Miller Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- m. Letter Received July 28, 2010, from Robert and Robbie Howell Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- n. Letter Received July 28, 2010, from Mary Kay Horton Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- o. Letter Received July 28, 2010, from Terry Pickart Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- p. Letter Received July 28, 2010, from Sue Morris Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- q. Letter Received July 28, 2010, from Barry Crittenden Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- r. Letter Received July 28, 2010, from Patty Archer Requesting that the Burien Shoreline Master Plan State No Physical Public Access to Lake Burien.
- s. Letter Dated July 28, 2010, from Chestine Edgar Requesting SMP Correction to State Burien Shorelines is Low Density Development.

CONSENT AGENDA

- a. Approval of Vouchers: Numbers 25612 - 25839 in the Amounts of \$1,761,337.01 with Voided Check Nos. 25697 – 25777.
- b. Approval of Minutes: Council Meeting, July 19, 2010.
- c. Motion to Approve Ordinance No. 545, Merging BMC Title 18 (Interim Zoning Code) into BMC Title 19 (New Zoning Code).

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve the August 2, 2010, Consent Agenda.

BUSINESS AGENDA

City Business

City Manager Mike Martin stated that the National Night Out event will take place between 6:00 p.m. to 9:00 p.m. on Tuesday, August 3.

Public Hearing on 2011-2016 Six-Year Transportation Improvement Program (TIP)

Mayor McGilton opened the public hearing at 8:06 p.m.

Sean Wittmer, 3328 SW 172nd Street, Burien

Mr. Wittmer asked that Projects No. 13 and Maplewild only be for resurfacing.

Chestine Edgar, 1811 SW 152nd Street, Burien

Ms. Edgar voiced opposition to the SW 152nd Street project.

Don Warren, 15702 13th Avenue SW, Burien

Mr. Warren voiced objections to Project Nos. 12, 13, 14, 24, and 29.

Carol Jacobson, 3324 SW 172nd Street, Burien

Ms. Jacobson, on behalf of the Tree Point Property Rights Association and the residents who live along the shoreline section of SW 172nd Street, voiced objection to Project No. 13, and asked that the type of street be reclassified from Collector Arterial to Sub Collector.

Allison Tenant, 3142 SW 172nd Street, Burien

Ms. Tenant read an email from Julie Nelson, 3126 SW 72nd Street, opposing the proposed changes to Maplewild Avenue SW and SW 172nd Street.

Ralph Davis, 2103 SW 174th Street, Burien

Mr. Davis endorsed the previous two speakers.

Sam Pace, 29839 154th Avenue SE, Kent

Mr. Pace, Association of Realtors, asked that the transportation impact fee be delayed until the final inspection on commercial and multi-family new development due to the economy.

There being no further testimony, Mayor McGilton closed the public hearing at 8:30 p.m.

Presentation of the 2011-2016 Financial Forecast & Policies and Overview of the 2011-2012 Operating Budget

Gary Coleman, Acting Finance Director, reviewed the 2011-2012 forecasts for the Operating Fund revenues and expenditures, the three proposed revisions to the 2011-2016 Financial Forecast and Policies, and the proposed budget and tax levy schedules.

Councilmember Block left the dais at 8:29 and returned at 8:31 p.m.

Discussion on the Shoreline Master Program Update

Direction/Action

Motion was made by Councilmember Shaw, seconded by Councilmember Krakowiak, to change the staff recommendation on the Shoreline Master Program Summary of City Council Comments City Council Draft 7/14/2010 Item No. 17 to allow one dock and one float per residence. **Motion** failed 3-4. Opposed: Mayor McGilton, Deputy Mayor Rose Clark, Councilmembers Bennett and Keene.

Follow-up

Staff will reschedule the August 16 public hearing to August 30, revise the August 16 Council Agenda by removing Public Comment and rescheduling other items to allow more time for discussion on the draft Shoreline Master Program.

COUNCIL REPORTS

Direction/Action

Councilmembers reached consensus to dedicate Lakeview Park for use by the Burien Bearcats, and prepare a proclamation for Dr. Walter O. Carsten honoring his service to the community.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to adjourn the meeting at 9:53 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk



CITY COUNCIL MEETING MINUTES

August 16, 2010

SPECIAL MEETING, Council Chambers

For the purpose of holding a discussion on the draft Shoreline Master Program

6:00 p.m.

and

COUNCIL MEETING, Council Chambers

7:00 p.m.

400 SW 152nd Street, 1st Floor
Burien, Washington 98166

To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library

CALL TO ORDER

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:00 p.m. for the purpose of receiving a report on the Community Assessment Survey and holding a discussion on the draft Shoreline Master Program.

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Jack Block, Jr., Kathy Keene, and Gordon Shaw. Councilmember Lucy Krakowiak arrived at 6:06 p.m.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Scott Greenberg, Community Development Director; David Johanson, Senior Planner; Larry Blanchard, Public Works Director; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Shaw, and passed unanimously to affirm the August 16, 2010, Agenda.

CORRESPONDENCE FOR THE RECORD

- a. Letter Dated July 21, 2010, from Paula J. Hammond, State Transportation Secretary, Regarding City's Request that WSDOT Scope a Proposed Project at SR 518/Des Moines Memorial Drive.
- b. Letter Dated July 23, 2010, from Sam Pace, Seattle King County Realtors[®], Regarding Shoreline Master Program.
- c. Letter Dated July 28, 2010, from Carol Jacobson Regarding Burien's Six Year Transportation Improvement Project (TIP).

- d. Response from Lisa Clausen, City Manager's Office, to Email Dated July 28, 2010, from Loren and Lola Kennel Regarding Clean Up City and Generate Revenue.
- e. Letter Received July 29, 2010, from Greg R. Scism Regarding the Burien Shoreline Master Plan.
- f. Letter Received July 29, 2010 Regarding the Burien Shoreline Master Plan.
- g. Response from Richard F. Loman, Economic Development Manager, to Letter Dated July 31, 2010, from Ken Klettke Regarding Parking Fine.
- h. Email Dated August 1, 2010, from John Upthegrove Regarding Why the Weir?
- i. Letter Dated August 2, 2010, from Don Warren, Lake Burien Shore Club President and Lake Steward, Regarding Requested Changes to the Burien Shoreline Master Program, Staff Version 14 July 2010.
- j. Written Comments for Meeting of August 2, 2010, from Bob Edgar Regarding the Shoreline Master Program.
- k. Letter Dated August 2, 2010, from Robbie and Robert Howell Regarding SMP 20.25.015 Item B.
- l. Email Dated August 1, 2010, from Andrew Ryan Regarding SMP Sections 20.30.007 and 20.30.095.
- m. Email Dated August 2, 2010, from Julie Nelson Regarding Maplewild and SW 172nd Street.
- n. Letter Received August 2, 2010, from Bob Tacy Regarding Lake Burien.
- o. Letter Dated August 2, 2010, from Eric Denton Regarding the Proposed Burien Shoreline Management Plan.
- p. Letter Received August 4, 2010, from Eric Denton Regarding the Shoreline Management Plan.
- q. Email Dated August 5, 2010, from Jason Mulvihill-Kuntz, Puget Sound Partnership, Transmitting Puget Sound Salmon Recovery Council Letter Regarding Shoreline Master Program Update.
- r. Letter Received August 6, 2010, from S. Shull Regarding the Burien Shoreline Master Plan.
- s. Letter Dated August 9, 2010, from Bruce Berglund Regarding Amendments to the Shoreline Master Plan.
- t. Email Dated August 10, 2010, from Sean and Julie Wittmer Regarding Shoreline Master Plan and Right of Ways.
- u. Letter Dated August 10, 2010, from Carol Jacobson Regarding Public Access Issues in the SMP.

BUSINESS AGENDA

Community Assessment Survey Excerpts

Mike Martin, City Manager, reviewed the following from the survey: objectives; methodology; key findings; quality of life; employee contact; personal safety; activities in Burien; and, the City's information sources. Moody's rating for Burien bonds was then reviewed.

Councilmember Krakowiak arrived at 6:06 p.m.

Discussion of Draft Shoreline Master Program

Councilmembers took the following action on the Shoreline Master Program, Summary of City Council Comments, City Council Draft dated August 11, 2010.

Direction/Action

Item No. 5, SMP Overview - Councilmembers reached consensus to: replace “the” with “an” at the beginning of the second paragraph; move the last paragraph to the second paragraph on page 4; and move the sixth paragraph to the last sentence in paragraph 4.

Item No. 10, 20.20.015 Public Access – Councilmembers reached consensus to not change Policy PA 5 on page II-3.

Item No. 29, 20.30.035(1)(a) Public Access – Councilmembers reached consensus to remove “publicly owned” on page IV 9.

Item No. 30, 20.30.040 Shoreline Vegetation Conservation– Councilmembers reached consensus to remove “conservation” from the title.

Councilmember Bennett left the dais at 7:07 p.m. and returned at 7:09 p.m.

Item No. 32, 20.30.040(2)(a) Shoreline Vegetation Conservation – Councilmembers reached consensus to not change the language.

Councilmember Block left the dais at 7:55 p.m. and returned at 7:57 p.m.

Item Nos. 43 – 48, 20.30.050 Dimensional Standards for Shoreline Development and 20.30.055 Buffers – Councilmembers reached consensus to change both the Shoreline Residential Marine Riparian Buffer from “50 ft.” to “20 ft.,” and remove “Building Setback from Riparian Buffer” on Figure 5.

Item No. 49, 20.30.070(1)(a) Bulkheads and Other Shoreline Stabilization Structures – Councilmembers reached consensus to not change the language.

Item No. 57, 20.30.070 Public Access – Councilmembers reached consensus to follow staff’s recommendation.

Follow-up

Staff will propose a list of Appendices to place in a separate volume; revise language for Item Nos. 51-53 for Council review; prepare a revised draft of the Shoreline Master Program for Council and public review, comment and discussion at the August 30, 2010, Special Meeting; and, add Public Comment to that agenda.

COUNCIL REPORTS

No reports were given.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to adjourn the meeting at 8:24 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk



CITY COUNCIL SPECIAL MEETING MINUTES

August 30, 2010

6:00 p.m.

Burien City Hall, Council Chambers
400 SW 152nd Street, 1st Floor
Burien, Washington 98166

To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library

CALL TO ORDER

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Councilmembers Brian Bennett, Jack Block, Jr., Kathy Keene, Lucy Krakowiak, and Gordon Shaw. Deputy Mayor Rose Clark was excused. Councilmember Brian Bennett arrived at 6:25 p.m.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Scott Greenberg, Community Development Director; David Johanson, Senior Planner; Larry Blanchard, Public Works Director; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Councilmember Krakowiak, seconded by Councilmember Shaw, and passed unanimously to affirm the August 30, 2010, Agenda.

PUBLIC COMMENT

Chestine Edgar, 1811 SW 152nd Street, Burien
Ms. Edgar voiced her concern regarding the Transportation Improvement Plan matrix projects for Shorewood Drive SW and 152nd SW and asked that citizens have input on the projects prior to development.

Tanya Engerset, 1449 SW 152nd Street, Burien
Ms. Engerset spoke to the three repairs needed on 152nd Street.

Don Warren, 15702 13th Avenue SW, Burien
Mr. Warren asked that Project Nos. 12, 13, 14, and 24 be removed from the Transportation Improvement Plan due to the costs.

CORRESPONDENCE FOR THE RECORD

- a. Letter Dated August 16, 2010, from Lee Moyer, SMP Advisory Committee Member, Regarding Lake Burien Public Access.

- b. Written Public Comments for Meeting of August 16, 2010, from Bob Edgar Regarding Public Access in the Shoreline Master Program.
- c. Email Dated August 16, 2010, from Annie B. Pierce Regarding Seattle City Approves Expanded Urban Farms.
- d. Response from Michael Lafreniere, Burien Parks and Recreation Director, to Email Dated August 22, 2010, from SJ Chiro, Director/Producer Howard From Ohio, Supporting Burien Little Theatre.
- e. Letter Dated August 23, 2010, from Durwood L. Smith Regarding Updating the Shoreline Master Program.
- f. Email Dated August 24, 2010, from Deniece Bleha, Legal Assistant, Transmitting a Letter From Peter J. Eglick, Eglick Kiker Whited PLLC, Regarding Proposed SMP Language Concerning Physical Public Access to Lake Burien.
- g. Email Dated August 24, 2010, from Karen J. Ham Regarding the New Shoreline Master Plan for Burien.
- h. Letter Dated August 25, 2010, from Carol Jacobson Regarding Public Access on Marine Shoreline.
- i. Letter Received August 25, 2010, from Tanya Engeset Regarding Floats and Piers on Lake Burien.
- j. Letter Dated August 25, 2010, from Donna B. Smith Regarding Updating the Burien Shoreline Master Program.
- k. Letter Dated August 25, 2010, from Michael D. Noakes, Burien Marine Homeowners Association President, Regarding Bulkhead Regulations.
- l. Email Dated August 25, 2010, Deniece Bleha, Legal Assistant, Eglick Kiker Whited LLC, Transmitting a Submission on Behalf of Lake Burien Shore Club.

BUSINESS AGENDA

City Business

Mike Martin, City Manager, refrained from commenting on his report due to the public hearing on the draft Shoreline Management Program.

Motion to Approve Proposed Resolution No. 316, Adopting the 2011 through 2016 Six-Year Transportation Improvement Program

Direction/Action

Motion was made by Councilmember Krakowiak, seconded by Councilmember Shaw, to approve Resolution No. 316 adopting the 2011 through 2016 Six-Year Transportation Improvement Program.

Direction/Action

Motion was made by Councilmember Block, seconded by Councilmember Shaw, and passed unanimously to amend the motion to change the Project Description in Project Nos. 13 and 14 to "Road reconstruction, including storm drain improvements, street lighting, pedestrian access, parking or other infrastructure that can be built within the existing pavement footprint located in the right-of-way of the City of Burien. Bicycle movement through this area shall be accommodated by shared bicycle/vehicle usage and signage."

Direction/Action

Motion passed unanimously to approve Resolution No. 315 as amended.

Councilmember Bennett arrived at 6:25 p.m.

Councilmember Block left the dais at 6:27 p.m. and returned at 6:28 p.m.

Public Hearing on and Discussion of the Draft Shoreline Master Program

Mayor McGilton opened the public hearing at 6:28 p.m.

Michael Noakes, 16409 Maplewild Avenue SW, Burien

Mr. Noakes suggested updating the following proposed Burien Municipal Code (BMC) Chapters:

20.30.070(2)(c) - Delete section or add a statement to indicate, for an existing bulkhead protecting a primary residence, that the fact that it is failing is a self sufficient evidence of a demonstrated need to replace bulkhead.

20.30.070(2)(a)(ii)(1) – amend per proposed changes according to Correspondence for the Record Item 6 “k.”

20.30.070(2)(b)(ii)(1) – change the standard to allow a new bulkhead when a report confirms that there is a significant possibility that a primary structure will be damaged within 3 years.

20.30.070(2)(c)(iv) – change the standard to recommend that the size of the bulkheads be limited to the minimum possible.

Carol Jacobson, 3324 SW 172nd Avenue SW, Burien

Ms. Jacobson suggested the following updates:

20.30.040 - replace “alterations” with “new development that removes existing native vegetation.”

20.30.040(2)(d)(6) – change the standard to “new substantial development projects may not replace existing vegetation in the shoreline riparian buffer with new lawn areas due to their limited functional benefits and need for chemical and fertilizer applications.”

Craig Johnson, 16327 Maplewild Avenue SW, Burien

Mr. Johnson suggested the following updates:

20.30.035(2)(c) – replace the standard with the BMHA redline Sections 20.20.015, 20.20.020, 20.30.035 and 20.30.085.

Brent Carson, 2025 1st Avenue , Suite 500, Seattle

Mr. Carson, attorney with Gordon Derr representing the Burien Marine Homeowners Association, stated the importance of distinguishing between the Shoreline Management Act (SMA) and the Growth Management Act (GMA) standards in relation to the Critical Area Chapter in the update.

20.30.040 – change the reference to alterations to limit it to substantial development and regulation of uses and not to alterations.

Carol Lumb, 1958 SW 164th Street, Burien

Ms. Lumb requested that the language in the August SMP draft be retained allowing both the visual and physical access to Lake Burien.

Sandy Gledhill-Young, 1936 SW 168th Street, Burien

Ms. Gledhill-Young, asked that the 15' setback to Lake Burien be placed back into the Shoreline Master Program. She asked that physical public access to Lake Burien not be allowed.

Kim Otto, 12237 2nd Avenue South, Burien

Ms. Otto stated she would like access to Lake Burien. Regarding BMC 20.30.085(2)(h), she asked that the language be removed.

Chestine Edgar, 1811 SW 152nd Street, Burien

Ms. Edgar spoke to re-adding the 15' setback for the Urban Conservancy and Lake Burien, updating the Cumulative Impacts Analysis, and removing physical public access to Lake Burien in the plan.

Tanya Engeset, 1449 SW 152nd Street, Burien

Ms. Engeset suggested adding "each single family lot may have one dock or pier and/or float" to BMC 20.30.075(2)(g).

Rick Forschler, 13529 Military Road South, SeaTac

Mr. Forschler, President of the King County Chapter of the Citizens' Alliance for Property Rights, stated he has found no studies that have been conducted on the Puget Lowlands that demonstrates that buffers and setbacks provide benefits to fish and wildlife. He referred to a study that showed wooded lots had a higher concentration of nutrients in the water than fertilized lawns.

Lee Moyer, 11917 8th Avenue SW, Burien

Mr. Moyer, Shoreline Master Program Advisory Committee Member, noted the lack of people voicing support for public access on Lake Burien. From his research, he found no studies regarding invasive species being transmitted by motor craft.

Bob Edgar, 12674 Shorewood Drive SW, Burien

Mr. Edgar asked that the 15' buffer be re-added to Lake Burien and the Urban Conservancy designations to reflect the August 16 Council vote.

Andy Ryan, 16525 Maplewild Avenue SW, Burien

Mr. Ryan referred to the following chapters:

20.30.095(2)(g) and 20.30.007 – clarity is needed if he would have to tear down his boathouse if he had to replace his house roof.

20.35.025(4)(c) – the provision conflicts with boathouse regulations in 20.30.070.

20.30.040 – the definition of alteration is highly restrictive.

Sean Wittmer, 3328 SW 172nd Street, Burien

Mr. Wittmer, referring to 20.30.035(2)(c), stated the regulation should be removed if there is no "unused right of way" in the City.

Don Warren, 15702 13th Avenue SW, Burien

Mr. Warren, President of the Lake Burien Shore Club, suggested giving the Program a test drive prior to adoption, adding barges to the float section 20.30.075, defining overwater structures to include single-family residential and lake uses, combining docks and piers, adding a paragraph allowing lake residents to build what they like, and changing the conditional use designation for building a residential overwater structure in the Shoreline Permit Matrix.

Sam Pace, 29839 154th Avenue SE, Kent

Mr. Pace, on behalf of the Association of Realtors, stated the Shoreline Management Act acknowledges property rights when it talks about public access. He asked that single-family homes be granted the same bulkhead status, and noted that the additional new 15' setback on existing prohibitions did not make sense.

Greg Anderson, 15451 11th Avenue SW, Burien

Mr. Anderson, on behalf of the Sunnyside Group, stated WAC 173-26-186(8)(e) allows for voluntary mitigation. Regarding 20.30.095, asked how the City would be able to restrict heights on a residential building for another's view and requested that "promote public safety" be removed. The shoreline buffer and 150' vegetation buffer prevents development and does not allow for trails.

Vicki Winston, 14901 28th Avenue SW, Burien

Ms. Winston stated her neighbor recently stripped his slope and spoke to past slides. She asked that immediacy and prioritization be added to the plan.

Chestine Edgar, 1811 SW 152nd Street, Burien

Ms. Edgar requested that the inventories of Lake Burien plant and animal material that she submitted be added to Appendix E.

There being no further testimony, Mayor McGilton closed the public hearing at 7:31 p.m.

Councilmember Block left the dais at 8:14 p.m. and returned at 8:17 p.m.

Follow-up

Regarding the September 13, 2010, Council meeting, staff will provide a matrix containing Council requests with staff responses, schedule the meeting to begin at 6:00 p.m., and schedule a tentative Special Meeting on September 20, 2010.

COUNCIL REPORTS

No reports were given.

ADJOURNMENT

Direction/Action

MOTION was made by Councilmember Krakowiak, seconded by Councilmember Keene and passed unanimously to adjourn the Special Meeting at 8:25 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk



Burien

Washington, USA

400 SW 152nd St., Suite 300, Burien, WA 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: September 13, 2010
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Keep Stormwater Clean

Summer is a good time to take steps to keep stormwater clean – by marking storm drains during the sunny, warm weather. Storm drain marking reminds people that “Puget Sound Starts Here” on the streets on Burien and that we want “only rain down the drain.” Marking our storm drains also is required under the City’s stormwater permit with the state Department of Ecology. Burien residents can volunteer to mark storm drains in their neighborhood. On August 25, lifelong Burien resident Andrea Lindsay and her family worked with the Dennis Clark, the Miller/Walker Creek basin steward, to mark drains on Ambaum south of S. 160th.

B. City Hall Site Visit

Representatives from the Homeland Security section of Washington Emergency Management Division will be conducting an on-site informational visit September 13, 2010. The visit is an expectation of the Emergency Management Performance Grant (EMPG) from which Burien received an award of nearly \$18,000 to support the emergency management program.

C. Business Update

The Demolition permit has been issued to remove the mortuary buildings at 900 SW 146th Street to make way for construction of a new fire station. The construction permit application is not expected to be submitted until later this year.

A building permit was issued to “Toys R Us”. They will be setting up a temporary store for the holiday season at 14200 1st Ave S, Suite A, near the Fred Meyer Store.

D. Burien History Exhibit on Display at Community Center

In cooperation with the Highline Historical Society, an extensive exhibit of historic photographs is now on display at the Burien Community Center. The black-and-white photographs feature historic places and personalities from the area. The exhibit will be on display for a short time, so the public is encouraged to stop by and visit the Community Center.

E. Highline Health Cities Coalition Holds First Meeting (Pg. 157)

The partner members of the Highline Healthy Cities Coalition held their first meeting on September 6. The Coalition is composed of representatives from the various Highline cities and the Highline School District which have each received a "Healthy Eating & Active Living" federal stimulus grant. The grants are administered by the Seattle-King County Public Health Department and are part of the Center for Disease Control's *Communities Putting Prevention to Work* initiative. Coalition partners will be working individually and collectively to develop policies that support and encourage the development of healthier communities and to impact high rates of childhood obesity. Each partner jurisdiction is in the process of hiring staff positions to assist with the planning efforts involved with the project; the positions are fully paid for by the grant. Burien's management analyst will be part of the Community Development Department's Planning Division. Councilmember Clark is representing the Burien City Council on the Coalition. The draft minutes of the Coalition's first meeting is attached.

F. Staff Collaborates to Resolve Code Violation

Staff from Planning, Building and Public Works recently collaborated with a property owner in North Burien to resolve a complex code enforcement situation. The property owner moved hundreds of cubic yards of dirt and other material onto his vacant commercial site without required permits and safety considerations. After listening to the owner about why he was forced into this situation, we worked with him on applications for a clear and grade permit, right-of-way use permit, SEPA checklist, erosion control plan, street sweeping plan and site restoration plan. The site will be used for material storage not more than 60 days and will be fully restored to its original condition at the end of that time. This was truly a situation that exhibited our values of trust, communication, and collaboration.

II. COUNCIL UPDATES/REPORTS

A. AWC Receives Proposal from Burien

Staff attended the AWC's "Safe and Healthy Communities" legislative subcommittee meeting on September 2. Staff discussed the Public Safety Authority (PSA) idea with the more than 20 meeting attendees (in person and phone-ins).

Many subcommittee members thought the PSA idea was interesting, for their first exposure to the idea. A number of members raised the governance issue as the key question: Will the city lose control of the police if a PSA is established, and aren't police services a core mission of a city and therefore shouldn't it be under direct control of the City Manager, Mayor and Council? The subcommittee did not move the idea forward for this session, preferring instead to continue the discussion.

Staff will have further opportunities to present the PSA idea this fall, including a discussion with the Washington Association of Sheriffs and Police Chiefs (WASPC) legislative committee in November.

It is likely that we will try to introduce a PSA bill in the 2011 legislature so that we will have a vehicle to work with and to further the discussion.

B. 2011 Legislative Positions for Southwest King County Economic Development Initiative (SKCEDI) (Pg. 158)

Attached is a listing of the 2011 legislative positions for SKCEDI, which includes the cities of Burien, Des Moines, Normandy Park, SeaTac and Tukwila and King County, Highline Community College, the Port of Seattle and Highline Public Schools.

C. Regional Policy Issues for Cities' Consideration (Pg. 159)

Councilmember Bennett represented Burien at the September 1 meeting of the Suburban Cities Association's Public Issues Committee (PIC). The PIC voted to seek state legislative changes that would make Flood Control Districts exempt from the \$5.90 levy rate cap; because the District is the newest taxing district in King County, it is at risk of losing its funding because parts of King County are close to the \$5.90 rate cap.

Mayor McGilton also attended the PIC meeting, to report on the work of the South Central Action Area Caucus Group addressing Puget Sound issues; she stated that the Caucus Group is insisting that the Puget Sound Partnership look for funding sources and not just impose regulations on cities. The Mayor also reported on potential extensions to the cities' interlocal agreements with King County for solid waste disposal (information sheet attached).

The PIC also heard a report concerning expected transit service cuts; at their next meeting the PIC will be asked to vote on a recommendation from the Regional Transit Committee's suburban cities caucus (Mayor McGilton is a member), on what Metro should consider in making service reductions. That paper, and two others that the PIC will act on in October, are attached for the Council's consideration. In addition, the PIC received a report on the proposed King County criminal justice sales tax levy, which will be on the ballot this November (information sheet attached). If there are any questions about these matters, Councilmembers may contact Lisa Clausen in the City Manager's office.

D. August 2010 Citizen Action Report (Pg. 165)

Staff has provided Council with the August 2010 Citizen Action Report attached.

E. Advisory Board Meeting Minutes (Pg. 171)

The following approved advisory board minutes are attached:

- June 22 Art Commission Meeting

F. Notices (Pg. 177)

The following Public Notices (see attached) have been published:

- Notice of Type I SEPA Checklist Review for Low Impact Development to replace the existing drainage system with nine bio-retention swales and two underground gravel infiltration trenches – eight on 19th Avenue SW and one on 165th Street.

- Public Notice that the City of Burien is seeking coverage under the Washington State Department of Ecology's Construction Stormwater General Permit.
- Notice of Cancellation of Planning Commission Meeting scheduled for Sept. 14, 2010.

HEALTHY HIGHLINE CITIES COALITION

MEETING MINUTES

August 6, 2010, 4:00 pm

Chelsea Room

Burien Community Center, 14700 – 6th Avenue SW

Burien, Washington

- I. ROLL CALL** Attendees called to order at 4:05pm. Attending: Electeds - Mia Gregerson, Rose Clark, Bernie Dorsey, Bob Sheckler, Shawn McEvoy; Staff - Michael Lafreniere, Nisha Box, Colleen Brandt-Schluter, Patrice Thorell
- II. AGENDA CONFIRMATION** The agenda was reviewed and approved.
- III. APPROVAL OF MINUTES** None to approve.
- IV. OLD BUSINESS** None to review.
- V. NEW BUSINESS**
- a. Select Meeting Chair Pro Tem – Rose Clark offered to chair the meeting as Pro Tem.
 - b. HEAL Process Overview – Staff reviewed elements of the draft contract with HHCC members. Discussion followed on the respective approaches to be taken by each city relative to grant contract approval and the merits of a joint Interlocal Agreement between the Coalition members versus a Memorandum of Understanding.
 - c. Review of Scopes of Work –
 - Staff reviewed the drafts scopes of work for the various contracts. Language using the term “at-risk” had been removed at SeaTac’s request.
 - Councilmember Clark observed that the area is not well-served and felt that this project could make a difference.
 - Councilmember Gregerson observed that she hoped the District (and its students) will benefit as the entity in common. She also hoped that long-term funding to sustain whatever efforts come out of the process is examined in time.
 - SeaTac staff said their public works officials hope Public Health comes to understand that our cities are often not recipients of federal grants for sidewalks and hope that in the advocacy work of the larger CPPW Coalition, that King County could educate the grantors about the needs of these communities to where they might reevaluate their criteria for grants.
 - d. Next Steps – A meeting of the entire CPPW will take place and all grantees have been invited to attend. [NOTE: The date was later set for Sept. 28, 10:30am-2:30pm, at the Des Moines Field House.] Each city will be taking steps to finalize approvals as may be needed on grant contract documents.
 - e. Determine monthly meeting schedule – The group decided to hold its meetings on the 3rd Wednesday of each month at 5:00pm, with the exception of September which will be held on Wednesday, Sept. 29.
- VI. COMMUNICATIONS** None to review.
- VII. STAFF REPORTS** None to review.
- VIII. ADJOURNMENT**
- Future Agendas (Tentative) September 29, 2010; 5:00pm-6:30pm at the Des Moines Activity Center (Located at 2045 S. 216th Street, in Des Moines, just east of the U.S. Post Office)
- Confirm selection of Coalition Chair
 - Introduction of new staff
 - Review Draft Interlocal Agreement
 - Joint Use Agreements
 - Policy & Training Workshops available through SKCPHS and the Public Health Law & Policy Center



King County



Highline
Public
Schools



2011 Legislative Positions for Southwest King County

The combined memberships of the Southwest King County Economic Development Initiative (SKCEDI) and the Highline Forum endorse eight economic development positions for 2011 that increase job opportunities and income for Southwest King County residents and attract quality business investment and real estate development to the area. The combined memberships of SKCEDI and the Highline Forum include the cities of Burien, Des Moines, Normandy Park, SeaTac and Tukwila and King County, Highline Community College, the Port of Seattle and Highline Public Schools.

The SKCEDI and Highline Forum partners strongly support:

- **Permanent and expanded financing for the Local Revitalization Financing Program (LRF)** to spur local and regional development.
- **Flexible funding to assist communities with the necessary infrastructure** to maximize benefits of current and planned commuter rail lines.
- **Funding the extension of SR509 to I-5, through tolling or other new revenue**, to improve the movement of people and goods throughout SW King County and Sea-Tac International Airport.
- **King County efforts to secure additional grant funding for the South Park Bridge replacement** and encourage the State to provide additional funding beyond the \$20 million that it currently has committed to the project.
- **Restored funding for four infrastructure programs** that provide key resources to local jurisdictions: the Community Economic Revitalization Board (CERB), the Public Works Trust Fund (PWTF), the Transportation Improvement Board (TIB), and the Model Toxic Control Account (MTCA).
- **A direct State budgetary allocation of \$75,000 to SKCEDI**, housed at Highline Community College, to fund programs related to economic development including the Business Attraction Program, the Small Business Development Center, and StartZone.
- **Continued funding levels for worker retraining programs at community colleges** in support of dislocated workers.
- **Reforming K-12 funding formulas to provide adequate and equitable funding** that prepares all students for college, career and citizenship.

SCA Public Issues committee
September 1, 2010
MSWMAC Update - Solid Waste Interlocal Agreements

The regional solid waste system was formally established when King County and the cities entered into ILAs beginning in 1988. The ILAs, which extend until 2028, have been signed by 37 King County cities (all except Seattle and Milton).

The ILAs establish responsibility for different aspects of solid waste management to the county and the cities. The ILAs recognize the cities role in providing collection services and give the county operating authority for transfer and disposal services as well as for development of the Comprehensive Solid Waste Management Plan in collaboration with the cities. The ILAs indemnify and hold the cities harmless against any claims related to the county's solid waste operations.

With King County Solid Waste Division embarking on a major capital improvement program for the transfer system, the sale of long term bonds will be necessary. The county is interested in extending the term of the ILAs to cover the repayment of 20 or 30 year bonds. Cities worked with the county on the development of the Solid Waste Transfer and Waste Management Plan, which established the need to renovate the transfer system. This Plan was approved by the King County Council in December 2007. The county has completed construction of the new Shoreline Recycling and Transfer Station in Shoreline. The Bow Lake Station in Tukwila is currently under construction and the Factoria Station in Bellevue is in the planning stage. The Solid Waste Division is planning to begin the siting process for two new transfer stations later this year – one in Northeast King County, which will replace the Houghton Station in Kirkland; and one in South King County, which will replace the Algona Station in Algona.

A staff committee of the Metropolitan Solid Waste Management Advisory Committee (MSWMAC) called the Interjurisdictional Technical Staff Group drafted a Governance Report in 2007 that has been reviewed by both MSWMAC and the Regional Policy Committee (RPC). The Report contains preliminary recommendations on four key governance issues including MSWMAC taking over the role of the Solid Waste Interlocal Forum – a role currently filled by the RPC; the inclusion of a dispute resolution process in the ILAs; host city mitigation and the development of a framework for financial policies.

MSWMAC is interested in pursuing discussion of the ILAs with the county. A small working group comprising county and cities staff and the chair and vice chair of MSWMAC will meet to discuss potential changes to the ILA. The cities representatives will bring information back to MSWMAC, which will include this topic on every meeting agenda beginning in September. It is important that all cities that are part of the King County regional solid waste system weigh in on this process. Cities are encouraged to attend MSWMAC meetings or to call the chair and vice chair to provide their input on ILA changes.

Contact: Joan McGilton 206.244.5168

Proposed Preliminary SCA Policy Position Statements in Response to RTTF Recommendations

In advance of the recommendations of the Regional Transit Task Force, the SCA Caucus to the Regional Transit Committee is recommending the following principles to guide SCA's response to those recommendations, especially with respect to actions by the County Executive and County Council to implement those recommendations. As the work of the task force is completed in October, the statements below can be revised to more effectively address the substance of the recommendations, as informed by the SCA membership.

Priorities for Transit System. With regard to any reductions to, restoration of, or long-term growth in transit service in the Metro system, the objectives of productivity and geographic equity should be equal priorities. A more productive transit system enhances efficiency and helps to ensure long-term financial sustainability. Geographic equity among major subareas of the Metro service area means addressing 1) service coverage to all communities, 2) fairness in the provision of robust transit service to areas that produce the most tax revenue to sustain the system, and 3) meeting the mobility needs of communities that have experienced the most growth.

Operational Efficiencies. As a first step toward financial sustainability, King County Metro must take further measures to increase its operating efficiencies. These include the measures recommended in the 2009 Transit Performance Audit, as well as any measures recommended in the 2010 audit of Metro's bus procurement program. Metro must strive to reduce the growth of operating costs, including overhead costs and the full spectrum of management and labor costs.

Service Reductions. Metro must achieve further gains in efficiency before any service reductions. If, after addressing efficiencies, reductions to transit service are still deemed necessary, the reductions should be made proportional to the service investment in hours within each subarea. Within each subarea, strategic service reductions should be made to achieve desired objectives of productivity and social equity, based on overall system factors and the different mix of service types in each subarea.

Service Restoration. If reductions in service are made, restoration of those reductions should be made to each subarea proportionate to the share of net service reduction within each subarea. Restored service should be implemented in such a way as to improve upon productivity, social equity, and support for economic development within each subarea.

Long-term System Growth. Growth in the transit system should reflect a balance between productivity and a range of other system objectives, including all-day service, commuter service, social equity, and especially geographic coverage. Equity between central city (Seattle) and suburban locations in the provision of transit service should be advanced through investments that focus on serving new and emerging transit markets in areas that have seen the most growth, such as east and south county. Within broad service planning subareas, transit system growth should emphasize efficiency and productivity by providing additional service along high demand corridors and connections between current and planned concentrations of residential, employment, and mixed uses.

For more information contact Karen Goroski Karen@suburbancities.org or 206-433-7170.

Countywide Planning Policies Update: Guiding Principles for SCA Approval

The SCA caucus to the Growth Management Planning Council recommends to the Public Issues Committee the following guiding principles for approval of updated Countywide Planning Policies.

Roles and responsibilities. The CPP update should be specific about the expected roles and responsibilities of the GMPC, King County, cities, other governmental agencies in implementing the regional vision, as set forth in Vision 2040. The CPPs should recognize the major role that cities will play as the predominant form of urban area governance, and support the full range of investments and tools cities will need to achieve the regional vision.

Local discretion. The CPPs should recognize explicitly the importance of local discretion in implementing the countywide vision for growth and the substantive goals and objectives contained in the policies. Rather than impose new requirements, especially mandates that may impose a cost on local governments, the CPP update should emphasize incentives, substantive guidance and promotion of best practices, and regional dialogue and coordination.

Coordination. The CPPs should provide a framework for improved coordination of land use, transportation, and economic development planning and plan implementation in the county, to include emerging issues, such as climate change.

Consistency with current vision. The CPPs should continue to support a pattern of regional growth that is focused within existing Urban Growth Areas and reinforces the Urban Centers strategy.

Promotion of best practices. The CPPs should promote a range of proven and innovative programs intended to foster environmental sustainability, economic vitality, and an overall high quality of life throughout the county, with policies that encourage and support existing and future local efforts.

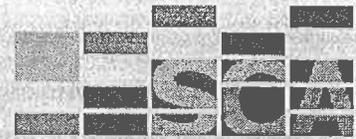
Healthy communities. SCA supports the concept of healthy communities and the important role the CPPs should play in providing guidance in this area of community planning. However, the updated CPPs should recognize local discretion in planning for land uses and infrastructure improvements that are associated with increased physical activity and other actions that promote public health benefits.

Infrastructure. Successful implementation of the countywide growth vision contained in the CPPs is dependent on the timely provision of key infrastructure to serve that growth—including transportation and a range of urban services and utilities. GMPC should consider ways in which the updated CPPs can provide a framework for coordinated infrastructure and services planning that addresses investment priorities as well as the local cost implications of growth policies. The GMPC should also consider steps the county and cities could take to secure needed funding.

Transportation outcomes. The CPPs should promote transit-supportive land uses as well as regional and local infrastructure improvements that connect centers of population and employment throughout the county, reduce dependency on the single-occupancy vehicle, reduce air and water pollution, use energy efficiently, and reduce congestion.

Concurrency. The CPPs should promote best practices and regional coordination on transportation concurrency, while also respecting the discretion of cities in establishing local levels-of-service and concurrency methods and standards.

For more information contact Michael Hubner mhubner@ci.kent.wa.us or (253) 856-5443.



SCA/King County Budget Group

August 19, 2010

2:30 PM

Community Center at Mercer View

8236 SE 24th Street

Mercer Island, WA 98040

MINUTES

1. Hank Margeson, Chair, called the meeting to order at 2:35 PM.
Present: Bernie Talmas, Rebecca Olness, Dave Hill, Noel Gerken, Amy Ockerlander, Dan Satterberg (guest), and staff, Karen Goroski.

MSP 2. To approve the minutes from August 5, 2010 meeting. (Attachment 1)

3. The Group heard a presentation from King County Prosecuting Attorney Dan Satterberg:
 - The Criminal Justice Sales Tax Levy has 2 parts – 1/10 of 1% for 20 years and 1/10 of 1% for 3 years with King County receiving 60 percent of the revenue and the cities receiving 40% of which 1/3 must be spent on public safety. For the cities this would amount to an estimated \$23.7M in 2011 and \$33.7M in 2012 if approved by the voters.
 - With competing tax levies on the November ballot it would be helpful if cities could state how they would allocate the revenues if the Criminal Justice Levy was approved by the voters
 - The Office of the Prosecuting Attorney (PA) is prosecuting cases based on how they are prioritized:
 - √ Two years ago they lost 20 deputy prosecutors and decided drug possession cases would be filed as simple drug possession cases in County District Courts
 - √ There are no longer categories of cases that they can direct away from Superior Court to municipal courts
 - √ County Executive has asked for an additional \$5M (35 prosecutors) be cut from a \$56M budget for 2011.
 - While members complimented Dan on his innovative approaches to reducing costs, they pointed out the costs of not incarcerating people. Dan is concerned about the repercussions of budget cuts in the state prison system and with the early release of felons.
 - When asked how the Criminal Justice levy would be promoted, Dan said that it would be done through speakers bureaus, volunteers, etc
 - If the levy passes, there would still be cuts of \$25M in 2011 and \$30M in 2012.
 - WA ranks near the bottom in comparison to other states with the amount of State assistance.
4. The response from Dwight Dively regarding additional questions from the Budget Group based on his presentation at the previous meeting were reviewed:

- What percent of the criminal justice budget is subject to negotiations?
- Within the percentage subject to negotiations, what percent is related to contracts that are open for negotiations and could impact budget decisions?

The contract for Sheriff's deputies runs for two more years (2011 and 2012), so their 5% annual salary increases are guaranteed unless they voluntarily reopen their contract. Almost all other labor contracts in the criminal justice area are open (at least for cost of living adjustments) for 2011. The Corrections Officers Guild (jail guards) has access to binding arbitration, so their ultimate salary increase is not entirely within the County's control.

- DSHS will be making a number of reductions - even with Federal funding. How will the statewide reductions affect King County?

The County has started discussion with the two departments (Community & Human Services and Public Health) that receive significant state and federal funding about how future funding changes will affect programs run by the County. We know of a few specific things that will be cut due to loss of grant funds, but these are minor and likely not of interest to SCA members. The issues that potentially have more impact, such as changes in Medicaid funding, are still unclear so we don't have a sense of their effects. Much of this probably won't be known until after the 2011 legislative session.

- 5 Additional comments and concerns from the Group included:
 - a. The need for cities to identify which reductions in State human services funding will have the greatest impact on their citizens
 - b. The need for cities to identify the financial impact individual ballot measures will have on their citizens if passed by the voters
 - c. Concerns regarding increased burden to the cities to address more misdemeanors if County stops filing some crimes as felonies. This would cause delays and would push new cases to the cities.
 - d. The Group wanted to know if the prosecuting attorneys were unionized
6. The Group felt that cities should be encouraged to discuss and post facts about the impacts of the Criminal Justice Levy and other measures on the November ballot if they were to be approved by the voters. What gains and losses would individual cities experience and how would that translate into reductions in services or increases in services? Hank will report on Redmond's approach at the September meeting of the SCA Public Issues Committee.

MSP

The Group also made the following recommendation to the PIC:

To recommend to the SCA Public Issues Committee that SCA recommend to the County Executive that King County focus funding on mandated services and budget for outcomes of the County's priorities.

7. The next meeting is scheduled for September 2, 2010 at 2:30 PM at Mercer Island
8. The meeting adjourned at 4:00 PM

Submitted by Karen Goroski

**Criminal Justice Sales Tax Levy
Public Issues Committee, September 1, 2010**

The Metropolitan King County Council approved sending to the voters in November a proposal to fund criminal justice services by raising the sales and use tax in King County by two-tenths of one percent. Much of the revenue raised by the measure would go to public safety services and include funds for the replacement of the County's aging Youth Services Center.

If approved by voters, the increase would generate approximately \$35 million in revenue for King County in 2011 and \$50.6 million in 2012, the first full year the tax would be collected. Under the proposal, 100 percent of the County's portion of the proceeds would be used to maintain criminal justice services, including Sheriff deputies, the courts, the Prosecutor's Office and Public Defense. Funds would also be directed toward funding the construction of the Youth Services Center.

The County's Youth Services Center, located on 12th and Alder, provides juvenile justice services in King County, including the hearing of juvenile, runaway, and child abuse and neglect cases, juvenile detention and rehabilitation, and family support for those navigating the legal system. Sections of the facility are roughly 40 years old and have significant maintenance needs, including over \$20 million of repairs to basic plumbing, heating, and electrical systems.

The County currently faces a projected deficit of \$60 million in its \$620 million general fund for 2011. Over 75 percent of general fund dollars pay for criminal justice and public safety services.

By state law, forty percent of the tax proceeds would go to the 39 cities within King County based on their population. State law requires that cities must spend one-third of the proceeds on criminal justice services.

One-tenth of one percent of the proposed sales tax increase would sunset after three years. The second one-tenth of one percent would sunset in 20 years to allow the County to sell long-term debt to finance the construction of the Youth Center.

Along with an increase in the sales tax, the measure would use a portion of the County's unincorporated area levy—\$9.5 million in 2011—to fund police services in the County's unincorporated communities.

If approved by voters, the measure would raise the sales tax in most parts of the county to 9.7 cents. The proposed 0.2 percent increase would cost the average household about \$98 over two years.

Contact: Ed Sterner 206.362.1270



Burien

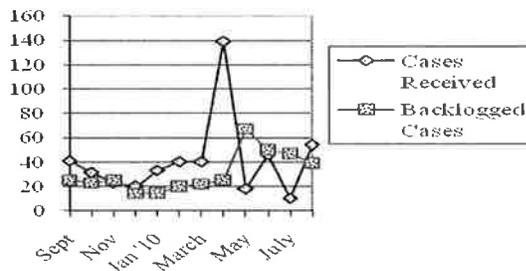
Washington, USA

CITY OF BURIEN MEMORANDUM

DATE: September 2, 2010
TO: Mike Martin, City Manager
FROM: Cynthia Schaff, Paralegal
RE: August 2010 Citizen Action Report

This report reflects the caseload for July and includes all backlog cases open as of August 31, 2010. As of that date, there were 45 open cases. 39 of the open cases are more than five weeks old and are considered backlog. There were 54 cases opened during the month of August; 5 cases initiated by staff/police, and 49 cases initiated by residents.

Citizen Action Case Status



	Sept	Oct	Nov	Dec	Jan '10	Feb	March	April	May	June	July	August
Cases Received	41	31	23	20	33	40	40	139	18	46	10	54
Backlogged Cases	25	23	25	14	15	20	22	25	67	50	47	39
Total Open Cases	45	40	43	29	38	47	42	118	75	65	50	45
% of Backlog	56%	58%	58%	48%	39%	43%	52%	21%	89%	77%	94%	87%

As usual, please let me know if you have any questions or suggestions for additional improvements to this report.

Cc: Scott Greenberg, Community Development Director
 Jim Bibby, Code Compliance Officer
 Henry McLauchlan, Administrative Sergeant
 Craig Knutson, City Attorney

Michael Lafreniere, Parks Director
 Jan Vogee, Building Official
 Larry Blanchard, Public Works Director



Monthly Report to the City Manager

Citizen Action Request Case Status

Report Date: 09/02/2010

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
962	City Attorney	CAR-08-0022	01/14/2008	Nuisance	14456 18TH AV SW Parking & nuisance	Other - See Notes	09/21/2009	Open
650	City Attorney	CAR-08-0409	11/21/2008	Parking	13430 1ST AV SW Vehicles / Weythman	Site Investigation	08/24/2009	Open
588	Code Enforcement	CAR-09-0031	01/22/2009	Nuisance	800 SW 135TH ST Nuisance / Russell	Site Investigation	12/17/2009	Open
335	City Attorney	CAR-09-0319	10/02/2009	Business License	14211 DES MOINES MEMORIAL DR S Rental Housing License-Sun Villa-Sandra Oellien	Other - See Notes	04/09/2010	Open
282	Building	CAR-09-0364	11/24/2009	Building	13803 DES MOINES MEMORIAL DR S Building-Lopez-ZONE 2	Other - See Notes	07/29/2010	Open
143	Building	CAR-10-0132	04/12/2010	Building	10826 ROSEBERG AV S Building, Hernandez		08/12/2010	Open
143	Code Enforcement	CAR-10-0134	04/12/2010	Nuisance	12411 DES MOINES MEMORIAL DR S Nuisance Trash, Vehicles, Rodents & Sub-standard dwelling-Souffront	Phone Call	07/08/2010	Open
143	Planning	CAR-10-0136	04/12/2010	Planning / Zoning	11845 DES MOINES MEMORIAL DR S Zoning-B/L-Gill	Site Investigation	05/28/2010	Open
143	Code Enforcement	CAR-10-0139	04/12/2010	Nuisance	2106 S 124TH ST Nuisance, Vehicles and debris-Schmidt	Site Investigation	06/24/2010	Open
143	Building	CAR-10-0142	04/12/2010	Building	11244 10TH AV S Building-Smith	Case Received	04/13/2010	Open
143	Code Enforcement	CAR-10-0157	04/12/2010	Nuisance	11439 15TH AV SW Nuisance-Patterson	Other - See Notes	08/24/2010	Open
143	Code Enforcement	CAR-10-0161	04/12/2010	Nuisance	12663 16TH AV S Nuisance-Johnson	Phone Call	05/06/2010	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
143	Building	CAR-10-0219	04/12/2010	Building	11527 26TH AV SW Occupancy without a finaled permit-Bryce	Case Received	04/15/2010	Open
140	Code Enforcement	10-0171	04/15/2010	Nuisance	11711 8TH AV S Nuisance-Franco	Meeting	07/08/2010	Open
140	Building	CAR-10-0165	04/15/2010	Building	12024 1ST AV S Building-Alpine General Contracting	Phone Call	04/23/2010	Open
140	Planning	CAR-10-0167	04/15/2010	Planning / Zoning	12414 1ST AV S Zoning-Hawaii Beauty Salon, sign	Phone Call	08/11/2010	Open
136	Code Enforcement	CAR-10-0189	04/19/2010	Nuisance	12004 3RD AV S Nuisance-Wetzel	Phone Call	08/27/2010	Open
136	Code Enforcement	CAR-10-0191	04/19/2010	Nuisance	1221 S 116TH ST Nuisance-Glen	Phone Call	06/17/2010	Open
136	Code Enforcement	CAR-10-0192	04/19/2010	Nuisance	1021 S 116TH ST Nuisance-Cunningham	Case Received	04/19/2010	Open
136	Code Enforcement	CAR-10-0198	04/19/2010	Nuisance	11718 12TH AV S nuisance-Vasquez	Other - See Notes	04/29/2010	Open
136	Code Enforcement	CAR-10-0225	04/19/2010	Housing Concerns	622 SW 158TH ST Housing-Vandenberg	Phone Call	05/12/2010	Open
135	Code Enforcement	CAR-10-0202	04/20/2010	Nuisance	153 S 120TH ST Nuisance-Azpitarte	Case Received	04/20/2010	Open
135	Code Enforcement	CAR-10-0203	04/20/2010	Nuisance	430 SW 122ND ST Nuisance/Business-Bacon	Phone Call	06/18/2010	Open
135	Planning	CAR-10-0208	04/20/2010	Planning / Zoning	804 SW 122ND ST Zoning-Puloka	Other - See Notes	06/16/2010	Open
134	Planning	CAR-10-0218	04/21/2010	Planning / Zoning	12233 10TH AV S Zoning-Wood	Phone Call	05/28/2010	Open
133	Code Enforcement	CAR-10-0232	04/22/2010	Graffiti	800 S 152ND ST Graffiti-Clapshaw (New)	Case Received	04/22/2010	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
131	Planning	CAR-10-0238	04/24/2010	Planning / Zoning	1027 SW 124TH ST Zoning-Nguyen	Phone Call	06/01/2010	Open
129	Code Enforcement	CAR-10-0240	04/26/2010	Nuisance	12457 1ST AV SW Nuisance-Mocic	Case Received	04/26/2010	Open
113	Building	CAR-10-0263	05/12/2010	Building	12825 12TH AV S Building-Shateau Const.	Case Received	05/12/2010	Open
108	Code Enforcement	CAR-10-0267	05/17/2010	Housing Concerns	12002 4TH AV SW Housing-Robertson	Case Received	05/18/2010	Open
93	Code Enforcement	CAR-10-0274	06/01/2010	Nuisance	11219 28TH AV SW Nuisance Vehicles-Mosley	Phone Call	07/28/2010	Open
90	Code Enforcement	CAR-10-0299	06/04/2010	Nuisance	11416 26TH AV S Nuisance-Tun (Vacant)	Site Investigation	07/30/2010	Open
86	Planning	CAR-10-0282	06/08/2010	Planning / Zoning	Zoning-Holman	Site Investigation	08/17/2010	Open
73	Planning	CAR-10-0319	06/21/2010	Planning / Zoning	2129 SW 174TH ST Planning-Patton	Case Received	06/25/2010	Open
72	Code Enforcement	CAR-10-0304	06/22/2010	Nuisance	15809 25TH AV SW Nuisance-Hunt	Case Received	06/22/2010	Open
70	Building	CAR-10-0310	06/24/2010	Building	651 SW 134TH ST Building-Mohabbati	Case Received	06/24/2010	Open
69	Code Enforcement	CAR-10-0317	06/25/2010	Housing Concerns	13216 1ST AV SW Housing (Vacant)-Brewer	Phone Call	07/30/2010	Open
69	Planning	CAR-10-0318	06/25/2010	Planning / Zoning	16469 MARINE VIEW DR SW Planning-Buckley	Case Received	06/25/2010	Open
36	Planning	CAR-10-0333	07/28/2010	Critical Area Concerns	14431 DES MOINES MEMORIAL DR S Critical Area Vegetation-Williams	Phone Call	08/05/2010	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
30	Planning	CAR-10-0336	08/03/2010	Planning / Zoning	13223 OCCIDENTAL AV S Zoning-Home Occupation-Zone 2	Case Received	08/03/2010	Open
30	Code Enforcement	CAR-10-0353	08/03/2010	Nuisance	11851 11TH AV S Nuisance - Chandler - Zone 2	Case Received	08/03/2010	Open
29	Code Enforcement	CAR-10-0341	08/04/2010	Illegal Dumping	Illegal Dumping-NAVOS-Zone 4	Case Received	08/04/2010	Open
157	Code Enforcement	CAR-10-0110	03/29/2010	Nuisance	16647 8TH AV SW Nuisance, Trash, Vehicle- Moran-Foreclosure	Case Received	03/29/2010	Open
14	Code Enforcement	CAR-10-0371	08/19/2010	Business License	11421 12TH AV SW Business License-Ortiz-Zone 1	Case Received	08/19/2010	Open
7	Planning	CAR-10-0388	08/26/2010	Critical Area Concerns	14909 28TH AV SW Critical Area Cutting-McLaughlin-Zone 3	Phone Call	09/02/2010	Open

CITY OF BURIEN, WASHINGTON

Art Commission MEETING MINUTES

Date: June 22, 2010

Time: 6:30 p.m.

Arts Commission Members Present:

<input checked="" type="checkbox"/> Shelley Brittingham	<input checked="" type="checkbox"/> Virginia Wright
<input checked="" type="checkbox"/> Donna DiFore	<input type="checkbox"/> Robbie Howell
<input checked="" type="checkbox"/> Debbie Thoma	<input checked="" type="checkbox"/> Dane Johnson
<input checked="" type="checkbox"/> Victoria Hall	<input type="checkbox"/> Ted Ottinger
<input checked="" type="checkbox"/> Kathy Justin	

Staff Present:

Gina Kallman, Cultural Arts Supervisor

Debbie Zemke; Recreation Manager

Guests:

Sam Read, Assistant Director of Theater Puget Sound

Sybil Davis, Burien Arts Board member

Minutes

Meeting called to order. April minutes approve as written. May minutes approved as corrected.

Arts Crush

Sam Read of Theater Puget Sound shared information with the commission about the Arts Crush event to be held in October 2010. Theater Puget Sound has produced a live theater week for the past five years. This event is a way to grow new audiences, create more community engagement, provide accessibility to underserve and youth audiences and create special events that fit unique niches. A 2009 survey found that 82 percent of people who participated had never set foot in the theaters they attended. Arts Crush encourages theaters and performing arts spaces to host free nights, family events and other unique community events.

For 2010 TPS decided to reach out to a wider arts community: dance, collaboration, literary arts, etc... each week having different arts focus. Three hundred arts organizations will be participating. For more information go to www.artscrush.org. The deadline to sign up is the end of July. Boeing, Amazon, and 4Culture are funding the project. TPS is hoping that Arts Crush will become a yearly festival.

AREAS OF FOCUS REPORT

VISUAL ARTS

Arts Education— Victoria and Donna have continued their work on the 153rd banner project. At this time they are looking for a volunteer with photo experience to help document the project. Gina will send Donna Michael Brunk's contact information. The commissioners are looking into if the art should be scanned and if past arts commissioner and designer Maureen Hoffman would be interested in helping with the project. The plan is to make eighteen 2'x5' banners. The cost estimate for the project is \$6,000. Donna and Victoria have spoken to businesses on 153rd and

they are interested in helping support the project if the business names are attached to the banners or poles in some way. Dane suggested a 50/50 request from the business community. Gina will help the commission create a sponsorship letter. Dane suggested that the timeline is too short and that the goal for installation could be December 2010. . The commission will do a vote on public art funds for the banners in August.

PSSC Sculpture Installation—Puget Sound Skills Center instructor Dale Copeland installed the metal sculpture lighthouse they created for the Burien Community Center on June 22nd. The students formed the steel sheet metal into the shape of a coastal rock formation by heating the steel with a torch and hammering it to form the rock shape. Further grinding and welding on the rock gave it a more detailed look. The trees were formed using steel round stock and copper sheeting. Each student made a tree with their own personal touch and creativity. All the students worked on the entire project and signed their name on the rock. The students take great pride knowing that they built something that others will enjoy and that they can come back to and say “I helped build that!”

Sculpture created by: Artist and Welding Instructor Dale Copeland and his students from the Puget Sound Skills Center & Plumbers and Pipe Fitters Local 32 Welding Career Program: Landon Abel, Bryan Asplund, Jonathon Garrison, Robert Griffith, Adam Hilmer, Nicholas Holme, Zackary Larson, Talus Moloney, Ezequiel Morales, Kevin Narverud, Ryan Northern, Alexander Nitchke, Robert Rose, Caleb Silver, Deven Smotherman, Salamina Tauanuu, and Penn Wright. Materials donated by: McKinstry Company of Seattle.

Public Art—The next meeting of the public art committee will be on June 29th. This meeting will be to discuss the public art plan and the use of the funds currently set aside for public art.

Arts and Economic Development—The committee is continuing work on building relationship with the BEDP (Burien Economic Development Partnership).

Mayor Joan McGilton mentioned to commissioners that she has an interest in an Arts BBQ on the former B/ IAS space where people bring art for the day.

Staff Report

Highline School District Arts Council-- The Arts Council recommendations will go before the school board on June 23rd. Feedback has been positive so hopes are high that the recommendations will be adopted and proposed action will be started. Recommendations are attached.

Wild Strawberry Festival Recap—The Burien Wild Strawberry Festival was moved to Town Square Park and added the B-Town Bike Fair, art demo booths, and Rat City Rummage artists to the mix of music, performance, vendors, and kids activities. Unfortunately the weather was cold and rainy so attendance was lower than usual.

Meeting adjourned

Subject: Arts Council Recommendations

Reference Policy No.

Briefing []

Action [X]

Presented by: John Welch, Superintendent

Date: June 23, 2010

Page(s): 4

Background Information

The arts – dance, drama, music, and visual art – have played an important role through the years in defining culture and encouraging expression. In public schools, the arts are considered core academic curriculum, but they have a special place, often enabling students to follow their interests and bridge from academic learning to performance experiences.

Highline has much to be proud of in the arts. Music at the elementary level is supported as well or better than surrounding districts, with all students in grades 1-6 experiencing music taught by qualified specialists twice per week, and all schools offering band at 5th and 6th grade. The arts at secondary have many bright spots – acclaimed musicians, exhibited artists, inspiring drama productions, culturally diverse dancers, and an arts themed small school.

However, there is a need for attention to the arts. The chief concerns are:

- The need for lack of central coordination to support the arts.
- Inequitable opportunities based on geographic, economic, and cultural divides.
- Low participation in middle school (37% in one recent semester), which prevents middle school students from accessing arts curriculum and Classroom Based Performance Assessments, a state requirement.
- Inconsistent offerings at the secondary level; vocal music and strings are underrepresented compared to neighboring districts, while drama and dance are not available as curriculum offerings in most schools.
- The need for sequential high school programs that go beyond introductory offerings.

Administrative Consideration

The Superintendent's Council on the Arts was formed at the request of the board and superintendent to explore the state of the arts and make recommendations for short-term and long-term. The Council consisted of fifteen members, representing parents, community arts leaders, teachers, and administrators, and met at least twice monthly from January through May. Input was received in a variety of formats, including guest speakers, surveys, meetings with staff groups, and a parent night.

The Council presented a written report and shared insights at a work study on June 2nd. The written report is available to the public at www.hsd401.org.

The Council presented the following recommendations:

Leadership

Recommendation #1: Adopt a fine arts board policy.

Recommendation #2: Reinstate a fine arts administrative position in the central office.

Equity

Recommendation #3: Give consideration to equity of access and culturally inclusive content when adding arts opportunities.

Recommendation #4: Increase arts offerings in Tyee and Evergreen service areas.

Funding

Recommendation #5: Retain existing funding for arts in the near-term.

Recommendation #6: Increase funding for the arts in the long-term and include fine arts in a capital bond.

Program and Offerings

Recommendation #7: In the short-term, ensure that all middle schools create a plan to increase the number of students taking an arts class before the end of eighth grade. The superintendent (or designee) should review and approve those plans in time for staffing assignments and master scheduling for the 2011-12 school year. In the long term, ensure that all students participate in an arts class and take a Classroom Based Performance Assessment before exiting eighth grade. All middle schools

should offer courses in at least two art forms and make them accessible to all students. Student voice should be considered in determining course offerings.

Recommendation #8: In the long-term, build a comprehensive and sequential program of arts education that meets and exceeds state requirements and supports the Highline vision by fostering creative, expressive, well-rounded graduates who are ready to excel in college, career, and citizenship.

Elementary School

- Provide opportunities for professional development in arts integration to classroom teachers and in dance to PE teachers
- Provide art specialists to be shared among elementary schools to support arts standards and arts integration
- Identify pilot sites for school-wide professional development in the arts or the ArtsEd Washington PAL program for principals

Middle School

- Ensure that all middle schools offer arts courses in multiple disciplines, including:
 - Instrumental music (Band/wind ensemble, jazz, drumline, etc.)
 - Vocal music
 - Visual art
 - Drama
 - Dance
- Expand the orchestra program beyond elementary to Pacific Middle School

High School

- Ensure that all four high school campuses offer arts courses in all four major art forms – dance, drama, music, and visual arts
- Provide opportunities for beginner and intermediate/advanced arts courses
- Expand the orchestra program beyond elementary and middle to Mount Rainier High School
- Provide media courses, applied arts courses, and CTE funded courses as a compliment to traditional fine arts courses

After further administrative consideration, it has been determined that the above recommendations shall be prioritized, such that the following recommendations be acted on immediately:

1. A position, or partial FTE position, be created in the Teaching and Learning Department to provide leadership in the arts.
2. All middle schools offer at least two art forms starting in the 2010-11 school year, which will require an increase of offerings at Cascade Middle School.
3. The Board adopts an arts policy in the coming months.

Superintendent's Recommendation:

That the Board adopt the recommendations as stated by the Arts Council, with prioritization of the items listed above.

as

06/17/10



Notice of Application

City of Burien **400 SW 152nd Street (Suite 300)** **Burien, Washington 98166**

Date	September 1, 2010
Applicant	City of Burien Public Works, Larry Blanchard, Public Works Director
Proposal	Type I SEPA Checklist Review for Low Impact Development project to replace the existing drainage system with nine bio-retention swales and two underground gravel infiltration trenches. Eight bio-filtration swales will be located along 19 th Avenue SW and one on SW 165 th Street. The swales will have a wide bottom and be planted with native vegetation and grasses. A porous sidewalk will also be constructed on the east side of 19 th Avenue SW.
File No.	PLA 10-1199 File is available for viewing at Burien City Hall during regular business hours.
Location	In the public right-of-way from the intersection of 19 th Avenue Southwest and Southwest 165 th Street to SW 164 th Street, Burien, Washington
Tax Parcel No.	N/A (Within Public Right-of-Way)
Current Zoning	Single-Family Residential, RS-7,200
Application Submitted/Complete	Submitted: August 16, 2010 Complete: August 27, 2010
Other Permits Needed	Right-of-Way Construction Permit
Existing Environmental Info.	SEPA Environmental Checklist, dated August 16, 2010.
Environmental Review	For this proposal, the City of Burien is using the "Optional Determination of Non Significance (DNS) process" under the State Environmental Policy Act (WAC 197-11-355). The City expects to issue a DNS for the proposal. Individuals who submit timely written comments to the City (as indicated below) will become parties of record and will be notified of any decision and environmental determination made on this project. A copy of any decision and environmental determination made on this project may also be obtained upon request. The decision on the proposal and environmental determination, once made, may be appealed. All documents submitted or requested as part of this application are available for review at City Hall during regular business hours.
Review Process and Public Comment	The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. Written comments must be received prior to 5:00 p.m. on September 22, 2010 Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submitted comments as indicated above may appeal the decision on this application.
Project Planner (for written comments and more information)	David Johanson, AICP Department of Community Development City of Burien 400 SW 152 nd Street (Suite 300) Burien, WA 98166 Phone: (206) 248-5522 E-Mail: davidj@burienwa.gov
Published in the Seattle Times	Date of Notice: September 1, 2010

cc: Burien City Council
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Burien

Washington, USA

400 SW 152nd St., Ste. 300, Burien, Washington 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

PUBLIC NOTICE

The City of Burien is seeking coverage under the Washington State Department of Ecology's Construction Stormwater General Permit. The proposed multiyear project, 1st Ave S Phase II, is located on 1st Ave S between S/SW 146th St and S/SW 140th St in Burien, King County, WA. This project involves 2.56 acres of soil disturbance for roadway, pedestrian, and utility construction activities. Stormwater will be discharged to Miller Creek and 09.0375 tributary to Miller Creek. **Any persons desiring to present their views to the Department of Ecology regarding this application, or interested in the Department's action on this application, may notify Ecology in writing within 30 days of the last date of publication of this notice. Comments may be submitted to: Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696.**

Published in The Highline Times: September 3 & 10, 2010

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cc: Burien City Council
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Burien

Washington, USA

400 SW 152nd, Suite 300, Burien, WA 98166
Phone: (206) 241-4647 • FAX (206) 248-5539
www.burienwa.gov

DATE: September 9, 2010
FOR RELEASE: Immediately
CONTACT: Office of Community Development (206) 248-5510

CANCELLATION

PLANNING COMMISSION MEETING NOTICE

The City of Burien Planning Commission meeting scheduled for September 14, 2010, has been cancelled.

The next regularly scheduled meeting of the Planning Commission is on Tuesday, September 28, 2010, at 7:00 p.m. at the Burien City Hall, 1st Floor, 400 SW 152nd Street.

###

The City of Burien strives to provide alternate communication opportunities. Please contact the City Clerk's office, 206/248-5517, twenty-four hours prior to the meeting, for assistance.

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*** PLEASE PUT ON COMMUNITY CALENDAR BULLETIN BOARD**

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Public Hearing on the Preliminary 2011 – 2012 Biennial Budget		Meeting Date: September 13, 2010
Department: Finance Department	Attachments: Public Hearing Notice	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Gary Coleman, Interim Finance Director		
Telephone: (206) 248-5505		
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 Council to hold a public hearing to receive public comments on the City of Burien 2011 – 2012 Biennial Budget prior to its preparation. Citizens and community organizations are encouraged to participate by providing the Council with their priorities for future infrastructure projects, public safety enhancements, human services programs, cultural and recreational opportunities, and other public services. BACKGROUND (Include prior Council action & discussion): The Preliminary 2011 – 2012 Biennial Budget will be presented to the City Council on October 4, 2010. Discussion of the budget will occur at various Council meetings during October and November 2010. The tentative date for adopting the City of Burien 2011 – 2012 Biennial Budget is November 22, 2010. OPTIONS (Including fiscal impacts): N/A		
Administrative Recommendation: Conduct public hearing on the Preliminary 2011 – 2012 Biennial Budget.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None Required.		
Submitted by: Gary Coleman Administration _____ City Manager _____		
Today's Date: September 8, 2010		File Code: R:\CC\Agenda Bill 2010\091310ad-1 Public Hearing on Prelim Budget.docx



Burien

Washington, USA

400 SW 152nd St., Ste. 300, Burien, Washington 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

DATE: September 7, 2010
FOR RELEASE: September 12, 2010
CONTACT: Finance Department
Telephone: (206) 248-5505

CITY OF BURIEN 2011-2012 PRELIMINARY BUDGET PUBLIC HEARING NOTICE

The City of Burien will hold a public hearing on Monday, September 13, 2010, for the purpose of:

Receiving comments on the 2011-2012 Biennial Budget prior to its preparation.

Citizens and community organizations are encouraged to participate by providing the Council with their priorities for future infrastructure projects, public safety enhancements, human services programs, cultural and recreational opportunities, and other public services.

The hearing will be in the Council Chambers at Burien City Hall, 400 SW 152nd Street, at approximately 6:00 p.m.

Sign language and communication in alternate format can be arranged given sufficient notice. Please contact the City Clerk's office at (206) 248-5517.

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Published in The Seattle Times: September 12, 2010

cc: Burien City Council King County/Burien Public Library
Burien Staff Seahurst Post Office
Discover Burien Web Site: www.burienwa.gov
Highline Times White Center Now

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion of Draft Shoreline Master Program		Meeting Date: September 13, 2010
Department: Community Development	Attachments: 1. Draft Resolution 2. City Council Summary of Comments	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Scott Greenberg, Comm. Devel. Director or David Johanson, Senior Planner		
Telephone: (206) 248-5510		
Adopted Initiative: <u>Yes</u> No	Initiative Description: Shoreline Master Program Update	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss the public comments received at your August 30, 2010 public hearing, and provide direction to staff.</p> <p>BACKGROUND (Include prior Council action & discussion): The August 2010 Public Hearing Draft was attached to the August 30, 2010 agenda bill and is also online at http://www.burienwa.gov/index.aspx?NID=851. The City Council has discussed the SMP at 9 meetings, as follows:</p> <ul style="list-style-type: none"> • April 5, 2010: Discussion of review process • May 3, 2010: Discussion of review process • June 14, 2010: Public Forum • June 21, 2010: Public Forum • July 19, 2010: Discussion of July 2010 SMP Draft • August 2, 2010: Discussion of July 2010 SMP Draft • August 16, 2010: Discussion of July 2010 SMP Draft • August 30, 2010: Public Hearing and Discussion on August 2010 SMP Draft • September 13, 2010: Discussion of August 2010 SMP Draft <p>Staff is requesting any additional direction from Council regarding changes you would like made to the draft. We will then prepare the final draft for adoption on September 20. After Council adoption, the SMP goes to the Dept. of Ecology for public hearing, review and approval.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Provide direction to staff.		
Committee Recommendation: N/A		
Advisory Board Recommendation: Planning Commission--Adopt draft SMP dated 3/30/10.		
Suggested Motion: N/A		
Submitted by: Scott Greenberg Administration _____	Mike Martin City Manager _____	
Today's Date: September 8, 2010	File Code: R:\CC\Agenda Bill 2010\091310cd-1 Shoreline Master Program.docx	

CITY OF BURIEN
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, KING COUNTY WASHINGTON APPROVING THE PROPOSED BURIEN SHORELINE MASTER PROGRAM AND THE ACCOMPANYING GOALS AND POLICIES, ENVIRONMENTAL DESIGNATIONS, REGULATIONS, RESTORATION PLAN AND CUMMULATIVE IMPACTS ANALYLS AND DIRECTING THAT THE SHORELINE MASTER PROGRAM AND ITS SUPPORTING DOCUMENTS BE PROVIDED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR REVIEW.

WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW), recognizes that the shorelines are among the most valuable and fragile resources of the state and that the state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City of Burien is required to update its Shoreline Master Program(SMP) pursuant to the Shoreline Management Act and the Washington Administrative Code Chapter 173-26; and

WHEREAS, the City Shoreline Advisory Committee met nine (9) times to prepare a draft Shoreline Master Program for consideration by the Planning Commission; and

WHEREAS, the City of Burien conducted two (2) public open houses on 5/14/08 and 11/30/09 to have a dialog with citizens and shoreline experts; and

WHEREAS, the Planning Commission held eight (8) public meetings and one (1) public hearing soliciting comment on the proposed shoreline master program amendments on the following dates, 12/15/2009, 1/12/2010, 1/26/2010, 2/9/2010, 2/23/2010, 3/9/2010, 3/16/2010, 3/23/2010 and 3/30/2010; and

WHEREAS, the Burien City Council held seven (7) public meetings on the following dates 5/3/2010, 5/10/2010, 7/19/2010, 8/2/2010, 8/23/2010, 8/30/2010 and 9/13/2010; and

WHEREAS, the Burien City Council conducted two (2) public forums on 6/14/2010 and 6/21/2010 and a held a public hearing on 8/16/2010; and

WHEREAS, comments were solicited from federal, state, local, regional and tribal interests in accordance with RCW 90.58.130; and

WHEREAS, the proposed City of Burien Shoreline Master Program addresses the key requirement of WAC 173-26 (Shoreline Master Program Guidelines) that the SMP result in “no net loss” of ecological functions relative to the baseline conditions due to its implementation; and

WHEREAS, on April 9, 2010 the City's State Environmental Policy Act responsible official issued an Environmental Impact Statement Addendum to the 1997 Environmental Impact Statement for the City of Burien Comprehensive Plan.

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

Section 1: The Burien City Council hereby approves the proposed City of Burien Shoreline Master Program as set forth in the following Exhibits A – C attached hereto and incorporated herein by reference:

- A. The Burien Shoreline Master Program dated _____ as set forth in Exhibit A, which will constitute a new Title 20 of the Burien Municipal Code.
- B. The Shoreline Restoration Plan as set forth in Exhibit B. Appendix 3 of the Burien Shoreline Master Program.
- C. The Shoreline Cumulative Impacts Analysis as set forth in Exhibit C. Appendix 4 of the Burien Shoreline Master Program.

Section 2: The City Council directs City staff to forward the appropriate Shoreline Master Program update documents to the State Department of Ecology for formal review and approval. Following Ecology adoption of the amendments, the City Council intends to adopt and codify by ordinance the subject Shoreline Master Program updates.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 13TH DAY OF SEPTEMBER, 2010.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

APPROVED AS TO FORM:

Craig D. Knutson, City Attorney

Filed with the City Clerk:
Passed by the City Council: _____
Resolution No. _____

**SHORELINE MASTER PROGRAM
Summary of City Council Comments
City Council DRAFT 8/23/2010**

Source*	SHORELINE MASTER PROGRAM Summary of City Council Comments City Council DRAFT 8/23/2010					
	#	TOPIC	PG	SUMMARY of COMMENT	STAFF RESPONSE	CC Direction
BB	1	20.25.020[3.f] Shoreline Residential/ Invasive Vegetation	III-4	The language in 20.25.020 [3.f] should be amended as follows; Public access and public recreation objectives should be implemented if feasible and wherever any significant ecological impacts, such as importation of invasive species to Lake Burien , can be mitigated. Concern that we are limiting the invasive species prohibition to public access only, is should apply to all uses.	Please provide direction to staff on what language should be included in the document.	
GS	2	20.30.001 Permit Matrix	IV-1	Which uses require conditional use permit? Keep decisions local. Would like to have criteria on what review process should be applied to each use.	The Shoreline Management Act does not require specific uses to be processed as conditional uses. The appropriate review process is not necessarily about who makes the decision (DOE vs. City). A shoreline substantial development decision can always be appealed by DOE. The SMA (RCW 90.58.030[3.e]) and WAC (173-27-040) have sections that define substantial development (what requires a SDP) or in other words what is exempt from obtaining a substantial development permit (WAC). It is our opinion that a shoreline substantial development is appropriate when there are sufficiently detailed standards by which a project can be reviewed. On the other hand conditional use permits allow some flexibility when reviewing a project to ensure the project meets the goals and policies of the SMA and the local SMP. It also allows a project to be conditioned when there is not a specific standard to account for unique site characteristics or project design. There may be more flexibility in the review of a CU however one could argue that the trade off is permit processing time, lack of certainty and the requirement to obtain DOE approval.	
GS	3	20.30.001 Permit Matrix	IV-1	Matrix should only apply to new uses and new structures. Define new uses. For example the use matrix should not apply to vegetation alterations such as cutting down a tree.	The permitted use matrix does apply to new uses. Title of chart will be changed to "Type of Shoreline Permit Required for New Shoreline Uses and Modifications". Staff would agree that cutting down a tree is not a new use it is an alteration that is addressed in the vegetation section (only requires a vegetation management plan).	
GS	4	20.30.001 Permit Matrix	IV-1	PWSF should be a Substantial Development Permit (SDP) rather than a Conditional Use (CU).	Staff does not recommend a change in the review process.	
GS	5	20.30.001 Permit Matrix	IV-1	What is the minimum review standard for the uses listed in the Shoreline Permit Matrix.	See no. 2 above.	

**SHORELINE MASTER PROGRAM
Summary of City Council Comments
City Council DRAFT 8/23/2010**

Source*	#	TOPIC	PG	SUMMARY of COMMENT	STAFF RESPONSE	CC Direction
LK	6	20.30.007.1	IV-2	Can appurtenances be maintained?	<p>Yes, previously responded to in matrix dated 8/11/10, item no. 23. The previous response has been inserted below.</p> <p>No changes recommended. 20.30.007 is clear that <u>legally established appurtenances are conforming to the SMP</u>. The SMP does not need to state that conforming structures may be maintained; we do not make this statement in any other land use regulation.</p>	
BB	7	20.30.035[1.b] & 20.30.035[2.e] Public Access		<p>In section 20.30.035[1.b], add "that cannot be mitigated" at the end of this sentence after "function"</p> <p>and</p> <p>In section 20.30.035[2.e], add "that cannot be mitigated" after "adverse ecological impacts".</p>	<p>Should the Council agree to the changes the sections would read as follows.</p> <p>b. Public access should be provided as close as possible to the water's edge with no net loss of shoreline ecological function <u>that cannot be mitigated</u>.</p> <p style="text-align: center;">And</p> <p>e. Public access to shoreline areas shall not be required, where it is demonstrated to be infeasible because of adverse ecological impacts <u>that cannot be mitigated</u>, incompatible uses, safety, security, or constitutional and other legal limitations that may be applicable.</p>	
GS	8	20.30.040 Vegetation	IV-11	<p>173-26-201 (pg 6-36) vegetation conservation. 20.30.040 pol. B says use bio engineering when possible. We should identify how vegetation provides ecological function on our shorelines.</p> <p>What are the measurement tools to determine if we are improving or declining?</p>	<p>The introductory paragraph could be enhanced with the following language.</p> <p>WAC 173-26-221[5.b], sets forth the principles on how vegetation contributes to the overall health and sustainability of our shorelines. The applicability of these principles to Burien's SMP is supported by the appendices to this SMP (Shoreline Inventory, Shoreline Analysis and Characterization, Shoreline Cumulative Impacts Analysis and Supplemental Informational Documents.</p> <p>WAC 173-26-221[5.b] can be found on pg.69 if the Guidelines provided to the City Council.</p> <p>Permits are used to track loss or gain of ecological functions.</p>	

**SHORELINE MASTER PROGRAM
Summary of City Council Comments
City Council DRAFT 8/23/2010**

Source*	#	TOPIC	PG	SUMMARY of COMMENT	STAFF RESPONSE	CC Direction
LK	9	20.30.050 Dimensional Standards	IV-14	Should the 15 foot setback apply in the Urban Conservancy and Lake Burien reaches?	<p>If the Council wants to require a 15 foot setback in some reaches and not others, the Council should discuss why some reaches have different standards than others.</p> <p>To assist the Council, BMC section 19.40.230[2] is the original source of the setback dimension.</p> <p>Section 19.40.310[2.E] provides additional rational for having a setback from buffers. This area serves to protect the <i>wetland</i> during development activities, use, and routine maintenance occurring adjacent to these resources. The following may be allowed within fifteen (15) feet of the <i>buffer</i> edge: landscaping, uncovered decks, building overhangs which do not extend more than eighteen (18) inches into the area, and driveways and patios subject to water quality regulations as adopted in the City's stormwater management regulations (BMC 13.10).</p>	
Staff	10	20.30.050 Dimensional Standards	IV-14	The introductory paragraph in section 20.30.050, Dimensional Standards for Shoreline Development should be amended to support the proposed buffers.	<p>The following text should be inserted into the introduction of the section.</p> <p>The following buffers are based on the City of Burien Shoreline Inventory (Appendix 1), City of Burien Shoreline Analysis and Characterization (Appendix 2), the City of Burien Shoreline Cumulative Impacts Analysis (Appendix 4) reports contained in this shoreline master program. The shoreline riparian buffers and vegetation conservation buffers are calculated from the ordinary high water mark or from the landward face of a bulkhead or other shoreline stabilization structure if one is present. For measurement methods, refer to BMC 19.17[Misc. Use, Development and Performance Standards]. <u>A significant majority of Burien's marine shorelines are developed with single-family residential structures and appurtenances. Specifically reaches 1, 3 and 4, on the Puget Sound, there are many structures in close proximity to the ordinary high water mark and due to this existing development pattern there is inherent conflicts in applying greater buffer widths while also retaining the ability of residents to continue use and maintain those areas that have been historically used in conjunction with those properties. The justification for this approach is supported by the documentation found in Appendix 5 of this SMP.</u></p>	

**SHORELINE MASTER PROGRAM
Summary of City Council Comments
City Council DRAFT 8/23/2010**

Source*	#	TOPIC	PG	SUMMARY of COMMENT	STAFF RESPONSE	CC Direction
LK	11	20.30.070 [2.a.ii.1] Bulkheads	IV-19	Comment on bulkheads and protection of appurtenances.	Bulkheads protecting legally established structures may be replaced with a similar structure subject to the criteria in the SMP.	
JM	12	20.30.070 [2.c.iv] Bulkheads	IV-19	With regard to bulkhead height, what happens when a bulkhead is waterward of OHWM?	The maximum bulkhead height is 4 feet above OHWM. It is measured from the existing mark regardless of structure location.	
KK	13	20.30.075 Over-Water Structures	IV-20	Can language be drafted to limit over-water structure sizes in a manner that would allow both docks and floats?	Yes, however Council provided direction at the 8/2/10 meeting. Matrix item no. 55 dated 8/11/10.	
GS	14	20.30.075 Figure 4	IV-20	Docks piers and floats should be allowed as a SDP for a SFR and exempt if less than certain valuation thresholds in the SMA.	<p>Staff has no objection to the proposed change, however the SMA only exempts docks that meet specific cost requirements, therefore all docks may not qualify for an exemption.</p> <p>Amend the permit matrix to add a line: Docks, Piers and Floats-Residential. SDP⁵ in Shoreline Residential and Aquatic. X (prohibited) in Urban Conservancy.</p> <p>Footnote 5: Construction of a dock, pier or float that is below the substantial development thresholds set forth in RCW 90.58.030[3.e.iv] shall be exempt from the Shoreline Substantial Development Permit process but shall comply with all other applicable sections of this master program.</p>	

**SHORELINE MASTER PROGRAM
Summary of City Council Comments
City Council DRAFT 8/23/2010**

Source*	SHORELINE MASTER PROGRAM Summary of City Council Comments City Council DRAFT 8/23/2010					
	#	TOPIC	PG	SUMMARY of COMMENT	STAFF RESPONSE	CC Direction
GS	15	20.40.000 Definition	VI-1	What is an alteration?	<p>Please see the definition of "alteration" provided below. If the Council desires changes, please provide direction to staff.</p> <p>20.40.000 Alteration means any human activity which results or is likely to result in a significant impact upon the existing condition of a critical area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except storm water, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity which results or is likely to result in a significant impact to existent vegetation, hydrology, wildlife or wildlife habitat. Alterations do not include walking, fishing or any other passive recreation or other similar activities.</p>	
GS	16			Are there any areas that are not critical saltwater habitat?	<p>We have not specifically prepared a map showing those locations, however the maps in the inventory show what data is available to help answer the question. Please see figures 9A-9E, which use information obtained from WDFW. Please also see the definition included below.</p> <p>20.40.042 Critical saltwater habitat means all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.</p>	

*-BB (Councilmember Brian Bennett), JB (Councilmember Jack Block, Jr.), RC (Deputy Mayor Rose Clark), LK (Councilmember Lucy Krakowiak), JM (Mayor Joan McGilton), GS (Councilmember Gordon Shaw), STF (City Staff)

BURIEN TRANSPORTATION BENEFIT DISTRICT BOARD

MEETING MINUTES

August 3, 2009, 7:05 p.m.

Burien City Hall, Council Chambers
400 SW 152nd Street, 1st Floor
Burien, Washington 98166

RECESS TO TRANSPORTATION BENEFIT DISTRICT (TBD NO. 1) BOARD MEETING

Mayor McGilton recessed the City Council meeting to the TBD No. 1 Board meeting.

TRANSPORTATION BENEFIT DISTRICT (TBD NO. 1) BOARD MEETING

Member McGilton called the TBD No. 1 Board meeting to order at 7:05 p.m.

Election of the Chair.

Board member McGilton opened the floor to nominations for Chair.

Board member Keene nominated Board member Joan McGilton.

There being no other nominations, Board member McGilton closed the nominations.

A roll call vote was taken.

Board member McGilton was elected Chair on the strength of a 6-0 vote.

Motion to Adopt Proposed Resolution No. 1, Requesting the King County Director of Elections Hold a Special Election in Conjunction with the General Election on November 3, 2009 for the Purpose of Placing on the Ballot a \$25 Annual License Fee Measure.

Direction/Action

Motion was made by Member Blazak, and seconded by Member Krakowiak to adopt Resolution No. 1 requesting the King County Director of Elections hold a Special Election in conjunction with the General Election on November 3, 2009 on the question of whether or not Transportation Benefit District No. 1 should impose an annual vehicle license fee in the District in the amount of twenty-five dollars to fund the transportation improvements description in City of Burien Ordinance No. 516. **Motion** carried 5-1. Opposed, Board member Shaw.

TBD NO. 1 BOARD MEETING ADJOURNMENT TO COUNCIL MEETING

The Transportation Benefit District (TBD No. 1) Board meeting was adjourned at 7:10 p.m. at which time the City Council meeting was reconvened.

Joan McGilton, Chair

Monica Lusk, Clerk

BURIEN TBD BOARD MEMBERS

Joan McGilton, Chair	Sue Blazak	Rose Clark
Kathy Keene	Lucy Krakowiak	Sally Nelson
		Gordon Shaw

TRANSPORTATION BENEFIT DISTRICT BOARD
MEETING MINUTES
July 19, 2010, 7:30 p.m.
(or as soon thereafter as the Council meeting adjourns)

Burien City Hall, Council Chambers
400 SW 152nd Street, 1st Floor
Burien, Washington 98166

CALL TO ORDER

Chair McGilton called the meeting of the Transportation Benefit District Board to order at 9:15 p.m.

BUSINESS AGENDA

Motion to Approve Resolution No. 2, Authorizing a Vehicle Tab Fee, Approving an Interlocal Agreement, and Pledging Vehicle License Fees Toward the Payment of Bonds Issued by the City of Burien

Direction/Action

Motion was made by Board Member Clark, seconded by Board Member Krakowiak, to adopt Resolution No. 2, authorizing a vehicle license tab fee, approving an Interlocal agreement, and pledging vehicle license fees toward the payment of bonds issued by the City of Burien in order to support the City's Street Overlay Program. **Motion** passed 5-2. Opposed, Board Members Bennett and Krakowiak.

ADJOURNMENT

Direction/Action

MOTION was made by Board Member Clark, seconded by Board Member Krakowiak and passed unanimously to adjourn the meeting at 9:18 p.m.

Joan McGilton, Chair

Monica Lusk, Clerk

BURIEN TBD BOARD MEMBERS

Joan McGilton, Chair	Rose Clark	Brian Bennett
Jack Block, Jr.	Kathy Keene	Lucy Krakowiak
		Gordon Shaw

**TBD NO. 1
AGENDA BILL**

Agenda Subject: Motion to approve Interlocal Agreement between TBD No. 1 and Department of Licensing		Meeting Date: September 13, 2010
Department: Legal	Attachment: <u>Interlocal Agreement between the State of Washington Dept. of Licensing and Burien TBD No. 1</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Craig Knutson, City Attorney		
Telephone: (206) 248-5535		
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Transportation Benefit District Board to consider approving a proposed Interlocal Agreement with the Department of Licensing, which establishes terms and conditions under which the Department of Licensing will administer and collect car tab fees on behalf of the TBD.		
BACKGROUND (Include prior Council action & discussion): On July 19, 2010, the TBD adopted Resolution No. 2, which approved an interlocal agreement with the City of Burien, establishing obligations and responsibilities of TBD No. 1 and the City in constructing and financing the Street Overlay Program. Resolution No. 2 also imposes a \$ 10.00 car tab fee and pledges this revenue toward the payment of bonds for the Street Overlay Program. The proposed Interlocal Agreement establishes the terms under which the Department of Licensing will collect the \$10.00 car tab fee for the TBD. The most important terms are that (1) the City will provide the DOL with the resolution establishing the car tab fee and with necessary contact information, and (2) the DOL will collect the car tab fees and the State Treasurer will remit them to the City after deducting a 1% charge for the the State's administrative costs.		
OPTIONS (including fiscal impacts): 1. Adopt the Interlocal Agreement as presented. 2. Do not adopt Interlocal Agreement as presented.		
Administrative Recommendation: Adopt the Interlocal Agreement as presented.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to adopt the Interlocal Agreement between the TBD Board and State of Washington Department of licensing in order for the Department of Licensing to administer and collect fees on behalf of the TBD Board.		
Submitted by: Craig Knutson City Attorney 	Mike Martin City Manager 	
Today's Date: 9/08/10	File Code: \\File01\records\CC\TBD - 2009\Agenda Bills\091310-DOL Interlocal.docx	

INTERLOCAL AGREEMENT
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF LICENSING
AND
BURIEN TRANSPORTATION BENEFIT DISTRICT NO. 1

Upon execution, this Agreement is entered into by and between Washington State, Department of Licensing (hereinafter called "DOL" or Department"), and Burien Transportation Benefit District No. 1, (hereinafter called Transportation Benefit District "TBD" or "Contractor").

City of Burien
Transportation Benefit District No. 1
400 SW 152nd St, Ste.300
Burien, WA 98166

Telephone: 206-248-5505
FAX: 206-248-5539
E-Mail: garyc@burienwa.gov

PURPOSE

Engrossed Substitute House Bill 1858, Chapter 329 Laws 2007, authorizes cities to establish transportation benefit districts (TBD) for the purpose of providing and funding transportation improvements within the TBD's jurisdiction.

The purpose of this Agreement is to provide terms and conditions under which DOL shall administer and collect fees on behalf of the TBD as provided by Agreement, according to RCW 36.73.065, RCW 46.12, RCW 82.80.140, WAC 308-10, Chapter 18 USC Sec. 2721 -2725 Driver Privacy Protection Act (DPPA), and Executive Order 97-01, and all applicable laws, and under the authorization of RCW 39.34 as currently written or hereafter amended.

THEREFORE, IT IS MUTUALLY AGREED THAT:

DEFINITIONS

As used throughout this Agreement the following terms shall have the meanings set forth below:

1. **"Administrative and Collection Expenses"** means direct and indirect costs associated with the collection of the TBD fees, including but not limited to information technology services to implement and support the collection of TBD fees; accounting for and payment of fees to the TBD; Contract administration; and management analysis as well as other incidental administrative overhead, and includes the costs associated with optional access to the IVIPS by TBD (under IVIPS Agreement).
2. **"Authorized user"** means TBD officers, and employees, or any other authorized agent or official of the TBD.
3. **"Billing cycle"** means the annual vehicle registration renewal.
4. **"Confidential Information"** means information that requires protection from unauthorized physical and electronic access. Confidential Information includes, but is not limited to, social security numbers, credit card information, driver license numbers, vehicle owner information, personal information, law enforcement records, agency security data, and banking profiles.
5. **"Data"** means information which may be confidential contained in the vehicle and/or vessel record provided to Contractor under this Agreement.

6. **"Data Requests"** means requests made for vehicle owner data provided by a Secure Data Transfer (SDT) process, and is provided under a separate agreement, not to include use of the optional Internet Vehicle Information Processing System (IVIPS).
7. **"Direct Cost"** shall include, but is not limited to, all operating, equipment and personnel costs used to furnish the information, reruns and/or additional data runs, costs materials and data integrity costs directly related to the monthly production and maintenance of these data files.
8. **"District"** means all the territory within the boundaries of the Transportation Benefit District's jurisdiction establishing the district.
9. **"DOL File"** means the data file received by DOL from DOR used by DOL as the primary GIS data source to assess TBD fees.
10. **"DOR"** means Department of Revenue.
11. **"GIS"** means the Department of Revenue/Geographical Information System.
12. **"Indirect Cost"** shall include, but is not limited to, auditing, answering complaints, correspondence, administrative overhead, building rents, related utilities, and other expenses identified as indirect costs by the Director of DOL.
13. **"IVIPS"** means Internet Vehicle Information Processing System.
14. **"Jurisdiction location code"** means the four digit number that corresponds to a TBD jurisdiction that is used by DOL when assessing the TBD fee. The four digit number is derived from DOR's sales and use tax location code information.
15. **"Next billing cycle"** means the billing cycle that occurs during the 12th month following the current billing cycle. For example, if a renewal is sent for a due date in the month of January 2010, the next billing cycle will be January 2011.
16. **"Personal Information"** means information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, e-mail addresses, credit card information, law enforcement records or other identifying numbers or Protected Health Information, any financial identifiers, and other information that may be exempt from disclosure to the public or other unauthorized persons under either RCW 42.56 or other state and federal statutes.
17. **"Subcontractor"** means a person or entity not in the employ of the TBD named in this Agreement, but who is performing all or part of those services outlined in this Contract under a separate Agreement with the TBD. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

STATEMENT OF WORK

The parties to this Agreement shall furnish the necessary personnel, equipment, material and/or service(s) and otherwise do all things necessary for or incidental to the exchange of data as set forth in the *Statement of Work, Attachment A, Vehicles Subject to ESHB 1858, Attachment B and Vehicles Not Subject to ESHB 1858, Attachment C* that are attached and incorporated by reference.

PERIOD OF PERFORMANCE

Subject to its other provisions, this Agreement shall begin upon the **date of execution** by the parties and shall **extend through the life of the TBD** as defined in the ordinance establishing

the TBD. This Agreement is subject to review by the parties every two years or sooner as necessary to review applicable laws changes that affect this agreement and the provision herein, or as is otherwise required herein.

FEE COLLECTION

The fee fixed and imposed, in accordance with this agreement may not be collected sooner than six (6) months from the signed and dated ordinance or resolution creating the TBD fee. However, prior to any fee collection the following must occur:

TBD shall:

1. Provide DOL with a completed Vehicle/Vessel Disclosure Agreement Application.
2. Enter into the standard IVIPS agreement in accordance with RCW 46.12.380, if requested by the TBD.
3. Provide DOL with a legible copy of the TBD's signed and dated Ordinance or Resolution documents and any related documents authorizing a specific fee amount.
4. Provide DOL with the DOR jurisdiction location code that will be used when determining which vehicles are subject to the fee.
5. Provide the TBD designated telephone number that will be printed in the fee notice text on paper renewal notices for any TBD fee inquiries.

Once Ordinance and contact information are received DOL Shall:

1. Make the necessary changes to add the fee and contact information to renewal notices. The changes may take approximately four (4) to six (6) months before the first fee notification will be printed on renewal notices.
2. Notify the TBD of the date the first renewal notice will contain TBD fees to be collected.

The start date for when the fee is fixed and imposed for collection will vary depending on the necessary time required for DOL to establish the TBD fee collection setup. This is, in part, due to DOL's pre-existing billing cycles that require up to four (4) months to allow for changes to the special message in renewal notices and time to mail the notices before the vehicle's expiration date. The TBD fee collection notification may commence on the next scheduled billing cycle, after the collection setup is established and printing vendor notification has been made. The TBD fee will only be charged for vehicles that have an expiration date of the vehicle registration that is due on or after the first month DOL initiates the initial collection of the fee.

EXAMPLE OF BILLING CYCLE:

- If setup is established at least by April 1st, the first renewal notices will be mailed in June for vehicles with August expiration dates.
- If setup is established at least by April 15th, the first renewal notices will be mailed in July for vehicles with September expiration dates.

EXAMPLE OF WHEN DOL CHARGES THE FEE:

- If DOL starts to collect the fee effective with registrations that are due or become due on or after 9/1/2010, DOL will only charge customers if their vehicle registration expires on or after 9/1/2010 (renewing for 9/1/2011).
- DOL will NOT charge the fee if the customer renews late and the vehicle registration expired before the first month DOL started to collect the fee.
- DOL will charge the fee if the customer establishes a new expiration date for the vehicle registration that is after the month of the first fee collection.

PAYMENT/ REIMBURSEMENT

- DOL shall deduct a percentage amount, as provided in RCW 82.80.140, of one percent (1%) of the \$10.00 fee collected for administration and collection expenses incurred.

- DOL shall set up the Vehicle Field System (VFS) to automatically deduct one percent 1% at the time of each transaction.
- The one percent (1%) fee also includes the TBD's optional access to the IVIPS, once an IVIPS agreement is executed.
- DOL shall certify the release of the proceeds to the state treasurer, and the state treasurer shall distribute the proceeds to the TBD on a monthly basis.
- The one percent (1%) fee is a maximum permitted by statute and is based in part upon the costs associated with implementing the administration and collection expenses for the collections.

RECORDS AND DOCUMENTS

The parties to this Agreement shall each maintain books, records, documents and other evidence, which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These records shall be subject to inspection, review or audit by authorized personnel of either party, the Office of the State Auditor, and other government officials so authorized by law for the period such records are required to be retained according to the Washington State Retention Schedule.

Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties, except as required by law.

ASSURANCES

DOL and the Contractor agree all activity pursuant to this Agreement will be in accordance with all applicable current or future federal, state and local laws, rules, and regulations.

CONFIDENTIALITY

Each party agrees to maintain the security of and protect all confidential information, data, and records provided directly or indirectly to the TBD by DOL to ensure that such information is safeguarded, used, and disclosed by the TBD in compliance with laws governing such information, data and records. The TBD shall provide right of access to the Department or any of its officers or agents upon reasonable notice, to inspect the system by which the TBD maintains such information.

Should DOL have reason to believe that the TBD is not properly safeguarding, using, or disclosing DOL records, DOL shall take the following approach:

- Provide notice to the TBD that details each issue DOL has determined to be problematic along with a method DOL considers to be appropriate to remedy the issue;
- Provide the TBD at least thirty (30) days to cure such issue, provided, however, that if cure requires the discipline of any employee or subcontractor, the period of cure shall be extended to include any appeal or other process required by law or collective bargaining agreement.
- If the TBD fails to cure to DOL's satisfaction, DOL has the option to terminate dissemination of DOL records and information to the TBD until the TBD provides sufficient security for DOL records. DOL must provide twenty (20) days notice to the TBD that it will terminate dissemination of DOL records;
- If DOL terminates dissemination of records to the TBD, the TBD may seek review by the Dispute Board. Judicial review may be sought in lieu of seeking review of the Dispute Board;
- If the Dispute Board fails to remedy the issue to the TBD and/or DOL's satisfaction, either party may seek judicial review.

PUBLIC RECORDS REQUESTS

For any public records request received by the TBD for confidential information, the TBD will coordinate with DOL in an effort to mutually agree upon the information to be disseminated. If the TBD and DOL disagree, the TBD will provide DOL at least ten (10) days in order to allow DOL to seek judicial review as provided under the Public Records Act.

Indemnity

- Except as specifically provided in this section, the parties have not agreed to indemnify or hold harmless each other;
- Each party agrees to hold harmless and indemnify the other from any claim, loss or liability arising from or out of the employment or contractual relationship of each parties' employees and subcontractors;
- DOL agrees to bear all costs associated with the resolution of fee payer disputes regarding statutory exemption from license fees and agrees to hold harmless and indemnify the TBD from such costs.
- TBD agrees to bear all costs associated with the resolution of fee payer disputes relating to the formation of the TBD, the levying of any charge or fee on matters relating to the residence of the fee payer or other disputes relating to the location of the vehicle or fee payer, and agrees to hold harmless and indemnify the DOL from such costs.
- The term "cost" as used herein refers to any and all administrative costs, court costs and reasonable attorneys' fees associated with resolution of any claim, loss or liability.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual consent of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

MEMORANDUM OF UNDERSTANDING (MOU)

Any communications that either Contract Manager determines to address more than day-to-day concerns, but do not modify the terms of this Agreement, shall be documented by a written, numbered and dated MOU.

TERMINATION BY LEGISLATIVE ACTION

This Agreement is terminated upon formal action of the State Legislature by enacting statutory prohibition. If this Agreement is terminated, DOL is entitled to payments required under the terms of this Agreement for services rendered prior to termination.

REMEDIES; DISPUTE RESOLUTION

The relationship of the parties is in part defined by statute. In recognition of the parties' relationship and the lack of alternatives for the collection of fee, the parties have established these provisions regarding their respective rights and remedies:

Dispute Resolution

The parties shall attempt to resolve any dispute between the parties regarding the interpretation or performance under this agreement at a staff level. If a party believes the other to be in breach of the agreement, it shall provide written notice of breach to the party via postage paid in the U.S. mail addressed as provided in *Contract Management*, Section. The alleged party in breach shall have ten (10) business days to either cure the breach or refer any dispute to arbitration by the Dispute Board.

The Dispute Board shall attempt to resolve the dispute in the following manner prior to seeking judicial review. Due to the critical nature of the parties statutory obligations, disputes regarding public records shall not be subject to this procedure, except as provided in *Public Records Request* and *Confidentiality* Sections. Additional procedures are provided for alleged breach of confidentiality.

- Each party to this Agreement shall appoint one member to the Dispute Board.
- The members so appointed shall jointly appoint an additional member to the Dispute Board.
- The Dispute Board shall review the facts, Agreement terms, applicable statutes and rules and make a determination.

GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any other applicable law. The provisions of this Agreement shall be construed to conform to those laws.

Any inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, shall be resolved by giving precedence in the following order:

1. Applicable state and federal statutes and rules;
2. Statement of Work; and all Attachments
3. Any other provisions of the Agreement, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this Agreement, and any claim arising there under, is not assignable or delegable by either party in whole or in part.

WAIVER

Unless the Agreement is amended in writing by an authorized representative of DOL and the TBD, waiver of a default under this Agreement, or failure by DOL or the TBD to exercise its rights shall not:

- be considered a modification or amendment to the Agreement; or
- constitute a waiver of any subsequent default.

LIMITATION OF STATE LIABILITY

The parties agree that in no event shall the state of Washington, the Department, the Director of the Department or any Department employees, be liable to Contractor for any damages, costs, lost production, or any other loss of any kind for failure of the Department's equipment, hardware or software to perform for any reason, or for the loss of consequential damage which is the result of acts of God, strikes, lockouts, riots, acts of war, epidemics, acts of fire, failure of

communications or computer equipment, facilities, or software, power failures, nuclear accidents or other disasters.

The state of Washington, the Department, the Director of the Department or any Department employee shall not be liable for any claim of any nature against Contractor by any party arising from any failure in the service furnished by the Department under this Agreement, for any errors, mistakes or acts on the part of the Department or its agents which result in the failure of the Department's equipment or software which fails to perform for any reason or for any other loss or consequential damage which is a result of acts of God, strikes, lockouts, riots, acts of war, epidemics, acts of fire, failure of communications or computer equipment, facilities, or software, power failures, nuclear accidents or other disasters.

SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

INTERLOCAL AGREEMENT

This is an interlocal agreement entered into pursuant to the authorization of Chapter 39.34 RCW. Accordingly, the following provisions are set forth in accordance with the provisions of RCW 39.34.030.

- This Agreement shall be perpetual unless terminated as herein provided.
- No separate legal or administrative entity is created by this Agreement.
- The cooperative undertakings of the parties shall be financed as provided herein. Each party shall separately establish and maintain a budget for its own functions.
- No joint property shall be acquired, held or disposed of. Any real or personal property used in the joint or cooperative undertaking shall be considered to be and remain the property of the party who purchased such real or personal property.
- This Agreement shall be effective when posted on the website of either the DOL or the jurisdiction in which the TBD has been created in accordance with RCW 39.34.040.

CONTRACT MANAGEMENT

The Contract Manager for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

Contract Manager for TBD is: Gary Coleman City of Burien Transportation Benefit District 400 SW 152 nd St, Ste.300 Burien, WA 98166 Telephone: 206-248-5505 FAX: 206-248-5539 E-Mail: garyc@burienwa.gov	The DOL Contract Manager is: Jennifer Dana Department of Licensing PO Box 2076 Olympia, WA 98507-2076 Phone:(360) 902-3673 FAX: (360) 570-7861 E-Mail: jedana@dol.wa.gov
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ALL WRITINGS CONTAINED HEREIN

This Agreement consists of twelve (12) pages including the following attachments:

- A = Statement of Work
- B = Vehicles Subject to the Vehicle Fee under RCW 82.80.140
- C = Vehicle Not Subject to the Vehicle Fee under RCW 82.80.140

This Agreement sets forth in full all the terms and conditions agreed upon by the parties. Any other agreement, representation, or understandings, verbal or otherwise, regarding the subject matter of this Agreement shall be deemed to be null and void and of no force and effect whatsoever, with the following exceptions.

1. *Exception #1*- If TBD enters into an IVIPS agreement that is also required to obtain vehicle information. The IVIPS agreement does not null and void this Agreement with TBD, nor does this Agreement null and void the IVIPS Agreement entered into by the TBD.
2. *Exception #2* - If TBD enters into a separate data sharing agreement to obtain vehicle information. The separate data sharing agreement does not null and void this Agreement or the IVIPS Agreement, nor does this Agreement null and void any separate data sharing agreement entered into by the TBD.

IN WITNESS WHEREOF, the parties have executed this Agreement, affirm they have the authority to bind their respective parties to the terms and conditions of this Agreement.

City of Burien Transportation Benefit District

State of Washington
Department of Licensing

(Signature) (Date)

Julie Knittle, Assistant Director (Date)

(Print Name & Title)

APPROVED AS TO FORM ONLY

91-1576144
(Federal Tax Identification Number or UBI)

Signature on file June 1, 2009
Diane McDaniel.AAG (Date)

APPROVED AS TO FORM:

Attorney for TBD (Signature) (Date)

**ATTACHMENT A
STATEMENT OF WORK**

The Transportation Benefit District (TBD) shall furnish the necessary personnel, equipment, material and/or services and otherwise do all things necessary for or incidental to the performance of work as set forth below:

FOR ADMINISTRATION AND COLLECTION OF THE VEHICLE FEE

RESPONSIBILITIES OF THE TBD

The TBD shall:

1. Provide DOL with a completed Vehicle/Vessel Disclosure Agreement Application.
2. Enter into the standard IVIPS agreement in order to be provided with access to the optional IVIPS.
3. Provide DOL with a legible copy of the official signed and dated Ordinance that establishes the Transportation Benefit District (TBD) fee.
4. Submit to DOL the TBD phone number to be printed in the fee notice text section on the vehicle license renewal notice.
5. Be the primary point of contact to respond to inquiries or disputes from citizens who have questions about the fee.
6. Handle all contacts and/or disputes regarding boundaries and/or questions regarding the TBD or its collection of fees.
7. Agree that any omitted or incorrect addresses that result in the fee not being charged for the current billing cycle will not be collected by DOL during the current cycle, and that DOL will charge the fee during the next billing cycle if Department of Revenue's (DOR) data is updated, DOL has a reasonable amount of time to accomplish necessary computer changes, and the address is within the TBD boundary.
8. Process and issue any refunds or shortages that may be due. It is anticipated that TBD refunds will be largely due to boundary disputes.
9. Verify boundary and sub boundary information of the TBD against the information provided in the DOR GIS system to ensure an address taxing location code is appropriately identified for fee collection. Notify DOR of any changes to initiate computer-programming updates for proper fee collection, as zip codes are added or changed within the boundary or sub area boundary assignment of the TBD.

RESPONSIBILITIES OF DOL

DOL shall:

1. Insert the imposed vehicle fee on the renewal notices for vehicles subject to the fee that are listed in *Vehicles Subject to the Vehicle Fee under RCW 82.80.140 Table*, Attachment B, and are within the TBD boundary.
2. Not impose the fee for vehicles as defined by law as "Not Subject" to the fee by statute and are listed in *Vehicles Not Subject to the Vehicle Fee under RCW 82.80.140 Table*, Attachment C.

3. Provide standard language on renewal notices to direct customers who have questions regarding the TBD fees to the designated TBD contact telephone number for questions regarding the fee.
4. Use data from the DOL file as the primary source for identification when assessing the fee for a vehicle registered within a TBD area. If the jurisdiction location code is one of the TBD areas, then DOL will apply the charge to the vehicle and notify the owner of the fee by using a paper or electronic renewal notice. If a match cannot be found within the data from the DOL file, then the customer will not be billed the TBD fee. DOL will not use any other data source to determine TBD fee liability.
5. Administer and collect the appropriate annual vehicle fees of up to \$20.00 per vehicle, at the time of registration renewal, pursuant to RCW 82.80.140.
6. Retain one percent (1%) of all fees collected in payment for the incurred expenses for the administration and collection of TBD fees and for fees associated with the optional IVIPS agreement deposit and individual inquiries (i.e. each look-up).
7. Not be responsible for the issuance of any refunds or shortages of the fee collected on behalf of TBD for boundary disputes when a customer claims they do not live in a TBD's jurisdiction.
8. Not be responsible or liable for any incorrect or omitted notices sent because TBD provided information to DOR in error.
9. Not make corrections or issue replacement paper or electronic renewal notices. (The annual vehicle TBD fee will be inserted onto renewal notices for the next billing cycle of that vehicle).
10. Not be obligated to recover actual or perceived revenue loss of the fee due to errors from data provided to DOL from DOR for boundary discrepancies.
11. Not be responsible for inquiries and/or disputes of customers regarding the fees imposed by the TBD, except to direct the customer to the contact information provided to DOL by the TBD.
12. Provide customers with information on the DOL webpage, which includes contact information for TBD.
13. Provide vehicle licensing Agents, Subagents and DOL staff with information to explain the TBD fee, which includes a list of TBD contact information.
14. Not be responsible for the timeliness of the state treasurer's monthly distribution of funds.
15. Not be responsible to provide TBD with data requests, except through the optional IVIPS, unless the TBD enters into a separate data sharing agreement pursuant to RCW 46.12. Costs associated with data requests are not included in the one percent (1%) retained for administration and collection expenses pursuant to RCW 82.80.140.
16. If requested provide the TBD with access to IVIPS provided TBD enters in to the standard IVIPS agreement, in order for the TBD to access information sufficient to process refunds and assist in responding to TBD customer inquiries.

ATTACHMENT B
VEHICLES SUBJECT TO THE VEHICLE FEE UNDER RCW 82.80.140

The annual vehicle fee is due for each vehicle subject to license tab fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen (scale) weight of 6,000 pounds or less.

Vehicles registered with Disabled American Veteran Exemption would be exempt from the tax. The annual vehicle licensing fee applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the Department of Licensing.

The following vehicles are subject to the vehicle licensing fee:

Use Class	Description	What makes it Subject...
CAB	Taxicab	46.16.0621
CMB (powered)	Combination	46.16.070, if scale weight is 6000 pounds or less
COM (powered)	Commercial vehicle	46.16.070, if scale weight is 6000 pounds or less
CYC	Motorcycle	46.16.0621
FIX	Fixed Load vehicle	46.16.070, if scale weight is 6000 pounds or less
F/H, 6 seats or less	For Hire	46.16.0621
F/H, 7 seats or more	For Hire	46.16.070, if scale weight is 6000 pounds or less
H/D	House Moving Dolly	46.16.0621
LOG(powered)	Used Exclusively for hauling logs	46.16.070, if scale weight is 6000 pounds or less
MH	Motor home	46.16.0621
MOB	Mobile Home	46.16.0621(if actually licensed)
PAS	Passenger vehicle	46.16.0621
STA, 6 seats or less	Stage	46.16.0621
STA, 7 seats or more	Stage	46.16.070, if scale weight is 6000 pounds or less
TLR	Private –use trailer (if over 2000 pounds scale weight)	46.16.0621
TOW	Tow truck	46.16.0621
TRK	Truck	46.16.070, if scale weight is 6000 pounds or less
TVL	Travel trailer	46.16.0621

**ATTACHMENT C
 VEHICLES NOT SUBJECT TO THE VEHICLE FEE UNDER RCW 82.80.140**

The following vehicles are specifically exempted from the vehicle licensing fee:

- a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;
- b) Off-road and non highway vehicles as defined in RCW 46.09.020;
- c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and
- d) Snowmobiles as defined in RCW 46.10.010.

The following vehicles are not subject to the vehicle fee:

Use Class	Description	What makes it Subject...
C/G	Converter Gear	Not Licensed
CMB non powered	Trailers	Not subject to license fees
CMP	Campers	Exempt under RCW 46.16.505
COM non powered	Commercial	Licensed under 46.16.085
EX	State, County, City, Indian	Not subject to license fees
FAR	Farm	Exempt per language in bill/law
FCB	Farm Combination	Exempt per language in bill/law
FED	Federally Owned	Not subject to \$30 license fee
FEX	Farm Exempt	Not subject to license fees
H/C (i.e., Antique vehicle)	Horseless Carriage(see specific use class for vehicle type)	Not subject to license fees
LOG (non powered)	Used exclusively for hauling logs	Licensed under 46.16.085
ORV	Off Road Vehicles	Exempt per language in bill/law
PED	Moped	Licensed under 46.16.630
RES	Restored and Collector Vehicles	Not subject to license fees
SCH	Private School	Not subject to license fees
SNO	Snowmobiles	Exempt per language in bill/law
SNX	State, County, City owned snowmobiles	Not subject to license fees
TLR	Personal use trailers, single axle (less than 2,000 pounds scale weight)	Exempt. Licensed under RCW 46.16.086