



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.

/s/ Joan McGilton, Mayor

/s/ Monica Lusk, City Clerk