



*Burien*  
WASHINGTON

## CITY COUNCIL MEETING AGENDA

September 27, 2010

7:00 p.m.

Burien City Hall, Council Chambers  
400 SW 152<sup>nd</sup> Street

		PAGE NO.
<b>1. CALL TO ORDER</b>	<b>2. PLEDGE OF ALLEGIANCE</b>	<b>3. ROLL CALL</b>
<b>4. AGENDA CONFIRMATION</b>		
<b>5. CORRESPONDENCE FOR THE RECORD</b>	a. Written Public Comments for Public Hearing of August 30, 2010, from Bob Edgar Regarding SMP Public Hearing Comments: The Vote Not Taken.	3.
	b. Letter Dated September 2, 2010, from Gary G. Coy Regarding 35 Years of Living on the Beach and the Changes That Have Taken Place.	7.
	c. Email Dated September 8, 2010, from Chestine Edgar Regarding Burien August SMP Draft, Invasive Species, Buffers and Setbacks-Corrected Date.	9.
	d. Response from Richard F. Loman, Economic Development Manager to Email Dated September 2, 2010, from Toni Stanko Regarding New Burien Project.	19.
	e. Letter Dated September 11, 2010, from Lori Myers Regarding the Burien Wellness Fair and the Library/City Hall Building.	21.
	f. Email Dated September 13, 2010, from Dave Douglas, Integrity Shoreline Permitting, Permit Manager/Shoreline Consultant, Regarding Piers, Docks and Floats Proposed as Conditional Uses in Burien SMP Update.	23.
	g. Letter Dated September 13, 2010, from Lloyd Hara, King County Assessor, Regarding Capturing New Construction Revenues.	27.
	h. Memorandum Dated September 13, 2010, from Chestine Edgar Transmitting a List of Materials that was Used in the Demonstration on How Buffers Work.	29.
	i. Email Dated September 15, 2010, from Greg Anderson Regarding the SMP.	31.
	j. Letter Dated September 20, 2010, from Chestine Edgar Regarding Burien SMP Draft/September 13, 2010, Meeting Testimony on Lake Burien Buffers and Setbacks.	33.
	k. Letter Dated September 22, 2010, from Bob Edgar Regarding Conclusions Drawn from the Buffer Demonstration at the 9/13/10 Meeting.	53.

### COUNCILMEMBERS

Joan McGilton, Mayor  
Jack Block, Jr.

Rose Clark, Deputy Mayor  
Kathy Keene  
Lucy Krakowiak

Brian Bennett  
Gordon Shaw

# CITY COUNCIL MEETING AGENDA

September 27, 2010

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<b>6. PUBLIC COMMENT</b>	Individuals will please limit their comments to three minutes, and groups to five minutes.	
<b>7. CONSENT AGENDA</b>	a. Approval of Vouchers: Numbers 26119 - 26265 in the Amounts of \$283,233.77.	57.
	b. Approval of Council Meeting Minutes: September 13, 2010.	77.
	c. Motion to Adopt Resolution No. 317 Approving the Proposed Burien Shoreline Master Program.	83.
<b>8. BUSINESS AGENDA</b>	a. City Business.	197.
	b. Review of Council Proposed Agenda Schedule.	243.
	c. Discussion on Draft 2011 Legislative Priorities.	247.
	d. Discussion on Ordinance Related to Authorizing Liquor in Public Places.	251.
<b>9. COUNCIL REPORTS</b>		
<b>10. ADJOURNMENT</b>		



CITY OF BURIEN, WASHINGTON

Written Public Comments for Public Hearing of 8/30/10

For those who do not wish to speak, but would like to make comments, please use this sheet. Your comments will be summarized and become part of the permanent record for this Council meeting. You may leave your completed sheet with the City Clerk. Thank you.

*Please see attached comments  
about setbacks being removed  
from both the Seahurst Park  
and Lake Burien.*

Name: Bob Edger  
Address: 12674 Shorewood Dr SW  
City / Zip Code: 98148  
Telephone: \_\_\_\_\_

To: The Burien City Council  
From Bob Edgar,  
2674 Shorewood Dr SW, Burien

August 30, 2010

Subject: SMP Public Hearing Comments: The Vote Not Taken

It is unclear why the building setback was removed from the Urban Conservancy (Seahurst Park) and Lake Burien (Figure 5 Dimensional Standards for Shoreline Development, page IV-14). The setbacks should be restored.

At the City Council's August 16, 2010 meeting, the Council voted to establish the marine shoreline riparian buffer at 20 feet. When Scott Greenberg requested clarification on whether there would be a 15 foot building setback in addition to the 20 riparian buffer, Councilmember Shaw replied, "my vote was for a twenty foot margin from ordinary high water mark, no fifteen foot setback." "But today's nomenclature is twenty foot setback." "So we're changing the twenty foot setback to a twenty foot buffer."

There was no further council discussion and it was not really clear that all of the other council members verbally concurred with the change in terminology.

Since the item being discussed was number 43 "Reduce marine shoreline riparian buffer to 20 feet" from the Summary of City Council Comments, the entire discussion revolved around whether or not the marine shoreline riparian buffer should be reduced to 20 feet, the situation on the ground and the historical character of the marine shoreline residential. This suggested that there was insufficient space to have both a riparian buffer and a building setback without a structure be designated as non-conforming. So, it was agreed that the historical 20 foot "setback" for the marine residential shoreline would be renamed a 20 foot "buffer" and there would be no additional building setback requirements. There was no decision or vote that the 15 foot setback would be removed from the Urban Conservancy or from Lake Burien. The understanding that Lake Burien still had a 30 foot buffer and a 15 foot building setback was echoed by Mayor McGilton in a B-Town Blog interview after the August 16 meeting.

However, the historical character of the marine residential shoreline is drastically different from both the Seahurst Park and the Lake Burien residential shoreline. For example, many of the homes on Lake Burien were built with a building setback of 100 or more feet from the OHWM. This is still the case and has been documented in the technical documents (Shoreline Inventory, Shoreline Analysis and Characterization and the Cumulative Analysis Impacts Statement) that the city is submitting with the SMP. These documents are designed to establish a baseline for measuring no net loss.

The city has reduced the Lake Burien building setback to fifteen feet from the 30 foot riparian buffer. By removing the 15 foot setback, the city is saying that a house can now be built 30 feet from the OHWM. A structure built right on the boundary of a riparian buffer essentially

compromises the function of the buffer. The riparian buffer and the setback have two different purposes and there is no historical justification for removing the setback and claiming it is now part of the buffer.

Figure 5, Dimensional Standards for Shoreline Development on page IV-14 of the SMP needs to be corrected to show both the Urban Conservancy and Lake Burien having a 15 foot setback.

It should be noted that once the Burien SMP is approved by DOE, the SMP becomes Washington State Law

The following transcript of the video tape of the August 16, 2010 discussion on the 20 foot riparian buffer suggests that the removal of the setback was to deal with the marine residential shoreline.

Start Tape Time: 01:47:48

JM: "So, those of us in favor of advising the staff to move forward with a 20 foot buffer are Mr. Shaw, Ms. Krokoviac, and Mr. Block and Councilmember Keene. So it's a twenty foot buffer. Thank you very much."

(Applause)

SG: "Can I, can I get some clarific.... I just want to clarify one thing just to make sure. You're talking about a 20 foot buffer for marine shoreline residential environment,"

JM: "And thirty for Lake Burien."

SG: "Right, but are you still talking about 50 in the Urban Conservancy which is essentially Seahurst Park?"

JM: "Yes."

UKN: "Yeah."

UNK: (unclear)

JM: "Okay."

GS: "I, I think you have natural ecological function in most of that area and that's worth preserving."

JM: "Yah. Okay, are we done with buffers?"

SG: "Well, one, one other thing that, just to, you know, full disclosure, you, there's also a fifteen foot building setback from the edge of the riparian buffer."

JM: "Right."

SG: "Okay, I just want to make sure, so, there is a twenty foot riparian buffer plus a fifteen foot building setback."

GS: "No, my vote was for a twenty foot margin from ordinary high water mark, no fifteen foot setback."

SG: "Okay."

JM: "Is Mr. Shaw supported by any other member of the Council? Hmmmm, hmm, hmm, hmm won't say a word..."

KK: (Is seen shrugging her shoulders.)

SG: "Okay, so that, that seems to be direction to remove the 15 foot building setback also in the, for the marine, uh, the, uh, shoreline residential."

BB: "Can I get clarification. So what, what is the current situation with the twenty foot buffer? Is there currently a fifteen foot setback in addition to that?"

DJ: "Not currently, no. In the, under the current regulations we're using today."

GS: "But today's nomenclature is twenty foot setback."

DJ: "That's correct."

GS: "So we're changing the twenty foot setback to a twenty foot buffer."

DJ: "That's as I understand our direction to be, yes."

GS: (Nods yes)

JM: "Without a setback. So, we have four votes for that?"

(No auditable responses to know if there were four votes, but JM appears to be counting.)

JM: "Okay. So we are done with buffers. Moving on to comment number 49, bulkheads."

End Tape Time 01:50:35

The last vote on the topic of buffers was that the historical 20 foot "setback" for marine shoreline residential will now be called a 20 foot "buffer". The specific discussion preceding the vote was about the 20 foot setback. There was no decision or vote that the 15 foot setback would be removed from the Urban Conservancy or from Lake Burien both of which have completely different relationship between the existing houses and the OHWM setbacks than does the marine shoreline residential.

Figure 5, Dimensional Standards for Shoreline Development on page IV-14 of the SMP needs to be corrected to show both the Urban Conservancy and Lake Burien having a 15 foot setback.

It should be noted that once the Burien SMP is approved by DOE, the SMP becomes Washington State Law.

staff received 1/9/10

Gary G. Coy  
15001 28th Avenue S.W.  
P.O. Box 349  
Seahurst, Washington 98062

(206) 246-2824

c/o City of Burien  
Attn: Mayor Joan McGilton  
400 SW 152<sup>nd</sup> St., Suite 300  
Burien, WA 98166

RECEIVED  
September 2, 2010  
SEP 03 2010  
CITY OF BURIEN

Subject: 35 years of living on the beach and the changes that have taken place.

In 1975, I purchased my home at 15001 28<sup>th</sup> Ave. SW. When we had a low tide, a very distinct odor permeated the Seahurst beach. At the same time a slight film would appear and linger in the shallow pools. There were only a few clams and very little bottom vegetation along this stretch of beach in front of my home.

Soon after moving in, I learned South West Suburban Sewer was looking for a way to run a new sewer line from the hillside homes above to the beach below. This line would then run along the beach, picking up those houses that were on septic tank at that time. Wishing to know more about this new line I introduced myself at the sewer dist office. After hearing about their plight of getting access to the beach, I offered them an easement through my property and down my hillside. Gladly they accepted. Construction started right away and continued through most of the winter, working between tides. Within a number of months the work was completed. Right away many property owners began hooking up to the new sewer line. I would venture to say that it took several years for the majority of homes owners to abandon their old septic tanks and make the new connection.

Three to five years later, I noticed the odor was gone. No longer did I observe the lingering film in the shallow pools. Next the grasses began to spread, providing the shelter needed to develop a strong natural eco system. A variety of crustaceans have redeveloped and flourished. This year I see more birds of prey than ever before, as also true of the return of the flounder. This beach today is considered one of the better natural beach areas in the South Puget Sound region.

Storm water filtration is the next step needed to be addressed by all parties. From the small individual item such as our roofs, to the driveway drains that need to run into oil separation boxes. Things easily installed over time when home remodel projects occur. The most important item is to collect all the continuing run off water from the roads. Absolutely necessary is adding, inspecting, and cleaning the filtered storm retention road drains before the run off water reaches the beach. By doing this next small thing, we all will have the continuing pleasure of Burien's beaches.

Sincerely,

  
Gary G. Coy

CATR: 09/27/10



## Lisa Clausen

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**From:** Lisa Clausen  
**Sent:** Wednesday, September 15, 2010 10:04 AM  
**To:** 'Chestine Edgar'  
**Subject:** RE: Burien August SMP draft, invasive species, buffers and setbacks-Corrected Date

Please be advised that your message will be included in the Correspondence for the Record for the next Council meeting.

L. Clausen  
City Manager's Office

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**From:** Public Council Inbox  
**Sent:** Monday, September 13, 2010 12:35 PM  
**To:** 'Chestine Edgar'  
**Subject:** RE: Burien August SMP draft, invasive species, buffers and setbacks-Corrected Date

Thank you for your message. It arrived after the Correspondence for the Record had been assembled for the September 13 Council meeting packet, but it was forwarded to the City Council and it will be included in the Correspondence for the Record for the next Council meeting, scheduled for September 20.

L. Clausen  
City Manager's Office

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**From:** Chestine Edgar [mailto:c\_edgar2@yahoo.com]  
**Sent:** Wednesday, September 08, 2010 4:25 PM  
**To:** Public Council Inbox; David Johanson  
**Subject:** Burien August SMP draft, invasive species, buffers and setbacks-Corrected Date

To the Burien City Council,  
To David Johanson,

Please enter this and the attached document dated September 8, 2010 as part of the August Burien SMP document discussion for the City Council. They requested some research on the topics of Invasive Species and Buffers and Setbacks to clarify what they heard at the public hearing.

Please delete the previous document which had an incorrect date.

Sincerely,  
Chestine Edgar

LFTR: 09/27/10



To: The Burien City Council  
David Johanson

RE: August Draft of the Burien Shoreline Master Plan, Invasive Species to Lake Burien, The Importance of Shoreline Buffers and Setbacks

From: Chestine Edgar

September 8, 2010

At the August 16, 2010 City Council Meeting/Public Hearing on the August Draft of the Burien SMP, there was testimony given regarding the lack of importance of invasive species to Lake Burien and the lack of importance of shoreline buffers and setbacks to Lake Burien and the Urban Conservancy. As a result of that testimony, the Council stated that they needed some time to think about what they had heard. Additionally, there appeared to be some doubt by some of the Council members that there was not solid scientific evidence to support that invasive species were really a concern for Lake Burien and that shoreline buffers and setbacks worked and were of importance to protecting water quality, property values and public health and safety in our shorelines.

Attached are a series of articles relating to the cost of invasive species in the U.S.A. Additionally, the article on the spread of invasive species by boat that the speaker at the public hearing claimed could not be found or referenced is attached.

## **Topic 1-Invasive Species**

### **Titre du document / Document title**

Aquatic Invasive Species, Transport via Trailered Boats: What Is Being Moved, Who Is Moving It, and What Can Be Done

### **Auteur(s) / Author(s)**

**ROTHLISBERGER John D. ; CHADDERTON W. Lindsay ; MCNULTY Joanna ; LODGE David M. ;**

### **Résumé / Abstract**

Trailered boats have been implicated in the spread of aquatic invasive species. There has been, however, little empirical research on the type and quantity of aquatic invasive species being transported, nor on the efficacy of management interventions (e.g., inspection crews, boat washing). In a study of small-craft boats and trailers, we collected numerous aquatic and terrestrial organisms, including some species that are morphologically similar to known aquatic invasive species. Additionally, a mail survey of registered boaters (n = 944, 11% response rate) and an in-person survey of boaters in the field (n = 459, 90% response rate) both indicated that more than two-thirds of boaters do not always take steps to clean their boats. Furthermore, we used a controlled experiment to learn that visual inspection and hand removal can reduce the amount of macrophytes on boats by 88% ± 5% (mean ± SE), with high-pressure washing equally as effective (83% ± 4%) and low-pressure washing less so (62% ± 3% removal rate). For removing small-bodied organisms, high-pressure washing was most effective with a 91% ± 2% removal rate; low-pressure washing and hand removal were less effective (74% ± 6% and 65% ± 4% removal rates, respectively). This research supports the widespread belief that trailered boats are an important vector in the spread of aquatic invasive species, and suggests that many boaters have not yet adopted consistent and effective boat cleaning habits. Therefore, additional management efforts may be appropriate.

### **Revue / Journal Title**

**Fisheries ISSN 0363-2415**

### **Source / Source**

2010, vol. 35, n°3, pp. 121-132 [12 page(s) (article)]

### **Langue / Language**

Anglais

### **Editeur / Publisher**

American Fisheries Society, Bethesda, MD, ETATS-UNIS (1976) (Revue) **Titre du document / Document title**

The previous article makes the point that 67% of boaters do not regularly clean their boats. Additionally, the boats that were cleaned with high pressure at 104 degrees were still not 100% free of invasive organisms. However, boats are not the only means for the movement of invasive species to new areas. They also are carried by fishing and water sports equipment and animals such as dogs.

The next article discusses the steps that need to be followed to prevent the transport of invasive plants such as Eurasian Milfoil, Brazilian Elodea, etc.

## **CENTER FOR INVASIVE PLANT MANAGEMENT**

**www.weedcenter.org**

1

### **Invasive Plant Prevention Guidelines**

Compiled by Janet Clark  
Director, Center for Invasive Plant Management  
Bozeman, Montana  
September 2003

#### **Introduction**

The most effective, economical, and ecologically sound approach to managing invasive plants is to prevent their invasion in the first place. Often landowners and land managers direct limited resources into fighting firmly established infestations. By that stage, management is expensive and eradication is probably impossible. Certainly it is necessary to manage infestations to limit the spread of invasive plants – which are often categorized as “weeds” – into non-infested areas. However, limited resources might be spent more efficiently on proactive weed management that controls existing weed infestations but also focuses strongly on prevention or early detection of new invasions.

Elements of a proactive weed prevention plan include:

- limiting the introduction of weed seeds into an area;
- early detection and eradication of small patches of weeds;
- minimizing disturbance of desirable vegetation along roadsides, trails, and waterways;
- managing land to build and maintain healthy communities of native and desirable plants to compete with weeds;
- careful monitoring of high-risk areas such as human and animal transportation corridors and disturbed or bare ground;
- revegetating disturbed sites with desirable plants; and
- evaluating annually the effectiveness of the prevention plan so appropriate adaptations can be implemented the following year.

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This guide is based on the USDA Forest Service “Guide to Noxious Weed Prevention Practices.” Thanks to reviewers Steve Dewey (Utah State University), Kim Goodwin and Roger Sheley (Montana State University), Tony Svejcar (USDA Agricultural Research Service), and Steve Radosevich (Oregon State University); and to Rita Beard (USDA Forest Service) for initiating this compilation.

# Invasive Plant Prevention: Water

## Aquatic Recreation

To prevent new weed infestations and the spread of existing weeds, avoid or remove sources of weed seed and propagules from recreation equipment. Avoid moving weeds from one body of water to another.

- ⌚ **Inspect boats (including air boats), trailers, and other boating equipment and remove any visible plants, animals, or mud before leaving any waters or boat-launching facilities. Drain water from motor, live well, bilge, and transom wells while on land before leaving the vicinity. Wash and dry boats, tackle, downriggers, anchors, nets, floors of boats, props, axles, trailers, and other boating equipment to kill weeds not visible at the boat launch.**
- ⌚ Encourage boat-launching facilities to provide proper washing equipment and kiosks that describe proper and thorough cleaning.
- ⌚ **Before transporting to new waters, rinse boat and boating equipment with hot (40°C or 104°F) clean water, clean boat or trailer with a pressure washer, or dry boat and equipment for at least five days.**
- ⌚ Inspect seaplanes and remove weeds from floats, wires, cables, water rudders, and pump floats; wash with hot water or spray with high-pressure water, or dry for at least five days.
- ⌚ Avoid taxiing seaplanes through heavy surface growths of weeds before takeoff; raise and lower water rudders several times to clear off plants. If weeds were picked up during landing, clean off the water rudders before take-off and leave the water rudders up during take-off. If water rudders were down during take-off, raise and lower water rudders several times to free weed plant fragments while over original body of water or over land. If weeds remain visible on floats or water rudders, the pilot may return to flight origin and remove plants if an extra landing and takeoff is not a safety concern.
- ⌚ Maintain a 100-foot weed-free clearance around boat launches and docks.
- ⌚ Promptly post sites if aquatic invasive weeds are found. Confine an infestation; where prevention is infeasible or ineffective, close the facility until the infestation is contained.
- ⌚ **Wash and dry fishing tackle, downriggers, float tubes, waders, and other equipment to remove or kill harmful species not visible at the boat launch.**
- ⌚ Avoid running personal watercraft through aquatic plants near boat access locations. Instead, push or winch watercraft onto the trailer without running the engine. After the watercraft is out of the water, start the engine for 5 to 10 seconds to blow out any excess water and vegetation. After engine has stopped, pull weeds out of the steering nozzle. Inspect trailer and any other sporting equipment for weed fragments and remove them before leaving the access area. Wash or dry watercraft before transporting to another body of water.
- ⌚ Waterfowl hunters may use elliptical, bulb-shaped, or strap anchors on decoys because these types of anchors avoid collecting submersed and floating aquatic plants. **Remove aquatic plants and rinse mud from waders and hip boots before leaving the water. Remove aquatic plants, animals, and mud attached to decoy lines and anchors.**
- ⌚ **Divers should clean their equipment after each use. Be especially careful to wash the buoyancy control device and other items that retain water. All gear should be rinsed with water heated to at least 140° F and everything should be allowed to dry completely between dives.**
- ⌚ Construct new boat launches and ramps at deep-water sites. Restrict motorized boats in lakes near areas that are infested with weeds. Move sediment to upland or quarantine areas when cleaning around culverts, canals, or irrigation sites. Clean equipment before moving to new sites. Inspect and clean equipment before moving from one project area to another.
- ⌚ **Drain the water in bait buckets, live wells, and transom wells on land or back into the water from which it was taken.**
- ⌚ **Avoid dumping aquarium water or aquatic plants into local waters. Many plants for water gardens and aquaria are highly invasive.**

The following two articles are just two of hundreds of articles that discuss the annual cost of invasive species to the USA government and tax payers. Invasive species to Lake Burien are a real and expensive hazard to the lake, wildlife residents, water quality and public. If the Council would like more scientific data on this topic, please feel free to contact me.

Wild Life FORBES

## **When Invasive Species Attack**

Daniel Fisher, 04.13.10, 12:00 PM EDT

**From the Great Lakes to the Gulf Coast, these invasive species are crowding out the natives, chowing down on houses and ruining the fishing.**



### **In Pictures: America's Most Dangerous Aliens**

It's easy to grasp the menace posed by swarms of fire ants, with their nasty, venomous sting and strange appetite for electrical wiring, and feral pigs, fierce, tusked behemoths that out-eat most of their natural competitors and trample fields and pastures. But rock snot?

A slimy brown algae from Europe properly known as *Didymosphenia geminata*, rock snot is one of the most aggressive invasive species threatening the U.S. today. Just one cell carried in on the sole of a fisherman's boot can quickly fill a pristine trout-fishing stream with a bank-to-bank mass the consistency of wet toilet paper, smothering food sources that aquatic insects and fish depend on.

Like many invasive species, rock snot is no problem in its native environment, where there are natural limits on its growth. Introduce these species into a new area, and they can run rampant, killing native species and interfering with human infrastructure like croplands and water pipes.

**The U.S. government spent \$1.2 billion fighting invasive species in 2006, the most recent year for which comprehensive statistics are available. Cornell University agriculture expert David Pimentel estimates the total annual cost of invasive species at \$120 billion a year. That's roughly equivalent to the damage caused by Hurricane Katrina.**

Pimentel's definition of invasive species is fairly broad, including, among other things, infectious diseases and cats (the annual cost of house cats: \$17 billion, if you think the songbirds they kill are worth \$30 apiece). The worst invasive on his list is the Norwegian rat, at \$19 billion in damages a year,

but since rats probably arrived on these shores aboard the first Pilgrim ship, most Americans would likely consider them domesticated by now.

Some of the newest invaders that are wreaking the most havoc are attacking the Great Lakes, which are essentially large puddles of fresh water left over from when glaciers melted at the end of the last ice age, 10,000 years ago. Lacking the more complex ecosystems of the oceans, these lakes are highly vulnerable to invaders like the sea lamprey, a nasty-looking sucker that has devastated commercial fishing since it first invaded the Great Lakes via the Erie Canal in the early 1920s. (On the East Coast, the lamprey is not considered a pest.)

One of the costliest invasives has been Zebra mussels, fast-growing mollusks from Eastern Europe that are believed to have hitched a ride into the Great Lakes aboard a seagoing freighter in 1997. The people of Monroe, Mich., discovered their reproductive powers the next year when their municipal water system went dry because of an invasion of the mussels.

With no natural predators, zebras can rapidly clog even enormous pipes like the 3-foot main serving Monroe. Utilities spend millions of dollars each year removing them from the water intakes of power plants, and the total annual cost of dealing with these otherwise useless clams is estimated to be \$1 billion.

The good news is zebra clams only like shallow water, so municipalities can push their pipes further out into the Great Lakes to avoid them. The bad news is a close relative, the quagga mussel, is rapidly displacing zebra mussels, and it can grow at any depth. Quaggas have been discovered as far west as Lake Havasu in California, possibly carried there on a fisherman's outboard motor boat.

If they can find some dark moist place to hide, they can survive two weeks," says David Reid, a retired invasive-species expert with the National Oceanic and Atmospheric Administration's Great Lakes Environmental Research Lab in Ann Arbor, Mich.

Three species of Asian carp—including one that tends to leap in the air when startled, creating a threat to passing motorboaters—have spread up and down the Mississippi River and are now threatening Lake Michigan via the Chicago Sanitary and Ship Canal. The federal government plans to spend more than \$20 million building physical and electric barriers to keep the bottom-feeders from further devastating the commercial fishing industry.

Plant invaders regularly sweep through commercially useful crops. One of the worst recent scourges is the innocuous-looking purple loosestrife, brought to the U.S. in the early 1800s as a decorative plant. It's fine in a house garden, but when it invades wetlands it can take over, creating a purple-blossomed monoculture where once there were many different species of plants and animals.

\*\*\*\*\*

SOURCE:  
NATIONAL BIOLOGICAL INFORMATION INFRASTRUCTURE 9-8-10

Natural ecosystems are under siege by many harmful species of plants, animals and diseases. The impacts of invasive species are second only to habitat destruction as a cause of global biodiversity loss.

**The current environmental, economic, and health costs of invasive species could exceed \$US138 billion per year, more than all other natural disasters combined. Notorious examples include:**

- [West Nile virus](#) and [purple loosestrife](#) (Northeast)
- [Kudzu](#), [water hyacinth](#), [nutria](#), and [fire ants](#) (Southeast)
- [Zebra mussels](#) and [leafy spurge](#), (Midwest)
- [Salt cedar](#), [Russian olive](#), and [Africanized honeybees](#) (Southwest)
- [Yellow star thistle](#), [Asian clams](#), and [sudden oak death](#) (California)
- [Cheatgrass](#) and [knapweeds](#) (Great Basin)
- [Whirling disease](#) of salmonids (Northwest)
- Hundreds of species like [Coqui frogs](#) (Hawaii)
- The [brown tree snake](#) (Guam)

Hundreds of new species from other countries are introduced intentionally or accidentally into the US each year. And many species originating in the US have been introduced into [other parts of the world](#). This threat intensifies the need for scientists, managers, and the many stakeholders to rally together to build better systems for invasion prevention, improve early detection of invaders, track established invaders, and coordinate containment, control, and effective habitat restoration.

## **Topic 2-Shoreline Buffers and Setbacks**

**The paper presented by SNR Company speaker was not clear in its purpose.** The speaker stated that he was there to discuss the merits of lawn over naturally occurring vegetation in the Puget Lowlands shorelines. However the title of the paper he was representing is “Shoreline Buffers”. The major criticism of the paper’s author (a different person than the speaker at the hearing) is that there is no documented research that has been done in the Puget Lowlands on buffers. However, there was no discussion about lawns in his Puget Lowlands paper but there is an attached USGS article relating to lawns in Wisconsin. **By the author’s own standard this is an invalid article to attach because it not happen in the Puget Lowlands.** Additionally in reviewing the author’s qualifications of 29 years noted in the paper, he has spend very little of his career doing field work/active research in the Puget Lowlands. This explains why he may be unaware of the extensive amount of research that has been done on the Puget Lowlands by the University of Washington, Washington State University and King County. **One such article that he might consider reviewing is, “Urbanization alters litterfall rates and nutrient inputs to small Puget Lowland Streams.” Roberts and Bilby. October, 2009.** This study demonstrates that the historical native tree vegetation in the studied Puget Lowland Streams causes far fewer environmental issues than imported types of vegetation. The author of the paper also identifies himself as being strongly affiliated with the BIAW, MBA and the Pacific Legal Foundation. He teaches for these groups. All of these groups are extremely conservative groups opposed to environmental and government regulation.

Attached are a list of articles that the Council might consider reviewing about buffers and setbacks. Some of these articles are compilations of a number of studies rather than single pieces of research. Simply because they are compilations, does not make them invalid scientific research. As long as the authors of the original studies are cited (available for further examination) in the compilation, the validity of the document is solid.

WAC 173-26-201(2)(c) under Basic Concepts and Protection of Ecological Functions.

**Lakes:** Karen Cappiella and Tom Schueler, Crafting a Lake Protection Ordinance, Urban Lake Management, Watershed Protection Techniques 3(4) (2001). Accessed on March 10, 2010 at: [http://www.cwp.org/Resource\\_Library/Center\\_Docs/special/lakes/ulm\\_lakeprotectionord.pdf](http://www.cwp.org/Resource_Library/Center_Docs/special/lakes/ulm_lakeprotectionord.pdf). Widths - p. 756; Functions - pp. 752-754.

**Lakes:** S. Engel and J. L. Pederson Jr., The construction, aesthetics, and effects of lakeshore

development: a literature review (Research report 177, Wisconsin. Dept. of Natural Resources, 1998). Accessed on March 10, 2010 at: <http://digicoll.library.wisc.edu/cgi-bin/EcoNatRes/EcoNatResidx?id=EcoNatRes.DNRRep177>. Functions - pp. 9-24; widths not addressed.

**Streams, Lakes, and Marine:** National Marine Fisheries Service - Northwest Region, Endangered Species Act Section 7 Consultation Final Biological Opinion for Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region (Sept. 22, 2008). Accessed on March 10, 2010 at: [https://pcts.nmfs.noaa.gov/pls/pcts-pub/biop\\_results\\_detail?reg\\_inclause\\_in=\('NWR'\)&idin=29082](https://pcts.nmfs.noaa.gov/pls/pcts-pub/biop_results_detail?reg_inclause_in=('NWR')&idin=29082). Widths – pp. 222 – 223; Functions and development impacts: pp. 24 – 150.

**Streams and Lakes:** Spence, B. C., G. A. Lomnický, R. M. Hughes, and R. P. Novitzki, An Ecosystem Approach to Salmonid Conservation. (ManTech Environmental Research Services Corp., Corvallis, OR, Doc.#: TR-4501-96-6057, available from the National Marine Fisheries Service, Portland, Oregon. 1996). Accessed on March 10, 2010 at: <http://www.nwr.noaa.gov/Publications/Reference-Documents/ManTech-Report.cfm>. Widths - pp. 215-230 (esp. p. 229); Functions - pp. 51-55.

**Streams:** K. L. Knutson & V. L. Naef, Management Recommendations for Washington's Priority Habitats: Riparian (Wash. Dept. Fish and Wildlife, Olympia WA, 1997). Accessed on March 10, 2010 at: <http://wdfw.wa.gov/hab/ripfinal.pdf>. Widths - p. 87; Functions - pp. 19-38.

**Wetlands:** D. Sheldon, T. Hruby, P. Johnson, K. Harper, A. McMillan, T. Granger, S. Stanley, and E. Stockdale, Wetlands in Washington State - Volume 1: A Synthesis of the Science (Washington State Department of Ecology Publication #05-06-006, 2005). Accessed on March 10, 2010 at: <http://www.ecy.wa.gov/biblio/0506006.html>. Widths – all of Chapter 5 & p. 5-55; Functions – All of Chapter 2 & parts of Chapter 3 and 4.

**Marine:** EnviroVision, Herrera Environmental, and the Aquatic Habitat Guidelines Working Group, Protecting Nearshore Habitat and Functions in Puget Sound: An Interim Guide (October 2007). Accessed on March 10, 2010 at: [http://wdfw.wa.gov/hab/nearshore\\_guidelines/](http://wdfw.wa.gov/hab/nearshore_guidelines/). Widths - pp III-38 to III-41; Functions - pp. II-38 to II-46.

**Marine:** J. S. Brennan, and H. Culverwell, Marine Riparian: An Assessment of Riparian Functions in Marine Ecosystems (Washington Sea Grant Program, University of Washington, Seattle, 2004). Accessed on March 10, 2010 at: <http://www.wsg.washington.edu/research/pdfs/brennan.pdf>. Widths - p. 16; Functions pp. ii-iii & 3-14.

There are literally hundreds of articles and modeling exercises on how buffers work. Again if the Council would like additional sources to read, please feel free to contact me or the University of Washington.

Lastly, there appears to be some confusion about what is the purpose of a setback by some members of the Council. Buffers are created as protections for wildlife, erosion control, water quality and aquifer protection. If development is allowed right at where the buffer begins, there is no room for the equipment of workers to work on the project because they cannot work in the buffer. Therefore setbacks are put in place to allow for the movement of machinery and humans around the area they are trying to develop. They are needed for the work to be accomplished outside of the buffer.

**Once again, I am requesting that the setbacks on Lake Burien and the Urban conservancy be restored to 15 ft.** As is, this is a very small setback for construction work to happen in. The Lake Burien area is a critical area that contains 26+ acres of wetlands and it is also a shoreline under the SMP. Its historical development pattern has never had homes being built at 30ft from the shoreline. **The majority of homes on Lake Burien have an historical 100 ft. setback and 5% impervious surface between SFR and the OHWM. (Grette-Burien SMP Technical Documents 2009, Adolphson,2002). Clearly, this shoreline has never been hardened to 30 ft before.**

C. Edgar



## Lisa Clausen

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**From:** Dick Loman  
**Sent:** Thursday, September 09, 2010 10:48 AM  
**To:** luckysonny@comcast.net  
**Cc:** Lisa Clausen  
**Subject:** FW: New Burien Project

Mr. Stanko, I have been asked to reply to your e-mail of September 2<sup>nd</sup>. The Burien Transit Oriented Development (TOD), which includes building of the Parking Garage, has been in the planning stages for almost 10 years. The Transit portion was completed and began successful on site operations early last summer. On November 4, 2008, the voters of the Central Puget Sound region, including Burien voters, approved the Sound Transit 2 ballot measure, which was intended to provide the public with an alternative to rising gas prices and greenhouse gas emission. In addition to adding more regional bus and rail service, the plan includes improved access and more commuter parking. In Burien, parking will be added in the TOD to accommodate future commuting needs which are anticipated to increase as the economy recovers. No new retail is included in the Garage construction. At some time in the future, there is a possibility of some retail being included in the final Apartment phase of the project. Depending on future market conditions, the developer could choose to fulfill City requirements by substituting office use for retail if that's a better bet. Our unemployment rate is approximately 9%, slightly below the national average. We're very pleased that the Garage and subsequent Apartment construction will provide a significant number of well paying jobs here in Burien at a time when they have never been more needed. Please call me at 206-248-5528 if this leaves you with questions. Thank You.

Richard F. Loman  
Economic Development Manager  
City of Burien

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**From:** Toni & Sonny [mailto:luckysonny@comcast.net]  
**Sent:** Thursday, September 02, 2010 7:04 AM  
**To:** Public Council Inbox  
**Subject:** New Burien Project

After reading the Burien News Letter yesterday, I felt that I must ask questions and make comments. I'm pretty shocked to see the huge, expensive development that is planned for park and ride. Why do we need a 5 floor garage? And you must be kidding about building more spaces available for retail business! Have you noticed all the new unoccupied spaces that already exist? It is absurd that the city council would get we the citizens of Burien in deeper debt with all this remodel. It is actually embarrassing to drive downtown and see all the empty spaces not to mention the condos. If you blame the economy on the disinterest of this new Town Square, why would you pursue more building? Do you know the unemployment rate? Do you see an economic growth that the rest of us don't? Just because a bad decision was made a few yrs. back to give Burien a \$\$\$\$\$\$ facelift does not mean you must go forward. Look at the times. Try SAVING money for a change.

Respectfully

Toni Stanko  
Burien Resident for 24 yrs.

CFTR: 09/27/10



ASFR: 09/27/10

11 September 2010

Dear City Council Members,

I just wanted to congratulate you on putting on a superb "Wellness Fair".

Sander & his team not only gave me a bicycle helmet - They even fitted me for it. Next year in buying a bicycle and he gave me some

invaluable advice.

Dr. Coleman not only took my B/P. He also answered some questions.

Walgreens gave out some really nice things.

He lived in Blyden for twenty - five years and he always said that Blyden is Seattle's best kept secret. This is just another example.

One other thing I don't know how much we paid for the library/city hall but  
over

it (they) are worth  
every cent.

Thanks again for  
a job well done.  
continued success

Sincerely  
Loi Myers

475 S. 156TH ST.  
Apt 148A  
Burien, WA 98148  
(206) 242-1066.



## David Johanson

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**From:** Dave Douglas [integritypermitting@hotmail.com]  
**Sent:** Monday, September 13, 2010 9:58 AM  
**To:** David Johanson  
**Cc:** Kathi Skarbo; Andy Ryan; Barbara Trenary  
**Subject:** RE: PIERS, DOCKS AND FLOATS PROPOSED AS CONDITIONAL USES IN BURIEN SMP UPDATE

Hi David,

Thanks for the quick reply. **In every other local government SMP update it was and is the responsibility of Ecology, the Biological Consultant hired by the City and paid by Ecology, and the local Planning Staff to actually provide guidance to the Planning Commission and City Council.** Most Planning Commissioners and City Council Members don't understand these issues because they have such a diverse range of responsibilities and while they do make the final decisions they are dependent upon your help in order to make the best decisions on behalf of property owners.

My most recent interest in the Burien SMP Update was stirred as a result of being contacted by shoreline property owners to address the issue of SDP versus CUP. A couple of comments in the CC packet from citizens looks like they may be from non-shoreline homeowners appearing to be environmental activists who are in favor of the CUP process for docks, piers and floats. This has become pretty standard at most of the local SMP Update meetings I have attended. Some of these folks believe Ecology actually has dimensional and review standards for piers, docks and floats so turning the review over to them through a CUP process represents a higher level of protection. This is simply untrue and one of the primary reasons Ecology has charged local government to exercise their responsibility and autonomy to determine what best fits the needs and interest of their shorelines and property owners. It is also why there is no standard SMP throughout the state but each of the 260 cities are responsible for developing uniquely tailored programs. Special interest groups and citizens with extreme environmental views should not be influencing decisions which have no direct impact on them.

**Please retain the SDP process for docks, piers and floats and develop some reasonable, practical and useable dimensional standards that will allow your waterfront property owners to have the same level of enjoyment as those in all other local governments having fresh and marine water shorelines while respecting the environment.** Please note that Burien does not appear to have any fresh water lakes that need to address ESA issues so the same Army Corps dimensional standards Ecology has tried to promote on Lake Washington and Lake Sammamish to the north do not apply.

There was also concern expressed to me over the number of floats, piers and docks at a single property and it appeared Burien was taking an either/or approach. **I strongly encourage Burien to not make things complicated and simply allow (1) one overwater structure per property.** Other state and federal agencies only allow a single overwater structure so this will align with their guidelines. Whether this is in the form of a fixed pile dock, a float pier, or a combination of the two (fixed pile dock and float combination) it will leave the design up to property owners and professional marine contractors to determine. A fixed pile pier, ram and float structure is the only functional design for marine (salt) waters. Please keep it simple.

**I would like this to e-mail exchange to be forwarded to the City Council for tonight's meeting and I strongly encourage the City of Burien to retain control over their own shorelines and not turn them over to the state on routine shoreline residential projects. PLEASE KEEP SHORELINE RESIDENTIAL DOCKS, PIERS AND FLOAT REVIEWS UNDER THE SDP PROCESS.** The City of Burien should manage its own future and provide personal service to its citizens understanding that there are checks and balances in place through the SDP appeal process for Ecology to comment on projects pending approval by the City and also through the Hydraulic Project Approval process managed by WA Department of Fish and Wildlife. For marine (salt) water projects there is also the added and more stringent layer of review managed through the Army Corps Regulatory process via consultation with U. S. Fish and Wildlife Service and NOAA-Fisheries (National Marine Fisheries Service through Section 7 of the ESA designed to protect listed species and critical habitat.

Thank you for the opportunity to comment.

CFTR: 09/27/10

Sincerely,

Dave Douglas  
Permit Manager/Shoreline Consultant  
Integrity Shoreline Permitting  
**"Putting the Property Owner First"**  
[integritypermitting@hotmail.com](mailto:integritypermitting@hotmail.com)  
C: (425) 343-2342  
F: (206) 220-3737

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From: DAVIDJ@burienwa.gov  
To: [integritypermitting@hotmail.com](mailto:integritypermitting@hotmail.com)  
Date: Mon, 13 Sep 2010 08:41:40 -0700  
Subject: RE: PIERS, DOCKS AND FLOATS PROPOSED AS CONDITIONAL USES IN BURIEN SMP UPDATE

Mr. Douglas

Thank you for your e-mail regarding the permitting process for docks and piers. The City Council will be potentially discussing this item tonight and there is a request to change the process to a SDP. The agenda packet contains a matrix of comments and possible corrections, this is item number 14. You are welcome to download the packet from the City web site. Please note that the response from the staff is that we do not have any objection to this proposed change. Ultimately the City Council will provide direction to staff on this issue and it may be changed in the final draft that will be sent to DOE for review.

Again thank you for your interest in our SMP update process.

David Johanson, AICP  
City of Burien, Senior Planner  
400 SW 152nd Street, Suite 300  
Burien, WA 98166

Phone: (206) 248-5522

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**From:** Dave Douglas [<mailto:integritypermitting@hotmail.com>]  
**Sent:** Monday, September 13, 2010 8:29 AM  
**To:** David Johanson  
**Subject:** PIERS, DOCKS AND FLOATS PROPOSED AS CONDITIONAL USES IN BURIEN SMP UPDATE

Hi David,

I was reviewing the City Council Public Hearing SMP Draft and noticed that piers, docks and floats are still listed as Conditional Uses. Can you explain why the City is trying to do this? Conditional uses are typically reserved for non-typical or unusual uses that may not be compatible with other uses in a certain environment. Piers, docks and floats are common structures in the shoreline residential designation and should be covered under the SSDP Process. I don't think Ecology intended local governments to make such projects require a CUP and there is no other local government I know that is trying such a thing. Ecology supports these structures being permitted and reviewed under the SDP process with reasonable dimensional standards that provide environmental protection while meeting the practical needs of shoreline residential owners.

As a result of my interaction with shoreline property owners and contractors over the past 5 months since starting up my own permitting business I am totally convinced if local, state and federal regulatory agencies adopt policies that make things too restrictive or expensive or which take too long to get approved that the amount of unauthorized work already

taking place will greatly increase. Based on my findings I think it is safe for me to say that at least 50% of repairs and 25% of all new overwater projects are taking place without permits. I would like to see this trend change so it is going to take cooperation between government, property owners and contractors.

Please explain. Thanks.

Sincerely,

Dave Douglas  
Permit Manager/Shoreline Consultant  
Integrity Shoreline Permitting  
**"Putting the Property Owner First"**  
[integritypermitting@hotmail.com](mailto:integritypermitting@hotmail.com)  
C: (425) 343-2342  
F: (206) 220-3737





## King County

Department of Assessments  
King County Administration Bldg.  
500 Fourth Avenue, ADM-AS-0708  
Seattle, WA 98104-2384

(206) 296-5193 FAX (206) 296-0595  
Email: [assessor.info@kingcounty.gov](mailto:assessor.info@kingcounty.gov)  
<http://www.kingcountv.gov/assessor/>

RECEIVED

SEP 16 2010

CITY OF BURIEN

Lloyd Hara  
Assessor

September 13, 2010

Dear Mayors, City Council Members, City Administrators and Finance Managers:

I want to invite you to an important meeting the King County Department of Assessments is holding to improve how we handle information between our offices and make sure we capture all the new construction tax revenues due your jurisdiction.

We collect billions of dollars each year in assessed values on new construction. For municipalities around King County, it is the only property tax revenue stream not capped by Tim Eyman's 1% cap.

I know all jurisdictions are struggling with revenue shortfalls. We'd like to help by making sure new construction values get on the tax rolls in a timely, accurate, and properly valued manner.

I need your help. Some cities are already providing us vital permit data and plans. Several jurisdictions are implementing ways to provide permits and plans, at least until we can come up with a unified approach. Still other communities have told us they simply don't have the money, staff or time to be able to do anything.

We understand, so we want to gather all of us and explore how we can partner to get this done – both short term and on a permanent basis. We want to discuss various technology solutions, as well as the financial ramifications for all us. We also want to talk about a possible funding tool to seek from Olympia that would allow us to improve our data collection and efficiency without taking more money out of your city coffers.

The meeting is scheduled for 10:00 AM to 11:00 AM, September 30, in Room 708 of the Assessor's Office in the King County Administration Building, 500 Fourth Avenue, Seattle. You are invited; along with whomever you think would be helpful to attend from your IT and Finance sections. Please RSVP to Rose Dotson, 206-296-5136.

In advance, I want to thank you for your participation. I look forward to seeing you as we figure out a course forward that helps us all.

Best regard,

Lloyd Hara  
King County Assessor

CFTR-09/27/10  
cc: Finance



To the Burien City Council  
From Chestine Edgar  
September 13, 2010

These are a list of materials that were used in the demonstration of how buffers work and the importance of building setbacks in the protection of buffers.

**Materials**

Pea Size Gravel- source Burien Bark  
Pea Size Gravel- source smaller grade Kathi Skarbo  
Pea Size Gravel- source smaller grade A Place For Pets  
Sand-source A Place For Pets  
Carbon-source A Place For Pets  
Compost-source Ace Hardware  
Burien Soil-my yard  
Grass-source my yard  
Cotton Cheese Cloth-source Ace Hardware  
Empty Plastic Bottle and Glass Jars- source recycle bins  
Red Food Color-source McCormick Spices  
Foil Balls  
USA penny  
Plastic scraps-source Recycle Bin  
Dirty dish water

**Demonstration**

Three models were created to demonstrate how;

1. Impervious surfaces affect runoff, precipitation and non-point pollution into the lake and Sound,
2. A Soil only buffer affects runoff, precipitation and non-point pollution into the lake and Sound,
3. A vegetated buffer affects runoff, precipitation and non point pollution into the lake and Sound.

**Discussion**

Lastly, a discussion followed about how destruction to buffers occurs when a building setback is not required-Construction right at the edge of the buffer forces workers and heavy equipment to work in the buffer. Working in the buffer, destroys the vegetation and compact the soil so that it becomes and impervious surface. After construction, they people living in or using the structure are required to walk and work in the buffer to maintain their structure and this added addition damage to the buffer. A setback is necessary to allow work to happen during the construction phase as well as during the living phase for the humans to protect the buffer.

CFTR: 09/27/10



## Lisa Clausen

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**From:** Public Council Inbox  
**Sent:** Wednesday, September 15, 2010 12:10 PM  
**To:** 'Paula Anderson'  
**Subject:** RE: From: Greg Anderson re: SMP

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

L. Clausen  
City Manager's Office

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

**From:** Paula Anderson [mailto:mudwagon@juno.com]  
**Sent:** Wednesday, September 15, 2010 11:49 AM  
**To:** Public Council Inbox  
**Subject:** From: Greg Anderson re: SMP

**To:** Burien City Council and Staff  
**Re:** SMP

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

I was under the impression that some sort of test or "test drive" would be done on the SMP. I understand that you didn't want to do it until you discussed more changes; well, that has been done.

I have already submitted a scenario, and I would work with council and/or staff to help get this done.

I think Andy Ryan would be interested in being involved.

I would also like an answer to why there are two different vegetation plans, one contained in the critical areas ordinance, 19.40, which I understand is incorporated in the SMP; and then a different vegetation plan in the SMP 20.30.040.

Thank you,  
Greg Anderson

CFTR: 09/27/10  
CC: Comm. Dev. C.



RECEIVED

SEP 22 2010

CITY OF BURIED

To: The Burien City Council  
David Johanson/SMP Staff Contact Person ; Craig Knutson/City Attorney  
Subject: Burien SMP Draft/September 13, 2010 meeting testimony on Lake Burien buffers and setbacks  
Date: September 20, 2010

At the September 13, 2010 City Council meeting, I gave testimony to the history of buffers/setbacks on Lake Burien. I am now providing the written historical documentation to support that testimony to the City Council.

**HISTORY**

**Prior to 1958-Lake Burien had a 100' buffer/setback.** This was required by King County because Lake Burien did not have sewers. If a lake shoreline area had sewers, a 50 foot buffer was allowed. By 1958, the sewer line was completed around the lake. The source for this information was King County Historical Records on land use and shorelines.

**From 1958 to October, 2003-Lake Burien had a 50 foot buffer and a 15 foot setback-see Attachment A.** All of Lake Burien was identified as a Class 2 wetland on 8-18-1981-see **Attachment B-1.** Burien became a city in 1993 and in 1994 adopted King County's wetland standards which kept Lake Burien at a 50 foot buffer and a 15 foot setback-see **Attachment A.** At the same time, Burien adopted the SMP regulations from King County which set the shorelines at a 20 foot setback. However, because Lake Burien was a Sensitive/Critical Area the Burien Municipal Code section 18.60.310 took precedence over the SMP and the greater protection of a 50 foot buffer and 15 foot setback was required for all of Lake Burien properties-see **Attachment B-2, please refer to paragraphs 2 and 4 on the first page as the discussion on how this was determined was prepared by David Johanson in 2001 for one of my neighbors. Also see page 2, Discussion in Attachment B-3.**

**From late October, 2003 to 2010-Lake Burien was changed to a Class 4 wetland by a rating scale the City of Burien created.** While the City of Burien continued to call this scale the King County Wetland Inventory, it was no longer the King County Wetland Inventory-see **Attachment E, page 3.** Additionally, the Burien Comprehensive Plan and Critical Areas Map continued to refer to Lake Burien as a Class 2 wetland-see **Attachment C-1, C-2, C-3.** However under the new Critical Areas Ordinance (CAO) 2003; the required buffer for Class 4 wetlands was a 30 foot buffer and a 15 foot setback. Lake Burien region has three types of critical areas associated with it: wetlands, a creek and an aquifer recharge area.

**According to the Grette Cumulative Impacts Analysis, August, 2009-see Attachment F-**  
**The average setback of a single family residence from the OHWM is 100 foot.** This document is part of the Burien SMP Draft August, 2010. It is also clear that house construction has never occurred at 20 feet, 30 feet or 40 feet from the OHWM. There is one house that was built at 35 feet from the OHWM due to *an error* in measuring where the OHWM began. The city did not catch *this error* in a timely fashion to prevent this from happening.

**Therefore to maintain a no net loss standard to the lake, it is critical to maintain a 30 foot buffer and a 15 foot setback as I stated in my testimony.**

CFTR: 09/27/10

**Facts About Properties Adjacent To Lake Burien:**

- **50 of the houses (73%) were built before 1958 at 100 foot or greater buffer/setback requirement,**
- **15 of the houses (22%) were built between 1958 and 2003 at the 50 foot buffer and 15 foot setback-65 feet requirement,**
- **4 of the houses (6%) were built after October, 2003 at the 30 foot buffer and 15 foot-45feet ,**
- **74% of the properties adjacent to Lake Burien have documented wetlands and/or a creek involved with them. These areas are designated as critical areas.**

The source for these facts is taken from King County Assessment Records (which can be accessed online) as well as current wetland designation by a wetlands specialist. This wetland designation is attached to the majority of the property assessments on Lake Burien. It is important to note that not all of the properties on Lake Burien were evaluated for wetlands because of the early date that the properties were recorded. This means more may have wetlands but are not recorded on the property assessments. Simply stated, many more properties than just the Ruth Dykeman Children's Center have wetlands associates with them.

slope hazard areas or their buffers which has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to the city of Burien pursuant to a vegetation management plan approved by the city of Burien. The use of hazardous substances, pesticides and fertilizers in steep slope hazard areas and their buffers may be prohibited by the city of Burien;

(4) Alterations to steep slope hazard areas and buffers may be allowed only as follows:

(a) Approved surface water conveyances, as specified in the Surface Water Design Manual, may be allowed on steep slopes if they are installed in a manner to minimize disturbance to the slope and vegetation;

(b) Public and private trails may be allowed on steep slopes as approved by the city. Under no circumstances shall trails be constructed of concrete, asphalt or other impervious surfaces which will contribute to surface water run-off, unless such construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped persons. Additional requirements for trail construction may be set forth in administrative rules;

(c) Utility corridors may be allowed on steep slopes if a special study shows that such alteration will not subject the area to the risk of landslide or erosion;

(d) Limited trimming and pruning of vegetation may be allowed on steep slopes pursuant to an approved vegetation management plan for the creation and maintenance of views if the soils are not disturbed and the activity is subject to administrative rules;

(e) Approved mining and quarrying activities may be allowed; and

(f) Stabilization of sites where erosion or landsliding threaten public or private structures, utilities, roads, driveways or trails, or where erosion and landsliding threatens any lake, stream, wetland or shoreline. Stabilization work shall be performed in a manner which causes the least possible disturbance to the slope and its vegetative cover; and

(5) The following are exempt from the provisions of this section:

(a) Slopes which are 40 percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on the city of Burien's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and

(b) The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains 40 percent or steeper following site development shall be subject to all requirements for steep slopes. [Ord. 28 § 1(477), 1993]

### 18.60.310 Wetlands – Development \* standards.

A development proposal on a site containing a wetland shall meet the following requirements:

(1) The following minimum buffers shall be established from the wetland edge:

(a) A Class 1 wetland shall have a 100-foot buffer;

(b) A Class 2 wetland shall have a 50-foot buffer; *+ 15' set back (Ord. 18.60, 190)*

(c) A Class 3 wetland shall have a 25-foot buffer;

(d) Any wetland restored, relocated, replaced or enhanced because of a wetland alteration shall have the minimum buffer required for the highest wetland class involved; and

(e) Any wetland within 25 feet of the toe of a slope 30 percent or steeper, but less than 40 percent, shall have:

(i) The minimum buffer required for the wetland class involved or a 25-foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that wetland class; or

(ii) A 25-foot buffer beyond the minimum buffer required for the wetland class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that wetland class;

(2) Buffer width averaging may be allowed by the city of Burien if it will provide additional protection to wetlands or enhance their functions, as long as the total area contained

in the buffer on the development proposal site does not decrease;

(3) Increased buffer widths shall be required by the city of Burien when necessary to protect wetlands. Provisions for additional buffer widths shall be contained in administrative rules promulgated pursuant to this chapter including, but not limited to, provisions pertaining to critical drainage areas, location of hazardous substances, critical fish and wildlife habitat, landslide or erosion hazard areas contiguous to wetlands, groundwater recharge and discharge and the location of trail or utility corridors;

(4) The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be prohibited by the city of Burien;

(5) Unless otherwise provided, the following restrictions shall apply to all development proposals which include the introduction of livestock:

(a) To prevent damage to class 1 and 2 wetlands:

(i) A plan to protect and enhance the wetland's water quality shall be implemented pursuant to Chapter 18.75 BMC; or

(ii) Fencing located not closer than the buffer edge shall be required; and

(b) Standards pertaining to access to streams for watering purposes, stream crossing requirements and use of natural barriers and vegetative buffering in lieu of fencing shall be included in administrative rules promulgated pursuant to this chapter;

(6) The livestock restrictions contained in subsection (5) shall not apply to wetlands defined as grazed wet meadows, regardless of their classification. [Ord. 28 § 1(478), 1993]

#### **18.60.320 Wetlands – Permitted alterations.**

Alterations to wetlands and buffers may be allowed only as follows:

(1) Alterations may be permitted if the city of Burien determines, based upon its review of special studies completed by qualified professionals, that:

(a) The wetland does not serve any of the valuable functions of wetlands identified in

Chapter 18.15 BMC, Definitions – Technical Terms, including, but not limited to, biologic and hydrologic functions; or

(b) The proposed development will protect or enhance the wildlife habitat, natural drainage or other valuable functions of the wetland and will be consistent with the purposes of this chapter;

(2) To establish the conditions in subsection (1), detailed studies may be required as part of the special study on habitat value, hydrology, erosion and deposition and/or water quality. Such detailed studies shall include specific recommendations for mitigation which may be required as a condition of any development proposal approval. The recommendations may include, but are not limited to, construction techniques or design, drainage or density specifications;

(3) If a wetland is in a flood hazard area, the applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration and submit evidence of such notification to the Federal Insurance Administration;

(4) There shall be no introduction of any plant or wildlife which is not indigenous to the city of Burien into any wetland or buffer unless authorized by a state or federal permit or approval;

(5) Utilities may be allowed in wetland buffers if:

(a) The city of Burien determines that no practical alternative location is available; and

(b) The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;

(6) Sewer utility corridors may be allowed in wetland buffers only if:

(a) The applicant demonstrates that sewer lines are necessary for gravity flow;

(b) The corridor is not located in a wetland or buffer used by species listed as endangered or threatened by the state or federal government or containing critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees;

# ATTACHMENT B-1

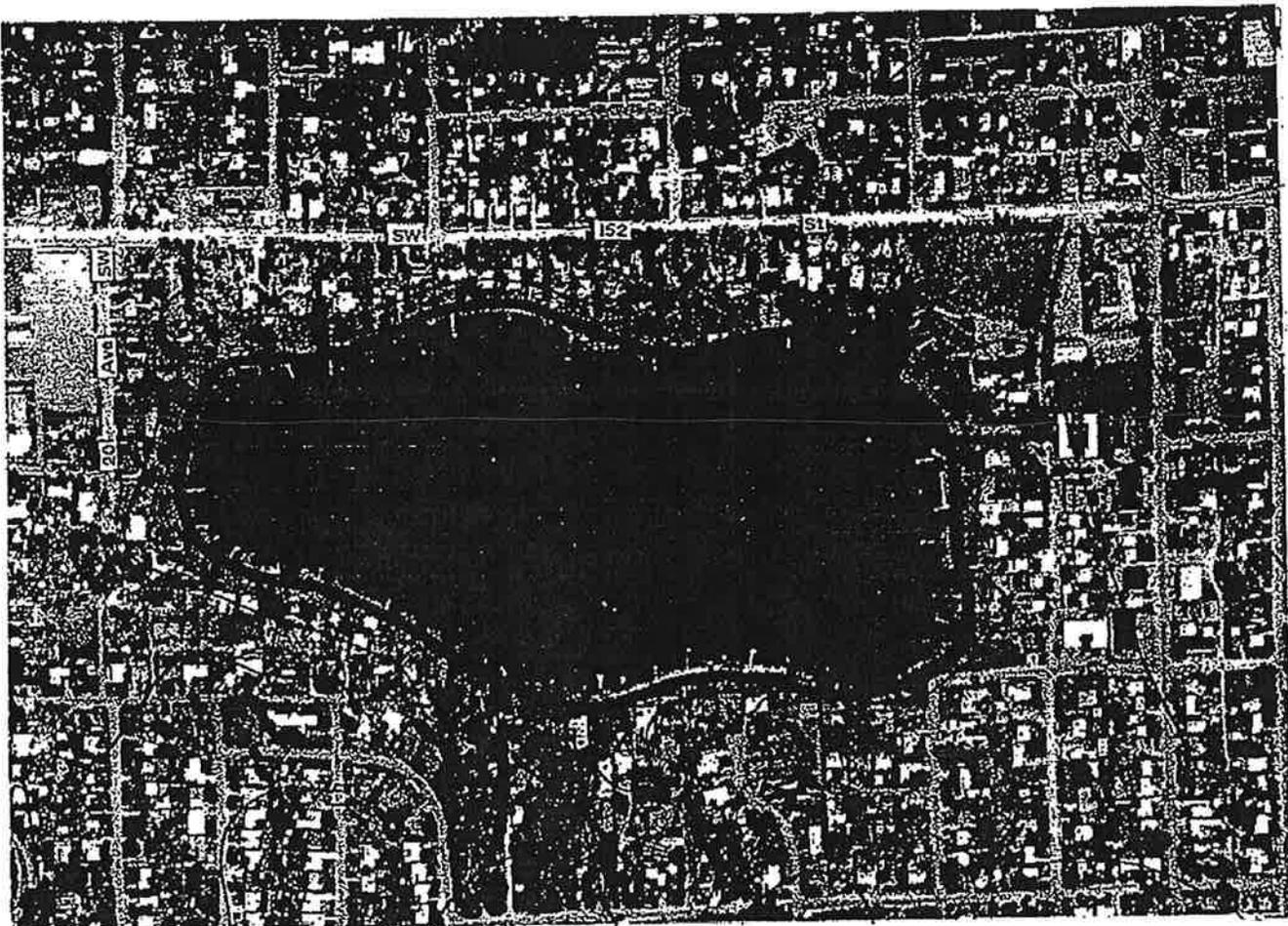


Photo Date: 5-80

North ▲

Approx. Scale: 1" = 500'

WETLAND: *Miller Creek 5*

COMMUNITY PLAN AREA: *Highline*

LOCATION: *NW SW 19-23-4*  
*NE SE 24-23-3*

BASIN OR DRAINAGE: *Puget Sound*

INVENTORY DATE: *8-18-81*

ACREAGE: *42*

CLASSIFICATION:	Fish and Wildlife Service	Common Name
<i>L1UB3</i>	<i>Lacustrine, Limnetic, Unconsolidated Bottom, Mud</i>	<i>Open Water</i>
<i>L2UB2</i>	<i>Lacustrine, Littoral, Unconsolidated Bottom, Sand</i>	<i>Open Water</i>

NOTE: The wetland edge shown above is approximate. In marshes, ponds or lakes, the transition from standing water to uplands is usually clear. However, the edges of forested or scrub/shrub wetlands are less distinct. There, the change from wetland to upland often occurs over a broad area called the "transition zone". For a discussion, see *Wetland Plants of King County and the Puget Sound Lowlands and "Guidelines for King County Wetlands."*

**OBSERVED SPECIES: (refer to list in Appendix 1)**

Trees: AR, PT  
 Herbs: IP, NP, NO, PP, TL  
 Shrubs: CS, SX, SD  
 Sedges/Rushes/Grass/Fern: EX, SV  
 Birds: KF, GB, GH, CG, MA, VS, TS, BS, RB, AR, ST, SS  
 Mammals:  
 Fish:  
 Other:

**RARE/ENDANGERED/THREATENED SPECIES: (refer to list in Appendix 2)**

Recorded/Observed:  
 Potential:

**SIGNIFICANT HABITAT FEATURES:**

**OUTLET:** Type: Channel, Control Weir  
 Condition: Open  
 Outflow enters: Stream

**POTENTIAL STORAGE:** Existing Active: 21 ac. ft.  
 Potential Active: 21 ac. ft.

**GENERAL OBSERVATIONS:**

**WETLAND EVALUATION SUMMARY:**

Data was collected in the five categories shown below. Within each category the data was evaluated to produce numerical values. Composite values for each category were produced in order to compare each wetland to other wetlands in its sub-basin and in King County. The result of that comparison was a percentile rank. The percentile is expressed on a scale of one hundred and indicates the percent of wetlands that scored equal to or below that particular site. For example, a percentile rank of 80 under sub-basin means that the wetland scored equal to or better than 80 percent of all sites within the sub-basin for that evaluation category. NOTE: The percentile ranks are valid only within the individual evaluation category and are intended solely for reference and comparison.

Evaluation Category	Rank (by percentile)	
	Sub-basin	County-wide
<b>Hydrology:</b> runoff storage potential, water quality, potential for minimizing damage in downstream areas	85	80
<b>Biology:</b> quality of habitat, abundance and diversity of plant and animal species	85	76
<b>Visual:</b> diversity and contrast of wetland and surrounding vegetation, surrounding landforms	42	24
<b>Cultural:</b> types of access, proximity to schools/institutions, overall environmental quality	100	99
<b>Economic:</b> presence of agriculture/peat extraction, anadromous or game fish, game birds or mammals of commercial value	100	69

**WETLAND RATING:**

Each wetland was assigned one of three possible wetland ratings. The wetland ratings were determined by examining the scores of selected inventory tasks, specific data or percentile ranks for individual evaluation categories. The criteria used to assign the wetland ratings are described in the Introduction. For each rating a number of specific guidelines for new development in or adjacent to wetlands were prepared. The guidelines are intended to assist in carrying out King County's Sensitive Areas Ordinance and other wetland policies. They are included in a separate report titled "Guidelines for King County Wetlands".

Wetland Rating: 2



# CITY OF BURIEN

415 Southwest 150th Street  
Burien, Washington 98166-1973

Phone: (206) 241-4647  
Fax: (206) 248-5539

July 1, 2001

**Mayor**  
Sally Nelson

**Deputy Mayor**  
David Wintermute

**Councilmembers**  
Rose Clark  
Kevin James  
Stephen Lamphear  
Georgette Valle  
Wing Woo

[Redacted address block]

RE: Building Permit Application File No. 01-0316 BLD A

Dear [Redacted Name]:

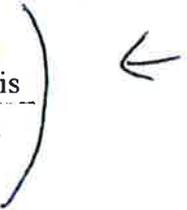
Thank you for your building permit application for an addition to your single family home located at [Redacted Address] on Lake Burien. The City has reviewed your application and have the following corrections and comments regarding the building permit application.

The site is located on Lake Burien and the proposed addition is intended to be located approximately 43-feet from the lake bank. Due to the size of Lake Burien its shorelines are considered shorelines of the state and therefore shoreline rules and regulations apply. Current shoreline regulations state that a 20-foot setback is required from the ordinary high water mark. However, Lake Burien is also classified by the King County Wetland inventory as a class-2 wetland. BMC 18.60.090 requires that the applicant disclose to the city the presence of sensitive areas on the site and that the applicant shall submit an affidavit regarding sensitive area alteration (see form attached).



A notice on Title shall be recorded on the property (see form attached) as required by BMC 18.60.170. Please provide a completed form and a check payable to King County for the amount of \$9.00 and the city will have the document recorded.

Pursuant to Burien Municipal Code section 18.60.310 a 50-foot buffer is required from a class-2 wetland. BMC 18.60.020 states that when there is a code conflict the provision that provides the most protection to the sensitive area shall apply and in this case the 50-foot wetland buffer provides the most protection. Based on the site plan provided the proposed location of the addition would be within the required 50-foot wetland buffer. Please amend the plans to remove the proposed addition from the required 50-foot buffer.

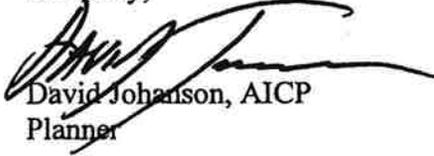


Based on the roof plan it appears that the proposed building coverage exceeds the requirement of BMC 19.15.005.2, which is 35%. Please amend the plans to meet the minimum building coverage requirement. Please also be aware that building coverage is calculated using the total amount of roof area.

# ATTACHMENT B-2

For your reference you will find copies of the above mentioned code sections. A complete copy of Burien codes is available on the city web site at [www.ci.burien.wa.us](http://www.ci.burien.wa.us). If you have any questions I can be reached at (206) 248-5522.

Sincerely,



David Johanson, AICP  
Planner

Enclosures



Environmental Solutions

RECEIVED

AUG 29 2001

CITY OF BURIEN

August 27, 2001

David Johanson  
City of Burien  
415 SW 150<sup>th</sup> Street  
Burien, Washington 98166

**RE: Lake Burien Wetland Review for Project No. 01-0316 BLD A  
Adolfson Project Number: 21040-002**

Dear David:

Adolfson Associates, Inc. (Adolfson) is pleased to present the results of the review of the wetland site assessment conducted on the [REDACTED] property by Habitat Technologies. The subject property is located at [REDACTED] in the City of Burien, King County, Washington (Section 24, Township 23 North, Range 3 East).

Adolfson was retained by the City of Burien to review the wetland site assessment and buffer-averaging plan completed by Habitat Technologies. Our delineation methods are based on methods outlined in the *Washington State Department of Ecology Wetland Identification and Delineation Manual* (Department of Ecology, 1997).

### Preliminary Review

Adolfson staff reviewed the wetland site assessment and buffer-averaging plan prepared by Habitat Technologies prior to conducting a site visit. The *Soil Survey of King County Area, Washington* (SCS 1973) does not map the area around this project site. The *National Wetlands Inventory*, Des Moines quadrangle, 1988, identifies Lake Burien as lacustrine, limnetic, open water, permanently flooded wetland (L1OWH). The *King County Sensitive Area Folio Map*, 1990, identifies Lake Burien in the Puget Sound Drainage Basin, Miller Creek sub-basin. Lake Burien is classified as Miller Creek 5 by the *King County Wetlands Inventory* (1990), and rated a Class 2 wetland.

### Findings

A site visit was conducted by Adolfson staff on August 14, 2001. The site is developed with a single-family house and landscaped yard. The site gently slopes towards the east, in the direction of Lake Burien. A concrete bulkhead separates the managed lawn from the ordinary high water mark (OHWM) of Lake Burien.

We sampled an area behind the bulkhead, within the managed lawn. See attached the data sheet for specific details of the data plot. Vegetation within this data plot is mowed. Vegetation identified included creeping buttercup (*Ranunculus repens*), grass species (*Poa* species) and

# ATTACHMENT B-3

Adolfson Associates, Inc.  
Lake Burien Wetland Review/David Johanson  
August 27, 2001  
Page 2 of 3

moss. Soils were sampled for color using *Munsell Soil Color Charts* (1992). Soils excavated at the data plot were very dark brown (10YR 3/2) sandy loam without redoximorphic features (i.e. mottles). At the time of the site visit, soils were not saturated. This data plot was determined to be non-wetland due to lack of hydric soils and hydrologic indicators. As a result of the existing bulkhead, the edge of the wetland associated with Lake Burien does not extend westward into the project site.

## Discussion

In our opinion, the Habitat Technologies wetland site assessment report accurately describes the extent of the Class 2 lacustrine wetland associated with Lake Burien on the [REDACTED] Property. The Habitat Technologies wetland report correctly addresses the City of Burien's regulatory ordinances for environmentally sensitive areas; wetland development standards (Ord. 18.60.310), in which a 50-foot buffer is required for Class 2 wetlands, and a 15-foot building setback (Ord. 18.60.190). However, the wetland report is missing the regulatory implications associated with the City of Burien Shorelines Management Ordinance.

According to the *King County Wetlands Inventory*, Lake Burien is 42.0 acres in size. The Shorelines Management Act applies to all waters of the state greater than 20 acres in size, and their associated wetlands. The City of Burien Shoreline Management Ordinance for Urban Environments, Residential Development (Ord. 25.16.100) follows King County Code (KCC 25.16.030). Lake Burien is designated as Urban Shoreline Environment in a *Supplement* (1978) to the *King County Shoreline Management Master Program*. The City of Burien Shoreline Management Ordinance states that a single-family residential development setback is twenty feet from the OHWM. However, if development is proposed on shorelines, including sensitive areas, as defined in KCC 21A.06, development shall be done in accordance with regulations and procedures set forth in KCC 21A.24 (City of Burien Sensitive Areas Code).

As addressed by Habitat Technologies, the City of Burien does allow buffer averaging if it will provide additional protection to wetlands or enhance their functions, as long as the total area contained within the buffer does not decrease. The buffer averaging plan and associated planting plan proposed by Habitat Technologies would not create an adverse impact to the wetland associated with Lake Burien. Currently the buffer consists of a mowed lawn adjacent to the bulkhead and a narrow row of landscape shrubs along the northern property boundary. However, it is required of the homeowners per KCC code 21A.24.340 (4), as adopted by the City of Burien. The addition of native vegetation within the buffer will improve the wildlife habitats associated with the existing buffer. The native vegetation selected should be specified and shown on the plan, covering an equivalent area to that which is reduced, or approximately 245 square feet. The buffer averaging plan correctly shows the building setback, however a pump house is present on the southwest corner of the property, which is not shown on the plan (Figure 1). However the required 50-foot wetland buffer is not shown correctly on the plan, and the reduced buffer area is not clear on the plan. The square footage of additional buffer as well as the square footage of reduced buffer should be shown on the plan.

# ATTACHMENT E-1

- Lake Burien Creek

King County classified this creek as a Class 2 salmonid bearing stream. However, a majority of the creek runs underground after leaving Lake Burien, resurfacing around Lakeview School facilities where it runs through Sylvester Middle School and Camp Schoenwald before entering Miller Creek. An opportunity (albeit an expensive one) exists to rehabilitate the stream and bring it to the surface. Before this decision is made, field studies to validate its salmonid habitat classification should be conducted.

- Lake Burien

Lake Burien is a 42 acre lake which served as a focal point for activities in the early history of Burien. Currently, the lake is surrounded primarily by single family homes, although the City owns some right-of-way adjacent to the lake on the southeast corner which could be used to allow public access to the lake. However, the site is too small to allow for parking or other facilities. Consequently, the site could be developed as a pedestrian accessible "pocket park" to provide a public viewing spot of Lake Burien.

## Built Environment

### *Surplus School District Facilities*

Surplus school facilities could be purchased for use by the City. Currently top on the list for surplus within the City of Burien are the Highline Senior Center, Lakeview School (existing school district museum and field), and Sunny Terrace School (no longer in operation).

### *Historic Places*

A survey of potentially valuable historic places was prepared for the City and surrounding communities. These places include but are not limited to the Dodd Homestead (1888) and the Southgate Masonic Temple (1920). The City could consider these structures during the development of the alternatives for the comprehensive plan, ensure their preservation and enhancement, and strengthen their links to the surrounding community.

## ATTACHMENT C - 2

The City of Burien wetland resources mapped on Figure 4.3-2 includes two Category 2 wetlands<sup>3</sup> in the southeastern area of the City, totaling approximately 26 acres. In addition, just north of the Highline School District Mental Health facilities, Miller Creek flows into an open body of water less than an acre in size which is classified as a Category 2 wetland. Other significant wetland areas are found along Miller Creek, one particularly noteworthy area is located in the Miller Creek Ravine in the vicinity of 1<sup>st</sup> Avenue South and Ambaum. Puget Sound Beaches, along with adjacent creek mouths are considered particularly important wetland resources due to their use as refuge habitat by Salmonids, however these are not mapped on Burien's critical areas maps. The King County wetland inventory system also designates Lake Burien as a wetland

There may also be a number of other wetlands of smaller size located within the city. The City of Burien has adopted standards and requirements in the Burien Municipal Code which allow only very limited development and activities in and adjacent to wetlands, while striving to preserve their integrity.

### 4.3.3 Floodplains

The 100-year floodplain is comprised of two components: the floodway and the flood fringe. The floodway is the area of fastest moving water where damage and safety threats are the greatest. Absence of permanent structures in the floodway, such as houses and businesses, allow floodwater to move unimpeded and reduces the possibility for property damage. Only seasonal uses or water dependent facilities, such as passive-recreation types of parks, stream bank stabilization facilities or storm water facilities, should be allowed in these areas. The flood fringe is that portion of the floodway covered by floodwaters during a base flood. It is generally associated with standing water rather than rapidly flowing water.

According to the Federal Emergency Management Agency (FEMA) maps, a very small portion of the city is within designated 100-year floodplains. One of the floodplains is located in the southern part of the city along the Miller Creek Corridor. In this area, parts of the corridor have not been developed. Uses along the corridor include a low-density residential neighborhood, the Kiwanis Park/Camp Schoenwald, and some ravine areas. It should be noted that although only a few areas are designated as 100-year floodplains, there are still many other areas with drainage problems (as noted under the section on water resources).

The other 100-year floodplain is located just north of SW 142nd Street between Ambaum Boulevard and 6th Avenue SW. This area forms a natural drainage basin for the 142nd Street Depression Sub-basin. Although it is not a floodplain, the Hermes Depression is another natural drainage basin located just north of the 142nd Street Depression. Neither the 142nd Street Depression nor the Hermes Depression has a natural outflow for water

<sup>3</sup> The City of Burien Zoning Code (19.40.300 Wetlands) defines Category 2 wetlands that do not meet any of the criteria for Category 1, but meet the following criteria: a) Greater than one acre in size; b) Equal to or less than one acre in size and have three or more wetlands classes as defined in BMC 19.10; c) Forested wetlands equal to or less than one acre; d) Documented presence of heron rookeries or raptor nesting trees; e) Documented occurrences of sensitive species of plant, animal or fish recognized by federal or state agencies; f) Associated with Type 2 or 3 streams; g) Wetlands with significant habitat value (Greater than or equal to 22 points on the Wetlands Rating Form"

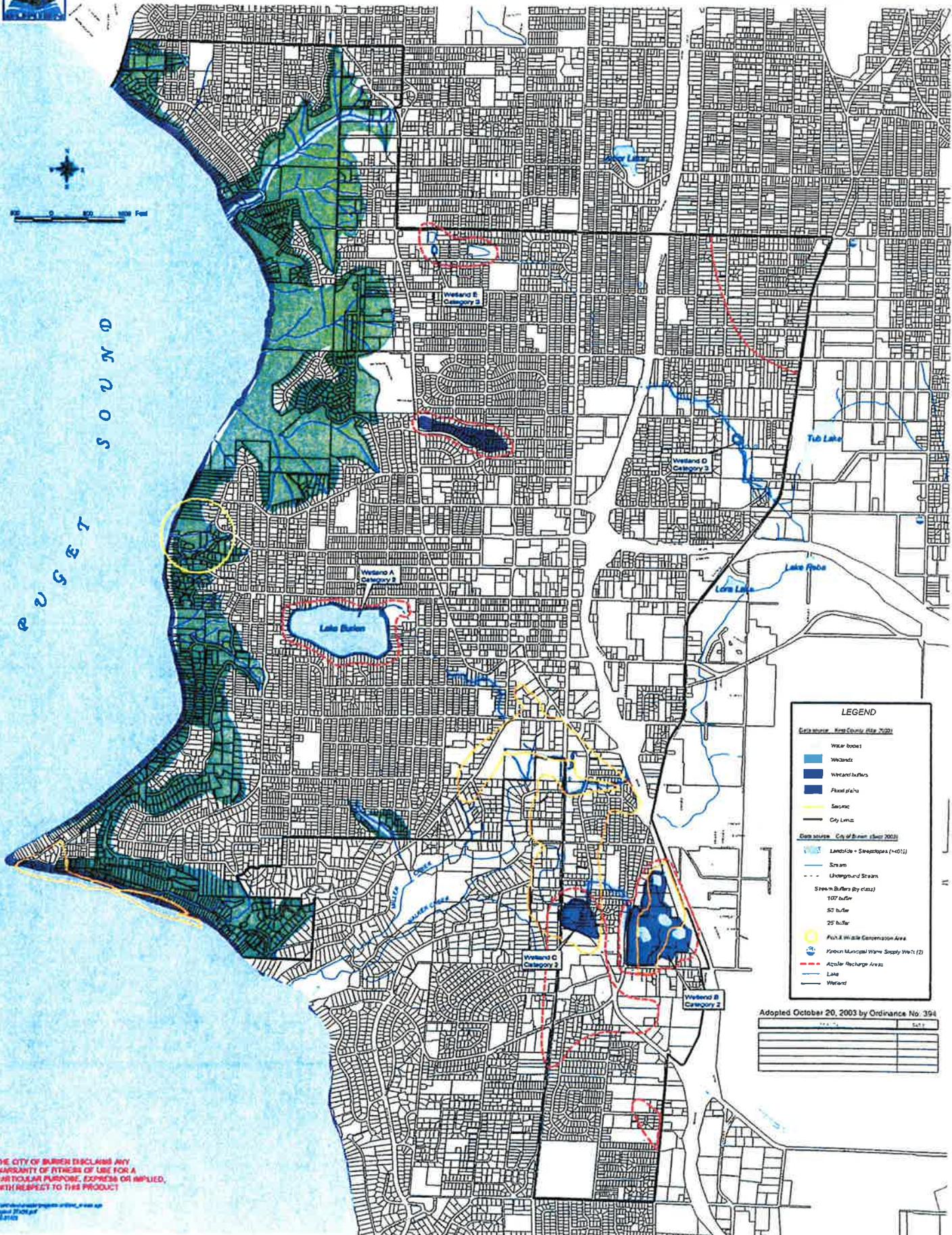
ATTACHMENT  
C-3

CITY OF BURIEN  
CRITICAL AREAS MAP

Note: This map is for display only. All delineations are approximate. Additional sensitive areas not shown may also be identified by onsite or other studies.



P U S E T  
S O U N D



**LEGEND**

**Data source: King County Atlas 7000**

- Water bodies
- Wetlands
- Wetland buffers
- Flood plains
- Sewer
- City Limits

**Data source: City of Burien (Year 2003)**

- Landfill - Steep slopes (>40%)
- Stream
- Underground Stream
- Stream Buffers (By class)
  - 100' buffer
  - 50' buffer
  - 25' buffer
- Park & Wildlife Conservation Area
- From Municipal Water Supply WWS (D)
- Aquifer Recharge Area
- Lake
- Wetland

Adopted October 20, 2003 by Ordinance No. 394


THE CITY OF BURIEN DISCLAIMS ANY WARRANTY OF FITNESS OF USE FOR A PARTICULAR PURPOSE, EXPRESS OR IMPLIED, WITH RESPECT TO THIS PRODUCT.

City of Burien GIS Department  
1000 1st Street  
Burien, OR 97149

Taken from Ordinance No. 394 Adopted Oct, 2003



# ATTACHMENT E

## BMC 19.40 Ordinance No. 394

- A. Plans and specifications prepared by a licensed architect or licensed professional engineer, in accordance with the City of Burien *Construction Code*;
- B. A footing and foundation plan prepared by a licensed professional engineer incorporating the recommendations contained in the critical area study;
- C. A Level 1 drainage analysis prepared by a licensed professional engineer in accordance with the Surface Water Design Manual as adopted by the City of Burien;
- D. A storm water management plan prepared by a licensed professional engineer incorporating the recommendations contained in the Level 1 drainage analysis;
- E. A vegetation management plan pursuant to BMC 19.40.180 showing all existing vegetation and which vegetation is proposed for removal. The location, size and *species* of all *significant trees* on the *site* shall be indicated by survey. *Significant trees* shall be retained, protected, or replaced in accordance with BMC 19.40.180. The plan shall propose *mitigation* measures to prevent *erosion* and protect the *geologically hazardous area*, its *buffer* and other properties from hazards and adverse impacts.
- F. A *landslide hazard area* affidavit in a form approved by the City attorney, submitted by the *applicant*, which waives any claims against the City, releases the City from all liability, holds the City harmless, and agrees to indemnify the City for all costs, claims, and demands of any kind, including but not limited to attorney and expert witness fees associated with litigation, arbitration, or any other adversary proceeding arising in any manner from the owner's or the owner's agents' acts or omissions relating in any manner to the development. The affidavit shall be recorded with the King County assessor's office prior to, and as an express condition of, the issuance of any grading or building permit;
- G. All other applicable codes of the City are met including but not limited to the *setback*, *height*, *impervious surface coverage*, and other requirements of the this code and the requirements of the shoreline master program and the City of Burien *Construction Code*;
- H. The *applicant's geotechnical engineer* or *geologist* shall review the project plans and specifications prior to issuance of any permits and provide written confirmation to the City that the recommendations and design criteria have been fully incorporated into the project documents;
- I. The *applicant's geotechnical engineer* or *geologist* shall monitor project construction and provide written confirmation that the project has been constructed in accordance with their recommendations and design criteria. Changes to the recommended designs for excavation and construction which are based on new information shall be reviewed and approved by the City prior to proceeding with the development activity. [Ord. 376 § 1, 2003]

### 19.40.300 Wetlands – Designation and Classification

1. General Requirements. Wetlands provide fish and wildlife habitat, flood storage, water quality, recreation, educational opportunities, and aesthetics. The goal of wetland regulations in the City of Burien is to achieve no net loss of wetland functions and values.

2. Applicability.

January 2003 / <sup>First</sup> Adopted Oct. 2003

# ATTACHMENT E

A. All wetlands meeting the federal definition of wetlands that lie within the City limits of Burien are regulated by this section.

B. Puget Sound and Lake Burien are shorelines of the state and shall be regulated under the Burien Shoreline Management Program.

### 3. Designation of Wetlands.

A. Wetlands are those areas in the City of Burien, designated in accordance with the Washington State Wetland Identification and Delineation Manual, as required by RCW 36.70A.175 (Ecology Publication #96-94). Wetlands are defined as those areas that are inundated or saturated, by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

B. The designation of wetlands through application of the protocols outlined in the Washington State Wetland Identification and Delineation Manual, regardless of any other formal identification, shall designate those wetland areas as critical areas and shall be subject to the provisions of BMC 19.40.

Where the vegetation has been removed or substantially altered, a wetland shall be determined by the presence or evidence of hydric or organic soil, as well as by other documentation, such as aerial photographs, of the previous existence of wetland vegetation.

### 4. Wetland Rating and Classification.

A. Wetlands shall be designated Category 1, 2, 3, or 4 according to the criteria in this section:

i. Category 1: Wetlands that meet any of the following criteria:

a. Documented presence of fish, wildlife, or plant species listed by the federal or state government as endangered or threatened or outstanding actual habitat for those species;

b. Equal to or greater than 10 acres in size and have three or more wetland classes as defined in BMC 19.10;

c. Association with a Type 1 stream;

d. Presence of plant associations of infrequent occurrence or High Quality Native Wetland Communities. Examples include: bogs and fens, estuarine wetlands, mature forested wetlands, or kelp and eelgrass beds; or

e. Documented as regionally significant waterfowl or shorebird concentration areas.

ii. Category 2: Wetlands that do not meet any of the criteria for Category 1, but meet any of the following criteria:

a. Greater than one acre in size;

b. Equal to or less than one acre in size and have three or more wetland classes as defined in BMC 19.10;

# ATTACHMENT E

- c. Forested wetlands equal to or less than one acre;
- d. Documented presence of heron rookeries or raptor nesting trees;
- e. Documented occurrences of sensitive species of plant, animal or fish recognized by federal or state agencies;
- f. Associated with Type 2 or 3 streams; or
- g. Wetlands with significant habitat value (Greater than or equal to 22 points on the Wetlands Rating Form).
- iii. Category 3: A wetland that does not meet any of the criteria for Category 1 or 2, but meets either of the following criteria:
  - a. Of a size between 1,000 square feet and one acre, with two or fewer wetland classes as defined in BMC 19.10;
  - b. Wetlands where the habitat score for significant habitat value is less than or equal to 21 points;
- iv. Category 4: Wetlands associated with Lake Burien. 
- v. The following types of wetlands are not regulated by the City of Burien:
  - a. Category 3 wetlands less than 1,000 square feet and hydrologically isolated; or
  - b. Man-made ponds smaller than one acre and excavated from uplands without a surface water connection to streams, lakes, rivers, or other wetlands.

## 19.40.310 Wetlands – Performance standards.

### 1. General Requirements.

- A. Any alterations to a wetland and/or wetland buffer shall require mitigation as described in BMC 19.40.330.
- B. The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer are prohibited by the City of Burien unless approved by the Director;
- C. Plantings in a wetland or buffer should be native to Western Washington or increase the functions of the wetland or wildlife habitat.
- D. No vegetation removal, including mowing, shall be allowed in a wetland or wetland buffer unless authorized by the Director. Removal of noxious weeds is permitted if done manually;
- E. Non-Conformance. Activities occurring in a wetland or wetland buffer prior to October 20, 2003 shall be considered a non-conforming use as described in BMC 19.55.

### 2. Buffers.

# ATTACHMENT F

**Table 2.7: Shoreline Master Program Reach Summary.**

Reach	Total Parcels (adjacent to OHWM)	Average Setback to ** SFR	Minimum Setback	% Impervious (between SFR & OHWM)	Area of Structures Beyond OHWM	Average Setback to Accessory Structures	Buoys
M1	67	55.34	1	44%	6,435	N/A	11
M2	14	429.79	50	4%	39	N/A	0
M3	118	68.16	1	22%	1,713	18.8	40
M4	103	82.29	9	52%	503	26.78	46
* Lake Burien	67	100	*** 35	5%	28,723	43	2 rafts
<b>TOTALS</b>	369	183.90		31.75%	37,413	44.29	24.25

Based on: July 2007 Aerial Photo

\*\* SFR = Single Family Residence

\*\*\* = Error for a single home that was caused by an incorrect measurement from OHWM

## ATTACHMENT F

the perimeter of the lake. Additionally, there are approximately 5 overwater structures in the lake that are unattached to the surrounding uplands.

### *Hydrologic and Hyporheic Function*

The shoreline of Reach LB is highly altered and is surrounded almost entirely by privately-owned residences. Given the relatively small size of the lake, there is not much wave action affecting the shoreline; however, the shoreline would effectively attenuate any waves produced in the lake. The lakeshore bank is low bank with a very gentle upland gradient. Flooding along the shoreline of the lake is not a documented problem, as Lake Burien is not located within the 100-year floodplain.

While a system of stormwater drainage pipes has been installed to divert runoff flowing into the lake, several drainage points into the lake remain and the lake still functions as a water storage area. Lake Burien is mapped as an Aquifer Recharge Area, a type of critical area. Alterations to the surface conditions within an Aquifer Recharge Area associated with development, such as changes in impervious surface area, channeling of runoff, and changes in the soils, can affect the rate and quantity of water entering the aquifer. Additionally, contamination of waters within the Aquifer Recharge Area can adversely impact the aquifer.

### *Vegetation Function*

Due to the mostly residential land use surrounding Lake Burien, much of the vegetation within the shoreline of Reach LB consists of manicured lawns. Maintenance of lawns often increases the input of chemicals (fertilizers and herbicides) into the water and limits the input of organic material (including large woody debris) into the lake. However, any trees present contribute to the shading of the shoreline. Due to the topography around Lake Burien, the lack of native vegetation does not greatly increase erosion along the shore; there are no landslide hazard areas associated with the lake.

### *Other Habitat Function*

Lake Burien in its entirety has been rated a Category 2 wetland. The buffer associated with a Category 2 wetland is 100 feet. While there are no Priority Habitat and Species documented within Lake Burien or along the shoreline, wetlands provide habitat for other small mammals, birds, and fish (such as feeding, breeding, and spawning). There is no fish access into Lake Burien; therefore, anadromous salmonids are not expected within the lake.



RECEIVED

SEP 22 2010

CITY OF BURIEN

To: The Burien City Council  
David Johanson/ Planner for the SMP  
Subject: Conclusions drawn from the Buffer Demonstration at the 9/13/10 meeting  
Date: September 22, 2010

City Council Members:

The demonstration that you saw at the September 13, 2010 meeting was designed to illustrate that buffers (soil and vegetated) do filter and purify water. **However, no conclusion should be drawn that a 4 inch deep buffer that is 4 inches wide is sufficient to filter water for the entirety of Lake Burien.** Logic suggests that a 4 x 4 inch buffer cannot handle millions of gallons of runoff and non-point pollution that annually impacts the Lake Burien area. In addition for a buffer to function properly, the buffer area needs to be of sufficient in size to cleanse itself on a regular basis.

Factors that determine the adequate size of a buffer require research of the following:

1. What historically has been a sufficient buffer size for the current area to maintain water quality,
2. What has been the buffer size sufficient for areas that are similar in characteristics to the area being studied,
3. What type of soils are in the considered buffer area,
4. What is the rate of percolation in the types of soils in the area,
5. How close to the surface is the water table,
6. What is the slope of the land adjacent to the considered the buffer area and within the considered buffer area,
7. What types of vegetation currently exist in the considered buffer area,
8. What types of vegetation can be added to the considered buffer area to enhance its functioning,
9. What type of vegetation is compatible with the wildlife living in the considered area,
10. What are the annual weather trends/precipitation amounts that the buffer will need to function under,
11. How much impervious surface area is immediately within and peripherally adjacent to the considered buffer area,
12. What is the anticipated growth around that buffer area in the next 20 to 25 years,
13. What are the known sources of runoff and non-point pollution that will impact the considered buffer area
14. What is the anticipated time needed for the considered buffer to develop and to cleanse itself,
15. What kind of urbanization surrounds the buffer area.

In both the Burien Comprehensive Plan and the Burien Shoreline Master Plan, the standard of Current Science/Best Available Science (BAS) is required when dealing with Critical Areas and Shorelines. The **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Natural Environment, Goal EV.1, Pol. EV 1.8** (page 2-27), states: *"The City requires the use of Best Available Science for protecting critical areas within the community pursuant to the Growth Management Act [RCW 36.70A.172(1)]."* **RCW 36.70A.172 Critical Areas – Designation and Protection – Best available science to be used**, states: *"(1) In designing and protecting critical*

*areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas.”*

In a review of the Best Available Science for protecting and saving wetlands and other critical areas, the following strategies were cited:

1. limiting uses,
2. avoiding development in some areas,
3. transferring development density to another site, and
4. public protection of the critical area as a valuable site (MRSC-Best Available Science-Critical Areas, 4/10).

These same strategies are cited applicable to protecting shorelines from no net loss to the ecological functioning of the shorelines.

Buffers have been strategies used to protect wetlands, critical areas and shorelines. They have been proven to be instrumental in achieving “no net loss” to these areas. In addition to being a shoreline area, Lake Burien is a critical area in part due to its wetlands. Pollutants reach wetlands mainly through runoff (PSWQA 1986; Stockdale 1991). Urbanization of wetlands and the watersheds that feed wetlands generate large amount of pollutants such as eroded soils from construction sites, toxic metals and petroleum wastes from roadways and nutrients and bacteria from residential areas. *“At the same time that urbanization produces larger quantities of pollutants, it reduces water infiltration capacity, yielding more surface runoff.”* (Loucks 1989; Canning 1988). **This means that when pollutants such as oil run across vegetated buffers such as grass, the grass becomes matted down, slick and begins to act like an impervious surface.** Residential uses that impact wetlands include: *“a. Human presence and activity that impacts or drives off fish and wildlife. Bigger residences usually mean more people on the property, whether family members or guests. b. Pets that prey on or drive off fish and wildlife. More family members increase the likelihood of having more pets. c. Machinery and vehicular noise that impacts or drives off fish and wildlife. More people on the property increase the likelihood of having more machines and vehicles - including automobiles, watercraft, yard machinery, and recreational vehicles. d. Use of chemicals and fertilizers for house and yard. Larger structures and grounds increase the use of chemicals. e. Uses of night lighting that impacts or drives off fish and wildlife. Larger structures and grounds typically increase the use of night lighting.”* (Making Small Shoreline Buffers Work with Buffer Science, March 2010). The **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Natural Environment, Wetlands, Goal EV.6, Pol. EV 6.1**, (page 2-33), states: *“The City shall protect its wetlands with an objective of no overall net loss of functions and values.”*

New construction and added impervious surface area can significantly impact Aquifer Recharge Areas. *“Lake Burien is mapped as an Aquifer Recharge Area, a Critical Area. Alterations to the surface conditions within an Aquifer Recharge Area associated with development, such as changes in impervious surface area, channeling of runoff and changes in the soils, can affect the rate and quantity of water entering the aquifer. Additionally, contamination of waters within the Aquifer Recharge Area can adversely impact the entire aquifer”* (Grette, 2008). The **2009 Burien Comprehensive Plan, 2.8 STORM WATER ELEMENT, Goal ST.1, Protecting Water Quality, Pol. ST 1.10**, (page 2-111), states: *“In the interest of the residents of Burien, the*

*Puget Sound area and adjoining communities, the City will protect the quality of surface water bodies that are located within the drainage basins of the City."*

Lake Burien is a composed of a clay basin bowl. Clay tends to be one of the more impervious soils as compared to sand or gravels. It tends to be slick and produces a great deal of silt. Additionally, the buffer soils surrounding the lake are made of the same clay composition. This has long been documented by King County and the sewer district. The water table is very close to the surface for the properties surrounding the lake which, again, has been documented by the sewer district and the home owners on the lake. Therefore, Lake Burien is an area where the buffer needs to be larger in size than in other areas of the city or shorelines of the city to effectively function and cleanse itself. On land like such that surrounding Lake Burien, a building setback is needed to protect the buffer. The idea that a 5, 10, 15 or 20 foot buffer would be sufficient for Lake Burien flies in the face of the historical record, current science/Best Available Science and logic.

Bob Edgar



## 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 27<sup>th</sup> day of September, 2010 the FOLLOWING:

CHECK NOS. 26119-26265

IN THE AMOUNTS OF \$283,233.77

WITH VOIDED CHECK NOS.

Accounts Payable  
Checks for Approval



User: liliac  
Printed: 09/16/2010 - 6:59 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
26119	09/09/2010	Street Fund	Repairs And Maintenance	Alpine Products, Inc.	317.00
26119	09/09/2010	Street Fund	Repairs And Maintenance	Alpine Products, Inc.	1,014.41
26119	09/09/2010	Street Fund	Traffic & Speed Limit Signs	Alpine Products, Inc.	309.34
Check Total:					1,640.75
26120	09/09/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian	35.39
26120	09/09/2010	General Fund	Office/operating Supplies	Petty Cash Custodian	26.98
26120	09/09/2010	Street Fund	Office And Operating Supplies	Petty Cash Custodian	14.54
26120	09/09/2010	Surface Water Management Fund	Office And Operating Supplies	Petty Cash Custodian	21.89
26120	09/09/2010	Surface Water Management Fund	Office And Operating Supplies	Petty Cash Custodian	10.94
26120	09/09/2010	General Fund	Miscellaneous	Petty Cash Custodian	8.00
26120	09/09/2010	General Fund	Mileage	Petty Cash Custodian	23.45
26120	09/09/2010	Street Fund	Other Travel	Petty Cash Custodian	5.00
26120	09/09/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	19.56
26120	09/09/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	15.31
26120	09/09/2010	General Fund	Miscellaneous	Petty Cash Custodian	12.00
26120	09/09/2010	General Fund	Travel	Petty Cash Custodian	9.50
26120	09/09/2010	General Fund	Mileage	Petty Cash Custodian	21.00
26120	09/09/2010	General Fund	Miscellaneous	Petty Cash Custodian	10.98
26120	09/09/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian	2.16
26120	09/09/2010	General Fund	Miscellaneous	Petty Cash Custodian	25.00
26120	09/09/2010	General Fund	Mileage	Petty Cash Custodian	6.50
26120	09/09/2010	General Fund	Pet Licenses	Petty Cash Custodian	5.00
26120	09/09/2010	General Fund	Computer Related Supplies	Petty Cash Custodian	10.94
26120	09/09/2010	General Fund	Fuel/gas/gasoline Consumption	Petty Cash Custodian	30.00
26120	09/09/2010	General Fund	Miscellaneous	Petty Cash Custodian	34.75
26120	09/09/2010	General Fund	Meals	Petty Cash Custodian	19.04
26120	09/09/2010	General Fund	Mileage	Petty Cash Custodian	12.50
Check Total:					380.43
26121	09/15/2010	General Fund	Printing/binding/copying	Cardmember Service	4,148.60

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	4,148.60
26122	09/20/2010	General Fund	Subscriptions/publications	Attorney's Eagle Eye Service	56.94
				Check Total:	56.94
26123	09/20/2010	General Fund	Operating Rentals And Leases	AIRGAS-NORPAC, INC.	8.21
26123	09/20/2010	General Fund	Rental & Lease	AIRGAS-NORPAC, INC.	8.22
				Check Total:	16.43
26124	09/20/2010	General Fund	Office and Operating Supplies	Alpine Kiln & Equipment LLC	178.91
				Check Total:	178.91
26125	09/20/2010	Parks & Gen Gov't CIP	Pre-Design Engineering	Anchor Environmental, L.L.C.	3,571.00
26125	09/20/2010	Parks & Gen Gov't CIP	Pre-Design Engineering	Anchor Environmental, L.L.C.	1,369.50
				Check Total:	4,940.50
26126	09/20/2010	General Fund	Professional Services	Administrative Office of the C	30.00
				Check Total:	30.00
26127	09/20/2010	General Fund	Office And Operating Supplies	Arcoa Industries, LLC	128.28
				Check Total:	128.28
26128	09/20/2010	General Fund	Parks Maintenance	Aquatic Specialty Services Inc	371.21
26128	09/20/2010	General Fund	Parks Maintenance	Aquatic Specialty Services Inc	272.99
26128	09/20/2010	General Fund	Parks Maintenance	Aquatic Specialty Services Inc	-125.83
				Check Total:	518.37
26129	09/20/2010	General Fund	Telephone	A T & T	34.79
				Check Total:	34.79
26130	09/20/2010	General Fund	Repairs And Maintenance	Allied Waste Services #183	509.70
26130	09/20/2010	General Fund	Repairs And Maintenance	Allied Waste Services #183	930.02

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	<u>1,439.72</u>
26131	09/20/2010	General Fund	Cops Technology Grant Exps	Kenneth Barger	100.00
				Check Total:	<u>100.00</u>
26132	09/20/2010	Transportation CIP	Project Development	Builders Exchange of WA, Inc.	7.75
				Check Total:	<u>7.75</u>
26133	09/20/2010	General Fund	Professional Services	Stephen Botkin	1,878.72
				Check Total:	<u>1,878.72</u>
26134	09/20/2010	Street Fund	Street Maintenance-non-county	The Brickman Group, Ltd.	14,078.00
26134	09/20/2010	Street Fund	Street Maintenance-non-county	The Brickman Group, Ltd.	348.00
				Check Total:	<u>14,426.00</u>
26135	09/20/2010	Street Fund	Printing/binding/copying	Philip Hwang Kwang Nam	21.90
26135	09/20/2010	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	419.17
				Check Total:	<u>441.07</u>
26136	09/20/2010	General Fund	Mis Plan Implementation	CDW-G	3,958.45
				Check Total:	<u>3,958.45</u>
26137	09/20/2010	General Fund	Miscellaneous	ANGELA CHAUFY	60.38
				Check Total:	<u>60.38</u>
26138	09/20/2010	General Fund	Comprehensive Plan Costs	Coast & Harbor Engineering	8,046.50
				Check Total:	<u>8,046.50</u>
26139	09/20/2010	Transportation CIP	right of way acqusition	Soon Chung	400.00
				Check Total:	<u>400.00</u>
26140	09/20/2010	General Fund	Prof. Svcs-instructors	Peter S. Cicero	200.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	200.00
26141	09/20/2010	General Fund	Office and Operating Supplies	Clay Art Center, Inc.	697.73
				Check Total:	697.73
26142	09/20/2010	General Fund	Utilities	COMCAST	59.95
				Check Total:	59.95
26143	09/20/2010	General Fund	Office And Operating Supplies	Complete Office	48.92
26143	09/20/2010	General Fund	Office/operating Supplies	Complete Office	392.21
26143	09/20/2010	General Fund	Office/operating Supplies	Complete Office	441.54
26143	09/20/2010	General Fund	Office And Operating Supplies	Complete Office	343.28
26143	09/20/2010	General Fund	Office And Operating Supplies	Complete Office	343.28
26143	09/20/2010	General Fund	Office And Operating Supplies	Complete Office	441.54
26143	09/20/2010	General Fund	Office And Operating Supplies	Complete Office	48.92
26143	09/20/2010	General Fund	Office/Operating Supplies	Complete Office	48.92
26143	09/20/2010	General Fund	Office And Operating Supplies	Complete Office	753.73
				Check Total:	2,862.34
26144	09/20/2010	General Fund	Office and Operating Supplies	Consolidated Electrical	139.07
				Check Total:	139.07
26145	09/20/2010	General Fund	Nuisance Abatement Costs	Clean Property Services & Exte	287.44
				Check Total:	287.44
26146	09/20/2010	General Fund	Prof. Svcs-instructors	Janet S. Crawley	337.35
26146	09/20/2010	General Fund	Instructors Prof Svcs	Janet S. Crawley	374.00
				Check Total:	711.35
26147	09/20/2010	General Fund	Professional Services	CTS Language Link	3.90
				Check Total:	3.90
26148	09/20/2010	Town Square CIP	Other Improvements	CITY OF BURIEN	865.43

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					865.43
26149	09/20/2010	General Fund	Utilities	City of Seattle	49.98
26149	09/20/2010	General Fund	Utilities	City of Seattle	8.20
26149	09/20/2010	General Fund	Utilities	City of Seattle	1,279.71
26149	09/20/2010	General Fund	Utilities	City of Seattle	43.97
26149	09/20/2010	General Fund	Utilities	City of Seattle	16.20
26149	09/20/2010	General Fund	Utilities	City of Seattle	338.10
26149	09/20/2010	General Fund	Utilities	City of Seattle	863.35
26149	09/20/2010	General Fund	Utilities	City of Seattle	493.92
26149	09/20/2010	Street Fund	Utilities - Traffic Signals	City of Seattle	1,208.98
26149	09/20/2010	Street Fund	Utilities-street Lighting	City of Seattle	3,987.36
26149	09/20/2010	General Fund	Utilities	City of Seattle	12.43
Check Total:					8,302.20
26150	09/20/2010	General Fund	State Lobbying Services	Michael D. Doubleday	2,635.00
Check Total:					2,635.00
26151	09/20/2010	Street Fund	Discover Burien	Discover Burien	4,850.00
26151	09/20/2010	Street Fund	Special Event Clean up	Discover Burien	3,331.00
Check Total:					8,181.00
26152	09/20/2010	General Fund	Professional Services	Dorchester Consulting	450.00
Check Total:					450.00
26153	09/20/2010	General Fund	Other Travel	BOPHARY DU	115.00
Check Total:					115.00
26154	09/20/2010	General Fund	Office and Operating Supplies	Dunn Lumber Co.	71.35
26154	09/20/2010	Street Fund	Repairs And Maintenance	Dunn Lumber Co.	193.16
26154	09/20/2010	Street Fund	Office And Operating Supplies	Dunn Lumber Co.	44.96
26154	09/20/2010	Street Fund	Office And Operating Supplies	Dunn Lumber Co.	8.28
26154	09/20/2010	Street Fund	Office And Operating Supplies	Dunn Lumber Co.	3.06
Check Total:					320.81
26155	09/20/2010	Surface Water Management Fund	Repairs And Maintenance	Elidrew, LLC	11.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
26155	09/20/2010	Street Fund	Repairs And Maintenance	Elidrew, LLC	11.83
26155	09/20/2010	General Fund	Repair/maint-vehicle	Elidrew, LLC	11.83
26155	09/20/2010	General Fund	Repair/maint-vehicle	Elidrew, LLC	11.83
Check Total:					47.32
26156	09/20/2010	General Fund	City Hall Bldg Maintenance	Eastside Glass & Sealants	312.08
Check Total:					312.08
26157	09/20/2010	General Fund	Professional Services	Einstein Signs	194.91
Check Total:					194.91
26158	09/20/2010	General Fund	Instructors Prof Srvs	Environmental Science Center	902.50
Check Total:					902.50
26159	09/20/2010	General Fund	Office And Operating Supplies	FASTSIGNS	87.05
Check Total:					87.05
26160	09/20/2010	General Fund	Quarterly Newsletter	FedEx	20.32
26160	09/20/2010	General Fund	Miscellaneous	FedEx	6.26
26160	09/20/2010	General Fund	Miscellaneous	FedEx	6.91
Check Total:					33.49
26161	09/20/2010	General Fund	Instructors Prof Svcs	Pam Fredback	94.50
Check Total:					94.50
26162	09/20/2010	General Fund	Professional Services	Gray & Osborne, Inc.	237.48
Check Total:					237.48
26163	09/20/2010	General Fund	Instructors Prof Svcs	Alex Galstaun	42.00
Check Total:					42.00
26164	09/20/2010	General Fund	Dues/memberships	Gov't Finance Officers Assn.	225.00
26164	09/20/2010	General Fund	Subscriptions/publications	Gov't Finance Officers Assn.	205.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	430.00
26165	09/20/2010	General Fund	Professional Services	Goodbye Graffiti	143.99
26165	09/20/2010	General Fund	Professional Services	Goodbye Graffiti	1,761.86
26165	09/20/2010	General Fund	Professional Services	Goodbye Graffiti	1,761.86
				Check Total:	3,667.71
26166	09/20/2010	General Fund	Professional Services	Dan Good	600.00
				Check Total:	600.00
26167	09/20/2010	General Fund	Office And Operating Supplies	Grainger	19.68
26167	09/20/2010	General Fund	Office And Operating Supplies	Grainger	173.57
26167	09/20/2010	General Fund	Office and Operating Supplies	Grainger	150.17
				Check Total:	343.42
26168	09/20/2010	General Fund	Parks Building Security	Guardian Security	65.00
				Check Total:	65.00
26169	09/20/2010	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	396.00
26169	09/20/2010	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	155.25
				Check Total:	551.25
26170	09/20/2010	Surface Water Management Fund	Other Travel	HEUNGKOOK LIM	83.00
				Check Total:	83.00
26171	09/20/2010	General Fund	Operating Rentals and Leases	Head-quarters	81.50
				Check Total:	81.50
26172	09/20/2010	General Fund	Teen Programs	Highline School District #401	4,356.00
				Check Total:	4,356.00
26173	09/20/2010	General Fund	Dues/memberships/subscriptions	International Institute Of	240.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	240.00
26174	09/20/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions	364.64	
26174	09/20/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions	455.54	
26174	09/20/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions	321.93	
					Check Total:	1,142.11
26175	09/20/2010	General Fund	Operating Rentals And Leases	Ikon Office Solutions	650.43	
					Check Total:	650.43
26176	09/20/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management	426.08	
26176	09/20/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management	521.20	
26176	09/20/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management	38.63	
26176	09/20/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management	206.42	
					Check Total:	1,192.33
26177	09/20/2010	General Fund	Telephone	Integra Telecom	53.38	
26177	09/20/2010	General Fund	Telephone	Integra Telecom	266.88	
26177	09/20/2010	General Fund	Telephone	Integra Telecom	133.44	
26177	09/20/2010	General Fund	Telephone	Integra Telecom	160.13	
26177	09/20/2010	General Fund	Telephone	Integra Telecom	320.26	
26177	09/20/2010	General Fund	Telephone	Integra Telecom	106.75	
26177	09/20/2010	General Fund	Telephone	Integra Telecom	160.13	
26177	09/20/2010	General Fund	Telephone	Integra Telecom	133.44	
26177	09/20/2010	General Fund	Telephone	Integra Telecom	555.07	
					Check Total:	1,889.48
26178	09/20/2010	General Fund	Repair/maint-vehicle	Interstate Tire & Automotive	545.20	
					Check Total:	545.20
26179	09/20/2010	General Fund	Burien Marketing Strategy	JB's Custom Embroidery	876.00	
					Check Total:	876.00
26180	09/20/2010	General Fund	Office And Operating Supplies	CORY JENKINS	65.70	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	65.70
26181	09/20/2010	Transportation CIP	Bond Issue Costs	K&L/Gates LLP	18,820.00
				Check Total:	18,820.00
26182	09/20/2010	General Fund	Office and Operating Supplies	Gina Kallman	76.46
				Check Total:	76.46
26183	09/20/2010	General Fund	Professional Services	Dr. Leslie Kasper	8,812.65
				Check Total:	8,812.65
26184	09/20/2010	Transportation CIP	right of way acqisition	King County Recorder	198.00
				Check Total:	198.00
26185	09/20/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff's Office	3,061.22
26185	09/20/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff's Office	726.31
26185	09/20/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff's Office	1,235.48
				Check Total:	5,023.01
26186	09/20/2010	General Fund	Jail Contract	KING COUNTY FINANCE	25,959.28
26186	09/20/2010	General Fund	Repairs And Maintenance	KING COUNTY FINANCE	282.69
				Check Total:	26,241.97
26187	09/20/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff, Pcnt. #4	1,030.00
				Check Total:	1,030.00
26188	09/20/2010	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S	5,025.50
				Check Total:	5,025.50
26189	09/20/2010	General Fund	Prof. Svcs-instructors	Kim Klose	187.20
				Check Total:	187.20

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
26190	09/20/2010	Transportation CIP	Design-engineering	KPG, Inc.	16,135.70
				Check Total:	16,135.70
26191	09/20/2010	General Fund	Mileage	DOUG LAMOTHE	92.00
				Check Total:	92.00
26192	09/20/2010	General Fund	Instructors Prof Srvs	David Larson	624.00
				Check Total:	624.00
26193	09/20/2010	General Fund	Instructors Prof Svcs	Lauren Laughlin	189.00
				Check Total:	189.00
26194	09/20/2010	Surface Water Management Fund	Professional Services	Thomas D. Mortimer	1,189.00
				Check Total:	1,189.00
26195	09/20/2010	General Fund	Office and Operating Supplies	Lawson Products, Inc.	188.59
				Check Total:	188.59
26196	09/20/2010	General Fund	Prof. Svcs-instructors	Alexander Lewis	893.75
				Check Total:	893.75
26197	09/20/2010	General Fund	Prof. Svcs-instructors	Anne Marie Littleton	972.40
				Check Total:	972.40
26198	09/20/2010	General Fund	Office and Operating Supplies	Leisuremore Corporation	203.59
				Check Total:	203.59
26199	09/20/2010	General Fund	Prof. Svcs-instructors	Galina Malevannaya	390.00
				Check Total:	390.00
26200	09/20/2010	General Fund	Instructors Prof Svcs	Kelda J. Martensen	240.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	240.00
26201	09/20/2010	General Fund	Auto Allowance	MIKE MARTIN	400.00
				Check Total:	400.00
26202	09/20/2010	General Fund	Prof. Svcs-instructors	Susy McAleer	82.50
				Check Total:	82.50
26203	09/20/2010	Transportation CIP	right of way acquisition	Patrick McDaniel	3,400.00
				Check Total:	3,400.00
26204	09/20/2010	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.	35.02
26204	09/20/2010	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.	2.24
26204	09/20/2010	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.	42.68
26204	09/20/2010	General Fund	Small Tools & Minor Equipments	McLendon Hardware, Inc.	54.74
				Check Total:	134.68
26205	09/20/2010	General Fund	Instructors Prof Svcs	Momentum Dance Academy	1,271.48
				Check Total:	1,271.48
26206	09/20/2010	General Fund	Sales Tax Auditing Costs	Microflex, Inc.	115.23
26206	09/20/2010	Street Fund	Dt Business License Svcs	Microflex, Inc.	6,215.76
26206	09/20/2010	General Fund	B&O Tax collect & audit	Microflex, Inc.	2,162.98
				Check Total:	8,493.97
26207	09/20/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	18.78
26207	09/20/2010	General Fund	Office And Operating Supplies	Miller Paint Co.	13.69
26207	09/20/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	72.38
26207	09/20/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	18.78
26207	09/20/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	50.26
				Check Total:	173.89
26208	09/20/2010	General Fund	Instructors Prof Svcs	Shariana Mundi	396.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	396.00
26209	09/20/2010	General Fund	Building Maintenance	NBM Corporation	1,558.00
26209	09/20/2010	General Fund	Building Maintenance	NBM Corporation	492.25
				Check Total:	2,050.25
26210	09/20/2010	General Fund	Instructors Prof Srvs	New City Dance Company	894.60
26210	09/20/2010	General Fund	Prof. Svcs-instructors	New City Dance Company	280.00
				Check Total:	1,174.60
26211	09/20/2010	General Fund	Prof. Svcs-instructors	Pamela Odegard	150.00
				Check Total:	150.00
26212	09/20/2010	General Fund	Professional Services	Jini O'Flynn	150.00
				Check Total:	150.00
26213	09/20/2010	General Fund	Office And Operating Supplies	O'Reilly Auto Parts	6.01
				Check Total:	6.01
26214	09/20/2010	Transportation CIP	Construction	Partner Construction Products	3,500.17
				Check Total:	3,500.17
26215	09/20/2010	General Fund	Office and Operating Supplies	Pacific Lamp & Supply Company	580.62
				Check Total:	580.62
26216	09/20/2010	General Fund	Summer Youth	PARA LOS NINOS	4,250.00
				Check Total:	4,250.00
26217	09/20/2010	General Fund	Printing/Binding/Copying	Print Place	392.56
26217	09/20/2010	General Fund	Printing/binding/copying	Print Place	126.37
				Check Total:	518.93

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
26218	09/20/2010	Street Fund	Utilities-street Lighting	Puget Sound Energy	1,601.77
26218	09/20/2010	General Fund	Utilities	Puget Sound Energy	59.58
26218	09/20/2010	General Fund	Utilities	Puget Sound Energy	200.72
				Check Total:	1,862.07
26219	09/20/2010	Transportation CIP	right of way acquisition	R&M Jones Family LP	2,100.00
				Check Total:	2,100.00
26220	09/20/2010	General Fund	Cash Over & Short	ADT - Robert Box	150.00
				Check Total:	150.00
26221	09/20/2010	Street Fund	Business Licenses	Trina Lynn Coats	90.00
				Check Total:	90.00
26222	09/20/2010	Street Fund	Business Licenses	Hawaii Beauty Salon	37.50
				Check Total:	37.50
26223	09/20/2010	General Fund	Refund Clearing Account -Parks	Patricia Eslava-Vessey	50.00
				Check Total:	50.00
26224	09/20/2010	General Fund	Refund Clearing Account -Parks	Edgar Rurii	495.00
				Check Total:	495.00
26225	09/20/2010	General Fund	Refund Clearing Account -Parks	Service Alternatives, Inc.	500.00
				Check Total:	500.00
26226	09/20/2010	Surface Water Management Fund	Repairs And Maintenance	Renton Concrete Recyclers	532.12
				Check Total:	532.12
26227	09/20/2010	Transportation CIP	project development	Robinson Newspapers	100.80
				Check Total:	100.80

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
26228	09/20/2010	General Fund	Att Svcs - Litigation - 1st So	Ryan, Swanson & Cleveland	12,759.52
				Check Total:	12,759.52
26229	09/20/2010	General Fund	Prof. Svcs-instructors	Sandra Schneider	240.00
				Check Total:	240.00
26230	09/20/2010	General Fund	Prof. Svcs-instructors	Alan Schmitz	600.00
				Check Total:	600.00
26231	09/20/2010	General Fund	Office and Operating Supplies	School Specialty, Inc.	186.89
				Check Total:	186.89
26232	09/20/2010	General Fund	Advertising	Seattle Times	431.55
26232	09/20/2010	General Fund	Advertising/legal Publications	Seattle Times	450.00
26232	09/20/2010	General Fund	Advertising	Seattle Times	65.36
				Check Total:	946.91
26233	09/20/2010	General Fund	Office and Operating Supplies	Seatown Locksmith	76.65
26233	09/20/2010	General Fund	Office Supplies	Seatown Locksmith	51.47
				Check Total:	128.12
26234	09/20/2010	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	2,369.98
26234	09/20/2010	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	395.00
26234	09/20/2010	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	395.00
				Check Total:	3,159.98
26235	09/20/2010	General Fund	Professional Services	Nancy Shattuck	1,595.00
				Check Total:	1,595.00
26236	09/20/2010	General Fund	Instructors Prof Srvs	Kevon Shea	360.00
				Check Total:	360.00
26237	09/20/2010	General Fund	Machinery And Equipment	Springbrook Software, Inc.	4,416.66
26237	09/20/2010	General Fund	Machinery And Equipment	Springbrook Software, Inc.	2,052.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					6,468.66
26238	09/20/2010	General Fund	Telephone	SPRINT	1,644.44
26238	09/20/2010	General Fund	Telephone	SPRINT	250.98
26238	09/20/2010	Street Fund	Telephone	SPRINT	250.98
26238	09/20/2010	Surface Water Management Fund	Telephone	SPRINT	250.98
26238	09/20/2010	General Fund	Telephone	SPRINT	243.85
26238	09/20/2010	General Fund	Telephone	SPRINT	246.40
26238	09/20/2010	General Fund	Misc. EOC	SPRINT	57.33
26238	09/20/2010	General Fund	Drug seizure proceeds KCSO	SPRINT	409.16
26238	09/20/2010	General Fund	Telephone	SPRINT	109.31
26238	09/20/2010	General Fund	Telephone	SPRINT	121.10
26238	09/20/2010	General Fund	Telephone	SPRINT	35.89
26238	09/20/2010	General Fund	Telephone	SPRINT	48.68
26238	09/20/2010	Surface Water Management Fund	Telephone	SPRINT	243.62
26238	09/20/2010	General Fund	Telephone	SPRINT	243.85
26238	09/20/2010	General Fund	Telephone	SPRINT	240.46
26238	09/20/2010	General Fund	Misc. EOC	SPRINT	59.49
26238	09/20/2010	General Fund	Drug seizure proceeds KCSO	SPRINT	409.16
26238	09/20/2010	General Fund	Telephone	SPRINT	118.17
26238	09/20/2010	General Fund	Telephone	SPRINT	354.45
26238	09/20/2010	General Fund	Telephone	SPRINT	212.65
26238	09/20/2010	General Fund	Telephone	SPRINT	121.10
26238	09/20/2010	General Fund	Telephone	SPRINT	36.88
26238	09/20/2010	General Fund	Telephone	SPRINT	87.83
26238	09/20/2010	General Fund	Telephone	SPRINT	1,861.65
26238	09/20/2010	General Fund	Telephone	SPRINT	243.60
26238	09/20/2010	Street Fund	Telephone	SPRINT	243.62
Check Total:					8,145.63
26239	09/20/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	118.65
26239	09/20/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	483.00
26239	09/20/2010	General Fund	Utilities	Southwest Suburban Sewer Dist.	412.00
Check Total:					1,013.65
26240	09/20/2010	General Fund	Prof. Svcs-instructors	Bonnie Taschler	156.25
26240	09/20/2010	General Fund	Prof. Svcs-instructors	Bonnie Taschler	156.25
Check Total:					312.50
26241	09/20/2010	General Fund	Instructors Prof Svcs	Train Builder Productions, LLC	1,030.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	<u>1,030.75</u>
26242	09/20/2010	General Fund	Office and Operating Supplies	The Lincup	306.60
				Check Total:	<u>306.60</u>
26243	09/20/2010	General Fund	Office And Operating Supplies	Twin Plastics, Inc.	210.35
				Check Total:	<u>210.35</u>
26244	09/20/2010	General Fund	Publications	Thompson Publishing Group	428.50
26244	09/20/2010	General Fund	Publications	Thompson Publishing Group	40.71
				Check Total:	<u>469.21</u>
26245	09/20/2010	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	995.36
26245	09/20/2010	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	2,349.87
26245	09/20/2010	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	383.52
26245	09/20/2010	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	422.66
				Check Total:	<u>4,151.41</u>
26246	09/20/2010	Street Fund	Traffic Signal/control.mainten	TSM Company	5,643.46
				Check Total:	<u>5,643.46</u>
26247	09/20/2010	General Fund	Instructors Prof Svcs	Ken Turner	702.00
				Check Total:	<u>702.00</u>
26248	09/20/2010	General Fund	Operating Rentals and Leases	United Site Services	165.00
				Check Total:	<u>165.00</u>
26249	09/20/2010	General Fund	Human Services-Arts & Culture	U.S. POSTAL SERVICE	957.22
				Check Total:	<u>957.22</u>
26250	09/20/2010	General Fund	Utilities	Valley View Sewer District	40.90

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	40.90
26251	09/20/2010	General Fund	Instructors Prof Svcs	Fred Vaughan	54.00
				Check Total:	54.00
26252	09/20/2010	General Fund	Publications	WA Assn. of Building Officials	245.28
				Check Total:	245.28
26253	09/20/2010	General Fund	Professional Services	Waldron Resources	913.21
				Check Total:	913.21
26254	09/20/2010	Street Fund	Landscape Maint - Utilities	Water District No. 20	373.55
26254	09/20/2010	General Fund	Utilities	Water District No. 20	75.60
26254	09/20/2010	General Fund	Utilities	Water District No. 20	47.40
26254	09/20/2010	General Fund	Utilities	Water District No. 20	2,362.60
26254	09/20/2010	General Fund	Utilities	Water District No. 20	52.10
26254	09/20/2010	General Fund	Utilities	Water District No. 20	45.05
26254	09/20/2010	General Fund	Utilities	Water District No. 20	447.95
26254	09/20/2010	General Fund	Utilities	Water District No. 20	1,848.85
				Check Total:	5,253.10
26255	09/20/2010	General Fund	Probatr/public Defndr Screenng	Tammy Weigel	960.00
				Check Total:	960.00
26256	09/20/2010	General Fund	Jury & Witness Fees	Adriana Palma	11.50
				Check Total:	11.50
26257	09/20/2010	General Fund	Jury & Witness Fees	Jason Watts	11.50
				Check Total:	11.50
26258	09/20/2010	General Fund	Dues/memberships/subscriptions	Washington Municipal Clerks As	125.00
				Check Total:	125.00
26259	09/20/2010	General Fund	Seasonal Security	Washington Merchant Patrol LLC	3,465.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
26259	09/20/2010	General Fund	Seasonal Security	Washington Merchant Patrol LLC	1,155.00
26259	09/20/2010	General Fund	Seasonal Security	Washington Merchant Patrol LLC	3,410.00
Check Total:					8,030.00
26260	09/20/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	80.49
26260	09/20/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	531.54
26260	09/20/2010	General Fund	Office and Operating Supplies	Walter E. Nelson Co.	135.37
Check Total:					747.40
26261	09/20/2010	General Fund	Professional Services	Washington State Patrol	20.00
Check Total:					20.00
26262	09/20/2010	Surface Water Management Fund	Office And Operating Supplies	Western Safety Products, Inc.	6,914.11
Check Total:					6,914.11
26263	09/20/2010	General Fund	Public Defender	W. Tracy Codd	1,460.00
Check Total:					1,460.00
26264	09/20/2010	Surface Water Management Fund	Storm Water Facility Maint	Yardsmen Company	1,817.23
Check Total:					1,817.23
26265	09/16/2010	General Fund	Refund Clearing Account -Parks	Cindy Rames	500.00
Check Total:					500.00
Report Total:					283,233.77





## CITY COUNCIL MEETING MINUTES

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)

Burien City Hall, Council Chambers

400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> 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](http://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, Deputy Mayor Rose Clark, Councilmembers Kathy Keene and Gordon Shaw. Councilmember Jack Block, Jr. was excused. Councilmember Bennett arrived at 6:11 p.m. and Councilmember Krakowiak arrived at 6:12 p.m.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Gary Coleman, Acting Finance Director; 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 September 13, 2010, Agenda.

### PUBLIC COMMENT

Ed Dacy, 2016 SW 146<sup>th</sup> Street, Burien

Mr. Dacy spoke to the Hospitality House Stomp Out Homelessness 9<sup>th</sup> Annual Walk for the Women on September 25.

Chestine Edgar, 1811 SW 152<sup>nd</sup> Street, Burien  
Ms. Edgar spoke to research that states invasive species are brought in by multiple objects that include watercraft. She demonstrated how buffers work and urged the Council to replace the building setbacks in the Urban Conservancy designation and Lake Burien in the Shoreline Master Program.

Bob Edgar, 12674 Shorewood Drive SW, Burien  
Mr. Edgar spoke to the importance of restoring the 15' building setback for Lake Burien in the Shoreline Master Program.

Councilmember Bennett arrived at 6:11 pm.

Councilmember Krakowiak arrived at 6:12 p.m.

Greg Anderson, 15451 11<sup>th</sup> Avenue SW, Burien  
Mr. Anderson spoke to the variety of uses of shorelines in the Puget Sound area. He noted that you cannot cure all Puget Sound ills by putting setbacks on a few people.

Tanya Engeset, 1449 SW 152<sup>nd</sup> Street, Burien  
Ms. Engeset spoke to property rights, public access, floats in the Shoreline Master Program.

Chestine Edgar, 11811 SW 152<sup>nd</sup> Street, Burien  
Ms. Edgar clarified that historically Lake Burien never had lower than a 30' buffer with 15' setback.

#### **CORRESPONDENCE FOR THE RECORD**

- a. Letter Dated August 20, 2010, from Regional Commission on Airport Affairs Regarding Third Runway Noise.
- b. Email Dated August 26, 2010, from Robbie Howell Regarding SMP Draft.
- c. Email Dated August 27, from JoAnn Pasek Regarding Public Access to Lake Burien, Shorewood, and Three Tree Point Waters and Beaches.
- d. Email Dated August 26, 2010, from Chestine Edgar Regarding Shoreline Master Plan/Appendix E.
- e. Letter Dated August 26, 2010, from Winona Deyman Regarding Shoreline Master Plan.
- f. Letter Dated August 24, 2010, from Sandy Gledhill-Young Regarding the SMP.
- g. Letter Dated August 30, 2010, from Janis Freudenthal, Regarding Shoreline Master Plan.
- h. Letter Dated August 30, 2010, from Greg Anderson Regarding the SMP.
- 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.
- j. Letter Dated August 30, 2010, from Chestine Edgar Regarding Shoreline Master Plan (SMP August Draft) Public Hearing.
- k. Email Dated September 6, 2010, from Michael Noakes Transmitting a Letter Dated August 31, 2010, Regarding BMHA Public Forum Comments.

- l. Email Dated September 2, 2010, from Chloe Swain Regarding Public Access to Lake Burien.
- m. Email Dated September 7, 2010, from Stan and Dawn Lemmel Transmitting Letter Regarding Clarification of SW 172<sup>nd</sup> and Maplewild Projects in the City's Six-Year Transportation Improvement Program.

#### **CONSENT AGENDA**

- a. Approval of Vouchers: Numbers 25840 - 26118 in the Amounts of \$1,807,179.96 with Voided Check Nos. 25840 & 25912.
- b. Approval of Council Meeting Minutes: August 2, 2010; August 16, 2010, and August 30, 2010.

#### **Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve the September 13, 2010, Consent Agenda.

#### **BUSINESS AGENDA**

##### **City Business**

In deference to the agenda, City Manager Mike Martin asked if there were any questions regarding his report. There being none, the Council moved on to the next item on the agenda.

##### **Public Hearing on the Preliminary 2011-2012 Biennial Budget**

Mayor McGilton opened the public hearing at 6:20 p.m.

Don Warren, 15702 13<sup>th</sup> Avenue SW, Burien  
Mr. Warren stated he would like to find the informational material so could speak to budget.

There being no further testimony, Mayor McGilton closed the public hearing at 6:22 p.m.

##### **Discussion of Draft Shoreline Master Program**

From the Summary of City Council Comments, City Council Draft dated August 23, 2010:

#### **Direction/Action**

Item No. 1, 20.25.020(3)(f) Shoreline Residential – Councilmembers reached consensus to strike the language “such as importation of invasive species to Lake Burien” where written in the document.

Item No. 4, 20.30.001, Figure 4, Permit Matrix – Councilmembers reached consensus to keep “Shoreline Conditional Use (CU) Permit” for the Personal Wireless Service Facility.

Item No. 7, 20.30.035(1)(b) Public Access – Councilmembers reached consensus to add “that cannot be mitigated” at the end of the sentence.

Item No. 7, 20.30.035(2)(e) Public Access – Councilmembers reached consensus to add “that cannot be mitigated” between “impacts and “incompatible.”

Item No. 9, 20.30.050 Dimensional Standards for Shoreline Development – Councilmembers voted to maintain to 30’ Lake Burien Riparian Buffer and add a 15’ Building Setback to Lake Burien. **Vote** passed 5-1. Opposed, Councilmember Shaw.

Item No. 9, 20.30.050 Dimensional Standards for Shoreline Development – Councilmembers voted to re-establish a 15’ Marine Riparian Building Setback under the Urban Conservancy Designation. **Vote** passed 5-1. Opposed, Councilmember Shaw.

Item No. 14, 20.30.075 Figure 4, Shoreline Uses and Modification Policies and Regulations – Councilmembers reached consensus to add Docks, Piers and Floats-Residential to the Shoreline Permit Matrix requiring a Shoreline Substantial Development Permit (SDP) for the Shoreline Residential and Aquatic designations. Also to add a footnote that private mooring buoys are exempt from the SDP process but shall comply with BMC 20.30.090 (Recreational Mooring Buoys).

20.30.070(2)(b)(ii)(1) Bulkheads and Other Shoreline Stabilization Structures – Councilmembers reached consensus to change “indicates” to “confirms that there is a significant possibility.”

20.30.040(2)(b) Shoreline Vegetation – Councilmembers reached consensus to insert “(except for the maintenance of existing or approved conditions)” between “buffer” and “shall.”

Item No. 8, 20.30.040(2)(a) Vegetation – Councilmembers voted to change “Alterations to vegetation” to “New development” and remove “(except for the maintenance of existing or approved conditions)” and “When allowed.” **Vote** failed 1-4-1. Opposed, Mayor McGilton, Deputy Mayor Clark, Councilmembers Bennett and Keene. Councilmember Krakowiak abstained.

Item No. 8, 20.30.040(2)(d)(vi) Shoreline Vegetation – Councilmembers voted to remove “Replacement.” **Vote** passed unanimously.

20.20.015 Shoreline Public Access Element – Councilmembers voted to add “rights” after “privacy” in Pol. PA 3, PA 4, and PA 8(f). **Vote** passed unanimously.

#### **Follow-up**

Staff will cancel the September 20 Special Meeting and place the adoption of the Shoreline Master Program on the September 27 Consent 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 7:25 p.m.

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Joan McGilton, Mayor

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Monica Lusk, City Clerk



CITY OF BURIEN, WASHINGTON

MEMORANDUM

**DATE:** September 21, 2010  
**TO:** Mayor McGilton and City Council members  
**FROM:** David Johanson, Senior Planner   
**SUBJECT:** Attachments to Resolution No. 317, Shoreline Master Program Update

---

Mayor and City Council members, the purpose of this memo is to inform you that Resolution No. 317 included in your packet only includes the shoreline master program Chapters I-VI. The appendices to the Shoreline Master Program update are available on the city web site at the link provided below.

<http://www.burienwa.gov/index.aspx?NID=851>

Should you prefer another option to have access to these documents, the appendices are also available at the City Clerk's office.

If you have any questions please do not hesitate to contact me at (206) 248-5522 or [davidj@burienwa.gov](mailto:davidj@burienwa.gov).



**CITY OF BURIEN**  
**RESOLUTION NO. 317**

---

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, APPROVING THE PROPOSED BURIEN SHORELINE MASTER PROGRAM AND THE ACCOMPANYING GOALS AND POLICIES, ENVIRONMENTAL DESIGNATIONS, REGULATIONS, RESTORATION PLAN AND CUMULATIVE IMPACTS ANALYSIS 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 proposed shoreline master program 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 8/30/2010, regarding the proposed shoreline master program; 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 conducted SEPA review of the proposed shoreline master program by issuing 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 Exhibit A, which is attached hereto and incorporated herein by reference.

**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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 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. 317



*Department of Ecology Coastal Zone Atlas, 2007*

City of Burien

# Shoreline Master Program

SMA Grant No. G0800116

September 2010



# Burien Shoreline Master Program

## August 2010

### Title 20

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## APPENDICES

Errata Sheet, posted August 23, 2010

Appendix 1: City of Burien Shoreline Inventory

Appendix 2: City of Burien Shoreline Analysis and Characterization

Appendix 3: City of Burien Shoreline Restoration Plan

Appendix 4: City of Burien Shoreline Cumulative Impacts Analysis

Appendix 5: Supplemental Informational Documents

- a. Data Analysis Report, Lake Burien, Washington (Herrera Environmental Consultants, March 2010)
- b. Review of Burien's Draft SMP (Cooke Scientific, March 2010)
- c. Memorandum Describing Existing Conditions of Burien Marine Shoreline (Burien Marine Homeowners Association, July 2010)
- d. Memorandum, The Use of Science to Develop Marine Buffer Recommendations in Burien (Carl Hadley, June 2010)
- e. Recommendations on Making Small Shoreline Buffers Work with Buffer Science, (Futurewise, November 2009)



## **Burien Shoreline Master Program Overview**

Washington state's Shoreline Management Act (Act) was adopted in 1972 with the intent to ensure that development of our shorelines promote and enhance the public interest. This is to be accomplished through the protection of natural shorelines, and by encouraging water-related and water-dependent uses. Stating that shorelines are among the most valuable and fragile of the states' resources, the Act sets out to prevent harm to the state's shorelines by uncoordinated and piecemeal development.

The Burien Shoreline Master Program (SMP) defines the goals, objectives, and sets forth policy direction as reflected in the aspirations of the city's citizens and shorelines' stakeholders. The overarching goal of the SMP is to adopt and implement a program that causes "no net loss" to ecological functions along the shorelines and balances the interests of private property owners and the public interest.

An underlying goal is to find an equitable balance between uses that permit reasonable development and economic activity and uses that give preference to preserving the public's access and enjoyment of the state's shorelines.

The Act recognizes and protects private property rights along the shorelines and aspires to preserve the quality of these resources for Washington residents.

The Act applies to all marine waters, submerged, tidelands, lakes over 20 acres, and all streams with a mean annual flow greater than 20 cubic feet per second, Marshes, bogs, and swamps associated with the lakes, streams, and marine waters are also included, as is a 200-foot wide shoreline area landward from the water's edge. In Burien, only two water bodies – Lake Burien and the approximately five miles of shoreline along Puget Sound – are regulated under the Act.

The Act matters to anyone who cares about shorelines. From water-dependent businesses to those who live along the water's edge, to others who enjoy occasional water access, all Washington residents are affected by how we manage our shorelines.

The Act regulates shoreline activity through local Shoreline Master Programs (SMP) based on guidelines established by the state's Department of Ecology (Ecology) although each SMP is "tailored" to the unique characteristics, both physical and economic - of each locality.

As required by the Act, each SMP is both a planning and a regulatory document consisting of goals and objectives, policies, and land use regulations and even though local jurisdictions have primary responsibility for regulating shoreline development, Ecology has the authority to review and approve the local SMP.

Burien's shorelines are almost entirely developed. Uses along Burien's shorelines are primarily single-family residential and parks, with one community residential facility on Lake Burien. The City of Burien does not have any commercial or industrial uses on its shorelines.

Since Burien incorporated in 1993, the community has been good stewards of the environment, including the shorelines. A few examples include:

- Removal of 1,200 linear feet of shoreline armoring along the southern shoreline of Seahurst Park. Removal of another 1,800 linear feet of armoring along the northern shoreline of the park is funded and will begin in 2011.
- Purchase of 6.5 shoreline acres for Eagle Landing Park.
- Designation of both Seahurst and Eagle Landing Parks as "Marine Reserves".
- Installing oil separators in storm drains around Lake Burien to protect the lake from street pollution.
- Opposition to SeaTac Airport's 3<sup>rd</sup> Runway, which led to the Port of Seattle providing both primary and secondary treatment of polluted stormwater. This removed untreated airport runoff from Miller and Walker Creeks, which eventually flowed into Puget Sound.
- Supporting low-impact development throughout the city.
- Burien has supported educational efforts related to stewardship. For example,
  - Burien has a stream steward, who works with the community and homeowners along the creeks to make them healthier and decrease the pollution entering streams that flow into Puget Sound.
  - Burien provides free natural yard care classes.
  - Burien provides support to the Environmental Science Center, which operates out of a City owned building at Seahurst Park to educate children and adults in best practices to keep Puget Sound healthy for generations to come.

Chapter I of the SMP provides a "user's guide" for understanding the underpinning legislation, how the Shoreline Management Act relates to the Growth Management Act, and the city of Burien's responsibility over shoreline jurisdiction.

Chapter II of the SMP includes elements that address:

- Economic Development
- Public Access
- Recreation
- Circulation
- Land Use
- Conservation
- Historic, Cultural, Scientific, and Educational Value
- Flood Prevention and Minimization
- Restoration

Chapter III describes the environment designations established by the Act and how they apply to Burien.

Chapter IV contains the policies and specific regulations that manage the uses (and modifications) along shorelines in compliance with the Act.

Chapter V spells out the types of permits and the appropriate review procedures for development along shorelines including the Substantial Development Permit, (and exemptions), Conditional Use Permits, Variances, and regulations that govern alteration and replacement of nonconforming structures.

Chapter VI contains definitions to help the user understand the meaning of some specific terms.

As a way to sustain the balance of authority between local jurisdictions and the state government, Ecology has the authority to review shoreline development permit decisions and must approve, condition or deny shoreline variances and shoreline conditional use permits following their approval by local government. In other words, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and with the Burien SMP.



## **Chapter I. User's Guide**

## **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.

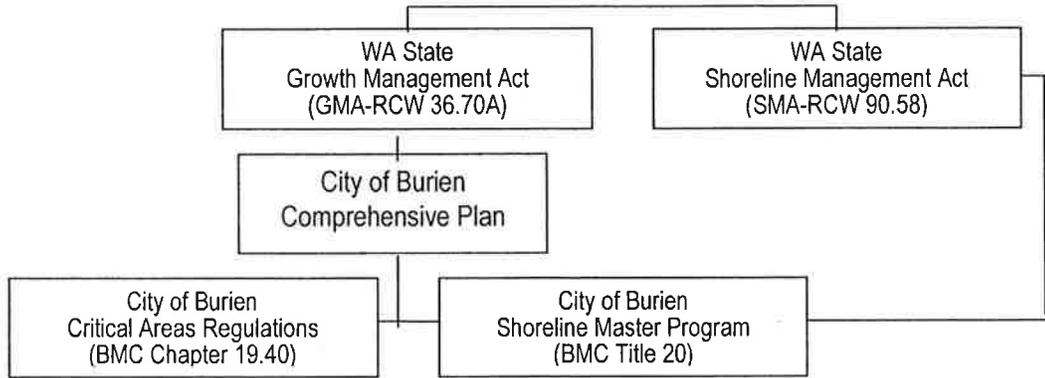
RCW 90.58.020 - The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing 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 14<sup>th</sup> 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.

**Figure 1: Relationship of Shoreline Master Program to GMA**



The SMA is administered through a cooperative program between local governments and the Department of Ecology (Ecology), whereby local communities prepare a Shoreline Master Program (SMP) that is adopted under guidelines established by Ecology. The SMP serves to regulate development along shorelines of the state and establish a comprehensive vision of how the shoreline areas will be used and developed over time.

The SMP is a comprehensive use plan for local shoreline areas that includes desired goals and policies consistent with SMA policy (RCW 90.58.020); maps, diagrams and charts or other descriptive material and text; use and development regulations; and administrative procedures for the shoreline permitting process. The Ecology SMP guidelines (WAC 173-26) establish general goals and policies, and standards and criteria for regulations. The SMP is based on state guidelines, but tailored to the specific conditions and needs of individual communities. The SMP is also meant to be a comprehensive vision of how the shoreline area will be used and developed over time.

Under the SMA, the shoreline jurisdiction includes all water areas of the state, the lands underlying them, and areas that are 200 feet landward of the ordinary high water mark (OHWM) of waters that have been designated as “shorelines of statewide significance” or “shorelines of the state.” These designations were established in 1971, and are described in RCW 90.58.030 (Definitions and Concepts). Generally, “shorelines of statewide significance” include marine waters below extreme low water, rivers west of the Cascade Range that have a mean annual flow of 1,000 cubic feet per second (cfs) or greater, rivers east of the Cascade Range that have a mean annual flow of 200 cfs or greater, and freshwater lakes with a surface area of 1,000 acres or more. “Shorelines of the state” are generally described as all marine shorelines and shorelines of all other streams or rivers having a mean annual flow of 20 cfs or greater and lakes with a surface area greater than 20 acres.

#### **20.10.005 City of Burien Shoreline Jurisdiction**

Although there are a number of waterbodies, including streams, lakes and marine shorelines, within the City of Burien, only two are regulated under the SMA. The shoreline jurisdiction within the city limits of the City of Burien includes approximately five miles of marine shoreline along Puget Sound and Lake Burien. There are no “shorelines of the state” associated with rivers or streams in the city. The portions of Puget Sound within the city limits are defined as “shorelines of statewide significance” waterward of the line of extreme low tide (RCW 90.58.030(2)(e)(iii)-Shorelines of Statewide Significance). The marine shoreline has been given a special status because they are considered a major resource from which all people in the state derive benefit.

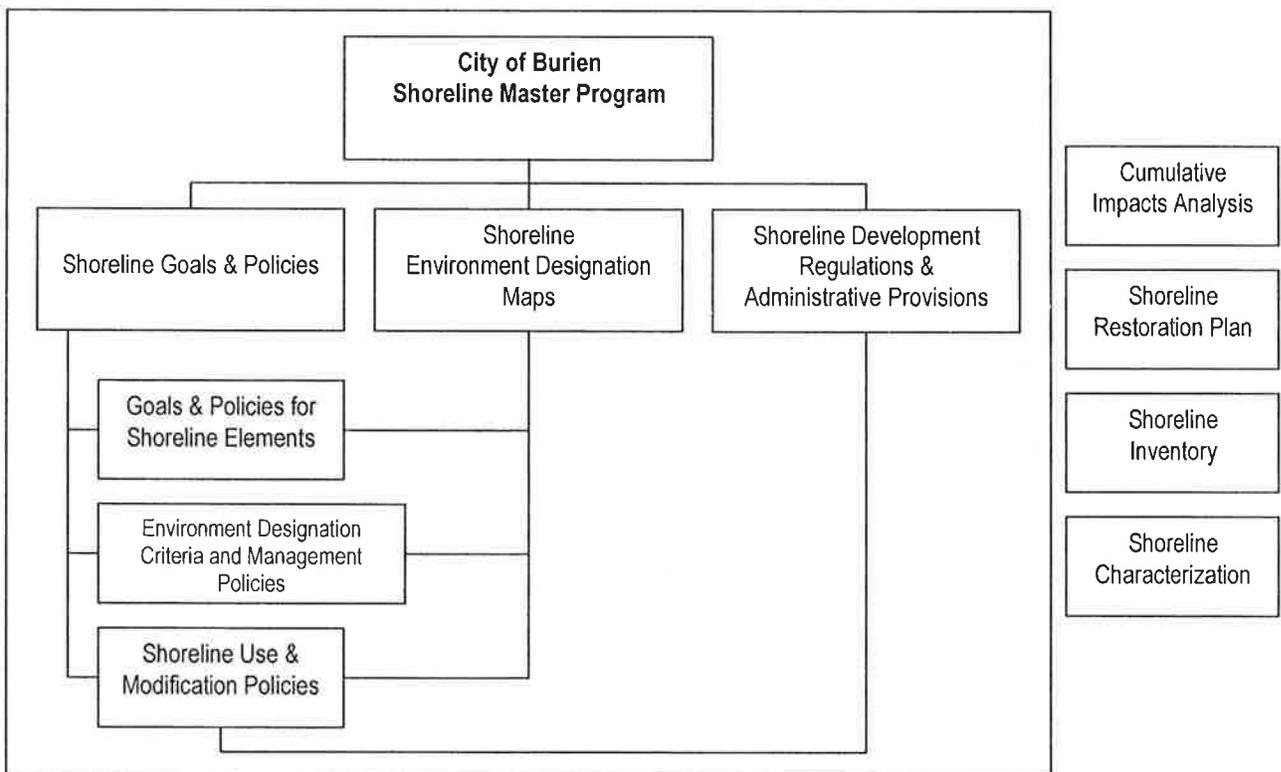
Under the SMA, the shoreline area to be regulated under the City’s SMP must include marine waters and shorelands, defined as the upland area within 200 feet of the OHWM, as well as any associated wetlands (RCW 90.58.030-Definitions and Concepts). All proposed uses and development occurring within shoreline jurisdiction must conform to

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**



### **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.

## **Chapter II. General Goals and Policies**

## **20.20.001 Purpose**

The Shoreline Master Program goals and policies of this chapter reflect the aspirations and concerns that Burien citizens and stakeholders expressed about the City's shorelines during community and Shoreline Advisory Committee meetings. These goal and policy statements, along with the shoreline land use map, are the foundation for specific guidelines concerning how to regulate and manage activities occurring within the City's shoreline jurisdiction.

The goals and policies of this element apply to all water bodies and shorelands that meet the definitions set forth in RCW 90.58.030 (Definitions and Concepts) unless otherwise specifically stated in the goal or policy. Burien's shorelines includes those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters. Water bodies in Burien that meet the applicable definitions include Puget Sound waterward to mid channel and Lake Burien.

## **20.20.005 General Goals and Policies**

Goal ALL

Develop, implement, and maintain a Shoreline Master Program that results in no net loss of shoreline ecological functions and processes, balances public and private interests in the shoreline, and considers other relevant programs.

- Pol. ALL 1     The Shoreline Master Program shall result in no net loss of shoreline ecological functions and processes.
  
- Pol. ALL 2     Regulation and management of Burien's shorelines should be guided by ongoing and comprehensive science.
  
- Pol. ALL 3     The City should be proactive in managing activities within the shoreline jurisdiction.
  
- Pol. ALL 4     Implement an adaptive management approach to respond to changes and to ensure continued effectiveness.
  
- Pol. ALL 5     The Shoreline Master Program should balance private use and enjoyment of tidelands and adjacent lands with the greater public benefit that shorelines provide, while recognizing the rights of individuals to use and develop private property in a manner consistent with City and other applicable regulations.

- 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 rights.

- 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 rights. 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 rights 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.

### **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.

*Service area:* Variable.

*Size:* Depends on nature of facility.

*Desirable Characteristics:* Compatibility with adjacent facilities and uses.

*Examples:* Examples within Burien shoreline consist primarily of designated view points and historical markers, and waterfront street ends (including those at SW 170th Pl., SW 163rd Pl., and at the intersection of Maplewild Ave. SW and SW 172nd St.).

#### **4. Conservancy Park**

*Use Description:* Conservancy parks are formally designated public resource areas. In such parks the primary management objectives are protection and management of historical, cultural and natural resources, including fish and wildlife habitat areas and may include appropriate passive recreational activities.

*Service area:* None.

*Size:* As appropriate for the resource.

*Desirable Characteristics:* As appropriate for the resource.

*Examples:* Currently Salmon Creek Ravine is most appropriately classified in this category although its feasibility for including other types of park activities consistent with its character should be evaluated. This category would also apply to any significant formally designated land, protected wetlands or steep slope areas by private or public means.

Pol. REC 5 Access for motorized vessels should be discouraged at Seahurst Park. Access for non-motorized craft should be considered if access for such craft can be provided in an environmentally-sensitive manner.

Pol. REC 6 Where appropriate, recreational developments should make adequate provisions for:

- a. Vehicular and pedestrian access, both on-site and off-site;
- b. Proper water supply and sewage waste disposal methods;
- c. Security and fire protection;
- d. The prevention of overflow and trespass onto adjacent properties, including but not limited to landscaping, fencing and posting of property; and
- e. Buffering of such development from adjacent private property or natural area.

- Pol. REC 7 Trails and pathways on steep shoreline bluffs should be located, designed and maintained to protect bank stability without the need for shoreline armoring.
- Pol. REC 8 Mooring buoys, in general, are beneficial in enabling increased recreational opportunities. However, the City should ensure that their possible negative effects on physical and visual environments are avoided.
- Pol. REC 9 Artificial marine life habitats should be encouraged in order to provide increased aquatic life for recreation. Such habitats should be constructed in areas of low habitat diversity and in consultation with the Washington Department of Fish and Wildlife.
- Pol. REC 10 The linkage of shoreline parks, recreation areas and public access points with linear systems, such as hiking paths, bicycle paths, easements and /or scenic drives, should be encouraged.
- Pol. REC 11 Development of recreational facility along City shorelines should implement Low Impact Development techniques whenever feasible.

**20.20.025 Circulation Element**

Goal CI

Provide safe, reasonable, and adequate circulation systems in the shoreline area that will have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

- Pol. CI 1 Minimize impacts to the topography and other natural characteristics of the shoreline by appropriately locating transportation routes. New roadways for vehicle circulation should be located outside of or minimized within the shoreline area.
- Pol. CI 2 Cross Puget Sound bridges should be prohibited within the Burien shoreline jurisdiction.
- Pol. CI 3 Provide and/or enhance physical and visual public access along shoreline public roads and trails when appropriate given topography, views, natural features, and surrounding land uses.
- Pol. CI 4 Public transit systems should provide service to designated public parks within the City.
- Pol. CI 5 Wherever practicable, safe pedestrian and bicycle movement on and off roadways in the shoreline area should be encouraged as a means of personal transportation and recreation.

- Pol. CI 6      Parking in shoreline areas should directly serve a permitted shoreline use. Parking developed for public access points should be limited to the number of spaces consistent with the capacity of those public access points and is harmonious with the surrounding neighborhood.
- Pol. CI 7      Parking facilities should be located and designed to minimize adverse impacts, including those related to: stormwater runoff; water quality; visual qualities; public access; and vegetation and habitat maintenance.
- Pol. CI 8      Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use.
- Pol. CI 9      Utilities are necessary to serve shoreline uses and shall be properly installed so as to protect the shoreline and water from contamination and degradation.
- Pol. CI 10     Utility facilities and right-of-ways should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
- Pol. CI 11     Utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecology and minimizes conflicts with present and planned land uses.
- Pol. CI 12     Parking for non water dependent uses should be located as far away as feasible from shorelines.

**20.20.030 Land Use Element**

Goal USE

Provide functional and attractive shoreline uses that are appropriate in scale, configuration, and location, and are sensitive to and do not degrade habitat and ecological systems and other shoreline resources.

- Pol. USE 1     The Shoreline Master Program shall govern the development of all designated shorelines of the City. Lands adjacent to these areas shall be managed in a manner consistent with the Shoreline Master Program.
- Pol. USE 2     The City will strive to ensure that basic community values are reflected in the City's land use and decision making processes, while recognizing the rights of individuals to use and develop private property in a manner consistent with City regulations.
- Pol. USE 3     Ensure the appropriate location, design, and operation of all activities, development, and redevelopment in the shoreline.

- Pol. USE 4 Incentives should be available to encourage the removal and/or reduction of non-conformances.
- Pol. USE 5 If feasible, septic systems should be connected to the sanitary sewer system where connections are available.
- Pol. USE 6 Any existing single-family lot that was legally subdivided or legally created prior to enactment of subdivision statutes prior to incorporation or annexation shall be considered a legally conforming lot for building purposes, providing the size of the lot was not reduced by more than 50 percent through acquisition for public purposes, and on such lots new homes may be built and existing houses may be expanded and remodeled, provided that applicable setbacks, lot coverage, critical area restrictions, design review requirements (if any), height limits and other applicable regulations in the zoning code are met.
- Pol. USE 7 When determining buildable lot size for residential development, the area of a lot covered by water (including but not limited to lakes or the Puget Sound) shall not be included in the calculation.
- Pol. USE 8 The planned densities for single-family development should encourage a lower development potential in areas with development constraints.
- Pol. USE 9 The Low Density Residential Neighborhood designation will provide for low-density residential development. Development within this designation includes existing neighborhoods that are zoned for four units per acre or less.

Allowed Uses and Description: The Low Density Residential Neighborhood designation allows single family residential uses and their accessory uses at a density of 4 units per acre or less, due to the constraints posed by critical areas. This policy may be implemented by more than one zoning category, based on the ability of the land and public facilities to support development. Development standards, for such items as impervious surfaces, streetscapes, sidewalks and stormwater drainage, may vary within each zoning category based on the existing character of the area.

Designation Criteria: Properties designated Low Density Residential Neighborhood should reflect the following criteria:

1. The area is already generally characterized by single-family residential development at four units per acre or less; and
2. Relative to other residential areas within the City, the area is characterized by lower intensity development as shown on Map LU-2.
3. The land is designated as a potential landslide hazard area, steep slope area, or wetland on the City of Burien's Critical Areas Map,
4. The existing and planned public facilities for the area cannot adequately support a higher density.

5. The area is subject to existing impacts from high levels of airport-related noise.

Pol. USE 10 Clustering of housing units may be allowed on lots designated for residential development that contain steep slopes and are located adjacent to an urban environment.

Pol. USE 11 As slope increases, development intensity, site coverage, and vegetation removal should decrease and thereby minimize the potential for drainage problems, soil erosion, siltation and landslides. Slopes of 40 percent or greater should be retained in a natural state, free of structures and other land surface modifications.

1. Single-family homes and detached single-family garages on existing legally established lots are exempted from this restriction, provided that:
  - a. The application of this restriction would deny any appropriate use of this property;
  - b. There is no other appropriate economic use with less impact;
  - c. The proposed development does not pose a threat to public health, safety or welfare on or off the development site;
  - d. Any alterations permitted to the critical area shall be the minimum necessary to allow for economic use of the property;
  - e. An analysis of soils, footings and foundations, and drainage be prepared by qualified professionals, certifying that the proposed activity is safe and will not adversely affect the steep slope hazard area or buffer; and
  - f. There are adequate plans, as determined by the City, for stormwater and vegetation management.
  - g. It is the applicant's responsibility to show that these provisions are met through an appropriate mechanism such as, or similar to, the SEPA process.
2. Short plats or other divisions of an existing legal lot shall only be approved if all resulting lots are buildable under this restriction.
3. It is the applicant's responsibility to show that these provisions are met through an appropriate mechanism such as, or similar to, the SEPA process.

Pol. USE 12 The City should prohibit development on areas prone to erosion and landslide hazards. Further, the City should restrict development on potentially unstable land to ensure public safety and conformity with existing natural constraints, unless the risks and adverse impacts associated with such development can be appropriately mitigated.

- Pol. USE 13 Land uses on steep slopes should be designed to prevent property damage and environmental degradation, and to enhance open space and wildlife habitat.
- Pol. USE 14 Where there is a high probability of erosion, grading should be kept to a minimum and disturbed vegetation should be restored as soon as feasible. In all cases, the City shall require appropriate site design and construction measures to control erosion and sedimentation.
- Pol. USE 15 The City should have development standards that promote the siting of new structures such that they will not require shoreline stabilization and protective measures in the future.
- Pol. USE 16 Shoreline stabilization and protective measures should be limited in number and extent. The use of “soft” stabilization and protective measures, such as vegetation, is preferred over the use of “hard” measures, such as concrete bulkheads.
- Pol. USE 17 Encourage joint-use activities in proposed shoreline developments.
- Pol. USE 18 Wakes generated by vessels operating in the shoreline area should be minimized in order to reduce adverse impacts on the shoreline environment.
- Pol. USE 19 Limit use of pesticides and herbicides within shoreline jurisdiction.
- Pol. USE 20 Development should be designed to minimize impacts to both views of the shoreline and views from the water. Building orientation, height and the creation of view corridors shall be considered in site and structure design.

**20.20.035 Conservation Element**

Goal CON

Preserve and enhance shoreline natural resources in order to: protect public health, safety, and welfare; maintain the integrity of the natural environment; and preserve the quality of life in Burien.

- Pol. CON 1     Protect critical areas and shoreline ecological processes and functions through regulatory and non-regulatory means. Protection may include acquisition of key properties, regulation of development, and incentives to encourage ecologically sound design.
  
- Pol. CON 2     The City shall ensure that uses and development in shoreline areas is compatible with the shoreline environments designated in this Shoreline Master Program. Adherence to these designations will ensure that sensitive habitat, ecological systems, and other shoreline resources are protected.
  
- Pol. CON 3     The City of Burien’s Critical Areas Map shall be used as a reference for identifying the City’s critical areas. Other unmapped critical areas do exist throughout the City. Any site containing critical areas are subject to the special development regulations and conditions found in the City’s Critical Areas Ordinance.
  
- Pol. CON 4     Development should be directed toward areas where their adverse impacts on critical areas can be minimized.
  
- Pol. CON 5     New development or redevelopment should avoid or mitigate additional loss of shoreline ecological functions. Developments should be encouraged to improve ecological functions and restore riparian buffers.
  
- Pol. CON 6     The City shall maintain a system of development regulations and a permitting system to prevent the destruction of critical areas. Development regulations should at a minimum address wetland protection, aquifer recharge areas important for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas
  
- Pol. CON 7     The City shall require permit review approval before any activity or construction is allowed to occur in, adjacent to, or impact a critical area.
  
- Pol. CON 8     The City shall develop land use regulations to buffer critical areas from the impacts of adjacent land uses.
  
- Pol. CON 9     The City requires the use of Best Available Science for protecting critical areas within the community pursuant to the Growth Management Act RCW 36.70A.172(1) (Critical Areas).
  
- Pol. CON 10    The City should provide education and technical assistance on low-impact development techniques.
  
- Pol. CON 11    Provide public outreach and education about shoreline ecological functions and processes, and engage the public in stewardship and enhancement activities.

- Pol. CON 12 Encourage minimizing the amount of impervious surfaces in new development through the use of appropriate low-impact development techniques and removing paved areas or using retrofit options in existing developments, where applicable, to minimize runoff.
- Pol. CON 13 The City shall consider the impacts of new development on water quality as part of its environmental review process and require where appropriate any mitigation measures.
- Pol. CON 14 Educate the public on water quality issues and impacts of stormwater flow.
- Pol. CON 15 Educate individuals and households about different ways to reduce pollution.
- Pol. CON 16 If no feasible alternative exists, a limited amount of development may occur on wetlands and floodplains. In these instances, a broad range of site planning techniques should be explored to minimize impacts on these critical areas.
- Pol. CON 17 All wetland functions should be considered in evaluating wetland mitigation proposals, including fish and wildlife habitat, flood storage, water quality, recreation, educational opportunities, and aesthetics.
- Pol. CON 18 The City will protect wetlands by maximizing infiltration opportunities and promoting the conservation of forest cover and native vegetation.
- Pol. CON 19 Mitigation for any adverse impacts on wetlands shall be provided in the same basin within which the impacts occur.
- Pol. CON 20 The City shall consider the impacts of new development on the quality of land, wildlife and vegetative resources as a part of its environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention of significant habitats.
- Pol. CON 21 The City shall encourage an increase in tree canopies through the addition and the preservation of existing vegetation and use of landscaping as an integral part of development plans.
- Pol. CON 22 The City should require development proposals to include non structural measures to stabilize soils, hillsides, bluffs and ravine sidewalls and to promote wildlife habitat by removing invasive vegetation and retaining or restoring native vegetation.
- Pol. CON 23 The City should consider developing policies that balance the removal of vegetation to preserve and enhance views with the need to retain vegetation to promote slope stability and open space.

- Pol. CON 24 Enhance riparian vegetation to improve shoreline ecological functions and processes where possible.
- Pol. CON 25 The City should maintain and enhance existing species and habitat diversity including fish and wildlife habitat that supports the greatest diversity of native species.
- Pol. CON 26 All development activities shall be located, designed, constructed and managed to avoid disturbance of adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
- Pol. CON 27 Fish and wildlife habitat should be protected, conserved and enhanced, including:
- a. Habitats for species which have been identified as endangered, threatened, or sensitive by the state or federal government;
  - b. Priority species and habitats listed in the Adopted King County Comprehensive Plan, October 2008, as amended;
  - c. Shellfish areas;
  - d. Kelp and eel-grass beds;
  - e. Herring and smelt spawning areas; and
  - f. Wildlife habitat networks designated by the City.
- Pol. CON 28 Fish and wildlife should be maintained through conservation and enhancement of terrestrial, air and aquatic habitats.
- Pol. CON 29 The City should ensure that habitat networks throughout the City are designated and mapped. The network should be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds. These networks should be protected through incentives, regulation and other appropriate mechanisms. Site planning should be coordinated during development review to ensure that connections are made or maintained amongst segments of the network.
- Pol. CON 30 Native plant communities and wildlife habitats shall be integrated with other land uses where possible. Development shall protect wildlife habitat through site design and landscaping. Landscaping, screening, or vegetated buffers required during development review shall retain, salvage and/or reestablish native vegetation whenever feasible. Development within or adjacent to wildlife habitat networks shall incorporate design techniques that protect and enhance wildlife habitat values.
- Pol. CON 31 The City shall promote voluntary wildlife enhancement projects which buffer and expand existing wildlife habitat, through educational and incentive programs for individuals and businesses.

- Pol. CON 32 The City shall seek to retain as open space, those areas that provide essential habitat for any rare, threatened or endangered plant or wildlife species.
- Pol. CON 33 The City should maintain, protect and enhance greenbelts riparian corridors and wildlife habitat corridors so that the extent and intensity of the built environment is balanced by these natural features.
- Pol. CON 34 The City shall work with property owners to encourage non-purchase options such as conservation easements, current use easements, and development covenants to preserve open space and greenbelts within the city's neighborhoods. The City should also accept donations of properties where public access is anticipated or planned.

**20.20.040 Historic, Cultural, Scientific, and Educational Element**

Goal HCSE

Identify, protect, preserve, and restore buildings, sites, and areas in the shoreline having historic, cultural, scientific, or educational value for educational purposes, scientific endeavors, and enjoyment by the general public.

- Pol. HCSE 1 The City should protect buildings, sites, and areas in the shoreline having historic, cultural, scientific, or educational value through designation, acquisition by purchase or gift, and incentives for preservation.
- Pol. HCSE 2 Ensure that properties having historic, cultural, scientific, or educational value are protected from undue adverse impacts associated with public or private uses and activities.
- Pol. HCSE 3 The City should consider developing and implementing measures which preserve trees of historical significance.
- Pol. HCSE 4 Encourage educational projects and programs, including signage, that foster a greater appreciation of the importance of buildings, sites, and areas in the shoreline having historic, cultural, scientific, or educational value, as well as of shoreline management and environmental conservation.

## **20.20.045 Flood Prevention and Minimization Element**

### Goal FLD

Prevent and minimize flood damage to public and private property by locating development away from flood-prone areas and by protecting and restoring shoreline ecological functions and processes.

- Pol. FLD 1 Discourage new development in shoreline areas that would be harmed by flood conditions, or which would create or intensify flood hazard impacts on other properties.
- Pol. FLD 2 The capacity of natural drainage courses shall not be diminished by development or other activities.
- Pol. FLD 3 New structural flood hazard reduction measures shall only be allowed where demonstrated to be necessary, and when non-structural methods are infeasible and mitigation is accomplished. New structural flood reduction measures shall be located landward of associated wetlands and buffer areas, except where no alternative exists as documented in a geotechnical analysis.
- Pol. FLD 4 Monitor sea level rise and accordingly adjust development standards and building setbacks to minimize flooding potential.

## **20.20.050 Restoration Element**

### Goal REST

Restore areas which are ecologically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

- Pol. REST 1 Promote restoration actions that are doable, practical, and effective.
- Pol. REST 2 The City shall be a good steward of public lands and should integrate restoration and/or enhancement of fish and wildlife habitats into capital improvement projects whenever feasible.
- Pol. REST 3 Establish incentives that provide opportunities for new development or redevelopment activities in the shoreline to restore impaired ecological functions and processes. Incentives might include, but are not limited to: flexible development standards (e.g. setbacks, height limits, lot coverage), reduced or waiver of permits fees, and tax relief.
- Pol. REST 4 The City shall promote voluntary shoreline enhancement projects through educational and incentive programs for individuals and organizations.

- Pol. REST 5 The City should implement the restoration plan associated with this Shoreline Master Program.
- Pol. REST 6 Improve natural stream and shoreline conditions to an environmental quality level that supports the return and continuation of salmon runs and eliminates fish blockages.
- Pol. REST 7 Stream banks and stream channels should be maintained or restored to their natural condition wherever such conditions or opportunities exist.
- Pol. REST 8 Increase availability of large woody debris and opportunities for recruitment in the nearshore zone.
- Pol. REST 9 Restore degraded shoreline areas with native species.
- Pol. REST 10 The City should investigate partnerships with local environmental groups, city, state or county agencies, or tribes to implement projects and conduct follow-up monitoring and reporting.

**Chapter III. Shoreline Environment  
Designations**

### **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.

### **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.

## **2. Criteria for Designation**

An “Aquatic” shoreline environment designation is assigned to lands waterward of the ordinary high water mark for both saltwater and freshwater bodies of water, including any submerged or inter-tidal areas. For the City of Burien, this designation applies to Lake Burien and all marine (Puget Sound) areas waterward of the ordinary high water mark out to the center of the channel within the City limits. The Aquatic shoreline environment designation includes the water surface together with the underlying lands and the water column.

## **3. Management Policies**

- a. Shoreline uses and modifications should be compatible with the adjoining shoreline environment and designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- b. New overwater structures should be allowed only for water-dependent uses, public access, or ecological restoration if it can be clearly shown that the cumulative environmental impacts of such structures will not cause significant adverse impacts to protected species.
- c. The size of new overwater structures should be limited to the minimum necessary to support the structure’s intended use and should support multiple uses.
- d. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation and moorage.
- e. All developments and uses should consider impacts to public views and access and allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- f. Restoration opportunities associated with project impacts should be encouraged in the aquatic environment.
- g. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020 (Shoreline Management Act), and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) (Environmental Impact Mitigation) necessary to achieve no net loss of ecological functions.
- h. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

## **20.25.015 Urban Conservancy**

### **1. Purpose**

The purpose of the “Urban Conservancy” shoreline environment designation is to protect and restore ecological functions of open space, floodplains, and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. This designation focuses on providing public access for the enjoyment of marine and lake shorelines by allowing the development of public recreational facilities.

### **2. Criteria for Designation**

An “Urban Conservancy” environment designation is assigned to areas within shoreline jurisdiction that are suitable for public access, water-enjoyment recreational uses and active recreation developments. These are areas that are developed at a low density including residences and outdoor recreation.

### **3. Management Policies**

- a. Uses that preserve or restore the natural character of the shoreline area or promote preservation of open space and critical areas should be the primary allowed uses.
- b. Public access and public recreation objectives should be implemented if feasible and wherever any significant ecological impacts can be mitigated.
- c. Water-oriented uses should be given priority over non-water-oriented uses with water-dependent uses given the highest priority.
- d. New development should be designed and located to preclude the need for shoreline armoring, vegetation removal, flood control, and other shoreline modifications.
- e. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

## **20.25.020 Shoreline Residential**

### **1. Purpose**

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

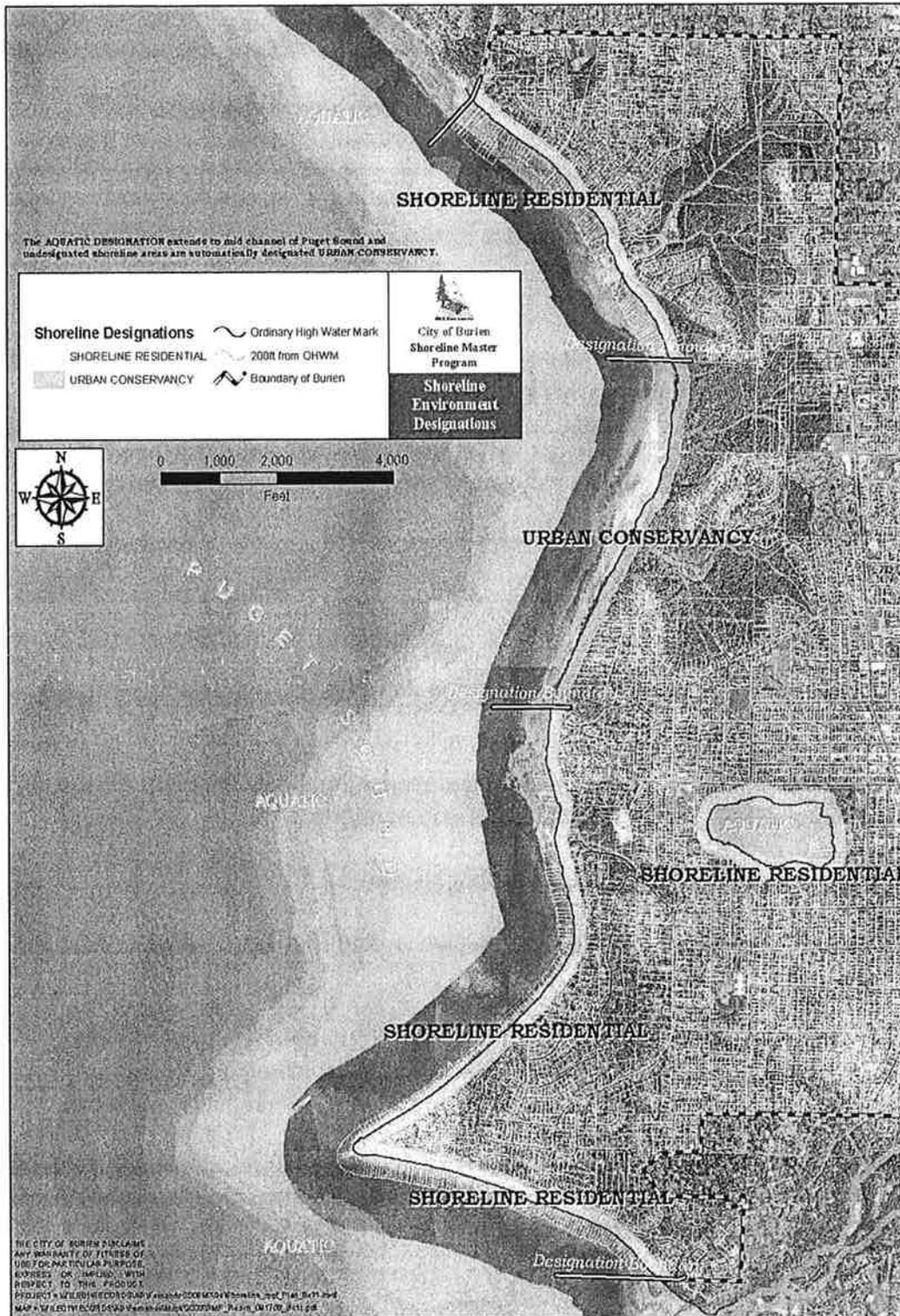
### **2. Criteria for Designation**

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.

### **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.

20.25.025 Figure 3 Shoreline Environment Designation Map



**Chapter IV. Shoreline Uses and Modifications  
Policies and Regulations**

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## General Provisions

### 20.30.001 Figure 4 Shoreline Permit Matrix

Type of Shoreline Permit Required for <u>New</u> Shoreline Uses and Modifications*			
	Shoreline Environment Designations (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)		
	Shoreline Residential	Aquatic	Urban Conservancy
Aquaculture	X	CU <sup>1</sup>	X
Boat Mooring Buoy	N/A	P <sup>3</sup>	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 <sup>4</sup>	CU	SDP <sup>4</sup>
Personal Wireless Service Facility	CU	N/A	X
Community Beach	CU	CU	X
Community residential facility	CU	X	X
Docks, Piers and Floats	CU	CU	CU
Docks, Piers and Floats-Residential	SDP <sup>5</sup>	SDP <sup>5</sup>	X
Dredging	N/A	X	N/A
Fill <sup>2</sup>	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.
- 5 Construction of a dock, pier, or float that is below the substantial development threshold set forth in RCW 90.58.030[3e.iv] [Definitions and concepts, "substantial development"] shall be exempt from the Shoreline Substantial Development Permit process, but shall comply with all other applicable sections of this master program.
- \* 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 20.30.045 [2.b][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.

## **20.30.010 Impact Mitigation**

### **1. Policy**

- a. Impacts to the ecological functions and values shall be mitigated to result in no net loss of shoreline ecological functions and process.
- b. Mitigation for impacts of new development projects should first consider enhancement of degraded conditions to offset the impacts of the new development near shoreline resources.

(For additional policy guidance please refer to Chapter II General Goals and Policies, pgs. 1-2, 12-15 and Chapter III Management Policies, pgs. 2-4.)

### **2. Regulations**

- a. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions, through the location and design of all allowed development and uses. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impacts shall be mitigated according to the provisions of this section.
- b. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), RCW chapter 43.21C[State environmental policy], is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (BMC Chapter 14[Environmental Protection] and WAC 197-11[SEPA rules]).
- c. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority.
  - i. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  - iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - iv. Reducing or eliminating the impact over time by preservation maintenance;
  - v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
  - vi. Monitoring the impact and the compensation projects and taking the appropriate corrective measures.
- d. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

- e. Required mitigation shall not be in excess of that necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.
- f. When requiring compensatory measures or appropriate corrective measures pursuant to the priority of mitigation sequencing above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Compensatory mitigation of impacts from new development projects should first consider enhancement of degraded conditions to offset the impacts of the new development near shoreline resources. If this is not feasible the second priority should focus mitigation on areas that are in need of restoration. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

### **20.30.015 Land Use**

The following provisions apply to all development and uses regardless of whether a shoreline substantial development permit is required.

#### **1. Policies**

- a. Preference for shoreline permitted uses shall first be given to *water dependent uses*, then to *water related* and *water enjoyment uses*.
- b. The city should be proactive in enforcing shoreline regulations and provide sufficient resources to ensure enforcement occurs.

(For additional policy guidance please refer to Chapter II General Goals and Policies, pgs. 8-11 and Chapter III Management Policies, pgs. 2-4.)

#### **2. Regulations**

- a. The application of master program policies and regulations to all uses and related modifications shall assure no net loss of ecological functions necessary to sustain shoreline natural resources.
- b. *Water dependent uses* shall only be allowed overwater if the overwater location is necessary for the operation of the water dependent use. Uses which are not water dependent shall not be permitted overwater unless specifically stated otherwise in the regulations for the applicable shoreline environment.

## **20.30.020 Archaeological and Historic Resources**

According to the state shoreline management guidelines, if archaeological or historic resources have been identified in shoreline jurisdiction, the local government is required to collect information about these resources and contact the state historic preservation office and local affected Indian Tribes. The county and the state maintain inventories of both archaeological and historic resources. These sites and artifacts are protected by several state provisions:

RCW Chapter 27.53— Archaeological Sites and Resources

This state law makes it illegal to knowingly disturb an archaeological site on public or private lands without a state-issued permit.

RCW Chapter 27.44— Indian Graves and Records

This state law makes it illegal to knowingly disturb Native American cairns, petroglyphs and graves on public or private lands without a state-issued permit. Selling any Native American Indian artifacts or remains removed from a cairn or grave is also illegal.

WAC 25-48—Archaeological Excavation and Removal Permit

This provision establishes procedures for application for and issuance of state permits for excavation and/or removal of archaeological sites and resources.

### **1. Policy**

The City should ensure conservation of significant archeological and historic amenities in the shoreline areas and include on the inventory of registered sites maintained by the Washington State Office of Archaeology and Historic Preservation, and tribally identified sites.

(For additional policies refer to Chapter II General Goals and Policies, pg. 15.)

### **2. Regulations**

- a. Archaeological sites located in shoreline jurisdiction are subject to state and federal regulations as well as to the City of Burien Shoreline Master Program.
- b. When an application for work in the shoreline area documented to contain archaeological resources is filed the application shall include an evaluation by a professional archaeologist coordinated with affected tribes.
- c. All shoreline permits shall contain the requirement to stop work immediately and notify the City, affected tribes and the Washington State Office of Archaeology and Historic Preservation if an artifact is discovered. The property owner will be required to provide for a site inspection and evaluation by a professional archaeologist for review by the relevant tribes and agencies prior to proceeding with the development or activity.
- d. Archaeological excavations may be permitted subject to the provisions of this shoreline program.

## **20.30.025 Critical Areas**

Critical areas include the following areas and ecosystems: wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Critical saltwater and critical freshwater habitats are also types of critical areas within shoreline jurisdiction.

### **1. Policies**

- a. In assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts should be considered.
- b. Development standards for density, frontage improvements, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. During permit review, the Shoreline Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.

(For additional policy guidance please refer to Chapter II General Goals and Policies, pgs. 12-15 and Chapter III Management Policies, pgs. 2-4.)

### **2. Regulations**

- a. BMC 19.40—Critical areas (City of Burien Ordinance 394, adopted October 20, 2003) shall apply to the shoreline jurisdiction with the following exceptions:
  - i. The reasonable use provisions contained in BMC 19.40.070 (4) do not apply.
  - ii. The following types of wetlands are not regulated by the SMP:
    - (a). Small wetlands less than 1,000 square feet and hydrologically isolated;
    - (b). Man-made ponds smaller than one acre and excavated from uplands without a surface water connection to streams, lakes, or other wetlands.
- b. Wetland delineation. Wetlands are those areas in the City of Burien, designated in accordance with the Washington State Wetland Identification and Delineation Manual, as required by RCW 36.70A.175[Wetlands to be delineated in accordance with manual] (Ecology Publication #96-94).
- c. Wetland rating system. Wetlands for the purposes of the SMP shall be categorized in accordance with the Washington State Wetland Rating System for Western Washington – Revised (Ecology Publication #04-06-025).
- d. Wetland buffers. Wetland buffers for the purposes of this SMP shall be determined based upon Appendix 8-C of “Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands FINAL April 2005 Ecology Publication #05-06-0088” based on information provided as part of a critical area study.

- e. Development proposals shall adhere to the applicable submittal requirements (a critical area report specific to the critical area) as specified in the Critical Areas Ordinance.
- f. Development shall not intrude into, over, or within 10 feet from *critical saltwater habitats* (e.g., eelgrass) except when an alternative alignment or location is not *feasible* and the development would result in no net loss of *critical saltwater habitat*.
- g. When this Master Program requires mitigation, the mitigation sequence described in section BMC 20.30.010 [Impact Mitigation] shall be followed.

### **20.30.030 Flood Hazard Reduction**

The following provisions apply to actions taken to reduce flood damage or hazard, as well as to uses, development and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures such as setbacks, land use controls, wetland restoration, biotechnical measures, and storm water management. Flood hazard reduction measures may also include structural measures such as the weir at Lake Burien, floodwalls, dikes and elevation of structures consistent with the National Flood Insurance Program.

#### **1. Policies**

- a. All new shoreline development and uses shall be located and designed to prevent the need for shoreline stabilization and structural flood hazard reduction measures for the life of the development.
- b. Flood protection structures may be allowed in shoreline jurisdiction if a shoreline substantial development permit is obtained.
- c. New and expanded public flood protection measures may be permitted subject to City of Burien review and approval of a critical area study and the approval of a Federal Biological Assessment by the federal agency responsible for reviewing actions related to a federally listed species.
- d. New structural flood protection measures should only be allowed when necessary to protect existing development or to facilitate restoration projects.
- e. When emergency repair of flood protection structures are necessary, permits for the work including mitigation, should be obtained upon abatement of the emergency or the structure must be removed.

(For additional policies refer to Chapter II General Goals and Policies, pg. 16.)

## 2. Regulations

- a. Non-structural flood protection measures shall be used instead of structural solutions unless the project proponent demonstrates that a non-structural solution is not feasible and there would be no net loss of shoreline ecological functions.
- b. All flood protection measures, including repair and maintenance, shall conform to standards set forth in approved floodplain management plans, when available.
- c. Flood protection shall not have adverse impacts on the property of others.
- d. Flood control methods must be consistent with BMC 15.55-Flood Damage Prevention and BMC 19.40-Critical Areas.
- e. Subdivision proposals shall be consistent with the need to minimize flood damage by conforming to the adopted Base Flood Elevation regulations.

### 20.30.035 Public Access

Public access includes both *physical access* or *visual access*. Physical access is the ability of the general public to reach, touch, and enjoy the water's edge, to view the water and the shoreline from adjacent locations, and/or to travel on the waters of the state, and. Visual access is access with improvements that provide only a view of the shoreline or water, but do not allow physical access to the shoreline.

#### 1. Policies

- a. Public access to shoreline areas should be designed to protect private property and public health and safety.
- b. Public access should be provided as close as possible to the water's edge with no net loss of shoreline ecological function that cannot be mitigated.
- c. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property or seek other similar private means of minimizing view obstruction.

(For additional policies refer to Chapter II General Goals and Policies, pg. 2-4 and Chapter III Management Policies, pg. 2-4.)

## 2. Regulations

- a. Public access provided by shoreline street ends, rights-of-way, and other public lands shall provide, maintain, enhance and preserve visual access to the water and shoreline in accordance with RCW 35.79.035[Limitations on vacations of streets abutting bodies of water — Procedure].
- b. Visual access to outstanding scenic areas shall be provided with the provision of roadway design features that allow for visual access opportunities and are sensitive to adjacent land uses and neighborhood characteristics.
- c. If a public road is located within shoreline jurisdiction, any unused right of way shall be dedicated as public access unless vacated as set forth in RCW 35.79.035[Limitations on vacations of streets abutting bodies of water — Procedure].
- d. Subject to constitutional limitations, public access shall be required for all new shoreline development and uses, except for water dependent uses, individual single family residences, and subdivisions of less than five parcels.
- e. Public access to shoreline areas shall not be required, where it is demonstrated to be infeasible because of adverse ecological impacts that cannot be mitigated, incompatible uses, safety, security, or constitutional and other legal limitations that may be applicable.
- f. The City shall utilize alternate methods of providing public access when appropriate and *feasible*, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.
- g. Public access improvements shall not result in a net loss of shoreline ecological functions.
- h. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
- i. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land and shall occur at the time of permit approval.
- j. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.

## 20.30.040 Shoreline Vegetation

Vegetation along the shoreline plays a number of important roles including providing bank stability, habitat and wildlife corridors, shade and cover, wood and organic debris recruitment. By slowing erosion and retaining sediments, riparian vegetation reduces pollutants including nitrogen, phosphorus, hydrocarbons, PCBs, metals, and pesticides. Shoreline vegetation also prevents excessive turbidity by slowing down and filtering surface water runoff and associated sediments. This section should be used in conjunction with BMC section 20.30.050 [Dimensional Standards for Shoreline Development].

WAC 173-26-221[5.b][SMP Guidelines, General master program provisions, vegetation conservation], 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.

### 1. Policies

- a. Native plant communities within shoreline jurisdiction including, but not limited to, wetlands, lakes, streams and bluffs should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.
- b. Restoration and mitigation of shorelines degraded due to natural or manmade causes should, wherever feasible, use bioengineering techniques to arrest the processes of erosion and sedimentation, to improve water quality and to provide for properly functioning conditions.
- c. Vegetation within the city shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. This should be accomplished by managing alterations within shoreline jurisdiction and implementing vegetation management standards that will maintain or enhance the ecological functions. Emphasis on vegetation maintenance and enhancement should be focused in degraded areas and areas that are most beneficial to shoreline ecological functions.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 10-15.)

### 2. Regulations

- a. *Alterations* to vegetation within shoreline jurisdiction (except for the maintenance of existing or approved conditions) are not allowed without review and approval

by the City. When allowed, alterations to the vegetation shall result in no net loss of shoreline ecological value or function.

- b. *Alterations* within the shoreline vegetation conservation buffer (except for the maintenance of existing or approved conditions) shall only be allowed through review and approval by the City of a vegetation management plan as set forth in paragraph d below.
- c. If mitigation of impacts is necessary, it should take the form of vegetation enhancement and result in improvements to ecological functions. The vegetation management plan shall be prepared by a qualified professional and shall be consistent with the provisions of this chapter and BMC Chapter 19.40[Critical Areas]. Vegetation enhancement plans shall include:
  - i. Revegetation of degraded buffer areas within 20 feet of the ordinary high water mark (or top of shore armoring if applicable) or wetland edge with dense native vegetation meeting the standards of paragraph (d)(iii-iv) below. The Administrator may require wider widths or other improvements to mitigate greater impacts.
  - ii. The above revegetation area may be modified using area averaging when existing structures encroach into the 20 foot width, when access through the area to waterfront facilities is needed, or when water-dependent activities need to take place in the area.
- d. Within a shoreline vegetation conservation buffer as set forth in BMC 20.30.050[Dimensional Standards for Shoreline Development], *alterations* shall comply with the following;
  - i. The applicant shall provide a vegetation management plan prepared by a qualified professional; and
  - ii. The total area of vegetation removal or *alteration* shall be replaced at a size equal or greater to the area being altered; and
  - iii. Where new or altered vegetation planting areas are proposed within the shoreline vegetation conservation buffer, either as a part of a project proposal or to replace any existing vegetation that is removed, the new vegetation shall be provided at a density to mimic natural conditions rather than a landscaped yard; and
  - iv. When new vegetation planting areas are proposed within the shoreline vegetation conservation buffer, the new or altered vegetation planting areas shall consist of mix of native trees, shrubs and ground cover; and
  - v. Vegetation management plans should place emphasis on providing plantings within a 20 foot wide area parallel and adjacent to the shoreline; and

- vi. ~~Replacement or n~~New lawn areas are prohibited in the shoreline riparian buffer due to their limited functional benefits and need for chemical and fertilizer application; and
  - vii. Appropriate limitations shall be included on the use of fertilizer, herbicides and pesticides as needed to protect lake and marine water quality.
- e. Prior to issuance of a building permit, if applicable, the applicant shall submit a vegetation management plan pursuant to section h. The plans shall state what erosion control measures will be implemented during and after construction resulting in long term shoreline stabilization.
- f. All clearing, grading and vegetation removal shall be the minimum necessary except for the removal of noxious and invasive vegetation. Hand equipment should be used when feasible.
- g. In accordance with existing regulations, only noxious weeds shall be removed from the Lake Burien wetland or wetland buffer without approval of the Shoreline Administrator. Replacement of non-native vegetation may be allowed through approval of a vegetation management plan as prescribed in section h.
- h. The Director may establish minimum standards for vegetation management plans. At a minimum, vegetation management plans shall comply with the following;
  - i. Describe the area to be disturbed and the proposed vegetation to be altered; and
  - ii. Outline specific actions or methods that will be used to minimize impacts to the ecological functions and values; and
  - iii. Indicate how existing shoreline vegetation will be preserved and protected; and
  - iv. Describe measures that will be used or enacted that will ensure any alteration and required vegetation will be maintained for a minimum of two years and preferably for the duration of the use or development; and
  - v. Delineate any applicable critical area and/or buffer; and
  - vi. The plan shall document how the proposed alteration will result in equal or better ecological function and value.
- i. Hand removal of noxious weeds or invasive vegetation may be allowed without approval of a vegetation management plan as prescribed in section h, following a consultation with the shoreline administrator or his or her designee.

## **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.

## 20.30.050 Dimensional Standards for Shoreline Development

The following buffers 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 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].

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.

The riparian buffers and vegetation conservation buffers shown in ~~Table-Figure~~ 5 and in BMC 20.30.055[Shoreline Buffers]:

1. Do not apply to legally established structures 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**

<b>SHORELINE ENVIRONMENT DESIGNATION</b>			
	<b>Shoreline Residential</b>	<b>Urban Conservancy</b>	<b>Aquatic</b>
<b>Marine Riparian Buffer</b> <sup>(3)</sup>	20 ft.	50 ft.	N/A
<b>Building Setback</b>	0 ft	15 ft	N/A
<b>Lake Burien Riparian Buffer</b> <sup>(1)</sup>	30 ft.	N/A	N/A
<b>Building Setback</b>	15 ft	N/A	N/A
<b>Vegetation Conservation Buffer</b> <sup>(2)</sup>	150 ft.	200 ft.	N/A
<b>Height Limit</b> (see BMC 19.15)	35 ft.	35 ft.	35 ft.
<b>Lot Size</b> <sup>(4)</sup> (see BMC 19.15)	RS-12,000 RS-7,200 (Lake Burien)	RS-12,000	N/A
<b>Building Coverage</b> (see BMC 19.15)	35%	30%	N/A

(1) Consistent with BMC 19.40-critical areas and BMC 20.30.040 (2) (g).

(2) See BMC 20.30.040 Shoreline Vegetation Conservation for specific requirements.

(3) For single family residential development, the buffers prescribed in this section may be reduced pursuant to BMC 20.30.095, through the conditional use permit process.

(4) See BMC 19.17.170 of the zoning code for minimum lot area requirements.

## **20.30.055 Shoreline Buffers**

### **Regulations:**

1. A twenty foot riparian buffer for the marine shoreline (thirty feet for Lake Burien) shall be established from the ordinary high water mark for all lots. The riparian buffer is measured landward from a perpendicular line from the edge of the OHWM.
2. Overwater structures are allowed within the buffer as provided herein. Structures and development such as viewing platforms, boardwalks, benches, and trails are allowed when associated with public access.
3. Whenever the Shoreline Administrator determines that monitoring has established a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the applicant or the property owner shall be required to institute corrective action(s), which shall also be subject to further monitoring as provided in this section.
4. The Shoreline Administrator may require a performance bond(s) or other security in an amount sufficient to guarantee that all required mitigation measures will be completed in a manner that complies with conditions of approval and to guarantee satisfactory workmanship and materials for a period not to exceed five years. The Shoreline Administrator shall establish the conditions of the bond or other security according to the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.
5. All costs associated with the mitigation/monitoring and planning including city expenses, shall be the responsibility of the applicant.

### **20.30.060 Select Shoreline Uses and Modifications**

Shoreline master programs establish a comprehensive program of use regulations for shorelines and provisions for specific uses to assure consistency with the policy of the act and where relevant within the jurisdiction. This section provides specific policies and regulations for the following types of uses and modifications:

- Aquaculture
- Bulkheads and Other Shoreline Stabilization Structures
- Docks, Piers and Floats
- Habitat Restoration and Enhancement
- Recreation
- Recreational Mooring Buoys
- Residential
- Transportation Facilities and Parking
- Utilities

### **20.30.065 Aquaculture**

Aquaculture means the culture, harvesting or farming of food fish, shellfish, or other aquatic plants and animals. Sport fishing is not considered an aquaculture activity. Aquaculture activities include the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas.

#### **1. Policies**

- a. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with existing adjacent uses.
- b. Aquacultural facilities must be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

## 2. Regulations

- a. Aquaculture shall be limited to geoduck harvesting within Department of Natural Resources' tracts or for recovery of a native aquatic population in accordance with a government and/or tribal approved plan.
- b. Aquaculture is not permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses.
- c. Aquaculture is prohibited in critical saltwater habitat or within a 10 foot buffer from these areas.
- d. No aquatic organism shall be introduced into City of Burien shoreline areas without the prior written approval of the Director of the Washington State Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism.
- e. No aquacultural processing, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms, shall be permitted waterward of the ordinary high water mark unless fully contained within a tending boat or barge.
- f. Shellfish seeding and culturing is allowed when conducted for native population recovery in accordance with a government and/or tribal approved plan.

### 20.30.070 Bulkheads and Other Shoreline Stabilization Structures

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, roads and utilities, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

#### 1. Policies

- a. New development should be located and designed to avoid the need for future shoreline stabilization to the greatest extent *feasible*.
- b. New and replacement bulkheads should be designed to blend in with the natural surroundings and not detract from the aesthetic qualities or degrade the natural processes of the shoreline.

- c. Burien should take active measures to preserve natural unaltered shorelines, and prevent the proliferation of new bulkheads and other forms of shoreline armoring.
- d. Non-structural stabilization measures including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff and other measures are preferred over new structural shoreline armoring.
- e. Where feasible, any failing, harmful, unnecessary, or ineffective structural shoreline armoring that cannot be repaired or replaced should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 7, 11, 13.)

## 2. Regulations

- a. A shoreline stabilization structure legally existing on \_\_\_\_\_ (the effective date of the SMP):
  - i. May be repaired and maintained.
  - ii. May be replaced with a similar structure if the following apply:
    - 1) There is a demonstrated need to protect legally established principal uses or structures and legally established appurtenances necessary for use and enjoyment of a single-family home, which appurtenances shall not include fences, from erosion caused by currents, tidal action, or waves.
    - 2) The existing structure can no longer adequately serve its purpose of stabilizing the shoreline to protect established uses and structures.
    - 3) Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992 and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
    - 4) Where a net loss of ecological functions associated with *critical saltwater habitats* would occur by leaving the existing structure, removal of that structure may be required as part of the construction of the replacement.
    - 5) Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.

- b. New shoreline stabilization structures, bulkheads, gabions, revetments, retaining walls and bluff walls are allowed if there would be no net loss of shoreline ecological functions and the following requirements are met:
  - i. Non structural methods (e.g., building setbacks, biotechnical vegetation measures, anchor trees, upland drainage control, and beach enhancement) are not feasible to protect a residence or other *primary structure* or essential public facility.
  - ii. The necessity to protect existing *primary structures* is demonstrated in the following manner:
    - 1) A geotechnical analysis, accepted by the Administrator, ~~indicates~~ confirms that there is a significant possibility that the *primary structure* will be damaged within three years as a result of shoreline erosion caused by tidal action, currents, or waves in the absence of an armoring structural solution. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need.
    - 2) The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
- c. The following requirements apply to both new and replacement bulkheads:
  - i. Bulkheads shall be located and constructed in a manner which will not result in adverse effects on littoral drift and adjacent properties.
  - ii. Bulkheads shall not be installed solely for the purpose of creating upland by filling behind the bulkhead.
  - iii. The size and quantity of material utilized for the bulkhead shall be the minimum necessary to protect the structure from the estimated energy intensity of the shoreline hydraulic system.
  - iv. The maximum height of a new bulkhead on the marine shoreline shall be no greater than four (4) vertical feet above the OHWM. The height of a replacement bulkhead shall not exceed four (4) vertical feet above the OHWM or the height of the existing bulkhead, whichever is greater.
- d. All new and replacement shoreline structures shall be designed to minimize the transmission of wave energy.

## **20.30.075 Over-Water Structures—Including Docks, Piers and Floats**

*Docks* are fixed structures floating upon the water. *Piers* are fixed, pile-supported structures. *Floats* (rafts) are floating structures that are moored, anchored, or otherwise secured in the water that are not directly connected to the shoreline. All of these types of overwater structures are found in the City's shoreline jurisdiction. These structures typically require permits from local, state and federal agencies. For structures overlying state owned lands, an Aquatic Lands lease and authorization from the Department of Natural Resources is required. For the purposes of this section, docks, piers, and floats will be called Over-Water Structures and addressed together unless otherwise noted. In addition to the following policies and regulations, applicants for an over-water structure should contact other permitting agencies including the Washington State Dept. of Fish and Wildlife and U.S. Army Corps of Engineers for their requirements, including dimensional standards.

### **1. Policies**

- a. Over-water structures should be designed to minimize impacts to ecological functions of the water body including but not limited to water quality, anadromous and forage fish habitat, spawning and rearing areas, migration, and passage.
- b. New over-water structures should be restricted to the minimum size necessary and permitted only when the applicant has demonstrated that a specific need exists to support the intended *water dependent* use.
- c. Ensure that over-water structures are designed and maintained to avoid adverse impacts to the environment and shoreline aesthetics and minimize interference with the public's use of the water and public beach area.
- d. Encourage the use of mooring buoys in place of over-water structures.
- e. Encourage shared docks between multiple owners for single family waterfront development to minimize over-water coverage adversely impacting shoreline ecological functions.
- f. Over-water structures should be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in the original moorage design shall not be grounds for approval of dredging.

### **2. Regulations**

- a. New over-water structures shall be limited to those required as part of a permitted water dependent use or for joint use of the facility.
- b. Over-water structure design and construction shall be restricted to the minimum necessary to meet the needs of the proposed water dependent use.

- c. Private, single residence over-water structures for the sole use of the property owner shall not be considered an outright use on City of Burien marine shorelines. An over-water structure may be allowed on the marine shoreline when the applicant has demonstrated a need for moorage and the following alternatives have been investigated and are not available or feasible:
  - i. Commercial or marina moorage;
  - ii. Floating moorage buoys;
  - iii. Joint use moorage pier.
- d. The design and construction of over-water structures as well as their subsequent use and operation, shall:
  - i. Be capable of withstanding expected environmental conditions; and,
  - ii. Minimize interference with adjacent water uses and navigation; and
  - iii. Minimize adverse effects on fish, shellfish, wildlife, water quality and geohydraulic processes by limiting the size of the structure and the use of hazardous materials, incorporating grating to allow light passage or reflective panels to increase light refraction; and spaced and oriented to minimize shading and avoid a 'wall' effect that would block or baffle wave patterns, currents, littoral drive, or movement of aquatic life forms.
- e. *Over-water structures* shall not be used for residential dwelling purposes nor provide moorage for boats that are occupied longer than two (2) days unless pump-out facilities are available and then no longer than seven (7) days total.
- f. Only joint use over-water structures are allowed for attached dwelling unit developments.
- g. Only one over-water structure is allowed for each single family detached residential lot.
- h. No covered moorage is allowed waterward of the ordinary high water mark.

## **20.30.080 Habitat Restoration and Enhancement**

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines. Restoration or enhancement of shoreline areas means a change of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic ecological functions of a former or degraded wetland or fish and wildlife habitat conservation area.

### **1. Policy**

- a. Habitat restoration or enhancement projects that are not exempt pursuant to WAC 173-27-040[Developments exempt from substantial development permit requirement], may be allowed in shoreline jurisdiction if a shoreline substantial development permit is obtained.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 16 & 17.)

### **2. Regulations**

- a. Shoreline restoration or enhancement shall be designed to result in a natural shoreline with functions, vegetative communities and structure similar to what would historically have been found on the site or in the vicinity.
- b. All shoreline restoration or enhancement projects shall ensure that critical areas and their functions are not degraded by the action.
- c. Shoreline restoration projects shall implement the City's adopted shoreline restoration plan and be conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.
- d. Nonstructural approaches for shoreline restoration or enhancement shall be used for shoreline stabilization instead of bulkheads or other structural stabilization measures, where feasible.
- e. Shoreline restoration projects that are not specifically listed in the City's adopted shoreline restoration plan shall be considered subject to approval of the Shoreline Administrator.
- f. Existing artificial structures on the site of a shoreline restoration or enhancement project that appear to be impeding natural recovery of a species or habitat shall be removed.

- g. When habitat is restored or enhanced, priority shall be given to retention of snags and trees that provide overhanging vegetation and/or nesting or perching branches for eagles, other raptors, or priority species.
- h. Shoreline habitat restoration or enhancement projects shall not adversely impact sediment processes, littoral drift, wetlands or fish and wildlife habitat conservation areas.
- i. Beach enhancement shall not be allowed within spawning, nesting or breeding habitats unless the completed project will result in a greater long term benefit to the ecological functions and values.
- j. Restoration of native vegetation shall comply with the vegetation conservation section BMC 20.30.040. In addition to the provisions of BMC section 20.30.040 a re-vegetation plan shall include a monitoring and maintenance program that shall, at a minimum, include the following:
  - i. Goals and objectives for the mitigation plan; and
  - ii. Criteria for assessing the effectiveness of the mitigation; and
  - iii. Monitoring plan including annual progress reports submitted to the Shoreline Administrator. The plan shall be in effect for a period of time sufficient to establish that performance standards have been met as determined by the Shoreline Administrator, but no less than five years; and
  - iv. A contingency/adaptive management plan.
- k. Restoration resulting in movement of the *OHW*M shall meet the following standards.
  - i. The Shoreline Administrator may grant relief from shoreline master program development standards and use regulations when the following apply:
    - (a) A shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in the following:
      - (i) (A) Land that had not been regulated under this Shoreline Master Program prior to construction of the restoration project is brought under shoreline jurisdiction; or
      - (B) Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the shoreline master program; and
      - (ii) Application of shoreline master program regulations would preclude or interfere with use of the property permitted by other development regulations, thus presenting a hardship to the project proponent;
    - (b) The proposed relief meets the following criteria:
      - (i) The proposed relief is the minimum necessary to relieve the hardship;

- (ii) After granting the proposed relief, there is net environmental benefit from the restoration project;
  - (iii) Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the shoreline master program; and
  - (iv) Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and
- (c) The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during the Department of Ecology's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then the Department of Ecology shall conduct its review when the City of Burien provides a copy of a complete application and all supporting information necessary to conduct the review.
  - (i) Except as otherwise provided in subsection (2) of this section, the Department of Ecology shall provide at least twenty-days (20) notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on their web site.
  - (ii) The department shall act within thirty calendar days of close of the public notice period, or within thirty days of receipt of the proposal from the local government if additional public notice is not required.
- ii. The public notice requirements of subsection (1)(c) of this section do not apply if the relevant shoreline restoration project was included in a shoreline master program or shoreline restoration plan as defined in WAC 173-26-201 [Comprehensive process to prepare or amend shoreline master programs], as follows:
  - (a) The restoration plan has been approved by the Department of Ecology under applicable shoreline master program guidelines;
  - (b) The shoreline restoration project is specifically identified in the shoreline master program or restoration plan or is located along a shoreline reach identified in the shoreline master program or restoration plan as appropriate for granting relief from shoreline regulations; and
  - (c) The shoreline master program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.
- iii. A substantial development permit is not required on land that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.

## **20.30.085 Recreational Development**

Shoreline recreational development includes facilities for activities such as hiking, fishing, picnicking, swimming, photography and viewing. It also includes facilities for more intensive uses, such as parks. This section applies to both publicly- and privately-owned shoreline facilities intended for use by the public or private group, association, or individual.

### **1. Policies**

- a. Allow a variety of active and passive recreation opportunities in the shoreline areas.
- b. Encourage provision of view points, rest areas and picnic facilities in public shoreline areas.

(For additional policy guidance, including policies that provide for public access planning as set forth in WAC 173-26-221(4)(c)[General master program provisions, Planning process to address public access], please see Chapter II General Goals and Policies, pg. 4-7)

### **2. Regulations**

- a. Commercial recreational development or use in Seahurst Park shall be consistent with the provisions of this section.
- b. Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area.
- c. Recreation areas shall promote public health, safety and security and not materially interfere with the normal public use of the water and shorelines.
- d. Recreation facilities shall provide adequate provisions to prevent the general public from trespassing and overflowing into adjacent, privately owned properties.
- e. Recreation facilities shall provide signage that prohibits tree cutting and collecting of marine life, driftwood and other natural materials.
- f. Jet skis and water craft with combustion engines are prohibited on Lake Burien.
- g. No person shall moor, anchor or dock a boat or other object overnight on or within 50 feet of the ordinary high water mark at any city beachfront park without authorization from the City of Burien Parks Department.
- h. Should public access occur on Lake Burien, no watercraft access is allowed from public access areas.

## **20.30.090 Recreational Mooring Buoys**

A recreational mooring buoy is a device used to tie up a boat and typically consists of a line from the boat attached to a float at the water's surface with a cable or line fixed underwater to the submerged ground. The anchor line allows the boat to float and swing around the fixed buoy anchor.

### **1. Policies**

- a. Recreational boat mooring buoys are the preferred method to provide moorage instead of constructing new residential docks, piers or floats.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 7.)

### **2. Regulations**

- a. Mooring buoys shall be located as close to the shore as possible while avoiding beaching under all tidal situations and no farther waterward than existing authorized mooring buoys unless the drift of the boat dictates it.
- b. Mooring buoys shall be located away from critical saltwater habitat.
- c. Mooring buoys shall utilize a system design that minimizes damage to underwater lands and marine vegetation.
- d. Individuals owning residential property abutting state-owned aquatic lands may install a mooring buoy on those public lands for recreational purposes after obtaining approval from the State of Washington Department of Natural Resources (DNR), Washington Department of State Fish and Wildlife (WDFW) and the Army Corps of Engineers.
- e. Recreational mooring buoys on public lands shall be installed using a DNR or WDFW approved system.
- f. Buoys shall be visible under normal daylight conditions at a minimum of 100 yards during daylight hours and must have reflectors for night time visibility.
- g. Recreational mooring buoys on public lands are prohibited for commercial and transient uses or live-aboards.
- h. Boats must be sixty feet or less in length to tie up to a recreational mooring buoy on public lands.
- i. A *Community Beach* may have one mooring buoy for every one hundred (100) lineal feet of waterfront.
- j. Mooring buoys are prohibited on Lake Burien.

## 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

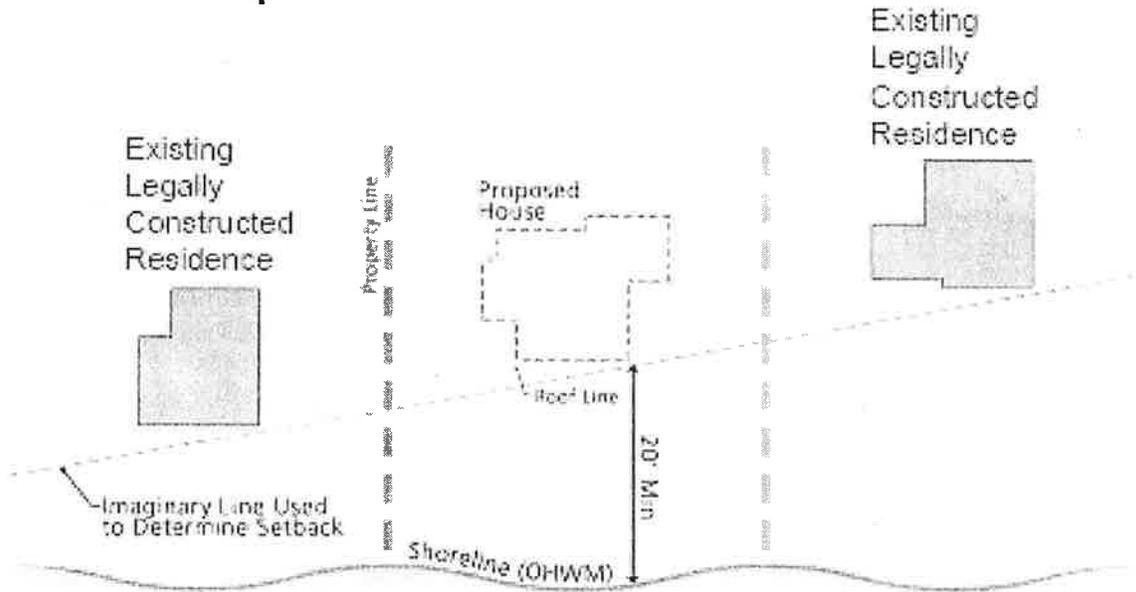
- a. **General.** Consistent with WAC 173-26-221(4)(d)(iv)[General master program provisions, Standards for height limits, setbacks, and view corridors], residential development shall protect existing shoreline and water views promote public safety, avoid adverse impacts to marine bluffs and nearshore 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 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 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 designated in BMC 20.30.050 and within 50 feet of either side of the proposed building site, the required riparian buffer of the new or expanded home may be reduced. As an alternative in such cases, the proposed new or expanded single-family primary residential structure may be set back from the *OHW*M common to

the average of the buffers of the existing adjacent residences. (see Figure 6)

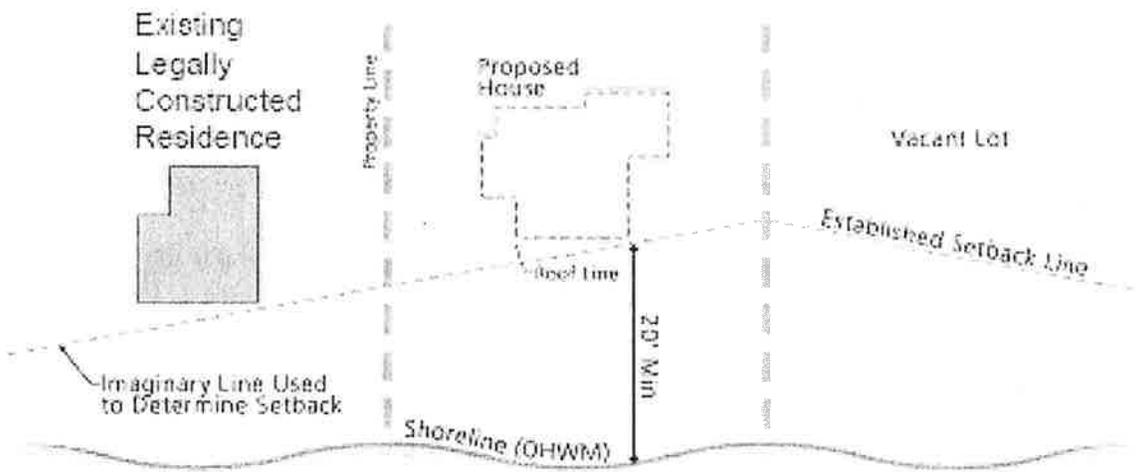
- ii. In those instances where only one existing single family primary residence is within 50 feet of the proposed building site, the *OHWM* setback of the proposed structure may be reduced to the average of the *OHWM* setbacks for the existing adjacent residence and the applicable setback for the adjacent vacant parcel (65-feet for marine shorelines, 45-feet for Lake Burien).
  - iii. In no case shall the reduced buffer 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 may be allowed through a conditional use permit, if there is no development waterward of the existing primary residential structure.
  - v. Any riparian buffer 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 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 ramps 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 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.

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



OHWM = Ordinary High Water Mark



OHWM = Ordinary High Water Mark

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

## **20.30.100 Transportation Facilities and Parking**

Transportation facilities are those structures and developments that aid in land and water surface movement of people, animals, goods and services. They include streets, bridges, bikeways, trails and other related facilities.

### **1. Policies**

- a. All new or expanded roadways should be designed and located to minimize impacts to shoreline ecological functions including riparian and nearshore areas, and the natural landscape.
- b. Parking is not a preferred use in shorelines and should only be allowed to support authorized uses where no feasible alternatives exist.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 7 & 8.)

### **2. Regulations**

- a. New transportation and parking facilities shall be located outside of the shoreline jurisdiction or as far landward from the ordinary high watermark as feasible, unless they support public access or other authorized use.
- b. Transportation facilities shall be designed and maintained to minimize erosion, preserve natural drainage ways and utilize low impact development techniques.
- c. Transportation and utility facilities shall share rights-of-way to minimize disturbance in shoreline areas:
- d. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control on City streets in shoreline areas.
- e. Construction debris, overburden and other waste materials shall not be allowed to enter into any water body by disposal or erosion from drainage, high water or other means.
- f. Transportation facilities shall provide public access appropriate to the location and extent of the facility.
- g. All shoreline areas disturbed by road construction and maintenance shall be replanted and stabilized. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until established.

- h. Landscaping shall be provided to minimize visual impacts for all new and expanded transportation facilities in shoreline areas. A landscape plan shall be provided in conjunction with review and issuance of a shoreline substantial development permit.

### **20.30.105 Utilities**

Utilities are services and facilities that produce, convey, transmit, store, or process water, sewage, communications, electric power, fuel, natural gas, and the like.

#### **1. Policies**

- a. On-site utility features serving a primary use, such as water, sewer or gas lines to a residence, are considered a part of the primary use.
- b. Utilities production and processing facilities, such as sewage treatment plants, or parts of those facilities that are non-water-oriented should not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.
- c. Utilities should be located and designed to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
- d. New development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which would disrupt shoreline ecological functions should be discouraged except where no other feasible alternative exists.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 4 & 9.)

#### **2. Regulations**

- a. Utilities shall be placed underground pursuant to BMC 12.40[Utility Undergrounding Policy].
- b. New development of underwater pipelines and cables on tidelands is prohibited except for deepwater outfalls and facilities where no other feasible alternative exists.
- c. New cable crossings for telecommunications and power lines entering or leaving a body of water shall be bored or buried below the surface of the water body's bed from the ordinary high water mark out to a minimum water depth of minus ten feet (-10') below mean lower low water.

- d. Directional boring, instead of excavation or trenching is required where *feasible*.
- e. New transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where *feasible* and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.
- f. New or altered aerial utility lines and vertical utility facilities shall make maximum use of topography to minimize visual impact on the surrounding area.
- g. Communication, radio towers and personal wireless service facilities shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.
- h. Culverts shall be located and installed in accordance with City of Burien standards and specifications.
- i. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- j. Except for water lines, all underwater pipelines transporting substances hazardous to aquatic life or water quality are prohibited unless no other feasible alternative exists. Such facilities shall include an automatic shut off valve on both shorelines and have established maintenance procedures.
- k. Expansion or repair of existing, underground utilities within shoreline jurisdiction shall include reclamation of areas disturbed during construction including, where *feasible*, replanting and maintenance care until the newly planted vegetation is established.

**Chapter V. Administration and Shoreline  
Permit Procedures**

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### **20.35.001 Purpose and Applicability**

The purpose of this chapter is to establish a program for the administration and enforcement of the permit system for shoreline management provided by the Shoreline Management Act of 1971 (RCW Chapter 90.58). This chapter applies to all development within shorelines of the state within the City of Burien's shoreline jurisdiction. The City's shoreline administrative procedures are intended to be consistent with all provisions, criteria, application requirements, public notice requirements, and local or state review procedures set forth in WAC 173-27, Shoreline Management Permit and Enforcement Procedures. In the event of any inconsistencies between this Shoreline Master Program and WAC 173-27, the WAC shall govern.

All development in designated shoreline areas shall comply with the policy, provisions, and intent of the City of Burien Shoreline Master Program. Definitions contained in the Shoreline Management Act of 1971 (RCW Chapter 90.58) and the Shoreline Master Program Guidelines (WAC Chapter 173-26) shall apply to all terms and concepts used in this chapter, provided that definitions contained in this title shall be applicable where not in conflict with the Shoreline Management Act and the Shoreline Master Program Guidelines. In addition, the City will establish minimum application requirements, checklists, handouts, forms and fees for shoreline permits and shoreline exemption determinations.

Amendments to the City of Burien Shoreline Master Program will not become effective until approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 (Approval of Master Program).

### **20.35.005 Authority and Rule of Liberal Construction**

This chapter is promulgated pursuant to the authority and mandate of RCW 90.58.140(3) (Development Permits). Compliance with this chapter shall constitute compliance with the Shoreline Management Act, the Shoreline Master Program Guidelines, and the City of Burien Shoreline Master Program (SMP) for evaluating permits on shorelines of the state.

As provided under RCW 90.58.900 (Liberal Construction), the Shoreline Management Act (SMA) is exempted from the rule of strict construction. The SMA and the City of Burien Shoreline Master Program shall, therefore, be liberally construed to give full effect to the purposes, goals, policies, and standards for which the SMA and this Master Program were enacted. Exemptions from the Act or this Master Program are to be narrowly construed.

## 20.35.010 Shoreline Permit Types and Review Procedures

1. **Non-Exempt Development.** Substantial development that is not otherwise exempt or uses that are identified as requiring conditional use permits within the City of Burien's shoreline jurisdiction must obtain a *Shoreline Substantial Development Permit*, *Shoreline Conditional Use Permit*, or *Shoreline Variance* from the City.
2. **Exempt Development.** Development within the City of Burien's shoreline jurisdiction that is exempt from the requirement to obtain a *Shoreline Substantial Development Permit* shall comply with BMC 20.35.025. An exempt development that requires a Conditional Use Permit or Variance shall also comply with applicable provisions related to those processes.
3. **Pre-application Meeting.** The owner of the subject property or the authorized agent of the owner is encouraged to have a pre-application meeting with the Shoreline Administrator to determine the appropriate type of shoreline permit needed for the proposed action.

**Permit Review.** Shoreline permits shall be reviewed using the land use decision processes in BMC Chapter 19.65 (Procedures).

Shoreline permits are processed as a Type 1 land use decision pursuant to BMC Chapter 19.65 (Procedures). A Type 1 decision is a written administrative decision issued following public notice, consideration of written public comments and review of a written staff recommendation. For the purposes of this Master Program, the Shoreline Administrator is the decision maker on a shoreline permit using the Type 1 land use decision. The Type 1 land use decision can be appealed to the City's Hearing Examiner.

If any shoreline use or development is subject to other approvals or permits under another permit authority, such as the zoning or subdivision codes, they shall be subject to a consolidated review and the decision maker designated for the non-shoreline approval or permit shall be the decision maker for the consolidated review.

Depending on the underlying land use permits, the shoreline permit may be processed as a Type 2 or 3 land use review involving the Hearing Examiner or the City Council.

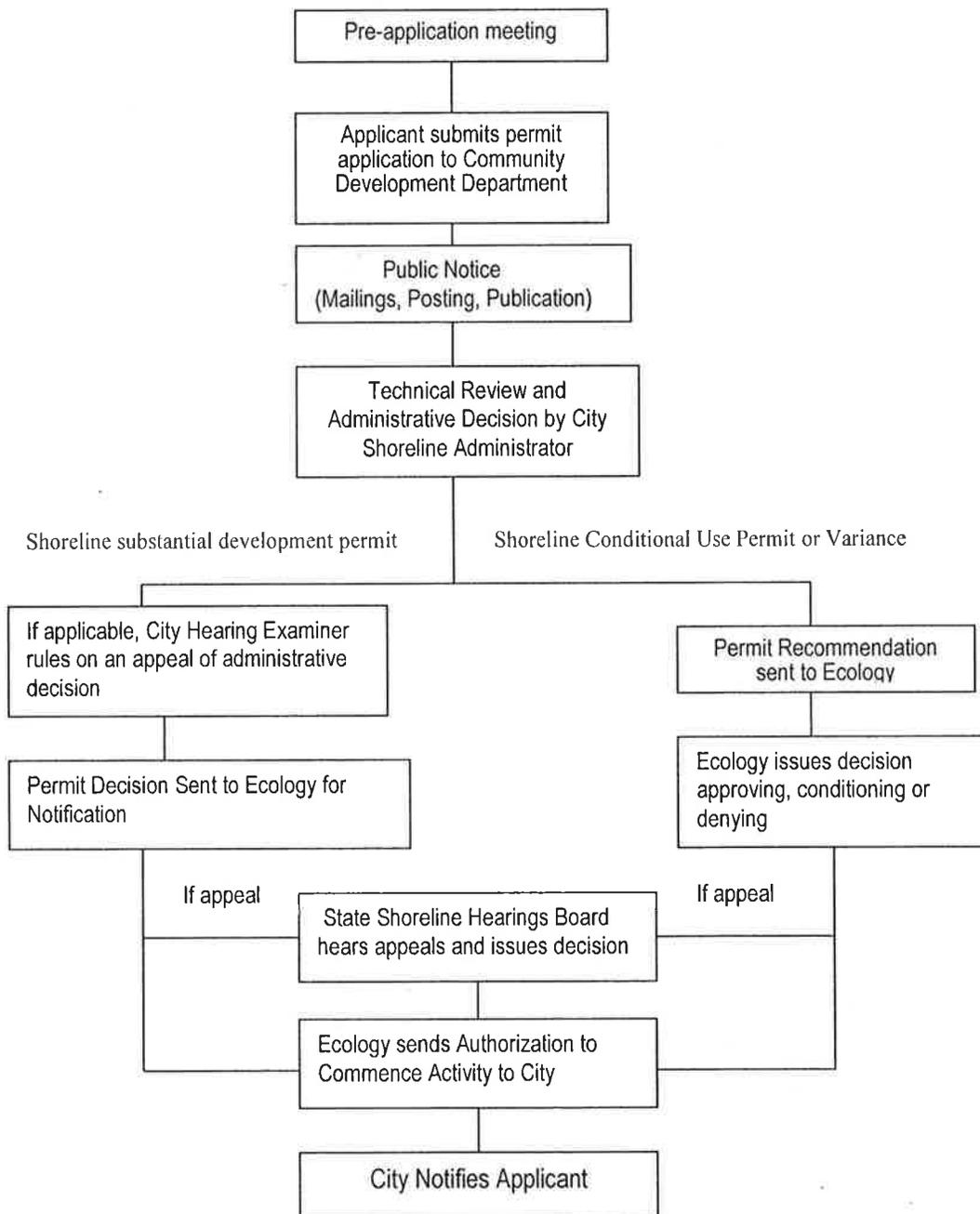
4. **Public Notice.** Public notice of an application for a shoreline permit shall be provided pursuant to BMC Chapter 19.65 (Procedures) unless otherwise specifically stated in this code. The minimum public notice period for shoreline permits shall be thirty (30) days. If there are conflicting public notice time

periods with State Law or Administrative Codes, or local laws, the longer notice period shall be used.

5. **Department of Ecology Notification.** The Washington Department of Ecology-SEA Division (Ecology) shall be notified of the permit decision.
6. **Compliance with Regulations.** In the case of either a shoreline conditional use permit or a shoreline variance, the Shoreline Administrator shall determine the application's compliance with the relevant review criteria and prepare a recommendation that is then forwarded to Ecology for review and approval. The City's recommendation may include issuing the shoreline permit, issuing the shoreline permit with conditions, or denial of the requested shoreline permit.
7. **Shoreline Conditional Use Permit required.** A development activity or use that is listed as a conditional use pursuant to this master program or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit. The conditional use permit application shall be processed as indicated in BMC 20.35.010.3, except the decision maker issues a recommendation to the Dept. of Ecology rather than a decision. This recommendation is not appealable to the Hearing Examiner or City Council.
8. **Shoreline Variance Required.** When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a shoreline variance, consistent with WAC 173-27-170 (Variances). The variance application shall be processed as set forth in BMC 20.35.010.3, except that the decision maker issues a recommendation to the Department of Ecology rather than a decision. This recommendation is not appealable to the Hearing Examiner or City Council.

Figure 7 is a flow chart illustrating the shoreline permit review process for a type 1 shoreline permit.

**Figure 7 Shoreline Permit Review for Type 1 Process**



### **20.35.015 Shoreline Substantial Development Permits**

1. **Substantial Development Permit Required.** Prior to any shoreline substantial development within a shoreline of the state, a shoreline substantial development permit shall be obtained. Development undertaken pursuant to the issuance of a permit shall be limited to that specifically delineated on the official site plan submitted by the applicant. The development shall be in compliance with any and all conditions imposed upon such permit at its issuance, including any impact mitigation measures identified in documents submitted in support of the application.
2. **Approval Criteria.** A substantial development permit shall be granted by the Shoreline Administrator only when the development proposed is consistent with the following:
  - a. City of Burien Comprehensive Plan, Burien Municipal Code, and Burien Shoreline Master Program; and
  - b. The proposed development or activity must also be found to be consistent with policies, guidelines, and regulations of the state Shoreline Management Act (RCW 90.58, WAC 173-26 and WAC 173-27).
3. **Authority to Condition.** The Shoreline Administrator may attach conditions to the approval of permits and shoreline exemptions as necessary to assure this consistency.

### **20.35.020 Substantial Development Permits for Limited Utility Extensions**

1. **Procedures.** An application for a substantial development permit for a limited utility extension shall be subject to the following procedures:
  - a. The public comment period shall be 20 days. The public notice issued pursuant to BMC 19.65.040 (Notice of Application) shall explain how the public may obtain a copy of the city's decision on the application no later than two days following its issuance consistent with BMC 19.65.055 (Notice of Decision). If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.
  - b. For purposes of this section, a limited utility extension means the extension of a utility service that:
    - i. Is categorically exempt under RCW Chapter 43.21C (State Environmental Policy Act) for one or more of the following: natural gas, electricity, telephone, water or sewer;

- ii. Will serve an existing use in compliance with RCW Chapter 90.58 (Shoreline Management Act); and
- iii. Will not extend more than 2,500 linear feet within the shorelines of the state.

**20.35.025 Exemptions from Shoreline Substantial Development Permits** (See WAC 173-27-040 (Exemptions From Substantial Development Permit Requirement) for additional language and details)

1. **Rule of Narrow Construction.** There are several types of development activities that are exempt from the requirement to obtain a Shoreline Substantial Development Permit. State law requires that such exemptions be construed narrowly and if any part of the development is not eligible for exemption, then a Substantial Development Permit is required for the entire proposed development. No pre-application meeting is required for a shoreline exemption, and the City usually makes a determination on the exemption within thirty days of application. The Department of Ecology does not review shoreline exemptions unless State or Federal agency approvals are required for the project.
2. **Shoreline Exemption Process.** Exemption from the Shoreline Substantial Development Permit process does not constitute exemption from compliance with the policies and use regulations of the SMA (RCW 90.58), the provisions of this master program, or other applicable city, state or federal permit requirements. The Shoreline Administrator is authorized to grant or deny requests for exemptions from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in the Shoreline Permit Matrix (Figure 4) of this master program.

Such requests shall be applied for on forms provided by the Shoreline Administrator. The request shall be in writing and shall indicate the specific exemption of this SMP that is being applied to the development. The Shoreline Administrator shall prepare an analysis of the consistency of the project with this SMP and the SMA. As appropriate, the Shoreline Administrator's analysis and decision shall include statements of exemption, which may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the SMA and SMP. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial.

The Shoreline Administrator's actions on the issuance of a statement of exemption or a denial are subject to appeal. The appeal shall be processed using the appeal procedures for the underlying land use approval pursuant to BMC 19.65 (Procedures). If there is no underlying land use approval, the appeal shall be processed pursuant to the Type 1 appeal procedures in BMC 19.65.065 (Type 1 Decisions).

3. **Agency Approvals Required.** Even though a project is exempt from obtaining a substantial development permit, it may still need approvals from other agencies. For

example, if the proposal involves construction within navigable water or if the project includes dredging or placement of fill, a U.S. Army Corps of Engineers Section 10 and/or 404 permit is required. In addition, if the project involves construction or other activity waterward of the ordinary high water mark or if the project includes an activity that will use, divert, obstruct, or change the natural flow or bed of any state waters, a Hydraulic Project Approval from the Washington State Department of Fish and Wildlife is required.

4. **Exemptions.** The developments listed below shall not require a local Shoreline Substantial Development Permit. Developments not meeting the provisions below must obtain a Shoreline Substantial Development Permit.
  - a. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred and eighteen dollars (\$5,718), if such development does not materially interfere with the normal public use of the water or shorelines of the state and does not result in a net loss of ecological functions. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c) (Definitions and Concepts). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. The dollar amount above will be periodically adjusted for inflation by the State Office of Financial Management pursuant to WAC 173-27-040(2)(a) (Exemptions From Substantial Development Permit Requirement). When a revised dollar amount is in effect, it will be provided on forms provided by the Shoreline Administrator.
  - b. **Normal Maintenance and Repair.** Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including, but not limited to its size, shape, configuration, location and external appearance, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. The need for replacement resulting from neglect or maintenance and repair is not considered a common method of repair. Normal repair must occur within a reasonable period after decay or partial destruction. If decay or partial destruction occurs to an extent of fifty percent or greater of the replacement cost of the original development, repair or replacement must be addressed within one year. Restoration may include total replacement of buildings and structures when supported by a statement from the Building Official that complete replacement is common practice.
  - c. **Construction of a normal protective bulkhead common to single family residences.** An exempt "normal protective" bulkhead shall be constructed at or near the ordinary high water mark and shall be for the purpose of protecting a single family residence from erosion, not for the purpose of creating land.

When an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When an exempt bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Bioengineered erosion control and alternative bank stabilization projects may be considered an exempt normal protective bulkhead, when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife. Backfill behind a constructed exempt normal protective bulkhead is allowed; however, no more than 1 cubic yard of fill per 1 horizontal foot of bulkhead wall may be used.

- d. **Emergency Construction.** Emergency construction necessary to protect property from damage by the elements. An *emergency* is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed, except where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation. Upon abatement of the emergency situation the new structure shall be removed or any permit be obtained which would have been required, absent an emergency, pursuant to RCW Chapter 90.58 (Shoreline Management Act), or the Burien Shoreline Master Program.
- e. **Single Family Residence.** Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his/her own use or for the use of his/her family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agencies having jurisdiction and the City. "Single-family residence" means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are a normal appurtenances. An *appurtenance* is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Appurtenances typically include a garage, decks, driveway, utilities and fences. Construction of a single-family residence may include grading which does not exceed two hundred fifty (250) cubic yards, and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark.
- f. **Marking of Property Lines.** The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
- g. **Navigational Aids.** Construction or modification, by or under the authority of the Coast Guard, of navigational aids such as channel markers and anchor buoys.
- h. **State Certified Project.** Any project with a certification from the Governor

pursuant to RCW Chapter 80.50 (Energy Facilities).

- i. **Site Exploration and Investigation.** Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
  - i. The activity does not interfere with the normal public use of the surface waters;
  - ii. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
  - iii. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
  - iv. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to ensure that the site is restored to preexisting conditions;
  - v. The activity is not subject to the permit requirements of RCW 90.58.550 (oil or natural gas exploration in marine waters).
- j. **Noxious Weeds.** The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020 (Weeds, Rodents and Pests), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or Ecology jointly with other state agencies under RCW Chapter 43.21C (State Environmental Policy Act).
- k. **Watershed Restoration Projects.** The Shoreline Administrator shall review *watershed restoration projects* for consistency with the this master program in an expeditious manner and shall issue a decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee will be charged for accepting and processing requests for a shoreline exemption for watershed restoration projects as used in this section.
- l. **Private or Public Restoration Projects.** A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:
  - i. The project has been approved in writing by the Washington State Department of Fish and Wildlife (WDFW) as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;
  - ii. The project has received hydraulic project approval by WDFW pursuant to RCW 77.55 (Construction Projects in State Waters);  
and

iii. The Shoreline Administrator has determined that the project is consistent with this master program.

m. **Hazardous Substance Remedial Actions.** The procedural requirements of RCW Chapter 90.58 (Shoreline Management Act) shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to RCW Chapter 70.105D (Model Toxics Control Act) or to Ecology when it conducts a remedial action under RCW Chapter 70.105D (Model Toxics Control Act). Ecology shall, in consultation with the City, assure that such projects comply with the substantive requirements of RCW Chapter 90.58 (Shoreline Management Act), WAC Chapter 173-26 (SMP Guidelines) and this master program.

### **20.35.030 Letter of Exemption**

1. **Letter of Exemption, General.** Persons requesting an exemption must obtain a written letter of exemption verifying the proposed development as not subject to a Shoreline Substantial Development Permit. The letter of exemption must state how the proposed action is consistent with the policies and regulations of the City of Burien Shoreline Master Program. For example, the approval of a Building Permit for a single-family residence and bulkhead can be conditioned on the basis of shoreline policy and use regulations. The Building Official or other permit authorizing official, through consultation with the Shoreline Administrator, shall attach shoreline management terms and conditions to a building permit or other permit approvals pursuant to RCW 90.58.140 (Development Permits).
2. **State and Federal Agencies.** Where shoreline development proposals are subject to review, approval, and permitting by a federal or state agency, the Shoreline Administrator shall prepare a letter and send to the Department of Ecology indicating the specific exemption provision from WAC 173-27-040 (Exemptions From Substantial Development Permit Requirement) that is being applied to the development and provide a summary of the City's analysis of the consistency of the project with the City of Burien Shoreline Master Program and the state Shoreline Management Act.

### **20.35.035 Shoreline Conditional Use Permits (See also WAC 173-27-160 (Conditional use Permits))**

1. **Purpose.** The purpose of a shoreline conditional use permit is to allow greater flexibility in administering the use regulations of the Burien Shoreline Master Program in a manner consistent with the policies of the Shoreline Management Act. This allows for review of a proposed action which may have a potential for compatibility concerns with nearby uses of other impacts that could be resolved under special circumstances with appropriate mitigation measures or conditions of approval.

2. **Criteria.** Shoreline conditional uses identified in the Burien Shoreline Master Program Use Matrix or those that are unlisted uses but not prohibited uses, may be allowed only when the applicant can demonstrate all of the following:
  - a. The proposed use will be consistent with RCW 90.58.020 (Use Preference) and the Shoreline Management Act and the Burien Shoreline Master Program;
  - b. The proposed use will not interfere with the normal public use of public shorelines;
  - c. The proposed use and development of the site and design of the project will be compatible with other permitted and planned uses within the area;
  - d. The shoreline proposal will not result in significant adverse impacts on the shoreline environment and that the cumulative impact of additional requests for like actions in the area will remain consistent with the policies of the Shoreline Management Act and the Burien Shoreline Master Program.
  - e. That the proposed use will not cause a substantial detrimental effect to the public interest. In authorizing a shoreline conditional use permit, special conditions may be attached to the permit to prevent undesirable effects of the proposed use, to ensure consistency with the Shoreline Management Act and the Burien Shoreline Master Program, or to address cumulative impacts of all like actions.

**20.35.040 Shoreline Variance Permits** (See also WAC 173-27-170  
(Variances))

1. **Applicability.** A shoreline variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the Burien Shoreline Master Program where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that strict implementation of the policies, regulations or development standards would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 (Use Preference) or the Burien Shoreline Master Program. Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020 (Use Preference). The applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. A variance permit cannot be granted for a use.
2. **Landward Variance Criteria.** Variance permits for development and/or uses that will be located landward of the ordinary high water mark and/or landward of a wetland may be authorized provided the applicant can demonstrate all of the following:

- a. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes reasonable use of the property;
  - b. The hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
  - c. The design of the project is compatible with other authorized developments within the area and with uses planned for the area under the City's comprehensive plan and Shoreline Master Program and will not cause adverse impacts to the shoreline environment;
  - d. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
  - e. The variance requested is the minimum necessary to afford relief; and
  - f. The public interest will suffer no substantial detrimental effect.
3. **Waterward Variance Criteria.** Variance permits for development and/or uses that will be located waterward of the ordinary high water mark or within a wetland, may be authorized provided the applicant can demonstrate all of the following:
- a. The strict application of the bulk, dimensional or performance standards set forth in the Burien Shoreline Master Program precludes all reasonable use of the property;
  - b. The proposal is consistent with the criteria established (b) through (f) of section 2; and
  - c. The public rights of navigation and use of the shorelines will not be adversely affected.
4. **Consideration of Cumulative Impacts.** In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 (Use Preference) and shall not cause substantial adverse effects to the shoreline environment.

### **20.35.050 Appeals**

Any person aggrieved by the granting, denying or rescinding of a Shoreline Substantial Development Permit pursuant to BMC 19.65.060 (Judicial Appeal) and RCW 90.58.140 (Development Permits) may seek review from the state shorelines hearings board by filing a

petition for review within twenty-one days of the date of filing as defined in RCW 90.58.140(6) (Development Permits).

### **20.35.055 Effective Date and Duration of Shoreline Permits**

Construction authorized by an approved shoreline permit shall not begin until 21 days after the date of filing as defined by WAC 173-27-130 (Filing With Ecology). This restriction shall be stated on the permit. Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years and the construction related activity shall terminate within five years after the effective date of a shoreline permit or the final settlement date of any associated appeals or legal actions regarding the proposed action. Provided, that the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology. The City shall notify the Department of Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application.

### **20.35.060 Compliance and Enforcement**

1. Choice of Action/Penalty; Conflict. The choice of enforcement action to be taken and the severity of any penalty to be imposed shall be guided by the nature of the violation, the damage or risk to the public or to public resources, and /or the existence or degree of bad faith of the person or persons subject to the enforcement action. The provisions of Section 20.35.060 shall supersede and take precedence over any other enforcement provisions of the Burien Municipal Code in conflict herewith.

2. Order to Cease and Desist; Notice of Correction: In the event any person is or has engaged in activity that violates any of the provisions of, BMC Chapter 20.35, RCW Chapter 90.58 (Shoreline Management Act), or a permit issued pursuant to BMC Chapter 20.35, the City may issue and serve upon such person or persons, a cease and desist order and/or an order to take corrective action.

a. Content of order. The order shall set forth and contain:

- i. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
- ii. A notice that the act or acts causing a violation or a potential violation shall immediately cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time, which

corrective action may include, but is not limited to, restoration and/or mitigation of the site and other property damaged.

- b. Effective date. An order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
  - c. Compliance. Failure to comply with the terms of an order issued pursuant to BMC Section 20.35.060(B) shall be a violation of BMC Chapter 20.35 and can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
  - d. Other Action. In addition to the issuance of the cease and desist order and/or an order to take corrective action, the City may take other enforcement action available at law including, issuance of a civil notice of violation and penalties pursuant to BMC Section 20.35.060(C), seeking injunctive or declaratory relief, imposition of criminal penalties, and permit rescission as set forth in RCW 90.58.140 (Development Permits). The City may combine an order issued pursuant to Section 20.35.060(B) with a notice of violation.
3. Civil Penalties; Procedures; Remission:
- a. Civil Violations. It shall be a civil violation of this BMC Chapter 20.35 for any person to:
    - i. Use, construct or demolish any structure, or to conduct clearing, earth-moving, construction or other development not authorized under a Substantial Development Permit, Conditional Use Permit or Variance Permit, where such permit is required by BMC Chapter 20.35.
    - ii. Undertake or conduct any work which is not conducted in accordance with the plans, conditions, or other requirements in a permit approved pursuant to BMC Chapter 20.35, provided that the terms or conditions are stated in the permit or the approved plans;
    - iii. Remove or deface any sign, notice, complaint or order required by or posted in accordance with BMC Chapter 20.35;
    - iv. Misrepresent any material fact in any application, plans or other information submitted to obtain any shoreline use or development authorization;
    - v. Fail to comply with the requirements of a substantial development permit, conditional use permit or variance issued pursuant to BMC Chapter 20.35;
    - vi. Undertake a development or use on shorelines of the state without first obtaining a permit required pursuant to BMC Chapter 20.35;
    - vii. Fail to comply with an order issued under BMC Section 20.35.060(B);

- b. Amount of penalty. The penalty for each civil violation shall not exceed one thousand dollars for each violation and shall not be less than twenty-five dollars. The amount of the penalty prescribed in the notice of violation shall be determined based upon the guidelines set forth in BMC Section 20.35.060(A).
- c. Separate Violation. Each calendar day that a civil violation occurs or continues to occur shall constitute a separate civil violation.
- d. Notice of Civil Violation. A notice of civil violation and penalty shall be imposed by issuance and service of a notice of civil violation in writing.
- e. Contents of Notice of Violation. The notice of violation shall set forth and contain:
  - i. A description of the specific nature, extent, and time of violation(s) and the damage or potential damage; and
  - ii. A notice that the act or acts causing a violation or a potential violation shall immediately cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time; and
  - iii. A notice that any order included in the notice of violation shall become effective immediately upon receipt by the person to whom the order is directed.
- f. Service of Notice of Violation. The notice of violation shall be served upon the person or persons alleged to have committed the violation either by certified mail with return receipt requested, at such person's or persons' last known address of record, or by personal service.
- g. Application for Remission or Mitigation. Any person incurring a penalty may apply in writing, within thirty days of receipt of the penalty, to the Director for remission or mitigation of such penalty. The application shall be filed with the City Clerk and shall identify the specific violation or violations for which the applicant seeks remission or mitigation, set forth the specific facts establishing the extraordinary circumstances which the applicant desires the Director to consider, include complete copies of any documents or records applicant wishes the Director to consider, include the mailing address (not a post office box) at which the applicant will receive notice of the decision, and shall be signed by the applicant. Incomplete applications and applications filed with the City after the thirty-day period specified herein shall not be considered by the Director.

Upon receipt of a complete application for remission or mitigation, the Director, or his/her designee, shall consider the application, together with any information the Director, or his/her designee, determines is relevant, and may remit or

mitigate the penalty only upon a finding that that applicant has demonstrated extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. When a penalty is imposed jointly by the Department of Ecology and the City, the penalty may be remitted or mitigated only upon such terms as both the Department of Ecology and the City agree.

h. Right of Appeal.

- i. Any person issued a notice of civil violation pursuant to BMC Section 20.35.060(C), may appeal the same to the City Council; provided that, if the penalty is imposed jointly by the City and the Department of Ecology, an appeal shall be filed with the shorelines hearings board in accordance with WAC 173-27-290 (Appeal of Civil Penalty).
- ii. Timing of Appeal. Except as provided below, any person appealing a notice of civil violation to the City Council shall file a written notice of appeal with the City Clerk within thirty days of service of the notice of civil violation. In the event that a timely and completed application is filed with the City Clerk for remission or mitigation, an appeal of a civil violation that is the subject of the application for remission or mitigation shall be filed within thirty days of applicant's receipt of the City's written decision regarding the remission or mitigation. The applicant shall be deemed to have received the written decision upon the earlier of the date of personal service of the written decision or three days after the written decision is deposited in the United States Mail, in a postage pre-paid, properly addressed envelope, using the applicant's address as stated in the application.
- iii. Notice of Appeal. All appeals shall be in writing and contain the following:
  - A. A heading in the words: "Before the Hearing Examiner;
  - B. A caption reading: "Appeal of \_\_\_\_\_" giving the name of all appellant(s);
  - C. A brief statement in concise language of the violation or violations protested, together with any material facts claimed to support the contentions of the appellant, including a copy of the notice of civil violation(s) being appealed;
  - D. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested notice of violation(s) should be reversed, modified or otherwise set aside;
  - E. The signatures of appellant and appellant's official mailing addresses;

- F. The verification (by declaration under penalty of perjury under the laws of the State of Washington) of the appellant as to the truth of the matters stated in the appeal.
- iv. Hearing. Within 10 days of receiving the written appeal, the city clerk shall fix a date, time and place for the hearing of the appeal. Such date shall be not less than 10 days nor more than 60 days from the date the appeal was filed; provided that, the Hearing Examiner may reset or continue a hearing upon request of the City or the party appealing, upon good cause shown, or sua sponte. Written notice of the date of the hearing shall be provided to the appellant by mailing such notice by first class mail, postage prepaid, to the appellant at the address shown on the notice of appeal. At the hearing the appellant shall be entitled to appear in person and be represented by counsel, and to offer evidence pertinent and material to those matters or issues specifically raised by the appellant in the written notice of appeal.
- v. Evidence. Unless otherwise provided by law, evidence that is material and relevant to determination of the matter consistent with the applicable legal requirements and subject to administrative rules of proceedings before the Hearing Examiner, shall be admitted into the record whether or not such evidence was considered by the official issuing the notice of civil violation.
- vi. Findings/Conclusions/Recommendation. The Hearing Examiner shall conduct adjudicative proceedings, receive and examine all evidence it finds relevant to the subject matter, and prepare a record thereof. When the Hearing Examiner renders a recommendation, the examiner shall make and enter written findings and conclusions which support such decision. The findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with applicable laws, regulations and policies of the city of Burien. The Hearing Examiner may recommend that the notice of civil violation be affirmed, dismissed or modified consistent with his/her findings and conclusions. The decision or recommendation shall be rendered as soon as possible but in all events within 20 working days of the conclusion of the hearing.
- vii. City Council. When taking final action, the City Council shall make and enter findings of fact from the record before the Hearing Examiner which support its action, may affirm, reverse, modify, or remand the decision of the hearing examiner, and may adopt all or portions of the examiner's findings and conclusions. The decision of the City Council shall be a final decision.
- i. Penalties due.

- i. Penalties imposed under BMC Section 20.35.060(C) shall become due and payable thirty days after receipt of notice of civil violation unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the City's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.
  - ii. If the amount of a penalty owed the City is not paid within thirty days after it becomes due and payable, the City may take actions necessary to recover such penalty.
- j. Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the civil violation shall be considered to have committed a civil violation for the purposes of the civil penalty.

4. Criminal Penalties.

In addition to incurring civil penalties under BMC Section 20.35.060(C), any person found to have willfully engaged in activities on shorelines of the state in violation of the provisions of BMC Chapter 20.35, shall be guilty of a gross misdemeanor, and shall be punished by:

- a. A fine of not less than twenty-five dollars (\$25) or more than one thousand dollars (\$1,000);
- b. Imprisonment in the County/City jail for not more than ninety (90) days; or
- c. Both such fine and imprisonment; provided that, the fine for the third and all subsequent violations in any five (5) year period shall not be less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000); provided further, that fines for violations of RCW 90.58.550 (Oil and Natural Gas Exploration), or any rule adopted thereunder, shall be determined under RCW 90.58.560 (Oil and Natural Gas Exploration).

5. Inspection Access.

The Director and his/her authorized representatives, may for the purpose of inspection for compliance with the provisions of a permit issued pursuant to BMC Chapter 20.35, enter all properties that are subject to such a permit. All persons applying for a permit under this BMC Chapter 20.35 shall be deemed to have given their consent to entry upon the property upon issuance of the permit. No owner or occupant of any premises shall fail to provide prompt entry to the Director or authorized representative for the purposes of

inspection under this section. If such entry is refused, the City shall have recourse to every remedy provided by law to secure entry, including, issuance of a notice of a notice of correction and issuance of a notice of civil violation.

Whenever entry is required for purposes of inspection pursuant to this section, if the premises are occupied, the persons conducting the inspection shall present proper credentials and request entry, and if the premises are unoccupied, reasonable effort shall first be made to locate the owner of the premises and request entry.

6. Other Remedies.

- a. In addition to the civil and criminal penalties provided for herein, the City may, pursuant to RCW Chapter 90.58 (Shoreline Management Act), bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state located within the City of Burien in conflict with the provisions of, RCW Chapter 90.58 (Shoreline Management Act), BMC Chapter 20.35, a permit issued pursuant to BMC Chapter 20.35, or other regulations adopted pursuant state law or city code, and to otherwise enforce the provisions of the City's Shoreline Master Program.
- b. Any person subject to the regulatory provisions of this Program or the Act who violates any provision thereof, or permit, or permit condition issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The City Attorney may bring suit for damages under this section on behalf of the City and on the behalf of all persons similarly situated pursuant to RCW Chapter 90.58 (Shoreline Management Act).

7. Abatement.

Structures or development on shorelines considered by the Director to present a hazard or other public nuisance to persons, properties or natural features may be abated by the City using all lawful means available.

**20.35.065 Revisions to Shoreline Permits** (See also WAC 173-27-100  
(Revisions to Permits))

1. **Revision required.** A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the shoreline permit. Changes are considered substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Burien Shoreline Master Program and/or the policies and provisions of RCW Chapter 90.58 (Shoreline Management Act). Changes which are not substantive in effect do not require approval of a revision.

2. **Required Information.** When an applicant seeks to revise a permit, the city will request from the applicant detailed plans and text describing the proposed changes. If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the Burien Shoreline Master Program and the Shoreline Management Act, the city may approve a revision.

"Within the scope and intent of the original permit" means all of the following:

- a. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
  - b. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;
  - c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;
  - d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable county master program;
  - e. The use authorized pursuant to the original permit is not changed; and
  - f. No adverse environmental impact will be caused by the project revision.
3. **New Permits Required.** If the revision, or the sum of the revision and any previously approved revisions will violate the criteria specified in (a)-(f) of the preceding section, the City shall require that the applicant apply for a new shoreline permit. Revisions to permits may be authorized after original permit authorization has expired under WAC 173-27-080(2) (Legally Established Structures). The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of RCW Chapter 90.58 (Shoreline Management Act), the Burien Shoreline Master Program and this section. If the proposed change constitutes substantial development, then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 (Application Requirements) as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the Washington State Department of Ecology. In addition, the city shall notify parties of record of the action.

4. **Revisions to Conditional Use or Variance Permits.** If the revision to the original permit involves a conditional use or variance, the city shall submit the revision to the Department of Ecology for the required state's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The Department of Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of their receipt of the submittal from the City. The City of Burien shall notify parties of record of the Department of Ecology's final decision.
5. **Effective Date.** The revised permit is effective immediately upon final decision by the City or, when appropriate, upon final action by the Department of Ecology.
6. **Appeals.** Appeals shall be to the state shorelines hearings board in accordance with RCW 90.58.180 (Appeals) and shall be filed within twenty-one days from the date of receipt of the City's action by the Department of Ecology or the date the Department of Ecology's final decision is transmitted to the City and the applicant.
7. **Construction Authorization.** Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

**20.35.070 Rescission of Shoreline Permits and Exemptions** (See also RCW 90.58.140(8) (Development Permits))

Whenever any development or use is in violation of a permit or shoreline exemption issued pursuant to this chapter, the City may, concurrent with or as an alternative to any other remedy provided by this title or other law or ordinance, initiate permit rescission proceedings by scheduling a public hearing before the hearing examiner and serving the applicant with written notice thereof. Notice shall be provided in accordance with BMC 19.65.045 (Type 1 Decisions) and contain a general description of the alleged noncompliance and date, time, and place of public hearing. It shall be served by registered mail at least 15 calendar days prior to such hearing. The permit rescission request shall be processed as a Type 2 decision in accordance with the procedures established in BMC Chapter 19.65 (Procedures).



## **Chapter VI. Shoreline Definitions**

**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.

**20.40.005 Appurtenance** means development necessarily connected to the use and enjoyment of a single family residence and located landward of the perimeter of an associated wetland and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single family residence; fences; and grading which does not exceed 250 cubic yards.

**20.40.010 Aquaculture** means the culture, harvesting or farming of food fish, shellfish, or other aquatic plants and animals. Activities include the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas.

**20.40.015 Associated wetlands** means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

**20.40.020 Beach** means the zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

**20.40.025 Boat ramp** means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

**20.40.030 Bulkhead** means a solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purposes of protecting adjacent uplands from waves or current action.

**20.40.035 Community Beach** means a beach area jointly owned by a homeowners association for use of the neighborhood.

**20.40.040 Community residential facility** means living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical

supervision, excluding drug and alcohol detoxification; if staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for subclassifying community residential facilities as follows:

1. Community residential facility-I: Nine to ten residents and staff.
2. Community residential facility-II: Eleven or more residents and staff. [BMC 19.10.065]

**20.40.042 Critical saltwater habitat** means all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

**20.40.044 Development** means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

**20.40.045 Docks** are fixed structures floating upon the water.

**20.40.050 Dredging** means the removal of earth, sand, sludge or other materials from the bottom of a stream, river, lake, bay or other water body. However, the creation of temporary depressions or contour alterations on tidelands or bedlands through the use of aquaculture harvesting equipment approved by the Washington State Department of Fish and Wildlife shall not be construed to be dredging.

**20.40.055 Feasible** means actions that meet all of the following conditions:

- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- (b) The action provides a reasonable likelihood of achieving its intended purpose; and
- (c) The action does not physically preclude achieving the project's primary intended legal use.

**20.40.060 Fill** means any material, such as earth, clay, sand, concrete, rubble, wood chips, bark or waste of any kind which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.

**20.40.065 Floating home** means a structure designed and operated substantially as a permanently based structure and not as a vessel and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and by the lack of adequate self-propulsion to operate as a vessel.

**20.40.070 Floats (rafts)** are floating structures that are moored, anchored, or otherwise secured in the water that are not directly connected to the shoreline.

**20.40.073 Government Facility** – Services and facilities operated by any level of government, excluding those use listed separately in this Code. [BMC 19.10.210]

**20.40.074 Grading** means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

**20.40.075 Houseboat** means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.

**20.40.080 In-water structure** means a structure located waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

**20.40.085 Littoral drift** means the mud, sand, or gravel materials moved parallel to the shoreline in the nearshore zone by waves and currents.

**20.40.088 Mean higher high water** or “MHHW” means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the mean lower low water = 0.0 tidal elevation.

**20.40.090 Mooring buoy** means a floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

**20.40.095 Normal protective bulkhead** means a bulkhead, common to single family residences, constructed at or near the ordinary high water mark to protect an existing single family residence, the sole purpose of which is to protect land from erosion, not for the purpose of creating new land.

**20.40.097 Office** – A place of employment providing professional, administrative, educational, business or governmental services other than production, distribution, sale or repair of goods or commodities. The following is a nonexclusive list of office uses: medical, dental or other health care; veterinary, accounting, architectural, engineering, consulting or other similar professional services; management, administrative, secretarial, marketing, advertising, personnel or other similar services; sales offices where no inventories or goods are available on the premises, real estate, insurance, travel agent, brokerage or other similar services.[BMC 19.10.385]

**20.40.100 Ordinary High Water Mark (OHWM)** means on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existing on June 1,

1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

**20.40.102 Personal wireless service facility (PWSF)** – A site, building, and/or structure that contains facilities to provide *personal wireless services*. A personal wireless service facility includes at least one of the following: *antenna, support structure, and/or equipment enclosure*. [Ord. 265 § 23, 1999], [BMC 19.10.397]

**20.40.105 Piers** are fixed, pile-supported structures extending over the water.

**20.40.110 Physical access** means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

**20.40.115 Primary structure** means any permanent building, road, bridge or utility requiring a permit or approval which is necessary to support the primary use of a site.

**20.40.116 Public park and recreation facilities** – A natural or landscaped area, *buildings or structures*, provided by a unit of government, to meet the active or passive recreational needs of people. [BMC 19.10.210]

**20.40.117 Retail** – A commercial enterprise which: provides goods and/or services directly to the consumer; and, whose goods are available for immediate purchase and/or rental; and, whose goods are available for immediate removal from the premises by the purchaser and/or whose services are traditionally not permitted within an *office use*. The sale and consumption of food are included if: a) the seating and associated circulation area does not exceed ten percent of the *gross floor area* of the *use*, and b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. Goods and services offered include, but are not limited to: *convenience retail uses*. [BMC 19.10.465]

**20.40.119 School** - An institution of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington. The following are categories of schools:

1. Elementary, and middle/junior high schools: Grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.
2. Secondary or high school schools: Grades 9 through 12, including associated meeting rooms, auditoriums and athletic facilities.

**20.40.120 Shorelands** means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and 100-year floodplains; and all wetlands and river deltas associated with the

streams, lakes, and tidal waters which are subject to the State of Washington Shoreline Management Act.

**20.40.125 Shoreline Administrator** means the City Manager or his or her designee in the Community Development Department who is responsible for administering the City of Burien Shoreline Master Program.

**20.40.130 Shoreline conditional use** means a use or modification classified by the City of Burien Shoreline Master Program as a conditional use or modification for certain shoreline environments or is an unlisted use/modification.

**20.40.135 Shoreline modification** means an action that modifies the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a breakwater, dock, boat launch ramp, or other shoreline structures. A shoreline modification also can consist of other activities, such as dredging and filling.

**20.40.140 Shoreline permit** means any substantial development, variance, conditional use, or revision thereto authorized under the provisions of the City of Burien Shoreline Master Program subject to review by the Washington State Department of Ecology.

**20.40.145 Shoreline substantial development** means any development of which the total cost, or fair market value, whichever is higher, exceeds \$5,000, or any development which materially interferes with the normal public use of the water or shorelines of the state.

**20.40.150 Shoreline variance** means a permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the City of Burien Shoreline Master Program.

**20.40.155 Shoreline environment designations** means the categories of shorelines established by the City of Burien Shoreline Master Program in order to provide a uniform basis for applying policies and use regulations within physically distinct shoreline areas. The City of Burien Shoreline Master Program classifies shorelines into three shoreline environment designations: Urban Conservancy, Aquatic and Shoreline Residential.

**20.40.160 Shoreline jurisdiction** means the proper term describing all of the geographic areas regulated by the City of Burien Shoreline Master Program.

**20.40.165 Shoreline master program** means the general term for shoreline comprehensive plans and regulations prepared under the jurisdiction of the Shoreline Management Act.

**20.40.170 Shorelines** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance, (2) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands

associated with such upstream segments, and (3) shorelines on lakes less than 20 acres in size, and wetlands associated with such small lakes.

**20.40.175 Shorelines of statewide significance** means shorelines designated by the State of Washington that are major resources from which all people in the state derive benefit. Shoreline areas in the City of Burien that are designated as shorelines of statewide significance are portions of the Puget Sound adjacent to the city limits extending out to mid channel.

**20.40.180 Shorelines of the state** means the total of all "shorelines" and "shorelines of statewide significance" within the state.

**20.40.185 Tidal waters** means marine and estuarine waters bounded by the ordinary high mark. Where a stream enters the tidal waters, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream.

**20.40.190 Tidelands** means the land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

**20.40.195 Tram** means a conveyance that transports passengers or freight in carriers on rails or suspended from cables supported by a series of towers.

**20.40.200 Upland** means generally the area above and landward of the ordinary high water mark.

**20.40.205 Visual access** means access with improvements that provide only a view of the shoreline or water, but do not allow physical access to the shoreline.

**20.40.210 Water dependent** means a use or a portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Examples of water dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

**20.40.215 Water enjoyment** means a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water enjoyment use, the use must be open to the general public and the shoreline space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples may include parks, piers, museums, restaurants, educational/scientific reserves, resorts, and mixed use projects.

**20.40.220 Water oriented** means any combination of water dependent, water related, and/or water enjoyment uses. Nonwater oriented serves to describe those uses which have little or no relationship to the shoreline. Examples of nonwater oriented uses include

professional office, automobile sales or repair shops, mini storage facilities, multifamily residential development, department stores, and gas stations.

**20.40.225 Water related** means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples of water related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

**20.40.230 Watershed restoration plan** means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a water body or reach, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

**20.40.235 Wetlands** means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.



# Burien

Washington, USA

## Errata Sheet

for the documents titled:

City of Burien Shoreline Master Program Update, Shoreline Inventory March 27, 2008, Revised October 23, 2008

City of Burien Shoreline Master Program Update, Shoreline Analysis and Characterization June 12, 2008, Revised October 23, 2008

Errata posted August 23, 2010

Document	Page	Erratum
Shoreline Inventory	2, section 1.3	In Table 1 titled, <i>Shoreline Inventory reaches in the City of Burien</i> , should include the correct length calculations. The correct table is shown below.
Shoreline Analysis and Characterization	2, section 1.4	In Table 1 titled, <i>Shoreline Inventory reaches in the City of Burien</i> , should include the correct length calculations. The correct table is shown below.

**Table 1. Shoreline Inventory reaches in the City of Burien.**

Location	Reach	Description	Approximate Length (ft)	Approximate Length (mi)
Marine	M1	Primarily residential marine shoreline extending south from City limit to the north edge of Seahurst Park.	6,001	1.14
Marine	M2	Seahurst Park and primarily undeveloped shoreline south to the point at which consistent shoreline residential development begins again. Corresponds to a line projected west from SW 149 <sup>th</sup> Street to intersection with the shoreline.	6,382	1.21
Marine	M3	Consistent residential development extending south to the tip of Three Tree Point.	9,246	1.75
Marine	M4	Consistent residential development from the tip of Three Tree Point to the southern City limit.	7,597	1.44
		<i>Marine Subtotal</i>	29,226	5.54
Lake Burien	LB	Entire perimeter of Lake Burien	6,172	<u>4.671.17</u>
		<b>Total Jurisdictional Shoreline</b>	<b><u>35,399</u><u>35,398</u></b>	<b><u>7.216</u><u>.71</u></b>

Document	Page	Erratum
Shoreline Inventory	9	Paragraph 2 of section 3.1 contains a reference to a Category 2 wetland designation for Lake Burien. For clarification purposes this designation was sourced from the City of Burien Critical Area Map adopted by Ordinance 394 in October 2003. Zoning code section 19.40.300[4.iv] designated wetlands associated with Lake Burien as Category 4. Pursuant to the zoning code Category 2 wetlands require a 100 foot buffer while category 4 wetlands require a 30 foot buffer.
Shoreline Analysis and Characterization	17	In the paragraph titled <i>Other Habitat Function</i> contains a reference to a Category 2 wetland designation for Lake Burien. For clarification purposes this designation was sourced from the City of Burien Critical Area Map adopted by Ordinance 394 in October 2003. Zoning code section 19.40.300[4.iv] designated wetlands associated with Lake Burien as Category 4. Pursuant to the zoning code Category 2 wetlands require a 100 foot buffer while category 4 wetlands require a 30 foot buffer.



# Burien

*Washington, USA*

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## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Mike Martin, City Manager  
**DATE:** September 27, 2010  
**SUBJECT:** City Manager's Report

### I. INTERNAL CITY INFORMATION

#### A. **Countywide Planning Policy Amendments (Pg. 203)**

The King County Council recently approved several amendments to the King County Countywide Planning Policies (attached). Motion 10-01 amends the interim PAA map between Renton and Kent (as proposed by both cities). Motion 10-02 amends certain policies to describe the intended relationship between transit service and existing and planned densities. Both motions were unanimously approved by both the Growth Management Planning Council (GMPC) and the King County Council. These amendments become effective on December 5, 2010 provided they are ratified by at least 30% of the city and county governments representing 70% of the population of King County. A city will have been deemed to ratify the amendments unless by December 5, 2010, the city has taken legislative action to disapprove the amendments. Therefore, no City Council action is required unless Council would like to disapprove the amendments. Staff recommends that no action be taken, thereby ratifying the proposed amendments.

#### B. **Landscaping Underway at Intersection of 1<sup>st</sup> Ave. S. & SW 148<sup>th</sup> St.**

Public Works has a contract underway to complete the landscaping at the medians and all four quadrants of the intersection of 1<sup>st</sup> Avenue South and SW 148<sup>th</sup> Street. Brickman, Inc., is performing the work, which includes installation of street trees, perennial flowering shrubs and ground cover that will result in a much improved visual entrance to the City. Irrigation installation is also included in the work, which began on September 8<sup>th</sup> and is scheduled to be complete on September 22<sup>nd</sup>.

#### C. **Burien Alert Update**

The Burien Alert Emergency Notification System is up and running. Burien Alert provides emergency and non-emergency notifications to City residents. To receive non-emergency messages, such as road closures, community events, and crime bulletins, residents need to sign up or Opt-in for these alerts through the link on the City's webpage. The Opt-in page was available starting September 15, 2010, and 90 residents signed up in the first two days. We will continue our marketing efforts to get residents to Opt-in for these alerts.

**D. Burien Wellness Sponsors Successful Community Health Fair**

The second annual Burien Wellness Fair was a great success. On September 11, hundreds of people came out to learn of the many great resources that are available in our community to get healthy, stay healthy and prevent illness and injury. Exhibitors were able to share information about the services they provide, and attendees could seek out information about their specific interests.

Educational providers were on hand to talk about the healthcare field, and the classes and programs they offer for people interested in working in this area.

There was a great mix of young and old, with activities and information geared to all ages. The fair was sponsored by Burien Wellness, a group of local health and wellness providers, educators, and the City of Burien. The fair is just one of the group's joint promotional activities to help promote Burien as a wellness center.

**E. Sculpture To Be Donated for Eagle Landing Park (Pg. 223)**

Local artist Galen Willis has proposed to donate a hand-carved red cedar Eagle sculpture he is currently creating, to be placed at Eagle Landing Park. Mr. Willis has presented his proposal to the Parks, Recreation & Cultural Services (PaRCS) Department, the Parks and Recreation Board and the Arts Commission, all of which have supported the proposal. The style of carving is similar to that which is sometimes referred to as Northwest Indian carving. The carving will be mounted to a base that will be covered by a roof structure, in a manner which replicates the existing information kiosk at the park. Attached is a photo of the carving in progress and also photos of some of Mr. Willis' past work.

**F. B-Patch Community Gardeners Report to Parks Board (Pg. 227)**

Community gardeners from the "B-Patch" presented a "Status of the Garden" report to the Parks and Recreation Advisory Board at its September 8 meeting. A representative group of gardeners spoke and extended thanks to the City of Burien, the Parks and Recreation Board, as well as PaRCS staff and volunteers for making the garden a reality in 2010. Attached is a summary of the report.

**G. Arts-A-Glow Wet But Wonderful**

Rain didn't dampen the celebratory community spirit during the city's annual Lantern Procession and Festival on Saturday, September 18. Event participants came prepared for the weather, with ponchos, umbrellas and a sense of excitement, especially for the grand procession led by the Yellow Hat Marching Band. Many colorful and festive lanterns were created by children and families during "Kids Day" at the Fire Department as well as the Lantern Festival site. An evening highlight was watching the large, mobile, illuminated creations by artists Denise Henrikson and Leslie Zenz which strolled through the crowd. The event attracted around 600 participants and was organized by PaRCS' Cultural Arts Supervisor Gina Kallman.

**H. Rentals Active at Community Center Banquet Hall & Meeting Rooms**

Rentals at the new Community Center have been in high demand since its opening in May. During the summer, almost every weekend had either a wedding, birthday, family reunion or other social event scheduled, especially in the facility's large Seahurst (Banquet) Room.

**I. Highline Community College (HCC) Classes in Burien**

HCC will begin offering evening credit college classes in Burien on September 20 at the former community center site (now known as The Annex). The college hopes that by locating these classes close to where people live and work in Burien, it will be more convenient for local residents to fit college into their busy lives. PaRCS Recreation Manager Debbie Zemke worked on establishing this new partnership, with the additional intent of developing other joint ventures between both agencies.

**J. Annex Tenant Capacity Now at Full**

The Annex building (i.e. the former Community Center) is now rented to full capacity with local community organizations. Transform Burien, The Hi-Liners, Highline Community College, and the office of the City's Economic Development Director (Dick Loman) have joined existing tenants Para los Niños, Burien Little Theater, and the Burien Co-op Preschool.

**K. Arts & Culture Fund Applicants**

The Arts Commission's grant panel met on September 8 to review proposals from 10 individual artists and/or organizations who applied for the City's 2011 Arts and Culture funding. Requests totaled \$42,725 for a fund of \$25,000. The panel will be submitting their recommendations to the Arts Commission at their regular meeting on September 28.

**L. Burien Adults Getting Healthy**

Interest and response has been especially strong for the City's adult fitness programs being offered this fall. Thirty-two (32) people attended the free "Zumba" demonstration class on September 15, and the new "Boot Camp" program is close to reaching its maximum enrollment. Also popular is the new "Fit Pass" fee option that allows flexibility for participants to attend different classes on different nights. Yoga, Pilates, Tai Chi, and Sitting Fit are a few program examples scheduled during daytimes and evenings for individuals at every level of the fitness spectrum.

**M. Teen Program Partnership with Community Schools Collaboration (CSC)**

Teen program staff from the PaRCS Dept. recently met with CSC's new Sylvester Middle School program coordinator to jointly plan after-school enrichment programs for Sylvester students for the 2010-11 school year. CSC is an initiative of the Highline School District to provide support programs outside the school day for students and their families. CSC programs often include school-based homework help, arts and enrichment, and social services. Due to a lack of program space and resources at Sylvester however, CSC is interested in promoting separate "Visual Arts" and "Break Dance" clubs as new after-school activities at the Community Center, with City van transportation provided

from the school site. City teen staff would lead the new clubs, with recruitment/registration happening by CSC at the school site.

**N. Recreation Programming Partnership with New Futures (NF)**

PaRCS staff are exploring opportunities to provide family recreation programs in partnership with NF on-site at their three low-income apartment complexes located within the City of Burien. In addition to the large Burien Heights complex (540 units) on Ambaum Blvd., the Woodbridge Apartments (200 units) and Arbor Heights Apartments (100 units) are now located in the City's new North Burien area. NF provides on-site educational and support programs for families living in these low-income residential complexes, with the goal of ensuring success for their children.

**O. Burien Animal Control Update (Pg. 228)**

Animal control services in Burien took off to a roaring start in July, mostly due to our free licensing campaign and abundant media exposure. We surpassed our goal of issuing 1,000 licenses in July and continue to see residents paying for licenses online and in-person. Burien Animal Care and Control saw a substantial increase in phone contacts above the number of calls that King County experienced and reported. The license numbers and call data are included in a program update attached to this report.

**II. COUNCIL UPDATES/REPORTS**

**A. Laying Groundwork for Metro Transit Service Reductions (Pg. 229)**

Mayor McGilton and other members of the King County Regional Transit Committee (RTC) on September 15 received an update on the work of the Regional Transit Task Force, a group which includes representatives of cities, bus riders, labor, business and other interest groups.

The Suburban Cities Association (SCA) caucus of the RTC, which includes Mayor McGilton, is recommending a position statement to the Suburban Cities Association (SCA) Public Issues Committee (PIC) for action, to guide the votes of the SCA's members on the Transit Task Force (see attached draft). The PIC is scheduled to act on the position statement on October 13.

The Transit Task Force is working on guidelines and principles to help the County create the policy and plans that will determine how Metro should reduce service. The service reduction is needed to deal with a revenue shortfall projected at \$23 million in 2010, \$25 million in 2011, etc., totaling \$107 million by 2015. The projected shortfall results from the continued slowdown of sales tax revenues, which pay for transit (see attached sales tax projection chart).

The Task Force is looking at guiding principles such as productivity, social equity, and fair service allocation throughout King County (known as "geographic value"), to help determine where service should be provided and the level of service around the County.

Under current policy, reductions would be required to be related to existing service levels, but the Task Force is moving away from using formula and sub-area percentages. For example, the service reduction scenario (known as R1) that the Task Force is considering would rely on measurements of productivity and other factors. Under the initial R1 proposal the Task Force is working on, it appears that the South King County subarea's proportion of the service reduction could be about 14%; the Eastside sub-area's share of the reduction could be about 26%, and the proportion of the service reduction for the West (Seattle/Shoreline/Lake Forest Park) could be 60% (see attached "service reduction" chart). According to Metro, this could leave the remaining service for each sub-area close to their percentage share under the current service allocation of 62% for the West sub-area, 17% for the East, and 21% for South King County.

The Task Force recommendation is due to the County Executive and Council by November 1. The Regional Transit Committee will use the Task Force's work to revise the Metro plans in order to implement the policies that will guide reductions and (eventually) the restoration of transit service.

**B. Advisory Board Meeting Minutes (Pg. 233)**

The following approved advisory board minutes are attached:

- July 14, 2010 Parks & Recreation Advisory Board Meeting
- July 9 & August 13, 2010 Business & Economic Dev. Partnership Meetings





King County

**Metropolitan King County Council**

Anne Noris, Clerk of the Council

King County Courthouse

516 Third Avenue, Room W1039

Seattle, WA 98104-3272

**Tel: 206-296-1020**

Fax: 206-205-8165

TTY/TDD: 206-296-1024

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SEP 09 2010

CITY OF BURIEN

September 7, 2010

The Honorable Joan McGilton  
City of Burien  
400 SW 152nd Suite 300  
Burien, WA 98166

Dear Mayor McGilton:

We are pleased to forward for your consideration and ratification the enclosed amendments to the King County Countywide Planning Policies (CPP).

On August 23, 2010, the Metropolitan King County Council approved and ratified the amendments on behalf of unincorporated King County. The ordinance became effective September 6, 2010. Copies of the King County Council staff report, ordinance and Growth Management Planning Council motions are enclosed to assist you in your review of these amendments.

In accordance with the Countywide Planning Policies, FW-1, Step 9, amendments become effective when ratified by ordinance or resolution by at least 30 percent of the city and county governments representing 70 percent of the population of King County according to the interlocal agreement. A city will be deemed to have ratified the amendments to the CPP unless, within 90 days of adoption by King County, the city takes legislative action to disapprove the amendments. **Please note that the 90-day deadline for this amendment is Sunday, December 5, 2010.**

If you adopt any legislation relative to this action, please send a copy of the legislation by the close of business, December 6, 2010, to Anne Noris, Clerk of the Council, W1039 King County Courthouse, 516 Third Avenue, Seattle, WA 98104.

If you have any questions about the amendments or ratification process, please contact Paul Reitenbach, Senior Policy Analyst, King County Department of Development and Environmental Services, at 206-296-6705, or Rick Bautista, Metropolitan King County Council Staff, at 206-296-0329.

Thank you for your prompt attention to this matter.

Sincerely,

*Bob Ferguson Dow Constantine*

Bob Ferguson, Chair  
Metropolitan King County Council

Dow Constantine  
King County Executive

Enclosures

cc: King County City Planning Directors  
Suburban Cities Association  
John Starbard, Director, Department of Development and Environmental Services (DDES)  
Paul Reitenbach, Senior Policy Analyst, DDES  
Rick Bautista, Council Staff, Environment and Transportation Committee (ETC)



**KING COUNTY**  
**Signature Report**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**August 23, 2010**

**Ordinance 16912**

**Proposed No. 2010-0376.1**

**Sponsors Phillips and Patterson**

1 AN ORDINANCE adopting amendments to the  
2 Countywide Planning Policies; adopting a revision to the  
3 Interim Potential Annexation Area (PAA) map to expand  
4 the PAA of the city of Renton and proportionately reduce  
5 the PAA of the city of Kent, and amending Countywide  
6 Planning Policies FW-18, FW-19 and T-14 to describe the  
7 intended relationship between transit service and existing  
8 and planned densities, and ratifying the amended  
9 Countywide Planning Policies for unincorporated King  
10 County; and amending Ordinance 10450, Section 3, as  
11 amended, and K.C.C. 20.10.030 and Ordinance 10450,  
12 Section 4, as amended, and K.C.C. 20.10.040.

13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 SECTION 1. Findings. The council makes the following findings:

15 A. The metropolitan King County council adopted and ratified the Growth  
16 Management Planning Council recommended King County 2012 - Countywide Planning  
17 Policies (Phase I) in July 1992, under Ordinance 10450.

18 B. The metropolitan King County council adopted and ratified the Phase II  
19 amendments to the Countywide Planning Policies on August 15, 1994, under Ordinance  
20 11446.

21 C. The Growth Management Planning Council met on April 28, 2010 and voted  
22 to recommend amendments to the King County Countywide Planning Policies, adopting  
23 Motion 10-1 amending the PAA of the city of Renton shown in Attachment A to this  
24 ordinance and adopting Substitute Motion 10-2 approving policy amendments as shown  
25 on Attachment B to this ordinance.

26 SECTION 2. Ordinance 10450, Section 3, as amended, and K.C.C. 20.10.030 are  
27 each hereby amended to read as follows:

28 **Phase II.**

29 A. The Phase II Amendments to the King County 2012 Countywide Planning  
30 Policies attached to Ordinance 11446 are hereby approved and adopted.

31 B. The Phase II Amendments to the King County 2012 - Countywide Planning  
32 Policies are amended, as shown by Attachment 1 to Ordinance 12027.

33 C. The Phase II Amendments to the King County 2012 - Countywide Planning  
34 Policies are amended, as shown by Attachment 1 to Ordinance 12421.

35 D. The Phase II Amendments to the King County 2012 - Countywide Planning  
36 Policies are amended, as shown by Attachments 1 and 2 to Ordinance 13260.

37 E. The Phase II Amendments to the King County 2012 - Countywide Planning  
38 Policies are amended, as shown by Attachments 1 through 4 to Ordinance 13415.

39 F. The Phase II Amendments to the King County 2012 - Countywide Planning  
40 Policies are amended, as shown by Attachments 1 through 3 to Ordinance 13858.

41 G. The Phase II Amendments to the King County 2012 - Countywide Planning  
42 Policies are amended, as shown by Attachment 1 to Ordinance 14390.

43 H. The Phase II Amendments to the King County 2012 - Countywide Planning  
44 Policies are amended, as shown by Attachment 1 to Ordinance 14391.

45 I. The Phase II Amendments to the King County 2012 - Countywide Planning  
46 Policies are amended, as shown by Attachment 1 to Ordinance 14392.

47 J. The Phase II Amendments to the King County 2012 - Countywide Planning  
48 Policies are amended, as shown by Attachment 1 to Ordinance 14652.

49 K. The Phase II Amendments to the King County 2012 - Countywide Planning  
50 Policies are amended, as shown by Attachments 1 through 3 to Ordinance 14653.

51 L. The Phase II Amendments to the King County 2012 - Countywide Planning  
52 Policies are amended, as shown by Attachment 1 to Ordinance 14654.

53 M. The Phase II Amendments to the King County 2012 - Countywide Planning  
54 Policies are amended, as shown by Attachment 1 to Ordinance 14655.

55 N. The Phase II Amendments to the King County 2012 - Countywide Planning  
56 Policies are amended, as shown by Attachments 1 and 2 to Ordinance 14656.

57 O. The Phase II amendments to the King County 2012 - Countywide Planning  
58 Policies are amended, as shown by Attachment A to Ordinance 14844.

59 P. The Phase II Amendments to the King County 2012 - Countywide Planning  
60 Policies are amended as shown by Attachments A, B and C to Ordinance 15121.

61 Q. The Phase II Amendments to the King County 2012 - Countywide Planning  
62 Policies are amended, as shown by Attachment A to Ordinance 15122.

63 R. The Phase II Amendments to the King County 2012 - Countywide Planning  
64 Policies are amended, as shown by Attachment A to Ordinance 15123.

65 S. Phase II Amendments to the King County 2012 - Countywide Planning  
66 Policies are amended, as shown by Attachments A and B to Ordinance 15426.

67 T. Phase II Amendments to the King County 2012 - Countywide Planning  
68 Policies are amended, as shown by Attachments A, B, and C to Ordinance 15709.

69 U. Phase II Amendments to the King County 20.12 - Countywide Planning  
70 Policies are amended, as shown by Attachment A to Ordinance 16056\*.

71 V. Phase II Amendments to the King County 2012 - Countywide Planning  
72 Policies are amended, as shown by Attachments A, B, C, D, E, F and G to Ordinance  
73 16151\*.

74 W. Phase II Amendments to the King County 2012 - Countywide Planning  
75 Policies are amended as shown by Attachment A to Ordinance 16334\*, and those items  
76 numbered 1 though 11, 13 and 15 as shown on Attachment B to Ordinance 16334\*, are  
77 hereby ratified on behalf of the population of unincorporated King County. Those items  
78 numbered 12 and 14, shown as struck-through on Attachment B to Ordinance 16334\*,  
79 are not ratified.

80 X. Phase II Amendments to the King County 2012 - Countywide Planning  
81 Policies are amended as shown by Attachment A to Ordinance 16335\*.

82 Y. Phase II Amendments to the King County 2012 - Countywide Planning  
83 Policies are amended as shown by Attachment A to Ordinance 16336

84 Z. Phase II Amendments to the King County 2012 - Countywide Planning  
85 Policies are amended, as shown by Attachment A and B to Ordinance 16747\*.

86           AA. Phase II Amendments to the King County 2012 - Countywide Planning  
87 Policies are amended, as shown by Attachments A and B to Ordinance XXX

88           SECTION 3. Ordinance 10450, Section 4, as amended, and K.C.C. 20.10.040 are  
89 each hereby amended to read as follows:

90           **Ratification for unincorporated King County.**

91           A. Countywide Planning Policies adopted by Ordinance 10450 for the purposes  
92 specified are hereby ratified on behalf of the population of unincorporated King County.

93           B. The amendments to the Countywide Planning Policies adopted by Ordinance  
94 10840 are hereby ratified on behalf of the population of unincorporated King County.

95           C. The amendments to the Countywide Planning Policies adopted by Ordinance  
96 11061 are hereby ratified on behalf of the population of unincorporated King County.

97           D. The Phase II amendments to the King County 2012 Countywide Planning  
98 Policies adopted by Ordinance 11446 are hereby ratified on behalf of the population of  
99 unincorporated King County.

100           E. The amendments to the King County 2012 - Countywide Planning Policies, as  
101 shown by Attachment 1 to Ordinance 12027 are hereby ratified on behalf of the  
102 population of unincorporated King County.

103           F. The amendments to the King County 2012 - Countywide Planning Policies, as  
104 shown by Attachment 1 to Ordinance 12421, are hereby ratified on behalf of the  
105 population of unincorporated King County.

106           G. The amendments to the King County 2012 - Countywide Planning Policies, as  
107 shown by Attachments 1 and 2 to Ordinance 13260, are hereby ratified on behalf of the  
108 population of unincorporated King County.

109 H. The amendments to the King County 2012 - Countywide Planning Policies, as  
110 shown by Attachments 1 through 4 to Ordinance 13415, are hereby ratified on behalf of  
111 the population of unincorporated King County.

112 I. The amendments to the King County 2012 - Countywide Planning Policies, as  
113 shown by Attachments 1 through 3 to Ordinance 13858, are hereby ratified on behalf of  
114 the population of unincorporated King County.

115 J. The amendments to the King County 2012 - Countywide Planning Policies, as  
116 shown by Attachment 1 to Ordinance 14390, are hereby ratified on behalf of the  
117 population of unincorporated King County.

118 K. The amendments to the King County 2012 - Countywide Planning Policies, as  
119 shown by Attachment 1 to Ordinance 14391, are hereby ratified on behalf of the  
120 population of unincorporated King County.

121 L. The amendments to the King County 2012 - Countywide Planning Policies, as  
122 shown by Attachment 1 to Ordinance 14392, are hereby ratified on behalf of the  
123 population of unincorporated King County.

124 M. The amendments to the King County 2012 - Countywide Planning Policies, as  
125 shown by Attachment 1 to Ordinance 14652, are hereby ratified on behalf of the  
126 population of unincorporated King County.

127 N. The amendments to the King County 2012 - Countywide Planning Policies, as  
128 shown by Attachments 1 through 3 to Ordinance 14653, are hereby ratified on behalf of  
129 the population of unincorporated King County.

130 O. The amendments to the King County 2012 - Countywide Planning Policies, as  
131 shown by Attachment 1 to Ordinance 14654, are hereby ratified on behalf of the  
132 population of unincorporated King County.

133 P. The amendments to the King County 2012 - Countywide Planning Policies, as  
134 shown by Attachment 1 to Ordinance 14655, are hereby ratified on behalf of the  
135 population of unincorporated King County.

136 Q. The amendments to the King County 2012 - Countywide Planning Policies, as  
137 shown by Attachments 1 and 2 to Ordinance 14656, are hereby ratified on behalf of the  
138 population of unincorporated King County.

139 R. The amendments to the King County 2012 - Countywide Planning Policies, as  
140 shown by Attachment A to Ordinance 14844, are hereby ratified on behalf of the  
141 population of unincorporated King County.

142 S. The amendments to the King County 2012 - Countywide Planning Policies, as  
143 shown by Attachments A, B and C to Ordinance 15121, are hereby ratified on behalf of  
144 the population of unincorporated King County.

145 T. The amendments to the King County 2012 - Countywide Planning Policies, as  
146 shown by Attachment A to Ordinance 15122, are hereby ratified on behalf of the  
147 population of unincorporated King County.

148 U. The amendments to the King County 2012 - Countywide Planning Policies, as  
149 shown by Attachment A to Ordinance 15123, are hereby ratified on behalf of the  
150 population of unincorporated King County.

151 V. The amendments to the King County 2012 - Countywide Planning Policies, as  
152 shown by Attachments A and B to Ordinance 15426, are hereby ratified on behalf of the  
153 population of unincorporated King County.

154 W. The amendments to the King County 2012 - Countywide Planning Policies,  
155 as shown by Attachments A, B, and C to Ordinance 15709, are hereby ratified on behalf  
156 of the population of unincorporated King County.

157 X. The amendments to the King County 2012 - Countywide Planning Policies, as  
158 shown by Attachment A to Ordinance 16056\* are hereby ratified on behalf of the  
159 population of unincorporated King County.

160 Y. The amendments to the King County 2012 - Countywide Planning Policies, as  
161 shown by Attachments A, B, C, D, E, F and G to Ordinance 16151\*, are hereby ratified  
162 on behalf of the population of unincorporated King County.

163 Z. The amendments to the King County 2012 - Countywide Planning Policies, as  
164 shown by Attachment A to Ordinance 16334\*, and those items numbered 1 through 11,  
165 13 and 15, as shown in Attachment B to Ordinance 16334\*, are hereby ratified on behalf  
166 of the population of unincorporated King County. Those items numbered 12 and 14,  
167 shown as struck-through on Attachment B to Ordinance 16334\*, are not ratified.

168 AA. The amendments to the King County 2012 - Countywide Planning Polices,  
169 as shown by Attachment A to Ordinance 16335\* are hereby ratified on behalf of the  
170 population of unincorporated King County.

171 BB. The amendment to the King County 2012 - Countywide Planning Policies,  
172 as shown by Attachment A of Ordinance 16336\*, is hereby ratified on behalf of the  
173 population of unincorporated King County. Additionally, by Ordinance 16336\*, an

174 amendment to the Interim Potential Annexation Area Map to include any additional  
175 unincorporated urban land created by the Urban Growth Area (UGA) amendment in the  
176 Potential Annexation Area of the city of Black Diamond is hereby ratified on behalf of  
177 the population of unincorporated King County.

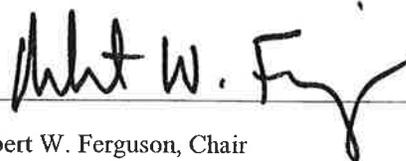
178 CC. The amendments to the King County 2012 - Countywide Planning Policies,  
179 as shown by Attachment A and B to Ordinance 16747\* are hereby ratified on behalf of  
180 the population of unincorporated King County.

181 DD. The amendments to the King County 2012 - Countywide Planning Policies, as  
182 shown by Attachments A and B to Ordinance XXX are hereby ratified on behalf of the  
183 population of unincorporated King County.  
184

Ordinance 16912 was introduced on 7/26/2010 and passed by the Metropolitan King County Council on 8/23/2010, by the following vote:

Yes: 6 - Mr. Phillips, Mr. von Reichbauer, Ms. Hague, Ms. Patterson,  
Ms. Lambert and Mr. Ferguson  
No: 0  
Excused: 3 - Ms. Drago, Mr. Gossett and Mr. Dunn

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 27 day of August, 2010.



Dow Constantine, County Executive

**Attachments:** A. Motion 10-1, B. Substitute Motion No. 10-2

RECEIVED  
2010 AUG 27 PM 3:53  
CLERK  
KING COUNTY COUNCIL

16912

4/28/10

Sponsored By: Executive Committee

/kw

1

**MOTION NO. 10-1**

2

A MOTION to amend the interim Potential Annexation Area map in the Countywide Planning Policies to expand the Potential Annexation Area for the City of Renton.

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WHEREAS, Countywide Planning Policies LU-31 and LU-32 anticipate the collaborative designation of Potential Annexation Areas (PAA) and the eventual annexation of these areas by cities;

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WHEREAS, the attached PAA map amendment removes an unincorporated urban area currently assigned to the PAA for the City of Kent and adds this area to the City of Renton's PAA; and

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14

WHEREAS, the attached PAA map amendment is supported by both the cities of Renton and Kent and by King County.

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BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

18

19

20

1. Amend the Interim Potential Annexation Area (PAA) Map by shifting the unincorporated urban area now within the PAA of the City of Kent shown on attachment A of this motion, to the PAA of the City of Renton.

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24

2. This amendment is recommended to the Metropolitan King County Council and the Cities of King County for adoption and ratification.

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27

ADOPTED by the Growth Management Planning Council of King County on April 28, 2010 in open session, and signed by the chair of the GMPC.

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Dow Constantine, Chair, Growth Management Planning Council

Sponsored By: Executive Committee

/th/kw

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**SUBSTITUTE  
MOTION No. 10-2**

A MOTION to approve amendments to the Countywide Planning Policies FW-18, FW-19 and T-14 to describe the intended relationship between transit service and existing and planned densities, and updating and clarifying language in the framework policies.

WHEREAS, in 2009 the Growth Management Planning Council approved new targets for growth in housing units and employment for all jurisdictions within King County; and

WHEREAS, the Growth Management Planning Council recognized that the new growth targets represented a significant increase in the expectations for some cities; and

WHEREAS, during discussions of the new growth targets, some cities expressed concern about the relationship between growth and the delivery of regional services; and

WHEREAS, the Growth Management Planning Council directed staff to prepare new CPP policy language that would prioritize regional service delivery in ways that promote the regional growth strategy; and

WHEREAS, the interjurisdictional staff team presented its analysis of existing Countywide Planning Policies related to service delivery along with a set of recommended changes at meeting of the Growth Management Planning Council on March 17, 2010;

NOW THEREFORE, BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANING COUNCIL OF KING COUNTY HEREBY MOVES TO AMEND CERTAIN POLICIES IN THE COUNTYWIDE PLANNING POLICIES AS FOLLOWS:

FW-18 The land use pattern shall be supported by a balanced transportation system, which provides for a variety of mobility options. ~~This system shall be cooperatively planned,~~

39 financed, and constructed. Mobility options shall include including 1) a high-capacity  
 40 transit system which that links the Urban Centers; and is supported by an extensive  
 41 high-occupancy vehicle system, local community transit system for 2) a system of bus  
 42 and other transit modes that links Centers, provides circulation within the Centers,  
 43 and links to the non-center Urban Areas; 3) a high-occupancy vehicle system that  
 44 links Urban Centers; and 4) non-motorized travel options.

45  
 46 FW-19 All jurisdictions in the County, in cooperation with METRO, the Metropolitan Planning  
 47 Organization, The County and cities should work cooperatively with the Puget Sound  
 48 Regional Council, and the State, and other relevant agencies to shall finance and  
 49 develop a balanced transportation system that enhances regional mobility and  
 50 reinforces and coordinated financing strategies and land use plan which implement  
 51 regional mobility and reinforce the Countywide vision for managing growth. The  
 52 Vision 20202040 Regional Growth Strategies Strategy shall be recognized as the  
 53 framework for creating a regional system of Centers linked by high-capacity transit  
 54 and an interconnected system of freeway high-occupancy vehicle lanes, and  
 55 supported by a transit system of bus and other transit options.

56  
 57 T-14 METRO should develop transit level of service standards which provide the County  
 58 and cities with realistic service expectations to support adopted land uses and desired  
 59 growth management objectives. These standards should consider that route spacing  
 60 and frequency standards are necessary for differing service conditions including:

- 61  
 62 a. Service between designated Centers served by high-capacity transit;  
 63 b. Service between designated Centers not served by high-capacity transit; and  
 64 c. Service to areas outside Centers In support of countywide growth  
 65 management objectives, prioritize transit service throughout the county  
 66 to areas where existing housing and employment densities support  
 67 transit ridership and to Urban Centers and other areas planned for  
 68 housing and employment densities that will support transit ridership. In  
 69 allocating transit service, strive to meet the mobility needs of transit-  
 70 dependent populations and provide at least a basic level of service to all  
 71 urban areas of the county.

72  
 73  
 74  
 75 Adopted by the Growth Management Planning Council of King County on April 28, 2010  
 76 in open session, and signed by the chair of the GMPC.

77  
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 80   
 Dow Constantine, Chair, Growth Management Planning Council





King County

**Metropolitan King County Council  
Physical Environment Committee**

**STAFF REPORT**

<b>Agenda Item:</b>	5	<b>Name:</b>	Rick Bautista
<b>Proposed No.:</b>	2010-0376	<b>Date:</b>	July 27, 2010
<b>Invited:</b>	Paul Reitenbach, GMPC staff coordinator		

**SUBJECT**

An Ordinance adopting Growth Management Planning Council ("GMPC") recommendations relating to (1) the interim Potential Annexation Area ("PAA") map and (2) policies guiding allocation of regional transit services.

**COUNCIL PRIORITIES**

This proposed ordinance are relevant both to the Council's Mobility for People, Goods and Services Priority and to its Local and Regional Government Priority.

**BACKGROUND**

Pursuant to CPP FW-1 step 9<sup>1</sup>, the GMPC voted unanimously to recommend GMPC Motions 10-1 and 10-2. These GMPC motions recommend the following actions:

- **GMPC Motion 10-1:** amends the interim PAA map in the Countywide Planning Policies to expand the PAA for the City of Renton and proportionately reduce the PAA for the City of Kent; and
- **GMPC Substitute Motion 10-2:** amends Countywide Planning Policies ("CPP") FW-18, FW-19 and T-14 to describe the intended relationship between transit service and existing and planned densities.

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<sup>1</sup> **FW-1 (Step 9)** Amendments to the Countywide Planning Policies may be developed by the Growth Management Planning Council or its successor, or by the Metropolitan King County Council, as provided in this policy. Amendments to the Countywide Planning Policies, not including amendments to the Urban Growth Area pursuant to Step 7 and 8 b and c above, shall be subject to ratification by at least 30 percent of the city and County governments representing 70 percent of the population of King County. Adoption and ratification of this policy shall constitute an amendment to the May 27, 1992 interlocal agreement among King County, the City of Seattle, and the suburban cities and towns in King County for the Growth Management Planning Council of King County.

Proposed Ordinance 2010-0347 would ratify the proposed changes on behalf of the population of unincorporated King County, as required by CPP FW-1, Step 9.

### **THE GROWTH MANAGEMENT PLANNING COUNCIL**

The GMPC is a formal body comprised of elected officials from King County, Seattle, Bellevue, the Suburban Cities, and Special Districts. The GMPC was created in 1992 by interlocal agreement, in response to a provision in the Washington State Growth Management Act ("GMA") requiring cities and counties to work together to adopt CPPs.

Under GMA, the CPPs serve as the framework for each individual jurisdiction's comprehensive plan, and ensure countywide consistency with respect to land use planning efforts. As provided for in the interlocal agreement, the GMPC developed and recommended the CPPs, which were adopted by the County Council and ratified by the cities. Subsequent amendments to the CPPs follow the same process: recommendation by the GMPC, adoption by the County Council, and ratification by the cities.

Amendments to the CPPs become effective when ratified by ordinance or resolution by at least 30% of the city and County governments representing at least 70% of the population of King County. A city shall be deemed to have ratified an amendment to the CPPs unless, within 90 days of adoption by King County, the city by legislative action disapproves it.

### **SUMMARY OF GMPC MOTIONS 10-1 AND 10-2**

#### **GMPC MOTION 10-1 (Kent and Renton PAAs)**

This motion amends the interim PAA map to reflect an agreement between the Cities of Kent and Renton for a boundary modification of their respective PAAs. This modification will reduce Kent's Panther Lake PAA and expand Renton's Fairwood PAA to include all of Soos Creek Park and Trail north of SE 208th Street in the Fairwood PAA. The subject area is comprised of the western portion of Soos Creek Park and Trail adjacent to the Fairwood PAA.

During the Panther Lake Annexation, Kent and King County agreed that Kent would leave the park out of the annexation and annex up to the western boundary of the park. King County worked with the cities of Kent and Renton to reach this agreement to prevent the creation of an urban island upon the annexation of the Fairwood PAA to the City of Renton

#### **GMPC MOTION 10-2 (REGION TRANSIT SERVICE POLICIES)**

This motion recommends three amendments to the CPPs (Policies FW-18, FW-19 and T-14) with regards to transit service.

These amendments were instigated by the adoption of GMPC Motion 09-1 in October 2009, wherein the interjurisdictional ("IJT") staff team were directed to develop options for "new CPP policy language that will prioritize regional service delivery in ways that promote the regional growth strategy." In response to that motion, the IJT staff work carried out a work program that included:

1. Identification of regional services that may be addressed by such policy review,
2. Review of existing regional and countywide policies (e.g. Vision 2040, existing CPPs, and functional plans for regional services that are related to the geographic distribution of growth, including parks and open space, wastewater and transit), and
3. Analysis of how well those policies have been implemented through functional plans of service-providing agencies.

Based on its analysis, IJT staff recommended (and the GMPC concurred) that the staff's further evaluation be focused on amending the CPPs to clarify and strengthen guidance for provision of transit service, specifically to ensure that transit allocations made by King County Metro are responsive to existing land uses and densities and locations targeted for future growth.

The GMPC approved IJT staff-recommended amendments to FW-18 and FW-19 to reflect more clearly the appropriate service intended for different types of areas and to clarify the relationship among jurisdictions regarding transportation system planning and development.

*FW-18 The land use pattern shall be supported by a balanced transportation system, which provides for a variety of mobility options. ~~This system shall be cooperatively planned, financed, and constructed. Mobility options shall include including 1) a high-capacity transit system which that links the Urban Centers; and is supported by an extensive high-occupancy vehicle system, local community transit system for 2) a system of bus and other transit modes that links Centers, provides circulation within the Centers, and links to the non-center Urban Areas; 3) a high-occupancy vehicle system that links Urban Centers; and 4) non-motorized travel options.~~*

*FW-19 All jurisdictions in the County, in cooperation with METRO, the Metropolitan Planning Organization, The County and cities should work cooperatively with the Puget Sound Regional Council, and the State, and other relevant agencies to shall finance and develop a balanced transportation system that enhances regional mobility and reinforces and coordinated financing strategies and land use plan which implement regional mobility and reinforce the Countywide vision for managing growth. The Vision 20202040 Regional Growth Strategies Strategy shall be recognized as the framework for creating a regional system of Centers linked by high-capacity transit and an interconnected system of freeway high-occupancy vehicle lanes, and supported by a transit system of bus and other transit options.*

The GMPC also approved IJT staff-recommendation to amend T-14 to provide more direct guidance for using transit service to advance the County's growth management goals.

~~T-14 METRO should develop transit level-of-service standards which provide the County and cities with realistic service expectations to support adopted land uses and desired growth management objectives. These standards should consider that route spacing and frequency standards are necessary for differing service conditions including:~~

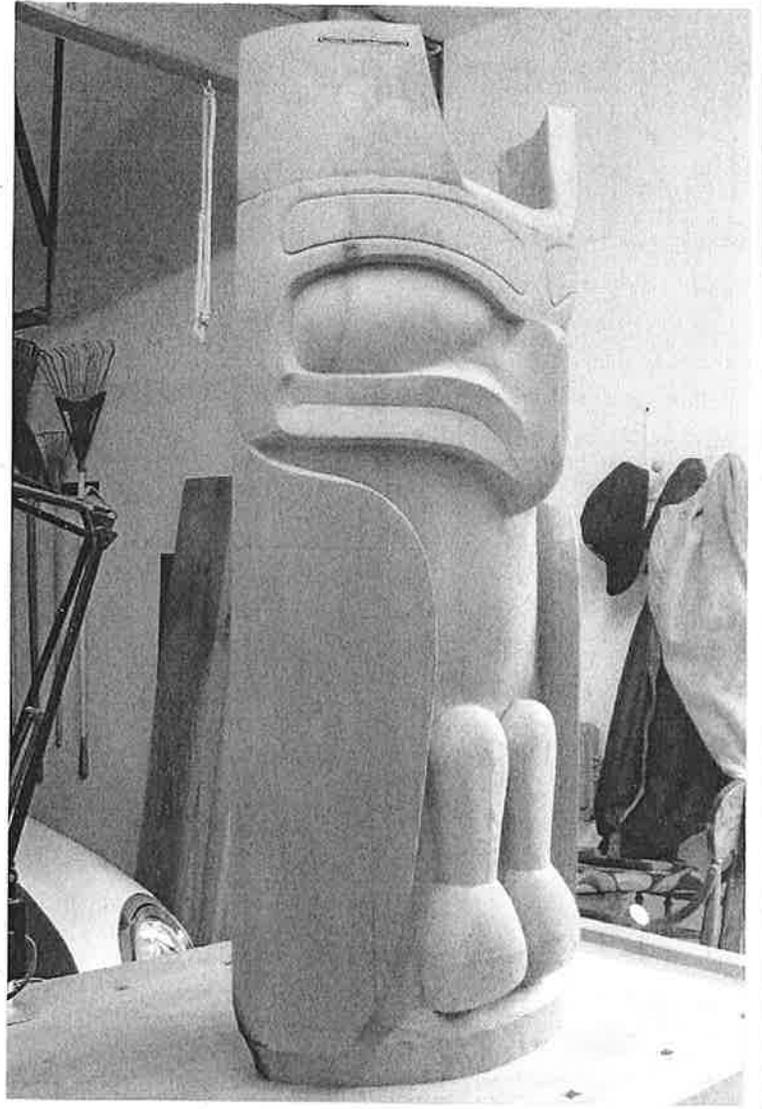
- ~~a. Service between designated Centers served by high-capacity transit;~~
- ~~b. Service between designated Centers not served by high-capacity transit;~~  
~~and~~
- ~~c. Service to areas outside Centers. In support of countywide growth management objectives, prioritize transit service throughout the county to areas where existing housing and employment densities support transit ridership and to Urban Centers and other areas planned for housing and employment densities that will support transit ridership. In allocating transit service, strive to meet the mobility needs of transit-dependent populations and provide at least a basic level of service to all urban areas of the county.~~

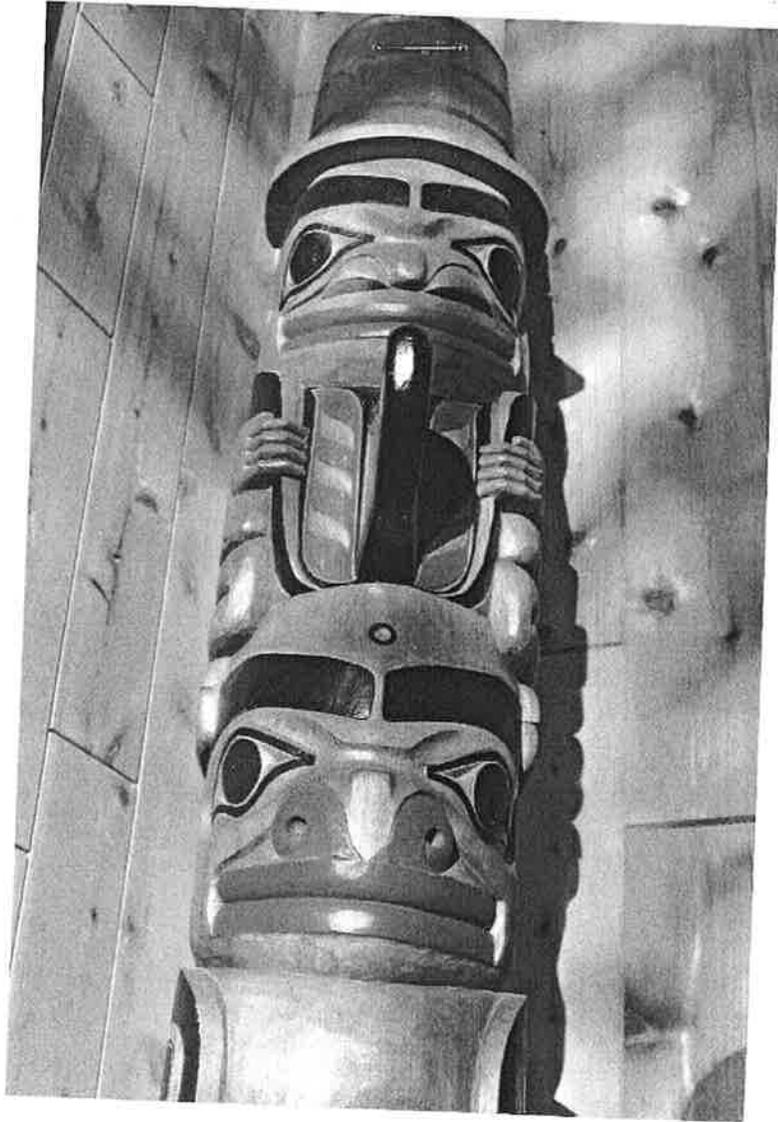
## **COUNCIL STAFF ISSUES OR AMENDMENTS**

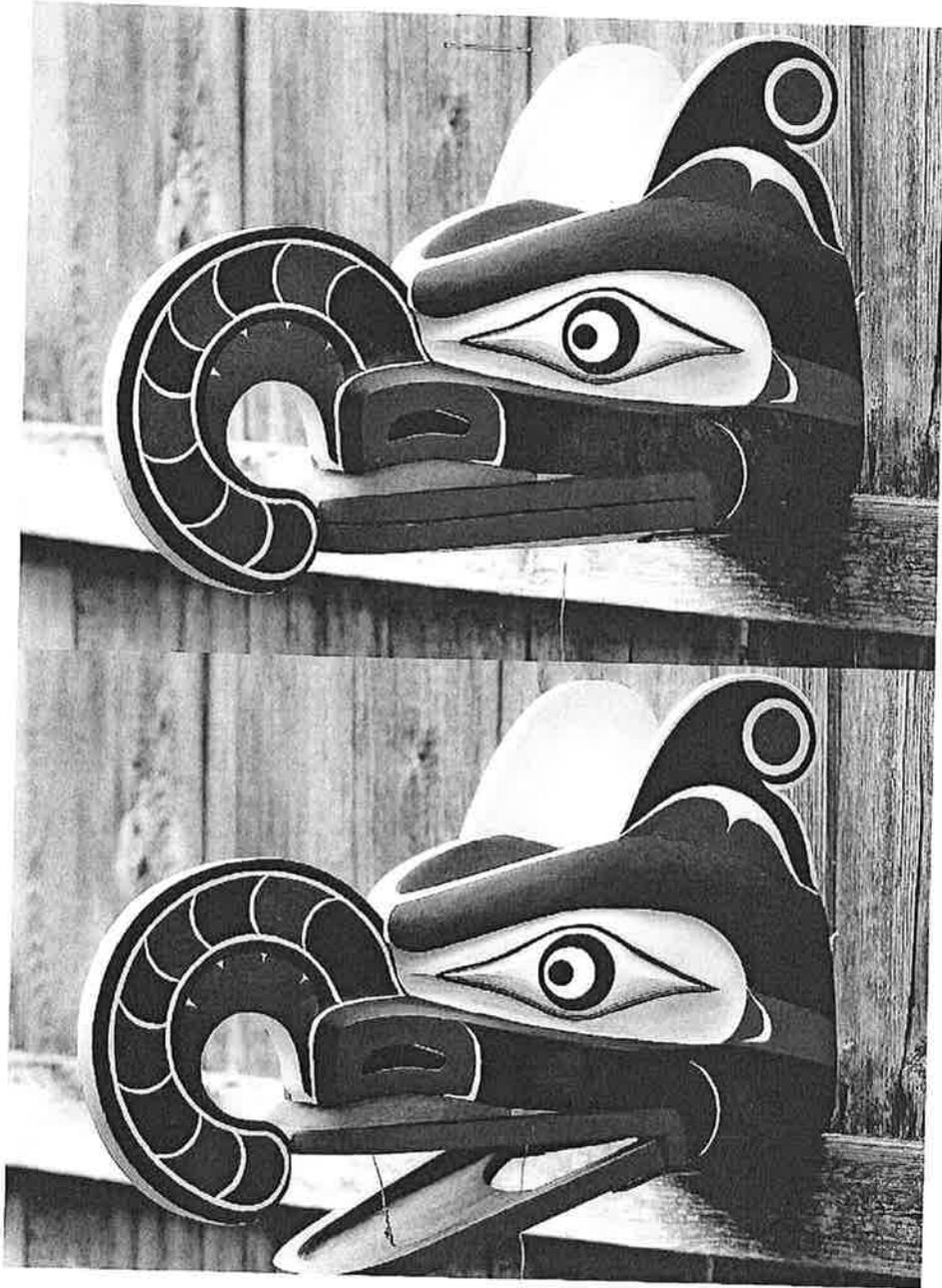
Staff notes a typo in the ordinance where there are two references to "Motion T2". One of the references should be to "Motion T1". This correction will be made in the substitute ordinance.

## **ATTACHMENTS**

1. Proposed Ordinance 2010-0376, with Attachments A and B
2. Transmittal Letter, dated June 28, 2010









# B-Patch Community Garden

The B-Patch gardeners would like to extend a huge thank you to the Parks Board and share some of the highlights of our first few months at the garden:

- 90 pounds of produce donated to the Highline and White Center food banks
- Gardener and community potluck was held on 8/29 which included garden demos, delicious food prepared with produce grown at the garden and over 40 people!
- Developed a B-Patch blog called the Bee Patch Blog to share recipes, garden announcements and work party information - <http://beepatch.blogspot.com/>
- Working with Sustainable Burien to help finish some of the final projects in the garden's construction
- Learning 101 ways to cook zucchini, and trying to find more things to do with all the green tomatoes!
- Featured on the Photo Friday of the B-Town Blog
- Wonderful feedback from gardeners about how the garden has given them a sense of community and helped provide food for their family

*"We are new to Burien and getting a garden plot was the easily the best decision we made after moving. We've not only been able to grow beautiful vegetables to sustain our vegetarian life style, but we've met some truly incredible people in the process. We're leaving the gardening season with a wealth of information from veteran gardeners, new recipes, and a fantastic network of new friends with similar interest. Thank you for this priceless opportunity!"*

*"A wonderful place to grow veggies to eat and share and added value – getting to know neighbors, a peaceful space to drink in the sun, butterflies and buds – thank you!"*

*"This has been a wonderful space to grown our own food and learn to be gardeners. The great mix of expert gardeners with newbies like us has been great – I've learned so much! And our little one has too – a terrific experience to share with children and "grow" future gardeners. We are lucky to have such generous and knowledgeable gardeners on our side."*

*"To me, the B-Patch is about being able to connect directly with my food source. The process of watching a huge tomato plant or tall corn stalk grow from a tiny little seed is amazing!"*

*"The B-Patch promotes community involvement and awareness about what it means to grow your own food."*



**Burien Pet Licensing and Burien Animal Control  
Program Update September 27, 2010**

**Pet Licensing – Licenses Issues in July and August:**

July 2010		August 2010	
Renewable	973	Renewable	168
Lifetime	184	Lifetime	21
<b>Total</b>	<b>1,157</b>	<b>Total</b>	<b>189</b>

**Burien Animal Care and Control - Phone Calls**

**July 2010**

Requests for Service:	33
Lost/Found Animals:	28
License Questions:	56
Dead Animals:	3
Wildlife Issues:	8
Police/Emergency Dispatch:	6
Other:	20
<b>Total:</b>	<b>154</b>

*Calls received by King County July 2009: 45*

**August 2010**

Requests for Service:	30
Lost/Found Animals:	40
License Questions:	5
Dead Animals:	1
Wildlife Issues:	6
Police/Emergency Dispatch:	4
Other:	21
<b>Total:</b>	<b>107</b>

*Calls received by King County Aug. 2009: 27*

## **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 and social 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. Social equity means continuing to provide service to those with no other option."

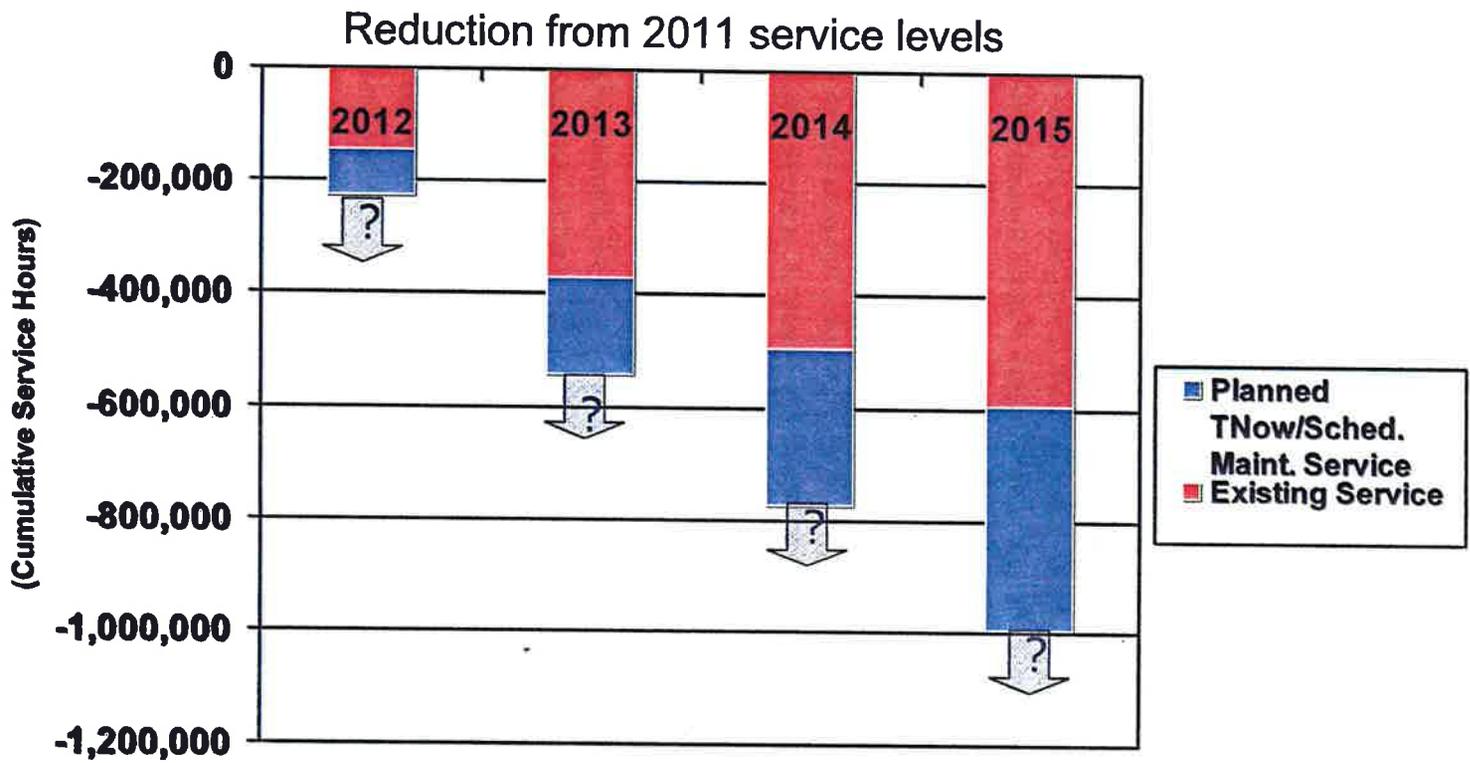
Operational Efficiencies. As a first step toward financial sustainability, King County Metro must take further measures to increase its operating efficiencies. These include the measures recommended in the 2009 Transit Performance Audit, as well as any measures recommended in the 2010 audit of Metro's 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.

# New sales tax projections could impact the levels of future service.



Reduction also in fleet and other infrastructure requirements

# Service Reduction Scenarios "R1" (Annual Service Hours)

R1:  
New  
Approach

EAST



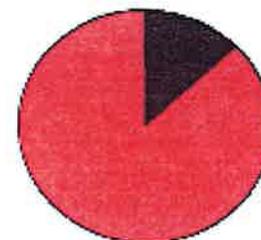
Fall 2009: 595,000 (17%)  
Change: -118,000  
Remain: 477,000 (16%)

SOUTH



Fall 2009: 746,000 (21%)  
Change: -66,000  
Remain: 680,000 (22%)

WEST



Fall 2009: 2,150,000 (62%)  
Change: -272,000  
Remain: 1,878,000 (62%)



**CITY OF BURIEN, WASHINGTON**  
**Parks and Recreation Advisory Board**

**MEETING MINUTES**

Date – July 14, 2010

Time - 7:00 PM

**BOARD MEMBERS PRESENT**

Chris Ndifon            Hiede Holmes            Larry Moormeier            Jean Spohn

Ted Fosberg            Ed Dacy            Sheryl Knowles

**BOARD MEMBERS ABSENT**

None

**STAFF PRESENT**

Steve Roemer, Parks Development and Operations Manager

Casey Stanley, Recreation Supervisor

Rachel Gilbert, Recreation Specialist

**GUESTS PRESENT**

None

Ted Fosberg called the meeting to order at approximately 7:05 PM.

**CITIZEN COMMENT**

None

**ADDITIONS TO AGENDA & AGENDA REVIEW**

None

**MEETING MINUTES**

The minutes from the June 9, 2010 meeting were approved 4/0/0.

**AGENDA AND ACTION ITEMS**

**PRESENTATION**

Casey Stanley and Rachel Gilbert provided a presentation on PaRCS rentals.

- ✓ Facility Rentals available include both long term leases at the old community center annex, as well as short term rentals, such as the meeting and activity rooms at the Burien Community Center..
- ✓ Field Rentals occur at the Moshier complex, as well as Manhattan and Chelsea parks.

- Field users include youth groups, such as Highline School District, Pac West Little League, Rips Baseball Club, Highline Lacrosse Club, West Highline Soccer, Burien Bearcats Jr. Football, and Burien Parks and Recreation Classes.
  - Field users also include Adult Organizations, such as Riot/Disc NW (frisbee), Seattle Grizzlies (Australian rules football), South Suburban Softball League, Burien Parks and Recreation Softball League.
  - Field Scheduling Seasons
    - March through August: Baseball, Softball, Lacrosse, Ultimate Frisbee
    - Late August through mid-November: Soccer, Jr. Football, Australian Football
    - Mid-November through February: Field repairs and improvements
  - ✓ Park Rentals by Special Event permitting.
    - These can include Graduation celebrations, Fundraisers and Benefits, Church gatherings, School District field days.
  - ✓ Picnic Shelter rentals and individual table rentals at Seahurst Park
  - ✓ Revenues for all Rentals in 2009 totaled \$94,550, an increase of 26% from 2008.
- Parks Board and staff discussed as an overview, what informal recreational activities the public might desire to participate in within our parks. Our parks inventory presents a lot of open recreational space that may not be viewed by the public as available for many common uses. The parks can serve as an extension to our neighbor's yards, where they can set up a quick game of croquet, badminton or other "informal" forms of recreation. In addition, there may be other opportunities for minor development, such as labeling trail distances or installing par course type improvements, which could support current park uses. This item will be further discussed at future Board meetings.
- Steve Roemer provided an update on the Parks capital projects and operations.
    - ✓ Seahurst activities include ongoing 35% design work with the USACE for the north shore restoration. Staff has submitted grant applications to the Recreation Conservation Office (RCO) for LWCF and WWRP funds totaling \$1,000,000 for the recreational improvements to the park following the USACE phase of work.
    - ✓ For Puget Sound Park, a Community Development Block Grant has been applied for to renovate the existing playground and adjacent picnic facilities.
    - ✓ A King Conservation District grant has been applied for to do trail installation and vegetation restoration work at Salmon Creek Ravine, Seahurst and Eagle landing parks.
    - ✓ Monitoring contracts for Seahurst related to benthic macroinvertebrates and beach profiles have been amended to perform studies along the northern shoreline prior to the restoration project.
    - ✓ A Community Garden Board has formed to assist with garden communications and day to day managing of the garden.

- ✓ The Washington State Department of Ecology will be performing arsenic soils testing throughout parks in King County, including Burien. This is to evaluate the impacts of the Tacoma Smelter Plume to soils in the region and to identify future cleanup activities recommended.

#### **FUTURE AGENDA ITEMS AND/OR QUESTIONS**

- Community Garden topics, as necessary.
- Parks Capital projects and operations updates
- 2011-2012 Capital and Operating Budgets
- Additional discussion on informal recreation opportunities in parks.
- Update from volunteer coordinator on volunteer activities within the parks.
- Recreation program updates
- Impact of annexation on recreation staff.
- Potential for future dog park.

#### **FOR THE GOOD OF THE ORDER**

- The Strawberry festival was again successful, despite the weather, and the Board extends its thanks to staff for all the work involved.
- Steve Roemer requested that a Board member consider assuming the duties of minute taking for Board meetings.
- Suggestion that a volunteer might be interested in adopting a garden bed or other landscaped area within our parks to specifically try to beautify or highlight an entry area or highly visible space.
- The meeting was adjourned at 8:45 PM.

Respectfully submitted by Steve Roemer, Parks Manager, Parks, Recreation & Cultural Services



## Burien Business and Economic Development Partnership

**Date:** July 9, 2010

**Time:** 7:00-9:00 am

**Members Present:** Judy Coovert, Dave Elliott, Bob Ewing, Kevin Fitz, Michael Goldsmith, Nancy Hinthorne, Alice Madsen, Mark Minium, Doug Moreland, Carmen Moore

**Excused Absentees:** Geri Fain, Jane Voget

Absent: Jim Hughes

Minutes of the June 11<sup>th</sup> meeting were approved as written.

**Staff:** Mike Martin, City Manager; Dick Loman, Economic Development Manager; Janet Stallman, Department Assistant, City Manager Office

**Guests:** Mayor Joan McGilton; Councilmember Kathy Keene; Steve Gilbert, Executive Director, Discover Burien, Marco Milanese, Port of Seattle; Katie Salinas, Waste Management; Gillian Allen-White, co-owner & general manager, Grand Central Bakery

**Call to Order:** Meeting opened at 7:00 a.m. by Judy Coovert, Chair.

### **Gillian Allen-White, co-owner & general manager, Grand Central Bakery (GCB)**

Dick Loman introduced Gillian Allen-White of Grand Central Bakery to talk about the business and tell us why they chose to open a new store in Burien. Gillian started out saying that Grand Central Bakery may be better known in Portland, where they have six stores. Burien will be their fourth store in the Seattle area. GCB features hearth-baked, hearty breads, all made from scratch. They also have soups (made daily from scratch), and sandwiches. They serve savory and sweet pastries, and also sell espresso and coffee.

Their specialty is sourcing sustainable locally-grown grains that are no-till style, which preserves topsoil. Gillian mentioned she was really pleased that Eat Local was in Burien, too, as their business plan closely matches Eat Local for how they source food (even though GCB is not organic).

Why Burien? Two of the partners live in West Seattle and they noticed Burien and the street improvements that happened here on 152<sup>nd</sup> St. Initial interest was based on the positive things they saw happening here. In Portland, they're in some primarily residential areas. They really want to be in neighborhoods where people live, work and play and those are elements they saw in Burien that were very appealing. They had also learned that Burien is a community that "likes its food." Reasonable rent rates were also attractive.

Gillian said that her permitting experience with the City was very easy. She met with planners in advance and received a lot of assistance. Her architect mentioned having had a good experience, too.

Approximately 12 employees will work in the café at Burien.

## **Approval of Meeting Minutes**

Minutes from the June 11, 2010 meeting were approved as written.

## **Chair's Report**

Theater Feasibility Study – Judy had taken a look at this and wondered whether anyone else had any questions about it. Dick mentioned that Frank Rimkus will be at the next meeting.

- Burien Wellness CEO Quarterly breakfast – did everyone see minutes? Questions were asked about how this group may interact in the future. We don't know, but there will be countless opportunities for the group to work together. We are looking for joint promotion opportunities.
- South Park Bridge Closure ... Judy asked whether this might present opportunities in the form of businesses that may wish to relocate?

## **Annexation/Sustainability Subcommittee**

The group met June 18<sup>th</sup>. They would like to suggest discussing what it means to be a “transformational city,” which is referred to in the Economic Element of the Comprehensive Plan. They may also make a proposal to the group to add the partnership's vision statement to the monthly agenda.

This group will meet again on Friday, July 16<sup>th</sup>, 7 am at Sal's Deli.

## **Marketing Subcommittee**

Judy reported that the subcommittee did not meet. Dick had provided a copy of Burien's property inventory that was completed by NAI Properties. Steve Gilbert mentioned that he thought the data may be skewed. Vacancy in very small spaces is much higher than larger spaces. Brokers are chomping at the bit in being able to promote Burien as a place for businesses to locate. They're challenged because there still remains a perception that there are difficulties in moving to Burien. Some of our properties need facelifts.

The group agrees that the “ambassadors program” has worked well over the years to have current business owners talk to prospective businesses to let them know about what it's like in Burien.

## **City Manager Report**

Our animal control project is underway and so far so good. Our police are pleased with their relationship with our animal control provider.

- Asphalt overlay of Ambaum will begin as early as late August. This is being funded through bonds as well as through the savings realized through in-house maintenance for public works.
- We will begin our budget process soon. It will be a “hold the line budget” for 2 years. The budget will go to council in September.
- We hope to have a positive resolution to the Westmark lawsuit soon.
- The Shoreline Master Program is moving along. Staff will be making a recommendation to Council on July 19<sup>th</sup>.
- Burien's Community Assessment Survey will be done again soon. We hope to use this to help guide our visioning process.
- Annexation – things are going well. Judy Coovert suggested providing outreach to help with B&O tax preparation for businesses in North Burien.
- Mike met with other cities and King County to talk about labor issues. One of his specific interests is binding arbitration. Arbitration decisions have been consistently bad for cities. Currently, an arbitrator cannot consider a city's ability to pay when making decisions. Mike met

with other cities and King County to talk about his interest in getting this changed. The idea is gaining traction.

- How do we reconcile the difference in the experience that two businesses had in the permitting process? The group suggested that single operators and mid-sized business owners need more help. They have less expertise. There was a suggestion that staff analyze the process to see where the problems come.

### **Economic Manager Report**

We hope to be able to announce that Car Pros will be reopening the Nissan Dealership at the beginning of next month.

- Dick is working closely with Mark Minium and the Toyota Dealer to develop a multiple-brand auto mall in the NERA. We will need to reach out to others dealerships to be successful.
- Alliance Wasatch joint venture people came in with their complete package of detailed plans for the Transit Oriented Development. The plans are being reviewed and appear to be in pretty good shape. The developer would like to break ground in August, with about a 10-month construction cycle.
- Urban Partners and Galaxy Theater are concluding the business arrangements they need to move forward at Town Square. Frank Rimkus will be here for our August meeting. Four contingencies are involved in that deal: 1) Council would have to approve an amendment to the DDA that would allow the construction of a theater; 2) A profit-sharing agreement needs to be figured out between the parties; 3) They need to start talking to Metro about leasing the parking spaces at the TOD; and 4) they have to finance the theater – borrowing \$15 to \$20M to fund the project.

### **Discover Burien Report—Steve Gilbert**

- Discover Burien had good participation in the 4<sup>th</sup> of July Parade.
- On July 13<sup>th</sup> – lunchtime concerts will begin at Town Square.
- Hot August Nights and Fall Artwalk planning is underway.
- We are sending out a letter to all Burien businesses keeping them informed and offering for them to join DB.
- The Latino market is picking up.

### **Round the Table**

- Doug wondered whether we could get an online crime map such as one that is now available for Seattle. He provided a news article regarding Seattle's online crime map.
- We may want to schedule a showing of the "Burien: Coming into its Own" movie during a future BEDP meeting.

Meeting adjourned at 9:00.



## Burien Business and Economic Development Partnership

**Date:** August 13, 2010

**Time:** 7:00-9:00 am

**Members Present:** Judy Covert, Dave Elliott, Bob Ewing, Geri Fain, Kevin Fitz, Michael Goldsmith, Nancy Hinthorne, Jim Hughes, Mark Minium, Doug Moreland, Carmen Moore

**Excused Absentees:** Alice Madsen, Jane Voget

Absent:

**Staff:** Mike Martin, City Manager; Dick Loman, Economic Development Manager; Janet Stallman, Department Assistant, City Manager Office

**Guests:** Anne Stadler, Producer, "How Burien Came into its Own"; Mayor Joan McGilton; Councilmember Kathy Keene; Steve Gilbert, Executive Director, Port of Seattle; Katie Salinas & Will Ibershoff, Waste Management; Sherrill Miller, EB Foote Winery, Brian Gemeroy, local businessman.

**Call to Order:** Meeting opened at 7:00 a.m. by Judy Covert, Chair.

### **Approval of Meeting Minutes**

Minutes from the July 9th, 2010 meeting were approved as written.

### **Chair's Report**

Judy Covert gave recognition to Alice Madsen and Highline Community College as a whole for the way the college is handling the current economic stress. They refuse to turn students away even though they are overenrolled. This has caught the attention of a state representative and a candidate for state representative.

### **Guest Speaker: Anne Stadler**

BEDP viewed movie, "How Burien Came into its Own" and then Anne Stadler led a discussion. Anne gave kudos to Burien for the huge commitment they have shown in following through on their vision. She is very impressed with how Burien has been able to continue to move forward through the challenge of the economic decline. Anne asked the group how they think Burien has been able to do so. Members cited the 152<sup>nd</sup> Street revitalization and how people had to work together and work hard to make that project happen and be successful. The model of a three-legged stool with community, government and business all working together was mentioned as a successful way of collaborating. Anne was complimentary that the community does not become fractured by controversy, but that we're able to work through it. She also noted the "shared responsibility" that the three-legged stool represents, and said that this is a very positive model. Citizen input was noted as being very important.

Bob Ewing brought up that in the Economic Element of the Comprehensive Plan, BEDP had suggested that Burien become a "transformational city" and that the term "transitional city" was somewhat different. He suggested we discuss the terms and make sure we use the one that makes the most sense for the community.

### **Katie Salinas & Will Ibershoff – Waste Management**

Katie Salinas & Will Ibershoff of Waste Management gave a brief presentation about their commercial recycling incentive program, the “Clean Cart Challenge.” Businesses can earn gift cards for doing a good job of putting clean recyclables into their receptacles. WM interns are checking the cleanliness and appropriateness of recyclables in commercial recycling bins. Sal’s Deli earned a gift card for doing a good job. They have had great success with this program.

### **Annexation/Sustainability Subcommittee**

The group will meet again on Friday, August 20<sup>th</sup>, 7 am at Sal’s Deli.

At their July 16<sup>th</sup> meeting, members discussed how to make sure we are taking advantage of what assets are already in Burien to the fullest.

Michael Goldsmith mentioned that his friend who is working on a Sustainability “scorecard” for cities is still about 18 months from rolling it out. Michael is trying to see whether he might get some advance information regarding this.

### **Marketing Subcommittee**

Judy reported that the subcommittee did not meet.

### **City Manager Report**

Mike reported that the budget will be completed on time at the end of November. There will be no surprises and no fundamental changes in service. The second phase of 1<sup>st</sup> Avenue S. and the asphalt overlay program will be starting soon. We had a good report from Moody’s for our bond rating. We did not get a Public Works Trust Fund grant that would have provided a retention pond and path in the NERA. Our staff selected its first ever “Innovative Steward Award” winner, our animal control program.

### **Economic Manager Report**

An article is appearing in today’s Seattle Times about the FDIC filing a Notice of Trustee Sale on the condos. This is just part of the process, and is not new information.

### **Discover Burien Report—Steve Gilbert**

The Farmers Market is doing very well. It rained at the classic car show, but people still came out. We are working on the Fall Art Walk and Arts Aglow with the City’s Parks Dept. They are working with the Latino Market to see whether they might have a tent in conjunction with Oktoberfest. The next educational series event will be on August 25<sup>th</sup> at Pacific Northwest Realty.

### **Round the Table**

Meeting adjourned at 9:00.

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Review of Council Proposed Agenda Schedule		<b>Meeting Date:</b> September 27, 2010
<b>Department:</b> City Manager	<b>Attachments:</b> Proposed Meeting Schedule	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Monica Lusk, City Clerk		
<b>Telephone:</b> (206) 248-5517		
<b>Adopted Initiative:</b> Yes    No <input checked="" type="checkbox"/> X	<b>Initiative Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b>		
The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.		
 <b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.		
 <b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Review the schedule, and add, delete, or move items.</li> <li>2. Review the schedule and make no modifications.</li> </ol>		
<b>Administrative Recommendation:</b> Review the schedule.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
Submitted by: Monica Lusk <b>Administration</b> _____	Mike Martin <b>City Manager</b> _____	
<b>Today's Date:</b> September 22, 2010	<b>File Code:</b> R:/CC/AgendaBill2010/092710cm-1 proposedagendareview.doc	

**CITY OF BURIEN  
PROPOSED COUNCIL AGENDA SCHEDULE**

**October 4, 2010, 6:00 p.m. Executive Session (Potential Litigation), 7:00 p.m. Council Meeting**

1. Presentation by Diane Yates, Intergovernmental Liaison, on the King County Solid Waste Division Final Draft Comprehensive Plan.  
*(City Mgr)*
2. **Presentation of the 2009-2010 Preliminary Budget.**  
*(Finance)*
3. Motion to Adopt 2011 Legislative Priorities.  
*(City Manager)*
4. **Motion to Adopt Ordinance No. No. 412, Allowing for the Sale and Consumption of Alcohol at Certain Community Events when Authorized in Advance by the City Manager Rather than the City Council.**  
*(Legal)*
5. Discussion of a Proposal to Provide \$150,000 in Matching Funds for Completion of the Environmental Learning Center.  
*(City Manager)*

**October 11, 2010, 7:00 p.m. Council Meeting**

6. **Proclamation Recognizing the Shinnyo-en Temple on Its 40<sup>th</sup> Anniversary.**  
*(City Manager)*
7. Discussion on Preliminary 2011-2012 Budget & 2011 Property Tax Levy.  
*(Finance)*
8. Discussion on 2011-2012 Capital Improvement Program (CIP)/Transportation Improvement Program (TIP) Budget.  
*(Rescheduled from 9/13 - Finance)*

**October 25, 2010, 7:00 p.m. Council Meeting**

9. Discussion on Proposed Local Improvement District for Drainage Improvements on SW 116<sup>th</sup> Place.  
*(Public Works)*





**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on Draft 2011 Legislative Priorities		<b>Meeting Date:</b> September 27, 2010
<b>Department:</b> City Manager	<b>Attachments:</b>  Draft 2011 Legislative Priorities	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Lisa Clausen, Government Relations Specialist		
<b>Telephone:</b> (206) 248-5515		
<b>Adopted Initiative:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Initiative Description:</b> Develop and advance state and federal legislative agendas	
<b>PURPOSE/REQUIRED ACTION:</b>		
<p>The purpose of this agenda item is for the City Council to review the proposed “Draft 2011 Legislative Priorities” and to provide input to staff. The final version of these priorities will be brought to Council for action at the Council meeting of October 4, 2010.</p>		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
<p>The draft legislative priorities for 2011 (attached) include proposals from the staff leadership for issues or requests to bring to the City’s state and federal delegations.</p> <p>The two main areas of focus for the proposed legislative priorities include promoting economic development with infrastructure, and strengthening City services and facilities.</p> <p>Under those categories are specific priorities, such as continuing the City’s efforts to secure transportation funding for improvements to the SR 518/Des Moines Memorial Drive interchange, and to pursue funding for the Northeast Redevelopment Area (NERA) through a pilot program that is expected to be created following Congressional action on the Federal Aviation Administration (FAA) reauthorization.</p> <p>Other proposed priorities carried over from the previous year include efforts to retain state financing tools that assist cities, and to seek support for completing the Seahurst Park north shoreline restoration project.</p> <p>In addition, a few new proposals are added, regarding state investments in local economic development efforts such as the NERA; allowing the creation of a Public Safety Authority, and defending against potential efforts to reduce cities’ ability to fund their services.</p> <p>Following the Council’s discussion of the proposed “2011 Legislative Priorities” staff will make revisions as needed and bring them to Council for action at the October 4 meeting.</p> <p>After the Council approves the overall Legislative Priorities the staff will develop a set of State priorities for discussion with members of the City’s legislative delegation at individual meetings being scheduled this fall.</p>		
<b>OPTIONS (Including fiscal impacts):</b> N/A		
<b>Administrative Recommendation:</b> Discuss the “Draft 2011 Legislative Priorities” and provide input to staff.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
Submitted by: Lisa Clausen		
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today’s Date:</b> September 22, 2010	<b>File Code:</b> R:\CC\Agenda Bill 2010\092710cm-1 Draft2011LegPriorities.docx	





**DRAFT**  
**City of Burien**  
**2011 Federal & State**  
**Legislative Priorities**

**[NOTE: Completely new items are italicized; italics to be removed when finalized.]**

***Promote Economic Development with Infrastructure***

- Seek federal and state support for the SR 518/Des Moines Memorial Drive interchange improvement project to improve access to the Northeast Redevelopment Area (NERA), with funding through reauthorization of the federal SAFETEA-LU transportation program and a state transportation revenue package. (Federal and State)
- Pursue \$5 million through a Federal Aviation Administration (FAA) Pilot Program, to partner with the Port of Seattle on a pilot project to conduct joint planning and pre-construction activities needed to develop the NERA. (Federal)
- *Work with other stakeholders in support of legislation that will enable the state to make an investment in Burien and provide local flexibility to develop infrastructure and secure economic development in the NERA. (State)*
- Maintain efforts with other jurisdictions to retain and expand successful financing tools, such as the Transportation Improvement Board (TIB), Public Works Trust Fund (PWTF), and Washington Wildlife and Recreation Program (WWRP), and advocate for increased flexibility for local revenues, in order to maintain and enhance infrastructure and services and generate economic development. (State)

***Strengthen City Services and Facilities***

- *Pursue legislation to allow local jurisdictions to create a Public Safety Authority, in order to enhance the police presence in the community through stronger local control and to save local tax dollars. (State)*
- Seek support for the completion of the Seahurst Park North Shoreline Restoration, a project which will help implement the Puget Sound Action Agenda. (Federal and State)
- *Defend against legislation that would damage cities' ability to finance vital city facilities and operations, including threats to impact fees, the annexation sales tax credit, and state-shared revenues. (State)*



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on Ordinance Related to Authorizing Liquor in Public Places		<b>Meeting Date:</b> September 27, 2010
<b>Department:</b> Legal	<b>Attachments:</b> Proposed Ordinance No. 546	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Craig Knutson, City Attorney		
<b>Telephone:</b> (206) 248-5535		
<b>Adopted Initiative:</b> Yes      No    X	<b>Initiative Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b>		
<p>City staff is recommending that the City Council amend Ordinance No. 412, to allow for the sale and consumption of alcohol at certain community events when authorized in advance by the <i>City Manager</i> rather than by the <i>City Council</i>.</p>		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
<p>State statute and City code generally prohibit the possession of open containers of alcohol and the consumption of alcohol in public places. However, in 2004 the City Council adopted Ordinance No. 412, which authorizes the consumption of alcohol at certain times and at certain places on public property when offered for sale and consumption as part of a community event; provided that the organization seeking to offer alcohol must request in writing authorization from the City Council and must meet conditions specified by the City, such as obtaining and displaying the mandated state liquor permit.</p>		
<p>Staff is recommending that the <i>City Manager</i> be the authorizing entity rather than the <i>City Council</i>. The primary reason for the proposed change is to streamline the process for both the applicant and the City by eliminating the need to schedule action at a Council meeting. Another reason for the change is that the approval is administrative in nature rather than legislative or policy and is thus an appropriate action for the City Manager to be taking.</p>		
<b>OPTIONS (Including fiscal impacts):</b>		
N/A		
<b>Administrative Recommendation:</b> Hold discussion and consider placing proposed Ordinance No. 546 on the October 4, 2010, Consent Agenda for approval.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
Submitted by:		
<b>City Attorney</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> September 22, 2010	<b>File Code:</b> R:/CC/AgendaBills2010/092710ls-1 authorizing liquor in public places	



# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 546

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON  
AMENDING SECTION 9.15.200 OF THE BURIEN MUNICIPAL  
CODE (PROHIBITING ALCOHOL IN PUBLIC PLACES) TO ALLOW  
FOR THE SALE AND CONSUMPTION OF ALCOHOL AT CERTAIN  
COMMUNITY EVENTS WHEN AUTHORIZED IN ADVANCE BY  
THE CITY MANAGER RATHER THAN THE CITY COUNCIL,  
PROVIDING FOR SEVERABILITY AND ESTABLISHING AN  
EFFECTIVE DATE**

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WHEREAS, BMC 9.15.200 prohibits the possession of open container(s) of alcohol and the consumption of alcohol in public places; and

WHEREAS, the City Council of the City of Burien desires to amend BMC 9.15.200(2) to provide for the City Manager rather than the City Council to authorize the consumption of alcohol at certain times and at certain places on public property when offered for sale and consumption as part of a community event;

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

Section 1. Amendment. Burien Municipal Code Section 9.15.200 is amended to read as follows:

(1) Except as permitted by RCW Title 66, no person shall open a package containing liquor or possess an open container of liquor, or consume liquor in a public place; provided this provision shall not apply to containers kept in the trunk of a vehicle or in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(2) This Section shall not prohibit the offering of alcohol for sale and consumption in a public place as part of a community event PROVIDED that the organization seeking to offer alcohol must request in writing authorization from [the City Council Manager](#) and identify the particular community event or events at which the sponsor wishes to offer alcohol for sale and consumption. The written

request must be made no later than thirty (30) days prior to the first community event for which authorization is sought. Those applying for the City ~~Council~~ Manager's authorization to offer alcohol for sale and consumption must meet the requirements of state law with respect to liquor permits and this chapter. During the course of the community event, the state liquor permit must be displayed within the area. For purposes of this subsection, "community event" shall mean fairs, markets, and festivals held on public property where the public at large is invited to attend, including but not limited to the Farmers Market, the Strawberry Festival, Oktoberfest, and the Fourth of July Festival. As appropriate, the City ~~Council~~ Manager may specify special conditions of use and note the conditions on the authorization.

(3) Violation of this section is a misdemeanor punishable by a fine of not more than \$100.00.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_ DAY OF \_\_\_\_\_, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS \_\_\_ DAY OF \_\_\_\_\_, 2010.

CITY OF BURIEN

\_\_\_\_\_  
Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Monica Lusk, City Clerk

Approved as to form:

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Craig Knutson, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No. 546  
Date of Publication: