



Burien
WASHINGTON

PLANNING COMMISSION AGENDA
November 16, 2010, 7:00 p.m.
Multipurpose Room/Council Chamber
Burien City Hall, 400 SW 152nd Street
Burien, Washington 98166

**This meeting can be watched live on Burien Cable Channel 21 or
streaming live and archived video on www.burienmedia.org**

1. ROLL CALL

2. AGENDA CONFIRMATION

3. PUBLIC COMMENT Public comment will not be accepted at this meeting

4. APPROVAL OF MINUTES None

5. OLD BUSINESS a. 2010 Proposed Comprehensive Plan Amendments,
Discussion and Recommendation to City Council

6. NEW BUSINESS

**7. PLANNING COMMISSION
COMMUNICATIONS**

8. DIRECTOR'S REPORT

9. ADJOURNMENT

Future Agendas (Tentative) To be determined

Jim Clingan (Chair)
Ray Helms

Planning Commissioners
Nancy Tosta (Vice Chair)
Rachel Pizarro

Greg Duff
John Upthegrove

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: November 10, 2010
TO: Planning Commission
FROM: Charles W. "Chip" Davis, AICP, Planner
Scott Greenberg, AICP, Community Development Director
SUBJECT: Discussion and Recommendation on 2010 Comprehensive Plan Amendment 2010-2

PURPOSE/REQUIRED ACTION:

The purpose of this agenda item is for the Planning Commission to discuss and make a final recommendation to the City Council regarding proposed 2010 Comprehensive Plan amendment 2010-2.

DISCUSSION

Attachment B contains the updated staff recommendation for denial of the amendment request. The update reflects the neighborhood density calculation being 3.1 units/acre rather than 4.3 units/acre. Attachment C contains the draft recommendation requested by the Planning Commission for approval of the amendment request.

PLANNING COMMISSION ACTION:

The Commission may:

- 1) Recommend the City Council approve the request and adopt the alternate recommendation as presented, or with modifications; or
- 2) Recommend the City Council deny the request and adopt the staff recommendation as presented, or with modifications; or
- 3) Take no action and pass the request to the City Council without a recommendation. This would occur if there are tie votes on separate motions for approval and denial.

Suggested Motions for Approval (both are needed):

1. *I move the Planning Commission recommend to the City Council approval of the redesignation request for the Lake Burien Neighborhood from Moderate Density Residential to Low Density Residential and adopt the findings and conclusions as presented in Attachment C.*

2. *I move the Planning Commission recommend to the City Council approval of the rezone request for the Lake Burien Neighborhood from RS-7,200 to RS-12,000 and adopt the findings and conclusions as presented in Attachment C.*

Suggested Motions for Denial (both are needed):

1. *I move the Planning Commission recommend to the City Council denial of the redesignation request for the Lake Burien Neighborhood from Moderate Density Residential to Low Density Residential and adopt the findings and conclusions as presented in Attachment B.*

2. *I move the Planning Commission recommend to the City Council denial of the rezone request for the Lake Burien Neighborhood from RS-7,200 to RS-12,000 and adopt the findings and conclusions as presented in Attachment B.*

If you have any questions before the meeting, please contact Chip Davis at (206) 248-5501 or by e-mail at chipd@ci.burien.wa.us.

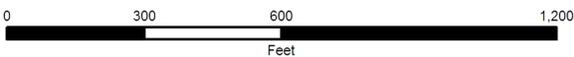
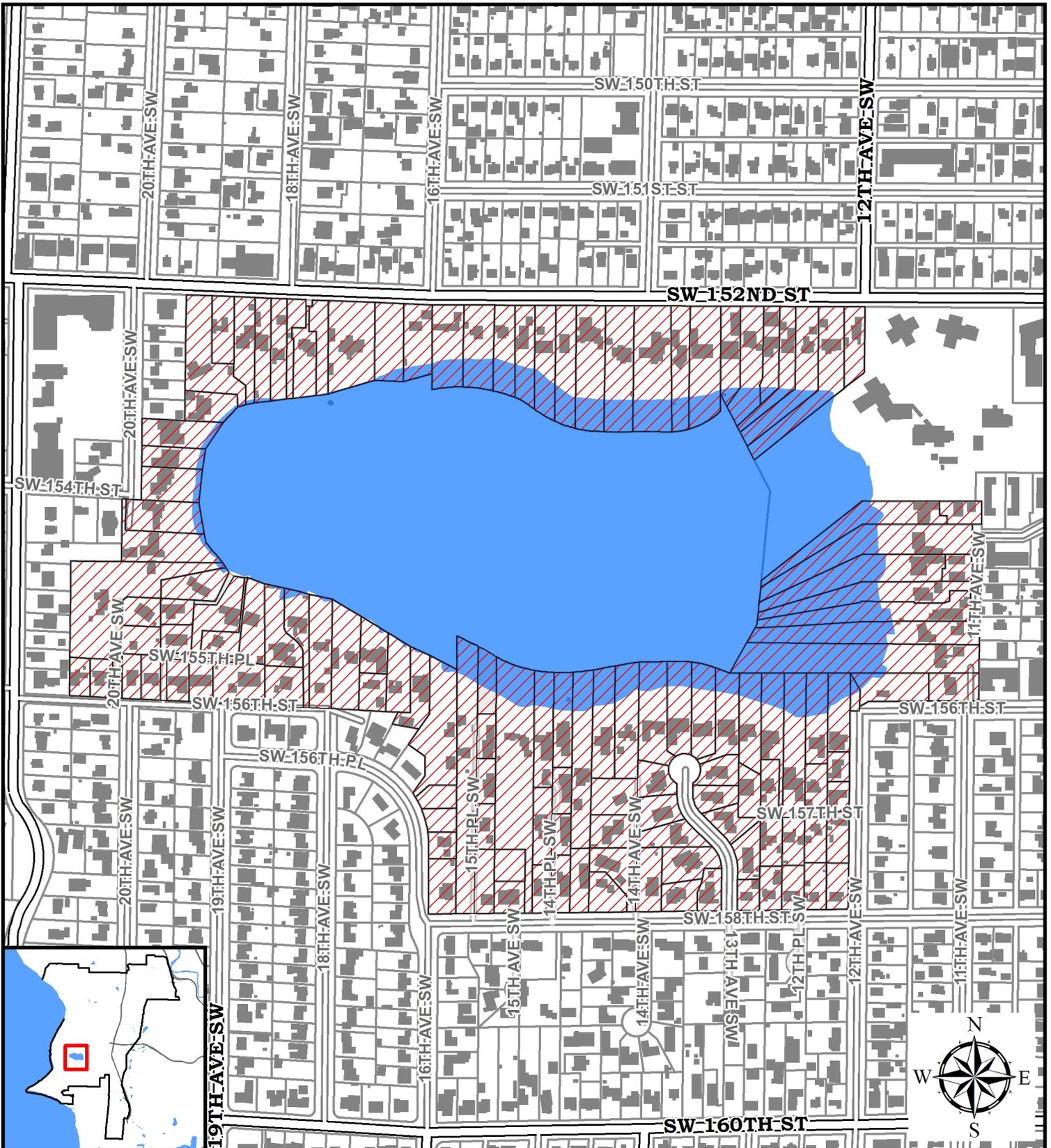
Attachments:

- A. Applicant-proposed Map of Redesignation and Rezone**
- B. Staff Recommendation 2010-2, Lake Burien Neighborhood Plan Map Amendment and Rezone Request**
- C. Alternate Recommendation 2010-2, Lake Burien Neighborhood Plan Map Amendment and Rezone Request**

Reference No. 2010-2

Comprehensive Plan Map Amendment and Rezone

Edgar/Lake Burien Neighborhood - Applicant Defined



CITY OF BURIEN
Department of Community Development
400 SW 152nd Street, Suite 300
Burien, WA 98166
(206) 248-5510

2010 Comprehensive Plan Amendment and Rezone Request

Staff Recommendation--November 10, 2010

AMENDMENT REFERENCE NUMBER

2010-2

APPLICANT

Chestine and Robert Edgar for Lake Burien Neighborhood

TAX PARCEL NUMBER

Various (See Vicinity Map)

REQUESTS

1. Change Comprehensive Plan designation of Lake Burien Neighborhood, as defined by applicant, from Moderate Density Single-Family Residential to Low Density Single-Family Residential.
2. Rezone Lake Burien Neighborhood, as defined by applicant, from RS-7,200 (Residential Single-Family) to RS-12,000 (Residential Single-Family).

STAFF RECOMMENDATIONS

1. Deny Comprehensive Plan designation change of Lake Burien Neighborhood, as defined by applicant, from Moderate Density Single-Family Residential to Low Density Single-Family Residential.
2. Deny rezone of Lake Burien Neighborhood, as defined by applicant, from RS-7,200 (Residential Single-Family) to RS-12,000 (Residential Single-Family).

FINDINGS

HISTORY

Comprehensive Plan Land Use Designations:

1993: The City of Burien Interim Land Use Plan and Map (Ordinance 27) designated the subject properties as Single Family (RS-7,200).

1997: The City of Burien Comprehensive Plan Map designated the subject properties as Single-Family (3 units per acre).

1999: The Burien Comprehensive Plan map designated the subject properties as Moderate Density Single-Family (5 – 6 units per acre).

Zoning Designations:

1981: The King County Zoning Map designated the subject parcels RS-7,200 Single-Family Residential.

1994 - Ordinance 87 map attachment shows the subject parcels zoned R-6 Single-Family Residential (Six units per acre).

1997 - Ordinance 252 map attachment shows the subject parcels zoned RS-7,200 Single-Family Residential.

1999 - Ordinance 264 map attachment shows the subject parcels zoned RS-7,200 Residential Single-Family.

CURRENT LAND USE: Single-family residences are the predominant land use.

ADJACENT COMPREHENSIVE PLAN/ZONING DESIGNATIONS

Direction	Comp. Plan Designation	Zone	Current Uses
North	Moderate Density Residential Neighborhood	RS-7,200 (Single-Family Residential)	Single-Family Residences
Northwest	Neighborhood Commercial and Low Density Multi-Family Residential Neighborhood	CN (Neighborhood Center) and RM-12 (Multi-Family Residential)	Neighborhood Commercial and Multi-Family Residences
South	Moderate Density Residential Neighborhood	RS-7,200 (Single-Family Residential)	Single-Family Residences
West	Low Density Residential Neighborhood	RS-12,000 (Single-Family Residential)	Single-Family Residences and Private Elementary School
East	Special Planning Area 2 (Ruth Dykeman Children's Center) and High Density Multi-Family Neighborhood	Special Planning Area 2 (Ruth Dykeman Children's Center) and RM-18 Residential Multi-Family	Juvenile Treatment Facility and Multi-Family Residences

DISCUSSION

The current Comprehensive Plan and Zoning designations for the Lake Burien Neighborhood, as defined by the applicant (see Attachment 3), allow for single-family uses with minimum lot sizes of

7,200 square feet. Of the approximately 135 lots, the majority of the lots are developed with single-family residences (see Attachments 1 and 2). The applicant indicates that Lake Burien is a critical area and warrants extra protection a more environmentally compatible comprehensive plan map designation. The applicant also contends that there is a conflict between the comprehensive plan text and map for the area surrounding Lake Burien. The requested Comprehensive Plan amendment and rezone request from Moderate Density Residential to Low Density Residential and from RS-7,200 Single-Family Residential to RS-12,000 Single-Family Residential is proposed to address both of these concerns.

The area surrounding Lake Burien has been delineated as a moderate density residential area since the incorporation of the City of Burien. With the exception of a brief period in 1997, the zoning designation for the area has been 6-units per acre since 1981 when King County controlled the zoning. The overall density of development in the area is ~~more reflective of the Moderate Density Residential Neighborhood platted lot pattern of five to six units per acre and exceeds the Low Density Residential Neighborhood pattern of four units per acre or less~~ approximately 3.1 units per acre. There is no apparent conflict between the text and the plan map in this regard.

In regard to the protection of critical areas, the requested change would have far less effect on generation of surface water runoff and other aspects for protection of water quality. Regulations are already in place, as part of the Critical Areas portion of the zoning code or targeted low impact development measures could be pursued through the permitting process to better achieve environmental protection. The requested change would impact only the relatively small number of lots that could be developed in the future and the difference in maximum impervious surface coverage and other development standards in the RS-7,200 and RS-12,000 could create non-conforming properties with regard to impervious surface coverage. There are provisions in the zoning code to address lots which exceed this development standard.

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment **must meet all of the following criteria** (shown in bold italics, followed by staff response):

A. The request has been filed in a timely manner.

The request was made by a resident of the area under consideration. The request was received by the City of Burien on June 1, 2010 consistent with the June 1, 2010 deadline date, as required in BMC 19.65.095.

B. There is a public need for the proposed amendment.

It has not been adequately demonstrated that the current map designation of the area for Moderate Density Residential Development is in conflict with the Comprehensive Plan text. Additionally, it has not been demonstrated that the requested change would more effectively address the public need than could be addressed using existing Critical Area protective regulations based on existing policies in the Comprehensive Plan which are related to environmental protection.

C. The proposed amendment is the best means for meeting the identified public need.

The proposed amendment is not the best means for addressing the environmental issues for the subject area properties surrounding Lake Burien. There are better means such as Critical Area regulations, storm water regulations and targeted low impact development measures implemented during the permitting process would be more effective.

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies.

As stated in the Burien Comprehensive Plan (Policy RE 1.5), the intent of the Low Density Residential Neighborhood Designation is to provide for low density residential development. Development in this designation includes existing neighborhoods that are zoned for four units per acre or less.

Properties designated Low Density Residential neighborhood should reflect the following criteria (shown in italics, followed by staff response):

1. The area is already generally characterized by single family residential development at four units per acre or less; and

The neighborhood is generally characterized by residential development of ~~greater than~~ four units per acre or less.

2. Relative to other residential areas within the City, the area is characterized by lower intensity development as shown on Map LU-2 (page 2-3).

The neighborhood is designated for suburban 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 Area Map,

A portion of the neighborhood immediately adjacent to the lake is designated wetland on the Critical Areas Map.

4. The existing and planned public facilities for the area cannot adequately support a higher density.

There are sufficient existing and planned public facilities to support the current density.

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

The area is subject to airport-related noise but is not subject to high levels of airport-related noise.

The area subject to the requested amendment is more reflective of its current designation when one reviews the criteria in Policy RE 1.6, Moderate Density Residential Neighborhood. This designation is characterized by single family residential uses at greater than four units per acre,

existing public facilities adequate to support residential development at current density, does not have significant amounts of critical areas and if located outside the area designated as Urban, is limited to five units per acre.

E. The proposed amendment will result in a net benefit to the community.

The applicant has not demonstrated that the proposed amendment will result in a net benefit to the community from increased protection of water quality and critical areas as more targeted and efficient measures are already in place as a result of other Comprehensive Plan policies, Critical Area and storm water regulations.

F. The revised Comprehensive Plan will be internally consistent.

The applicant has not demonstrated any existing inconsistency in the Comprehensive plan that would warrant the proposed amendment and approval of the proposed amendment would be inconsistent with existing policies.

G. The capability of the land can support the projected land use.

The proposed amendment, contrary to the applicant's claim, will not have an impact on existing density and since the benefits of changing the designation from moderate to low density will be minimal the capability of the land to support the projected land use classification will not be appreciably affected.

H. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency.

Adequate public facility capacity exists to support the requested amendment.

I. The proposed amendment will be compatible with nearby uses.

The proposed amendment will be compatible with the properties located on a small portion of the north boundary and a small portion of the west boundary of the subject area. The proposed amendment will not necessarily be compatible with properties located on a portion of the west boundary that are designated Multi-Family and Neighborhood Commercial and on a portion on the east boundary that are designated Special Planning Area 2 and Multi-Family.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

The proposed amendment would result in the loss of capacity to meet other needed land uses such as housing, as the applicant acknowledges in the application. Measures cited by the applicant, such as transfer of development rights, are not currently included in the Comprehensive Plan and could not be used to mitigate this impact. The shifting of responsibility for meeting housing capacity requirements cannot be accomplished through the proposed amendment.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

- i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,***
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.***

The applicant has not demonstrated that conditions have so markedly changed since the previous designation that the current designation is no longer appropriate or that the map change is required to correct a designation that was inappropriate when established. The existing designation as Moderate Density Residential Neighborhood was established as a result of a public planning process and has been in place since Burien's incorporation in 1993.

REVIEW OF CRITERIA FOR REZONE

Zoning Code section 19.65.090.3 contains the criteria for review of a proposed rezone. To be approved, the proposed amendment **must meet all of the following criteria** (shown in bold italics, followed by staff response):

A. The rezone is consistent with the Comprehensive Plan.

The proposed rezone to RS-12,000 Single-Family Residential would be consistent with the proposed Comprehensive Plan if the Comprehensive Plan designation is changed. Staff is recommending that the Comprehensive Plan change be denied (see discussion above).

B. The rezone bears a substantial relation to the public health, safety or welfare.

The rezone would not provide significant protection for critical areas in regard to water quality, given the relatively minor difference in impervious surface coverage requirements as a result of the requested rezone. More effective avenues already exist for addressing critical area protection and surface water impacts on Lake Burien (see discussion above). Consequently, the rezone will not significantly contribute to the public's health, safety and welfare.

C. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the property.

There is no evidence to support that a rezone would be materially detrimental to uses in the immediate vicinity of the subject area.

D. The rezone has merit and value for the community as a whole.

The rezone does not have merit and value for the community as a whole (see discussion above).

ATTACHMENTS [\(see earlier packets\)](#)

- 1- Vicinity Zoning and Land Use Map
- 2- Aerial Photo, dated 2009
- 3- Comprehensive Plan Amendment Request, June 1, 2010

CITY OF BURIEN
Department of Community Development
400 SW 152nd Street, Suite 300
Burien, WA 98166
(206) 248-5510

2010 Comprehensive Plan Amendment and Rezone Request

Alternate Recommendation—November 10, 2010

AMENDMENT REFERENCE NUMBER

2010-2

APPLICANT

Chestine and Robert Edgar for Lake Burien Neighborhood

TAX PARCEL NUMBER

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PLANNING COMMISSION RECOMMENDATIONS

1. Approve Comprehensive Plan designation change of Lake Burien Neighborhood, as defined by applicant, from Moderate Density Single-Family Residential to Low Density Single-Family Residential.
2. Approve rezone of Lake Burien Neighborhood, as defined by applicant, from RS-7,200 (Residential Single-Family) to RS-12,000 (Residential Single-Family).

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The current Comprehensive Plan and Zoning designations for the Lake Burien Neighborhood, as defined by the applicant (see Attachment 3), allow for single-family uses with minimum lot sizes of

7,200 square feet. Of the approximately 135 lots, the majority of the lots are developed with single-family residences (see Attachments 1 and 2). The applicant indicates that Lake Burien is a critical area and warrants extra protection a more environmentally compatible comprehensive plan map designation. The applicant also contends that there is a conflict between the comprehensive plan text and map for the area surrounding Lake Burien. The requested Comprehensive Plan amendment and rezone request from Moderate Density Residential to Low Density Residential and from RS-7,200 Single-Family Residential to RS-12,000 Single-Family Residential is proposed to address both of these concerns.

The area surrounding Lake Burien has been delineated as a moderate density residential area since the incorporation of the City of Burien. With the exception of a brief period in 1997, the zoning designation for the area has been 6-units per acre since 1981 when King County controlled the zoning. Existing density within the area is approximately 3.1 units per acre.

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment **must meet all of the following criteria** (shown in bold italics, followed by Planning Commission response):

A. The request has been filed in a timely manner.

The “Burien Comprehensive Plan Amendment Request” application form requesting a “Map Amendment” to the 2010 Burien Comprehensive Plan was submitted to the City of Burien on: **June 1, 2010** with a City of Burien **mandated** fee of: **\$1,723.63**.

B. There is a public need for the proposed amendment.

Under RCW 36.70A, there is a requirement for consistency throughout the comprehensive plan text and maps as well as protections for Critical Areas. There is a public need for this proposed amendment because the policies stated in the **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Residential Neighborhoods, Goal RE.1, Pol. RE 1.5** (page 2-8) do not appear to be consistent with the Comprehensive Plan Land Use Map for the Lake Burien neighborhood. As a result of these inconsistencies, there appears to be a disregard for the protections of Critical Areas as required by RCW 36.70A (The Growth Management Act). The protection of critical areas and the need for lower density land use is recognized in sections **RCW 36.70A.020, 36.70A.060, 36.70A.170, 36.70A.172, 36.70A.175 and 36.70A.480**. The **King County Comprehensive Plan**, which serves to guide County-wide Planning Policies, recognizes the importance of Critical Areas in **Chapter1-Regional Planning and Chapter4-Environment**. 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.*”

Also, the **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Land Use Conflicts, Pol. PI 1.6** (page 2-39) states: “*If there is a conflict between the comprehensive plan land use map and the land use designation policies, the land use designation policies control.*”

In all of the previously mentioned documents, the requirement of Best Available Science (as previously addressed in Section I) is required when dealing with Critical Areas. In a review of

the Best Available Science for protecting, 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).

While buffers and mitigation have been strategies used to protect wetlands and critical areas, they have been proven not adequate to prevent “no net loss” to these critical areas (King County website, PSWSMRP, “Wetlands and Urbanization”, Azous and Horner, 1997). 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). Additionally, residential development and the increased human usage of the land results in a significant impact to a critical area wetland and causes net loss. Increased amounts of impervious surface in residential areas on or adjacent to critical areas causes damage to wetlands, aquifer recharge areas and water quality. Therefore, another critical strategy that should be employed in the protection of urbanized critical areas and wetlands is to keep the land use of these areas at low density usage. This concept of low density usage is supported by the **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Residential Neighborhoods, Goal RE.1, Pol. RE 1.5, Low Density Neighborhood** (page 2-8) and should be reflected by land use designations at *“4 units per acre or less, due to the constraints posed by critical areas.”*

Additionally, under the Public Trust Doctrine, the water quality and the environmental preservation are considered as valid public trust issue. This is a simple but powerful legal concept that obliges all levels of government to manage natural resources in the best interest of their citizens, without sacrificing the needs of future generations (Science Daily, April 13, 2009). As a legal concept, it is well established in the United States at the state level and in federal agencies. Lake Burien is a critical area that falls under the domain of the Public Trust Doctrine.

The protection of the natural environment, water quality, critical areas and consistency in the comprehensive plan are well documented public needs.

C. The proposed amendment is the best means for meeting the identified public need.

The proposed amendment is the best means for meeting this identified public need of creating consistency throughout the comprehensive plan and maps and for protection of critical areas because land use is controlled by policy and map designation in the Comprehensive Plan. This is the only legal mechanism for creating plan consistency and for maintaining a low density residential development in a critical area such as Lake Burien.

D. *The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies.*

The proposed amendment is in agreement with the Burien Comprehensive Plan, Chapter 2:

A) 2.2 LAND USE ELEMENT:

- 1) Residential Neighborhoods, Goal RE.1, Pol. RE 1.5, Pol. RE 1.6
- 2) Natural Environment, Goal EV.1, Pol. EV 1.2, EV 1.8, Goal EV. 2, Goal EV.4, Goal EV.5, Goal EV.6, Pol. EV 6.1
- 3) Land Use Plan Implementation, Goal PI.1, Pol. PI 1.1, Pol. PI 1.2, Pol 1.5
- 4) Land Use Conflicts, Pol. PI 1.6
- 5) Phasing Uses and Densities, Goal PH.1, Pol. PH 1.1

B) 2.8 STORM WATER ELEMENT:

- 1) Protecting Water Quality, Goal ST.1, Pol. ST 1.10

The proposed amendment is in agreement with the Growth Management Act/RCW 36.70A:

- 1) Planning goals, 36.70A.020
- 2) Definitions, 36.70A.030
- 3) Natural resources and critical areas, 36.70A.060
- 4) Comprehensive plans-Mandatory elements, 36.70A.070
- 5) Natural resource lands and critical areas, 36.70A.170
- 6) Critical areas-Designation and protection-Best available science to be used, 36.70A.172
- 7) Wetlands to be delineated in accordance with manual, 36.70A.175
- 8) Shorelines of the state, 36.70A.480

The proposed amendment is in agreement with King County Countywide Planning Policies:

- 1) Chapter 1-Regional Planning
- 2) Chapter 4-Environment

E. *The proposed amendment will result in a net benefit to the community.*

The proposed amendment will result in a net benefit to the community by having a Comprehensive Plan that is internally consistent in both text and maps. The **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Land Use Plan Implementation, Goal PI.1, Pol. PI 1.1** (page 2-37) states: *“The Comprehensive Plan, development regulations, function plans and budgets should be mutually consistent and reinforce each other.”*

Goal PI.1, Pol. PI 1.2 (page 2-37) states: *“The City’s development regulations should be consistent with other City plans and activities, including other development requirements. Development regulations shall be clearly written and absent of duplicative, uncoordinated or unclear requirements.”*

Burien citizens and City staff who use the Burien Comprehensive Plan will not be confused by internal inconsistencies. Other city plans, development regulations, functional plans and budgets will also be consistent. In addition, the protection of the water quality, natural environment and critical areas in this part of the city will benefit the whole community.

F. The revised Comprehensive Plan will be internally consistent.

The revised Comprehensive Plan will be internally consistent because it appears to be inconsistent without this change. It will also be in compliance with the Washington State Growth Management Act (**RCW 36.70A.070 Comprehensive plans – Mandatory elements**) which mandates that a Comprehensive Plan “...shall be an internally consistent document and all elements shall be consistent with the future land use map.”

G. The capability of the land can support the projected land use.

Best Available Science suggests that the carrying capacity of the properties around Lake Burien would not be negatively impacted if the properties are designated as “*Low Density Residential Neighborhood*”. This amendment reduces the current proposed density and land use designation demands on a critical area – Lake Burien.

H. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency.

RCW 36.70A.030 Definitions (12) states: “‘Public facilities’ include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.” This public facility capacity and infrastructure already exist to support the projected land use of “*Low Density Residential Neighborhood*”. The city has the resources to make the required change to the maps, mailings to impacted residents and staff time involved in the cost of implementing this amendment. The city also has mechanisms in place to do these clerical items in a cost effective manner.

I. The proposed amendment will be compatible with nearby uses.

The proposed amendment will be compatible with nearby uses which are mainly residential. The amendment will simply reduce density in an already residential neighborhood. The area to be changed on the map is currently adjacent to properties already classified as a “*Low Density Residential Neighborhood*”. The amendment will simply resolve an internal inconsistency on a map for a residential neighborhood that is currently classifiable as a “*Low Density Residential Neighborhood*” by 2009 Comprehensive Plan policy text.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

The **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Phasing of Uses and Densities, Goal PH.1, Pol. PH 1.1**, (page 2-25) states: “Where appropriate, the City will encourage and support the use by individual property owners of alternatives to development. Such alternatives may include transfer of development rights (“TDR”) to the downtown and other appropriate areas, conservation easements, open space tracts, and other mechanisms designed to permanently eliminate development.”

The proposed amendment has the potential for no net loss of housing capacity by employing the transfer of development rights and promoting density in the downtown core which is in accordance with Burien's vision or by using the TDR to an already, high density area of the newly annexed area of Burien. If no alternatives were available such as the TDR, then this amendment change would generate a 2% loss in residential lots according to the King County Comprehensive Plan 2020 goal. The projection map (Attachment E) was prepared by the city in 1999 prior to the Land Use Map Designation change for Lake Burien Neighborhood. At that point in time, it was projected that the Lake Burien area could increase by 53 new lots (66%). Since that time, there have been a few sub-divisions of property and some short plats created. So, the current number of new lots that could be put on the lake is 40+. However since that document was prepared, the city has expanded the possible new housing units in the city by creating the downtown core area. In the downtown core, buildings can be up to seven stories in height. The zoning that resulted from the creation of the Town Square Complex and similar future projects in that area could replace the target number lost around the lake. Simply stated, between the downtown area and the newly annexed, high density use areas, it will be fairly simple to accommodate 40+ housing units by 2020.

Additionally, as suggested in the Comprehensive Plan of 1997, there should be a phase-in period for any owners around Lake Burien who might claim economic loss as a result of being density land use change. The 1997 Comprehensive Plan allowed a one and a half year period before the total plan was put in place. This is allowed by the **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Phasing of Use and Densities, Goal PH.1** (page 2-25) which can be used "*To allow for the orderly phasing of current uses and densities to desired future uses and densities.*" A similar phasing period for this amendment change to the 2009 Comprehensive Plan Land Use would help any Lake Burien property owner, who might claim significant economic hardship or loss resulting from the Land Use Map change.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

- i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,***
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.***

Since this is a 2009 Comprehensive Plan map change, the applicable designation criteria are met because a map change will correct an inconsistency between the 2009 Comprehensive Plan policy text and 2009 Comprehensive Plan maps. The 2010 Burien Comprehensive Plan will also be in compliance with the Washington State Growth Management Act (**RCW 36.70A.070 Comprehensive plans – Mandatory elements**) which mandates that a Comprehensive Plan "*...shall be an internally consistent document and all elements shall be consistent with the future land use map.*"

REVIEW OF CRITERIA FOR REZONE

Zoning Code section 19.65.090.3 contains the criteria for review of a proposed rezone. To be approved, the proposed amendment **must meet all of the following criteria** (shown in bold italics, followed by Planning Commission response):

A. The rezone is consistent with the Comprehensive Plan.

The amendment that is being proposed will make the 2010 Burien Comprehensive Plan Land Use Map consistent with the text of its policies.

B. The rezone bears a substantial relation to the public health, safety or welfare.

This amendment seeks to protect critical areas that involve water quality. The protection of water quality is of the utmost importance to public health and safety and is required by RCW 36.70A.

C. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the property.

There is no evidence to support that a rezone would be materially detrimental to uses in the immediate vicinity of the subject area.

D. The rezone has merit and value for the community as a whole.

The protection of water quality is of value to the current community and future generations. Lake Burien is a critical area that justifies protection under the Public Trust Doctrine. Its importance as a critical area warrants a zoning map change and other related documents change to be consistent with the Burien Comprehensive Plan Land Use designation of “*Low Density Residential Neighborhood*”.

The **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Land Use Implementation, Goal PI.1**, (page 2-37), states: “*Implement the goals and policies of the land use plan through a variety of means and mechanisms which are coordinated and consistent.*”

The **2009 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Land Use Implementation, Goal PI.1, Pol. PI 1.1.**, (page 2-37), states: “*The Comprehensive Plan, development regulations, functional plans and budgets should be mutually consistent and reinforce each other.*”

Therefore, if the Comprehensive Plan Land Use Map is amended; then the other city documents such as the Zoning Map and supporting text requirements and regulations regarding land use development, redevelopment and zoning will also need to be amended to be consistent with the 2010 Comprehensive Plan for the area of Lake Burien.