CITY COUNCIL MEETING AGENDA

April 2, 2012

6:30 p.m. - Special Meeting: Executive Session to discuss real estate acquisition
7:00 p.m. – Regular Meeting

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

PAGE NO.

1. CALL TO ORDER **2. PLEDGE OF ALLEGIANCE** **3. ROLL CALL**

4. AGENDA CONFIRMATION

5. PUBLIC COMMENT Individuals will please limit their comments to three minutes, and groups to five minutes.

6. CORRESPONDENCE FOR THE RECORD

a. Response from Rick Atkinson, Right-of-Way Inspector, to Email Dated February 27, 2012, from Matt Smith Regarding 8th Avenue SW Between 129th and 130th Streets. 3.
b. Email Dated March 19, 2012, from Andrew Ryan Regarding Ordinance 560. 13.
c. Email Dated March 19, 2012, from Scott Carey Regarding Spice the Drug. 15.
d. Email Dated March 19, 2012, from John Poitras Regarding Election Date for Annexation. 17.
e. Email Dated March 20, 2012, from Luther Ericksen Regarding Red Light Cameras. 19.
f. Email Dated March 28, 2012, from Debi Wagner Regarding North Highline Unincorporated Area Council (NHUAC). 21.

7. CONSENT AGENDA

a. Approval of Vouchers: Numbers 31196 - 31291 in the Amounts of $923,747.18 with Voided Check No. 31206. 25.
b. Approval of Minutes: Council Meeting, March 19, 2012; Council Study Session, March 26, 2012. 41.

8. BUSINESS AGENDA

a. Presentation on Seattle City Light's Strategic Plan. 49.
b. Presentation of Annual Report by Discover Burien.
c. Presentation of the Draft Transportation Master Plan (TMP). 69.

8. BUSINESS AGENDA (cont'd.)	d. Adopt Proposed Ordinance 561, Updating and Consolidating Code Enforcement Regulations.	99.
	e. Discussion Regarding If and When to Adopt Resolution No. 330, Requesting King County to Hold a Special Election on August 7, 2012 for the Purpose of Placing on the Ballot a Proposition Concerning Annexation of the North Highline Area "Y" Annexation Area.	147.
	f. City Business.	179.
9. COUNCIL REPORTS		
10. ADJOURNMENT		

Rick Atkinson

From:	Rick Atkinson
Sent:	Thursday, March 29, 2012 11:38 AM
To:	'smith.matt.a@gmail.com'
Cc:	Maiya Andrews; Samir Basmeh
Subject:	FW: 8th Ave Trees/Trail

RE: Possible hazard trees along 8th Ave SW between SW 129th and 130th .

Hi Matt,

I wanted to follow up with you in regard to the concerns you have expressed about the trail and the large trees growing at the location shown above. We understand that you have concerns about both the condition of the trees and security related to the use of the trail.

We have evaluated the trees, and will be arranging to either heavily prune or remove the large cluster of trees at the trail's entrance.

The trail has value for access, and we plan to continue to allow the public use of the trail. However, we have discussed your concerns with our Police Department, and we will be doing some additional pruning/clearing to make the area more visible and improve the safety. Our maintenance crews will be conducting that pruning in the next few weeks. To further open up the area, we will be looking into removal of the fence that is in the public right-of-way.

Please feel free to contact me if you have any questions.

Thanks,

Rick Atkinson
Right of Way Inspector
City of Burien
206.439-3161

Janet Stallman

From: Public Council Inbox
To: Matt Smith
Subject: RE: Safety and Security on 8th Ave SW between 129th St and 130th St

Mr. Smith,

I want to acknowledge receipt of your email and let you know that it will be included as Correspondence for the Record in a future council agenda packet.

Thank you.

Janet S.

From: Matt Smith [mailto:smith.matt.a@gmail.com]
Sent: Monday, February 27, 2012 8:49 AM
To: Public Council Inbox
Cc: Maiya Andrews
Subject: Safety and Security on 8th Ave SW between 129th St and 130th St

400 SW 152nd St, Suite 300

Burien, WA 98166

February 27, 2012

Attn: City Council

CC: Public Works

Re: Safety and Security on 8th Ave SW between 129th St and 130th St

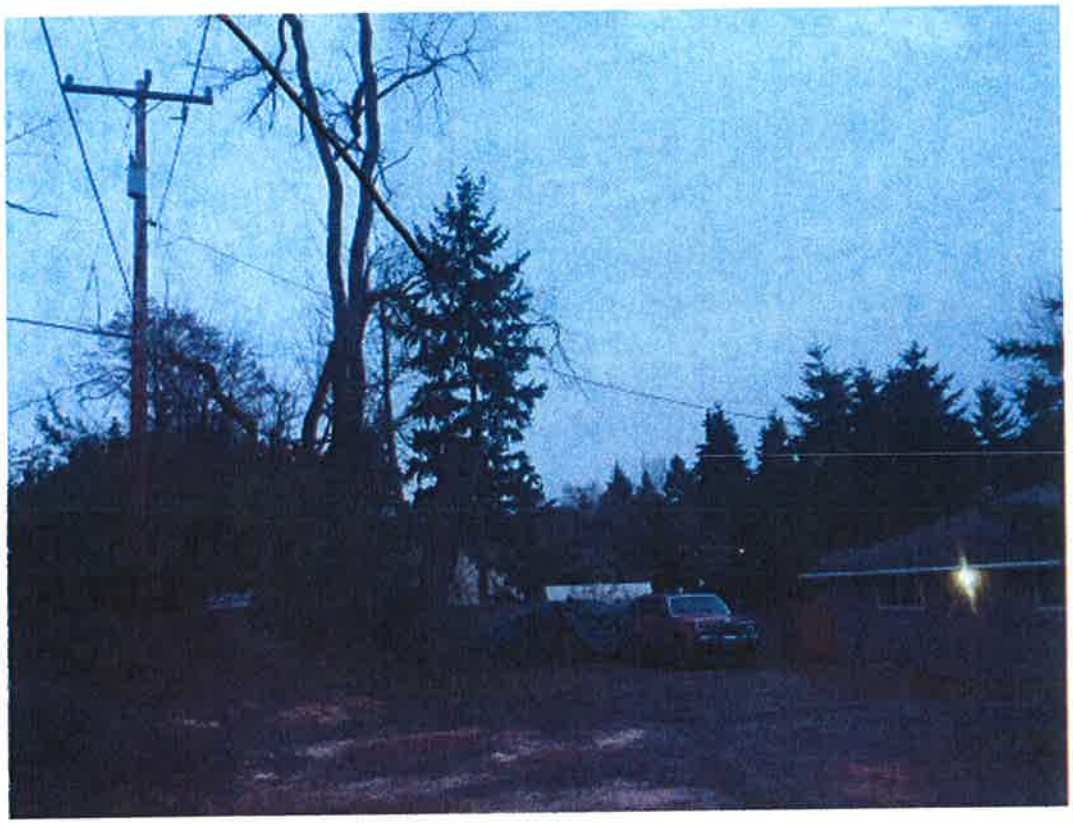
Dear City Council,

I am writing to inform you of safety and security issues on 8th Ave SW between 129th St and 130th St. My intent is to present facts and events and provided a reasonable solution. To familiarize you with the setting, 8th Ave SW is a dead end street and does not offer passage for vehicles between 129th and 130th. However, there is a small secluded dirt foot path that connects 8th Ave SW. It runs between an overgrown embankment on the west side of the path and a cluster of trees on the east. Large trees line the west embankment. Please see figures 1-3 to help illuminate the setting.

CFTR: 04/02/12
Cc: Public Works

(Fig. 1 – view of foot path looking north)

(Fig. 2 - view of large trees on west embankment)



(Fig. 3 – view of cluster of trees in relation to path and house)

First, I'd like to address why I use the terms safety and security in regards to the situation on 8th Ave SW. I use the term safety because the current situation poses a threat to the physical safety of residents and path users as well as property items such as structures and vehicles. I use the term security because the situation also places residents at a high risk for experiencing criminal activity and endangers daily living.

Second, I'd like to describe the situation, and how the trees and path can elicit using terms like safety and security for the neighborhood. I hope by presenting some history on this street you will see the concern the trees and path present. I'll start by addressing the trees. With the many trees along this street, falling wood debris is a common occurrence, and two examples are provided here. In the first example, a large limb fell out of the largest tree shown in figure 3. The fallen limb is show in figure 4. This limb could have caused injury or death to an individual underneath its falling path, as well as damage to vehicles. Luckily, no one was there when it fell and it narrowly missed the vehicle this time.

(Fig. 4 – view of large fallen limb)

In the second example, a large tree on the west embankment fell easterly across 8th Ave. The tree brought down power and communication lines and landed on a neighbor's vehicle. Unfortunately, this example didn't end as well as the first example. With the westerly winds that often blow through this area we have reason to believe that this will happen again.

(Fig. 5 – view of fallen tree on a neighbor's vehicle)

I'll end by addressing the path. While some people do use the path, not all people have good motives. Litter and dumping is a common problem that residents have to live with and clean up. Figure 6 shows a pile of litter that was recently dumped. While it's not clear from the picture, it consists of a yellow fiberglass ladder cut into sections, a rubber tire, and some miscellaneous wood products. However, the worst motives being experienced have involved criminal trespass activities. Every house on this street has either been a victim of a breaking and entering burglary or attempted burglary. My personal residence has been burglarized twice. The sheriff who came to the scene was able to track the perpetrator's steps around the cluster of trees and through the overgrown dirt path (I can provide case number and details upon request). The grove of trees and large bushes provides a stealthy cover and safety while the path provides an easy escape route for misguided trespassers.

(Fig. 6 – view of litter on the path)

Given the above information, I'd like to invite the city of Burien to help work towards a solution for the situation on 8th Ave SW. I am proposing two actions be taken. The first action is to remove the trees that present a danger to person or property. This would include the cluster of trees as well as the trees on the west embankment. This would assure that no falling trees, limbs, or branches could cause a threat. If leaving habitat is a concern, please note that there is a large year round drainage reservoir adjacent to the east of 8th Ave SW that is heavily wooded with mature hardwoods and multiple indigenous vegetative plant species. This is where the majority of wildlife always prefer to congregate. I would also ask if replanting in other areas might be considered as an acceptable habitat mitigation action. The second action is to close the dirt path. While this may be a slight inconvenience to a few, the alternate route along 4th Ave SW is a well maintained street with good lighting and wide sidewalks. In comparison, 8th Ave SW is not a through street, is overgrown with vegetation and not maintained, it has zero lighting and no designated pedestrian sidewalks. Locking off this path would make the neighborhood safer. It would curb criminal activity for the residents, like the aforementioned burglaries, as well as help prevent the opportunity for fatalities and criminal assaults of those who live or walk in this dark secluded area.

I hope that this letter has been insightful and helpful as it is the result of experiencing the previously mentioned problems, communicating and being of one-mind with neighbors, and upon recommendation of my advisor. A site visit is welcomed, and I request that you give intentional thought to the above information and respond in writing. A physical copy of this letter has also been mailed.

On behalf of my neighbors and myself,

Matt Smith

Matt Smith

12920 8th Ave SW

Burien, WA 98146

360.903.5697

smith.matt.a@gmail.com

Janet Stallman

To: 'ryanct@hsd401.org'
Subject: RE: Comments on Agenda Subject: Discussion of and Possible Approval of Ordinance 560 Relating to Zoning Code Amendments

Mr. Ryan,

Thank you for your correspondence. It will be included in a future Council agenda packet as Correspondence for the Record.

Janet Stallman

From: Ryan, Andrew F [mailto:andrew.f.ryan@boeing.com]
Sent: Monday, March 19, 2012 5:34 PM
To: Monica Lusk
Subject: Comments on Agenda Subject: Discussion of and Possible Approval of Ordinance 560 Relating to Zoning Code Amendments

19.40.190 Vegetation management plan.

1. For all proposals where preservation of existing vegetation is required by this chapter, a vegetation management plan shall be submitted and approved prior to issuance of the permit or other request for permission to proceed with an *alteration*.

2. The vegetation management plan shall incorporate all City requirements relating to protection, maintenance and planting of vegetation and shall identify the proposed clearing limits for the project an any areas where vegetation in a *critical area* or its *buffer* is proposed to be disturbed.

3. Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner. Proposed methods of field marking shall be reviewed and approved by the *Director* prior to any *site alteration*. Field marking shall remain in place until the certificate of occupancy or final project approval i granted.

4. The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required by other laws or regulations.

5. Vegetation within *critical areas* and their *buffers* may be trimmed, pruned or removed only upon prior written approval by the *Director*. A report by a qualified professional or certified arborist may be require to address alternatives, to ensure that the proposed activity will not be detrimental to surrounding properties and to the *functions and values* of the associated *critical area*.

6. Where *alteration* of the *critical area* or *buffer* has occurred during construction, revegetation with *native vegetation* will be required unless the *Director* approves a substitute vegetation with the same or better functions than the original *buffer* area. If the *alteration* was unauthorized by the City, the *Director* may alsc impose penalties pursuant to ~~BMC 8.45~~Chapter 1.15 BMC. [Ord. 394 § 1, 2003; Ord. 376 § 1, 2003]

CFTR: 04/02/12
CC: Community Development Director

Regarding the subject discussion on the above section of Ordinance 560, I would recommend that item 5 above be amended to allow normal maintenance activity w/o written approval from the Director. This would be consistent with approved revisions to the Shoreline Management Program vegetation section. Those of us that live in critical areas should not be criminals for pruning roses or cutting back ivy, nor should we need to get written approval every time we want to work in our yards.

Sincerely
Andrew Ryan
16525 Maplewild Ave SW
Burien Wa

Janet Stallman

From: Public Council Inbox
To: scarey58@aol.com
Cc: Mike Martin
Subject: RE: Spice the drug

Mr. Carey,

Thank you for writing to express your concerns to the Burien City Council. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Janet Stallman

From: scarey58@aol.com [mailto:scarey58@aol.com]
Sent: Monday, March 19, 2012 7:14 PM
To: Public Council Inbox
Subject: Spice the drug

To the Burien City Council,

As some of you might have heard, a young woman was recently murdered by a young man who, as it was reported, was doing the drug Spice.
Spice is sold at local Burien smoke and tobacco shops as incense but it is really a dangerous hallucinogenic drug.
Please take the subject of banning Spice up at the next counsel meeting.
Thank you for your time.

Sincerely,

Scott Carey
Burien, WA

Scarey58@AOL.com

T-Mobile. America's First Nationwide 4G Network

CFTR: 04/02/12
CC: Chief Kimerer, Burien Police

Janet Stallman

From: Public Council Inbox
To: poitrasjohn@comcast.net
Subject: RE: Election Date for Area Y annexation vote

Mr. Poitras,

Thank you for your email. This correspondence will be included in a future agenda packet as Correspondence for the Record.

Janet Stallman

From: poitrasjohn@comcast.net [mailto:poitrasjohn@comcast.net]
Sent: Monday, March 19, 2012 9:50 PM
To: Public Council Inbox
Cc: editor; ericm@robinsonnews.com
Subject: Election Date for Area Y annexation vote

Open Letter to the Burien City Council:

I wanted to reiterate the fact that if the council truly wants to encourage the maximum number of people to vote on the annexation of Area Y, then the vote should be held in November NOT August.

Holding it in August guarantees a small turnout and minimum voter participation.

Holding it a **couple of months** later in November guarantees much larger voter participation.

The danger of holding it in August is that minimal voter participation can enable special interest and small vocal minorities to hi-jack democracy in the name of whatever reasons can be drudged up to justify holding an election guaranteed to have a small turnout.

Apparently ALL or MOST of those minority special interests were present at the council meeting on Monday voicing their opposition to larger voter participation and pushing for an August vote.

It is obvious that these special interests are concerned that the election will go against them if the election is held in November, because they cannot be guaranteed as much control since the voter pool would be much larger.

It is reasonable and obvious that holding the election a **couple of months** later would result in a much more democratic result as the special interests would have less influence on the much larger pool of voters.

What is not obvious is how many members of the council are ok with this. I guess we will find out in the near future whether democracy or cronyism will win out.

I also agree with Ms. Wagner who pointed out that since council member Robison is the acting attorney for the above mentioned special interests he should recuse himself from the vote.

Very Sincerely,

CFTR: 04/02/12

John Poitras
Burien WA 98166
206-246-3405

cc: Highline Times
cc: Btown Blog

>>Please feel free to publish this letter on the blog and in the Highline Times.

Janet Stallman

From: Public Council Inbox
To: Luther Ericksen
Subject: RE: Red light camera program

Mr. Ericksen,

Thank you for writing to the City Council. Your email will be included as Correspondence for the Record in an upcoming Council agenda packet.

Janet Stallman

From: Luther Ericksen [mailto:luther.ericksen@comcast.net]
Sent: Tuesday, March 20, 2012 11:06 AM
To: Public Council Inbox
Subject: Red light camera program

To whom it may concern:
I don't usually write to my local council members, but your action re: discontinuing the red light camera program caught my eye. You probably always hear from us when you do something we don't like, so I thought it may be nice to congratulate you on something I do like. Even though the red light cameras did not affect me personally, I resented their presence for several reasons and am delighted that they will soon be removed. Good on you, city council!
Luther Ericksen

CFTR: 04/02/12

Monica Lusk

From: Monica Lusk
Sent: Thursday, March 29, 2012 11:57 AM
To: 'D Wagner'
Subject: RE: letter

Ms. Wagner,
Thank you for writing to the City Council. Your email will be included as Correspondence for the Record in an upcoming Council agenda packet.
Monica Lusk
City Manager's Department

From: D Wagner [mailto:dwagner007@msn.com]
Sent: Wednesday, March 28, 2012 11:10 AM
To: Monica Lusk
Subject: letter

Hello Monica: Please enclose my attached letter in the council packet.
Thank you,
Debi Wagner

CFTR: 04/02/12

To the Editor

To the Burien City Council

March 28, 2012

At the City Council meeting on March 19, 2012, there were citizen presentations questioning some city staff and city council members' association with the North Highline Unincorporated Area Council (NHUAC).

Who is the NHUAC? This group was set up and recognized by King County to represent the people of North Highline. It was supposed to create membership seats based on areas of neighborhoods. King County gave them $10,000 per year to run this group. However, so few people vote in the NHUAC elections-2 to 20 people per each seat elected (representing no more people than the council itself and some of their spouses)-that there is really no neighborhood representation, let alone representing Area Y. The NHUAC represents the views of very, very few people who live in Area Y- less than 1%.

What their purpose is as a group is also unclear. Their president spoke at the last Burien City Council meeting and implied that they are a public service group. However in a review of the minutes of their meetings, it appears that a good portion of their time has been spent in pursuing annexation to the City of Burien. If they are not a representative council but a public service group pushing annexation, then they are really a political action group (PAC). They don't appear to be registered as such with the State Of Washington-why not?

Even more interesting is that the Burien City Manager has been presenting monthly at their meetings for years-even though they are not part of the City of Burien. He gives out information about the City of Burien to this group prior to that information being released to Burien citizens. He appoints members of this group to Burien City committees to make decisions about Burien when they are not even citizens of Burien. This appears to be a case of pandering to a very small, select group of people. Why is this small group of people being given such preferential treatment over Burien citizens or at all on decisions that relate to the City of Burien?

Lastly one of the Burien City Council members, Jerry Robison, has, for years and may still be serving as the attorney for NHUAC. As of January, 2012, he stated that his sole purpose/legacy that he plans to leave the City of Burien is the annexation of Area Y and he has pressed very hard for this to happen. He does not favor neighborhood representation or an advisory vote from Burien citizens on annexation. The majority of Burien citizens in informal media polls have opposed this annexation by 2 to 1. So who is this council member really representing?

Should he recuse himself from voting on this issue?

Is this annexation really being advanced by the majority of Burien Citizens and the Citizens of Area Y or is it the pet project of some Burien City Council members, the Burien City Manager and this small select (13 people) NHUAC? Every citizen stuck with this annexation and its very

large unmitigated costs should be asking for some answers and accountability from the Burien City Manger and Council.

Sincerely,

Debi Wagner

1520 SW 158th St

Burien, WA 98166

(206) 241-1553

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 2nd day of April 2012** the FOLLOWING:

CHECK NOs. **31196 - 31291**

IN THE AMOUNTS OF **$923,747.18**

WITH VOIDED CHECK NOS. **31206**

Accounts Payable
Checks for Approval

Burien
Washington, USA

User: CathyR
Printed: 03/29/2012 - 7:59 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
31196	03/15/2012	General Fund	Utilities	COMCAST		71.90
31196	03/15/2012	Street Fund	Telephone	COMCAST		71.90
					Check Total:	143.80
31197	03/19/2012	General Fund	Operating Rentals And Leases	IKON Office Solutions		656.04
31197	03/19/2012	General Fund	Operating Rents & Leases	IKON Office Solutions		20.05
31197	03/19/2012	General Fund	Operating Rents & Leases	IKON Office Solutions		455.54
31197	03/19/2012	General Fund	Operating Rents & Leases	IKON Office Solutions		531.21
					Check Total:	1,662.84
31198	03/19/2012	General Fund	Operating Rents & Leases	Ikon Office Solutions		326.06
					Check Total:	326.06
31199	04/02/2012	Surface Water Management Fund	Office And Operating Supplies	ACE Hardware		25.69
31199	04/02/2012	General Fund	Office And Operating Supplies	ACE Hardware		24.07
					Check Total:	49.76
31200	04/02/2012	General Fund	Repairs And Maintenance	ADT Security Services		88.88
					Check Total:	88.88
31201	04/02/2012	Street Fund	Office And Operating Supplies	Alpine Fence Company		23.30
					Check Total:	23.30
31202	04/02/2012	Street Fund	Repairs And Maintenance	Alpine Products Inc		52.86

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	52.86
31203	04/02/2012	General Fund	Office And Operating Supplies	Aramark Uniform Services		25.51
					Check Total:	25.51
31204	04/02/2012	General Fund	Telephone	AT&T Mobility		18.81
					Check Total:	18.81
31205	04/02/2012	General Fund	Teen Programs	Brian J Barnes		761.44
					Check Total:	761.44
31207	04/02/2012	General Fund	Professional Services	Paul Trevor Graham Barton		3,400.00
					Check Total:	3,400.00
31208	04/02/2012	General Fund	Telephone	JACK BLOCK, JR.		55.48
					Check Total:	55.48
31209	04/02/2012	General Fund	Quarterly Newsletter	Brim Press, LLC		6,609.69
31209	04/02/2012	General Fund	Printing/Binding/Copying	Brim Press, LLC		512.64
31209	04/02/2012	General Fund	Printing/binding/copying	Brim Press, LLC		32.85
31209	04/02/2012	General Fund	Printing/Binding/Copying	Brim Press, LLC		75.69
					Check Total:	7,230.87
31210	04/02/2012	Surface Water Management Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc		15.22
31210	04/02/2012	Street Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc		15.22
31210	04/02/2012	Surface Water Management Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc		24.95
31210	04/02/2012	Street Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc		24.94
					Check Total:	80.33
31211	04/02/2012	General Fund	Animal Control Services	C.A.R.E.S.		10,000.00
					Check Total:	10,000.00
31212	04/02/2012	General Fund	Office And Operating Supplies	ANGELA CHAUFTY		42.68

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	42.68
31213	04/02/2012	General Fund	Telephone	ROSE CLARK		53.62
					Check Total:	53.62
31214	04/02/2012	General Fund	Telephone	CenturyLink		43.79
31214	04/02/2012	General Fund	Telephone	CenturyLink		44.95
31214	04/02/2012	General Fund	Telephone	CenturyLink		100.70
31214	04/02/2012	General Fund	Telephone	CenturyLink		44.95
31214	04/02/2012	General Fund	Telephone	CenturyLink		44.95
					Check Total:	279.34
31215	04/02/2012	General Fund	Miscellaneous	Cardmember Service		100.00
31215	04/02/2012	General Fund	Miscellaneous	Cardmember Service		50.00
31215	04/02/2012	General Fund	Drug seizure proceeds KCSO	Cardmember Service		25.00
31215	04/02/2012	General Fund	Dues & Memberships	Cardmember Service		75.00
31215	04/02/2012	General Fund	Registration - Trainng/workshp	Cardmember Service		60.00
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		31.24
31215	04/02/2012	General Fund	Repairs & Maintenance	Cardmember Service		63.45
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		580.14
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		85.06
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		61.46
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		65.98
31215	04/02/2012	General Fund	Registration - Trainng/workshp	Cardmember Service		275.00
31215	04/02/2012	General Fund	Admission and Entrance Fees	Cardmember Service		33.38
31215	04/02/2012	General Fund	Admission and Entrance Fees	Cardmember Service		229.00
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		23.95
31215	04/02/2012	General Fund	Other Travel	Cardmember Service		21.50
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		42.60
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		80.29
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		127.42
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		100.62
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		61.31
31215	04/02/2012	General Fund	Contributions - Wllnss Cluster	Cardmember Service		118.39
31215	04/02/2012	General Fund	Burien Marketing Strategy	Cardmember Service		189.40
31215	04/02/2012	General Fund	Professional Services	Cardmember Service		87.60
31215	04/02/2012	General Fund	Miscellaneous	Cardmember Service		21.99
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		61.78
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		8.76
31215	04/02/2012	General Fund	Repairs And Maintenance	Cardmember Service		1,029.11
31215	04/02/2012	General Fund	Office And Operating Supplies	Cardmember Service		30.49

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
31215	04/02/2012	General Fund	Senior Trips	Cardmember Service		179.00
31215	04/02/2012	Street Fund	Registration - Trainng/workshp	Cardmember Service		74.50
31215	04/02/2012	Surface Water Management Fund	Registration - Trainng/workshp	Cardmember Service		74.50
31215	04/02/2012	General Fund	MIS Plan Implementation	Cardmember Service		79.90
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		41.93
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		48.94
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		25.19
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		161.25
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		25.19
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		170.97
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		192.11
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		29.87
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		9.49
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		70.76
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		663.00
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		91.55
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		8.69
31215	04/02/2012	General Fund	Cops Technology Grant Exps	Cardmember Service		67.86
31215	04/02/2012	General Fund	Other Travel	Cardmember Service		13.43
31215	04/02/2012	General Fund	Other Travel	Cardmember Service		12.00
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		26.23
31215	04/02/2012	General Fund	Office and Operating Supplies	Cardmember Service		13.35
31215	04/02/2012	General Fund	0ffice And Operating Supplies	Cardmember Service		19.98
31215	04/02/2012	General Fund	Advertising	Cardmember Service		8.75
31215	04/02/2012	General Fund	Registration - Trainng/workshp	Cardmember Service		150.00
31215	04/02/2012	General Fund	Registration - Trainng/workshp	Cardmember Service		300.00
31215	04/02/2012	General Fund	Registration - Trainng/workshp	Cardmember Service		450.00
31215	04/02/2012	General Fund	Registration - Trainng/workshp	Cardmember Service		300.00
31215	04/02/2012	General Fund	Publications	Cardmember Service		174.92
31215	04/02/2012	General Fund	Software Subscription Fees	Cardmember Service		59.95
31215	04/02/2012	General Fund	Registration - Trainng/workshp	Cardmember Service		470.00
					Check Total:	7,753.23
31216	04/02/2012	General Fund	Utilities	COMCAST		71.90
31216	04/02/2012	Street Fund	Telephone	COMCAST		35.95
31216	04/02/2012	Surface Water Management Fund	Telephone	COMCAST		35.95
31216	04/02/2012	General Fund	Online Video Streaming	COMCAST		57.73
					Check Total:	201.53
31217	04/02/2012	General Fund	0ffice And Operating Supplies	Crystal Springs		120.67

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	120.67
31218	04/02/2012	General Fund	Professional Services	CTS Language Link		7.95
					Check Total:	7.95
31219	04/02/2012	General Fund	Human Svc-family/youth	City of Covington		20,500.00
					Check Total:	20,500.00
31220	04/02/2012	Street Fund	Utilities-street Lighting	City of Seattle		57.12
31220	04/02/2012	Street Fund	Utilities-street Lighting	City of Seattle		24.78
31220	04/02/2012	Street Fund	Utilities-street Lighting	City of Seattle		13.20
31220	04/02/2012	Street Fund	Utilities-street Lighting	City of Seattle		24.99
31220	04/02/2012	Street Fund	Utilities-street Lighting	City of Seattle		3,996.14
					Check Total:	4,116.23
31221	04/02/2012	Street Fund	Operating Rentals And Leases	City of SeaTac		287.50
31221	04/02/2012	Surface Water Management Fund	Operating Rentals And Leases	City of SeaTac		287.50
					Check Total:	575.00
31222	04/02/2012	General Fund	Cops Technology Grant Exps	Davis Sign Company, Inc.		3,939.81
					Check Total:	3,939.81
31223	04/02/2012	General Fund	Repair and Maintenance	Darrel Emel's Tree Service		5,050.25
31223	04/02/2012	General Fund	Repair and Maintenance	Darrel Emel's Tree Service		769.30
					Check Total:	5,819.55
31224	04/02/2012	Parks & Gen Gov't CIP	Puget Sound Pk Improvements	Daily Journal of Commerce		421.80
					Check Total:	421.80
31225	04/02/2012	Transportation CIP	construction	DPK Inc.		493,278.06
31225	04/02/2012	Transportation CIP	construction	DPK Inc.		216,844.83
					Check Total:	710,122.89
31226	04/02/2012	General Fund	Telephone	Robert Edgar		69.95

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	69.95
31227	04/02/2012	General Fund	Miscellaneous	FedEx		5.56
					Check Total:	5.56
31228	04/02/2012	General Fund	Cops Technology Grant Exps	Feeney Wireless		8,978.27
					Check Total:	8,978.27
31229	04/02/2012	Parks & Gen Gov't CIP	Puget Sound Pk Improvements	Gray & Osborne, Inc.		1,033.01
					Check Total:	1,033.01
31230	04/02/2012	General Fund	Professional Services	Brian Gilles		478.60
					Check Total:	478.60
31231	04/02/2012	General Fund	Utilities	Glendale Heating		1,733.67
31231	04/02/2012	General Fund	Utilities	Glendale Heating		872.88
					Check Total:	2,606.55
31232	04/02/2012	General Fund	Office and Operating Supplies	Grainger		64.42
					Check Total:	64.42
31233	04/02/2012	Street Fund	Operating Rentals And Leases	Greenbaum Burien-Phillips R Es		515.00
31233	04/02/2012	Surface Water Management Fund	Operating Rentals And Leases	Greenbaum Burien-Phillips R Es		515.00
					Check Total:	1,030.00
31234	04/02/2012	Surface Water Management Fund	Other Travel	HEUNGKOOK LIM		92.36
					Check Total:	92.36
31235	04/02/2012	General Fund	Contributions - Wllnss Cluster	Health Sciences & Human Servic		500.00
					Check Total:	500.00
31236	04/02/2012	General Fund	Professional Services	Highline School District		42.45

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
31236	04/02/2012	General Fund	Professional Services	Highline School District	268.65
31236	04/02/2012	General Fund	Professional Services	Highline School District	71.20
				Check Total:	382.30
31237	04/02/2012	Surface Water Management Fund	Repairs And Maintenance	ICON Materials	123.46
31237	04/02/2012	Street Fund	Repairs And Maintenance	ICON Materials	123.46
31237	04/02/2012	Street Fund	Repairs And Maintenance	ICON Materials	64.74
31237	04/02/2012	Surface Water Management Fund	Repairs And Maintenance	ICON Materials	64.74
31237	04/02/2012	Street Fund	Repairs And Maintenance	ICON Materials	123.57
31237	04/02/2012	Surface Water Management Fund	Repairs And Maintenance	ICON Materials	123.56
31237	04/02/2012	Street Fund	Repairs And Maintenance	ICON Materials	60.08
31237	04/02/2012	Surface Water Management Fund	Repairs And Maintenance	ICON Materials	60.07
				Check Total:	743.68
31238	04/02/2012	General Fund	Miscellaneous	Iron Mountain Rec. Management	544.96
				Check Total:	544.96
31239	04/02/2012	General Fund	Telephone	Integra Telecom	119.74
31239	04/02/2012	General Fund	Telephone	Integra Telecom	179.61
31239	04/02/2012	General Fund	Telephone	Integra Telecom	149.68
31239	04/02/2012	General Fund	Telephone	Integra Telecom	59.87
31239	04/02/2012	General Fund	Telephone	Integra Telecom	299.36
31239	04/02/2012	General Fund	Telephone	Integra Telecom	149.68
31239	04/02/2012	General Fund	Telephone	Integra Telecom	179.61
31239	04/02/2012	General Fund	Telephone	Integra Telecom	359.23
31239	04/02/2012	General Fund	Telephone	Integra Telecom	1,329.20
				Check Total:	2,825.98
31240	04/02/2012	Street Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	24.13
31240	04/02/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	24.13
31240	04/02/2012	Street Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	126.92
31240	04/02/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	126.93
31240	04/02/2012	General Fund	Repairs And Maintenance	Interstate Tire & Automotive	158.24
				Check Total:	460.35
31241	04/02/2012	General Fund	Telephone	LUCY KRAKOWIAK	54.99

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	54.99
31242	04/02/2012	Street Fund	Office And Operating Supplies	King County Fleet Adm.		77.94
31242	04/02/2012	Surface Water Management Fund	Office And Operating Supplies	King County Fleet Adm.		77.94
					Check Total:	155.88
31243	04/02/2012	General Fund	Substance Abuses	King County Finance		2,675.93
					Check Total:	2,675.93
31244	04/02/2012	General Fund	Repairs And Maintenance	King County Solid Waste Divisi		38.01
					Check Total:	38.01
31245	04/02/2012	General Fund	Instructors Prof Srvs	Kidz Love Soccer		2,081.80
					Check Total:	2,081.80
31246	04/02/2012	General Fund	Prof. Svcs-instructors	Kim Klose		81.00
31246	04/02/2012	General Fund	Prof. Svcs-instructors	Kim Klose		166.80
31246	04/02/2012	General Fund	Prof. Svcs-instructors	Kim Klose		121.80
					Check Total:	369.60
31247	04/02/2012	Street Fund	Repairs & Maint. - Fleet	Les Schwab		106.77
31247	04/02/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Les Schwab		106.76
31247	04/02/2012	General Fund	Repair and Maintenance	Les Schwab		688.86
					Check Total:	902.39
31248	04/02/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.		27.89
31248	04/02/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.		27.90
					Check Total:	55.79
31249	04/02/2012	General Fund	Nuisance Abatement Costs	Miller Paint Co.		22.73
31249	04/02/2012	Street Fund	Repairs And Maintenance	Miller Paint Co.		5.97
31249	04/02/2012	General Fund	Nuisance Abatement Costs	Miller Paint Co.		35.91
					Check Total:	64.61

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
31250	04/02/2012	General Fund	Office And Operating Supplies	Martin Signs & Fabrications, I		73.37
					Check Total:	73.37
31251	04/02/2012	General Fund	City Hall Custodial	National Maintenance Contracto		1,032.29
					Check Total:	1,032.29
31252	04/02/2012	General Fund	Professional Services	Jini O'Flynn		250.00
					Check Total:	250.00
31253	04/02/2012	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts		92.01
31253	04/02/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts		92.02
31253	04/02/2012	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts		-32.85
31253	04/02/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts		-32.85
31253	04/02/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts		27.47
31253	04/02/2012	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts		27.47
31253	04/02/2012	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts		6.56
31253	04/02/2012	Street Fund	Repairs And Maintenance	O'Reilly Auto Parts		1.15
					Check Total:	180.98
31254	04/02/2012	General Fund	Operating Rentals And Leases	Park Place Professional Buildi		490.00
					Check Total:	490.00
31255	04/02/2012	General Fund	Instructors Prof Srvs	J. D. Paulson		400.00
					Check Total:	400.00
31256	04/02/2012	Transportation CIP	construction inspection	Perteet Inc.		39,511.83
					Check Total:	39,511.83
31257	04/02/2012	General Fund	Mileage	Petty Cash Custodian		9.99
31257	04/02/2012	General Fund	Registration - Trainng/workshp	Petty Cash Custodian		2.19
31257	04/02/2012	General Fund	Registration - Trainng/workshp	Petty Cash Custodian		14.75
31257	04/02/2012	General Fund	Mileage	Petty Cash Custodian		5.00
31257	04/02/2012	General Fund	Other Travel	Petty Cash Custodian		10.00
31257	04/02/2012	General Fund	Mileage	Petty Cash Custodian		13.32
31257	04/02/2012	General Fund	Registration - Trainng/workshp	Petty Cash Custodian		25.00
31257	04/02/2012	General Fund	Mileage	Petty Cash Custodian		7.22

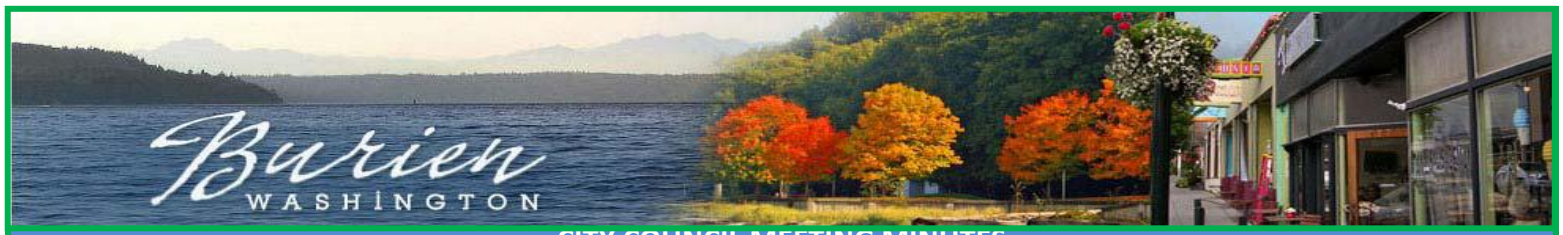
Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
31257	04/02/2012	General Fund	Registration - Trainng/workshp	Petty Cash Custodian		25.00
31257	04/02/2012	General Fund	Mileage	Petty Cash Custodian		5.00
31257	04/02/2012	General Fund	Office/operating Supplies	Petty Cash Custodian		39.98
31257	04/02/2012	General Fund	Other Travel	Petty Cash Custodian		5.00
31257	04/02/2012	General Fund	Travel	Petty Cash Custodian		12.00
31257	04/02/2012	General Fund	Mileage	Petty Cash Custodian		22.76
31257	04/02/2012	General Fund	Mileage	Petty Cash Custodian		9.99
31257	04/02/2012	General Fund	Miscellaneous	Petty Cash Custodian		9.52
31257	04/02/2012	General Fund	Miscellaneous	Petty Cash Custodian		26.98
31257	04/02/2012	General Fund	Mileage	Petty Cash Custodian		5.55
					Check Total:	249.25
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		15.50
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
31258	04/02/2012	General Fund	0ffice And Operating Supplies	Petty Cash Custodian		11.49
31258	04/02/2012	General Fund	0ffice And Operating Supplies	Petty Cash Custodian		3.99
31258	04/02/2012	General Fund	0ffice And Operating Supplies	Petty Cash Custodian		2.99
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		6.95
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		9.50
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		8.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		8.95
31258	04/02/2012	General Fund	Other Travel	Petty Cash Custodian		4.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		1.50
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		6.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		4.00
31258	04/02/2012	General Fund	Senior Trips	Petty Cash Custodian		10.00
					Check Total:	172.87
31259	04/02/2012	General Fund	Mileage	MALISSA PHOK		33.31
					Check Total:	33.31
31260	04/02/2012	Street Fund	Repairs And Maintenance	Pacific Industrial Supply		6.49
31260	04/02/2012	Surface Water Management Fund	Repairs And Maintenance	Pacific Industrial Supply		6.49

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	12.98
31261	04/02/2012	General Fund	Office and Operating Supplies	Pacific Lamp & Supply Company		815.67
					Check Total:	815.67
31262	04/02/2012	General Fund	Repairs and Maintenance	Performance Mechanical Group		114.98
31262	04/02/2012	General Fund	Repairs and Maintenance	Performance Mechanical Group		137.97
					Check Total:	252.95
31263	04/02/2012	General Fund	City Hall Bldg Maintenance	PRG Investment Company, LLC		2,000.00
					Check Total:	2,000.00
31264	04/02/2012	General Fund	Printing/binding/copying	Print Place		730.37
					Check Total:	730.37
31265	04/02/2012	General Fund	Building Maintenance	Protection One Alarm Monitorin		47.38
					Check Total:	47.38
31266	04/02/2012	Surface Water Management Fund	Surface Water Mgmt Inventory	Pipeline Video&Cleaning North		695.00
					Check Total:	695.00
31267	04/02/2012	General Fund	Repairs And Maintenance	Rescue Rooter LLC		786.75
					Check Total:	786.75
31268	04/02/2012	General Fund	Refund Clearing Account -Parks	Stephanie Albert		100.00
					Check Total:	100.00
31269	04/02/2012	General Fund	Refund Clearing Account -Parks	Northwest Samoan Fellowship		150.00
					Check Total:	150.00
31270	04/02/2012	General Fund	Accounts Receivable	Renton Collections, Inc.		58.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	58.50
31271	04/02/2012	General Fund	Prof. Svcs-instructors	Elizabeth B. Rodgers		670.00
					Check Total:	670.00
31272	04/02/2012	General Fund	Att Svcs - Litigation - 1st So	Ryan, Swanson & Cleveland		1,325.00
					Check Total:	1,325.00
31273	04/02/2012	General Fund	Professional Services	Safety Team, Inc.		162.94
					Check Total:	162.94
31274	04/02/2012	General Fund	Office and Operating Supplies	Seatown Locksmith		180.13
31274	04/02/2012	General Fund	Office Supplies	Seatown Locksmith		87.60
					Check Total:	267.73
31275	04/02/2012	General Fund	Neighborhood Fund Grant	Saint Francis of Assisi School		1,559.40
					Check Total:	1,559.40
31276	04/02/2012	General Fund	Professional Services	Nancy Shattuck		1,775.00
					Check Total:	1,775.00
31277	04/02/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.		4.13
31277	04/02/2012	Street Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.		4.13
					Check Total:	8.26
31278	04/02/2012	General Fund	Utilities - Fire Hydrants	Seattle Public Utilities		13,940.42
					Check Total:	13,940.42
31279	04/02/2012	General Fund	P/H Heal Grant Exps	SvR Design Company		1,826.30
					Check Total:	1,826.30
31280	04/02/2012	General Fund	Registration - Trainng/workshp	SWKC Chamber of Commerce		20.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	20.00
31281	04/02/2012	General Fund	Cops Technology Grant Exps	TelData Systems Inc		27,871.04
					Check Total:	27,871.04
31282	04/02/2012	General Fund	Teen Programs	Reginald Thomas		380.72
31282	04/02/2012	General Fund	Teen Programs	Reginald Thomas		380.72
					Check Total:	761.44
31283	04/02/2012	General Fund	Office Supplies	The Part Works Inc		60.01
					Check Total:	60.01
31284	04/02/2012	General Fund	Parks Maintenance	Trugreen-landcare/NW Region		14,501.40
					Check Total:	14,501.40
31285	04/02/2012	Street Fund	Small Tools & Minor Equipments	United Rentals Northwest, Inc.		77.12
					Check Total:	77.12
31286	04/02/2012	General Fund	Operating Rentals and Leases	United Site Services		155.00
					Check Total:	155.00
31287	04/02/2012	General Fund	Postage	U.S.P.S. Permit Accounts		190.00
					Check Total:	190.00
31288	04/02/2012	Surface Water Management Fund	Repairs And Maintenance	Washington Tractor		218.60
					Check Total:	218.60
31289	04/02/2012	General Fund	Utilities	Water District No. 20		43.46
					Check Total:	43.46
31290	04/02/2012	Surface Water Management Fund	Operating Rentals And Leases	Wilken Properties, LLC		2,783.17
31290	04/02/2012	Street Fund	Operating Rentals And Leases	Wilken Properties, LLC		2,783.16

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	5,566.33
31291	04/02/2012	General Fund	Registration - Trainng/workshp	Washington Rec. & Park Assoc.		615.00
					Check Total:	615.00
					Report Total:	923,747.18



CITY COUNCIL MEETING MINUTES
March 19, 2012
SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor
For the purpose of conducting Planning Commission interviews
6:15 p.m.
and
COUNCIL MEETING, Council Chambers, 1st Floor
7:00 p.m.
400 SW 152nd Street
Burien, Washington 98166

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

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

SPECIAL MEETING

Mayor Bennett called the Special Meeting of the Burien City Council to order at 6:15 p.m. for the purpose of conducting Planning Commission interviews.

Present: Mayor Brian Bennett, Deputy Mayor Rose Clark, Councilmembers Bob Edgar, Lucy Krakowiak, Joan McGilton and Gerald F. Robison. Councilmember Jack Block, Jr. was excused.

Administrative staff present: Mike Martin, City Manager; and Scott Greenberg, Community Development Director.

An interview was held with applicant Jim Clingan.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:35 p.m.

CALL TO ORDER

Mayor Bennett called the Meeting of the Burien City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Bennett led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Brian Bennett, Deputy Mayor Rose Clark, Councilmembers Jack Block, Jr., Bob Edgar, Lucy Krakowiak, Joan McGilton and Gerald F. Robison.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Scott Greenberg, Community Development Director; Kathy Wetherbee, Department Assistant; and, Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Rose Clark, seconded by Councilmember McGilton and passed unanimously to affirm the March 19, 2012, Agenda.

PUBLIC COMMENT

The following people spoke in favor of Resolution No. 330 Annexation of Area Y:

Elizabeth Gordon, 8601 24th Avenue SW, Seattle
Joey Martinez, 429 South 189th Street, Burien
Rachel Levine, 430 South 124th Street, Burien
Barbara Dobkin, North Highline Unincorporated Area Council (NHUAC) President
Vera Johnson, 10223 26th Avenue SW, Seattle
Gil Loring 10009 20th Avenue SW, Seattle

The following people spoke against Resolution No. 330 Annexation of Area Y:

John Poitras, 1248 SW 149th Street, Burien
Nona Deymond, 1817 SW 152nd Street, Burien
Charlie Rangel, 15226 9th Avenue SW, Burien
Roger DeLorm, 13254 2nd Avenue SW, Burien
Chestine Edgar, 1811 SW 152nd Street, Burien
Debi Wagner, 1520 SW 158th Street, Burien
Robert Howell, 15240 20th Avenue SW, Burien
Robbie Howell, 15240 20th Avenue SW, Burien

Ms. Richard, Seattle
Ms. Richard spoke to her concern for R74, the marriage equality bill and the inclusion of the Civil Rights Movement.

Michael Fuller
Mr. Fuller said he felt Seattle Police Chief John Dias treats black poor indifferently. He spoke to the money spent on job training for those from other countries to work in Washington State.

Debi Wagner, 1520 SW 158th Street, Burien
Ms. Wagner spoke to the North Highline Unincorporated Area Council (NHUAC) regarding their creation, purpose, presentations by the City Manager, and representation by Councilmember Robison.

Greg Anderson, 15451 11th Avenue SW, Burien
Regarding the code enforcement regulations, Mr. Anderson stated he did not believe that the lenders should be responsible for abandoned houses.

CORRESPONDENCE FOR THE RECORD

None received.

CONSENT AGENDA

a. Approval of Vouchers: Numbers 31062 - 31195 in the Amounts of $261,012.80.
b. Approval of Minutes: Council Meeting, March 5, 2012.

Direction/Action
Motion was made by Deputy Mayor Rose Clark, seconded by Councilmember McGilton and passed unanimously to approve the March 19, 2012, Consent Agenda.

BUSINESS AGENDA

Motion to Approve Appointments to the Planning Commission

Direction/Action
Motion was made by Deputy Mayor Rose Clark, seconded by Councilmember McGilton to appoint Joey Martinez to Planning Commission Position 5, Jim Clingan to Planning Commission Position 6 and Brook Stanfield to Planning Commission Position 7 for terms that will begin on April 1, 2012, and expire on March 31, 2016. **Motion** passed 5-2. Opposed, Councilmembers Edgar and Krakowiak.

Discussion of and Possible Approval of Ordinance 560, Relating to Zoning Code Amendments

Direction/Action
Motion was made by Deputy Mayor Rose Clark, seconded by Councilmember McGilton to approve Ordinance 560 relating to Zoning Code amendments. **Motion** passed 5-2. Opposed, Councilmembers Edgar and Krakowiak.

Adopt Proposed Ordinance 562, Updating and Revising Criminal and Traffic Codes

Direction/Action
Motion was made by Deputy Mayor Rose Clark, seconded by Councilmember McGilton and passed unanimously to adopt Ordinance 562, updating and revising the City's criminal and traffic codes as amended to delete RCW 9A.76.175 regarding false or misleading public servants.

Adopt proposed Ordinance 561, Updating and Consolidating Code Enforcement Regulations

Direction/Action
Motion was made by Deputy Mayor Rose Clark, seconded by Councilmember McGilton to adopt Ordinance 561, updating and consolidating the City's code enforcement regulations.

Motion was made by Deputy Mayor Rose Clark, seconded by Councilmember McGilton and passed unanimously to withdraw the previous motion.

Follow-up
Staff will place Ordinance No. 561 on the April 2, 2012, Business Agenda for consideration.

Motion to Adopt Resolution No. 329, Relating to Dates, Times and Location of City Council Meetings

Direction/Action

Motion was made by Deputy Mayor Rose Clark, seconded by Councilmember McGilton and passed unanimously to adopt Resolution No. 329.

Follow-up

Staff will provide information on having the Council meeting packet delivered on Wednesdays.

Discussion Regarding If and When to Adopt Resolution No. 330, Requesting King County to Hold a Special Election on August 7, 2012 for the Purpose of Placing on the Ballot a Proposition Concerning Annexation of the North Highline Area "Y" Annexation Area

Direction/Action

Councilmembers requested placing Resolution 330 on the April 2 Business Agenda for consideration.

Review of Proposed Council Agenda Schedule

Follow-up

Staff will remove duplicate items from the schedule.

City Business

Burien Police Chief Scott Kimerer spoke to the Police Department's response to the recent high profile incidents in Burien that have been increasing at an alarming rate, and the value of block watches and how to start one.

Follow-up

Staff will schedule adoption of a resolution recognizing the Highline Communities Coalition in April.

COUNCIL REPORTS

No reports were given.

ADJOURNMENT

Direction/Action

MOTION was made by Councilmember McGilton, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 9:22 p.m.

_____
Brian Bennett, Mayor

_____
Monica Lusk, City Clerk

CITY COUNCIL STUDY SESSION MINUTES

March 26, 2012

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor
For the purpose of holding an Executive Session to discuss litigation & real estate acquisition
6:15 p.m.
and
STUDY SESSION, Chambers, 1st Floor
7:00 p.m.
400 SW 152nd Street
Burien, Washington 98166

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

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

SPECIAL MEETING

Deputy Mayor Clark called the Special Meeting of the Burien City Council to order at 6:15 p.m. for the purpose holding an Executive Session to discuss litigation per RCW 42.30.110(1)(i) and real estate acquisition per RCW 42.30.110(1)(b).

Present: Deputy Mayor Rose Clark, Councilmembers Jack Block, Jr., Lucy Krakowiak, and Joan McGilton. Mayor Brian Bennett, Councilmembers Bob Edgar and Gerald F. Robison were excused.

Administrative staff present: Mike Martin, City Manager, Craig Knutson, City Attorney, and Dan Trimble, Economic Development Manager.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:50 p.m.

CALL TO ORDER

Deputy Mayor Clark called the Meeting of the Burien City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Deputy Mayor Clark led the Pledge of Allegiance.

ROLL CALL

Present: Deputy Mayor Rose Clark, Councilmembers Jack Block, Jr., Bob Edgar, Lucy Krakowiak, Joan McGilton and Gerald F. Robison. Mayor Brian Bennett was excused.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Nhan Nguyen, Management Analyst; Kim Krause, Finance Director and Monica Lusk, City Clerk.

DISCUSSION ITEMS
Protocol for Study Sessions

Direction/Action
Councilmembers agreed that the Study Sessions will be televised, the public will be invited to comment after the Council discusses a topic with the Chair controlling the amount of time; the public will use the wireless microphones instead of the lectern; chairs for the audience will be placed closer to the dais; the meetings will last no longer than two hours; Councilmembers will raise their hands to speak instead of using the queuing system; staff will be present to speak to the topics; the list of topics will evolve and be included in the meeting packet; and, topics for the next Study Session will be selected at the end of each session.

Follow-up
Staff will provide the facilitator's notes from Council retreat, schedule a discussion on Liquor and B&O Taxes for April 23, and look at providing reading and background material two weeks prior to meeting.

Discussion on Kids and Cops Initiative

Follow-up
Staff will provide: a breakdown for electrical, gas and telephone usage for business vs. residential; tax rates for the cities of Federal Way, Pasco, Richland, Kennewick, Toppenish, Pullman and Grandview; and more funding options.

Ken Baker, 143 SW 153rd Street, Burien
Mr. Baker stated that the money would not reach those children that do not make it to school. He suggested having programs outside of school. He stated that the money should go to schools outside of Burien; he lives in Burien but his children attend school at Hill Top Elementary School.

Goodspaceguy, 10219 9th Avenue South, Seattle
Mr. Goodspaceguy stated big government reduces the living standard of the people by taxing money out of the private sector and putting it in the government sector where it often gets wasted. He suggested hiring helpers for the police department.

Quinton Thompson, 179 South 182nd Street, Burien
Deputy Mayor Clark summarizing Mr. Thompson's written statement noted a fundraising option, a communications center for the City, volunteering for the City, youth and drug kids in the community, and the city of Burien ceasing to have a Police Department.

ADJOURNMENT

Direction/Action

MOTION was made by Councilmember Block, seconded by Councilmember Robison and passed unanimously to adjourn the meeting at 9:05 p.m.

_____
Rose Clark, Deputy Mayor

_____
Monica Lusk, City Clerk

April 2, 2012

Seattle City Light 2013-2018 Strategic Plan

Your Power Future

Seattle City Light

Goals for Today's Discussion

- Talk about City Light's Strategic Plan
- Addressing key elements of the plan
  - Reliability
  - Efficiencies
  - Transparency
  - Accountability
- Get your discussion and feedback
- Next steps

Why a Strategic Plan?

- Framework to guide decisions
- Results-focused
- Tool for customers, Mayor, City Council, Seattle City Light Review Panel, Seattle City Light managers and employees
- Provides rate predictability and accountability to customers
- Updated every two years
- Annual report to customers

Strategic Planning Process

- 2 year effort launched by City Council and Mayor
- May 2010 Appointment of Review Panel
- Extensive community and stakeholder input

May 2010-May 2011
1. Strategic Framework

May to Aug. 2011
2. Interim Outreach

Aug. to Nov. 2011
3. Core Themes, Preferred Strategy & Alternatives

Feb. to March 2012
4. Draft Plan and Outreach

Strengths

- Publicly-owned and community-minded
- Assets
- Financial management
- People
- Environmental commitment

Challenges

- Aging infrastructure
- Customer expectations
- Workforce challenges
- Costly compliance
- Low load growth
- Falling energy prices
- Growing debt service
- Efficiency and accountability requirements

Efficiencies

2004-2011 Efficiency Achievement Highlights

	Achievements	Estimated Annual Savings ($ millions)
Transmission & Distribution	Improved work processes and targeted programs to prevent disruptions (cable injection, tree trimming, pole replacement).	12.0
Environment & Conservation	Installation of energy-saving light and lamp heads, conservation strategy and renewable energy program.	13.2
Generation & Power	Replaced aging equipment, reorganized operations at key facilities to achieve savings, and executed 17-yr. BPA contract.	9.8
Human Resources & Safety	Improved safety performance, reduced workers' comp costs and implemented new hiring and staffing strategies.	3.4
Customer Service	Revamped work processes to reduce hookup, repair and outage times and upgraded key customer tools (website, billing and mobile apps).	0.7
Infrastructure	Introduced new programs to reduce risks to assets and personnel, theft and compliance fines.	0.7
Financial Management	Established Rate Stabilization Account; refinanced debt; generated revenue; maximized value of contracts; improved risk management, billing and lease policies.	13.3
Total		**53.1**

Strategic Objectives

- Improve customer experience and rate predictability
- Increase workforce performance and safety practices
- Enhance organizational performance
- Continue conservation and environmental stewardship leadership

Plan Highlights: Five Policy Paths

Strategic Planning Paths and Rate Impacts

What's needed to maintain today's service?

Current Services (Baseline)

Minimum investments necessary to maintain operations and meet customer demand without significantly increasing operating risk.

Avg. rate increase: 4.1%

What's needed to achieve additional savings?

New Efficiencies

Revised customer service, transmission, distribution and generation practices to achieve $18 million/year in savings.

Avg. rate increase: 3.7%

What's needed to improve organizational performance and customer benefits?

Strategic Initiatives (Preferred Option)

Adds strategic initiatives aimed at fulfilling the Utility's vision of "providing the best customer service experience of any utility in the nation."

Avg. rate increase: 4.7%

What's needed to fast-track reliability?

More Aggressive Reliability Investments

Ramps up investments to maximize reliability.

Avg. rate increase: 5.0%

What's needed to maximize environmental leadership?

Bolder Environmental Initiatives

Aggressively expands already strong environmental and conservation practices.

Avg. rate increase: 5.1%

Preferred Option Recommendation

Best positions Utility to achieve its vision:
Providing the best customer experience of any public utility in the nation

Funds several critical initiatives with important customer benefits

- NoDo Substation (flexibility and reliability)
- Advanced Metering Infrastructure (flexibility and reduced costs)
- New wholesale revenue target adjustment (predictability and saves money)
- Workforce investments (productivity and customer service)

Rate Impacts

Path	Avg. Rate Change (2013-2018)	Avg. Change in Monthly Residential Bill*
1. Current Level of Service (Baseline)	4.1%	$2.48
2. New Efficiencies	3.7%	$2.23
3. Strategic Initiatives (Preferred Option)	4.7%	$2.93
4. More Aggressive Reliability Investments	5.0%	$3.11
5. Bolder Environmental Initiatives	5.1%	$3.17

*For rate impacts on other customer classes, see www.seattle.gov/light/strategic-plan.

Draft Plan Outreach

- Release Draft Plan (2/23)
- Outreach (February, March & April)
  - Interviews
  - Briefings, forums & presentations
  - Survey
  - Direct mail
- Final Report (late April)
- Transmitted by Mayor to Council (early May)

Questions/Comments?

www.seattle.gov/light/strategic-plan

Suzanne Hartman
Director of Communications & Public Affairs
206-615-0050

Maura Brueger
Director of Government & Legislative Affairs
206-684-3015

DRAFT

Seattle City Light 2013-2018 Strategic Plan

Your Power Future

February 2012

City Light's customers include a mix of residential, commercial, institutional and industrial users. While City Light's customers' needs may vary, they share a common desire for energy that is environmentally responsible, available, affordable and reliable.

Imagine the possibilities of a future-forward electric power utility. Information is used to predict and prevent potential outages rather than respond to failures. Strategic infrastructure investments enhance reliability and enable more economic development. Lean and nimble business practices maximize efficiencies, saving customers money. Business strategies, budget and performance measures are aligned enabling decision makers to evaluate and adjust accordingly. The public understands, evaluates and participates in the business decisions of their Utility.

The Seattle City Light 2013-2018 Strategic Plan positions Seattle City Light to realize this vision and exceed customers' expectations in producing and delivering environmentally responsible, safe, affordable and reliable power.

Seattle City Light

What's the current situation?

The last decade has been challenging for Seattle City Light. In 2010, the recession, volatile energy prices and a low snow-pack dealt the Utility a triple blow. City Light responded by developing a new business approach to aggressively pursue even more efficiencies, cut spending, and secure the organization's finances through the creation of a rate stabilization account, as well as rate increases that went into effect in 2011 and 2012. City Light has emerged leaner and better connected to customers. See "2004-2011 Efficiency Highlights" at bottom of the page.

Seattle City Light is the 10th largest public utility in the nation, serving more than 400,000 customer accounts in Seattle and seven adjacent municipalities.

What will the future bring?

Affordable, reliable power can no longer be taken for granted. City Light is facing several significant challenges as it prepares for an uncertain future. Environmental commitments and legal requirements call for the Utility to acquire even more higher-cost new, renewable power. The historically solid transmission and distribution system is aging, fragile and sorely in need of upgrades to meet customers' requirements. Nearly half of the Utility's skilled, experienced workforce will be eligible to retire within five years. And rising costs are making it more expensive to maintain current levels of service.

City Light customers are the beneficiaries of a legacy of public hydropower investments – some made nearly a century ago – that today provide some of the lowest cost electric energy in the country.

Why a strategic plan?

Seattle City Light, in consultation with the Mayor and City Council, initiated a strategic planning process nearly two years ago to chart a predictable course for how to best meet customers' current and future needs. Led by the City Light Executive Team, the process has actively involved customers, the Seattle City Light Review Panel, City Council members, other City department personnel, community members, business leaders, environmental leaders and City Light employees.

This 6-year plan provides a roadmap for making informed decisions about the future. It answers a fundamental question: How can Seattle City Light best meet and exceed customers' expectations in producing and delivering environmentally responsible, safe, affordable and reliable power?

City Light expects to meet future load growth needs entirely through conservation and acquisition of new renewable energy sources.

2004-2011 Efficiency Achievement Highlights

	Achievements	Estimated Annual Savings ($ millions)
Transmission & Distribution	Improved work processes and targeted programs to prevent disruptions (cable injection, tree trimming, pole replacement).	12.0
Environment & Conservation	Installation of energy-saving light and lamp heads, conservation strategy and renewable energy program.	13.2
Generation & Power	Replaced aging equipment, reorganized operations at key facilities to achieve savings, and executed 17-yr. BPA contract.	9.8
Human Resources & Safety	Improved safety performance, reduced workers' comp costs and implemented new hiring and staffing strategies.	3.4
Customer Service	Revamped work processes to reduce hookup, repair and outage times and upgraded key customer tools (website, billing and mobile apps).	0.7
Infrastructure	Introduced new programs to reduce risks to assets and personnel, theft and compliance fines.	0.7
Financial Management	Established Rate Stabilization Account; refinanced debt; generated revenue; maximized value of contracts; improved risk management, billing and lease policies.	13.3
Total		**53.1**

What are the potential paths to success?

The strategic plan proposes five policy paths. The first three build on each other. These paths were developed through discussions and outreach with the community and Review Panel.

What's needed to maintain today's service?

Current Services (Baseline)

Minimum investments necessary to maintain operations and meet customer demand without significantly increasing operating risk.

Avg. rate increase: 4.1%
Avg. bill change[1]: $ 2.48

What's needed to achieve additional savings?

New Efficiencies

Revised customer service, transmission, distribution and generation practices to achieve $18 million/year in savings.

Avg. rate increase: 3.7%
Avg. bill change[1]: $2.23

What's needed to improve organizational performance and customer benefits?

Strategic Initiatives (Preferred Option)

Adds strategic initiatives aimed at fulfilling the Utility's vision of "providing the best customer service experience of any utility in the nation."

Avg. rate increase: 4.7%
Avg. bill change[1]: $2.93

What's needed to fast-track reliability?

More Aggressive Reliability Investments

Ramps up investments to maximize reliability.

Avg. rate increase: 5.0%
Avg. bill change[1,2]: $3.11

What's needed to maximize environmental leadership?

Bolder Environmental Initiatives

Aggressively expands already strong environmental and conservation practices.

Avg. rate increase: 5.1%
Avg. bill change[1,2]: $3.17

[1] *Average change in monthly residential bill. For rate impacts on other customer classes, City Light will post additional information online at: www.seattle.gov/light/strategic-plan.*
[2] *The More Aggressive Reliability Investments and Bolder Environmental Initiatives paths could be pursued together, with an average annual rate increase of 0.7 percent.*

Why choose the Strategic Initiatives path?

The Strategic Initiatives path builds on the Baseline and New Efficiencies options and makes tactical investments to meet future needs of the Utility, its customers and the community. This path best positions City Light to address key challenges and difficulties while maximizing efficiencies and cost savings. It also addresses delayed investments necessary to weather the "perfect storm" of high energy prices and drought experienced in the early part of the 21st Century. Investing in Strategic Initiatives focuses attention on improving customer service, reliability, and rate predictability, increasing workforce performance and safety, enhancing organizational performance and continuing conservation and environmental stewardship. It is the path that best responds to what customers want – excellent customer service, reliability, predictable rates, efficient operations and environmental leadership.

Examples of key investments are highlighted below:

Building a new North Downtown substation to create a stronger and better-integrated distribution system throughout the City.

Improving City Light's safety performance by investing in training, equipment and improved work processes.

Replacing nearly 400,000 manually-read meters with remote-read meters to improve outage management and restoration as well as allow customers to more easily manage their energy use.

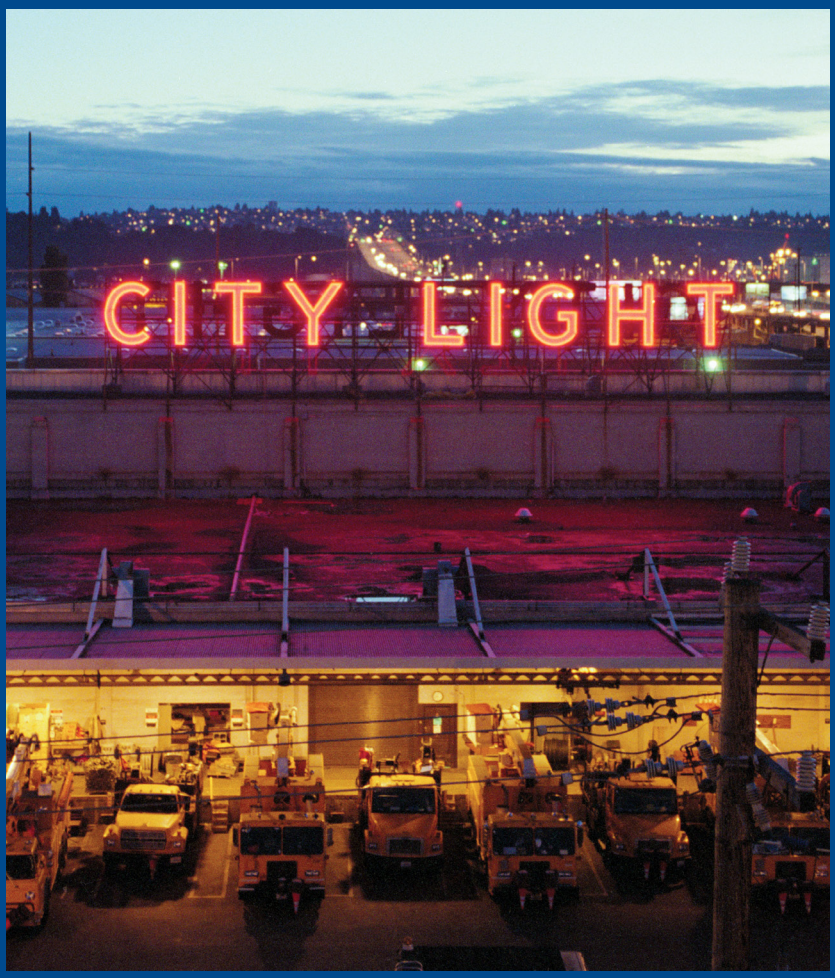
Managing an impending wave of retirements and improving skilled worker recruitment and retention.

What is the rate impact of the Strategic Initiatives path?

The Strategic Initiatives (Preferred Option) path envisions rate increases averaging 4.7 percent per year through 2018. It is estimated that the average residential monthly bill would rise from $55.05 in 2012 to $72.62 in 2018.

Your Seattle City Light

The citizens of Seattle created Seattle City Light in 1902, when they approved bonds to build a hydroelectric power plant on the Cedar River. The plant delivered its first electricity to customers in 1905. As a municipally-owned public power system, Seattle City Light is governed by the Mayor and City Council and primarily supported by customer revenues as well as surplus power sales. Today, more than 750,000 customers depend on City Light for electric power.



The full Seattle City Light 2013-2018 Strategic Plan is available at
www.seattle.gov/light/strategic-plan

Seattle City Light
700 5th Avenue, Suite 3200
P.O. Box 34023
Seattle, WA 98124-4023

Mailing
Permit
Number

Seattle City Light 2013-2018 Strategic Plan

Frequently Asked Questions

Q. Why is City Light developing a six year strategic plan now?

A. City Light has been through a tumultuous decade and faces challenges in the years ahead. A strategic plan will inform decision makers so they can make predictable and cost effective choices for the Utility and its customers in a six-year time frame. These choices will help Seattle City Light navigate uncertain challenges including acquiring additional power resources; addressing its aging equipment that soon will be inadequate to meet customer expectations for reliability; recruiting and retaining highly skilled employees who will be needed soon because 50 percent of City Light's workforce is eligible to retire within five years; and achieving efficiencies through technology and improved business processes. The Strategic Plan will provide customers with rate predictability and transparency in order to manage their own costs during the years ahead.

Q. What is the impact on my electric bill?

A. Rates will vary somewhat depending on the plan options selected by city leaders when the Strategic Plan is adopted. The plan includes a Preferred Path that achieves the most in terms of efficiencies, reliability and rate stability. The Preferred Path would increase rates an average of 4.7 percent per year or about $2.93 a month, each year for the next six years for the typical residential customer. City Light will provide additional information on our website www.seattle.gov/light/strategic-plan for commercial and industrial customers.

Q. If approved, when would I see increases in my electric bill? Will I have some assurances that the rate increases in the plan will be consistently applied?

A. If the Preferred Path is approved by the City Council and the Mayor, a rate increase averaging 4.7 percent each year during the next six years would begin in 2013. It is unlikely to equal exactly 4.7 percent in any specific year, but it will be near that target. The Strategic Plan provides a framework to guide the Utility and ensure rate predictability for residents and businesses. The plan will require biannual measurements to hold the Utility accountable. The plan will be reviewed annually to reflect new realities in the utility's costs, energy prices and surplus power sales. Customers could experience additional rate changes related to funding of the Rate Stabilization Account and/or rates imposed by the Bonneville Power Administration on City Light for purchased power.

Q. If power consumption (load growth) is increasing less than 1 percent a year, why do rates have to go up so much?

A. The utility world is changing, primarily due to aging infrastructure, pressure for new technologies for a number of operational efficiencies, and a desire to use more new, renewable energy sources. Even though City Light has reduced annual expenses by $53 million during the past eight years, costs are projected to increase to maintain the current levels of service. This is due to increased capital spending and rising debt service costs, increasing power costs and inflation.

Seattle City Light

Q. Why does the Strategic Plan have five options?

A. The Strategic Plan provides a predictable course for how to best meet City Light's customers' current and future needs. The Strategic Plan provides five policy and tactical options, each of them building on the cost efficiencies that have been put in place during the past six years resulting in lower staffing levels, lower interest costs and better management. The preferred option builds on the current level of service option and the added cost efficiencies option – while the final two paths, Aggressive Reliability and Bolder Environmental, build off the first three options either individually or combined with each other. This allows policy makers to make informed choices.

Q. It looks like more than half the expected rate increases go for debt service. Why does City Light have to spend so much just for debt?

A. City Light's debt service is expected to rise significantly in the future to cover needed capital investments, including replacing and repairing the distribution and transmission networks. While some of this debt service is due to these increased capital expenditures, additional drivers include: 1) increased borrowing to offset low wholesale revenues in prior years; 2) a policy change that requires the Utility to finance a larger portion of its Capital Improvement Program with debt, spreading significant investment costs over a longer period of time; and 3) taking bond refinancing savings earlier to keep rates lower in the short term instead of spreading them over the longer term of the bonds.

Q. Why doesn't City Light cut costs first before looking at raising rates?

A. Between 2004 and 2011, City Light adopted a business model that took a number of steps to improve performance and increase efficiencies resulting in $53 million a year in savings. The Strategic Plan acknowledges these significant savings and envisions even more efficiency in the future, totaling an additional $18 million per year. However, during the next six years, cost cutting alone will not free up enough funding to enable City Light to pay for expected cost increases to maintain even the current level of service. In some cases, investments will need to be made to acquire or upgrade the utility's technology in order to realize higher operational efficiencies.

Q. Is this a done deal or do customers and policy makers have an opportunity to comment, review and change the plan?

A. The recommendations in the Strategic Plan are the culmination of a two-year effort launched by the Seattle City Council and Mayor in May 2010 that included extensive involvement and input from the Review Panel, City of Seattle leaders, community members, business leaders, customers and other key stakeholders. There will be additional opportunities for public and stakeholder input on the draft Strategic Plan before final decisions are made by the City Council this spring.

Q. What are the next steps?

A. During February and March 2012, City Light will be reaching out to the public and stakeholders to solicit their feedback on the draft Strategic Plan including community meetings, online surveys and discussions. Following this outreach, City Light will present the final plan to the Mayor's office and City Council for their deliberation leading to a final decision in spring 2012.

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Presentation of the Draft Transportation Master Plan (TMP).		**Meeting Date:** April 2, 2012
Department: Public Works **Contact:** Charles W. "Chip" Davis, AICP, Senior Planner **Telephone:** (206) 248-5501	**Attachments:** 1) Fehr and Peers PowerPoint Presentation 2) Advisory Committee and Public Comments	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A
Adopted Work Plan Priority: Yes X No__.	**Work Plan Item Description:** Preparation and Adoption of Transportation Master Plan.	

PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to present to the City Council the draft Transportation Master Plan.

BACKGROUND (***Include prior Council action & discussion***)**:**
Since May, 2011 a transportation consultant and the Transportation Master Plan Advisory Committee (TMPAC) have been working on an analysis of the Burien's transportation system and conducting a review of existing comprehensive plan transportation policies to develop a new transportation vision for the city. The draft Transportation Master Plan (TMP) advances two new transportation planning principals for Burien: a layered transportation network and multimodal levels of service. These principals compliment Burien's complete streets policy, adopted in October 3, 2011, by providing a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel for all users, including pedestrians, bicyclists, motor vehicle drivers, and public transit users.

The Council adopted revised comprehensive plan transportation polices by Ordinance 559 on December 12, 2011 as part of the 2011 Comprehensive Plan amendments. The draft Transportation Master Plan provides the multimodal transportation framework and supporting data for those revised transportation policies. A printed copy of the draft Transportation Master Plan is being distributed to councilmembers under separate cover. A printed copy of the TMP and appendices is available for public review at City Hall or an electronic version can be accessed at the city website, www.burienwa.gov.

Don Samdahl with Fehr and Peers, our consultant on the plan, will provide a PowerPoint presentation on the development of Burien's Transportation Master Plan, which is attached to this agenda bill as Attachment 1 and those comments received from the Transportation Master Plan Advisory Committee and public concerning the TMP are included as Attachment 2. Following the presentation, the Council may ask questions, request more information or comment on the draft plan and the attached information. No action is necessary at this time.

FUTURE ACTIONS

April 16, 2012 – Council Meeting, staff follow-up to Council questions, additional discussion and possible motion to adopt the Transportation Master Plan.
May 7, 2012 – Council Meeting, discussion and possible motion to adopt the Transportation Master Plan (if needed).

OPTIONS ***(Including fiscal impacts)*****:** N/A

Administrative Recommendation: Receive presentation, ask questions, request more information and/or comment on the Draft Transportation Master Plan.

Committee Recommendation: N/A

Advisory Board Recommendation: The Transportation Master Plan Advisory Committee (TMPAC) expressed support for the proposed TMP.

Suggested Motion: None required.

Submitted by: Charles W. "Chip" Davis, AICP
Administration _____ **City Manager** _____

Today's Date: March 28, 2012	**File Code**:

FEHR PEERS

Transportation Master Plan Briefing

City Council Meeting

April 2, 2012

FEHR PEERS

Draft Transportation Master Plan

1. Introduction
2. Trends and Conditions
3. Multimodal Transportation System
4. Sustainable Transportation
5. Implementing the TMP

FEHR PEERS

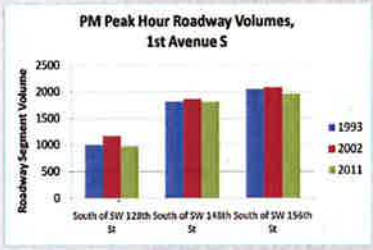
Public Outreach

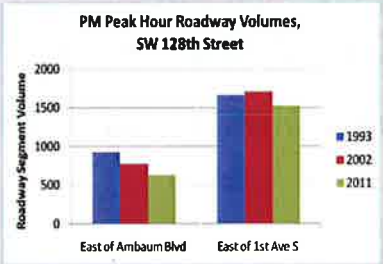
- Transportation Master Plan Advisory Committee (TMPAC)
  - Cross section of city interests
  - 6 meetings
- Open Houses
  - Opportunities for public input
- Stakeholder Outreach
  - School district, hospital, other agencies

FEHR PEERS

Trends and Conditions

Traffic Volumes haven't Changed Much





FEHR PEERS

Existing Traffic Volumes

FEHR PEERS

Existing Transit Network

FEHR PEERS

Existing Pedestrian Network

59 Miles of Sidewalks

FEHR PEERS

Existing Bicycle Network

FEHR PEERS

Safety

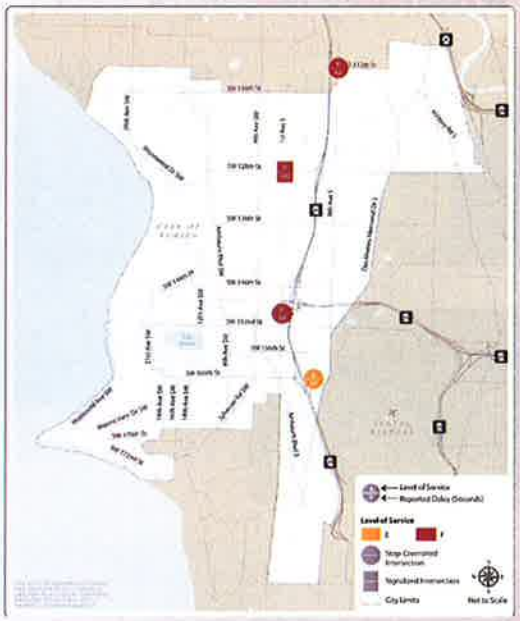
Table 2. Roadway Segments with a High Rate of Injury/Fatality Collisions

Segment	Collisions per Mile
S 128th St **(Occidental Ave S to 8th Ave S)**	10.6
Ambaum Blvd SW/12th Ave SW **(136th to 124th)**	6.8
S 128th St **(4th Ave SW in Burien to 22nd Ave S)**	6.2
4th Ave SW **(148th to 128th)**	4.8
Ambaum/12th/188th **(west of DMMD to 160th)**	2.8

WSDOT, 2011

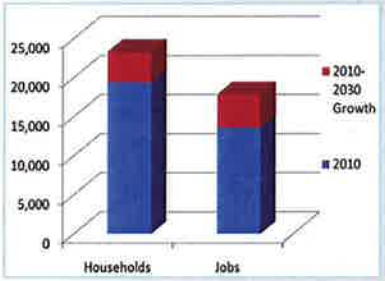
FEHR PEERS

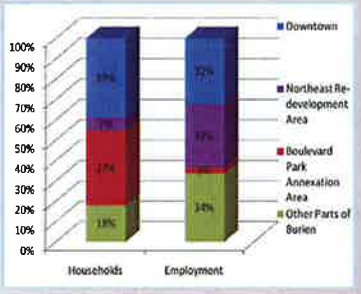
Traffic Hot Spots



FEHR & PEERS

Land Use Growth 2010-2030





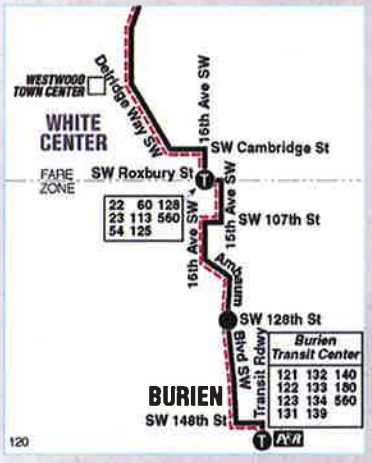
PM Peak Hour Traffic will Increase by 20-25% throughout the City (1% annually)

FEHR & PEERS

Roadway Network Changes

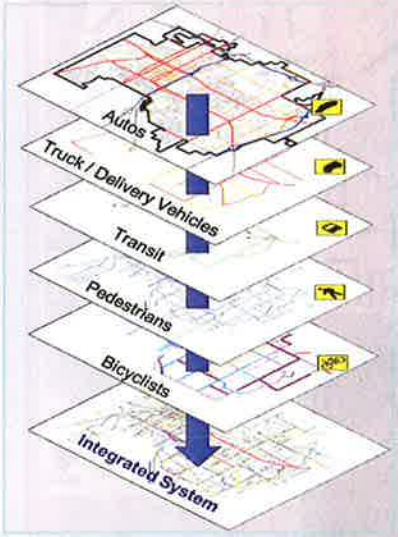
FEHR PEERS

Transit Network Changes



FEHR PEERS

Multimodal Transportation System



FEHR PEERS

Auto / Truck Priority Routes

LOS E- Downtown Burien
LOS D- Vehicle Priority Roadways
LOS C- Other Roadways

FEHR PEERS

Traffic Improvements

LOS E- Downtown Burien
LOS D- Vehicle Priority Roadways
LOS C- Other Roadways

FEHR PEERS

Transit Priority Routes

Emphasis

- **All day, frequent transit service**
- **Transit stop amenities**
- **Minimal transit delay**
- **Good pedestrian access**

FEHR PEERS

Pedestrian Priority Routes and Areas

Needs:

- 17-18 miles of new sidewalks on arterials and collectors
- Wide shoulders on local streets where possible

FEHR PEERS

Bicycle Priority Routes

Emphasis

- **Use of local streets and selected arterial corridors**
- **Adequate treatments at intersections**
- **Limited stop frequency**

FEHR PEERS

Bicycle Boulevards

A bicycle boulevard is a **shared roadway** optimized for bicycle traffic through the use of **traffic calming, traffic control measures**, and **directional signage**. Motor vehicle traffic on a bicycle boulevard is usually low and primarily local.

FEHR PEERS

Bike Boulevards: Use of Street Ends
S 132nd St and 8th Ave SW





FEHR PEERS

Sustainable Transportation

- 3 Areas- Environmental, Community, Financial
- Environmental
  - Tailor to modes
  - No major roadway widening
- Community
  - Connect to CPPW/HEAL program
  - Safe mobility for all modes
- Financial
  - Reasonable capital investments

FEHR PEERS

Implementing the TMP

Table 6. Costs of Burien Transportation Master Plan (20 Years)

Project Needs*	Description	Cost Range ($ Millions)
Auto/Truck Priority Projects	Traffic signals, intersection channelization	$5-10
Pedestrian Projects	Sidewalks, crossings	$30-35
Bicycle Projects	Bike boulevards, bike lanes, crossings	$5-10
Transit Projects	Shelters, Transit Signal Priority, other enhancements	$4-5
Pavement Maintenance	Overlay and pavement repair	$12-15
TOTAL		**$56-75**

* Does not include major regional or street reconstruction projects described in Table 7.

FEHR PEERS

Implementing the TMP

Table 7. Regional Roadway Reconstruction Projects[a]

Project Name	Notes	Cost ($ Millions)
SR 518 Interchange at Des Moines Memorial Drive	Tied to development of the Northeast Redevelopment Area (joint WSDOT, City of Burien and City of SeaTac Project)	$76
1st Avenue South Phases 3 and 4	Project boundaries are SW 116th Street to SW 140th Street	$20
Reconstruction on several roadways to meet urban design standards [b]	Includes curb, gutter, drainage, illumination, and nonmotorized facilities	$60-70
TOTAL		**$156-166**

[a] Note that some of these projects (for example, adding sidewalks to 1st Avenue S) are a duplicate of TMP recommendations.

[b] 8th Avenue South (S 152nd St to S 128th St); 8th Avenue SW (Ambaum Blvd to Sylvester Rd SW); 4th Avenue SW (SW 148th St to SW 150th St); Des Moines Memorial Drive (S 165th St to Normandy Rd); SW 159th Street and 19th Avenue SW (SW 21st Ave to SW 160th St); South Normandy Road (1st Ave S to Des

FEHR PEERS

Potential Increased Revenue from Existing Sources

- Update impact fees with new project list
- Increase vehicle license fee (transportation benefit district)
- Create additional local improvement districts (LIDs)
- Grants, grants, grants

FEHR PEERS

Other Sources of Revenue for Transportation

- Bonds
- Solid waste hauler fee for heavy impact
- Reciprocal impact fees
- Business license fee per employee

FEHR PEERS

Project Prioritization

- Criteria Categories
  - Mobility
  - Safety
  - Environment
  - Preservation and Maintanance
  - Health and Safety
  - Implementation

FEHR PEERS

Monitoring and Evaluation

- Bi-Annual Mobility Report Card
  - Land Use and Transportation Trends
  - Transportation Performance
  - Project Implementation Status

FEHR PEERS

TMP Review

- TMPAC Review
  - Some comments on specific projects and priorities but overall strong support
- Council Meetings
  - April 2
  - April 16
  - May 7 (If needed)
- Make Final Changes to TMP

Advisory Committee and Public Comments

ATTACHMENT 2

Chip Davis

From: Travis Butcher [butcher.travis@gmail.com]
Sent: Wednesday, February 29, 2012 10:17 PM
To: Chip Davis
Subject: Transportation Master Plan - SW 128th

Hello Mr. Davis,

I am a resident of Burien and I walk along SW 128th to reach my bus at 4th ave sw and 128th. Does Burien have any plans for the stretch of 128th between Ambaum Blvd and 4th Ave? Durring my walking commute I do not feel comfortable walking on the sidewalks due to the high speeds that the cars drive on the road. Also since there are no center turn lanes I often see cars swerve to avoid crashing into left turning vehicles. Has Burien considered a "Road Diet" for this stretch? Is there any data on the ammount of vehicles that use that stretch? It appears to me that the four lanes are wide open and encourage speeding and racing. One day I would love to see Burien add more bike lanes and adding them to 128th would encourage me and the neighborhood to get out and bike and ride to 4th ave SW to the community center and downtown. Thank you for your time.

- Travis Butcher

Chip Davis

From: Brooks Stanfield [huevodelcampo@gmail.com]
Sent: Thursday, March 01, 2012 11:01 PM
To: Chip Davis
Subject: Draft TMP Comments

Chip-

My focus was on transportation choices and safety particularly for the less experienced bike/ped users of our roadways and all as a way to just make Burien a better, healthier and more pleasant place to live.

In general I don't really have a problem with the layered network approach or the routes selected, in general. I thought that the emphasis of pedestrian investments focused near schools and parks was especially appropriate. Of course I'd like to see much more in the way of investment in bike/ped facilities but I agree that focusing resources on key connecter areas is a good approach for the near term. Maybe someday we'll be able to fill even more gaps. I do have a few questions about some of the bike/ped priority areas that I'll lay out below.

- I think that some of the north-side bike routes utilizing unimproved right-of-way is a very creative idea. I think that kind of amenity would really connect that neighborhood and make it pretty unique. I don't agree with the concept of shifting bikes off of the main commercial blocks of 152nd and focusing them a block or two to the north. The reality is that bikes use this roadway to access the shops and amenities and even if there isn't enough space for bike lanes, it needs to be established as a shared roadway (i.e. sharrow), just because it's going to be used by cyclists whether we like it or not, and really we ought to support having that active traffic visit the shops along our commercial core. Similarly it seems like SW 152nd between Old Burien and 21st provides a perfect opportunity for a bike lane. The roadway is wide, the traffic is neither too fast or too heavy, and cyclists already prefer it.

- Another thing I struggled with was the lack of focus on SW 149th SW near Lake Burien Park for pedestrians since this is the main roadway that this park is accessed from. This road gets quite a bit more pedestrian use than does SW 144th, which was recommended for sidewalks for a good long stretch. 149th also attracts a lot of auto fast traffic, which creates a safety issue accessing parks (and nearby Seahurst Elementary) without adequate facilities (the current one-side shoulder situation is sketchy at best). I do like the idea of creating a stronger safer connection between Ambaum and Seahurst Elementary because it creates a critical connection between the

dense housing on Ambaum and the school, where a lot of those students live. Also I understand that many of those students do walk to school because they have no other means of getting there. But along 144th, west of the school I don't see nearly the amount of foot traffic (or auto traffic) as on 149th. It's tough and maybe they both need to be priorities.

**Naturally my first two comments being focused and probably more opinionated about the Seahurst area reflect that I live in that neighborhood and see what's going on there more than in other neighborhoods.

- Given that we may not have the resources to provide the kind of facilities we want to provide pedestrians and cyclists in as many places as we want to provide them, I really think we have to look at the other side of what discourages people from walking and biking and generally feeling safe on the roadways.... cars are going way too fast and too close to non-motorized users. I think the concept of "traffic calming" really needs to be emphasized going forward. I may have missed it but I didn't really see it mentioned in the draft plan. I don't know if traffic calming treatments - speed bumps, curb bump-outs, stop signs - are necessarily cheaper, but they seem like the would be and if so should be used as much as possible to slow down the pace of traffic especially moving through neighborhoods and around schools and parks. Just having slower moving traffic would increase the quality of life in Burien tremendously regardless of whether you're on a bike or just out in your yard.

- We never really got to a deep discussion of prioritization in the TMPAC (maybe a good thing) and probably because it's hard, especially when so much of what drives investment seems to be outside the control of the City. One thing that really concerns me about the way things are left is that infrastructure investments that will most affect the quality of life in Burien's neighborhoods could end up losing out to some of the bigger highway investments such as the 518 interchange. While I'm sure the interchange will be good for certain components of the City's economic development goals, at the same time I wonder whether that big investment is really going to improve the quality of life for the average citizen here as much as simply a safe route to the local school would. That's my soapbox speech and I just really want to offer my support to the City in finding every possible way to finance the non-motorized components of this plan.

- I really like the idea of bi-annual mobility report card and this could be one tool to address some of the concerns stated below. Along those lines, a group of citizens in Burien -- which is now forming a nonprofit called "Walk/Bike Buren" aka "WABI" -- has volunteered to conduct bike/ped counts for the annual State Bike/Ped census organized locally through Cascade Bike Club each fall. As a board member of "WABI"

I want to offer our collaboration in figuring out a way that citizen volunteers can collect bike/ped data that will be the most useful for the city in this effort or in something more local coordinated. I also think that overall continuing to communicate with the public and keep folks actively engaged in the success but also the challenges of implementing these projects is one way to develop the community support we may need to advance some creative financing options such as TBDs.

Finally a slight side note.... the picture of the bike lane on page 11 may have been taken by me and dropped into that photo bucket that Fehr Peers set up for the TMPAC early on. That particular facility is not Burien's best example of a bike lane as that particular facility has a pretty dangerous storm drain obstructing the lane as riders pick up speed down the steep hill heading toward Seahurst Park. I would suggest that that the City actually consider looking at what can be done to improve that shoulder just from a safety and liability standpoint.

Thanks again for all your hard work and patience on seeing this process through. Hopefully it's apparent from my comments that I am very supportive of the work that has gone into this and I'm looking forward to staying engaged in the challenging work of implementation that lies ahead. Thanks again for letting me participate!

-Brooks
206-326-9723

Burien streets and intersections
July 2, 2004 & March 1, 2011
Burien City,

Here is a tale of woe to tell about some problems on a few streets and intersections.

At the public meetings there was never any mention of intersections. There was no reason to ever believe they would be so drastically, poorly changed. Without drawings of the intersections it would send the message that they would remain the same.

152nd west bound at 1st from 3 lanes to 2

152nd east bound at 1st from 3 lanes to 2

152nd west bound at Ambaum from 3 lanes to 2 and no left turn light

4th south bound at 152nd reversed the lanes. There were 3 near sideswipes because there were no markers letting the public know of the change. The city said if the project lasts more than a year we need not be notified of the change. We, the citizens do not know that. It took the building of the library to set the intersection back to normalcy.

152nd east bound at Ambaum: why would you have a right turn only when you cannot turn right on red?

152nd west bound at Ambaum: why did you eliminate the left turn light?

152nd east & west bound at Ambaum: many car drivers get impatient & take the right lane to continue straight. This has to change before there is an accident.

Ambaum north bound at 156th (actually, Ambaum continuation): reversed the lanes. Left should be left & thru, right & thru should be right, because there is no light.

I remember reading about your timing the lights to make traffic flow on Ambaum. I notice we wait terribly long on 152nd at Ambaum to the point the line of waiting cars are way back to between 9th and 10th. Also the car line on 152nd east bound at 1st backs up as far as imaginary 3rd (between 2nd and 4th).

Tanya Engeset

RECEIVED
MAR 2 2012
CITY OF BURIEN

Burien streets and intersections
March 2, 2011
Burien City,

This is a continuation of March 1 letter:

Intersection 152nd at 4th eliminated left turn lanes. Traffic backs up to 2nd and 5th.

The change from 4 lanes to 2 lanes on 152nd was desperately needed, but the turn lanes should never have been eliminated.

The raised curbs jut out too far at intersections that trucks & some cars are unable to maneuver a right turn without hitting or riding up on the curb.

That goes for the start of curbs at business driveways, also. They're so close to the edge of the driveways that regular cars need to move way to the left in order to clear the curb when turning right. I heard that business driveways don't have to follow any guide lines. Wow. Examples are Schucks (O'Reilly's?), Albertson's complex, Sterling Bank.

Sidewalks are for pedestrians, not vehicles. Sidewalks must be flat, not slanted for vehicles. Two examples are north side of 149th west of 6th & north side of 152nd west of 18th. I must walk in the road because of the slanted surface.

All the learning from books cannot come up to par with common sense. Common sense must prevail. Try turning right off east bound 156th onto south bound Ambaum. That should never have been changed.

I hope you have fixed the erratic red/green light at 6th and 150th. That poor light is extremely confused.

Tanya Engeset

Chip Davis

From: Sue Barnes Blazak [subbstance@yahoo.com]
Sent: Sunday, March 04, 2012 3:35 PM
To: Chip Davis
Subject: Re: Follow-up to February 23rd Transportation Advisory Committee Meeting and Final Call for Comments

Chip,
I'm finding it hard to make time for TMPAC now that I'm working and going to school.
I will try to go through the draft plan this week although I realize I may be too late for my comments to count.
I have a few questions from the slides:
What is the ped priority street project which appears to be at SW 149th and 2nd Ave SW? Isn't there already sidewalk from the Big Five parking lot down to SW 150th?
Ambaum is marked in yellow (having sidewalks) but outlined in green (ped priority street). Does that mean it's a high priority to make improvements beyond what's there - and transitions to/from Ambaum?
Bicycle Priority Routes - the map shows 8th Ave SW as a straight line south from SW 146th to SW 160th and beyond when in fact it follows Ambaum briefly and then makes a right turn by Triangle Park. I want to be sure we're addressing the shift and not redoing work already completed there.
What street is the E-W bike connection north of SW 136th St? There is a dip between 132nd and 128th along 4th Ave SW.
I like the bi-annual mobility report card.
Sue Blazak

From: Chip Davis <chipd@burienwa.gov>
To:
Sent: Friday, February 24, 2012 12:50 PM
Subject: Follow-up to February 23rd Transportation Advisory Committee Meeting and Final Call for Comments

Greetings,
I have attached a PDF version of the presentation slides from last night's TMPAC meeting for those of you who were not able to attend the meeting. At the meeting it was decided to extend the deadline for receiving your comments on the draft of the Transportation Master Plan (TMP) until **5:00 pm on Thursday March 1st**. I will gladly receive your comments in any format (written, verbal or e-mail) and the plan is to forward all comments received to the consultant not later than Friday March 2nd so a revised printing can be prepared for the City Council meeting on March 19th.

Due to the massive file size of the draft plan and appendices I cannot attach it to this e-mail, but we have uploaded them to the TMP Advisory Committee web page which can be accessed clicking on the following link: http://www.burienwa.gov/index.aspx?nid=959. The documents are at the top of the list beneath the heading "Agenda Packets and Summaries" and depending on your internet server it may take a while to download the PDF version of the document. Appendices H and G are even larger electronic data files concerning individual intersection levels of service and the 24 hour traffic counts which were conducted for the plan. They are not included in the online version due to their size, but a hard copy is available for inspection at City Hall.

If anyone needs a hard copy of the Draft TMP and Appendices (excluding H and G), just let me know and we will get the copy to you. I look forward to receiving your comments and if you have any questions regarding the Draft TMP, please let me know.

Charles W. "Chip" Davis, AICP
Senior Planner
City of Burien
(206) 248-5501
chipd@burienwa.gov
www.burienwa.gov

Chip Davis

From: Sue Barnes Blazak [subbstance@yahoo.com]
Sent: Sunday, March 04, 2012 9:13 PM
To: Chip Davis
Subject: Re: Follow-up to February 23rd Transportation Advisory Committee Meeting and Final Call for Comments

Chip,
I read through the draft TMP (but haven't gotten to the appendices yet). I think it looks very good. I have a few questions/comments:
p. 37 Bike lanes are recommended for 4th Ave SW south of SW 146th St. Are we talking about widening the curved road along Dottie Harper Park? (If the answer is in an Appendix, tell me where to look.)
p. 37 Stop frequencies were acceptable except 8th Ave SW between SW 146th & Ambaum. What is being proposed for this? (If the answer is in an Appendix, tell me where to look.)
p. 42 When I was on council I seem to recall that further phases (3 and 4) for 1st Ave S became lower priorities. I would hope that bike and ped projects would be prioritized before this one.
p. 43 Criteria for Project Prioritizaton - I would argue for Health and Safety coming before Environment and Preservation and Maintenance.
While I am happy to see the amount of bike/ped improvements listed, my fear is that they will lose out to the costlier projects in Table 7.
Those of us in WABI – Walk/Bike Burien will be watching!
Sue Blazak

From: Chip Davis <chipd@burienwa.gov>
To:
Sent: Friday, February 24, 2012 12:50 PM
Subject: Follow-up to February 23rd Transportation Advisory Committee Meeting and Final Call for Comments

Greetings,
I have attached a PDF version of the presentation slides from last night's TMPAC meeting for those of you who were not able to attend the meeting. At the meeting it was decided to extend the deadline for receiving your comments on the draft of the Transportation Master Plan (TMP) until **5:00 pm on Thursday March 1st**. I will gladly receive your comments in any format (written, verbal or e-mail) and the plan is to forward all comments received to the consultant not later than Friday March 2nd so a revised printing can be prepared for the City Council meeting on March 19th.

Due to the massive file size of the draft plan and appendices I cannot attach it to this e-mail, but we have uploaded them to the TMP Advisory Committee web page which can be accessed clicking on the following link: http://www.burienwa.gov/index.aspx?nid=959. The documents are at the top of the list beneath the heading "Agenda Packets and Summaries" and depending on your internet server it may take a while to download the PDF version of the document. Appendices H and G are even larger electronic data files concerning individual intersection levels of service and the 24 hour traffic counts which were conducted for the plan. They are not included in the online version due to their size, but a hard copy is available for inspection at City Hall.

If anyone needs a hard copy of the Draft TMP and Appendices (excluding H and G), just let me know and we will get the copy to you. I look forward to receiving your comments and if you have any questions regarding the Draft TMP, please let me know.

Charles W. "Chip" Davis, AICP
Senior Planner
City of Burien
(206) 248-5501
chipd@burienwa.gov
www.burienwa.gov

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Adopt Proposed Ordinance 561, Updating and Consolidating Code Enforcement Regulations		**Meeting Dates:** April 2, 2012 (discussions held March 5 and 19, 2012)
Department: Legal **Contact:** Craig Knutson, City Attorney	**Attachments:** 1. Matrix - Code Enforcement Ordinance 2. Proposed Ordinance 561 updating and consolidating code enforcement regulations	**Fund Source:** **Activity Cost:** **Amount Budgeted:** **Unencumbered Budget Authority:**
Adopted Work Plan Priority: Yes No	**Work Plan Item Description:**	

PURPOSE/REQUIRED ACTION:
The City Attorney, Code Enforement Officer, Paralegal, and other staff involved in code enforcement are recommending adoption of an ordinance updating and consolidating the City's code enforcement regulations. The ordinance is necessary to address legal issues with the existing regulations, make the regulations more internally consistent, and update the regulations to more effectively deal with current code enforcement situations. Some of the more significant matters addressed in the ordinance are as follows:

1)The new ordinance provides a clear and concise process for addressing code violations and contains several clear options for obtaining compliance (i.e. voluntary compliance, infraction, notice of civil violation, stop work order, appeal to hearing examiner).

2)The definition of "Person responsible for violation" is amended to include a mortgagee of property that is in foreclosure or has been unoccupied for 90 days . This should be a substantial tool in obtaining compliance, as we have had numerous properties with significant code violations where the owner has disappeared. Usually, in order to obtain compliance we have to wait until the foreclosure sale occurs, which can take a year or more. The amended definition will allow us to hold the banks responsible much sooner and get properties secured and cleaned up in a more timely manner.

3)Instead of numerous code enforcement sections throughout the code that sometimes conflict with other chapters or are unclear regarding enforcement mechanisms, the new ordinance refers most code violations to one chapter for enforcement;

4) Monetary penalties are set forth in a clear and consistent manner.

5) The methods of serving notice and the process for obtaining abatement authority have been revised to be more expedient and legally supportable.

The City's Hearing Examiner has been given the opportunity to review the proposed ordinance and is very supportive of how it addresses issues such as effective service of notice, who is a responsible party, how abatement may proceed, and some ambiguities that now exist in the current code.

OPTIONS ***(Including fiscal impacts)*****:**
1. Adopt the ordinance.
2. Do not adopt the ordinance.

Administrative Recommendation: Adopt the ordinance

Suggested Motion for April 2, 2012 meeting:
Move to adopt Ordinance 561, updating and consolidating the City's code enforcement regulations.

Submitted by:
Administration _____ **City Manager** _____

Today's Date: March 28, 2012	**File Code:** \\File01\records\CC\Agenda Bill 2012\040212ls-2 Updating and consolidating code enforcement provisions.doc

CODE ENFORCEMENT ORDINANCE

PROPOSED ORDINANCE REVISION	COUNCIL QUESTION/COMMENT	STAFF RESPONSE	ALTERNATIVES
Misdemeanor penalties for code enforcement violations	More appropriate to pursue code violations as civil cases than criminal cases.	Staff concurs that civil penalties are generally more appropriate for code violations than criminal penalties. However, most if not all city codes, including Burien's current code, make code enforcement violations subject to both civil and criminal penalties. This is because criminal penalties may occasionally be appropriate in egregious circumstances when civil penalties do not achieve compliance.	N/A
Code enforcement officer *may* attempt to secure voluntary correction.	Code enforcement officer should be *required* to obtain voluntary correction.	Staff believes that securing voluntary correction should be attempted whenever possible, which is the standard practice in Burien. However, since there may be rare instances when immediate corrective action by the City is necessary, staff does not support changing "may" to "shall" "attempt to secure voluntary correction."	Change "may" to "shall" "attempt to secure voluntary correction" in BMC 1.15.100. (Change not made.)
Unlawful to transfer ownership after receiving notice of civil violation, unless transferee acknowledges and accepts responsibility for the violation.	Clarify whether owner or transferee is responsible for the violation. Suggest that City provide a form with the appropriate language. How does this provision apply to foreclosure or probate cases? This provision should have an exemption for the following types of transfers of real property:	The intent is for the form to provide for the transferee to acknowledge and accept responsibility for the violation. Staff concurs that the City's Legal Department should provide a form with the appropriate language. This provision would not be applied in foreclosure, probate or other cases when the owner cannot be located or held responsible for the ongoing violation. Exemption added to ordinance	N/A Add exemption to BMC 1.15.120(5) for the following types of transfers of real property: a gift or other transfer to a parent, spouse, domestic partner, or child of a transferor or child of any parent, spouse, or

CODE ENFORCEMENT ORDINANCE

PROPOSED ORDINANCE REVISION	COUNCIL QUESTION/COMMENT	STAFF RESPONSE	ALTERNATIVES
	a gift to a family member; a transfer in connection with a marital dissolution; a transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax deferred exchange to an intermediary or facilitator.		domestic partner of a transferor; a transfer between spouses or between domestic partners in connection with a marital dissolution or dissolution of a state registered domestic partnership; a transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax deferred exchange to an intermediary or facilitator.
The definition of "person responsible for violation" includes a mortgagee if foreclosure proceedings are commenced or the property is unoccupied for 90 days.	The term "mortgagee" should be defined to include only "a financial institution, including a bank, credit union or	Definition added.	Definition of "mortagee" added to BMC

CODE ENFORCEMENT ORDINANCE

PROPOSED ORDINANCE REVISION	COUNCIL QUESTION/COMMENT	STAFF RESPONSE	ALTERNATIVES
	other commercial lender, which holds mortgaged property as security for repayment of a loan."		1.15.020.
Alleged violator must respond to notice of civil violation within 14 days.	Provide for a stay of the 14 day response requirement if the violator is in active discussions with the code enforcement officer.	Staff concurs that an alleged violator should be allowed to request a stay of the 14 day response requirement if engaged in active discussions with the code enforcement officer.	Add stay provision to 14 day response requirement in BMC 1.15.130(2).
$100 filing fee for appeal to the Hearing Examiner.	People should not have to pay a fee to assert their rights.	Staff concurs that it is appropriate to remove the filing fee requirement.	Delete $100 filing fee requirement in BMC 1.15.130(1) and (2).

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 561

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, CONSOLIDATING AND UPDATING THE CITY'S CODE ENFORCEMENT PROVISIONS BY ADOPTING A NEW CHAPTER 1.15 AND AMENDING VARIOUS ENFORCEMENT SECTIONS IN TITLES 2, 3, 5, 7, 8, 10, 12, 13, AND 15, OF THE BURIEN MUNICIPAL CODE

WHEREAS, the City's current code enforcement provisions are set forth in various parts of the Burien Municipal Code and are in need of being consolidated and updated in order to be more uniform and effective; and

WHEREAS, it is in the public interest to revise the City's code enforcement provisions to have a uniform enforcement scheme that applies to all appropriate and applicable violations of the Burien Municipal Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

Section 1. A new Chapter 1.15 of the Burien Municipal Code is hereby adopted to read as follows:

Chapter 1.15
CODE ENFORCEMENT

Sections:

1.15.010 Purpose.

The purpose of this Chapter is to establish an efficient system of enforcing City regulations that will enable violations to be promptly resolved whenever possible, while providing both appropriate penalties and a full opportunity for alleged violators to have a hearing to contest the violations. It is the express and specific purpose and intent of this Chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Chapter. It is also the express and specific purpose and intent of this Chapter that no provision or term used in this Chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Chapter is intended or shall be construed to create or form the basis of any liability on the part of the City, its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

1.15.020 Definitions.

The definitions in this section apply throughout this Chapter unless the context clearly requires otherwise or they are more specifically defined in a subchapter or section. Terms not defined shall be given their usual meaning.

"Abate" means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this Code or a City regulation, by such means and in such a manner and to such an extent as the applicable department director, enforcement officer, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community. For the purposes of this Chapter, the verbs "abate" and "correct" shall be interchangeable and have the same meaning.

"Act" means doing or performing something.

"City" means City of Burien, Washington.

"Civil penalty" or "monetary penalty," as used in any code, ordinance or regulation of the City, shall be deemed to have the same meanings as used in this Chapter.

"Code" means the Burien Municipal Code.

"Code enforcement officer" or "enforcement officer" means the City's Code Enforcement Officer(s); the Building Official; building inspectors; construction inspectors; the Fire Marshal or his or her designee; fire inspectors; the Chief of the Burien Police Department or his or her designee; the Director of the Community Development Department or his or her designee; the Director of the Public Works Department or his or her designee; or any other person or persons assigned or directed by the City Manager or his or her designee to enforce the regulations subject to the enforcement and penalty provisions of this Chapter.

"Costs" means, but is not limited to, contract expenses and City employee labor expenses incurred in abating a nuisance; a rental fee for City equipment used in abatement; costs of storage, disposal, or destruction; legal expenses and attorneys' fees associated with civil judicial enforcement of abatement orders or in seeking abatement orders; and any other costs incurred by the City, excluding fees and expenses associated with appeals authorized by this Code or by state law.

"Correction Notice" means a written statement issued by a code enforcement officer, notifying a person that property or work under his or her control is in violation of one or more regulations and informing such person that a notice of civil violation may be issued and/or an infraction or criminal charges filed if the violations are not abated.

"Day" or "Days" means one or more calendar days, unless expressly stated otherwise in a given section or subsection. In addition, any portion of a twenty-four hour day shall constitute a full calendar day.

"Hearing Examiner" means the Burien Hearing Examiner and the office thereof, as established pursuant to Ch. 2.15 BMC.

"Knowledge" means being aware of a fact or circumstance or having information, which would lead a reasonable person in the same situation to believe a fact or circumstance exists. A person acts knowingly or with knowledge when that person either is aware of one or more facts, circumstances, or results, which are described by an ordinance defining an offense, or has information which would lead a reasonable person in the same situation to believe that facts, circumstances, or results exist, which are described by an ordinance defining an offense.

"Mortgagee" means a financial institution, including a bank, credit union or other commercial lender, which holds mortgaged property as security for repayment of a loan.

"Notice of Violation" or "Notice of Civil Violation" means a written statement, issued by a code enforcement officer, which contains the information required under Section 1.15.120 and which notifies a person that he or she is responsible for one or more civil violations of the Burien Municipal Code.

"Omission" means a failure to act.

"Owner" means any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building or land.

"Person" means any individual, firm, business, association, partnership, corporation, or other legal entity, public or private, however organized. Because "person" shall include both human beings and organizational entities, any of the following pronouns may be used to describe a person: he, she, or it.

"Person Responsible for the Violation" or "Violator" means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the regulation; an occupant or other person in control of the property or structure that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the regulation; a mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party; a mortgagee of property that is subject to the regulation and has not been occupied by the owner, the owner's tenant, or a person having the owner's permission to occupy the premises for a period of at least ninety (90) days; or any person who created, caused, participated in, or has allowed a violation to occur.

"Regulation" means and includes any of the following, as now enacted or hereafter amended:

1. All Burien Municipal Code provisions;

2. All standards, regulations, and procedures adopted by the City pursuant to a City ordinance;

3. The terms and conditions of any permit or approval issued by the City, or any concomitant agreement entered into with the City, pursuant to Code provisions; and

4. A written order of the Hearing Examiner that has been served as provided in this Chapter.

"Repeat Violation" means, as evidenced by the prior issuance of a correction notice or a notice of violation, a subsequent violation that has occurred on the same property or that has been committed by a person responsible for the prior violation elsewhere within the City of Burien. To constitute a repeat violation, the violation need not be the same violation as the prior violation. The violation of a written order of the Hearing Examiner that has been served as provided in this Chapter shall constitute a repeat violation.

"Right-of-way" means land owned, dedicated or conveyed to the public or a unit of government, used primarily for the movement of vehicles or pedestrians and providing for access to adjacent parcels, with the secondary purpose of providing space for utility lines and appurtenances and other devices and facilities benefiting the public. "Right-of-way" includes, but is not limited to, any street, easement, sidewalk, or portion thereof under the jurisdiction of the City.

"Violation" or "civil violation" or "civil infraction" means an act or omission contrary to a regulation as defined in this section. A violation continues to exist until abated to the satisfaction of the City, with each day or portion thereof in which the violation continues constituting a separate violation.

1.15.030 Conflicting code provisions.
In the event a conflict exists between the enforcement provisions of this Chapter and the enforcement provisions of any international or uniform code, statute, or regulation that is adopted in the Burien Municipal Code and subject to the enforcement provisions of this Chapter, the enforcement provisions of this Chapter will prevail, unless the enforcement provisions of this Chapter are preempted or specifically modified by said code, statute, or regulation. In the event of a conflict between this Chapter and any other provision of this Code or City ordinance providing for a civil penalty, the more specific provision shall control.

1.15.040 Joint and several responsibility and liability.
Responsibility for violations of the codes enforced under this Chapter is joint and several, both as to duty to correct and to payment of monetary penalties and costs, and the City is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the City required to take action against all persons potentially responsible for a violation.

1.15.050 Computation of time.
In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

1.15.060 Interference with code enforcement unlawful.
Any person who intentionally obstructs, impedes, or interferes with any lawful attempt to serve a notice of violation, stop work order, or emergency order, or intentionally obstructs, impedes, or interferes with lawful attempts to correct a violation shall be guilty of a gross misdemeanor.

1.15.070 Service of documents.
(1) Methods of service. For purposes of this Chapter, service of documents related to code enforcement, such as correction notices, notices of civil violation, stop work orders, etc. (hereinafter "document"), shall be accomplished by one of the following methods, provided that civil infractions shall be served as provided in Chapter 7.80 RCW and criminal misdemeanors and gross misdemeanors shall be served as provided by applicable law:

(a) "Personal service" is accomplished by handing the document to the person subject to the document or leaving it at his or her last known dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or leaving it at his or her office or place of employment with a person in charge thereof. Personal service may also be accomplished by the Hearing Examiner or his or her assistant handing any order, ruling, decision, or other document to a person prior to, during, or after a hearing.

(b) "Service by mail" is accomplished by sending the document by regular first class mail to the last known address of the person subject to the document. The last known address shall be an address provided to the City by the person to whom the document is directed. If an address has not been provided to the City, the last known address shall be any of the following as they appear at the time the document is mailed: the address of the property where the violation is occurring, as reflected on the most recent equalized tax assessment roll of the County Assessor or the taxpayer address appearing for the property on the official property tax information website for King County; the address appearing in any database used for the payment of utilities for the property at which the violations are occurring; or the address of the person to whom the documents are being sent that appears in the Washington State Department of Licensing database.

(c) "Service by posting" is accomplished by affixing a copy of the document in a conspicuous place on the subject property or structure, or as near to the affected property or structure as feasible, with at least one (1)

copy of such document placed at an entryway to the property or structure if an entryway exists.

(d) "Service by publication" is accomplished by publishing the document as set forth in RCW 4.28.100 and RCW 4.28.110, as currently enacted or hereafter amended.

(2) Service – when complete. If service is accomplished by personal service, service shall be deemed complete immediately. If service is accomplished by mail, service shall be deemed complete upon the third day following which the document is placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday, or legal holiday following the third day. If service is accomplished by posting, service shall be deemed complete upon the fourteenth day following the day upon which the document is posted. If service is accomplished by publication, service shall be deemed complete upon the final publication of the document as set forth in RCW 4.28.110.

(3) Proof of service – Due diligence. Proof of service shall be made by written affidavit or declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service and the manner by which service was made. If service was made solely by posting or publication, the proof of service shall include a statement as to what steps were used in attempting to serve personally and by mail the person at whom service of the document is directed. If service was made by posting, a photograph of the posting may be taken and retained by the City as documentation.

(4) Additional proof of service not necessary. No additional proof of service beyond the requirements in this Chapter shall be required by the Hearing Examiner or other entity. Any failure of the person to whom a document is directed to observe a document served by posting or publication shall not invalidate service made in compliance with this section, nor shall it invalidate the document.

1.15.080 Violations.

(1) The violation of any regulation shall be unlawful. Violations may be enforced by issuing notices of violation and, if necessary, by filing civil infractions. In addition, any violation of this Code shall constitute a misdemeanor, unless otherwise designated as a gross misdemeanor, and the City shall have discretionary authority to enforce a violation as either a civil infraction or civil violation pursuant to this Chapter or as a criminal misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days or by a fine in an amount fixed by the court of not more than one thousand dollars ($1,000) or by both such imprisonment and fine. A gross misdemeanor is punishable by a fine of not more than five thousand dollars ($5000) or by imprisonment for not more than twelve (12) months or by both such fine and imprisonment.

(2) Each day during any portion of which a violation of this Code occurs or continues is a separate offense.

(3) Civil enforcement of the provisions of this Code or the terms and conditions of any permit or approval issued pursuant to this Code shall be governed by this Chapter unless other more specific provisions apply.

(4) Code enforcement officers are authorized to enforce the Code using the provisions and procedures of this Chapter; provided, however, that enforcement under this Chapter is in addition to, and does not preclude or limit, any other forms of enforcement available to the City including, but not limited to, criminal proceedings or sanctions, nuisance and injunction actions, rights to file and enforce liens, or other civil or equitable actions to abate, discontinue, correct, or discourage unlawful acts in violation of this Code.

(5) Nothing in this Chapter or in other Chapters of the Burien Municipal Code shall prevent code enforcement officers or any other officers of the City of Burien or other governmental unit from taking any other action, summary or otherwise, necessary to eliminate or minimize an imminent danger to the health or safety of any person or property. The City's costs of abating any such nuisance or endangerment summarily or otherwise abated shall be recoverable under this Chapter as well as in the same manner and to the same extent as costs of abating nuisances or endangerment under any other provisions of this Code, in addition to or as an alternative to any other rights or remedies the City may possess.

1.15.090 Infractions.

(1) When the City determines that it is appropriate to enforce violations of this Code as civil infractions rather than civil or criminal violations as otherwise provided in this Chapter, or if the City is unable to obtain payment of civil fines pursuant to a notice of civil violation, enforcement officers shall file such infractions in King County District Court and shall follow the provisions of Chapter 7.80 RCW. First offenses shall be class 2 civil infractions, for which the maximum penalty and the default amount shall be $125.00, and second or subsequent violations shall be class 1 civil infractions, for which the maximum penalty and the default amount shall be $250.00, not including fees, costs, and assessments.

(2) Chapter 7.80 RCW is hereby adopted by reference to the extent that it is not inconsistent with explicit provisions of the Burien Municipal Code, including this Section.

1.15.100 Voluntary correction.

(1) General. When the City determines that a violation has occurred, a code enforcement officer may attempt to secure the voluntary correction of a violation by attempting to contact the person responsible for the violation, explaining the violation, and requesting correction. This may be done orally and/or in writing. The City may also enter into a written voluntary correction agreement with any person causing, allowing, or participating in the violation, including the property owner. A voluntary correction agreement may be instead of, in lieu of, or in conjunction with, a notice of violation. Voluntary correction efforts need not be made where the nature of the violation creates a risk of imminent harm to public health or safety or where it is a repeat violation.

(2) Contents of written voluntary correction agreement. A voluntary correction agreement is a contract between the City and the person responsible for the violation, in which the responsible person agrees to abate the violation within a specified time and according to specified conditions. A voluntary correction agreement will generally contain the following information:

(a) The name and address of a person responsible for the violation;

(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

(c) A description of the violation and a reference to the code provisions that have been violated;

(d) A statement indicating what corrective actions are required and a correction deadline stating the date by which the corrective actions must be completed to the satisfaction of the code enforcement officer in order for the violator to avoid the issuance of a notice of violation;

(e) An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;

(f) An agreement by the person responsible for the violation and/or the owner(s) of property on which the violation has occurred or is occurring that, if the terms of the voluntary correction agreement are not met, the City may enter the property, abate the violation, and recover its costs and expenses as provided in this Chapter;

(g) An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the Hearing Examiner under this Chapter regarding the violation, any penalty, and/or required corrective action; and

(h) A statement indicating that, pursuant to BMC 1.15.120, a notice of civil violation may be issued with each violation constituting a separate offense subject to civil penalties, or, alternatively, civil infraction or criminal charges may be filed.

(3) Extension of voluntary correction period or modification of required actions. An extension of the deadline for

voluntary correction, or a modification of any required corrective action, may be granted by the code enforcement officer if the person responsible for the violation has, in the opinion of the code enforcement officer, shown due diligence or made substantial progress in correcting the violation but unforeseen circumstances have rendered correction unattainable within the original deadline.

(4) Revocation of deadline for compliance. The original deadline for compliance, or any extension for compliance previously granted by the code enforcement officer, may be revoked and immediate compliance required where, in the opinion of the code enforcement officer, circumstances make immediate correction necessary to avoid an imminent risk of injury to persons or property.

(5) Failure to comply with voluntary correction agreement.

(a) Abatement by the City. In addition to any other remedy provided for in this Chapter, the City may abate the violation in accordance with BMC 1.15.210, if the terms of the voluntary correction agreement are not met.

(b) Penalties and costs. If the terms of the voluntary correction agreement are not met, the person responsible for the violation may be issued a notice of civil violation and assessed a monetary penalty in accordance with BMC 1.15.120, plus all costs and expenses of abatement. Alternatively, the City may file a civil infraction or criminal charges.

1.15.110 Stop work order.

(1) Issuance. Whenever a code enforcement officer determines that any work, use, activity, or conduct is a violation under the Burien Municipal Code and creates an imminent threat of injury to the health, safety, or welfare of any member of the public or will damage or injure, or exacerbate damage or injury already caused, to any property, the code enforcement officer may issue a stop work order directing any person causing, allowing, or participating in the offending conduct to cease such use, activity or conduct immediately.

(2) Service of order. Service of the stop work order shall generally be accomplished as set forth in BMC 1.15.070(1)(c).

(3) The stop work order shall state the reasons for the order and may be appended to, or incorporate by reference, a notice of violation. The stop work order shall take effect immediately upon service and may be appealed under the procedures set forth in this Chapter. During any such appeal, the stop work order shall remain in effect.

(4) Effect of a stop work order. When a stop work order has been issued, posted and/or served pursuant to this section, it is unlawful for any person to whom the order is directed or any person with actual or constructive knowledge of the order to conduct the activity or perform the work covered by the order, even if the order has been appealed, until the code enforcement officer has removed the copy of the order, if posted, and issued written authorization for the activity or work to be resumed. In addition, a monetary penalty shall accrue for each day or portion thereof that a violation of a stop work order occurs, in the same amounts as under BMC 1.15.120. In addition to such criminal or monetary penalties, the city may enforce a stop work order pursuant to any other provision of this Chapter and enforce it in Superior Court.

(5) Removal of a stop work order. When a stop work order has been posted in conformity with the requirements of this Chapter, removal of such order without the authorization of the City, or the Hearing Examiner if the matter has been heard by the Hearing Examiner, is unlawful and a violation.

1.15.120 Notice of civil violation.

(1) Issuance of notice of violation. When the City determines that a violation has occurred or is occurring, the code enforcement officer may issue a notice of civil violation to any person responsible for the violation.

(2) Monetary penalty. A monetary penalty shall accrue for each day or portion thereof that each violation continues beyond the date set in a notice of civil violation or any Hearing Examiner's decision. Unless a different penalty amount for a given violation is expressly authorized or required by a more specific City code provision, the

maximum penalty and the default amount shall be $125.00 for the first violation and $250.00 for a second or subsequent violation of the same nature or a continuing violation past a deadline set by a notice of violation, not including fees, costs, and assessments. The City may waive the monetary penalty, if corrective action is completed by the date specified in the notice of civil violation or a voluntary correction agreement. The City shall have the discretion to impose penalties in an amount lower than those shown above.

(3) Contents of notice. The notice of civil violation shall include the following:

(a) The name and address of a person responsible for the violation;

(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

(c) A description of the violation and a reference to the provision violated and a description of what must be done to correct the violation;

(d) A statement indicating that the violator must respond to the notice of civil violation within fourteen (14) days of the date of issuance, or within such other time period as specified in the notice of civil violation, by doing one of the following:

i. Paying any fine and correcting the violation;

ii. Entering into and complying with a voluntary correction agreement with the City;

iii. Requesting a mitigation hearing and correcting the violation; or

iv. Requesting a hearing to contest the violation;

(e) A statement indicating that failure to respond to the notice of violation, or failure to attend any hearing, shall result in the violation being deemed committed without requiring further action by the City, and that the monetary penalty specified in the notice shall be due to the City by the violator and further accrue as provided; and

(f) A statement indicating that payment of a monetary penalty does not relieve the person or entity named in the notice of civil violation of the duty to abate the violation, and that failure to abate may result in the issuance of additional notices of violation and/or criminal charges, with additional civil and/or criminal penalties, including the payment of costs for any abatement action taken by the City.

(4) Extension. Upon written request received prior to the correction date or time, the code enforcement officer may extend the date set for correction for good cause or in order to accommodate a violation correction agreement. The code enforcement officer may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as a good cause.

(5) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of civil violation to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of civil violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of civil violation issued by the code enforcement officer and shall furnish to the code enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of civil violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. This provision shall not apply to the following types of transfers of real property: a gift or other transfer to a parent, spouse, domestic partner, or child of a transferor or child of any parent, spouse, or domestic partner of a transferor; a transfer between spouses or between domestic partners in connection with a marital dissolution or dissolution of a state registered domestic partnership; a

transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax deferred exchange to an intermediary or facilitator.

1.15.130 Response to notice of civil violation.
(1) Generally. A person who has been served with a notice of civil violation must respond to the notice within fourteen (14) days of the date the notice is served or within such other time period as specified in the notice of civil violation. A person may respond to the notice of civil violation by:

(a) Paying the amount of the monetary penalty as set forth in the notice of violation. Partial payment or payment using a check that is rejected for insufficient funds shall not be deemed payment under this subsection. Payment of the fine shall not relieve the person or entity responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected.

(b) Entering into a voluntary correction agreement with the City.

(c) Contesting the notice of civil violation by requesting a contested hearing in writing and sending the request to the City as described in subsection (2) below.

(d) Seeking to mitigate the monetary penalty by requesting a mitigation hearing to explain the circumstances surrounding the violation. The request to mitigate must be made in writing and sent to the City with a $100 filing fee as described in subsection (2) below. Requesting to mitigate the penalty shall not relieve the person responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected.

(2) Method of response. The person or entity to whom a notice of civil violation has been issued may respond by mailing or hand-delivering the response to the City Clerk. Mailed responses must be received no later than the fourteenth (14th) day from the date of service of the notice of violation or such other day as specified in the notice of violation. Hand-delivered responses must be brought to the City Clerk no later than 4:30 p.m. on the fourteenth (14th) day after service or such other day as specified in the notice of violation; provided that, where the fourteenth or other specified day falls on a weekend or holiday, the deadline shall be extended to the next regular business day. Telephone, facsimile, or email responses shall not satisfy the requirements of this section. The response deadline may be stayed for a time certain by the code enforcement officer, if the responsible person or entity is engaged in active discussions with the code enforcement officer and the code enforcement officer determines there is a reasonable probability that such discussions may result in compliance.

(3) If the person to whom the notice of civil violation is issued fails to respond as required in the notice of civil violation and this Chapter, the violation(s) shall be deemed committed without requiring further action by the City or the City's Hearing Examiner, and the person to whom the notice of civil violation was issued shall owe the monetary penalty indicated.

1.15.140 Scheduling of hearing to contest or mitigate – correction prior to hearing.
(1) Notice and scheduling of hearing. Upon the timely filing of a request for a hearing to contest a violation or to mitigate the penalty, the matter shall be scheduled to be heard at the next available appearance by the Hearing Examiner that is a minimum of fourteen (14) but no later than sixty (60) calendar days after the date the request was received by the City. Notice of the hearing date and time shall be served by regular first class mail to the address of the party who requested the hearing. The date and time for any hearing may be rescheduled by the Hearing Examiner for good cause upon the motion of a party or the Hearing Examiner.

(2) Correction of violation prior to hearing. The hearing may be cancelled and the party requesting the hearing need not appear if, at least two (2) business days prior to the scheduled hearing, the code enforcement officer determines that the violation has been satisfactorily corrected or abated and the monetary penalty paid in full. Where the scheduled hearing involves a repeat violation as defined in this Chapter, the hearing shall not be cancelled unless the

new violation has been corrected or abated to the satisfaction of the code enforcement officer and the monetary penalty and costs for the new violation(s) and any monetary penalty and costs owing for the previous violation(s) have been paid in full.

1.15.150 Contested hearing – procedure.
The Hearing Examiner shall conduct a contested violation hearing when such hearing is properly and timely requested. The City and the person or entity to whom the notice of civil violation was issued may participate in the hearing, and each party or its legal representative may call witnesses and present evidence and rebuttal, subject to the following:

(1) Where not in conflict with a more specific provision of this Chapter, hearings shall be conducted in accordance with Chapter 2.15 BMC

(2) The City shall have the burden of proving by a preponderance of the evidence that a violation has occurred.

(3). The parties are responsible for securing the appearance of any witnesses they may wish to call. Neither the City nor the Hearing Examiner shall have the burden of securing any witnesses on behalf of the person who is contesting the violation(s) or seeking to mitigate the penalties.

(4) Formal rules of evidence shall not apply to any such hearing, and the Hearing Examiner shall allow hearsay testimony by the parties and not require proof of chain of custody for evidence that is presented; provided that the Hearing Examiner shall determine the weight to be assigned to any evidence presented.

(5) Any notes, reports, summaries, photographs, or other materials prepared by the parties shall be admitted into evidence if requested; provided that the parties are free to argue the weight that should be assigned by the Hearing Examiner to any evidence submitted.

1.15.160 Mitigation hearing – procedure.
The Hearing Examiner shall conduct a hearing to mitigate the penalty on a violation when such hearing is properly and timely requested; provided that in the event a person has requested a hearing to contest a violation and prior to the start of the hearing indicates to the Hearing Examiner a desire to mitigate rather than contest, the Examiner shall permit the person to seek mitigation of the monetary penalty. The mitigation hearing shall be conducted according to the following general procedures:

(1) The person responsible for the violation shall be given the opportunity to explain or provide evidence regarding the nature of the violation, why the violation exists, why the violation has not been abated or corrected, and any other information the Hearing Examiner determines is relevant.

(2) The City shall be given the opportunity, at its discretion, to provide evidence of the nature of the violation, evidence to rebut assertions made by any party, and any other information or evidence the Hearing Examiner deems to be relevant.

1.15.170 Decision of Hearing Examiner.
(1) Contents of Order. Upon the conclusion of a hearing, the Hearing Examiner may issue an oral decision pending issuance of the written decision. If necessary, the Hearing Examiner may delay issuing the written order for up to ten (10) business days following the hearing. In either event, the oral decision and written order shall contain findings and conclusions based on the record, which to the extent applicable includes the following information:

(a) In mitigation hearings a statement indicating that each alleged violation has been found committed, and in contested hearings, for each alleged violation of the City code, a statement indicating whether the violation has been found committed or not committed;

(b) For violations found committed, the monetary penalties and costs being assessed pursuant to this Chapter; provided that, where the person has requested to mitigate the monetary penalty, the Hearing Examiner may

reduce the monetary penalty for each violation, but in no case shall the penalty be reduced to an amount less than one hundred dollars ($100) for each violation found committed;

(c) For violations found committed, any required corrective actions and compliance dates;

(d) For violations found committed, a finding that abatement of the violations by the City is authorized, at the expense of the person responsible for the violations; and

(e) A statement notifying the person responsible for the violation that he or she is subject to additional civil and/or criminal penalties if any violation that was the subject of the hearing has not been corrected or abated as required by the Hearing Examiner's order.

(2) Notice of decision. The Hearing Examiner may cause a copy of the decision and order to be served upon the parties at the close of the hearing. When the Hearing Examiner requires more time to prepare a written order, or when a party fails to appear after requesting a contested hearing, the Hearing Examiner shall cause a copy of the decision and order to be served on the parties by mailing a copy to each party's last known address no later than ten (10) business days following the hearing.

1.15.180 Failure to appear – default order.
If the person who requests a hearing to contest a violation or mitigate the penalty then fails to appear at the scheduled hearing after having been given notice in the manner provided for by this Chapter, the Hearing Examiner shall immediately issue a default order, which finds committed all the violations set forth in the notice of civil violation and which assesses a monetary penalty in the full amount indicated in the notice of violation. In addition, at the request of the City, the Hearing Examiner shall also impose upon the non-appearing party any costs to the City related to preparation for the hearing. The Hearing Examiner shall cause a copy of the decision to be served upon the non-appearing party by mailing a copy to the last known address of the non-appearing party within ten (10) business days of the hearing. Upon the motion of a party, the Hearing Examiner may rescind a default judgment only upon a showing of good cause to do so and only if such motion has been brought within thirty (30) calendar days of the date of the hearing at which the default judgment was ordered.

1.15.190 Judicial review.

Judicial review of a decision by the Hearing Examiner relating to any ordinance regulating the improvement, development, modification, maintenance, or use of real property may be sought by any person aggrieved or adversely affected by the decision, pursuant to the provisions of the Land Use Petition Act, Chapter 36.70C RCW, if applicable, or other applicable authority, if any, if the petition or complaint seeking review is filed and served on all parties within 21 days of the date of the decision. For purposes of this section, "aggrieved or adversely affected" shall have the meaning set forth in RCW 36.70C.060(2). Judicial review of all other decisions may only occur subject to the procedures of Chapter 7.16 RCW.

1.15.200 Recovery of penalties and costs.
(1) Payment of monetary penalties and costs. Any monetary penalties or costs assessed pursuant to this Chapter constitute a personal obligation of the person responsible for the violation. In addition, the monetary penalties or costs assessed pursuant to this Chapter may be assessed against the property that is the subject of the enforcement action. The City Attorney is authorized to collect the monetary penalty or costs by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem monetary penalties so long as the violation continues. The city may incorporate any outstanding penalty or cost into an assessment lien, if the city incurs costs of abating the violation. Any monetary penalty assessed must be paid in full to the City within thirty (30) days from the date of service of an uncontested notice of civil violation or any order of the Hearing Examiner that assesses monetary penalties.

(2) Recovery of costs. The City shall bill its costs, including incidental expenses, of pursuing code compliance and/or of abating a violation to the person responsible for the violation and/or against the subject property. Such costs shall become due and payable 30 days after the date of the bill. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, including attorneys' fees incurred by the City; costs incurred in documenting the violation; the actual expenses and costs to the city in the preparation of notices,

specifications and contracts, and in inspecting the work; hauling, storage and disposal expenses; the cost of any required printing and mailing; and interest. The City Manager or designee, or the Hearing Examiner, may in his or her discretion waive in whole or part the assessment of any costs upon a showing that abatement has occurred or is no longer necessary or that the costs would cause a significant financial hardship for the responsible party. Any challenge to the amount of the abatement costs must be made within 14 days of issuance of the bill and shall be heard by the City Manager in an informal hearing. The City Manager shall make a written determination as to whether or not the City's costs were accurate and necessary for accomplishing the abatement.

(3) Use of collection agency. Pursuant to Chapter 19.16 RCW, as currently enacted or hereafter amended, the City may, at its discretion, use a collection agency for the purposes of collecting penalties and costs assessed pursuant to this Chapter. The collection agency may add fees or interest charges to the original amount assigned to collections as allowed by law. No debt may be assigned to a collection agency until at least thirty (30) calendar days have elapsed from the time that the City attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid. Notice of potential assignment to collections shall be made by regular first class mail to the last known address of the person responsible for the violation; provided that inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections.

(4) Assessment lien. If penalties or costs assessed against a property are not paid within 30 days, the City Clerk shall certify to the County Treasurer the confirmed amount for assessment on the tax rolls. The County Treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates as provided in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City. The lien shall be of equal rank with the state, county and municipal taxes. The validity of any assessment made under the provisions of this Chapter shall not be contested in any action or proceeding unless the same is commenced within 15 calendar days after the assessment is placed upon the assessment roll. The City Attorney may also file a lien for such costs against the real property.

(5) Continuing duty to abate violations. Payment of a monetary penalty or costs pursuant to this Chapter does not relieve the person responsible for the violation of the duty to correct or abate the violation. Additional notices of violation may be issued and/or criminal charges filed for continuing failure to correct or abate a violation.

1.15.210 Abatement.

(1) Abatement by City. The City may perform the abatement required upon noncompliance with the terms of an unappealed notice of violation, a voluntary correction agreement, or a final order of the Hearing Examiner. The City may utilize city employees or a private contractor under City direction to accomplish the abatement. The City, its employees and agents using lawful means are expressly authorized to enter upon the property of the violator for such purposes. Nothing in this Chapter shall prohibit the City from pursuing abatement of a violation pursuant to any other laws of the State of Washington or the City.

(2) Summary Abatement. Whenever any violation causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the City be entitled to recover any costs incurred for summary abatement, prior to the time that notice thereof is served on the person responsible for the violation as set forth in BMC 1.15.070.

(3) Obstruction with work prohibited. No person shall obstruct, impede or interfere with the City, its employees or agents, or any person who owns or holds any interest or estate in any property in the performance of any necessary act preliminary or incidental to carrying out the requirements of a notice of violation, voluntary correction agreement, or order of the Hearing Examiner issued pursuant to this Chapter.

1.15.220 Right of entry.

(1) When it is necessary to enforce the provisions of the Burien Municipal Code, or when a code enforcement

officer has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this Code, the code enforcement officer may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the code enforcement officer shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code enforcement officer shall have recourse to the remedies provided by law to secure entry.

(2) Posted property. Where private property is posted with a "No Trespassing" sign and has a gate or chain on private property, or where private property is enclosed by a secured gate or chain (other than by a simple latching or closure device) a City employee shall not make entry beyond areas open to the public without the express permission of the property owner/resident or a court order. No employee shall be required to enter a posted or gated piece of property if the employee feels threatened, intimidated, or otherwise in fear of his or her personal safety.

(3) Employee identification. City employees shall carry identification cards while on duty. Any employee, when legitimately requested by the public, shall show the requesting party his/her identification card.

(4) Intimidation of employees. Threats, intimidation, or other violations of public peace directed against an employee engaged in the lawful action upon private property are unlawful and may subject that person and the owner of the property, as applicable, to legal action.

Section 2. Titles 2, 3, 5, 7, 8, 10, 12, 13, and 15 of the Burien Municipal Code are hereby amended by amending various enforcement sections as set forth in the attached Exhibit A.

Section 3. Effective Date. This Ordinance shall take effect five days after publication.

Section 4. 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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2012, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2012.

CITY OF BURIEN

_____
Brian Bennett, Mayor

AUTHENTICATED:

_____
Monica Lusk, City Clerk

Approved as to form:

_____
Craig D. Knutson, City Attorney

Filed with the City Clerk: _____, 2012

Passed by the City Council: _____, 2012
Ordinance No. ____
Date of Publication: _____, 2012

EXHIBIT A

2.15.070 Duties of the examiner.

The examiner shall consider the matters set forth below.

(1) Applications and Appeals – Final Decision. The examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts, which conclusions shall represent the final action on the application, unless appealed, as specified herein, for the following type of applications and appeals:

(a) Applications.

(i) Applications for residential condominium binding site plan;

(ii) Applications for shoreline substantial development permits when combined with other land use applications ~~pursuant to KCC 25.32.080~~.

(b) Appeals.

(i) Appeals from the decision of the director regarding short subdivisions;

(ii) Appeal of administrative decision on building permits, grading permits and temporary use permit pursuant to review of the zoning code;

(iii) ~~Appeals from notices and orders issued pursuant to KCC Title 23 as adopted by reference;~~

~~(iv)~~ Appeal from decisions of the director on requests for rate adjustments to surface and storm water management rates and charges.

(2) Applications – Recommendation to Council. Until such time as the planning commission is created and its duties and procedures are adopted, the examiner shall receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact and conclusions, based upon those facts, together with a recommendation to the city council, for the following applications:

(a) Applications for preliminary plats;

(b) Applications for shoreline environment redesignation.

(3) The examiner shall act as the board of appeals and the hearing examiner for the purposes of the building and construction codes adopted in BMC Title 15.

(4) Other applications or appeals which the council may prescribe by ordinance.

(5) Hearings related to Chapter 1.15 BMC.

2.15.110 Appeals.

Other than matters arising under Chapter 1.15 BMC, when ~~When~~ an appeal has been filed with the director or city clerk as prescribed by ordinance, the hearing shall be scheduled pursuant to the appeal procedures set forth in Chapter 2.20 BMC. [Ord. 61 § 11, 1993]

2.15.120 Public hearing.

(1) Before rendering a decision or recommendation on any application or appeal, other than one arising under Chapter 1.15 BMC, the examiner shall hold at least one public hearing thereon.

(2) Notification of the time and place of the public hearing shall be given as provided in the ordinance governing the application. If none is specifically set forth, such notice shall be given as follows:

(a) Published and posted notice at least 10 days prior to scheduled hearing; and

(b) Mailed notice to all parties of record at least 10 day prior to scheduled hearing. [Ord. 61 § 12, 1993]

3.06.220 Unlawful actions – Violations – Penalties

(1) It shall be unlawful for any person liable for fees under this chapter (or other chapters as listed):

(a) To violate or fail to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the director;

(b) To make any false statement on any license application or tax return;

(c) To aid or abet any person in any attempt to evade payment of a license fee or tax;

(d) To fail to appear or testify in response to a subpoena issued in accordance with state law;

(e) To testify falsely in any investigation, audit, or proceeding conducted pursuant to this chapter.

(2) Violation of any of the provisions of this chapter is a gross misdemeanor. ~~Any person convicted of a violation of this chapter may be punished by a fine not to exceed $1,000, imprisonment not to exceed one year, or both fine and imprisonment. Penalties or punishments provided in this chapter shall be in addition to all other penalties provided by law.~~

(3) Any person, or officer of a corporation, convicted of continuing to engage in business after the revocation of a license shall be guilty of a gross misdemeanor ~~and may be punished by a fine not to exceed $5,000, or imprisonment not to exceed one year, or both fine and imprisonment~~.

3.10.060 Penalties.

It is unlawful for any seller to fail or refuse to collect taxes with intent to violate the provisions of BMC 3.10.010 and 3.10.020, or to gain some advantage or benefit, whether direct or indirect, or for any buyer to refuse to pay any tax due under the provisions of BMC 3.10.010 and 3.10.020. Any such violation shall constitute a misdemeanor ~~and shall be punished by a fine not exceeding $1,000 or by imprisonment for any term not exceeding 180 days, or both.~~

3.10.130 Penalties.

It is unlawful for any seller to fail or refuse to collect taxes with intent to violate the provisions of BMC 3.10.080 and 3.10.090 or to gain some advantage or benefit, whether direct or indirect, or for any buyer to refuse to pay any tax due under the provisions of BMC 3.10.080 and 3.10.090. Any such violation shall constitute a misdemeanor ~~and shall be punished by a fine not exceeding $1,000 or by imprisonment for any term not exceeding 180 days, or both.~~

5.55.300 Penalty for violations.

Any person who violates or fails to comply with any requirement of this chapter shall be guilty of a gross misdemeanor. ~~violation of a city ordinance and shall be subject to punishment by fine of not more than $5,000 or imprisonment for a term not in excess of one year, or both.~~

5.62.090 License – Ground for suspension or revocation.

The city manager or designee may deny, suspend or revoke a rental housing license, with cause. Cause for denial, suspension or revocation shall include, but not be limited to, the following:

(1) The license was procured by fraud or misrepresentation of fact;

(2) The licensee has failed to comply with any of the provisions of this chapter, or any other city ordinance including but not limited to the zoning code and other development regulations;

(3) The licensee, or licensee's management personnel, have been convicted of a crime, or suffered civil judgment or consent decree which bears a direct relationship to the operation of rental housing;

(4) The licensee is causing or permitting a public nuisance to exist;

(5) The licensee, or licensee's employees or agents, have engaged in, have permitted or have acquiesced in unlawful activity on the business premises;
(6) The licensee currently owes a civil penalty or is currently in noncompliance with any notice and order ~~of the city clerk~~ with regard to a violation of this chapter; or
(7) The licensee's continued operation of rental housing will, for any other reason, result in substantial danger to the public health, safety or welfare. [Ord. 322, § 10, 2001]

6.05.500 Violation – Penalty.
Any person who allows an animal to be maintained in violation of this title, or otherwise violates or fails to comply with any requirement of this title, shall be guilty of a violation of a city ordinance, ~~and shall be subject to punishment by fine of not more than $5,000 or imprisonment for a term not in excess of one year, or both.~~
~~3 [Ord. 543 § 1 (Exh. A), 2010; Ord. 11 § 11, 1993]~~ which violation shall constitute a gross misdemeanor.

6.40.200 ~~Penalty~~ Enforcement.
Violation of this chapter shall ~~constitute a civil infraction, punishable by a civil fine not to exceed $2,000. [Ord. 543 § 1 (Exh. A), 2010; Ord. 207 § 2, 1997]~~ be enforced as provided in Chapter 1.15 of the Burien Municipal Code.

7.40.020 Criminal violation.

Any person who violates BMC 7.30.230, 7.30.240 or 7.30.320 is guilty of a misdemeanor ~~and shall be subject to a maximum fine of $1,000 or imprisonment for no more than 90 days or to both such fine and imprisonment~~. Any person who violates BMC 7.30.270 or BMC 7.30.330 ~~and the damage to the property is in an amount exceeding $250.00~~ is guilty of a gross misdemeanor ~~and shall be subject to a maximum fine of $5,000 or imprisonment for no more than 365 days or to both such fine and imprisonment, and in all other cases shall be guilty of a misdemeanor and shall be subject to a maximum fine of $1,000 or imprisonment for no more than 90 days or to both such fine and imprisonment. Any person who violates BMC 7.30.330 shall be guilty of a gross misdemeanor and shall be subject to a maximum fine of $5,000 or imprisonment for no more than 365 days or to both such fine and imprisonment~~. [Ord. 475 § 2, 2007]

8.05.030 Enforcement – Penalty.
The director of the Seattle-King County department of public health, the director of the King County department of public health, and city personnel occupying similar positions and authorities are authorized to enforce the provisions of this title, and any rules and regulations promulgated hereunder, and any applicable United States statutes, and any person violating any provision of this title shall, upon conviction, be guilty of a gross misdemeanor. ~~violating a city ordinance, and shall be punished by a fine not to exceed $5,000 or imprisonment for a term not to exceed one year, or both, and each day during which such violation continues shall be considered an additional violation.~~

8.45.015 Declaration of nuisance.
All violations of city of Burien ordinances are found and declared to be detrimental to the public health, safety, and welfare and are further found and declared to be nuisances. It is unlawful and a violation of this chapter, whether by act or omission, to cause, create, maintain, suffer, or allow a nuisance to occur, exist, or remain. Each day any person allows or fails to abate such nuisance after notice shall constitute a separate violation. Nuisances create public harm. Prevention and correction of nuisances are necessary to prevent public harm. For purposes of this chapter, "public nuisances" and "private nuisances" shall have the same meaning. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]

8.45.020 Definitions.
As used in this chapter, unless a different meaning is plainly required:
~~(1) "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner, and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.~~

(1) "Act" means doing or performing something.

~~(3) "Administrative notice of violation" means the notice of violation issued pursuant to BMC 8.45.035.~~

(2) "Applicable department director" means the city manager or his designee, including any department director or other designee, empowered by ordinance or by the city manager to enforce a city ordinance or regulation.

~~(5) "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation.~~

(3) "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a city regulation.

~~(7) "District court" shall mean the King County District Court, South Division~~.

(4) "Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

(5) "Nuisance" (also referred to herein as "violation" or "nuisance violation") means:

(a) A violation of any city of Burien ordinance;

(b) Doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which annoys, injures, or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or

(c) The existence, without limitation, of any of the following conditions:

(i) Trash Covered Premises. Any premises containing trash or abandoned materials, except that kept in garbage cans or containers maintained for regular collection;

(ii) Dangerous Structures. Any dangerous, decaying, unkempt, falling or damaged dwelling, fence, or other structure;

(iii) Potential Vermin Habitat or Fire Hazard. Any accumulation of material on a property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in approved, covered receptacles;

(iv) Junk Vehicles. Any wrecked, inoperable, abandoned or disassembled trailer, house trailer, boat, tractor, automobile or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled or extensively damaged vehicles. Evidence of inoperability and damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a nonfunctional motor or transmission, missing bumpers, or missing license plates; provided nothing herein shall prevent the keeping or storage of any vehicle on private property which is screened from view;

(v) Attractive Nuisances. Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances

or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;

(vi) Obstructions to the Public Right-of-Way. Use of property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the city. This section includes the existence of drainage onto or over any sidewalk, street or public right-of-way, and the existence of any debris or plant growth on sidewalks adjacent to any property;

(vii) Vegetation. Any noxious or toxic weed or uncultivated plant, weeds or tall grass which may be a fire hazard, or any tree which is in danger of falling and creates a substantial risk of damage or injury;

(viii) Illegal Dumping. Dumping of any type by any person on public or private property not registered as a legal dump site; and

(ix) Dumping in Waterways. Dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse.

(6) "Omission" means a failure to act.

~~(11) "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.~~

~~(12) "Person responsible for the violation" means any person who has an interest in or resides on the property, whether as owner, tenant, occupant, or otherwise.~~

~~(13) "Repeat violation" means a violation of the same regulation in any location by the same person, for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding 12-consecutive-month period.~~

~~(14) "Superior Court" shall mean the Washington State Superior Court for King County. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]~~

~~8.45.030 Voluntary correction.~~

~~(1) Applicability. While it is the city's desire to obtain voluntary correction pursuant to this section, compliance herewith is not a prerequisite for pursuing any of the other remedies for correction in this chapter, or any remedies available in law or equity. This section may apply whenever the applicable department director determines that a nuisance has occurred or is occurring.~~

~~(2) General. The applicable department director may attempt to secure voluntary correction by contacting the person responsible for the nuisance and, where possible, explaining the violation and requesting correction.~~

~~(3) Issuance of Voluntary Correction Agreement. A voluntary correction agreement may be entered into between the person responsible for the violation and the city, acting through the applicable department director.~~

~~(a) Content. The voluntary correction agreement is a contract between the city and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:~~

~~(i) The name and address of the person responsible for the violation; and~~

~~(ii) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and~~

~~(iii) A description of the violation and a reference to the regulation which has been violated; and~~

~~(iv) The necessary corrective action to be taken, and a date or time by which correction must be completed; and~~

~~(v) An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and~~

~~(vi) An agreement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied; and~~

~~(vii) An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the district court under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.~~

~~(b) Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation shall have no right to a hearing before the district court under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.~~

~~(c) Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions.~~

~~(d) Abatement by the City. The city may abate the violation in accordance with BMC 8.45.060 if the terms of the voluntary correction agreement are not met.~~

~~(e) Collection of Costs. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with BMC 8.45.040(5), plus all costs and expenses of abatement, as set forth in BMC 8.45.060(4). [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]~~

~~8.45.035 Administrative notice and order.~~

~~(1) Effect.~~

~~(a) An administrative notice of violation represents a determination that a civil code violation has occurred, that the cited party is a person responsible for code compliance, and that the violations set out in the administrative notice of violation require the assessment of penalties and costs and other remedies specified in the administrative notice of violation.~~

~~(b) Failure to correct the civil code violation in the manner prescribed by the administrative notice of violation subjects the person to whom the administrative notice of violation is directed to the use of any of the compliance remedies provided by this title, including:~~

~~(i) Additional civil penalties and costs;~~

~~(ii) A requirement that abatement, remediation and/or mitigation be performed;~~

~~(iii) Abatement by a director and recovery of the costs of abatement under BMC 8.45.060; or~~

~~(iv) Any other legal or equitable remedy within this chapter or at law.~~

~~(c) Any person identified in the administrative notice of violation as responsible for code compliance may appeal the administrative notice of violation by filing a written notice of appeal with the city clerk no more than 10 days following the date of the administrative notice of violation along with a $100.00 filing fee. The appellant must include in the notice of appeal concise statements indicating the reasons why the administrative notice of violation is in error. This requirement that the notice of appeal contain concise reasons for the appeal is jurisdictional, and upon motion of the city attorney, the hearing examiner shall dismiss appeals failing to comply with the requirements in this section regarding content of the notice of appeal. Appeals before the hearing examiner shall be scheduled and conducted as set forth in BMC 2.20.070. For purposes of the appeal hearing before the hearing examiner, the appellant bears the burden of establishing, by a preponderance of the evidence, that the appellant has not violated the applicable ordinances and regulations of the city of Burien. Should the appellant not prevail on appeal before the~~

~~hearing examiner, the appellant shall reimburse the city the hearing examiner's fees for conducting the appeal hearing.~~

~~(d) Failure to appeal the administrative notice of violation within the applicable time limits shall render the administrative notice of violation a final determination that the conditions described in the administrative notice of violation existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance.~~

~~(e) Issuance of an administrative notice of violation in no way limits a director's authority to issue a stop work order to a person previously cited through the administrative notice of violation process pursuant to this title, or to pursue any of the other remedies for compliance set forth in this chapter. Payment of the civil penalties assessed under the administrative notice of violation does not relieve a person found to be responsible for code compliance of his or her duty to correct the violation and/or to pay any and all civil fines or penalties accruing under this chapter.~~

~~(2) Contents. The administrative notice of violation shall include the following:~~

~~(a) The name and address of the person responsible for code compliance; and~~

~~(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and~~

~~(c) A description of the violation and a reference to the provision(s) of the city regulation(s) which has been violated; and~~

~~(d) The required corrective action and a date and time by which the correction must be completed after which the city may abate the unlawful condition in accordance with BMC 8.45.060; and~~

~~(e) A statement specifying the amount of any civil penalty assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent; and~~

~~(f) Statements advising that:~~

~~(i) If any required work is not commenced or completed within the time specified, a director will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation;~~

~~(ii) If the date for compliance is to be extended, such request for an extension must be made, in writing, to the department within three days of the date of the administrative notice of violation;~~

~~(iii) If any assessed civil penalty is not paid, a director will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation; and~~

~~(iv) A statement advising that the order shall become final, unless, no later than 10 days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the city of Burien hearing examiner pursuant to subsection (1) of this section.~~

~~(3) Service of Administrative Notice of Violation. The city shall serve the administrative notice of violation upon the person responsible for code compliance, either personally or by mailing a copy of the notice of civil violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for code compliance cannot be personally served within King County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.~~

~~(4) Extension. Extensions of the time specified in the administrative notice of violation for correction of the violation may be granted at the discretion of the applicable department director; provided, however, that should a person in violation desire to extend the time by which compliance is required as stated in the administrative notice of violation, such a request must be made to the department in writing within three days of the date of the administrative notice of violation; the department has the authority to deny the request.~~

~~(5) Monetary Penalty. The monetary penalty to be imposed concurrent with the notice of administrative violation shall be $100.00. The city may waive the monetary penalty if corrective action is completed by the date specified in the notice of administrative violation. If corrective action is not completed by the date specified in the notice of administrative violation, the $100.00 shall remain in effect. The notice of administrative violation shall contain a second deadline for compliance to be established by the department. If the corrective action is not completed by the second deadline, the penalty shall increase to $250.00. The notice of administrative violation shall contain a third~~

~~deadline for compliance. If the corrective action is not completed by the third deadline, the penalty shall increase to $500.00. The department shall have the discretion to impose penalties in an amount lower than those shown above.~~

~~(6) Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.~~

~~(7) Collection of Monetary Penalty.~~

~~(a) The monetary penalty constitutes a personal obligation of the person to whom the administrative notice of violation is directed. Any monetary penalty assessed must be paid to the city within 10 calendar days from the date the penalty is imposed pursuant to the notice of administrative violation. Any such monetary penalty shall further constitute a lien against the affected real property, in the manner as set forth in BMC 8.45.060(6).~~

~~(b) The city attorney is authorized to pursue any legal or equitable action to collect the monetary penalty, including referring the action to a collection agency.~~

~~(8) Recording.~~

~~(a) Whenever an administrative notice of violation is served on a person responsible for code compliance, the city attorney shall cause to have recorded a copy of the administrative notice of violation with the King County records and elections division, or its successor agency.~~

~~(b) When all violations specified in the administrative notice of violation have been corrected or abated, the city attorney shall cause to have recorded a certificate of compliance with the King County records and elections division, or its successor agency. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties for which liens have been recorded are still outstanding and continue as liens on the property.~~

~~(9) Supplementation, Revocation, Modification.~~

~~(a) Whenever there is new information or a change in circumstances, a director may add to, rescind in whole or part or otherwise modify an administrative notice of violation by issuing a supplemental notice and order. The supplemental administrative notice of violation shall be governed by the same procedures applicable to all administrative notice of violations contained in this title.~~

~~(b) A director may revoke or modify an administrative notice of violation issued under this title if the original notice and order was issued in error or if a party to an order was incorrectly named. The revocation or modification shall identify the reasons and underlying facts for revocation and shall be recorded with the King County records and elections division, or its successor agency.~~

~~(10) Administrative Conference. An informal administrative conference may be conducted by a director at any time for the purpose of facilitating communication among concerned persons and providing a forum for efficient resolution of any violation. Interested parties shall not unreasonably be excluded from such conferences.~~

~~(11) Remedies – Civil Penalties – Authority and General Provisions.~~

~~(a) Failure to correct a civil code violation in the manner and within the time frame specified by the administrative notice of violation subjects the person responsible for code compliance to civil penalties as set forth in BMC 8.45.040(5).~~

~~(b) Civil penalties assessed create a joint and several personal obligations in all persons responsible for code compliance. The city attorney may collect the civil penalties assessed by any appropriate legal means.~~

~~(c) Civil penalties assessed also authorize the city of Burien to take a lien for the value of civil penalties imposed against the real property of the person responsible for code compliance.~~

~~(d) The payment of penalties does not relieve a person responsible for code compliance of any obligation to cure, abate or stop a violation.~~

~~(12) Remedies – Cost Recovery.~~

~~(a) In addition to the other remedies available under this title, a director may charge the costs of pursuing code compliance and abatement incurred to correct a code violation to the person responsible for code compliance, including legal and incidental expenses to the extent these costs exceed the amount of the penalty paid. Such costs are due and payable 30 days from mailing of the invoice.~~

~~(b) For purposes of this section, "legal and incidental expenses" shall include but are not limited to:~~

~~(i) Personnel costs, both direct and indirect, including attorney's fees and costs incurred to document the violation as soon as the violation occurs;~~

~~(ii) Hauling, storage and disposal expenses;~~

~~(iii) Actual expenses and costs of the city in preparing notices, specifications and contracts and in accomplishing or contracting and inspecting the work and the costs of any required printing or mailing; and~~

~~(iv) Interest on the costs of abatement incurred by the city.~~

~~(c) All costs assessed by the city in pursuing code compliance and/or abatement create a joint and several personal obligation in all persons responsible for code compliance. The city attorney may collect the costs of code compliance efforts by any appropriate legal means.~~

~~(d) The city of Burien may take a lien for the value of the costs of pursuing code compliance against the real property of the person responsible for code compliance.~~

~~(13) Remedies—Abatement—Authorized. In addition to or as an alternative to any other judicial or administrative remedy, a director may use the administrative notice of violation provisions of this title to order any person responsible for code compliance to abate the violation and to complete the work at such time and under such conditions as a director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, a director may proceed to abate the violation pursuant to BMC 8.45.060. [Ord. 383 § 1, 2003]~~

~~8.45.040 Filing of nuisance abatement action in district court.~~

~~(1) Issuance.~~

~~(a) When the applicable department director determines that a violation has occurred or is occurring, the department director may cause the city attorney to issue a notice and order of civil violation and summons to the person responsible for the violation.~~

~~(b) The notice and order of civil violation and summons may issue without the city having attempted to secure voluntary correction as provided in BMC 8.45.030 at the discretion of the department director.~~

~~(2) Content. The notice and order of civil violation and summons shall include the following:~~

~~(a) The name and address of the person responsible for that violation; and~~

~~(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and~~

~~(c) A description of the violation and a reference to the provision(s) of the city regulation(s) which has been violated; and~~

~~(d) The required corrective action and a date and time by which the correction must be completed after which the city may abate the unlawful condition in accordance with BMC 8.45.060; and~~

~~(e) The date, time and location of an appeal hearing before a judge, judge pro tem, or commissioner of the district court which will be at least 20 days but no more than 60 days from the date the notice of civil violation is issued, unless such date is continued by the district court for good cause shown; and~~

~~(f) A statement indicating that the hearing will be canceled and no monetary penalty will be assessed, other than the district court filing fee, if the applicable department director approves the completed, required corrective action prior to the hearing; and~~

~~(g) A statement that the costs and expenses of abatement incurred by the city pursuant to BMC 8.45.060(4), and a monetary penalty in an amount per day for each violation as specified in subsection (5) of this section, may be assessed against the person to whom the notice of civil violation is directed as specified and ordered by the district court.~~

~~(3) Service of Notice and Order of Civil Violation and Summons. The city shall serve the notice and order of civil violation and summons upon the person responsible for code compliance, either personally or by mailing a copy of the notice of civil violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for code compliance cannot be personally served within King County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person affecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.~~

~~(4) Extension. Extensions of the time specified in the notice and order of civil violation and summons for correction of the violation may be granted at the discretion of the applicable department director or by order of the district court.~~

~~(5) Monetary Penalty. The monetary penalty for each violation shall be $100.00, which shall increase to $250.00 if the violation is not corrected within seven days prior to the district court hearing, and which shall increase to $500.00 if the violation is not corrected by the date of the scheduled hearing in district court.~~

~~(6) Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice and order of civil violation and summons was issued of the duty to correct the violation.~~

~~(7) Collection of Monetary Penalty.~~

~~(a) The monetary penalty constitutes a personal obligation of the person to whom the notice and order of civil violation and summons is directed. Any monetary penalty assessed must be paid to the city within 10 calendar days from the date of mailing of the district court's decision or a notice from the city that penalties are due. Any such monetary penalty shall further constitute a lien against the affected real property, in the manner as set forth in BMC 8.45.060(6). Payment of the monetary penalty does not relieve the person responsible for code compliance of the duty to correct the violation.~~

~~(b) The city attorney is authorized to take appropriate action to collect the monetary penalty. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]~~

~~8.45.050 Hearing before the district court.~~

~~(1) Notice. A person to whom a notice of civil violation is issued will be scheduled to appear before the district court not less than 20 calendar days nor more than 60 calendar days after the notice of civil violation is issued. Continuances may be granted at the discretion of the applicable department director, or by the district court for good cause shown.~~

~~(2) Prior Correction of Violation. The hearing will be canceled and no monetary penalty will be assessed, other than the district court filing fee, if the applicable department director approves the completed required corrective action prior to the scheduled hearing.~~

~~(3) Procedure. The district court shall conduct a hearing on the civil violation pursuant to the then-current applicable rules of civil procedure for district courts of limited jurisdiction. The applicable department director and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The city shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable under the circumstances. The determination of the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the court in determining the reasonableness of the required corrective action.~~

~~(4) Decision of the District Court.~~

~~(a) The district court shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable under the circumstances, and shall affirm, vacate, or modify the city's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.~~

~~(b) The district court shall issue an order to the person responsible for the violation which contains the following information:~~

~~(i) The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;~~

~~(ii) The required corrective action;~~

~~(iii) The date and time by which the correction must be completed;~~

~~(iv) The monetary penalties assessed based on the criteria in subsection (4)(c) of this section; and~~

~~(v) The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.~~

~~(c) Assessment of Monetary Penalty. Monetary penalties assessed by the district court shall be in accordance with the monetary penalty in BMC 8.45.040(5).~~

~~(i) The district court shall have the following options in assessing monetary penalties.~~

~~(A) Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or~~

~~(B) Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the district court and thereafter; or~~

~~(C) Assess less than the established monetary penalty set forth in BMC 8.45.040(5), based on the criteria of subsection (4)(c)(ii) of this section; or~~

~~(D) Assess no monetary penalties.~~

~~(ii) In determining the monetary penalty assessment, the district court shall consider the following factors:~~

~~(A) Whether the person responded to staff attempts to contact the person, and cooperated to correct the violation;~~

~~(B) Whether the person failed to appear at the hearing;~~

~~(C) Whether the violation was a repeat violation;~~

~~(D) Whether the person showed due diligence and/or substantial progress in correcting the violation;~~

~~(E) Whether a genuine, "close call" code interpretation issue exists; and~~

~~(F) Any other relevant factors.~~

~~(iii) The district court may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations the district court shall consider the factors set forth in subsection (4)(c)(ii) of this section.~~

~~(5) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear without lawful excuse at the scheduled hearing, the district court will enter an order with findings pursuant to subsection (4)(b) of this section and assess the appropriate monetary penalty pursuant to subsection (4)(c) of this section. The city may enforce the district court's order and recover all related expenses, including attorney fees, plus the costs of the hearing and any monetary penalty from that person.~~

~~(6) Appeal to Superior Court. Any appeal of the decision of the district court shall be prosecuted pursuant to the then-current Rules for Appeal from Courts of Limited Jurisdiction (RALJ). [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]~~

~~**8.45.060 Abatement by the city.**~~

~~(1) The city may abate a condition which was caused by or continues to be a civil violation when:~~

~~(a) The terms of voluntary correction agreement pursuant to BMC 8.45.030 have not been met; or~~

~~(b) An administrative notice of violation has been issued pursuant to BMC 8.45.035 and the required correction has not been completed by the date specified in the administrative notice of violation; or~~

~~(c) A notice and order of civil violation and summons has been issued pursuant to BMC 8.45.040 and a hearing has been held pursuant to BMC 8.45.050 and the required correction has not been completed by the date specified in the district court's order; or~~

~~(d) The condition is subject to summary abatement as provided for in subsection (2) of this section.~~

~~(2) Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the city or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the city be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation.~~

~~(3) Authorized Action by the City. Using any lawful means, the city may enter upon the subject property and may remove or correct the condition which is subject to abatement. The city may seek such judicial process as it deems necessary to effect the removal or correction of such condition.~~

~~(4) Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or control of the property and shall become due and payable to the city within 10 calendar days. The term~~

~~"incidental expenses" includes but is not limited to personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property, as set forth in subsection (6) of this section.~~

~~(5) Interference. Any person who knowingly obstructs, impedes, or interferes with the city or its agents, or with the person responsible for the violation in the performance of duties imposed by this chapter, shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not exceeding $1,000.~~

~~(6) Lien—Authorized. The city of Burien shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this chapter, and all other related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.~~

~~(a) The applicable department director shall cause a claim for lien to be filed for record within 90 days from the later of the date that the monetary penalty is due or the date the work is completed or the nuisance abated.~~

~~(b) The claim of lien shall contain sufficient information regarding the notice of civil violation, as determined by the applicable department director, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.~~

~~(c) Any such claim of lien shall be verified by the applicable department director, and may be amended from time to time to reflect changed conditions.~~

~~(d) No such liens shall bind the affected property for a period longer than five years, without foreclosure or extension agreed to by the property owner. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]~~

~~8.45.080 Conflicts.~~

~~In the event of a conflict between this chapter and any other provision of the Burien Municipal Code or other city ordinance providing for a civil penalty, this chapter shall control. [Ord. 383 § 1, 2003; Ord. 146 § 1, 1995]~~

8.45.070 Enforcement procedures.

This chapter shall be enforced as provided in Chapter 1.15 of the Burien Municipal Code. The provisions of this chapter are not exclusive and may be used in addition to other enforcement provisions authorized by the Burien Municipal Code except as precluded by law.

8.55.030 Graffiti prohibited.

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate, signage or other structure, tree or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as "graffiti" within the city without permission from the city.

Violation of any of the provisions of this section shall constitute a gross misdemeanor~~, and may be punished by a fine of up to $5,000 and a jail term not in excess of one year~~. [Ord. 270 § 4, 1999]

8.55.050 City costs enforceable – Debt – Lien.

Any and all costs incurred by the city in the abatement of the graffiti nuisance as provided in this chapter shall be recoverable pursuant to Chapter 1.15 BMC ~~constitute a debt owed to the city by the property owner and shall be enforceable as a lien against the property upon which such nuisance existed, in addition to the other legal remedies available for enforcement of debts~~. [Ord. 270 § 6, 1999]

8.55.060 Appeal.

Within 14 calendar days from the mailing or from personal service of the notice of intent to remove graffiti, the owner or person occupying or managing the premises affected may appeal the matter to the hearing examiner serving the city. Appeals will be governed by the provisions of Chapter 1.15 BMC ~~Chapter 2.20 BMC~~. [Ord. 312 § 10, 2000; Ord. 270 § 7, 1999]

10.10.010 Regulation of vehicle impoundment and redemption – Adopted by reference.
(1) Chapter 46.08 KCC, Impoundment and Redemption of Certain Vehicles, as now in effect and as may subsequently be amended is adopted in its entirety, except that unless the context indicates otherwise, the words "county" or "King County" shall refer to the city and references to violation~~s~~ of the county code or of a county ordinance~~s~~ shall be deemed to be references to violation~~s~~ of a city ordinance~~s~~, ~~subject to punishment by fine of not more than $5,000 or imprisonment for a term not to exceed one year, or both.~~ which shall constitute a gross misdemeanor.
(2) To the extent necessary or convenient to implement this chapter, the administrative hearing officers appointed pursuant to KCC 46.08.100 or otherwise, are appointed as agents for the city of Burien to conduct any applicable hearings on Burien's behalf. ~~[Ord. 43 § 1, 1993]~~

10.11.050 Enforcement procedure.
The enforcement procedure for this chapter shall be the enforcement procedure set out in Chapter ~~8.45~~ 1.15 BMC. ~~[Ord. 492 § 1, 2008]~~

12.17.050 Definitions.
The following words and phrases when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:
(1) "~~Administrative notice of violation means a letter from the city to a right of way use permittee notifying the recipient of specific nonconforming or unsafe conditions and specifying the date by which corrective action must be taken.~~
(1) "Citation and notice" means a written document initiating a criminal proceeding after an arrest and issued by an authorized peace officer, in accordance with the Criminal Rules for Courts of Limited Jurisdiction.
(2) "City" means the city of Burien, Washington.
(3) "City inspector" means the designated employee(s) of the department responsible for inspecting the installation of warning and safety devices in the public right-of-way and restoration of public rights-of-way disturbed by work.
(4) "Complaint" means a written document certified by the prosecuting attorney initiating a criminal proceeding in accordance with the Criminal Rules for Courts of Limited Jurisdiction.
(5) "Department" means the public works department or other department designated by the city manager.
(6) "Director" means the director of the public works department, or his/her designated representative, or other person designated by the city manager.
(7) "Emergency" means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, but not limited to, damage to persons or property from natural or manmade consequences, such as storms, earthquakes, riots or wars.
(8) "Franchised utilities" means utilities that have city approval to use city rights-of-way for the purpose of providing their services within the city, whether by written franchise or other agreement granted by the city.
(9) "Nonprofit" means not for a monetary gain unless for charitable purposes.
(10) "Oral directive" means a directive given orally by city personnel to correct or discontinue a specific condition.
(11) "Permit" means a document issued by the city granting permission to engage in an activity not allowed without a permit.
(12) "Permit center" means the central location for applying for permits.
(13) "Person" means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.

(14) "Private use" means use of the public right-of-way for the benefit of a person, partnership, group, organization, company, or corporation, other than as a thoroughfare for any type of vehicles, pedestrians or equestrians.

(15) "Procedure" means a procedure adopted by the director to implement this code, or to carry out other responsibilities as may be required by this code or by other codes, ordinances, or resolutions of the city or other agencies.

(16) "Right-of-way" means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, paths, trails, sidewalks, bikeways and horse trails, whether improved, unimproved, or unopened, including the air rights, sub-surface rights and easements related thereto.

(17) "Right-of-way use permit" or "permit" means a permit for use of the right-of-way issued in conformance with BMC 12.17.080.

(18) "Stop work order" means a notice posted at the site of activity that requires all work to be stopped until the city approves continuation of work.

(19) "Telecommunications carrier" means every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering and providing telecommunications or cable services.

(20) "Telecommunications facilities" means the plant, equipment and property, including but not limited to cables, wires, conduits, ducts, fiber optic cable, pedestals, antennas, electronics, poles, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications or cable services.

(21) "Telecommunications provider" means every person who provides telecommunications or cable services over telecommunications facilities without any ownership or management control of the facilities.

(22) "Telecommunications service(s)" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

(23) "Underground location service" means the underground utilities location center that will locate all underground utilities prior to an excavation.

(24) "Unsafe condition" means any condition which the director determines is a hazard to health, or endangers the safe use of the right-of-way by the public, or does or may impair or impede the operation or functioning of any portion of the right-of-way, or which may cause damage thereto. [Ord. 395 § 2, 2004]

12.17.110 Correction and discontinuance of unsafe, nonconforming, or unauthorized conditions.

(1) Whenever the director determines that any condition on any right-of-way is in violation of, or any right-of-way is being used contrary to any provision of this code or procedures adopted hereunder or other applicable codes or standards, or without a right-of-way use permit, the director may order the correction or discontinuance of such condition or any activity causing such condition.

(2) The director is authorized to order correction or discontinuance of any such condition or activities following the methods specified in any of the procedures adopted pursuant to this code or pursuant to Chapter ~~8.45~~1.15 BMC.

(3) The director shall also have all powers and remedies which may be available under state law, this code, and procedures adopted hereunder for securing the correction or discontinuance of any condition specified in this section.

(4) The director is authorized to use any or all of the following methods in ordering correction or discontinuance of any such conditions or activities as the director determines appropriate including but not necessarily limited to:

(a) Serving of oral or written directives to the permittee or other responsible person requesting immediate correction or discontinuance of the specified condition;

(b) Service of a ~~written administrative~~ notice of civil violation pursuant to BMC~~8.45.035~~1.15.120, ordering correction or discontinuance of a specific condition or activity within any reasonable period as the director may determine;

(c) Service of a ~~summons and notice of order of violation~~civil infraction filed in the King County District Court, Division South pursuant to Chapter ~~8.45~~ 1.15 BMC;

(d) Revocation of previously granted permits where the permittee or other responsible person has failed or refused to comply with requirements imposed by the city related to such permits;

(e) Issuance of a stop work order to immediately stop work until authorization is received from the city to proceed with such work;

(f) Service of summons and complaint certified by the city prosecutor ~~prosecuting attorney~~ or a citation and notice to appear by an arresting peace officer upon the permittee or other responsible person who is in violation of this or other city ordinances;

(g) Any object or thing which shall occupy any right-of-way without a permit is declared a nuisance per Chapters 8.45 and 9.75 BMC. The department may attach a notice to any such object or thing stating that if it is not removed from the right-of-way within 24 hours of the date and time stated on the notice, the object or thing may be taken into custody and stored at the owner's expense. The notice shall provide an address and phone number where additional information may be obtained. If the object or thing is a hazard to public safety, it may be removed summarily by the city. Notice of such removal shall be thereafter given to the owner, if known. This section does not apply to motor vehicles legally occupying the right-of-way;

(h) All expenses incurred by the city in abating the condition or any portion thereof shall constitute a civil debt owing to the city jointly and severally by such persons who have been given notice or who own the object or thing or placed it in the right-of-way, which debt shall be collectible in the same manner as any other civil debt; and

(i) The city shall also have all powers and remedies which may be available under law, this code and procedures adopted hereunder for securing the correction or discontinuance of any conditions specified by the city. [Ord. 395 § 2, 2004]

12.17.250 Violation – Penalty.

~~(1)~~ The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC.

~~(2) Any violation of any provision of this chapter is a civil violation as provided for in Chapter 8.45 BMC, for which a monetary penalty may be assessed and abatement may be required as provided therein.~~

~~(3) In addition to or as an alternative to any other penalty provided by this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.~~

12.20.060 Violations – Penalty.

The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC. ~~(1) Criminal Penalties. Any violation of this chapter is a misdemeanor and shall be punishable, upon conviction, by fine not exceeding $250.00 or by confinement in the county jail not exceeding 90 days, or both~~.

~~(2) Civil Penalties. Any person who fails to comply with the provisions of this chapter is in addition, but not as an alternative, to any criminal penalties, subject to a maximum civil penalty of $250.00 for each day or portion of any day that the violation continues~~.

~~(3) Other Legal Remedies. Nothing in this chapter limits the right of the city to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.~~

12.38.060 Violations – Penalties.

(1) The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC. ~~Criminal Penalties. In addition to or as an alternative to any other penalty herein or by Chapter 8.45 BMC, any person who violates any provision of this chapter shall be guilty of a misdemeanor., and shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than $1,000, or by both such imprisonment and fine.~~

(2) Nuisance. Any person violating the provisions of this chapter is hereby declared to have committed, or to continue to commit, a nuisance and is subject to applicable enforcement provisions contained in Chapters 1.15 and 8.45 BMC.

(3) Action ~~U~~under RCW 64.12.030. In addition to or as an alternative to any other penalty provided herein, the city may bring an action in trespass under the timber trespass statute, RCW 64.12.030, for the removal or damage to any tree or ornamental shrub on city property. Should the city obtain judgment against a person or persons under RCW 64.12.030, the city shall be entitled to treble the amount of damages claimed or assessed therefor.

(4) Additional Enforcement Procedures. The provisions of this chapter are not exclusive and may be used in addition to any other remedies in law or equity. [Ord. 402 § 1, 2003]

13.10.510 Enforcement – Violations.

~~The provisions set forth in this section shall apply to all~~ Any violations of this chapter, ~~or~~ the Surface Water Design Manual, ~~and~~ or the Stormwater Pollution Prevention Manual, are violations of this chapter and code and are subject to the provisions of this section. In addition to the listed enforcement options, the city may also pursue any other lawful civil, criminal or equitable remedy or relief. At the director of public works' discretion, the choice of enforcement option taken and the severity of any monetary penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources, the public resources expended to take enforcement action and ensure compliance with this chapter, and/or the degree of bad faith of the persons subject to the enforcement action. Enforcement options are cumulative and shall not be deemed exclusive.

(1) Nuisance. Any structure, condition, act or failure to act which violates any provision of this chapter shall be, and the same is declared to be, unlawful and a public nuisance, and may be abated using the procedures of Chapters 1.15, 8.45, and 9.75 BMC, as currently written or hereafter amended or as otherwise allowed by law.

(2) Violation. Any structure, condition, act or failure to act which violates any provision of this chapter shall be and the same is declared to be, unlawful and is subject to the enforcement and penalty provisions of this section, Chapter 1.15 BMC, and BMC 13.10.520.

~~(3) Order to Cease Activity. The director or designee shall have the authority to order immediate cessation of any activity that is in violation of this chapter whether occurring on public or private property.~~

~~(a) Posting and Notice. The director or designee shall prominently post this order at the subject location and shall make reasonable attempts to send this order on to the property owner, the person in charge of the property, or the person causing the activity to be conducted or the improvement erected or altered.~~

~~(b) Effect. When an order to cease activity has been posted on the subject location, it is a violation of this chapter for any person with actual or constructive knowledge of the order to conduct the activity or do the work covered by the order until such time as the director or designee has removed or authorized removal of the order. If an order to cease activity is violated, the director or designee may issue a notice of civil infraction under subsection (5) of this section.~~

~~(c) Appeal. An order to cease activity may be appealed in like manner as a notice of civil infraction under subsection (5) of this section. If a notice of civil infraction has also been issued and appealed, the appeals shall be consolidated for hearing.~~

~~(4) Notice of Violation. If the public works director or designee determines that any structure, condition, act or failure to act exists that is in violation of this chapter, he/she may issue a notice of violation. This notice will specifically indicate:~~

~~(a) The name and address of the property owner or other person to whom the notice of violation is directed;~~

~~(b) The street address or description sufficient for identification of the location where the violation has occurred or is occurring;~~

~~(c) A description of the violation and a reference to the provision or provisions of this chapter being violated;~~

~~(d) A statement of the action required to be taken to correct the violation, as determined by the public works director, and a date or time by which correction is to be completed; and~~

~~(e) A statement that a monetary penalty in an amount per day for each violation as specified by BMC 13.10.520 shall be assessed against the person to whom the notice of violation is directed for each and every day, or portion of a day, that the violation continues following the date set for correction.~~

~~(f) Notice to Property Owner and Responsible Party. The public works director or designee shall:~~

~~(i) Leave a copy of this notice with the occupant or responsible party or post it in a conspicuous place on the subject property; and~~

~~(ii) Personally serve or send a copy of the notice by certified mail to the owner of the subject property and/or responsible party.~~

~~(iii) Extension. Upon written request received prior to the correction date or time, the public works director or designee may extend the date set for correction for good cause. The public works director or designee may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as good cause.~~

~~(5) Notice of Civil Infraction.~~

~~(a) General. The public works director or designee may cause a notice of civil infraction to be issued in the following circumstances:~~

~~(i) There is a violation of a posted order to cease activity; or~~

~~(ii) If, after the time specified in a notice of violation, the corrections specified in the notice of violation have not been completed, and a violation persists; or~~

~~(iii) There is reasonable cause to believe that there has been a violation of this chapter.~~

~~(b) Issuance. The notice of civil infraction will be issued to the owner of the property and/or to the responsible party, if the violation exists on private property, or to the party responsible for the activity or condition if the violation exists on public property.~~

~~(i) Notwithstanding the provisions of subsections (3) and (4) of this section, the public works director or designee may issue a notice of civil infraction without having issued an order to cease activity or a notice of violation when a repeated violation occurs within a six-month period of time or otherwise at the director's or designee's discretion.~~

~~(ii) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless appealed as provided in this chapter.~~

~~(c) Content. The following shall be included in the notice of civil infraction.~~

~~(i) The name and address of the property owner or other persons to whom the notice of civil infraction is directed;~~

~~(ii) The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;~~

~~(iii) A description of the violation and a reference to that provision or provisions of this chapter which has been violated;~~

~~(iv) A statement that the monetary penalty in the amount per day for each violation as specified in BMC 13.10.520 is assessed against the person to whom the notice of civil infraction is directed for each and every day, or portion thereof, during which the violation continues beyond the date or time established for correction in the notice of violation; and~~

~~(v) A statement that the person to whom the notice of civil infraction was directed must complete correction of the violation and may pay the monetary penalty imposed to the city clerk or may appeal the notice of civil infraction as provided in subsection (5)(e) of this section.~~

~~(d) Service of Notice. The public works director or designee shall serve the notice of civil infraction upon the person to whom it is directed, either personally or by mailing a copy of the notice of civil infraction by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address or by posting the notice of civil infraction conspicuously on the affected property or structure. The person who effected personal service shall~~

~~make proof of service at the time of service by a written declaration under penalty of perjury declaring the time and date and the manner in which service was made.~~

~~(e) Appeal to Hearing Examiner.~~

~~(i) A person to whom a notice of civil infraction is directed may appeal the notice of civil infraction, including the determination that a violation exists, or may appeal the amount of any monetary penalty imposed to the hearing examiner.~~

~~(ii) A person may appeal the notice of a civil infraction by filing a written notice of appeal with the department of public works within the earlier of seven calendar days from the date of personal service of the notice of civil infraction, and if the notice is not personally served, within 10 calendar days from the date the notice was deposited in the United States mail, properly addressed and postage prepaid, and if the notice was posted, within 10 calendar days from the date the notice was posted on the property.~~

~~(iii) The monetary penalty for a continuing violation does not accrue during the pendency of the appeal; however, the hearing examiner may impose a daily monetary penalty from the date of service of the notice of civil infraction if the hearing examiner finds that the appeal is frivolous or intended solely to delay compliance.~~

~~(iv) The hearing before the hearing examiner shall be conducted as follows:~~

~~(A) The office of the hearing examiner shall give notice of the hearing before the hearing examiner to the appellant 17 calendar days before such hearing; and~~

~~(B) The hearing examiner shall conduct a hearing on the appeal. The city and the appellant may participate as parties in the hearing and each may call witnesses. The city shall have the burden of proof by a preponderance of the evidence that a violation has occurred.~~

~~(f) Action of Hearing Examiner.~~

~~(i) The hearing examiner shall determine whether the city has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend, or modify the amount of any monetary penalty imposed by the notice of civil infraction with or without written conditions.~~

~~(ii) The hearing examiner shall consider the following in making his/her determination:~~

~~(A) Whether the intent of the appeal was to delay compliance;~~

~~(B) Whether the appeal is frivolous;~~

~~(C) Whether there was a written contract or agreement with another party which specified the securing by the other party of the applicable permit or approval from the city;~~

~~(D) Whether the appellant exercised reasonable and timely effort to comply with applicable development regulations; and~~

~~(E) Any other relevant factors.~~

~~(g) Notice of Decision. The hearing examiner shall mail a copy of his or her decision to the appellant by certified mail, postage prepaid, return receipt requested.~~

~~(h) Judicial Review. The decision of the hearing examiner may be reviewed pursuant to the standards set forth in Chapter 36.70C RCW in King County superior court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the hearing examiner. For more information on the judicial review process for land use decisions, see Chapter 36.70C RCW.~~

~~(i) Criminal Penalty. Each day for which there occurs or continues to occur a willful violation of an order issued pursuant to this section for which a criminal penalty is not prescribed by state law shall constitute a misdemeanor and any person found guilty thereof shall be subject to a maximum penalty of $1,000 or 90 days in jail, or by both such fine and imprisonment for each such day that a violation occurs or continues to occur.~~

(~~6~~3) Criminal. Any willful violation of the provisions of this chapter is deemed a misdemeanor ~~unless a more exacting charge is allowed by law~~. [Ord. 534 § 13, 2010; Ord. 519 § 14, 2009; Ord. 489 § 2, 2008]

13.10.520 Enforcement – civil penalties.

Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be liable for all damages to public or private property arising from such violation and for all costs of inspection and sampling in the event the violation constitutes an illicit discharge. If the city repairs or replaces the damaged property, the actual cost to the city for such repair or replacement shall be assessed against the responsible party and shall be due and payable within ten days of the date of written notice of the same. Delinquent bills may be collected by a civil action or as otherwise allowed by law. If the City obtains judgment, it shall also be entitled to reimbursement for court costs and reasonable attorney's fees expended in the litigation.

(1) Monetary Penalty.

(a) The amount of the monetary penalty per day or portion thereof for each violation of this chapter shall be as set forth in Ch. 1.15 BMC. ~~is as follows:~~

~~(a) Except as may be otherwise set forth herein, the monetary penalty assessed shall not exceed $1,000 per day for each such day that a violation occurs or continues to occur. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil infraction is directed. Any monetary penalty assessed must be paid to the City Clerk within seven calendar days from the date of service of the notice of civil infraction or, if a contested or mitigation hearing was held pursuant to Ch. 1.15 BMC, within seven calendar days of the Hearing Examiner's decision.~~

~~(b) The City Attorney, on behalf of the city, is authorized to collect the monetary penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate accrual of additional per diem monetary penalties so long as the violation continues.~~

~~(c) In the event of failure to appear at a hearing as provided in Ch. 1.15 BMC, the Hearing Examiner shall assess the monetary penalty prescribed and a penalty of twenty-five dollars.~~

(~~d~~b) In the event of a conflict between this chapter and any other provision of this code o~~f~~r city ordinances providing for a civil penalty, this chapter shall control.

(2) Payment of a monetary penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the Director of Public Works.

15.05.410 Violations – Penalties.

The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC. ~~(1) Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.~~

~~(2) Enforcement of Violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the city to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The city may enforce violations of this Chapter and the codes referenced herein under Chapter 8.45 BMC.~~

~~(3) Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by this section.~~

~~(a) Civil Violation. Except as otherwise provided in this title, any violation of any of the provisions of this title shall constitute a civil infraction for which a monetary penalty in an amount not to exceed $5,000 may be imposed.~~

~~(b) Criminal Penalty. In addition to or as an alternative to any other penalty provided herein or by any other regulation, any person, partnership, firm, association, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days or by a fine in an amount fixed by the court of not more than $1,000 or by both such imprisonment and fine.~~

~~(c) Separate Offense. Each day or portion thereof upon which a violation occurs, continues, or is permitted shall constitute a separate offense for the purposes of subsections (a) and (b) of this section.~~

~~(4) Remedies Not Exclusive. Nothing herein shall prohibit nor prevent the city from utilizing any remedy at law or equity for the enforcement of violations herein.~~ [Ord. 541 § 2 (Exh. A), 2010]

15.05.415 Stop work order.

(1) Authority. Whenever the building official finds any work being performed in a manner either contrary to the provisions of this code, the construction codes, or other pertinent laws or ordinances that are violated during the course of work authorized by the permit, the building official is authorized to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order.

(2) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work and posted in plain sight on the premises, structure, fixture, or system as applicable. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

(3) Effect.

(a) The building official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit. The special investigation fee shall be determined in accordance with BMC 15.05.375(5), Work Commencing before Permit Issuance.

(b) A stop work order represents a determination that a code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

(c) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.

(d) A stop work order may be appealed to the city hearing examiner according to the procedures prescribed by BMC 15.05.400, Appeals.

(e) Failure to appeal the stop work order within the applicable time limits shall render the stop work order a final determination that a code violation occurred and that work was properly ordered to cease.

(f) Failure to comply with the terms of a stop work order ~~subjects the person responsible for code compliance to penalties and costs.~~ is declared to be unlawful and subject to enforcement as provided in BMC 1.15.110.

~~(4) Remedy—Penalties. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in BMC 15.05.410.~~

~~(a) In addition to any other judicial or administrative remedy, the building official or designee may assess penalties for the violation of any stop work order as set forth in BMC 15.05.410(3), Penalties.~~

~~(b) Penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.~~

~~(c) Violation of a stop work order shall be a separate violation from any other code violation. Civil penalties assessed create joint and several personal obligations in all persons responsible for the code violation. The city may collect the penalties assessed by any appropriate legal means.~~

~~(d) In addition to all other remedies, a lien for the value of the penalties imposed may be filed against the real property that is subject to compliance with this title. [Ord. 541 § 2 (Exh. A), 2010]~~

15.05.420 Unsafe structures and equipment.

(1) General. Structures or existing equipment which are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities or inadequate light and ventilation, which constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Additionally, a structure that is not secured against entry or which has been abandoned for more than one year or for which the applicant or owner fails to request the required inspection(s) prior to permit expiration or occupancy may be deemed unsafe by the building official.

(2) Evacuation. Where conditions exist that are deemed hazardous to life and property, the building official is authorized to abate summarily such hazardous conditions that are in violation of the codes. The building official shall be authorized to order the immediate evacuation of any unsafe occupied building when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the building official.

(3) Abatement. Where a structure has been deemed unsafe, the building official or designee shall first issue a notice of civil violation as prescribed in BMC ~~15.05.410~~1.15.120. The notice of violation shall include a statement requiring the unsafe structure or equipment to be taken down and removed or made safe, as the building official deems necessary and as provided for in Chapter 15.40 BMC, Burien Building and Property Maintenance Code. [Ord. 541 § 2 (Exh. A), 2010]

15.40.095 Violations and penalties.

(1) Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.

~~(2) Notice of Violation. The code official is authorized to serve a notice of violation or order in accordance with BMC 8.45.035.~~

~~(3) Enforcement of Violation. If the notice of violation is not complied with in the time prescribed by such notice, the code official is authorized to request the legal counsel of the city to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The code official is authorized to enforce violations of this chapter and the codes referenced herein under Chapter 8.45 BMC.~~

~~(4) Penalties~~Enforcement. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to enforcement as set forth in Chapter 1.15 BMC.~~penalties as prescribed by this section.~~

~~(a) Civil Violation. Except as otherwise provided in this title, any violation of any of the provisions of this title shall constitute a civil infraction for which a monetary penalty in an amount not to exceed $5,000 may be imposed.~~

~~(b) Criminal Penalty. In addition to or as an alternative to any other penalty provided herein or by any other regulation, any person, partnership, firm, association, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by imprisonment in jail for a maximum term fixed by the court of~~

~~not more than 90 days or by a fine in an amount fixed by the court of not more than $1,000 or by both such imprisonment and fine.~~

~~(c) Separate Offense. Each day or portion thereof upon which a violation occurs, continues, or is permitted shall constitute a separate offense for the purposes of subsections (4)(a) and (b) of this section.~~

~~Failure to correct a civil violation in a manner and within the time frame specified by the administrative notice of violation subjects the person(s) responsible for code compliance to additional civil penalties as set forth in BMC 8.45.040(5), (6), and (7).~~

~~(5) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.~~

~~(6) Remedies – Cost Recovery. In addition to other remedies, the cost of pursuing code compliance and abatement incurred to correct a code violation shall be in accordance with BMC 8.45.035(12).~~ [Ord. 541 § 11 (Exh. E), 2010]

~~15.40.100 Voluntary correction.~~

~~(1) Applicability. While it is the city's desire to obtain voluntary correction pursuant to this section, compliance herewith is not a prerequisite for pursuing any of the other remedies for correction in this chapter or any remedies available in law or equity. This section may apply whenever the applicable department director determines that a nuisance has occurred or is occurring.~~

~~(2) General. The applicable department director may attempt to secure voluntary correction by contacting the person responsible for the nuisance and, where possible, explaining the violation and requesting correction.~~

~~(3) Issuance of Voluntary Correction Agreement. A voluntary correction agreement may be entered into between the person responsible for the violation and the city, acting through the applicable department director.~~

~~(a) Content. The voluntary correction agreement is a contract between the city and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:~~

~~(i) The name and address of the person responsible for the violation; and~~

~~(ii) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and~~

~~(iii) A description of the violation and a reference to the regulation which has been violated; and~~

~~(iv) The necessary corrective action to be taken, and a date or time by which correction must be completed; and~~

~~(v) An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and~~

~~(vi) An agreement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied; and~~

~~(vii) An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the district court, under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.~~

~~(b) Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation shall have no right to a hearing before the district court, under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.~~

~~(c) Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions.~~

~~(d) Abatement by the City. The city may abate the violation in accordance with BMC 8.45.060 if the terms of the voluntary correction agreement are not met.~~

~~(e) Collection of Costs. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with BMC 8.45.040(5), plus all costs and expenses of abatement, as set forth in BMC 8.45.060(4). [Ord. 541 § 11 (Exh. E), 2010]~~

~~15.40.105 Notices and orders.~~

~~(1) Notice to Person Responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in BMC 8.45.035(2) to the person responsible for the violation as specified in this code.~~

~~A copy of such notice shall also be filed with the county auditor, and such filing of the notice or order shall have the same force and effect as other lis pendens notices provided by law.~~

~~(2) Method of Service. A notice of violation shall be served in accordance with BMC 8.45.035(3). Such notice shall be deemed to be properly served if a copy thereof is:~~

~~(a) Delivered personally;~~

~~(b) Sent by certified or first-class mail with return receipt requested, addressed to the last known address; or~~

~~(c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.~~

~~(3) Unauthorized Tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.~~

~~(4) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in BMC 15.40.095(4).~~

~~(5) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. [Ord. 541 § 11 (Exh. E), 2010]~~

15.40.115 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official is authorized to cause the premises to be closed and secured through any available public

agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and such costs will be recoverable pursuant to BMC ~~8.45.060~~1.15.200. [Ord. 541 § 11 (Exh. E), 2010]

15.40.130 Notice.
Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice, and served on the owner or the person or persons responsible for the structure or equipment in accordance with BMC 15.40.105. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in BMC ~~15.40.105~~1.15.070. [Ord. 541 § 11 (Exh. E), 2010]

15.40.165 Demolition.
(1) General. The code official shall have the authority to order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official is authorized to order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

(2) Notices and Orders. All notices and orders shall comply with BMC ~~15.40.105~~1.15.120.

(3) Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall have the authority to cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(4) Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. [Ord. 541 § 11 (Exh. E), 2010]

15.40.180 Stop work order.
(1) Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order.

(2) Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(3) Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

(4) Effect.

(a) The code official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit. The special investigation fee shall be determined in accordance with BMC 15.05.375(5), Work Commencing before Permit Issuance.

(b) A stop work order represents a determination that a civil code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

(c) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.

(d) A stop work order may be appealed to the city of Burien hearings examiner according to the procedures prescribed by BMC 15.40.170, Means of appeal.

(e) Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.

(f) Failure to comply with the terms of a stop work order subjects the person responsible for code compliance to civil penalties and costs pursuant to Chapter 1.15 BMC.

(5) Remedy – Civil Penalties. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by ~~law~~ Chapter 1.15 BMC.

(a) In addition to any other judicial or administrative remedy, the code official or designee may assess penalties for the violation of any stop work order as set forth in ~~BMC 15.40.095(4), Penalties~~ Chapter 1.15 BMC.

(b) Penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.

(c) Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create joint and several personal obligations in all persons responsible for code violation. The city of Burien may collect the civil penalties assessed by any appropriate legal means.

(d) In addition to all other remedies, a lien for the value of the civil penalties imposed may be filed against the real property that is subject to compliance with this title. [Ord. 541 § 11 (Exh. E), 2010]

15.40.200 Motor vehicles.

The following city codes shall be applicable to motor vehicles on private property. Enforcement shall be in accordance with Chapter ~~8.45~~ 1.15 BMC.

(1) Nuisance, Junk Vehicle(s). BMC 8.45.020(9)(c)(iv).

(2) Parking on Residential Property. Chapter 10.11 BMC.

(3) Off Street Parking Design Standards. BMC 19.20.100(10)(B).

(4) Critical Area Aquifer Recharge Areas – Performance Standards Vehicle Repair and Servicing. BMC 19.40.430(6)(G). [Ord. 541 § 11 (Exh. E), 2010]

15.40.240 Rubbish and garbage.

(1) Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

(2) Disposal of Refuse and Recyclable Materials. Every occupant of a structure shall dispose of refuse and recyclable materials in a clean and sanitary manner by placing such materials in an approved disposal facility or approved containers maintained for regular collection.

(3) Containers. Containers for the purpose of collecting refuse shall provide adequate storage capacity to assure that all refuse is totally contained. All refuse shall be contained at all times. The number of refuse containers and the collection frequency of these containers shall be determined by the property owner, landlord or the individual(s) who are in control of the use of the property. The code official may require additional containers, larger containers or more frequent collection of all refuse if all refuse is not kept within the containers.

Any refuse that is not contained shall constitute a nuisance and the code official is authorized to abate the nuisance in accordance with Chapter ~~8.45~~ 1.15 BMC.

The city is authorized to recover all costs and expenses from the property owner in accordance with BMC ~~8.45.060~~ 1.15.200.

(4) Recyclable Materials and Solid Waste Storage. Space required by WAC 51-50-009 for the storage of recycled materials and solid waste shall be maintained to meet the needs of the occupancy and efficiency of pickup, and shall be available to occupants and haulers.

(5) Refrigerators. Refrigerators, freezers and similar equipment not in operation shall not be discarded, abandoned or stored on premises and are defined as an attractive nuisance as set forth in BMC 8.45.020. [Ord. 541 § 11 (Exh. E), 2010]

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discussion Regarding If and When to Adopt Resolution No. 330, Requesting King County to Hold a Special Election on August 7, 2012 for the Purpose of Placing on the Ballot a Proposition Concerning Annexation of the North Highline Area "Y" Annexation Area		**Meeting Date:** April 2, 2012
Department: City Manager **Contact:** Mike Martin, City Manager **Telephone:** (206) 248-5508	**Attachments**: 1. Resolution 330 2. Boundary Review Board Decision	**Fund Source:** General Fund **Activity Cost:** Approx. $10,000 **Amount Budgeted:** $100,000 **Unencumbered Budget Authority:** $100,000
Adopted Work Plan Priority: Yes X No	**Work Plan Item Description:** North Highline Area "Y" Annexation	

PURPOSE/REQUIRED ACTION:
The purpose of this agenda item is for City Council to discuss if and when to act on proposed Resolution 330 (Attachment 1).

BACKGROUND (*Include prior Council action & discussion*):
On October 3, 2011, Council approved Resolution 323 authorizing submittal of a Notice of Intent to Annex with the King County Boundary Review Board (BRB), and calling for an annexation election in the area proposed for annexation. The BRB held its public hearing on the Notice of Intent on January 9 and 10, 2011 and approved moving forward with the proposed annexation on February 16, 2012(Attachment 3). At March 19, 2012 meeting, Councilmembers requested placing Resolution 330 on the April 2 Business Agenda for consideration.

The proposed Resolution 330 requests King County to hold a special election in conjunction with the August 7th primary election for the purpose of placing on the ballot a proposition concerning the annexation of the North Highline Area "Y" Annexation Area. Only registered voters within the North Highline Area "Y" Annexation Area would be eligible to vote on this proposition. The County Clerk requires an adopted resolution no later than April 25th in order to be able to process the request through the King County Council. (The statutory deadline to place an item on the August 7th ballot is May 11th. County Council approval of an ordinance creating the ballot measure could occur as late as May 7th.)

OPTIONS (*Including fiscal impacts*):
1. Schedule attached Resolution 330 for adoption at April 2nd or 16th Council meeting (allows proposed annexation to move forward on August 7th election).
2. Do not schedule adoption of Resolution 330 (stops or delays annexation process).

Administrative Recommendation: Schedule Resolution 330 for adoption at April 2nd or 16th Council meeting.

Committee Recommendation: N/A

Advisory Board Recommendation: N/A

Suggested Motion: Move to adopt Resolution 330 requesting King County to Hold a Special Election on August 7, 2012 for the Purpose of Placing on the Ballot a Proposition Concerning Annexation of the North Highline Area "Y" Annexation Area.

Submitted by: Mike Martin
Administration _____ **City Manager** _____

Today's Date: March 29, 2012	**File Code:** \\File01\records\CC\Agenda Bill 2012\040212cm-1 RES North Highline Annexation Election.doc

ATTACHMENT 1

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 330

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, REQUESTING THE KING COUNTY DIRECTOR OF ELECTIONS TO HOLD A SPECIAL ELECTION IN CONJUNCTION WITH THE PRIMARY ELECTION ON AUGUST 7, 2012 FOR THE PURPOSE OF PLACING ON THE BALLOT A PROPOSITION CONCERNING THE ANNEXATION OF CERTAIN PROPERTY KNOWN AS THE NORTH HIGHLINE AREA "Y" ANNEXATION AREA.

WHEREAS, the City Council of the City of Burien, Washington, has determined that it would be in the best interest and general welfare of the City of Burien and the North Highline Potential Annexation Area to annex certain property lying in an area north of existing City of Burien corporate boundary, referenced as the North Highline Area "Y" Annexation Area; and

WHEREAS, the Growth Management Act and the King County Countywide Planning Policies encourage transition of unincorporated urban and urbanizing areas within Potential Annexation Areas from county governance to city governance; and

WHEREAS, the North Highline Area "Y" Annexation Area is within the City of Burien's Potential Annexation Area adopted pursuant to Burien City Council Ordinance No. 455; and

WHEREAS, on October 3, 2011, the City Council of the City of Burien adopted Resolution No. 323 which directed the City Clerk to file with the King County Boundary Review Board a notice of intent to annex the North Highline Area "Y" Annexation Area, and

WHEREAS, the Boundary Review Board held a public hearing on the proposed annexation on January 9 and 10, 2011, and

WHEREAS, the Boundary Review Board approved the annexation on February 16, 2012, with a modified legal description of the North Highline Area "Y" Annexation Area boundaries, which boundaries are legally described in Exhibit "A" attached hereto and incorporated by the reference as though fully set forth herein, and

WHEREAS, the City has determined to call for a special election to be held in conjunction with the primary election on August 7, 2012 and to submit the question of annexation as a ballot question as authorized by RCW 35A.14.085,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council hereby requests the King County Director of Elections to find an emergency and hold a special election in conjunction with the primary election on August 7, 2012 and to submit to the qualified electors of the North Highline Area "Y" Annexation Area a proposition authorizing the North Highline Area "Y" Annexation Area to be annexed to the City.

Section 2. The ballot title shall read as follows:

NORTH HIGHLINE AREA "Y" ANNEXATION AREA

Shall that area of unincorporated King County known as the North Highline Area "Y" Annexation Area as legally described in City of Burien Resolution No. 330 be annexed to the City of Burien?

☐ For annexation.
☐ Against annexation.

Section 3. A certified copy of this resolution shall be transmitted by the City Clerk to the King County Department of Records and Elections and to the Clerk of the King County Council upon passage.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2012.

CITY OF BURIEN

_____
Brian Bennett, 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. 330

EXHIBIT A

BOUNDARIES OF THE PROPOSED NORTH HIGHLINE AREA "Y" ANNEXATION AREA

The legal description of the boundaries of the proposed North Highline Annexation Area, located in Sections 1 and 12, Township 23 North, Range 3 East, W.M., in Sections 4, 5, 6, 7 and 8, Township 23 North, Range 4 East, W.M. and in Section 32, Township 24 North, Range 4 East, W.M., all in King County, Washington, more particularly described as follows:

Beginning at the northeast corner of existing City of Burien as established by City of Burien Ordinance No. 527, said corner also being the intersection of the westerly right-of-way line of Primary State Highway No. 1 as approved July 23, 1957 and shown on Sheets 1 through 4 of 7 of Engineer's Plans for section South 118th Street to Junction with Secondary State Road No. 1-K (State Route 509), as now established and hereinafter referred to as State Route 99 with the south margin of South 108th Street, said point also being on the westerly limits of the City of Tukwila;

Thence departing from said city limits of Tukwila and westerly along the northern limits of the City of Burien as established by City of Burien Ordinance No. 527 and along said south margin of South 108th Street to the intersection with the east line of the Southwest quarter of the Southwest quarter of Section 4, Township 23 North, Range 4 East, W.M.;

Thence north 30 feet along said east line to the southeast corner of the Northwest quarter of the Southwest quarter of said Section 4;

Thence west 30 feet along the south line of the Northwest quarter of the Southwest quarter of said Section 4 to the west margin of 20th Avenue South;

Thence northerly along said west margin of 20th Avenue South to the north line of the south 136 feet of the Northwest quarter of the Southwest quarter of said Section 4;

Thence westerly along the north line of the south 136 feet of the Northwest quarter of the Southwest quarter of said Section 4 to the intersection with the west line of said Section 4;

Thence southerly along the west line of said Section 4 to the north margin of South 112th Street;

Thence westerly along said north margin of South 112th Street to intersection with the north line of said Section 8;

Thence westerly along said north line to the intersection with the east margin of State Route 509;

Thence southerly along said east margin of State Route 509 to the north margin of South 116th Street;

Thence westerly along said north margin of South 116th Street and Southwest 116th Street to the west margin of 10th Avenue Southwest;

Thence northerly along said west margin of 10th Avenue Southwest to the north margin of Southwest 114th Street;

Thence westerly along said north margin of Southwest 114th Street to the east margin of 15th Avenue Southwest;

Thence northerly along said east margin of 15th Avenue Southwest to the south margin of Southwest 112th Street;

Thence westerly along said south margin of Southwest 112th Street to present limits of the City of Seattle as established by City of Seattle Ordinance 84568 and the east margin of Seola Beach Drive Southwest (previously referred to as Qualheim Avenue Southwest, Qualheim Road or Seola Beach Road);

Thence northerly along said present City of Seattle limits and said east margin of Seola Beach Drive Southwest to the south margin of Southwest 106th Street;

Thence easterly along said south margin of Southwest 106th Street to the intersection with a line parallel with and 30 feet east of the east line of the West Half of the West Half of Section 1, Township 23 North, Range 3 East, W.M., also being the southerly extension of the east margin of 30th Avenue Southwest;

Thence northerly along said parallel line, also being the southerly extension, the east margin of and the northerly extension of 30th Avenue Southwest to a point on the south line of Section 36, Township 24 North, Range 3 East, W.M., said point being at the intersection with the south line of the present limits of the City of Seattle as established by City of Seattle Ordinance 16558 and the centerline of Southwest Roxbury Street (also known as Southwest 96th Street);

Thence easterly along said south lines and said centerline of Southwest Roxbury Street

to the northwest corner of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 1, Township 23 North, Range 3 East, W.M. and the northwest corner of that portion of the present limits of the City of Seattle as established by City of Seattle Ordinance 74754 and the centerline intersection with 21st Avenue Southwest;

Thence southerly along the west line of said Northwest Quarter of the Northeast Quarter of the Northwest Quarter, the west line of said present City of Seattle limits as established by City of Seattle Ordinance 77429 and the centerline of said 21st Avenue Southwest to an angle point in said present City of Seattle limits and the centerline intersection with Southwest 98th Street;

Thence easterly along said present City of Seattle limits and the centerline of said Southwest 98th Street to the southeast corner of that portion of the present limits of the City of Seattle as established by said City of Seattle Ordinance 77429 and the southerly extension of the alley centerline of Block 2 of the unrecorded plat of Haines Heights Addition;

Thence northerly along that portion of the present limits of the City of Seattle as established by said City of Seattle Ordinances 74757 and 77429 and said southerly extension, the centerline of and the northerly extension of said alley to a point on the south line of said Section 36, Township 24 North, Range 3 East, W.M., said point being at the intersection with the south line of the present limits of the City of Seattle as established by said City of Seattle Ordinance 16558 and said centerline of Southwest Roxbury Street;

Thence easterly along said south lines, the north line of Section 6, Township 23 North, Range 4 East, W.M., and said centerline of Southwest Roxbury Street to a point on the north line of said Section 6 lying 654.11 feet from the northeast corner thereof, said point also being the northwest corner of that portion of the present limits of the City of Seattle as established by City of Seattle Ordinance 113271;

Thence South 05°28'00" West 30.07 feet to the northeast corner of the land conveyed to the Housing Authority of the County of King, recorded under Auditor's File No. 4413217;

Thence south along said present City of Seattle limits and the east line of said tract of land 1,174 feet, more or less, to the north margin of Southwest 100th Street;

Thence easterly along said present City of Seattle limits and said north margin of Southwest 100th Street 686.29 feet to the east line of said Section 6;

Thence northerly along said present City of Seattle limits and said east line 186.07 feet;

Thence easterly along said present City of Seattle limits, South 88°38'48" East 95 feet;

Thence easterly along said present City of Seattle limits, North 89°33'05" East for 94.68 feet to the west margin of Occidental Avenue South;

Thence northerly along said present City of Seattle limits and said west margin of Occidental Avenue South for 87.52 feet;

Thence southeasterly along said present City of Seattle limits, South 64°57'53" East to the northerly line of the unrecorded plat of Highlands Half Acre Tracts as noted on the survey recorded in King County under Recording No. 8103319002;

Thence northeasterly along said present City of Seattle limits and said northerly line, North 75°47'11" East 537.72 feet;

Thence northeasterly along said present City of Seattle limits, North 23°10'47" East 6.66 feet to westerly margin of Myers Way South;

Thence easterly along said present City of Seattle limits to an the intersection of the easterly margin of Myers Way South and the southerly margin of the City of Seattle Transmission Line Right-of Way;

Thence southerly along said present City of Seattle limits and said easterly margin of Meyers Way South to the north margin of South 100th Street;

Thence easterly along said present City of Seattle limits and said north margin of South 100th Street and said margin extended to the easterly margin of State Road No. 1-K as constructed per Engineer's Plans, Sheets 7 through 9 inclusive, approved December 17, 1957, and revised September 14, 1984, as now established and hereafter referred to as State Route 509;

Thence generally northerly along said present City of Seattle limits and said east margin of State Route 509 to the north line of the South Half of the Southwest Quarter of Section 32, Township 24 North, Range 4 East, W.M., also being south margin of South Barton Street;

Thence easterly along said present City of Seattle limits as established by City of Seattle Ordinance 15917, said north line and said south margin of South Barton Street to the intersection with the west line of the plat of Excelsior Acre Tracts as recorded in Volume 8 of Plats, Page 93, records of said King County;

Thence southerly along said present City of Seattle limits and said west line of said plat of Excelsior Acre Tracts to the southwest corner of said plat of Excelsior Acre Tracts;

Thence easterly along said present City of Seattle limits, the south line of said plat of Excelsior Acre Tracts and the south line of the plat of Excelsior Acre Tracts No. 2 as recorded in Volume 9 of Plats, Page 48, records of said King County, to the intersection with the westerly margin of State Route 99;

Thence departing said present City of Seattle limits, southeasterly along said westerly margin of State Route 99 to the intersection with the east line of the westerly 178.51 feet of Tract 8 of Moore's Five Acre Tracts as recorded in Volume 9 of Plats, Page 28, records of said King County;

Thence southerly along said east line to the north margin of South 96th Street;

Thence easterly along said north margin of South 96th Street to the intersection with the westerly margin of State Route 99;

Thence southeasterly along said westerly margin of State Route 99 to the intersection with the north line of Tract 55 of said plat of Moore's Five Acre Tracts and the present northwest corner of the City of Tukwila as established by City of Tukwila Ordinance 1670;

Thence southeasterly continuing along said westerly margin of State Route 99 and the present limits the City of Tukwila to the south margin of South 108th Street and the Point of Beginning.

ATTACHMENT 2

Washington State Boundary Review Board
For King County

Yesler Building, Room 240, 400 Yesler Way, Seattle, WA 98104
Phone: (206) 296-6800 • Fax: (206) 296-6803 • http://govrec.kingcounty.gov/annexations

RECEIVED

APR 20 2009

CITY OF BURIEN

April 17, 2009

City of Burien
Attn: Scott Greenberg,
Community Development Director
15811 – Ambaum Blvd SW, Suite C
Burien, WA 98166

RE: CLOSING LETTER FOR RESOLUTION AND HEARING DECISION
File No. 2290 – City of Burien – North Highline Annexation (Area X)

Dear Mr. Greenberg:

We are writing to advise you that the Washington State Boundary Review Board for King County has now completed the Resolution and Hearing Decision, as specified in RCW 36.93, to approve the above referenced proposed action filed with the Board effective: **April 16, 2009.**

The Resolution and Hearing Decision for this action is enclosed for filing as prescribed by RCW 36.93.160(4). An appeal period to Superior Court has been established, as mandated by RCW 36.93.160. The appeal period to Superior Court will close on **May 18, 2009**.

In order to finalize the proposed action, the applicant must address the following requirements, where applicable:

1. Compliance with the statutory requirements and procedures specified in the Notice of Intention;

2. Sewer and Water district actions and some other actions are also subject to approval by the Metropolitan King County Council. If the Council makes changes to the proposal, the Board may then be required to hold a public hearing.

3. Filing with King County of franchise application(s), as required, accompanied by a copy of this letter.

4. Filing with King County of permit application(s), as required, accompanied by a copy of this letter.

5. Notification to King County Office of Regional Policy and Planning, in writing, of your intended effective date of this action. This notification should be provided as early as possible. Please send this information to Gwen Clemens, Office of Strategic Planning & Performance Management (OSPPM), 401 Fifth Avenue, Suite 810, Seattle, Washington 98104, and

6. Filing with King County Council of: (1) one certified copy of your final resolution or ordinance accomplishing this action; and (2) a copy of this letter. This document should be filed with the Clerk of the Council (Attn: Ms Anne Noris), King County Courthouse, Room 1025, Seattle, Washington 98104

If you have questions or would like additional information, please contact our office at 206.296.6800.

Sincerely,

Lenora Blauman

Lenora Blauman
Executive Secretary
Attachment: Resolution and Hearing Decision

cc: The Honorable King County Councilmember Dow Constantine
The Honorable King County Councilmember Larry Phillips
The Honorable King County Councilmember Julia Patterson
Ms. Anne Noris, Clerk of Council
Ms. Hazel Gantz, King County Department of Assessments
Ms. Lydia Reynolds-Jones, Manager, Project Support Services
Mr. Dave Wilson, Elections Division
Mr. Paul Reitenbach, Department of Development & Environmental Services
Ms. Gwen Clemens, Office of Strategic Planning & Performance Management
King County E-911 Program
Ms. Connie Wong. Facilities Management Division, Real Estate Division
Ms. Anne Lockmiller, Facilities Management Division, Real Estate Division
Cities: Seattle, Sea-Tac and Tukwila
District(s): King County Fire Protection District Nos. 2, 11 and 24; King County Water District Nos. 20, 45, 49, 54 and 125, Highline Water District, Seattle Public Utilities, Midway Sewer District, Valley View Sewer District and Southwest Sewer District; Highline School District No. 401 and Tukwila School District No. 406

PROCEEDINGS OF THE
WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY
RESOLUTION AND HEARING DECISION

IN RE:	**CITY OF BURIEN** **North Highline Area "X"** **Proposed Annexation** **King County, Washington**	**FILE NO. 2290**

I. PUBLIC HEARING OVERVIEW

In February of 2009, the City of Burien, the proponent, filed a Notice of Intention with the Boundary Review Board to annex North Highline Area "X" (File No. 2290).

North Highline Area "X" (1680 acres) is located immediately adjacent to the northern boundary of the City of Burien. The northernmost boundary of the site is variously formed by South 107th Street, South 108th Street, South 116th Street, SW 112th Street and SW 116th Street. The site's western boundary is variously formed by the City of Seattle corporate boundary (at approximately 29th Avenue SW) and by Ambaum Boulevard SW. The eastern boundary is generally formed by SR 99 adjacent to the City of Tukwila. The southern boundary is formed by South 128th Street and SW 128th Street.

The City of Burien invoked the jurisdiction of the Boundary Review Board for the purpose of providing citizens a public hearing before an independent forum in order to obtain information and comment upon the proposed North Highline Area "X" Annexation.

The City of Burien also reported to the Boundary Review Board that the Resolution for North Highline Area "X" calls for an election to permit the citizens within the North Highline Area "X" to ultimately decide whether or not to join the City of Burien.

The Board held a Special Meeting/Public Hearing on March 30, 2009 to consider the proposal by the City of Burien to annex North Highline Area "X" (1680 acres).

***

The Board reviewed File No. 2290 in accord with RCW 36.93. (Local Governments – Boundaries – Review Boards). The Board directed particular attention to RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives). The Board also considered RCW 36.93.150, the authority for modification of annexation proposals. In accord with the law, the Board also considered RCW 36.70.A, the Growth Management Act, the King County Comprehensive Plan, the City of Renton Comprehensive Plan, together with other applicable state, regional, and local regulations and guidelines.

The Board is required by Washington law, to: (1) examine the record (e.g., application materials; technical studies; fiscal studies; regulatory analyses; other documents, exhibits, statements and testimony); (2) determine the specific policies and guidelines applicable to the proposed action; (3) review and weigh these elements; and (4) take the action that best advances those elements.

***

On March 30, 2009, the Board completed the public hearing and closed the record for the City of Burien North Highline Area "X" Annexation (File No. 2290.) The Board then deliberated the matter and came to a preliminary decision in the matter of File No. 2290. The Board finds as follows:

- The record for File No. 2290 contains sufficient documentation (e.g., technical data, fiscal data), evidence of community information programs, and certification of petitions and/or legislative action to complete its review of the North Highline Area "X" Annexation.
- On the basis of the testimony, evidence, and exhibits presented at said hearing, and the matters on record in said **File No. 2290**, it is the decision of the Board to **approve** the action proposed in said **Notice of Intention**. The legal description of the North Highline Area "X" is attached hereto and marked as "Exhibit I", together with a map showing the boundaries of the area herein marked as "Exhibit II."

II. FINDINGS

RCW 36.93.170 FACTORS AFFECTING THIS PROPOSAL

The Boundary Review Board finds the following Factors (RCW 36.93.170) to be applicable to the proposal for annexation of North Highline Area "X" (1680 acres) into the City of Burien. The key issues related to each applicable element are as follows:

RCW 36.93.170 (1) POPULATION AND TERRITORY

The Board considered the following factors to be applicable: Population Density; Proximity to Other Populated Areas; Land Area/Land Uses; Comprehensive Land Use Plans; Topography, Natural Boundaries and Drainage Basins; Likelihood of Significant Growth in the Area During the Next Ten Years; and Population Density/Proximity to Other Populated Areas.

North Highline Area "X" is generally unified with respect to its land area and its built community. The area is essentially fully developed with residential, commercial, and public uses. North Highline Area "X" also includes natural features such as water bodies, vegetated open space, and sensitive sloped terrain. North Highline Area "X" and the surrounding communities are linked, in part, by several elements of the natural environment (e.g., topography, vegetation).

North Highline Area "X" is an urban community that is substantially developed with single-family homes and multi-family residences. There is sizeable commercial property within North Highline Area "X" boundaries. Public facilities and open spaces are present in the North Highline Area. The Area will likely experience continued growth over the next ten years as there is remaining land that is suitable and permitted for redevelopment/new development with various land uses.

***

The North Highline Area "X" Annexation is based upon a Memorandum of Understanding ratified by the City of Burien, King County, Fire District No. 2, and Fire District No. 11 and signed (but not yet ratified) by the City of Seattle. This Memorandum of Understanding includes, but is not limited to, the identification of annexation area boundaries, agreements for provision of services; and allocation of fees in order to ensure adequate governance and service to the North Highline Area "X" community.

All of the proposed North Highline Area "X" Annexation (1680 acres) lies within the Urban Growth Area defined by King County. The proposed annexation is consistent with the King County Comprehensive Plan and Countywide Planning Policies for annexation of and service to urban territories.

The Burien Comprehensive Plan identifies North Highline Area "X" as being within the City's Potential Annexation Area. The North Highline Area "X" Annexation is consistent with City's Comprehensive Plan policies supporting inclusion of urban areas within the City for local governance. The City of Burien Comprehensive Plan provides for the commitment and the resources to govern the North Highline Area. The Plan provides for growth at urban levels of density generally consistent with the existing built environment and the natural environment.

For example, the City will develop specific land use/zoning designations and zoning for this community to permit future residential development that will be generally similar to and essentially compatible with existing density/design standards for residential uses, commercial uses, and public facilities/open spaces permitted in North Highline. With annexation of the North Highline Area "X", there would be an opportunity to immediately implement consistent and coordinated development standards throughout the community.

Further, the North Highline Area "X" contains environmentally sensitive features (e.g., variable topography, drainage basins, natural habitat). The Burien Comprehensive Plan provides support for the natural environment within the North Highline Area "X" through guidelines and regulatory controls (e.g., critical areas ordinances; open space preservation; storm water/flood control programs) designed to protect sensitive areas.

Under the City's Comprehensive Plan, citizens of the North Highline Area "X" will be provided with a full array of uniform public services, facilities and infrastructure. For example:

- Policy AN 1.1: Designates North Highline as being within the City's Potential Annexation Area
- Policy AN 1.2: Establishes provisions for land use and zoning designations of the North Highline Area
- Policy AN 1.3: Establishes requirements for plans and programs to provide services to areas annexed to the City of Burien.

The State Growth Management Act (RCW 36.70A) also supports the North Highline Area "X" Annexation. The proposed action would be consistent with RCW 36.70.20 which calls for community planning goals, for urban growth, services and infrastructure, and environmental preservation.

RCW 36.93.170 (2) MUNICIPAL SERVICES

The Board finds the following factors to be applicable: need for municipal services; effects of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; probable future need for such services; costs; effect on the finance, debt structure and contractual obligations; and prospects of government services from other sources, and rights of other affected governmental units. Following is a brief review of key issues related to these factors:

The evidence shows that North Highline Area "X" is an urban community requiring municipal services and facilities. Service goals and policies for urban areas are established by the State Growth Management Act and King County Comprehensive Plan. For example, King County FW-13 states that cities are the appropriate provider of local urban services to Urban Areas. Policies LU-27, LU-31, LU-32, CA-9, CA-10, U-205, and U-208 call for jurisdictions to plan for and coordinate land designations, land uses, and services. Further, annexation is appropriate under Countywide Policy CO-1, when a jurisdiction has "identified and planned for (a) full range of urban services."

Consistent with the State Growth Management Act and King County Plan, the City of Burien has developed policies – through the Comprehensive Land Use Plan, Comprehensive Service Plans, and other regulatory authorities – to govern and serve all properties within its corporate boundaries. Upon annexation, the City of Burien will govern North Highline Area "X" properties under unified regulatory authorities administered by a single local government unit.

The City of Burien will assume responsibility for land use management through the City's Comprehensive Plan and land use regulations. The City of Burien will assume responsibility for protection of environmentally sensitive areas (e.g., variable terrain, open spaces) through the Comprehensive Plan, Critical Areas Ordinance, Stormwater Management Plan, and other local, regional, and state guidelines. The City will assume responsibility for providing services (either directly or by contract) to the North Highline "X" Area. Services would be equal to – or improved from – the services currently provided by King County. More specifically, the City will assume responsibility for:

- Provision and management of capital facilities (e.g., roadways, parks/recreation areas). Acquisitions and improvements will be identified by means of a priority listing which reflects both necessity (i.e., public health, welfare and safety) and the interests of the citizens.
- Provision of police services through a contract with the King County Sheriff Department.
- Provision of fire/emergency services to the North Highline properties through a contract based upon the adopted Memorandum of Understanding with Fire Protection Districts No. 2 and No. 11.
- Valley View District and Southwest Suburban Sewer District will continue to provide wastewater treatment services to the North Highline Area "X".
- King County Water District No. 20 and Seattle Public Utilities will continue to provide water services to the community.
- Students would continue to be served by Highline School District and Tukwila School District.
- Public facilities, including libraries, parks, and recreation facilities will be available to citizens.
- Law and justice services and human services will be available to citizens.

***

The City has demonstrated the existence of resources to serve North Highline Area "X" through a Fiscal Feasibility Study which examined revenues/expenditures relating to governance and service of the North Highline Area. More specifically, the Fiscal Feasibility Study finds that the City would receive an increase in annual revenue in the amount of $4.6 million for North Highline Area "X.". Annual expenditures are anticipated at $4.6 million including the addition of services and support staff to North Highline Area "X". North Highline Area "X" residents would be provided with services, infrastructure, and facilities at a basic level immediately upon incorporation. There is an anticipated need for capital projects in the amount of $60 million to serve North Highline Area "X."

At annexation, the citizens of North Highline Area "X" will contribute to the funding of services in their community, in part, through property taxes (which are anticipated to be slightly reduced from taxes currently paid by residents), standard service fees, and other revenues based on population. For example, upon annexation, property owners will assume their share of the regular and special levy rate of the City for capital facilities and public services.

The City would also have access to other resources to address these costs. More specifically, SSB 6686 would provide the City access to sales tax funds that would permit the off-setting of the cost-to-revenue imbalances occurring in conjunction with the North Highline Area "X" Annexation. Newly adopted sales tax streaming regulations (SSB 5089) would likely benefit the community as well.

Burien and King County have agreed that, upon annexation, the City must govern built lands, open spaces, and basic services (e.g., surface water management facilities, ground water facilities, and other facilities.) The framework also establishes a commitment by the County to provide the City of Burien assistance with transition of service responsibilities from King County to the City of Burien (e.g., vested property improvements; infrastructure.) Further, administration of revenues/expenditures is addressed by the Memorandum of Understanding.

The Memorandum of Understanding (ratified by the City of Burien, King County, Fire District No.2 and Fire District No. 11) provides service plans and funding plans for fire protection and emergency medical services to the North Highline Area "X".

The City is committed to taking necessary steps to efficiently coordinate governance and service to North Highline Area "X" under unified regulatory authorities administered by a single local government.

King County supports annexation of the North Highline Area "X". This action creates a logical municipal service area. The City can provide more cohesive policies, standards, programs, cohesive operations, and efficient, economic control of services. Thus, services will be more effective, more efficient, and less costly to both government and citizens of North Highline Area "X."

RCW 36.93.170 (3) Effects of Proposal

The Board considers mutual economic and social interests, and local government structure effects to be applicable to the City of Burien North Highline Area "X" Annexation. Following is a brief review of key issues related to these factors.

The evidence shows that the City of Burien shares mutual social and economic links with the adjacent North Highline Area "X." Citizens of North Highline Area "X" utilize facilities in the City of Burien – including libraries, schools, parks and recreation programs. Citizens shop in Burien and use professional services (e.g., medical care, personal care) in the City. Citizens travel local and arterial roads through the City. Utility services are coordinated under the aegis of regional service providers.

With annexation, citizens would benefit from a governance system linking North Highline Area "X" to the City of Burien, for land use planning, service planning, fiscal planning and planning for public amenities to serve the community. The City of Burien Comprehensive Plan encourages local governance of communities. The City will provide for parks, surface water management facilities, ground water facilities, and other similar facilities. Additional enhancements to levels of service would occur over time to address community interests and as permitted by available resources.

City representatives provided a basic Fiscal Study related to the proposed North Highline Area "X" Annexation. The Study includes fiscal analyses of benefits and costs incurred for providing immediate governance and service to North Highline Area "X." Findings from the Fiscal Study provide reasonable assurance that available municipal funds, together with regional funds, and state funds (e.g., sales taxes available pursuant to SSB 6686), will provide sufficient resources to ensure governance of the North Highline Area "X" and maintain services to the greater City of Burien. The City is committed to taking the necessary steps to govern and serve the North Highline Area "X."

King County Comprehensive Plan/Countywide Planning Policies encourage local governance of communities. Annexation of the North Highline Area "X" is also consistent with the King County policies which call for transfer of urban lands to local jurisdictions at the earliest feasible date.

Coordinated integration of citizens of the North Highline Area "X" into Burien would preserve social organization, support economic health, and protect public safety and welfare.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT

RCW 36.93.157 mandates that Boundary Review Board decisions must be consistent with three sections of the Growth Management Act:

- RCW 36.70A.020 Planning Goals
- RCW 36.70A.110 Urban Growth Areas
- RCW 36.70A.210 Countywide Planning Policies

Key Growth Management Act policies that guide the provision of public services and that are relevant to the proposed North Highline Area "X" include:

- RCW 36.70A.020 (1) Urban Growth: Encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently.
- RCW 36.70A.020 (2) Reduce Sprawl: Reduce inappropriate conversion of undeveloped land into sprawling low-density development.
- RCW 36.70A.020 (10) Environment: Protect and enhance the environment and quality of life.
- RCW 36.70A.020 (11) Citizen Participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts.
- RCW 36.70A.020 (12) Public Facilities and services: Ensures that adequate public services and facilities are available to serve land developments.
- RCW 36.70A.110 (1/6) calls for each county to designate an urban growth area.
- RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities
- RCW 36.70A.110 (4) states that "(in) general, cities are the units of local government most appropriate to provide urban ...services."
- RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

Annexation of North Highline Area "X" into the City of Burien meets Growth Management Act criteria for governance of urban areas. This action is supported by RCW 36.70.A which requires community planning goals for urban growth, services and infrastructure, and environmental preservation. For example, the proposed North Highline Area "X" Annexation is consistent with RCW 36.70A.020 (1), encouraging development in urban areas where there are adequate public services.

The North Highline Area "X" Annexation is consistent with RCW 36.70A.020 (12), which calls for public services to support permitted development. Annexation would also permit urban growth – and protection of environmentally sensitive areas – as envisioned in the Growth Management Act.

RCW 36.93.180 OBJECTIVES

The Boundary Review Board has considered RCW 36.93.180 (Objectives), with respect to the North Highline Area "X" Annexation as follows:

RCW 36.93.180 (1) PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES

The Board finds that the North Highline Area "X" is a "neighborhood" as that term is defined by case law, as "either geographically distinct areas or socially... distinct groups of residents". North Highline Area "X exhibits many features that support its link with the City. The communities are characterized by similar and linked built environments and natural environments (e.g., parklands, open spaces; topography, drainage basin.)

The citizens of both communities share similar demographic, social, and economic profiles. Residents of the City and the North Highline Area "X" use common community facilities – e.g., schools, roadways, community centers, shopping centers, parks, and recreation facilities.

The City of Burien Comprehensive Plan anticipates annexation of the North Highline Area "X." The City includes the North Highline Area "X" in its Potential Annexation Area. The inclusion of the North Highline Area "X", a sizeable area and population, serves to create a coordinated community and encourages a more effective connection to the City of Burien.

Annexation will allow the City of Burien to guide synchronized community development in a manner which considers both built lands and the critical natural areas. Burien officials are committed to providing North Highline Area "X" citizens with a voice and a vote in planning for the future development of the built community and preservation of environmentally sensitive areas.

More specifically: he North Highline Area "X" is included in community planning programs to enable the City to guide growth and to provide coordinated services. With annexation of North Highline Area "X", the City of Burien can establish and administer land use designations and zoning standards for North Highline. Under City of Burien regulations, the North Highline Area "X" would be proposed to continue as a predominantly residential community with designations and zoning similar to that existing under King County. Additionally, the City of Burien would continue to support various commercial uses and public uses in the North Highline Area.

The City of Burien is prepared to provide development review and environmental review (e.g., protection of slopes, sensitive areas, and stormwater management) to the North Highline Area "X" based upon local, regional and state regulations to support preservation of this community.

King County officials support annexation of North Highline Area "X" citing that this action is consistent with state, regional and local guidelines. The County has indicated a preference for immediate annexation of urban areas to advance uniform governance for citizens of the North Highline Area "X."

RCW 36.93.180 (2) USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS

The proposed North Highline Area "X" is contiguous to the northern border of the City of Burien. Other North Highline Area "X" boundaries are formed by Unincorporated King County, the City of Seattle, the City of Tukwila, and the City of SeaTac. North Highline Area "X" is specifically established for annexation by Burien under the City's Comprehensive Plan (approved by the State of Washington.) Annexation of North Highline Area "X" to the City of Burien advances the transition of the entire North Highline Area to local jurisdictions.

"Social neighborhoods" may also be the basis for boundaries. The evidence shows that the North Highline Area "X" shares a social affiliation with the City of Burien. As such annexation of the North Highline Area "X" would further the establishment of a cohesive community.

The North Highline Area "X" annexation is consistent with the King County Comprehensive Plan because this action achieves progress toward incorporation of the greater unincorporated area in King County.

Annexation of the North Highline Area "X" advances the planning goals established by the State Growth Management Act for providing local governance to unincorporated urban territories.

Therefore, the Board finds that annexation of the lands within the North Highline Area "X" would be based upon – and enhance – clearly delineated geographic boundaries.

RCW 36.93.180 (3) CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS

The North Highline Area "X" annexation would create and preserve logical service areas throughout this community and the City of Burien. Annexation of North Highline Area "X" will enable planning, design, and implementation of efficient, consistent, consolidated service programs throughout the greater community.

The City of Burien Comprehensive Plan identifies the City as the provider of services for North Highline Area "X". More specifically, the City of Burien will assume responsibility for land use management through the City's Comprehensive Plan and land use regulations. The City of Burien will assume responsibility for protection of environmentally sensitive areas (e.g., variable terrain, open spaces) through the Comprehensive Plan, Critical Areas Ordinance, Stormwater Management Plan, and other local, regional, and state guidelines. For example:

- The City will assume responsibility for provision and management of capital facilities (e.g., roadways, parks/recreation areas). Acquisitions and improvements will be identified by means of a priority listing which reflects both necessity (i.e., public health, welfare and safety) and the interests of the citizens.
- The City will assume responsibility for providing police services through a contract with the King County Sheriff Department.
- The City will assume responsibility for providing fire/emergency services to the North Highline properties through a contract based upon the adopted Memorandum of Understanding with Fire Protection District No. 2 and with Fire Protection District No. 11.
- Roadways (including streets, storm water drains, and other right of way features) are generally fully operational. Funding is planned from various existing taxes and fees as well as anticipated sources (e.g., grants, development impact fees) for routine upgrades and maintenance and for future upgrades to facilities.
- Valley View District and Southwest Suburban Sewer District will continue to provide wastewater treatment services to the North Highline Area "X."
- King County Water District No. 20 and Seattle Public Utilities will continue to provide water services to the North Highline Area.
- Human services and law and justice services would be available to the citizens of the North Highline Area "X."
- City parks, recreation facilities, libraries and other community services would be available to the citizens of the North Highline Area "X."
- Children would continue to attend schools in the Highline School District or the Tukwila School District.

City officials have demonstrated that public services to the North Highline Area "X" would be improved by placing the entire area under a single municipal jurisdiction. Synchronized services and facilities (e.g., emergency services, water service, storm water and surface water management systems, wastewater treatment) will promote protection of the built environment and the natural environments.

King County strongly supports annexation of unincorporated urban areas like the North Highline Area "X" to provide citizens with more effective, efficient governance. Countywide Planning policies encourage cities to annex (and provide services to) territory within their designated potential annexation area. Other policies establish cities as the appropriate units to govern, develop, and serve Urban Areas. The County lacks sufficient resources to manage land uses or serve properties in these urban areas.

The State Growth Management Act identifies cities as the logical providers of local governance and urban services.

The Board finds that annexation of North Highline Area "X" into the City of Burien will advance the creation and preservation of logical service areas.

RCW 36.93.180 (4) PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES

The evidence shows that incorporation of the North Highline Area "X" would provide a reasonable and regular boundary consistent with the Burien Comprehensive Plan Annexation Element. The proposed boundaries of the North Highline Area "X" are generally geometric in form. Similarly, the North Highline Area "X" boundaries coincide with the established Urban Growth Area and with the boundaries of the City of Burien.

Further, under the King County Comprehensive Plan and the State Growth Management Act, the North Highline Area "X", as an unincorporated urban community, is encouraged to annex to a local jurisdiction. The North Highline Area, as an unincorporated community, does not benefit from effective governance.

The Board finds that annexation of North Highline Area "X" to Burien is consistent with the intent of this criterion to achieve the boundaries necessary to facilitate coordinated land uses and provide for more effective, efficient services to the community.

RCW 36.93.180 (5) DISCOURAGEMENT OF MULTIPLE INCORPORATIONS

The Board finds that both the State Growth Management Act and the King County Comprehensive Plan encourage governance of urban areas by local jurisdictions. Annexation to achieve local governance is preferred over incorporation of new communities. Annexation of North Highline to the City of Burien would, therefore, be consistent with RCW 36.93.180 (5).

RCW 36.93.180 (6) DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS

RCW 36.93.180 (6) is not applicable to File No. 2290.

RCW 36.93.180 (7) ADJUSTMENT OF IMPRACTICAL BOUNDARIES

The Board finds that the proposed North Highline Area "X" comprises a substantial area of unincorporated land. Annexation of North Highline Area "X" to the City of Burien would create more reasonable and practical boundaries necessary to achieve the preservation and coordinated governance of the community. Specifically, upon annexation, North Highline Area "X" – including the built environment and linked natural environment – will be placed under City jurisdiction, thus creating more practical boundaries for the effective local governance, directed planning activities (e.g., establishment of uniform land uses and development standards); preservation of environmentally sensitive areas; and the provision of coordinated public facilities and services.

RCW 36.93.180 (8) INCORPORATION AS CITIES OR ANNEXATION TO CITIES OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER

The Board finds that annexation of the North Highline Area "X" into the City of Burien is based upon the location of this territory within the Urban Growth Area established by the King County Comprehensive Plan. The "Urban" designation established for the North Highline Area "X" is also supported by the State Growth Management Act.

The City of Burien annexation of the North Highline Area "X" will promote uniform governance, development, and services appropriate for this urban territory. Coordinated governance and services should immediately benefit North Highline Area "X" citizens. At annexation, North Highline Area "X" citizens will be notified of – and invited to participate in the planning of – future improvements to the community.

RCW 36.93.180 (9) PROTECTION OF AGRICULTURAL AND RURAL LANDS FOR LONG TERM PRODUCTIVE AGRICULTURAL/RESOURCE USE

RCW 36.93.180 (9) is not applicable to File No. 2290 as the North Highline Area "X" lies in the Urban Growth Area as established for King County.

III. BOUNDARY REVIEW BOARD FINDINGS AND DECISIONS

The Boundary Review Board conducted review and deliberation of File No. 2290 based upon the record of written documents and oral testimony, in keeping with applicable state, regional and local regulations. The Board focused upon RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); King County Comprehensive Plan/Countywide Policies; City of Burien Comprehensive Plans, RCW 35.13 (Annexation of Cities); and other relevant regulations and guidelines. As prescribed by statutory mandate, the Boundary Review Board considered the following options:

- North Highline Area "X" Annexation could be approved as submitted by the City of Burien, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan, Burien Comprehensive Plan).
- North Highline Area "X" Annexation could be modified, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan, Burien Comprehensive Plan).
- North Highline Area "X" Annexation could be denied in its entirety if annexation is found to be inconsistent with RCW 36.93 and other applicable regulations (e.g., Chapter 36.70A RCW, King County Comprehensive Plan, City of Burien Comprehensive Plan).

***

The Board finds that the record for File No. 2290 is detailed and extensive. Affected parties have provided considerable materials supporting their positions. The Board reviewed the entire record to reach its decision for the proposed North Highline Area "X" Annexation. The Board finds that the City of Burien's proposed annexation of the North Highline Area "X" is consistent with the provisions of Chapter 36.93 RCW. By way of example, but not limitation:

- The North Highline Area "X" Annexation addresses criteria established in RCW 36.93.170 with respect to population, territory, comprehensive planning, land uses, natural environment, service needs and service capacity, and mutual social and economic needs.
- Additionally, the proposed North Highline Area "X" was evaluated according to the criteria established in RCW 36.93.180 as follows:

RCW 36.93	NORTH HIGHLINE AREA "X" (1680 ACRES)
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ADVANCES CRITERION AS ANNEXATION INCLUDES PROPERTIES IN A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES	ADVANCES CRITERION AS ANNEXATION IS CONSISTENT WITH ESTABLISHED BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES CRITERION AS BURIEN CAN SERVE ENTIRE AREA TO PROTECT PUBLIC WELFARE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ADVANCES CRITERION AS REGULAR BOUNDARIES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY

RCW 36.93	NORTH HIGHLINE AREA "X" (1680 ACRES)
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ADVANCES CRITERION AS PRACTICAL BOUNDARIES ARE CREATED TO SUPPORT A UNIFIED COMMUNITY AND TO STREAMLINE SERVICE PROVISION
OBJECTIVE 8 – INCORPORATION ...OR ANNEXATION TO CITIES .... OF UNINCORPORATED URBAN AREAS	ADVANCES CRITERION AS THE ENTIRE DESIGNATED URBAN AREA WILL BE INCORPORATED INTO A LOCAL JURISDICTION
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS ...	DOES NOT APPLY

- State Growth Management Act (Chapter 36.70A RCW) policies call for logical and orderly growth. The Board finds that annexation of North Highline Area "X" advances the provisions of the RCW 36.70A by providing for effective local governance.
- The King County Comprehensive Plan/Countywide Policies and the Burien Comprehensive Plan also contemplate logical and orderly growth of communities. These County and City plans support local governance to assure balanced, sound, cost-effective governance for this community.

The Board finds that the proposed North Highline Area "X" Annexation achieves the provisions of the King County Comprehensive Plan/Countywide Policies and the City of Burien Comprehensive Plan. Annexation of the North Highline Area "X" would accomplish that balance that the County and the City seek from annexation of urban areas into local communities.

IV. CONCLUSION

The Boundary Review Board finds that approval of the North Highline Area "X" Annexation to the City of Burien advances the standards established in the Growth Management Act, King County Comprehensive Plan, the City of Burien's Comprehensive Plan, RCW 36.93, and other state and local guidelines for incorporation of urban areas.

The Boundary Review Board finds that approval of the City of Burien Notice of Intention to annex the North Highline Area "X" is timely based upon the City of Burien's current and historical commitment to guide development and provide municipal services to this area.

The North Highline Area "X" Annexation will enable the City of Burien to provide a harmonious efficient plan for the governance of the built community, preservation of the environment, and protection of the public health and safety of the citizens.

(Note: Under state law, the City of Burien must adopt an Ordinance or Resolution affirming the North Highline Area "X" Annexation following action by the Boundary Review Board and agreement by a vote of the citizens. Under state law, the City must confirm the action as approved by the Boundary Review Board. Alternatively, the Council may decide not to pursue the action. However, the City cannot modify the boundaries that have been approved by the Boundary Review Board.)

NOW, THEREFORE,

BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY THAT, for the above reasons, the action proposed in the Notice of Intention contained in said **File No. 2290** be, and the same is, hereby **approved** as described in Exhibits attached hereto and incorporated herein by reference.

ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY by a vote of 9 in favor, 0 in opposition, and 0 abstentions, on this 16 day of April, 2009, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

Claudia Hirschey

Claudia Hirschey, Chair

FILED this 17 day of April, 2009 **BY:**

Lenora Blauman

Lenora Blauman, Executive Secretary

EXHIBITS

EXHIBIT I	CITY OF BURIEN NORTH HIGHLINE AREA "X": LEGAL DESCRIPTION OF ANNEXATION AREA BOUNDARIES
EXHIBIT II	CITY OF BURIEN NORTH HIGHLINE AREA "X": MAP OF ANNEXATION AREA BOUNDARIES

RECEIVED
MAR 9 2009
WA State Boundary Review Board For King Co.

EXHIBIT A

BOUNDARIES OF THE PROPOSED NORTH HIGHLINE ANNEXATION AREA

The legal description of the boundaries of the proposed North Highline Annexation Area, located in Section 12, Township 23 North, Range 3 East, W.M. and in Sections 4, 5, 7, 8 and 9, Township 23 North, Range 4 East, W.M. and, all in King County, Washington, more particularly described as follows:

Beginning at the northeast corner of existing City of Burien as established by King County Ordinance 10236, said corner also being the intersection of the west margin of Des Moines Memorial Drive South (Des Moines Way South) with the north margin of South 128th Street said point being also on the city limits of SeaTac as established by King County Ordinance 8820 and situated in the Southwest quarter of Section 9, Township 23 North, Range 4 East, W.M., King County, Washington;

Thence easterly along said north margin of South 128th Street and said city limits of SeaTac to the east margin of Military Road South and an angle point in said north margin of South 128th Street and the city limits of Tukwila as established by City of Tukwila Ordinance 1574;

Thence continuing along said north margin of South 128th Street and said city limits of Tukwila to the intersection with the south line of Section 9, Township 23 North, Range 4 East, W.M.;

Thence east along the south line of said Section 9 to the intersection with a line lying 250 feet (measured perpendicular to) westerly of and parallel with the centerline of Pacific Highway South;

Thence northerly along said parallel line to the south line of the north 34 feet of the North half of the South half of the South half of the Southeast quarter of the Southeast quarter of said Section 9;

Thence continuing northerly along said parallel line which lies 250 feet westerly of and parallel with the centerline of Pacific Highway South a distance of 5 feet more or less to a point located opposite Highway Engineers Station PT 527 + 88.4 on said centerline;

Thence continuing northerly along said line, North 12°21'28" West a distance of 200.30 feet to the south line of the north half of the north half of the south half of the southeast quarter of the southeast quarter of said Section 9;

Thence along said south line, South 88°56'52" West to a point which lies 564.93 feet westerly of the west margin of Pacific Highway South when measured along said line;

Thence North 00°05'43" East to a point on the north line of the south half of the north half of the southeast quarter of the southeast quarter, said point being 453.07 feet westerly from the west margin of Pacific Highway South when measured along said line;

Thence westerly along said north line to a point which lies 609.72 feet east of the west line of the Southeast quarter of the Southeast quarter of said Section 9, said point also being the southwest corner of Lot "A" of City of Tukwila Boundary Line Adjustment No. L98-0033 recorded under Recorder's Number 9810059013, records of King County, Washington;

Thence northerly along the west line of said Lot "A" to a point on the north line of the southeast quarter of the southeast quarter of said Section 9 which is located 614.26 feet east of the northwest corner thereof, said point also being an angle point on the westerly line of said Lot "A";

Thence easterly along said north line to a point located 300 feet westerly of the west margin of Pacific Highway South when measured along said north line, said point also being an angle point in the westerly line of said Lot "A";

Thence northwesterly along the westerly line of Lots "A", "B", "C", and "D" of said City of Tukwila Boundary Line Adjustment to a point on the north line of the northeast quarter of the southeast quarter of Section 9 which is located 100 feet east of the northwest corner thereof, said point also being the northwest corner of said Lot "D";

Thence easterly along said north line to the westerly limited access line of PSH No. 1 (SR-99);

Thence generally northerly along said westerly limited access line to its intersection with the north margin of South 116th Way (South 116th Place);

Thence northwesterly along said north margin of South 116th Way to the new westerly right-of-way line and limited access line for Primary State Highway No. 1 (S.R. 99) as approved 7-23-57 and shown on Sheets 1 & 2 of 7;

Thence northerly along said new westerly right-of-way line to the intersection with the south margin of South 108th Street;

Thence departing from said city limits of Tukwila westerly along said south margin of South 108th Street to the intersection with the east line of the Southwest quarter of the Southwest quarter of Section 4, Township 23 North, Range 4 East, W.M.;

Thence north 30 feet along said east line to the southeast corner of the Northwest quarter of the Southwest quarter of said Section 4;

Thence west 30 feet along the south line of the Northwest quarter of the Southwest quarter of said Section 4 to the west margin of 20th Avenue South;

Thence northerly along said west margin of 20th Avenue South to the north line of the south 136 feet of the Northwest quarter of the Southwest quarter of said Section 4;

Thence westerly along the north line of the south 136 feet of the Northwest quarter of the Southwest quarter of said Section 4 to the intersection with the west line of said Section 4;

Thence southerly along the west line of said Section 4 to the north margin of South 112th Street;

Thence westerly along said north margin of South 112th Street to intersection with the north line of said Section 8;

Thence westerly along said north line to the intersection with the east margin of State Route 509;

Thence southerly along said east margin of State Route 509 to the north margin of South 116th Street;

Thence westerly along said north margin of South 116th Street and Southwest 116th Street to the west margin of 10th Avenue Southwest;

Thence northerly along said west margin of 10th Avenue Southwest to the north margin of Southwest 114th Street;

Thence westerly along said north margin of Southwest 114th Street to the east margin of 15th Avenue Southwest;

Thence northerly along said east margin of 15th Avenue Southwest to the south margin of Southwest 112th Street.

Thence westerly along said south margin of Southwest 112th Street to the east margin of Seola Beach Drive Southwest;

Thence southerly along said east margin of Seola Beach Drive Southwest to the intersection with the north line of Government Lot 3, Section 12, Township 23 North, Range 3 East, W.M. said point being the northwest corner of the existing City of Burien;

Thence easterly along said north line and the boundary of said existing City of Burien as established by King County Ordinance 10236 to the west margin of 30th Avenue Southwest;

Thence north 30 feet to the north margin of Southwest 116th Street;

Thence easterly along the north margin of Southwest 116th Street to the intersection with the east margin of 12th Avenue Southwest;

Thence southerly along said east margin of 12th Avenue Southwest to the east margin of Ambaum Boulevard Southwest;

Thence southerly along said east margin of Ambaum Boulevard Southwest to the intersection with the north margin of Southwest 128th Street;

Thence easterly along said north margin of Southwest 128th Street and South 128th Street, also being the Burien City Limits as established by King County Ordinance 10236, to the intersection with the west margin of Des Moines Memorial Drive South (Des Moines Way South) and the Point of Beginning.

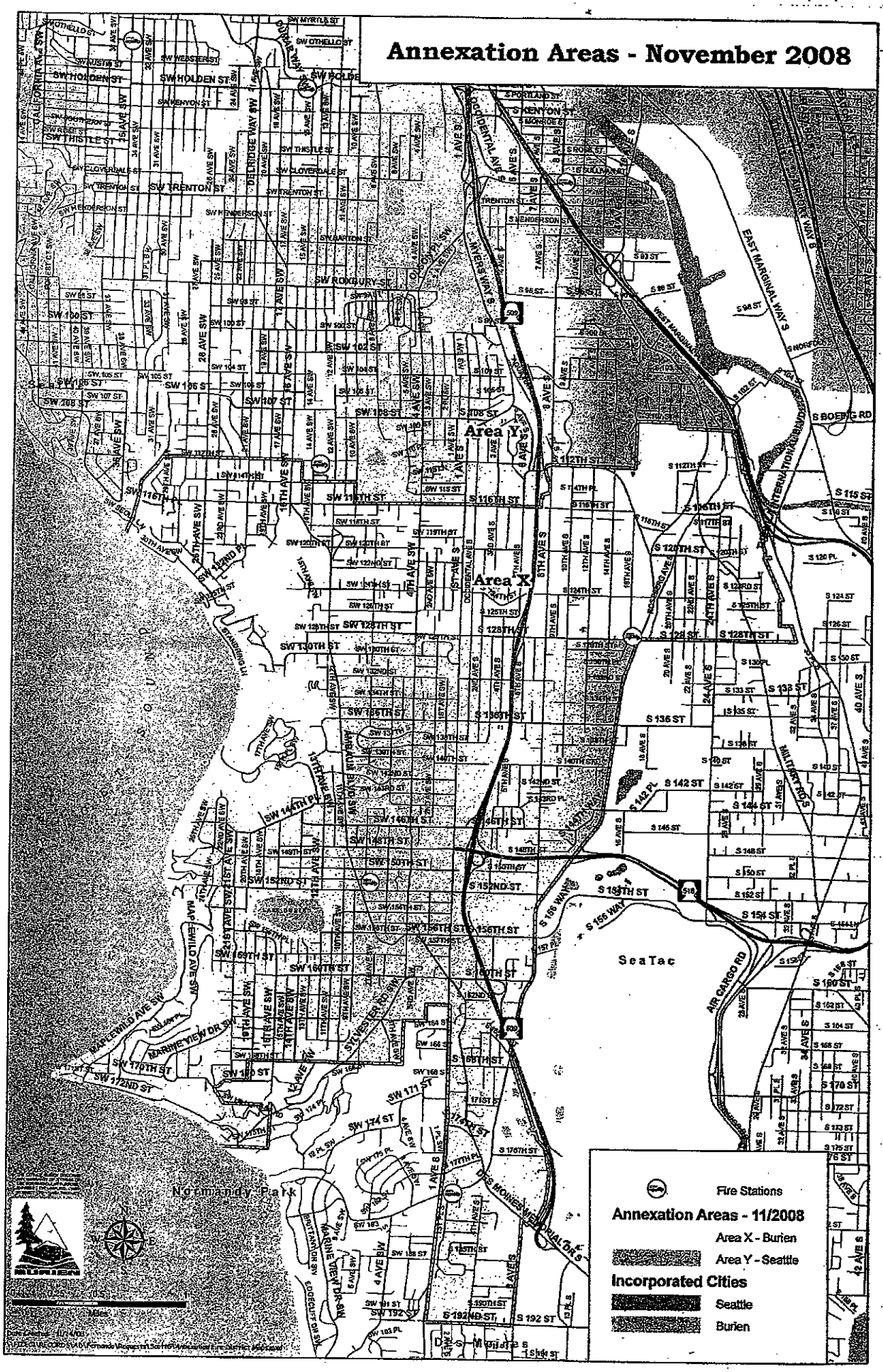

Annexation Areas - November 2008
Area Y
Area X
SeaTac
Normandy Park
Des Moines
Fire Stations
Annexation Areas - 11/2008
Area X - Burien
Area Y - Seattle
Incorporated Cities
Seattle
Burien

EXHIBIT II

Burien
Washington, USA

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

M E M O R A N D U M

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: April 2, 2012
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. City of Burien Arbor Day (Pg. 183)

Burien Parks and Recreation will be hosting an Arbor Day event at 11:00 a.m. on Wednesday, April 11th at Puget Sound Park. The city is celebrating the 140th anniversary of Arbor Day and will be recognized for 11 years of membership with Tree City USA by a representative of Washington's Department of Natural Resources. The Parks Department staff will be gathering with the community to plant a Garry Oak tree in honor of the day. A Mayoral Proclamation will also be read out at the event (see attached).

In addition, the occasion provides an opportunity to highlight the upcoming playground restoration at the park.

B. New Parks and Trail Map Available

As part of our Cities Putting Prevention to Work/Healthy Eating Active Living (CPPW/HEAL) Grant, we received funding for a new Parks and Trails map. The map covers Burien, Des Moines, Normandy Park, Renton, SeaTac and Tukwila. Parks and trails in adjacent communities including parts of Newcastle, Bellevue, Maple Valley, Issaquah and Kent are also shown on the map. Free copies are available at City Hall and the Community Center.

C. City Hall/Library Security Cameras

Installation of security cameras in and around the City Hall/Library building is nearing completion. The City's contractor is working with the police to fine tune the system settings.

There are five external and two internal cameras. The internal cameras monitor the building lobby only and do not view the interior of the library. The external cameras have the ability to Pan/Tilt/Zoom and rotate 180 degrees. This allows us to monitor the building exterior, Town Square Park, the parking lot and surrounding streets.

The police can access the cameras from the precinct and their mobile laptops.

The majority of this project is funded by the Community Oriented Policing (COPS) grant. The two lobby cameras are funded from the City's General Fund.

D. Second Payment Received From Seattle City Light

The City received a second payment from Seattle City Light for the area annexed into Burien on April 1, 2010. This is a result of the utility tax audit currently in progress. The payment of $30,015 is for January and February 2012. The City will receive an additional payment from Seattle City Light for March before these customers are integrated into Burien's customer base and included with the regular monthly payment.

Other companies being audited include AT&T Mobility, Century Link, MCI Verizon, Puget Sound Energy, Sprint Communications, Sprint Nextel, Sprint PCS, Seattle SMSA - Verizon, T-Mobile, and Waste Management.

E. Permit Update

Five permits have been issued recently for new single family homes:

- 3/19/12 - Two 3,000 square foot homes with attached garage in the Highline Village development located on 5th Ln. S. off of S. 152 St.
- 3/22/12 - Three 2,000 square foot homes with attached garage in the Cedarhurst development located on 126th St. off of S. 2nd Ave. S.

F. PaRCS Staff Recruited Teen Runners for Cove-To-Clover Race

Teen program staff from the Parks, Recreation & Cultural Services (PaRCS) Department recruited and registered six middle- and high-school students for the recent community race held on March 11. The Cove-to-Clover event has an "Athlete Angel" sponsorship program, which enables low-income Highline School District students to participate as well as obtain new running shoes if needed. Brooks Running Shoes donated the new shoes for those in need.

G. City Awarded $11,000 from 4Culture

For the fourth consecutive year, 4Culture has awarded the City of Burien $11,000 for 2012 sustained organizational support. Secured by PaRCS' staff, these funds help support PaRCS' Lake Burien outdoor concert series and the annual Arts-a-Glow event. An additional $14,470 was allocated by 4Culture to four Burien local arts organizations, resulting in a total of $25,470 in County arts funding coming into the city. The Highline Historical Society also received sustained support funding for heritage programs and a separate 'Collections Care' program award. 4Culture is the cultural services agency of King County and it supports regional arts, heritage, preservation and public art.

H. Commission's Cultural Competency Guidelines Approved

At its February meeting, the Arts Commission approved new guidelines to help its committees when working on or considering community projects. These guidelines include awareness of "responding respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, ages, religions, genders, sexual orientation and other diversity factors."

II. COUNCIL UPDATES/REPORTS

A. Letter From Waste Management Regarding 2012 Rate Schedule (Pg. 185)

Attached is a letter from Greg Hale, District Manager of Waste Management, transmitting the rate schedule for 2012 for services provided to Burien. The rate schedule is on file in the City Manager office, should any councilmember wish to review the schedule.

PROCLAMATION

OF THE CITY OF BURIEN
Washington

A PROCLAMATION OF THE BURIEN CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, PROCLAIMING APRIL 11, 2012 AS

CITY OF BURIEN ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees and;

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska and;

WHEREAS, 2012 is the 140th anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and;

WHEREAS, Arbor Day is officially celebrated in the State of Washington on the 2nd Wednesday of April each year,

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife and;

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beauty for our community and;

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES HEREBY ASK ALL BURIEN CITIZENS TO JOIN TOGETHER TO PROCLAIM

April 11, 2012 as ARBOR DAY

in the City of Burien and urges all citizens to support efforts to protect our trees and woodlands, and to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 2nd day of April, 2012.

Mayor Brian Bennett
Councilmember Jack Block, Jr.
Councilmember Lucy Krakowiak
Councilmember Gerald Robison

Deputy Mayor Rose Clark
Councilmember Bob Edgar
Councilmember Joan McGilton

City of Burien

_____
Mayor

RECEIVED
MAR 12 2012
CITY OF BURIEN

WASTE MANAGEMENT

WASTE MANAGEMENT
720 4th Ave, Suite 400
Kirkland WA 98033

March 5, 2012

City of Burien

Attention: Mike Martin, City Manager

Re: 2012 Inflation Adjustment

Please find the enclosed 2012 rate schedule for solid waste and recycling services provided by Waste Management to the residents and businesses of the City of Burien.

These rates are based upon the published Consumer Price Index for Urban Wage Earners and Clerical Workers in the Seattle-Tacoma-Bremerton statistical area, the Energy Information Agency annual West Coast Retail Price Series for On-Highway Diesel Fuel, and the Employment Compensation Cost Index for Private Industry, all for the year ending December 2011. This year's CPI index was 231.415, up from 223.053 last year, which was an annual change of 3.75%. This year's Diesel Fuel index was 3.999, up from 3.119 last year, which was an annual change of 28.21%. This year's Employment Cost index was 113.9, up from 111.9 last year, which was an annual change of 1.78%. Based on these numbers, weighted increase calculates to a 4.73% increase.

Please review this schedule and let me know of any discrepancies, as Waste Management will adjust our billing system to reflect these changes. Implementation of these rates will take effect on June 1, 2012.

Waste Management looks forward to providing quality waste and recycling services to the City of Burien in the year ahead.

Sincerely,

Greg Hale
District Manager
Waste Management, Northwest