
# CITY COUNCIL MEETING AGENDA

## March 18, 2013

**5:45 p.m. - Special Meeting: Executive Session to discuss potential litigation and to receive and evaluate complaints or charges brought against a public officer or employee**

**6:15 p.m. – Special Meeting: Conduct Arts Commission interviews**

**7:00 p.m. – Regular Meeting**

**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. | Email Dated February 27, 2013, from Kathi Butler. | 3. |
| b. | Email Dated February 27, 2013, from Dick West. | 5. |
| c. | Email Dated February 27, 2013, from John Rizzardi. | 7. |
| d. | Email Dated February 27, 2013, from John and Linda Poitras. | 9. |
| e. | Email Dated February 28, 2013, from Robert Howell. | 11. |
| f. | Email Dated February 28, 2013, from Linda Plein. | 13. |
| g. | Email Dated February 28, 2013, from Brian Stapleton. | 15. |
| h. | Email Dated February 28, 2013, from P Leilani Berry. | 17. |
| i. | Email Dated February 28, 2013, from Stan Milkowski. | 19. |
| j. | Email Dated March 1, 2013, from C. Edgar. | 21. |
| k. | Email Dated March 1, 2013, from Astha Tada. | 27. |
| l. | Email Dated March 2, 2013, from Mary Oemcke. | 31. |
| m. | Email Dated March 4, 2013, from Carol Vernon. | 33. |
| n. | Letter Dated March 4, 2013, from Debi Wagner. | 35. |

**7. CONSENT AGENDA**

| | | |
|---|---|---|
| a. | Approval of Vouchers: Numbers 34139 - 34260 in the Amounts of $285,398.17. | 37. |
| b. | Approval of Minutes: Regular Council Meeting, March 4, 2013. | 55. |
| c. | Motion to Adopt Ordinance 578, Granting Right-of-Way Fiber Franchise to Zayo Group, LLC. | 59. |
| d. | Motion to Authorize the City Manager to Execute an Agreement with King County Solid Waste, in Substantially the Same Form as in the Attached Interlocal Agreement as Long as any Minor Revisions are Acceptable to the City Attorney. | 93. |



**City Hall, 400 SW 152nd Street, 1st Floor**

## Carol Allread

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:37 PM
**To:** 'Kathi Butler'
**Subject:** RE: Districting of the City

Dear Ms. Butler,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Kathi Butler [mailto:Kathibutler222@comcast.net]
**Sent:** Wednesday, February 27, 2013 1:10 PM
**To:** Public Council Inbox
**Cc:** 'Chestine Edgar'
**Subject:** Districting of the City

I have to agree with my friend Chestine Edgar. This would allow council members that should not retain their positions to retain their positions. Also it would allow these same council members to make wards for their buddies that they want be put into office. This is simply bad business. It makes me wonder ....is the little ole City of Burien too much for the council members to handle? Then perhaps we need new council members. We don't need additional council members that would cost the City additional money! Burien's funding structure already has enough problems. I say NO to this debacle!!

Kathi Butler
13229 12th Avenue SW, #222
Burien, WA 98146

P.S. to Chestine – thanks for bringing this to our attention, keep up the good work!

CFTR: 3/18/13 CC: Nhan Nguyen, Management Analyst

## Carol Allread

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:33 PM
**To:** 'Dick West'
**Subject:** RE: Wards

Dear Mr. West,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Dick West [mailto:dick.west2@aol.com]
**Sent:** Wednesday, February 27, 2013 11:38 AM
**To:** Public Council Inbox
**Subject:** Wards

Dear Council,

I am opposed to changing the current system of at large representation. The proposed creation of Wards only serves the interest of a few and will harm Burien by blocking out good candidates for the Council.

Please remember that you were elected by an at large vote. It was good then and is still a good system now.

Do NOT change the system. NO WARDS.

Dick West
11006 Roseberg Ave. S.
Burien, WA 98168

CFTR: 3/18/13 cc: management Analyst Nhan Nguyen

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:36 PM
**To:** 'John Rizzardi'
**Subject:** RE: Ward Voting comment

Dear Mr. Rizzardi,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** John Rizzardi [mailto:JRizzardi@Cairncross.com]
**Sent:** Wednesday, February 27, 2013 11:40 AM
**To:** Public Council Inbox
**Subject:** Ward Voting comment

I full endorse, adopt and support this comment authored by former Mayor Nelson in the B-Town Blog. Please adopt it as my comment with regards to the Ward Voting issue. My position is that Ward Voting should not be adopted for the reasons set forth below. Thank you.

Submitted by,

John Rizzardi, Burien Resident: 14620 25th Ave SW, Burien, WA 98166 206 254-4444

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Comment:

The ward voting system under consideration by the Burien City Council would be a dramatic and serious change in the way we elect our city council members. Dividing the city up into tiny pieces would seriously harm the freedom we have under our present voting system. We have always allowed anyone who is a registered voter to run against anyone who is up for reelection, no matter where they live or where you live. There are 281 cities in the State of Washington and only 20 have a ward system and of those 20, only 3 have a system like the BCC is discussing!!! That should tell you something.

Here is why it's a very bad idea:

CFTR: 3/18/13 CC: Nhan Nguyen, Management Analyst

1. It will ensure much more opportunity for the incumbent to be reelected. Why? Because no one outside his or her ward can run against the council member up for reelection unless that person lives in the same ward. Restrictive? Yes. Favors the chances for the incumbent? Yes. Fair? No.
2. It has the effect of creating cronyism because it's tough to run against your neighbor or a friend so it promotes favorites, no matter their qualifications. People are reluctant to run against someone they know personally. So it stifles competition, again favoring the incumbent.
3. These two big facts would have a chilling effect on who runs and why. This is not a good way to have an open and robust election process.

The smoke screen for promoting this by some who suggest it will give more opportunity for minorities to run for city council is simplistic. Tell me how. How much effort has the city made to reach out to minorities and be inclusive? What strategies have they tried and have they worked? Have they tried to involve them in any aspect of city governance? How? What about our many commissions and committees? And remember, we have had two mayors from minority backgrounds and we have had candidates who represent a minority. Both these facts are good. I agree it would be great to have many more. We need to work harder to involve all the community and be inclusive in every way. Changing the way we vote is not a way to achieve that goal.

I was appointed to serve on the countywide Districting Committee for a year-long process of redistricting King County's nine districts. We were told by our attorney that we could not use race or minority considerations in any way when we considered changing district boundaries or creating new ones. We had to be color blind.

These are just some of the reasons I have grave concerns and strongly oppose changing the way we are allowed to vote in our fair city. I fear that some of the members of the Burien City Council who are up for reelection in 2014 favor this change in governance because they are worried about their reelection chances. I hope I'm wrong.

What I am hoping is that all the members of the Burien City Council will vote "NO" on the ward system. I hope I'm right.

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:37 PM
**To:** 'poitrasjohn@comcast.net'
**Subject:** RE: Wards Motion

Dear Mr. and Mrs. Poitras,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** poitrasjohn@comcast.net [mailto:poitrasjohn@comcast.net]
**Sent:** Wednesday, February 27, 2013 2:51 PM
**To:** Public Council Inbox
**Cc:** Winona MUM
**Subject:** Wards Motion

To all members of the city council:

We are totally opposed to this dividing the city into wards motion.

If it passes you will force us to organize a petition to the state allowing a vote by the residents on changing our style of government from a city council style to a mayoral style.

I have no doubt whatsoever if council votes to change our council member electoral process to this less democratic form of electing council members which promotes cronyism, the people **WILL** vote to change our current style of gov't.

We are currently personally happy with our current form or gov't and electoral process. Please do not remake Burien into a banana republic gerrymandered type of city. This is Washington State not Texas.

I quote former mayor Sally Nelson on this subject :

CFTR: 3/18/13 cc: Nhan Nguyen, Management Analyst

Dividing the city up into tiny pieces would seriously harm the freedom we have under our present voting system. We have always allowed anyone who is a registered voter to run against anyone who is up for reelection, no matter where they live or where you live. There are 281 cities in the State of Washington and only 20 have a ward system and of those 20, only 3 have a system like the BCC is discussing!!! That should tell you something.

Here is why it's a very bad idea:

1. It will ensure much more opportunity for the incumbent to be reelected. Why? Because no one outside his or her ward can run against the council member up for relelection unless that person lives in the same ward. Restrictive? Yes. Favors the chances for the incumbent? Yes. Fair? No.
2. It has the effect of creating cronyism because it's tough to run against your neighbor or a friend so it promotes favorites, no matter their qualifications. People are reluctant to run against someone they know personally. So it stifles competition, again favoring the incumbent.
3. These two big facts would have a chilling effect on who runs and why. This is not a good way to have an open and robust election process.

In Total Sincerity,

John and Linda Poitras

Burien 98166

## Carol Allread

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 3:28 PM
**To:** 'roberth2@comcast.net'
**Subject:** FW: Letter to the City Council
**Attachments:** Council-letter_2-28-13.pdf

Dear Mr. Howell,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

-----Original Message-----
From: Carol Allread
Sent: Friday, March 01, 2013 3:24 PM
To: Public Council Inbox
Subject: FW: Letter to the City Council

-----Original Message-----
From: Robert Howell [mailto:roberth2@comcast.net]
Sent: Thursday, February 28, 2013 2:13 PM
To: Monica Lusk
Subject: Letter to the City Council

Hi Monica,
Please put the attached letter in the Council packet for Monday.

Thank you,

Robert Howell

CFTR : 3/18/13

CC: Nhan Nguyen, management Analyst

To: All the members of the Burien City Council
From: Robert Howell, 15240 20th Ave SW, 98166
Re: Council Election Changes

The ward voting system under consideration by the Burien City Council would be serious change in the way we elect our city council members. Dividing the city up into tiny pieces would seriously harm the freedom we have under our present voting system. We have always allowed anyone who is a registered voter to run against anyone who is up for reelection, no matter where they live or where you live within the city.

Here is why it's a very bad idea:

1. It will help the incumbent to be reelected because no one outside his or her ward can run against them. This stacks the deck for the incumbent.
2. If you want to run for office, you could be forced to run against a member you like and agree with rather than one you would like to see replaced.
3. It would reduce the opportunity for the voters to select the candidate they prefer in the election process.
4. It adds the expense of redistricting to our already over burdened city budget.

These are just some of the reasons I oppose changing the way we are allowed to vote for our Council Members. I hope that all the members of the Burien City Council will vote "NO" on the "ward system".

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:39 PM
**To:** 'Linda Plein'
**Subject:** RE: For City Council members March 4, 2013

Dear Ms. Plein,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

**From:** Linda Plein [mailto:lindaplein@comcast.net]
**Sent:** Thursday, February 28, 2013 12:32 PM
**To:** Public Council Inbox
**Subject:** : For City Council members March 4, 2013

Dear Council Members,

I am concerned for our city for you are spending a lot of time on figuring out ways to make sure you and your friends get elected by creating wards.

You were elected to represent the city's best interests by doing such things as;
1. creating a balanced budget
2. overseeing how money is spent
3. developing plans for a viable down town
4. developing a business plan-three years have gone by and no plan
5. developing a plan to solve our revenue shortfall for the city budget
6. creating a safe city to live in
7. developing and maintaining an infrastructure for the city-the storm water system is a mess
8. creating and maintaining procedures and operations for the Council to work by
9. overseeing and evaluating the City Manager
10. overseeing the development of critical city documents and making sure they are followed
11. keeping the city operating in the parameters of county, state and federal laws and mandates
12. and serving the citizens in an honest and transparent manner

You claim that you are stewards of the public trust. I don't see that happening as you rapidly

CFTR: 3/18/13 CC: Nhan Nguyen, management Analyst

attempt to push through this plan for wards/districts in the city before the next election and without a vote of the citizens on this plan.

I feel that you are neglecting the important issues of the city so that you can pursue your own selfish interests. I have not read anything about the advantage of a ward system especially for the size of Burien.
Please focus on the items that need attention for a healthy vital city- not on developing a ward system.

LINDA PLEIN
1600 SW 156th ST
Burien, WA 98166

## Carol Allread

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:41 PM
**To:** 'rosiebrianp@aol.com'
**Subject:** RE: Ward Proposal

Dear Mr. Stapleton,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** rosiebrianp@aol.com [mailto:rosiebrianp@aol.com]
**Sent:** Thursday, February 28, 2013 3:57 PM
**To:** Public Council Inbox
**Subject:** Ward Proposal

I attened the Burien Council meeting on Monday eve and noted the overwhelming majority of citizens spoke against the ward system. I also will stand against the ward system as I consider Burien too small for such a system. I want Burien to act as one voting block and don't want divisions.

If the council votes for the ward system they are acting against the wishes of the majority.

Brian Stapleton Burien Citizen

CFTR: 3/18/13 cc: Nhan Nguyen, Management Analyst

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:39 PM
**To:** 'leilani@leilanimassage.com'
**Subject:** RE: do not divide Burien into districts

Dear Ms. Berry,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

-----Original Message-----
From: leilani@leilanimassage.com [mailto:leilani@leilanimassage.com]
Sent: Thursday, February 28, 2013 9:54 AM
To: Public Council Inbox
Subject: do not divide Burien into districts

As a Burien resident, I ask that you do not divide Burien into districts.

I am deeply concerned about this would negatively affect elections, choices, campaigning, and city wide vision work together for the whole city.

Respectfully,
P Leilani Berry
12035 8th Ave. S., Burien, WA 98168

CFTR: 3/18/13 CC: Nhan Nguyen, Management Analyst

## Carol Allread

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:38 PM
**To:** 'Stan and Nancy Milkowski'
**Subject:** RE: Wards/districts would be bad for Burien.

Dear Mr. Milkowski,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Stan and Nancy Milkowski [mailto:snoopyonlakeburien@comcast.net]
**Sent:** Thursday, February 28, 2013 8:23 AM
**To:** Public Council Inbox
**Subject:** Wards/districts would be bad for Burien.

Wards/districts would be bad for Burien. I request that Wards/districts not be voted in by the council.

Stan Milkowski

CFTR: 3/18/13 CC: Nhan Nguyen, Management Analyst

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Friday, March 01, 2013 1:43 PM
**To:** 'c_edgar2@yahoo.com'
**Subject:** FW: amendment to the Comprehensive Land Use Map-2013
**Attachments:** Comp Plan Land Use map amendment request 2013.doc

Dear Ms. Edgar,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Carol Allread
**Sent:** Friday, March 01, 2013 1:31 PM
**To:** Public Council Inbox
**Subject:** FW: amendment to the Comprehensive Land Use Map-2013

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Monica Lusk
**Sent:** Friday, March 01, 2013 8:20 AM
**To:** Carol Allread
**Subject:** FW: amendment to the Comprehensive Land Use Map-2013

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**From:** Chestine Edgar [mailto:c_edgar2@yahoo.com]
**Sent:** Friday, March 01, 2013 8:09 AM
**To:** Chip Davis; David Johanson; Monica Lusk
**Subject:** Fw: amendment to the Comprehensive Land Use Map-2013

CFTR: 3/18/13

To All,

cc: David Johanson, Senior Planner
Chip Davis, Interim Community Development Director

Please consider this as a request/application for this to be put on the 2013 work docket. If there is some further paperwork that needs to be submitted, please let me know. See the attachment.

C. Edgar

February 28, 2013
To: Burien Planning Commission
Burien City Council
Subject: Request for Land Use Map Change

To the members of the Planning Commission and the City Council:

Ever since Burien elected to incorporate as a city, the majority of the Lake Burien Neighborhood and Lake Burien Shore Club members have clearly stated that the character of their neighborhood was low density residential. This has been verified by a current density calculation. Additionally for the protection of the lake, its wetlands and its water quality and Miller Creek's water quality, the land use in the Lake Burien neighborhood should be low density (it is termed the Preferred Model in the EIS). They went on the record in 1996, 1997, 1999, 2008, 2009, 2010, 2011 and 2012 stating this position on land use. Now that the Comprehensive Plan and its Land Use Map are open for revision, we are requesting this again. As long as the Plan remains open, citizens have a right to request that land use be examined. Mr. Greenberg (then acting Director of Growth and Development) stated at the July 12, 2011 meeting that this could be possible. **The Lake Burien Neighborhood has met the timeline for this request in 2013.**

When this request was put on the docket in 2010, the City Staff that prepared the material for the request presentation to the Planning Commission and the City Council included several inaccuracies in their presentation that resulted in an inaccurate perception of the situation. These inaccuracies included:
1. current density of land use
2. misinformation on wetlands and how they are measured
3. an inaccurate map of the Lake Burien Neighborhood, Lake Burien and its critical areas
4. misinterpretation of how Growth Management Numbers are required for a city by the Puget Sound Regional Council
5. error in not consulting the EIS and the required mitigations for the Lake Burien Area
6. inaccurate information on the surrounding neighborhoods
7. misinformation on the adequacy of the current storm water facilities that the city has for the area
8. misconception of how the term "significant" applies to critical areas and shorelines.

While the staff later corrected some of these inaccuracies, some of the Planning Commissioners still remained confused about what were the real facts for this request for a change to the Land Use Map.

Further on, some City Council members remained confused about the whole process of what criteria was to be considered in voting on an amendment to a Land Use Map. At that time, they voted on the Lake Burien Neighborhood request based on what they believed was a Growth Management Board decision on the Burien Comprehensive Plan. It turns out that this case never existed and was never ruled on.

The City Planning Staff remains confused about when this issue of land use in the shorelines is to be addressed and as a result has been unable to provide the citizens, the Planning Commission and the City Council with the correct guidance and timely notice on this issue. During the meetings of the Shoreline Advisory Committee, David Johanson and Scott Greenburg (both city planners) told the citizens that the issue of land use in the shorelines could not be taken up during the SMP process but had to be taken up when the Comprehensive Plan was open for review. Lake Burien land use issues had to wait for the review of the Comprehensive Plan review. Now that the Comprehensive Plan review has opened, these same city planners have told the citizens, the Planning Commission and the City Council that land use in the shorelines has to be taken up during the SMP process and now that the SMP process is closed, citizens will have to wait at least seven years before their concerns about land use can be addressed again. It is clear that the City Department of Growth and Development (planners) is unsure of when this is land use issue is to be considered and has given false guidance to the citizens, the Planning Commission and the City Council.

Additionally, there has been a concerted effort to confuse citizens, Planning Commissioners and Council members on how critical areas and shorelines are to be dealt with. David Johanson (planner) told citizens and Planning Commission members that Best Available Science (BAS) does not apply to the shorelines in Washington State and the SMP and its Environmental Impact Statements (EIS) are simply a matter of opinion. He stated that Burien does not like the current EIS that applies to its Comprehensive Plan and SMP and when the city has the money it will just buy another EIS opinion. This clearly demonstrates a misunderstanding by the city staff of what is BAS, how it applies to the shorelines and how the EIS is developed, written, applied and to be used in the development of the Comprehensive Plan, its land use map and the SMP document.

The City Staff and the City Council are aware that the City's storm water system is antiquated and faulty, is leading to the degradation of the water in Lake Burien and causing property damage to the homes around the lake and down stream waters( Miller Creek- a salmon bearing creek). Additionally, they are aware that the City is not following the EIS for Lake Burien Land Use. This is leading to the degradation of water quality in Lake Burien and has created public health and safety issues (toxic algae blooms). Currently the City does not have the money, resources or the will to remedy this situation and the situation grows worse annually. The logical and BAS solution to this situation is to simply follow the guidance of the text of the Comprehensive Plan/EIS and keep the land use of the Lake Burien Neighborhood at Low Density Residential. This requires that a Land Use Map amendment be made to show the Lake Burien Neighborhood as Low Density Single Family Residential. However, David Johanson and Scott Greenberg (planners) have convinced the City Council that if this change is made then there can never be public access to Lake Burien. The current City Manager is aware that this is a misconception and has gone so far as to admit that to a Planning Commissioner and a State Representative. All of this misinformation has contributed to the misunderstanding by the Council of how critical areas and shorelines (Lake Burien) are to be protected by land use policies in the Comprehensive Plan. The City is being negligent in its protection of critical areas and the shorelines, violating the intent of the GMA and the SMP and causing net loss/degradation to Lake Burien, the Lake Burien Neighborhood, Miller Creek and Puget Sound.

**<u>The conditions for the Lake Burien Neighborhood have markedly changed since that request was considered and put on the docket in 2010</u>**. The changes are:

1. The water quality of Lake Burien significantly declined in late 2010 and 2011 due to inadequate storm water management facilities for the area. The city has neither the money nor the resources to remedy this problem or to adequately upgrade the facilities in the next 10 to 15 years-if ever. The flooding and toxic algae problems in and around Lake Burien continue to be evidence of this inadequacy.
2. Evidence has been provided that clearly shows that the Growth Management Board never heard or made a ruling on the case or voted on the situation that the Council based its vote on in 2010.
3. The City Staff clarified how growth management numbers were to be determined in the city at its January 24, 2012 Planning Commission Meeting.
4. The City Staff have revised the language/text of the Comprehensive Plan regarding Low Density and Moderate Density Residential Land Use in 2012-2013 during the Comprehensive Plan Review process.
5. The term "significant" has been removed from the Comprehensive Plan text in reference to critical areas-2012-2013 Comp Plan Review.
6. The City has developed two new documents that pertain to the Lake Burien Neighborhood.
7. City Staff has been unable to decide and make known to the public what is the appropriate document review process (SMP or Comp Plan review) by which this land map correction needs to be made under-2012.

The Lake Burien Neighborhood is requesting that the Burien Comprehensive Land Use Map be amended to show the Lake Burien Neighborhood as Low Density Residential as it meets the criteria for this change. It is requesting that its request be placed on the docket for 2013. As this is a request being made while the Comprehensive Plan is open for review, no fees should be required. All of the work pertaining to this Land Use Map Amendment has already been done and paid for per the 2010 application. The City has that on file.

Sincerely,
C. Edgar and the Lake Burien Neighborhood

## Carol Allread

**From:** Public Council Inbox
**Sent:** Monday, March 04, 2013 9:12 AM
**To:** 'ratcity@earthlink.net'
**Subject:** RE: New White Center Library

Dear Ms. Tada,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

**From:** Carol Allread **On Behalf Of** Burien
**Sent:** Monday, March 04, 2013 8:57 AM
**To:** Public Council Inbox
**Subject:** FW: New White Center Library

**From:** Astha Tada [mailto:ratcity@earthlink.net]
**Sent:** Friday, March 01, 2013 9:11 AM
**To:** Burien
**Subject:** New White Center Library

Dear Burien City Council,

I wanted to share in attachment format my view on the location of the new library, recognize those who saved our two libraries and try to bring the White Center community, polarized by annexation, together. I submitted it to several local news services but wanted you to be able to read it directly.

A special thank you to those of you who willingly took action to support the effort to save our libraries. I hope both communities, Burien and unincorporated White Center/North Highline, continue to collaborate for the benefit of its citizens.

Deepest regards for all that you do as council people--it is a challenging job!

Astha Tada

CFTR: 3/18/13

Cc: Nhan Nguyen, management Analyst

**Hoorah! Gratitude! A New White Center Library!**

**Hoorah!** It's been decided! Our new, larger 10,000 square foot library will be built right behind Mount View Elementary at S.W. 107th Street and 14th Avenue S.W. This will be a welcomed resource since effective early elementary education is crucial for school success. It is also still within walking distance from Cascade Middle School/ Evergreen campuses, closer to White Center Heights Elementary and low income facilities.

The requests to delay the decision to understand the full impact of the sites and get greater community involvement were denied by KCLS Trustees who felt rising building costs, long delays, generous loan allowances and another interested buyer compelled them to make this choice.

Like planning a home, the White Center community needs to be sure that the King County Library System (KCLS) has our input in designing our library so that it meets the needs of our diverse White Center patrons. For example, our teens need more access to computers and other technology not found in their homes. Many of our adult citizens rely solely on the library for job applications and searches.

**Gratitude!** Before we begin the building process, recognition is needed for the hard work, diligence and perseverance of those who fought to keep our library from closing. <u>If not for their efforts, we would not be celebrating right now!</u>

<u>Comments that the library closure was a ploy for annexation are not correct.</u> As one who participated in the long battle to keep both Boulevard Park and White Center libraries from closing, annexation was definitely a key issue presented by KCLS as a reason for consolidation and closure of our smaller libraries. Thank you to those who sacrificed much personal time by attending numerous KCLS Issaquah meetings to testify, monitoring diligently KCLS agendas that listed our libraries, writing letters and editorials, gathering over 2000 petition signatures, informing organizations and citizens, etc.

When the KCLS Board of Trustees was going to vote for consolidation, those who attended would not leave unless the decision was delayed, pending the annexation vote. It was a face-to-face stand off! If you were there, you would have been proud of our supporters' combined grit and determination to keep our beloved libraries open!

Credit for the hard work include members of the White Center Library Guild, North Highline Unincorporated Area Council, Burien City Council, King County Councilman, Joe McDermott, Highline School District, White Center Community Development Association and numerous citizens from Boulevard Park, White Center and elsewhere whose individual actions collectively made a significant difference. The Highline District Board of Directors passed a 2-page formal Resolution 2479 unanimously opposing the closure of our libraries.

I want to, especially, recognize one individual whose passion and commitment were crucial in saving our two libraries. **Rachael Levine**, former White Center Library Guild president, never wavered in leading the fight, even when many were ready to give up. She was willing to bring her sleeping bag and camp out with me in front of our library to keep it open. Her integrity in how she battles on, the respectful manner in dealing with opposing individuals, and her wisdom and continued service after years of participating in many humanitarian and social organizations make her a true White Center warrior!

**Let's begin the building process by coming together, collaborating and cooperating to build the best library for our White Center community**. Time keeps ticking and our high-potential, high-need students are counting on us to help them climb out of poverty. The building bond for this project was approved in 2004. KCLS needs to host planning sessions in our community so that many of you can give input. The Highline School District has offered KCLS school space for these events. **Everyone is welcome! All aboard! ONWARD!**

Gracias, cam on, ar kun, mahad sanid, fa'afetai, arigato, thank you,

Astha Tada
Community volunteer
Retired Cascade Middle School librarian
2nd Vice President of Beta Beta Chapter of Delta Kappa Gamma Society International, an organization focused on educational excellence

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Monday, March 04, 2013 9:10 AM
**To:** 'Mary'
**Subject:** RE: burien ward division

Dear Ms. Oemcke,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

-----Original Message-----
From: Mary [mailto:merryo.seanet.com]
Sent: Saturday, March 02, 2013 12:02 PM
To: Public Council Inbox
Subject: burien ward division

It is curious why the Council is even considering the issue of dividing Burien into wards. I believe the current city wide electoral process is effective and representative. It is effective and democratic. The vitality of Burien's promising future would be severely compromised by dividing it into wards. Mary Oemcke

CFTR: 3/18/13

CC: Nhan Nguyen, management Analyst

## Carol Allread

**From:** Public Council Inbox
**Sent:** Monday, March 04, 2013 9:25 AM
**To:** 'Carol Vernon'
**Subject:** RE: Balkanization of Burien

Dear Ms. Vernon,

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

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Carol Vernon [mailto:cvernon86@yahoo.com]
**Sent:** Monday, March 04, 2013 9:21 AM
**To:** Public Council Inbox
**Subject:** Balkanization of Burien

Council Members:

Burien does not need any more divisivness created by those of you who are supposed to represent ALL the people of this city. Are you saying you cannot do your jobs without creating territories? If this is the case, please resign at once. We need people who will work for us, not feather their own nests.

It has been obvious for some time that there are several council members who are more interested in their own agendas than in helping rebuild and repair this poor city. Decisions taken on use of the center of town have been half-baked and abject failures. Look to The Landing in Renton and the Kent Station for examples of how things should be done. We ended up with a white elephant in the town center, no retail growth anywhere, loss of small businesses (been in Old B lately??). The Council has plenty to do without chopping Burien into bite-sized pieces for strictly political gain.

You owe it to the citizens who elected you to put this to a vote of the people and stand down from re-election. This would remove the charge of cronyism...but do you care? The cavalier attitude of some on this council is stunning. You work for us. And your tenure is almost up.

Thank you for your attention.

Carol Vernon
Burien resident since 1961

206.243.1855

CFTR: 3/18/13

cc: Nhan Nguyen, Management Analyst

**March 4, 2013**

**To the Council**

**Please include this article from the B-Town Blog in the next Council meeting packet outlining the history of recent City Council position elections.**

**Councilmembers Robison, Clark, McGilton and Bennett did their best to pitch creating districts/wards in the City of Burien at this last council meeting? Why?**

Currently Burien elects its council members by a city wide election. Anyone in the city can run for any council position and all of the citizens vote across the city for council members. It is an open field to all. At this last council meeting, four council members pushed very hard to change that system. The major spokesperson for that change was Jerry Robison. He claims that the reason no one has run for a council position from the northeast corner of the city is because;

1. They are too poor and can't raise the campaign funds, 2. they don't know how to run a campaign, 3. no one mentors them and, 4. new people can't get elected against an incumbent council member. According to him and the three other council members, the northeast corner of the city does not get heard and is greatly neglected.

However it appears that Mr. Robison's and the three other council members comments about inequity in council elections are without merit and are just excuses they are using to create wards or seats to get their preferred candidates on the council. Their arguments are full of hot air and here are examples of why I say this.

**People from the northeast corner of the city can raise money for a campaign**. In the last election, a candidate from the northeast corner of the city raised $15,000, had two campaign managers and had the support and mentorship of five of the council members. These five council members supported and held a barbeque for this candidate, donated money to his campaign, endorsed this candidate in the media and mentored him. In spite of all of their work, he still lost the election because of positions on certain issues and his attitude at public forums. He had the second largest amount of campaign funds of any candidate running. It appears that four of these council members are looking to create a ward in this northeast corner of the city for this specific candidate in the next election. Districting will guarantee him a council seat.

**People from the northeast corner of the city do know how to run a campaign**. That candidate from the northeast corner of the city hired two campaign managers, someone to set up a very slick web page for donations, put money into signs and mailers and made a very expensive video about himself. He got big money donors to do in-kind work for him and to run phone banks. These people coached him well in the techniques of campaigning.

People from the northeast corner do have mentors. This candidate had the support and mentorship of five council members for his campaign. He also had the support of several unions and the Master Builders Association.

CFTR: 03/18/13
CC: Nhan Nguyen, Management Analyst

**New people can get elected against an incumbent council person**. Another man who ran for the council during this same election cycle ran against the best funded and most incumbent candidate on the council. This man spent less than $5,000 on his campaign, was unknown and still won. He won against an incumbent council member who spent close to $15,000 on his campaign. The new guy on the scene won because of his position on the issues of concern for the citizens and he door-belled his feet off. I got 46% of the vote on $113.00. So it is not the money or the area of the city that is the issue in who wins in council seat elections.

**The Burien Comprehensive Plan has a provision for Neighborhood Plans so that areas of the city can have their concerns heard without creating wards/districts**. However, Mr. Robison has said he is opposed to Neighborhood Plans because he doesn't want neighbors to create coalitions (his plan for wards/districts will do this) and he doesn't want them to bring their concerns and desires before the council. He has stated that he doesn't like to listen to citizen comments. It is no small wonder that citizens from the northeast corner of the city rarely tell the city what they want. They are clearly unwelcome by certain council members. Neighborhood Plans are less costly and politically divisive than creating wards/districts in the city. So why not follow the Comprehensive Plan for Neighborhood Plans? Or the correct city survey questions?

**So why the push for districts/wards?** Clearly there are four council members who have identified people they want elected to the council and they haven't been successful at getting them elected by the current means. So they are going to create districts/wards to get their chosen candidates into office. That is what the term gerrymandering is all about and these four council members are bound and determined to do it in Burien without a vote of the citizens. The people of Burien deserve better than this plan. Call and explain your concerns to these council members about their ward/district plan. Burien City council email · City Council Burien <**council@burienwa.gov**> Council phone no. **206-241-4647**. Mike Martin said at the last council meeting that this topic will need to be on the agenda every meeting for it to get through. So it is important for everyone concerned about this plan to please attend the next council meetings and voice your opposition to districting.

*– Debi Wagner*

# 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 18th day of March 2013** the FOLLOWING:

CHECK NOs. **34139– 34260**

IN THE AMOUNTS OF **$285,398.17**

WITH VOIDED CHECK NOS. **0**

# Accounts Payable
## Checks for Approval

Burien
Washington, USA

User: cathyr
Printed: 03/14/2013 - 7:53 AM

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 34139 | 02/28/2013 | General Fund | Telephone | CenturyLink | | 102.96 |
| 34139 | 02/28/2013 | General Fund | Telephone | CenturyLink | | 46.22 |
| 34139 | 02/28/2013 | General Fund | Telephone | CenturyLink | | 62.23 |
| 34139 | 02/28/2013 | General Fund | Telephone | CenturyLink | | 75.20 |
| 34139 | 02/28/2013 | General Fund | Telephone | CenturyLink | | 50.92 |
| 34139 | 02/28/2013 | General Fund | Telephone | CenturyLink | | 58.33 |
| 34139 | 02/28/2013 | Street Fund | Telephone | CenturyLink | | 31.26 |
| 34139 | 02/28/2013 | Surface Water Management Fund | Telephone | CenturyLink | | 31.26 |
| 34139 | 02/28/2013 | General Fund | Telephone | CenturyLink | | 49.02 |
| 34139 | 02/28/2013 | General Fund | Telephone | CenturyLink | | 54.76 |
| | | | | | Check Total: | 562.16 |
| 34140 | 02/28/2013 | General Fund | City Hall Bldg Maintenance | King County Library Sytem & Ci | | 14,075.00 |
| 34140 | 02/28/2013 | General Fund | City Hall Bldg Maintenance | King County Library Sytem & Ci | | 41,991.00 |
| | | | | | Check Total: | 56,066.00 |
| 34141 | 03/18/2013 | General Fund | Professional Services | ABC LEGAL | | 7.00 |
| 34141 | 03/18/2013 | General Fund | Professional Services | ABC LEGAL | | 7.00 |
| 34141 | 03/18/2013 | General Fund | Professional Services | ABC LEGAL | | 7.00 |
| 34141 | 03/18/2013 | General Fund | Professional Services | ABC LEGAL | | 7.00 |
| 34141 | 03/18/2013 | General Fund | Professional Services | ABC LEGAL | | 7.00 |
| 34141 | 03/18/2013 | General Fund | Professional Services | ABC LEGAL | | 7.00 |
| 34141 | 03/18/2013 | General Fund | Professional Services | ABC LEGAL | | 50.00 |
| | | | | | Check Total: | 92.00 |
| 34142 | 03/18/2013 | Street Fund | Office And Operating Supplies | ACE Hardware | | 26.79 |
| | | | | | Check Total: | 26.79 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 34143 | 03/18/2013 | General Fund | Subscriptions/Publications | Attorney's Eagle Eye Service | | 59.13 |
| | | | | | Check Total: | 59.13 |
| 34144 | 03/18/2013 | Street Fund | Office And Operating Supplies | Alpine Products Inc | | 533.16 |
| | | | | | Check Total: | 533.16 |
| 34145 | 03/18/2013 | General Fund | Professional Services | Admin Office of the Courts | | 6.00 |
| | | | | | Check Total: | 6.00 |
| 34146 | 03/18/2013 | General Fund | Office and Operating Supplies | Aramark Uniform Services | | 29.02 |
| 34146 | 03/18/2013 | General Fund | Office And Operating Supplies | Aramark Uniform Services | | 31.59 |
| | | | | | Check Total: | 60.61 |
| 34147 | 03/18/2013 | General Fund | Telephone | A T & T | | 51.58 |
| | | | | | Check Total: | 51.58 |
| 34148 | 03/18/2013 | General Fund | Quarterly Newsletter | Kenneth Barger | | 45.00 |
| | | | | | Check Total: | 45.00 |
| 34149 | 03/18/2013 | General Fund | Teen Programs | Brian J Barnes | | 390.40 |
| | | | | | Check Total: | 390.40 |
| 34150 | 03/18/2013 | General Fund | Registration - Trainng/Workshp | Bellevue College | | 148.72 |
| | | | | | Check Total: | 148.72 |
| 34151 | 03/18/2013 | General Fund | Instructors Prof Svcs | Lucas Bonnema | | 240.00 |
| | | | | | Check Total: | 240.00 |
| 34152 | 03/18/2013 | General Fund | Printing/Binding/Copying | Brim Press, LLC | | 220.93 |
| 34152 | 03/18/2013 | General Fund | Printing/Binding/Copying | Brim Press, LLC | | 32.85 |
| 34152 | 03/18/2013 | General Fund | Printing/Binding/Copying | Brim Press, LLC | | 32.85 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 286.63 |
| 34153 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Eileen Broomell | | 312.00 |
| | | | | | Check Total: | 312.00 |
| 34154 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Viola Brumbaugh | | 1,131.00 |
| | | | | | Check Total: | 1,131.00 |
| 34155 | 03/18/2013 | General Fund | Animal Control Services | CARES | | 10,000.00 |
| | | | | | Check Total: | 10,000.00 |
| 34156 | 03/18/2013 | General Fund | Code Supplement | Code Publishing Co. | | 127.57 |
| | | | | | Check Total: | 127.57 |
| 34157 | 03/18/2013 | General Fund | Office/Operating Supplies | Complete Office | | 455.72 |
| 34157 | 03/18/2013 | General Fund | Office/Operating Supplies | Complete Office | | 63.29 |
| 34157 | 03/18/2013 | General Fund | Office/Operating Supplies | Complete Office | | 354.44 |
| 34157 | 03/18/2013 | General Fund | IT Office/Operating Supplies | Complete Office | | 126.59 |
| 34157 | 03/18/2013 | General Fund | Office and Operating Supplies | Complete Office | | 63.29 |
| 34157 | 03/18/2013 | General Fund | Office and Operating Supplies | Complete Office | | 189.88 |
| 34157 | 03/18/2013 | General Fund | Office And Operating Supplies | Complete Office | | 506.35 |
| 34157 | 03/18/2013 | General Fund | Office And Operating Supplies | Complete Office | | 430.40 |
| 34157 | 03/18/2013 | General Fund | Office And Operating Supplies | Complete Office | | 341.78 |
| 34157 | 03/18/2013 | General Fund | Office And Operating Supplies | Complete Office | | 989.99 |
| | | | | | Check Total: | 3,521.73 |
| 34158 | 03/18/2013 | General Fund | Instructors Prof Svcs | Janet S. Crawley | | 480.00 |
| 34158 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Janet S. Crawley | | 487.50 |
| | | | | | Check Total: | 967.50 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 87.69 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 62.86 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 71.65 |
| 34159 | 03/18/2013 | Surface Water Management Fund | Utilities | City of Seattle | | 63.54 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 459.09 |
| 34159 | 03/18/2013 | General Fund | Utilities | City of Seattle | | 12.47 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 14.58 |
| 34159 | 03/18/2013 | Surface Water Management Fund | Utilities | City of Seattle | | 41.53 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 142.82 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 67.91 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 79.62 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 47.26 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 112.49 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 123.87 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 60.10 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 15.23 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 47.11 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 245.58 |
| 34159 | 03/18/2013 | General Fund | Utilities | City of Seattle | | 369.23 |
| 34159 | 03/18/2013 | General Fund | Utilities | City of Seattle | | 425.34 |
| 34159 | 03/18/2013 | General Fund | Utilities | City of Seattle | | 246.76 |
| 34159 | 03/18/2013 | General Fund | Utilities | City of Seattle | | 1,682.15 |
| 34159 | 03/18/2013 | General Fund | Utilities | City of Seattle | | 752.67 |
| 34159 | 03/18/2013 | General Fund | Utilities | City of Seattle | | 13.77 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 7.59 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 208.08 |
| 34159 | 03/18/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 154.63 |
| | | | | | Check Total: | 5,615.62 |
| 34160 | 03/18/2013 | Street Fund | Office And Operating Supplies | City of SeaTac | | 1,874.53 |
| 34160 | 03/18/2013 | Street Fund | Office And Operating Supplies | City of SeaTac | | 908.88 |
| | | | | | Check Total: | 2,783.41 |
| 34161 | 03/18/2013 | Street Fund | Office And Operating Supplies | Culligan Seattle | | 16.43 |
| 34161 | 03/18/2013 | Surface Water Management Fund | Office And Operating Supplies | Culligan Seattle | | 16.42 |
| | | | | | Check Total: | 32.85 |
| 34162 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Donald Custer | | 1,000.00 |
| | | | | | Check Total: | 1,000.00 |
| 34163 | 03/18/2013 | General Fund | State Lobbying Services | Michael D. Doubleday | | 4,500.00 |
| 34163 | 03/18/2013 | General Fund | Federal Lobbying Services | Michael D. Doubleday | | 2,050.00 |
| | | | | | Check Total: | 6,550.00 |
| 34164 | 03/18/2013 | Surface Water Management Fund | Dues/Memberships | Department of Licensing | | 58.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|---|---|---|---|---|---|
| 34164 | 03/18/2013 | Street Fund | Dues/Memberships | Department of Licensing | 58.00 |
| | | | | Check Total: | 116.00 |
| 34165 | 03/18/2013 | General Fund | Office and Operating Supplies | Dunn Lumber Co. | 56.53 |
| 34165 | 03/18/2013 | General Fund | Office and Operating Supplies | Dunn Lumber Co. | 65.14 |
| | | | | Check Total: | 121.67 |
| 34166 | 03/18/2013 | General Fund | Repair/Maint-Vehicle | Elidrew, LLC | 11.83 |
| | | | | Check Total: | 11.83 |
| 34167 | 03/18/2013 | General Fund | Repairs and Maintenance | Eden Advanced Pests Tech. | 82.13 |
| | | | | Check Total: | 82.13 |
| 34168 | 03/18/2013 | General Fund | Sftwre Subscript & Licensing | Environmental Systems Research | 15,768.00 |
| 34168 | 03/18/2013 | General Fund | Sftwre Subscript & Licensing | Environmental Systems Research | 6,022.50 |
| | | | | Check Total: | 21,790.50 |
| 34169 | 03/18/2013 | General Fund | Registration Training & Worksh | ESRI Events | 1,010.00 |
| | | | | Check Total: | 1,010.00 |
| 34170 | 03/18/2013 | General Fund | Office Supplies | Flags A' Flying LLC | 194.71 |
| | | | | Check Total: | 194.71 |
| 34171 | 03/18/2013 | General Fund | Fuel/Gas Consumption | Wex Bank | 46.62 |
| 34171 | 03/18/2013 | General Fund | Citizens Patrol/ Crime Prevent | Wex Bank | 14.63 |
| 34171 | 03/18/2013 | General Fund | Fuel/Gas/Gasoline Consumption | Wex Bank | 417.76 |
| 34171 | 03/18/2013 | General Fund | Fuel/Gas/Gasoline Consumption | Wex Bank | 553.19 |
| 34171 | 03/18/2013 | General Fund | Fuel/Gas/Gasoline Consumption | Wex Bank | 155.48 |
| 34171 | 03/18/2013 | Street Fund | Fuel/Gas/Gasoline Consumption | Wex Bank | 1,080.54 |
| 34171 | 03/18/2013 | Surface Water Management Fund | Fuel/Gas/Gasoline Consumption | Wex Bank | 1,080.53 |
| | | | | Check Total: | 3,348.75 |
| 34172 | 03/18/2013 | General Fund | Instructors Prof Svcs | Pam Fredback | 110.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 110.00 |
| 34173 | 03/18/2013 | General Fund | Utilities | Glendale Heating | | 1,962.09 |
| 34173 | 03/18/2013 | General Fund | Utilities | Glendale Heating | | 829.91 |
| | | | | | Check Total: | 2,792.00 |
| 34174 | 03/18/2013 | General Fund | Office and Operating Supplies | Grainger | | 30.67 |
| | | | | | Check Total: | 30.67 |
| 34175 | 03/18/2013 | General Fund | Instructors Prof Svcs | Victoria E. Hamilton | | 175.50 |
| 34175 | 03/18/2013 | General Fund | Instructors Prof Svcs | Victoria E. Hamilton | | 552.00 |
| | | | | | Check Total: | 727.50 |
| 34176 | 03/18/2013 | General Fund | Sftwre Subscript & Licensing | Harris Computer Systems | | 12,338.93 |
| | | | | | Check Total: | 12,338.93 |
| 34177 | 03/18/2013 | Street Fund | Office And Operating Supplies | HOME DEPOT | | 170.13 |
| 34177 | 03/18/2013 | Surface Water Management Fund | Office And Operating Supplies | HOME DEPOT | | 44.45 |
| | | | | | Check Total: | 214.58 |
| 34178 | 03/18/2013 | Surface Water Management Fund | Mileage | JEFF HEGLUND | | 62.36 |
| | | | | | Check Total: | 62.36 |
| 34179 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Joshua Hughes | | 60.00 |
| | | | | | Check Total: | 60.00 |
| 34180 | 03/18/2013 | Surface Water Mgmt CIP | Construction | ICON Materials | | 188.61 |
| 34180 | 03/18/2013 | Street Fund | Office And Operating Supplies | ICON Materials | | 214.24 |
| 34180 | 03/18/2013 | Street Fund | Office And Operating Supplies | ICON Materials | | 33.88 |
| 34180 | 03/18/2013 | Street Fund | Office And Operating Supplies | ICON Materials | | 136.82 |
| | | | | | Check Total: | 573.55 |
| 34181 | 03/18/2013 | General Fund | Operating Rents & Leases | RICOH USA Inc | | 455.54 |
| 34181 | 03/18/2013 | General Fund | Operating Rents & Leases | RICOH USA Inc | | 992.97 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 1,448.51 |
| 34182 | 03/18/2013 | General Fund | Operating Rents & Leases | RICOH USA Inc | | 365.50 |
| | | | | | Check Total: | 365.50 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 185.16 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 28.49 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 142.44 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 42.73 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 28.49 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 71.22 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 213.65 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 170.92 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 142.44 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 132.89 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 132.89 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 133.04 |
| 34183 | 03/18/2013 | General Fund | Telephone | Integra Telecom | | 1,353.60 |
| | | | | | Check Total: | 2,777.96 |
| 34184 | 03/18/2013 | General Fund | Instructors Prof Srvs | Marv Johnson | | 235.90 |
| | | | | | Check Total: | 235.90 |
| 34185 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Moodette Ka'apana | | 75.00 |
| 34185 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Moodette Ka'apana | | 125.00 |
| | | | | | Check Total: | 200.00 |
| 34186 | 03/18/2013 | Surface Water Management Fund | Miller/Salmon/Seola Basin Plan | KING COUNTY FINANCE | | 17,603.13 |
| | | | | | Check Total: | 17,603.13 |
| 34187 | 03/18/2013 | General Fund | Plan Review Fee Fire Dist 2 | King County Fire District #2 | | 2,512.10 |
| | | | | | Check Total: | 2,512.10 |
| 34188 | 03/18/2013 | General Fund | Repair and Maintenance | King County Solid Waste Div. | | 35.49 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 35.49 |
| 34189 | 03/18/2013 | General Fund | Instructors Prof Svcs | Lauren Kearns | | 300.00 |
| | | | | | Check Total: | 300.00 |
| 34190 | 03/18/2013 | General Fund | Instructors Prof Svcs | Keli Sim-DiRitis | | 180.00 |
| | | | | | Check Total: | 180.00 |
| 34191 | 03/18/2013 | General Fund | Public Defender | Kirshenbaum & Goss, Inc., P.S | | 6,950.00 |
| | | | | | Check Total: | 6,950.00 |
| 34192 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Kim Klose | | 217.80 |
| | | | | | Check Total: | 217.80 |
| 34193 | 03/18/2013 | Transportation CIP | Construction-Inspection | KPG, Inc. | | 1,649.28 |
| | | | | | Check Total: | 1,649.28 |
| 34194 | 03/18/2013 | General Fund | Instructors Prof Svcs | Lauren Laughlin | | 276.00 |
| | | | | | Check Total: | 276.00 |
| 34195 | 03/18/2013 | General Fund | Recreation Guide | Larry Cederblom | | 2,128.40 |
| | | | | | Check Total: | 2,128.40 |
| 34196 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Alexander Lewis | | 1,320.00 |
| | | | | | Check Total: | 1,320.00 |
| 34197 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Anne Marie Littleton | | 120.00 |
| | | | | | Check Total: | 120.00 |
| 34198 | 03/18/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | Les Schwab | | 593.04 |
| 34198 | 03/18/2013 | Street Fund | Repairs & Maint. - Fleet | Les Schwab | | 593.04 |
| 34198 | 03/18/2013 | Street Fund | Repairs & Maint. - Fleet | Les Schwab | | 293.61 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 34198 | 03/18/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | Les Schwab | | 293.61 |
| | | | | | Check Total: | 1,773.30 |
| 34199 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Jacob Matthew | | 590.00 |
| | | | | | Check Total: | 590.00 |
| 34200 | 03/18/2013 | General Fund | Federal Lobbying Services | McBee Strategic Consulting LLC | | 6,000.00 |
| | | | | | Check Total: | 6,000.00 |
| 34201 | 03/18/2013 | General Fund | Instructors Prof Svcs | Hunter McGee | | 220.00 |
| | | | | | Check Total: | 220.00 |
| 34202 | 03/18/2013 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 46.53 |
| 34202 | 03/18/2013 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 48.28 |
| | | | | | Check Total: | 94.81 |
| 34203 | 03/18/2013 | Street Fund | Dt Business License Svcs | Microflex Inc | | 3,840.96 |
| 34203 | 03/18/2013 | General Fund | B&O Tax Collect & Audit | Microflex Inc | | 1,927.74 |
| 34203 | 03/18/2013 | Street Fund | Dt Business License Svcs | Microflex Inc | | 59.82 |
| 34203 | 03/18/2013 | General Fund | B&O Tax Collect & Audit | Microflex Inc | | 59.82 |
| 34203 | 03/18/2013 | General Fund | Sales Tax Auditing Costs | Microflex Inc | | 55.44 |
| | | | | | Check Total: | 5,943.78 |
| 34204 | 03/18/2013 | General Fund | Nuisance and Abatement Costs | Miller Paint Co | | 36.24 |
| 34204 | 03/18/2013 | Street Fund | Office And Operating Supplies | Miller Paint Co | | 65.59 |
| | | | | | Check Total: | 101.83 |
| 34205 | 03/18/2013 | General Fund | Instructors Prof Svcs | Shariana Mundi | | 1,144.00 |
| | | | | | Check Total: | 1,144.00 |
| 34206 | 03/18/2013 | General Fund | Instructors Prof Svcs | Aaron Murray | | 120.00 |
| | | | | | Check Total: | 120.00 |
| 34207 | 03/18/2013 | General Fund | Instructors Prof Srvs | New City Dance Company | | 811.20 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 811.20 |
| 34208 | 03/18/2013 | General Fund | Mileage | Nhan Nguyen | | 13.90 |
| 34208 | 03/18/2013 | General Fund | Travel | Nhan Nguyen | | 28.00 |
| | | | | | Check Total: | 41.90 |
| 34209 | 03/18/2013 | General Fund | Instructors Prof Svcs | Drew Nicklas | | 189.00 |
| | | | | | Check Total: | 189.00 |
| 34210 | 03/18/2013 | Surface Water Management Fund | Minor Tools & Equipment | National Safety Inc | | 914.33 |
| | | | | | Check Total: | 914.33 |
| 34211 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Pamela Odegard | | 165.00 |
| | | | | | Check Total: | 165.00 |
| 34212 | 03/18/2013 | Street Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 3.42 |
| 34212 | 03/18/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 3.41 |
| 34212 | 03/18/2013 | Street Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 15.75 |
| 34212 | 03/18/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 15.76 |
| 34212 | 03/18/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 27.37 |
| 34212 | 03/18/2013 | Street Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 27.37 |
| 34212 | 03/18/2013 | Street Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 48.24 |
| 34212 | 03/18/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 48.23 |
| | | | | | Check Total: | 189.55 |
| 34213 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Fritzi Oxley | | 192.00 |
| | | | | | Check Total: | 192.00 |
| 34214 | 03/18/2013 | General Fund | Instructors Prof Svcs | Johawna Olena Perry | | 184.00 |
| | | | | | Check Total: | 184.00 |
| 34215 | 03/18/2013 | Street Fund | Office And Operating Supplies | Pacific Industrial Supply | | 164.91 |
| 34215 | 03/18/2013 | Street Fund | Repairs & Maint. - Fleet | Pacific Industrial Supply | | 5.31 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|---|---|---|---|---|---|
| | | | | Check Total: | 170.22 |
| 34216 | 03/18/2013 | General Fund | Office and Operating Supplies | Pacific Lamp & Supply Company | 479.01 |
| 34216 | 03/18/2013 | General Fund | Office and Operating Supplies | Pacific Lamp & Supply Company | 215.63 |
| 34216 | 03/18/2013 | General Fund | Office and Operating Supplies | Pacific Lamp & Supply Company | 51.25 |
| | | | | Check Total: | 745.89 |
| 34217 | 03/18/2013 | General Fund | Repairs and Maintenance | Performance Mechanical Group | 958.13 |
| | | | | Check Total: | 958.13 |
| 34218 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Nicole L. Pontillo | 180.00 |
| | | | | Check Total: | 180.00 |
| 34219 | 03/18/2013 | General Fund | Printing/Binding/Copying | Print Place | 367.65 |
| | | | | Check Total: | 367.65 |
| 34220 | 03/18/2013 | Street Fund | Utilities-Street Lighting | PSE Pmt. Processing | 1,637.18 |
| 34220 | 03/18/2013 | General Fund | Utilities | PSE Pmt. Processing | 368.58 |
| 34220 | 03/18/2013 | General Fund | Utilities | PSE Pmt. Processing | 2,015.46 |
| 34220 | 03/18/2013 | General Fund | Utilities | PSE Pmt. Processing | 75.24 |
| | | | | Check Total: | 4,096.46 |
| 34221 | 03/18/2013 | General Fund | Refund Clearing Account -Parks | Linda Gallez | 36.00 |
| | | | | Check Total: | 36.00 |
| 34222 | 03/18/2013 | General Fund | Refund Clearing Account -Parks | FMG Events | 275.25 |
| | | | | Check Total: | 275.25 |
| 34223 | 03/18/2013 | General Fund | Refund Clearing Account -Parks | June McKivor | 41.00 |
| | | | | Check Total: | 41.00 |
| 34224 | 03/18/2013 | General Fund | Refund Clearing Account -Parks | Discover Burien | 470.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 470.00 |
| 34225 | 03/18/2013 | Street Fund | Office And Operating Supplies | Renton Concrete Recyclers LLC | | 15.75 |
| 34225 | 03/18/2013 | Surface Water Management Fund | Office And Operating Supplies | Renton Concrete Recyclers LLC | | 15.75 |
| | | | | | Check Total: | 31.50 |
| 34226 | 03/18/2013 | General Fund | Other Travel | BRIAN ROBERTS | | 41.48 |
| | | | | | Check Total: | 41.48 |
| 34227 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Elizabeth B. Rodgers | | 820.00 |
| | | | | | Check Total: | 820.00 |
| 34228 | 03/18/2013 | General Fund | Instructors Prof Svcs | George Rodriguez | | 225.00 |
| | | | | | Check Total: | 225.00 |
| 34229 | 03/18/2013 | Street Fund | Office And Operating Supplies | GREG RUTKOSKY | | 160.00 |
| | | | | | Check Total: | 160.00 |
| 34230 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Lee Ryan | | 90.00 |
| | | | | | Check Total: | 90.00 |
| 34231 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Hani Schnaith | | 75.00 |
| 34231 | 03/18/2013 | General Fund | Instructors Prof Srvs | Hani Schnaith | | 50.00 |
| | | | | | Check Total: | 125.00 |
| 34232 | 03/18/2013 | General Fund | Jail Contracts | SCORE | | 38,365.92 |
| | | | | | Check Total: | 38,365.92 |
| 34233 | 03/18/2013 | General Fund | Advertising | Seattle Times | | 223.00 |
| 34233 | 03/18/2013 | General Fund | Advertising | Seattle Times | | 322.62 |
| | | | | | Check Total: | 545.62 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 34234 | 03/18/2013 | General Fund | Computer Consultant Prof Svcs | SEITEL Systems, LLC | | 1,015.00 |
| | | | | | Check Total: | 1,015.00 |
| 34235 | 03/18/2013 | General Fund | Professional Services | Nancy Shattuck | | 1,310.00 |
| 34235 | 03/18/2013 | General Fund | Professional Services | Nancy Shattuck | | 1,746.00 |
| | | | | | Check Total: | 3,056.00 |
| 34236 | 03/18/2013 | General Fund | Nuisance and Abatement Costs | Sherwin-Williams Co. | | -14.21 |
| 34236 | 03/18/2013 | General Fund | Nuisance and Abatement Costs | Sherwin-Williams Co. | | 132.20 |
| | | | | | Check Total: | 117.99 |
| 34237 | 03/18/2013 | General Fund | Office and Operating Supplies | Keli Sim-DeRitis | | 36.32 |
| | | | | | Check Total: | 36.32 |
| 34238 | 03/18/2013 | General Fund | Telephone | SPRINT | | 162.60 |
| 34238 | 03/18/2013 | General Fund | Telephone | SPRINT | | 36.70 |
| 34238 | 03/18/2013 | General Fund | Telephone | SPRINT | | 160.73 |
| 34238 | 03/18/2013 | General Fund | Telephone | SPRINT | | 162.46 |
| 34238 | 03/18/2013 | General Fund | Drug Seizure Proceeds KCSO | SPRINT | | 313.73 |
| 34238 | 03/18/2013 | General Fund | Telephone | SPRINT | | 100.84 |
| 34238 | 03/18/2013 | Street Fund | Telephone | SPRINT | | 230.46 |
| 34238 | 03/18/2013 | Surface Water Management Fund | Telephone | SPRINT | | 299.56 |
| | | | | | Check Total: | 1,467.08 |
| 34239 | 03/18/2013 | General Fund | Professional Services | State Auditor's Office | | 91.96 |
| | | | | | Check Total: | 91.96 |
| 34240 | 03/18/2013 | Surface Water Management Fund | Office And Operating Supplies | Sunset Materials Inc | | 81.15 |
| | | | | | Check Total: | 81.15 |
| 34241 | 03/18/2013 | General Fund | Refund Clearing Account -Parks | Sustainable Burien | | 25.00 |
| | | | | | Check Total: | 25.00 |
| 34242 | 03/18/2013 | General Fund | Registration & Training | SWKC Chamber of Commerce | | 22.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 22.00 |
| 34243 | 03/18/2013 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 107.00 |
| 34243 | 03/18/2013 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 441.00 |
| 34243 | 03/18/2013 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 237.00 |
| 34243 | 03/18/2013 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 55.00 |
| 34243 | 03/18/2013 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 55.00 |
| 34243 | 03/18/2013 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 55.00 |
| 34243 | 03/18/2013 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 155.00 |
| 34243 | 03/18/2013 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 213.67 |
| | | | | | Check Total: | 1,318.67 |
| 34244 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Bonnie Taschler | | 120.00 |
| | | | | | Check Total: | 120.00 |
| 34245 | 03/18/2013 | General Fund | Telephone | TelSpan Inc | | 9.34 |
| 34245 | 03/18/2013 | General Fund | Telephone | TelSpan Inc | | 19.57 |
| | | | | | Check Total: | 28.91 |
| 34246 | 03/18/2013 | General Fund | Teen Programs | Reginald Thomas | | 390.40 |
| | | | | | Check Total: | 390.40 |
| 34247 | 03/18/2013 | General Fund | Office Supplies | The Part Works Inc | | 35.96 |
| | | | | | Check Total: | 35.96 |
| 34248 | 03/18/2013 | General Fund | Telephone | Tri-Tec | | 82.13 |
| | | | | | Check Total: | 82.13 |
| 34249 | 03/18/2013 | General Fund | Parks Maintenance | Trugreen-landcare/NW Region | | 8,008.26 |
| 34249 | 03/18/2013 | General Fund | Parks Maintenance | Trugreen-landcare/NW Region | | 13,209.02 |
| | | | | | Check Total: | 21,217.28 |
| 34250 | 03/18/2013 | General Fund | Postage | USPS Term Station Permit Acct | | 200.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 200.00 |
| 34251 | 03/18/2013 | General Fund | Operating Rentals & Leases | Valley View Sewer District | | 1,030.00 |
| | | | | | Check Total: | 1,030.00 |
| 34252 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Pamela Ann Videen | | 420.00 |
| | | | | | Check Total: | 420.00 |
| 34253 | 03/18/2013 | General Fund | Prosecution - City Atty | Walls Law Firm | | 13,176.94 |
| | | | | | Check Total: | 13,176.94 |
| 34254 | 03/18/2013 | General Fund | Jail Contracts | Washington Association Of | | 719.00 |
| | | | | | Check Total: | 719.00 |
| 34255 | 03/18/2013 | General Fund | Prof. Svcs-Instructors | Carly Waterman | | 125.00 |
| | | | | | Check Total: | 125.00 |
| 34256 | 03/18/2013 | General Fund | Repair and Maintenance | White Center Glass&Upholstery | | 139.07 |
| 34256 | 03/18/2013 | General Fund | Repairs and Maintenance | White Center Glass&Upholstery | | 282.51 |
| | | | | | Check Total: | 421.58 |
| 34257 | 03/18/2013 | General Fund | Utilities | Water District No 20 | | 43.76 |
| 34257 | 03/18/2013 | General Fund | Utilities | Water District No 20 | | 26.41 |
| 34257 | 03/18/2013 | Street Fund | Landscape Maint - Utilities | Water District No 20 | | 118.50 |
| 34257 | 03/18/2013 | General Fund | Utilities | Water District No 20 | | 5.19 |
| 34257 | 03/18/2013 | Street Fund | Landscape Maint - Utilities | Water District No 20 | | 59.26 |
| | | | | | Check Total: | 253.12 |
| 34258 | 03/18/2013 | General Fund | Probatn/Public Defndr Screenng | Tammy Weigel | | 840.00 |
| | | | | | Check Total: | 840.00 |
| 34259 | 03/18/2013 | Transportation CIP | Construction Engineering | Washington State D.O.T. | | 51.75 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 51.75 |
| 34260 | 03/18/2013 | General Fund | Professional Services | Washington State Patrol | | 120.00 |
| | | | | | Check Total: | 120.00 |
| | | | | | Report Total: | 285,398.17 |


# CITY COUNCIL REGULAR MEETING MINUTES

## March 4, 2013

**6:00 p.m. - Special Meeting: Executive Session to review the performance of a public employee**

**7:00 p.m. – Regular Meeting**

**7:15 p.m. – 7:45 p.m. - Reception Honoring Citizen of the Year and Burien's 20th Birthday Celebration**

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

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

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

**SPECIAL MEETING**

Mayor Bennett called the Special Meetings of the Burien City Council to order at 6:00 p.m. for the purpose of holding an Executive Session to review the performance of an employee per RCW 42.30.110(1)(g) and to discuss potential litigation per RCW 42.30.110(1)(i)

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

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney and Dan Trimble, Economic Development Manager were present for the litigation/potential litigation discussion.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:55 p.m.

**CALL TO ORDER**

Mayor Bennett called the Regular 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 Lucy Krakowiak, Councilmembers Jack Block, Jr., Rose Clark, Bob Edgar, Joan McGilton and Gerald F. Robison.

**CITIZENS OF THE YEAR AWARDS**

Mayor Bennett read and presented two proclamations to Citizens of the Year Donna DiFiore and Michael Noakes.

Mayor Bennett read a proclamation proclaiming February 28, 2013, as Burien Cityhood Day.

**RECESS FOR RECEPTION**

Mayor Bennett called a recess at 7:15 p.m. for the purpose of holding a reception for Donna DiFiore and Michael Noakes, Citizens of the Year and to celebrate Burien's 20th Birthday.

Mayor Bennett reconvened the Regular Meeting at 7:46 p.m.

**AGENDA CONFIRMATION**

**Direction/Action**

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to affirm the March 4, 2013, Agenda.

**PUBLIC COMMENT**

Dick West, 1106 Roseberg Avenue South, Burien
Greg Duff, 11613 Occidental Avenue South, Burien
John White, 14645 25th Avenue SW, Burien
Scott McBreen, 15458 Des Moines Memorial Drive, SeaTac
Chestine Edgar, 1811 SW 152nd Street, Burien
Marguerite Richard, 533 3rd Avenue West, #409, Seattle
Michael B. Fuller
Goodspaceguy, 10219 Ninth Avenue South, Seattle
Travis Butcher, 627 SW 128th Street, Burien
JJ Connley, 1619 South 124th Street, Burien
Chuck Rangel 15226 9th Avenue SW, Burien
Shelli Park, 3106 SW 169th Street, Burien
Quinton Thompson
Joey Martinez, 429 South 189th Street, Burien
Ed Dacy, 2016 SW 146th Street, Burien

**CORRESPONDENCE FOR THE RECORD**

a. Email Dated February 25, 2013, from Suzanne H. Crowhurst Lennard, Director of the International Making Cities Livable Conferences.
b. Written Public Comments for Meeting of February 25, 2013, from C. Edgar.
c. Written Public Comments for Meeting of February 25, 2013, from Debi Wagner.

**CONSENT AGENDA**

a. Approval of Vouchers: Numbers 34043 - 34138 in the Amounts of $273,317.93.
b. Approval of Minutes: Regular Council Meeting, February 25, 2013.
c. Motion to Adopt Resolution No. 340, Supporting the Extension of the 2009-2013 South County Area Transportation Board (SCATBd) Agreement.

**Direction/Action**

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to approve the March 4, 2013, Consent Agenda.

**BUSINESS AGENDA**

**Presentation of Annual Report by Southwest King County Chamber of Commerce (SWKCCC)**

Brenna Arnesen, Marketing and Events Director, highlighted the 2012 achievements of the Southwest King County Chamber of Commerce.

**Discussion of Economic Development Strategic Plan Scope of Services**

**Direction/Action**

Councilmembers requested including arts and parks, and redefining branding with input from the community to the Scope of Services, including the SW 153rd Street Preliminary Visioning Report dated October 2011 as an appendix to the plan and change the plan title from "Economic Development Strategic Plan" to "Economic Development Strategic Action Plan."

**Discuss Ordinance 578, Granting a Franchise to Zayo Group LLC for Installing Fiber Optic Cable in City Rights of Way (ROW)**

**Direction/Action**

Councilmembers requested placing Ordinance 578 on the March 18, 2013, Consent Agenda for approval.

Councilmember McGilton requested a clearer route map.

**Discuss Solid Waste Interlocal Agreement**

**Direction/Action**

Councilmembers requested placing the Solid Waste Interlocal Agreement on the March 18, 2013, Consent Agenda for approval.

**Discussion on the North Burien Zoning Map Amendments, 2012 Comprehensive Plan Text and Map Amendments**

This item was rescheduled to March 18, 2013.

**Review of Revisions to the City Council Policies and Procedures**

This item was rescheduled to March 18, 2013.

**Present Answers to Questions by Mayor Bennett on City Council Districting**

This item was rescheduled to March 18, 2013.

**City Business**

**Follow-up**

Staff will provide a written briefing on the abatement at 11416 26th Avenue South referred to by Dick West under Public Comment and the status of the garbage to be removed at the old City Hall located at 415 SW 150th Street.

**COUNCIL REPORTS**

**Direction/Action**

Councilmembers did not support Seattle Port Commissioner Tom Albro's proposal to raise Commissioner salaries to equal that of a State representative in order to attract more people to serve on the Commission and in recognition of the Commissioners' time involved.

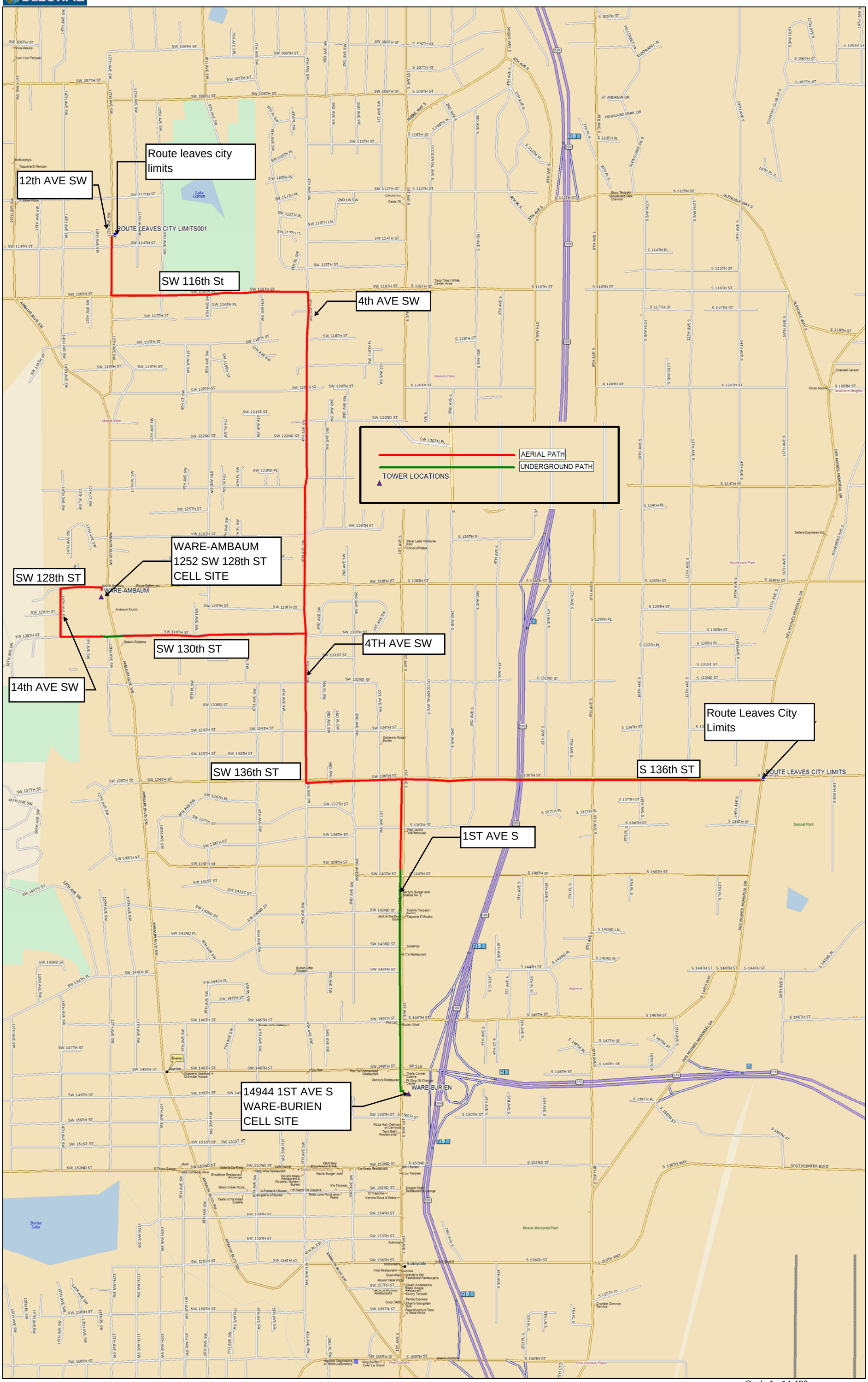
**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to adjourn the meeting at 9:39 p.m.

_____
Brian Bennett, Mayor

_____
Monica Lusk, City Clerk






TN
MN (16.4°E)

Scale 1 : 14,400
1" = 1,200.0 ft
Data Zoom 14-7

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 578

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, GRANTING A NON-EXCLUSIVE FRANCHISE TO ZAYO GROUP, LLC, TO INSTALL, OPERATE AND MAINTAIN FIBER OPTIC CABLES IN PUBLIC RIGHTS OF WAY OF THE CITY OF BURIEN AND SETTING FORTH TERMS AND CONDITIONS OF THE FRANCHISE**

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WHEREAS, the City of Burien ("City") is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate, and maintain fiber optic cables within the boundaries of the City; and

WHEREAS, Zayo Group, LLC, a limited liability company organized and existing under the laws of the State of Delaware ("Franchisee") is a competitive telecommunications company providing telecommunication services, which desires to occupy City rights-of-ways to install, construct, operate, and maintain its telecommunications facilities and network for the purpose of providing services to its customers at locations within the City; and

WHEREAS, Franchisee has applied to the City for a non-exclusive franchise to enter, occupy, and use City rights-of-way to construct, install, operate, maintain, and repair fiber optic facilities to offer and provide telecommunications service for hire, sale, or resale in the City of Burien; and

WHEREAS, the Federal Communications Act of 1934, as amended by the 1996 Telecommunications Act relating to telecommunications providers, recognizes and provides local government authority to manage the public rights-of-way and to require fair and reasonable compensation on a competitively neutral and nondiscriminatory basis; and

WHEREAS, a franchise does not include, and is not a substitute for any other permit, agreement, or other authorization required by the City, including without limitation, permits required in connection with construction activities in City rights-of-way, which must be administratively approved by the City after review of specific plans; and

WHEREAS, Franchisee shall be responsible for its actual costs in using, occupying and repairing City rights-of-way; and

WHEREAS, the City and Franchisee desire to effectuate good coordination of the use of the rights-of-way; and

WHEREAS, the public has had adequate notice and opportunity to comment on this franchise during a public proceeding; and

WHEREAS, the City Council finds that the franchise terms and conditions contained in this Ordinance are in the public interest.

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

**Section 1. Definitions.** For the purposes of this Ordinance, the following terms, phrases, words, and their derivations will have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined will have the meaning ascribed to those words in the Burien Municipal Code ("BMC") or in the Federal Communications Act of 1934 as amended, unless inconsistent herewith.

"Affiliate" means any Person who owns or controls, is owned by or controlled by, or is under common ownership or control with Franchisee.

"Cable Service" means the one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the City of Burien.

"City Council" means the governing legislative body of the City.

"Conduit" means optical cable housing, jackets, or casing, and pipes, tubes, or tiles used for receiving and protecting wires, lines, cables, and communication and signal lines.

"Costs" means costs, expenses, and other financial obligations of any kind whatsoever.

"Dark Fiber" means properly functioning optical cable, which is not used or available for use by Franchisee or the general public.

"Effective Date" means five days following the publication of this Franchise or a summary thereof occurs in an official newspaper of the City as provided by law.

"Facilities" means, collectively, any and all telecommunications transmission systems and appurtenances owned by Franchisee, now and in the future, in the Franchise Area, including, but not limited to, wire, radio, optical cable, electromagnetic or other similar types of equipment, and related appurtenances, in any way comprising part of the System.

"FCC" means the Federal Communications Commission or its designated representative.

"Franchise Area" means the area within the jurisdictional boundaries of the City, including annexed area, to be served by Franchisee as specified in this Franchise.

"Incremental Costs" means the actual and necessary costs incurred, which exceed costs that would have otherwise been incurred. Incremental costs shall not include any part, portion, or proration of costs, of any kind whatsoever, including without limitation overhead or labor costs that would have otherwise been incurred.

"Optical Cable" means wires, lines, cables and communication and signal lines used to convey communications by fiber optics.

"Person" means any individual, firm, partnership, association, corporation, company, or organization of any kind.

"Public Way" or "Right-of-Way" means any highway, street, road, sidewalk, alley, or other public right of way or public utility easement under the jurisdiction and control of the City, which has been acquired, established, dedicated, or devoted to such purposes.

"Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

"Telecommunications Applications Fees and Charges" means fees and charges related to right-of-way management, construction permit, permit design fee, building permit, encroachment permit, inspections, and pavement restoration.

"Telecommunications Service" means the offering of telecommunications for a fee directly to the public or to such classes of users as to be effectively available directly to the public, regardless of the Facilities used.

"Telecommunications System" or "System" means only those Facilities necessary for Franchisee to provide Telecommunications Service.

"Underground Facilities" means Facilities located under the surface of the ground, other than underground foundations or supports for overhead Facilities.

"Utility Poles" means poles, and crossarms, devices, and attachments directly affixed to such poles, which are used for the transmission and distribution of electrical energy, signals, or other methods of communication.

**Section 2. Franchise - Grant and Authorization.**

A. The City grants to Franchisee, subject to the terms and conditions of this Franchise, a non-exclusive franchise to enter, occupy, and use Public Ways for constructing, installing, operating, maintaining, repairing, and removing Telecommunications Facilities necessary to provide Telecommunications Services. Franchisee shall construct, install, operate, maintain, repair, and remove its Facilities at its expense, except as expressly provided otherwise in this Franchise, and in accordance with the Burien Municipal Code, including but not limited to the right-of-way use provisions and permitting requirements of Title 12 BMC.

B. Nothing in this Franchise grants authority to Franchisee to enter, occupy, or use City property.

C. Any rights, privileges, and authority granted to Franchisee under this Franchise are subject to the legitimate rights of the police power of the City to adopt and enforce general ordinances necessary to protect the safety and welfare of the public, and nothing in this Franchise excuses Franchisee from its obligation to comply with all applicable general laws enacted by the City pursuant to such power. Any conflict between the terms or conditions of this Franchise and any other present or future exercise of the City's police powers will be resolved in favor of the exercise of the City's police power.

D. Nothing in this Franchise excuses Franchisee of its obligation to identify its Facilities and proposed Facilities and their location or proposed location in the Public Ways and to obtain use and/or development authorization and permits from the City before entering, occupying, or using Public Ways to construct, install, operate, maintain, repair, or remove such Facilities.

E. Nothing in this Franchise excuses Franchisee of its obligation to comply with applicable codes, rules, regulations, and standards, subject to verification by the City of such compliance.

F. Nothing in this Franchise shall be construed to limit taxing authority or other lawful authority to impose charges or fees, or to excuse Franchisee of any obligation to pay lawfully imposed charges or fees.

G. Nothing in this Franchise grants authority to Franchisee to impair or damage any City property, Public Way, other ways or other property, whether publicly or privately owned.

H. Nothing in this Franchise shall be construed to create a duty upon the City to be responsible for construction of Facilities or to modify Public Ways to accommodate Franchisee's Facilities.

I. Nothing in this Franchise grants authority to Franchisee to provide or offer Cable Service or Internet Protocol Television ("IPTV") Service.

J. Franchisee may use the wired Facilities authorized by this Franchise for the transmission of Telecommunications Service only as expressly provided in this Franchise.

K. Nothing in this Franchise shall be construed to create, expand, or extend any liability of the City to any third party user of Franchisee's Facilities or to otherwise recognize or create third party beneficiaries to this Franchise.

L. Nothing in this Franchise shall be construed to permit Franchisee to unlawfully enter or construct improvements upon the property or premises of another.

**Section 3. Term.** Authorization granted under this Franchise shall be for a period of five (5) years from the effective date of this Franchise. This shall be referred to as the primary term. The Franchise will automatically renew for one successive period of five (5) years unless cancelled at the end of the primary term by either party by written notice to the other party no less than 180 calendar days prior to the end of the primary term.

**Section 4. Location, Colocation, and Relocation of Facilities.**

A. Franchisee must place its Facilities underground except as otherwise expressly provided herein or in the Burien Municipal Code. Subject to the terms and conditions of this Franchise and the Burien Municipal Code, Franchisee may place optical cable, optical cable housing, and splicing connections on existing utility poles as overhead Facilities, if approved by the owner of the utility poles and if approved by the City. All other Facilities, including, without limitation, Facilities required to operate or maintain such optical cable, optical cable housing, and splicing connections must be underground Facilities if they are located in a Public Way, provided that this requirement shall not apply to Facilities excepted by BMC 12.40.040.

B. Franchisee's Facilities shall not interfere with the use of Public Ways or City property by the City, the general public, or other persons authorized to enter, occupy, or use Public Ways or City property. Whenever new Facilities will exhaust the capacity of a Public Way to reasonably accommodate future users or Facilities, the Franchisee shall provide nondiscriminatory access to its Facilities to future users and facilities. However, Franchisee shall not permit installations by others in the Franchise Area without written approval of the City, which approval shall not be in lieu of a franchise or other requirements of the City and shall not abrogate Franchisee's responsibility for compliance with this Franchise by third party users of the Telecommunications System.

C. Franchisee shall not impair or damage any City property, Public Way, other ways, or other property, whether publicly or privately owned.

D. Franchisee shall provide the City with information in such form requested by the City, which accurately reflects the horizontal and vertical location and configuration of all of Franchisee's Facilities. Franchisee shall provide the City with updated information annually or upon request by the City.

E. Franchisee shall relocate its Facilities at the request of the City, whenever there is construction, alteration, repair or improvement of a Public Way. Franchisee shall complete the relocation by the date specified by the City, unless the City in its sole discretion establishes a later date for completion, after a showing by Franchisee that the relocation cannot be completed by the dates specified using best efforts and meeting safety and service requirements. Franchisee shall relocate its Facilities at its expense when such relocation is necessary for the benefit of the general public, but when such relocation is primarily for the benefit of a private party or parties, Franchisee shall be reimbursed by the private party or parties in accordance with RCW 35.99.060.

F. Franchisee shall relocate its Facilities at its expense at the request of the City in the event of an unforeseen emergency that creates an immediate threat to the public safety, health or welfare.

G. Franchisee shall install its Facilities in alleys rather than streets, wherever economically reasonable and technically feasible, unless otherwise authorized by the Public Works Director.

H. Franchisee shall comply with all City codes and requirements, including but not limited to those regarding historic districts.

I. Prior to installation, alteration or maintenance of its Facilities in the Public Way, Franchisee shall provide the City with a work schedule, estimated cost of such work, and a map showing the location of the Facilities. Upon completion of the work, Franchisee shall provide the City with as-built maps showing the final location of the Facilities. If requested, Franchisee shall also provide the City an electronic format of aerial and underground Facilities in relation to the Right-of-Way centerline to enable the City to add this information to the City's GIS program.

**Section 5. Poles, Conduit, Structures, and Property Owned by Others.** Franchisee shall obtain written approval from the owners of utility poles, conduit, structures, and property not owned by Franchisee, prior to attaching to or otherwise using such poles, conduit, structures or property, and shall provide proof of such approval to the satisfaction of the City. Where the City owns the utility poles, conduit, or structures, the Franchisee shall comply with City Code provisions as required for a specific project plan and permit submittal and shall enter into a separate lease agreement with the City. The City makes no representation and assumes no responsibility for the availability of utility poles, structures, and property owned by third parties

for the installation of Franchisee's Facilities. The City shall not be liable for the unavailability of utility poles, structures, and property owned by the City or third parties for any reason whatsoever. The installation of Facilities by Franchisee on or in the poles, structures, or property owned by others shall be subject to and limited by the owner's authority to enter, occupy, and use Public Ways. In the event that the authority of the owner of poles, structures, or property to enter, occupy, and use the Public Ways either expires, terminates, or is cancelled, the authority of Franchisee to construct, install, operate, maintain, and repair Franchisee's Facilities at such locations may be immediately cancelled at the sole option of the City. The City shall not be liable for the costs of removal of Facilities arising from expiration, termination, or cancellation of any pole owner's authority to enter, occupy, or use Public Ways for any reason whatsoever.

**Section 6. Construction and Installation Requirements.**

A. The technical performance of the Facilities must meet or exceed all applicable technical standards authorized or required by applicable law, regardless of the transmission technology utilized. The City shall have the full authority permitted by applicable law to enforce compliance with such technical standards.

B. All Facilities shall be installed in accordance with the best engineering, quality, and construction practices and standards of the telecommunications industry.

C. All Facilities shall be constructed and installed in such manner and at such points so as not to inconvenience City or public use of the Public Ways or to adversely affect the public health, safety or welfare and in conformity with plans approved by the City, except in instances in which deviation may be allowed by the City.

D. Franchisee's installations and operations shall conform to all federal, state, local, and industry codes, rules, regulations, standards and laws. Franchisee must cease work immediately, if the City determines that Franchisee is not in compliance with such codes, rules, regulations, or standards, and may not begin or resume work until the City determines that Franchisee is in compliance. The City shall not be liable for any costs arising out of delays occurring as a result of such work stoppage.

E. The Telecommunications System constructed, maintained and operated pursuant to this Franchise shall be so constructed, maintained and operated in accordance with all applicable engineering codes adopted or approved by the City, State of Washington, federal government, and/or engineering profession and in accordance with any applicable statutes of the State of Washington, rules and regulations of the applicable Washington regulatory authority, ordinances of the City, or regulations of any other governmental regulatory commission, board or agency having jurisdiction over Franchisee.

F. Franchisee shall have the sole responsibility for obtaining, at its own cost and expense, all permits, licenses, or other forms of approval or authorization necessary to construct,

operate, maintain or repair or expand the System, and to construct, maintain and repair any part thereof, including right-of-way use permits under Title 12 BMC.

G. Franchisee or its designee shall give prior written notice and shall obtain approval from the City for all tree trimming work as provided in Title 12 BMC. The City agrees to either approve of Franchisee's request or to meet with Franchisee to review the proposed tree trimming within 2 business days of the receipt of Franchisee's written notice. Franchisee takes full responsibility for removing debris when the work is complete. All tree trimming is to be done at the sole expense and responsibility of Franchisee. Franchisee is solely responsible for property or tree damage caused by it and must fully restore any such property or tree damage when so requested by the City. In an emergency, Franchisee or its designee shall have the right to trim trees without prior approval from the City.

Trimming of trees and shrubbery within or overhanging the Public Ways to prevent contact with Franchisee's Facilities shall be done in such a manner to cause the minimum amount of damage to trees and shrubs. If trees or shrubbery are excessively damaged as a result of the work undertaken by or on behalf of Franchisee, Franchisee shall submit to the City its plan to preserve the trees or shrubbery or to remove and replace the trees or shrubbery with landscaping of equal value or to pay the City the value of the trees or shrubbery prior to the damage or removal, as determined acceptable by the Public Works Director or other authorized agent of the City. Any trimming or removal of trees or shrubs shall be done in full compliance with the City's ordinances and all other laws or regulations of the City.

H. Neither approval of plans by the City nor any action or inaction by the City shall relieve Franchisee of any duty, obligation, or responsibility for the design, construction, and installation of its Facilities. Franchisee is solely responsible for the supervision, condition, and quality of the work done, whether it is performed by itself or by its contractors, agents, or assigns.

I. Except as to emergency repairs, Franchisee shall, prior to excavating within any street, alley or other public place and installing any conduit, overhead cable or equipment therein, file with the Public Works Director plans and specifications thereof showing the work to be done, the location and nature of the installation to be made, repaired or maintained, and a schedule showing the times of beginning and completion and shall secure a permit from the City before proceeding with any such work. The Franchisee shall conform to all requirements of the City Code and regulations adopted pursuant thereto, as such requirements and regulations currently exist or may be amended.

J. All construction and/or maintenance work as provided herein shall be performed in conformity with the plans and specifications filed with the City and with the permit or permits issued, except in instances in which deviation may be allowed thereafter in writing pursuant to an application by the Franchisee.

K. Excavation work requiring permission from the City shall only commence upon the issuance of applicable permits by the City. However, in the event of an emergency requiring immediate action by Franchisee for the protection of the Facilities, City property, or other persons or property, Franchisee may proceed without first obtaining the normally required permits. In such event Franchisee must: (1) take all necessary and prudent steps to protect, support, and keep safe from harm the Facilities or any part thereof, City property, or other persons or property and to protect the public health, safety, and welfare; and (2) as soon as possible thereafter, must obtain the required permits and comply with any mitigation requirements or other conditions in the after-the-fact permit.

L. Unless a condition or regulation is in conflict with a federal or state requirement, the City may condition the granting of any permit or other approval that is required under this Franchise, in any manner reasonably necessary for the safe use and management of the public right-of-way or the City's property, including, by way of example and not limitation, maintaining proper distance from other utilities, protecting the continuity of pedestrian and vehicular traffic, and protecting right-of-way improvements, private facilities, and public safety.

M. Whenever necessary, after construction or maintenance of any of Franchisee's Facilities within the Right-of-Way, the Franchisee shall, without delay and at Franchisee's sole expense, remove all debris and restore the surface disturbed by Franchisee as nearly as possible to as good or better condition as it was in before the work began. Franchisee shall replace any property corner monuments, survey references, or equipment, which were disturbed or destroyed during Franchisee's work in the Right-of-Way. Such restoration shall be done in a manner consistent with applicable codes and laws and to the City's satisfaction and specifications.

N. Franchisee shall provide the City GIS level maps showing the size and location of the Facilities within the Franchise Area in a format acceptable to the City, subject to the City's agreement to maintain the confidentiality of such information to the extent allowed by law. The City agrees that it will comply with applicable state law regarding public disclosure of Franchisee's maps and information and will withhold such disclosure from any third party to the extent allowed by law. Any map or information furnished to the City pursuant to this Franchise shall remain the Franchisee's proprietary information for all purposes to the extent allowed by law. Franchisee shall provide locates and field verify its Facilities at no cost to the City.

O. Franchisee shall be solely and completely responsible for workplace safety and safe working practices on its job sites within the Franchise area, including safety of all persons and property during the performance of any work.

P. Franchisee shall at all times keep up-to-date maps and records showing the location and sizes of all Franchisee Facilities installed by it in the Franchise Area. Such maps and records shall be kept in Franchisee's district operating office and shall be subject to inspection at all reasonable times by proper officials or agents of said City. Franchisee shall provide at the City's request a copy of Facilities maps for the City's use.

Q. All of Franchisee's underground Facilities shall be installed in accordance with current City regulations and project permit requirements. Unless otherwise approved by the Public Works Director, underground Facilities must maintain ten (10) parallel feet of separation from water and sewer mains in accordance with the City's Road Design and Construction Standards. Franchisee shall restore the Public Way to pre-construction condition or better. Franchisee agrees to pay all costs and expenditures required on Rights-of-Way as a result of settling, subsidence, or any other need for repairs or maintenance resulting from excavations made by Franchisee for necessary trench patch maintenance until the next paving job. Favorable weather conditions permitting, Franchisee agrees to repair Rights-of-Way as a result of settling, subsidence, or other needed repairs or maintenance resulting from excavations made by the Franchisee upon forty-eight (48) hours notice excluding weekends and holidays. If Franchisee fails to undertake such repairs as herein provided, the City may perform the repairs at Franchisee's expense.

R. Franchisee shall notify and provide documentation to the City in advance of any work in the Right-of-Way that involves excavation and/or street cuts. Design review is not required where trenching does not occur or for routine repair and maintenance.

**Section 7. Coordination of Construction and Installation Activities and Other Work.**

A. Franchisee shall coordinate its construction and installation activities and other work with the City and other users of the Public Ways at least annually or as determined by the City.

B. All construction or installation locations, activities and schedules shall be coordinated, as ordered by the City, to minimize public inconvenience, disruption or damages.

C. Franchisee shall conduct its construction and installation activities at all times so as to maximize the life and usefulness of the paving and municipal infrastructure and to anticipate and avoid conflicts with the facilities of other users, occupants, utilities, franchisees, or permittees of the Public Ways.

D. Franchisee shall make available and accept the colocation of property of others within trenches excavated or used by Franchisee in the Public Ways, provided the costs of the work are fairly allocated between the parties.

E. By February 1 of each year, Franchisee shall provide the City with a schedule of its

proposed construction or installation activities and other work in, around, or that may affect the Public Ways or City property.

F. The City shall give reasonable advance notice to Franchisee of plans to open Public Ways for construction or installation in locations where Franchise has Facilities; provided, however, the City shall not be liable for damages for failure to provide such notice. When such notice has been given, Franchisee shall provide information requested by the City regarding Franchisee's future plans for use of the Public Way to be opened. When notice has been given, Franchisee may only construct or install Facilities during such period that the City has opened the Public Way for construction or installation.

**Section 8. Temporary Removal, Adjustment, or Alteration of Facilities.**

A. Franchisee shall temporarily remove, adjust, or alter the position of its Facilities at its cost at the request of the City for public projects, events, or other public operations or purposes.

B. Whenever any Person has obtained permission from the City to use any Right-of-Way for the purpose of moving any building or other oversized structure, and upon 14 days written notice from the City or the permittee, provided the permittee shows sufficient evidence of a valid City permit, Franchisee shall raise or remove, at the expense of the permittee, any of Franchisee's Facilities that may obstruct the movement thereof, provided that the moving of such building or structure shall be done in accordance with the regulations and ordinances of the City.

**Section 9. Safety and Maintenance Requirements.**

A. All work authorized and required under this Franchise shall be performed in a safe, thorough, and workmanlike manner.

B. Franchisee, in accordance with applicable federal, state, and local safety requirements, shall at all times employ necessary care and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to occur. All Facilities, wherever situated or located, shall at all times be kept in a good, safe, and suitable condition. If the City finds that Franchisee is responsible for a violation of a safety code or other applicable regulation, the City may, after discussion with Franchisee, establish a reasonable time for Franchisee to make necessary repairs. If the repairs are not made within the established time frame, the City may make the repairs itself at the cost of the Franchisee or have them made at the cost of Franchisee.

C. If Franchisee fails to timely commence, pursue, or complete any work as required by law, permit, or this Franchise, the City may at its discretion cause the work to be done. Franchisee shall pay to the City the reasonable and documented actual costs of the work

in an itemized report provided by the City to Franchisee within 30 days after receipt of such report. In performing such work, the City shall not be liable to Franchisee for any damage.

D. Franchisee or any Person acting on its behalf shall provide a traffic control plan that conforms to the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD). Said plan shall use suitable barricades, flags, flaggers, lights, flares, and other measures as required for the safety of all members of the public during the performance of work in Public Ways, in order to prevent injury or damage to any person, vehicle, or property. Franchisee shall implement and comply with its approved traffic control plan during execution of its work. The traffic control plan shall be developed and kept on site in Franchisee's possession for all work impacting vehicular and pedestrian traffic.

E. Franchisee shall maintain its Facilities in proper working order. Franchisee shall restore its Facilities to proper working order upon receipt of notice from the City that Facilities are not in proper working order. The City may, after discussion with Franchisee, establish a reasonable time for Franchisee to restore its Facilities to proper working order. If the Facilities are not restored to proper working order within the established time frame, the City may restore the Facilities to proper working order or have them restored at the cost of Franchisee.

F. The City shall have the right to inspect all construction and installation work performed by Franchisee pursuant to this Franchise to the extent necessary to ensure compliance by Franchisee.

G. The City reserves the right to install, and permit to be installed, sewer, electric, phone, gas, water and other pipelines, cables, conduits and related appurtenances and to do, or permit to be done, any underground or overhead work in, across, along, over or under a Public Way or other public place occupied by Franchisee. The City also reserves the right to construct new streets and public utilities and to alter the design of existing streets and public utilities. In performing such work, the City shall not be liable to Franchisee for any damage except to the extent of the City's negligence, but nothing herein shall relieve any other person or entity from the responsibility for damages to Franchisee's Facilities. The City will use its best efforts to provide Franchisee with reasonable advance notice of plans by other persons to open the Public Ways.

H. On notice from the City that any work is being performed contrary to the provisions herein, or in an unsafe or dangerous manner, or in violation of the terms of any applicable permit, laws, regulations, ordinances or standards, the City may issue a stop work order and Franchisee shall stop the work immediately. The City shall issue a stop work order in writing, unless given verbally in the case of an emergency, and provide the order to the individual doing the work or post it on the work site. A copy of the order shall be sent to

Franchisee, and the order shall indicate the nature of the alleged violation or unsafe condition and the conditions under which Franchisee may resume work.

**Section 10. Removal of Unauthorized Facilities.** Within thirty (30) days following written notice from the City, Franchisee shall, at its expense, remove unauthorized Facilities and restore the Rights-of-Way and other property to as good a condition as existed prior to construction or installation of its Facilities. Any plan for removal of said Facilities must be approved by the City prior to such work. Facilities are unauthorized and subject to removal in the following circumstances:

A. Upon expiration, termination, or cancellation of this Franchise;

B. Upon abandonment of the Facilities, provided that Facilities shall be deemed abandoned if they are unused by Franchisee for a period of ninety (90) days;

C. If the Facilities were constructed or installed prior to the effective date of this Franchise; unless such Facilities were constructed or installed upon the condition of subsequent approval of this Franchise with the consent of the City;

D. If the Facilities were constructed, installed, operated, maintained, or repaired without the prior issuance of required use and/or development authorization and permits;

E. If the Facilities were constructed or installed or are operated, maintained or repaired in violation of the terms or conditions of this Franchise; or

F. If the Facilities are unauthorized for any reason whatsoever.

**Section 11. Discontinuing Use/Abandonment of Facilities.**

A. The City may in its sole discretion allow Franchisee to abandon its Facilities in place, provided that no Facilities may be abandoned in place without the express written consent of the City. Upon consensual abandonment in place of Facilities, the Facilities shall become property of the City, and Franchisee shall submit to the City an instrument in writing, to be approved by the City, transferring to the City the ownership of such Facilities. The failure of Franchisee to submit an instrument shall not prevent, delay, or impair transfer of ownership to the City.

B. Whenever Franchisee intends to discontinue using any Facility within the Rights-of-Way, Franchisee shall submit for the City's approval a complete description of the Facility and the date on which Franchisee intends to discontinue using the Facility. Franchisee may remove the Facility or request that the City permit it to remain in place. Notwithstanding Franchisee's request that any such Facility remain in place, the City may require Franchisee to remove the Facility from the Right-of-Way or modify the Facility to protect the public

health, welfare, safety, and convenience, or otherwise serve the public interest. The City may require Franchisee to perform a combination of modification and removal of the Facility. Franchisee shall complete such removal or modification in accordance with a schedule set by the City. Until such time as Franchisee removes or modifies the Facility as directed by the City, or until the rights to and responsibility for the Facility are accepted by another Person having authority to construct and maintain such Facility, Franchisee shall be responsible for all necessary repairs and relocations of the Facility, as well as maintenance of the Right-of-Way, in the same manner and degree as if the Facility were in active use, and Franchisee shall retain all liability for such Facility.

**Section 12. Restoration of Public Ways and Other Property.**

A. When Franchisee, or any person acting on its behalf, does any work in or affecting any Public Way or other property, it shall, at its own expense, promptly remove any obstructions therefrom and restore, at Franchisee's cost, such ways and property to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

B. If weather or other conditions do not permit the complete restoration required by this section, the Franchisee shall temporarily restore the affected Public Ways or property. Such temporary restoration shall be at the Franchisee's cost, and Franchisee shall promptly undertake and complete the required permanent restoration, when the weather or other conditions no longer prevent such permanent restoration.

C. All restoration work is subject to inspection and final approval by the City. If restoration is not made to the satisfaction of the City within the established timeframe, the City may make the restoration itself at the cost of Franchisee or have them made at the cost of Franchisee.

**Section 13. Use and/or Development Authorization and Permits.** Franchisee shall obtain use, right-of-way construction, and/or development authorization and required permits from the City and all other appropriate regulatory authorities prior to constructing or installing Facilities or performing other work in a Public Way in accordance with the Burien Municipal Code, including but not limited to Title 12 BMC.

A. Franchisee shall provide the information for all Facilities that it proposes to construct or install as set forth in BMC 12.18.040.

B. The requirements of this section do not apply to repair or maintenance of a previously approved overhead facility, provided that the location and size of the previously approved facility is not materially changed, that no additional new Facilities are constructed or installed, that the repair or maintenance activities are conducted in accordance with good

engineering, repair, and maintenance practices and do not interfere with the public use of the Public Ways or adversely affect public health, safety, or welfare, that maintenance or repair activities conform to all federal, state, local, and industry codes, rules, regulations, and standards, and that the repair or maintenance activities comply with the City Code.

C. Franchisee shall not be granted development authorization or issued permits for construction or installation of new Facilities unless Franchisee is in full compliance with the provisions of this Franchise and all of Franchisee's existing Facilities have been expressly approved by the City in writing.

**Section 14. Indemnification and Assumption of Risk.**

A. Indemnification.

(1) Franchisee hereby releases, covenants not to bring suit, and agrees to indemnify, defend and hold harmless the City, its elected officials, officers, employees, agents, and representatives against any and all claims, costs, damages, judgments, awards, attorneys' fees or liability, of any kind whatsoever, to any person, including claims by Franchisee's own employees from which Franchisee might otherwise be immune under Title 51 RCW, arising from injury or death of any person or damage to property caused by the acts or omissions of Franchisee, its officers, employees, agents or representatives. (2) Franchisee further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its elected officials, officers, employees, agents, and representatives from any and all claims, costs, damages, judgments, awards, attorneys' fees or liability to any person arising out of Franchisee's exercise of the rights, privileges, or authority granted by this Franchise, which are made against the City, in whole or in part, due to the City's ownership or control of the Public Ways or other City property, by virtue of the City permitting the Franchisee's entry, occupancy or use of the Public Ways, or based upon the City's inspection or lack of inspection of work performed by Franchisee, its officers, employees, agents or representatives.

(3) These indemnification covenants include, but are not limited to, claims against the City arising as a result of the acts or omissions of Franchisee, its officers, employees, agents or representatives in barricading, instituting trench safety systems, or providing inadequate warnings of any excavation, construction, or work in any Public Way or other public place in performance of work or services permitted under this Franchise.

(4) Franchisee further agrees to indemnify, hold harmless and defend the City, its elected officials, officers, employees, agents, and representatives against any claims for damages, including, but not limited to, business interruption damages and lost profits, brought by or under users of the Franchisee's Facilities as the result of any interruption of service due to damage or destruction of the user's facilities caused by or arising out of damage or destruction of Franchisee's

Facilities, except to the extent any such damage or destruction is caused by or arises from the active sole negligence of the City.

(5) In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of Franchisee and the City, Franchisee's liability hereunder shall be only to the extent of Franchisee's negligence.

(6) It is further specifically and expressly understood that the indemnification covenants provided herein constitute the Franchisee's waiver of immunity under Title 51 RCW. This waiver has been mutually negotiated by the parties.

(7) Inspection or acceptance by the City of any work performed by Franchisee at the time of completion of construction or installation shall not be grounds for avoidance of any of these indemnification covenants. Said indemnification obligations shall extend to claims that are not reduced to a suit and to any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation.

(8) In the event that Franchisee refuses the tender of defense in any suit or any claim, said tender having been made pursuant to the indemnification covenants contained herein, and said refusal is subsequently determined by a court having jurisdiction, or such other tribunal that the parties shall agree to decide the matter, to have been a wrongful refusal on the part of Franchisee, then Franchisee shall pay and be responsible for all of the City's costs for defense of the action, including all reasonable expert witness fees and reasonable attorneys' fees and the reasonable costs of the City, including reasonable attorneys' fees of recovering under these indemnification covenants.

B. Assumption of Risk.

(1) Franchisee assumes the risk of damage to its Facilities located in the City's Public Ways from activities conducted by third parties or the City, its elected officials, officers, employees, agents, or representatives. Franchisee releases and waives any and all claims against the City, its elected officials, officers, employees, agents, and representatives for damage to or destruction of the Franchisee's Facilities, except to the extent any such damage or destruction is caused by or arises from the active sole negligence of the City.

(2) Franchisee bears sole responsibility to insure its property. Franchisee shall ensure that its insurance contracts waive subrogation claims against the City, its elected officials, officers, employees, agents, and representatives, and Franchisee shall indemnify, defend and hold harmless the City, its elected officials, officers, employees, agents, and representatives against any and all subrogation claims if it fails to do so.

**Section 15. Insurance.** Franchisee shall obtain and maintain, at its cost, worker's compensation insurance in accordance with State law requirements and the following liability insurance

policies insuring Franchisee and, as additional insureds, the City, the City's elected officials, employees, agents, representatives, consultants, and volunteers, against claims for injuries to persons or damages to property, which may arise from or in connection with the exercise of the rights, privileges, and authority granted to Franchisee:

A. Comprehensive general liability insurance, written on an occurrence basis, with limits not less than:

(1) $5,000,000.00 for bodily injury or death to each person;
(2) $5,000,000.00 for property damage resulting from any one accident; and
(3) $5,000,000.00 for umbrella coverage for all other types of liability.

B. Automobile liability for owned, non-owned and hired vehicles with a limit of $3,000,000.00 for each person and $3,000,000 for each accident.

C. The liability insurance policies required by this section shall be maintained by Franchisee throughout the term of this Franchise, such other periods of time during which Franchisee's Facilities occupy Public Ways, and while Franchisee is engaged in the removal of its Facilities. Franchisee shall provide an insurance certificate, together with an endorsement naming the City, and its elected officials, employees, agents, representatives, consultants, and volunteers as additional insureds, to the City prior to the commencement of any construction or installation of any Facilities pursuant to this Franchise or other work in a Public Way. Any deductibles or self-insured retentions must be declared to and approved by the City. Payment of deductibles and self-insured retentions shall be the sole responsibility of Franchisee. The insurance certificate required by this section shall contain a clause stating that coverage shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability. Franchisee's insurance shall be primary insurance with respect to the City, its elected officials, employees, agents, representatives, consultants, and volunteers. Any insurance maintained by the City, its elected officials, employees, agents, representatives, consultants, and volunteers shall be in excess of the Franchisee's insurance and shall not contribute to it.

D. In addition to the coverage requirements set forth in this section, each such insurance policy shall contain an endorsement in a form which substantially complies with the following:

> "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the City Manager of intent to cancel or not to renew."

E. At least thirty (30) days prior to said cancellation or non-renewal, Franchisee shall obtain

and furnish to the City replacement insurance policies meeting the requirements of this section.

**Section 16. Performance Bond.** Franchisee shall file with the City a performance bond, in the amount of 125% of the Franchisee's estimated cost of work in the Public Way or as otherwise specified by the City, at the time the City grants Franchisee a requested construction or right-of-way use permit. This bond shall be maintained throughout the period of time that Franchisee is performing work under such applicable permit. In the event Franchisee fails to comply with any law, ordinance, or regulation governing the Franchise or the permit, or fails to perform, observe, and fulfill each term, condition and covenant of the Franchise or the permit, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damage or loss suffered by the City.

**Section 17. Security Fund.** In addition to the performance bond specified above, Franchisee shall establish and maintain a security fund in the amount of twenty-five thousand dollars ($25,000), at its cost, with the City by depositing such monies, letters of credit, or other instruments in such form and amount acceptable to the City within 30 calendar days of the effective date of this Franchise. No sums may be withdrawn from the fund by Franchisee without consent of the City. The security fund shall be maintained at the sole expense of Franchisee so long as any of the Franchisee's Facilities occupy a Public Way.

A. The fund shall serve as security for the performance of this Franchise, including any claims, costs, damages, judgments, awards, attorneys' fees or liability, of any kind whatsoever that the City pays or incurs, including civil penalties, because of any failure attributable to Franchisee to comply with the provisions of this Franchise or the codes, ordinances, rules, regulations, standards, or permits of the City.

B. Before any sums are withdrawn from the security fund, the City shall give written notice to Franchisee:

(1) Describing the act, default or failure to be remedied, or the claims, costs, damages, judgments, awards, attorneys' fees or liability that the City has incurred or may pay by reason of Franchisee's act or default;
(2) Providing a reasonable opportunity for Franchisee to first remedy the existing or ongoing default or failure, if applicable;
(3) Providing a reasonable opportunity for Franchisee to pay any monies due the City before the City withdraws the amount thereof from the security fund, if applicable; and
(4) Providing Franchisee a reasonable opportunity to review with the City the act, default or failure described in the notice.

C. Franchisee shall replenish the security fund within fourteen (14) days after written notice from the City that there is a deficiency in the amount of the fund.

D. Insufficiency of the security fund shall not release or relieve Franchisee of any obligation or financial responsibility under this Franchise or any other applicable legal requirement.

**Section 18. Taxes, Charges, and Fees.**

A. Franchise Fee. The parties understand that RCW 35.21.860 currently prohibits a municipal franchise fee for permission to use the Right-of-Way for telephone business purposes. Based on the representations of Franchisee, it is the City's understanding that Franchisee will use the right of way for telephone business purposes as defined by RCW 82.16.010. If this statutory prohibition is removed, Franchisee agrees that the City will assess a reasonable franchise fee in accordance with such revised state statute and that this Franchise will be amended accordingly, including the adoption of provisions necessary for the proper administration and payment of such fee.

B. Administrative Charges and Fees. The parties also understand that RCW 35.21.860 authorizes the City to recover from Franchisee all charges and fees imposed to recover actual administrative expenses incurred by the City that are directly related to: receiving and approving this Franchise and required permits; inspecting plans and construction; and preparing a detailed statement under Ch. 43.21C RCW. Regular application and processing charges and fees imposed by the City shall be deemed to be attributable to actual administrative expenses incurred by the City but shall not excuse Franchisee from paying and being responsible for other actual administrative expenses incurred by the City. Franchisee and the City agree that the following fees are consistent with this provision and shall be paid by Franchise:

(1) Franchisee shall pay an initial franchise administration/processing fee of six thousand dollars ($6,000) within 30 calendar days of the effective date of this Franchise.

(2) Franchisee shall pay permit fees and related charges, in accordance with applicable sections of the City Code.

C. Utility Tax. The parties further understand that RCW 35.21.870 currently limits the rate of City tax upon telephone business activities to six percent (6%) of gross receipts, unless a higher rate is approved by vote of the people. Franchisee agrees that its business activities in the City, which utilize Franchisee's Facilities in City Rights of Way as authorized by this Franchise, shall be subject to said six percent (6%) tax and to the requirements of the City's tax code as set forth in Title 3 BMC, including but not limited to all provisions necessary and applicable to the administration, payment, accounting, reporting, and auditing of the utility tax obligation of Franchisee. If this Franchise terminates for any reason, the Franchisee shall file with the City within ninety (90) calendar days of the date of the termination, a financial statement showing the gross revenues received by the Franchisee since the end of the previous fiscal year. The City reserves the

right to satisfy any remaining financial obligations of the Franchisee to the City by utilizing the funds available in the security fund or performance bond provided by the Franchisee. Franchisee further agrees that nothing in this Franchise shall otherwise limit the City's power of taxation, as it now or hereafter exists.

D. In addition to penalties and other remedies to which Franchisee may be subjected, the City reserves the right to impose site-specific charges incurred by the City for placement of structures used to provide Telecommunications Services. Unless otherwise agreed by the parties, such charges shall be an amount equal to at least one hundred percent (100%) of the costs incurred by the City.

E. The fees and taxes set forth in this section shall be in addition to any and all taxes or other levies or assessments which are now or hereafter required to be paid by businesses in general by any law of the City, the State or the United States including, without limitation, sales, use and other taxes, business license fees or other payments. Payment of the fees under this Franchise shall not exempt Franchisee from the payment of any other license fee, permit fee, tax or charge on the business, occupation, property or income of Franchisee that may be lawfully imposed by the City.

**Section 19. Additional Ducts, Conduits, and Overhead Facilities.**

A. As provided in RCW 35.99.070, whenever Franchisee is constructing, relocating, or placing ducts or conduits in the Public Way and whenever the City has made a request for additional ducts or conduits in advance of such installation, Franchisee shall construct and install additional ducts and conduits when and where requested by the City and related structures necessary to access the ducts and conduits, subject to the separate mutual written agreement of the parties to include charges paid by the City for Franchisee's incremental costs. Such ducts and conduits shall be readily accessible and available for governmental use as determined by the City in its reasonable discretion. Such ducts and conduits shall not be used to provide telecommunications or cable service for hire, sale, or resale to the general public and shall be limited to the City's non-commercial, governmental use for the benefit of the general public, unless otherwise agreed by the parties or as otherwise provided in RCW 35.99.070.

B. As a condition of being allowed to place optical cable, optical cable housing, or splicing connections on existing utility poles as overhead Facilities, whenever the City has made a request for additional overhead facilities in advance of such installation, Franchisee shall construct, install, maintain, and repair additional such overhead facilities when and where requested by the City and related structures necessary to access the facilities, subject to the separate mutual written agreement of the parties to include charges paid by the City for Franchisee's incremental costs. Such additional overhead facilities shall be readily accessible and available for governmental use as determined by the City in its reasonable

discretion. Such additional overhead facilities shall not be used to provide telecommunications or cable service for hire, sale, or resale to the general public and shall be limited to the City's non-commercial, governmental use for the benefit of the general public, unless otherwise agreed by the parties or as otherwise provided in RCW 35.99.070.

**Section 20. Access to Facilities and Universal Service.**

A. Franchisee shall provide access to its Facilities by hire, sale, or resale on a nondiscriminatory basis. Franchisee shall make its Telecommunications Services available to any customer within its Franchise Area who shall request such service whenever feasible, without discrimination as to the terms, conditions, rates or charges for the Franchisee's Services; provided, however, that nothing in this section shall prohibit Franchisee from making any reasonable classifications among differently situated customers.

B. Franchisee shall provide Internet access to users of City property, at locations requested by the City, if it is practicable; provided that, Franchisee and the City shall enter into a separate agreement or agreements regarding the allocation of costs to construct, install, operate, maintain, repair, and remove Facilities needed to provide such access; provided, however, that nothing herein shall require the City to accept construction or installation of Facilities on City property.

**Section 21. Acquisition of Facilities.** Upon Franchisee's acquisition of any Facilities in the Public Way, or upon any addition or annexation to the City of any area in which Franchisee has Facilities, such Facilities shall immediately be subject to the terms of this Franchise without further action of the City or Franchisee.

**Section 22. One-Call.** Franchisee is responsible for complying with the provisions of Washington's One-Call statutes.

**Section 23. Vacation of Public Ways.** The City reserves the right to vacate any Public Way that is subject to rights, privileges, and authority granted by this Franchise. If Franchisee has Facilities in such Public Way, the City shall reserve an easement for Franchisee's Facilities or arrive at some other mutually acceptable arrangement for Franchisee's Facilities.

**Section 24. Duty to Provide Information.** Within thirty (30) days of a written request from the City, Franchisee shall furnish the City with all requested information sufficient to document:

A. That Franchisee has complied with all requirements of this Franchise;

B. That taxes, fees, charges, or other costs owed or payable by Franchisee have been properly collected and paid;

C. The names of the users of Franchisee's Facilities, the services and products those users are providing to the public, and the amount of gross revenues Franchisee received from those users during the preceding fiscal year as verified by a certified public accountant retained by Franchisee; and

D. Franchisee's activities in developing its Facilities during the previous year and Franchisee's planned activities in developing its Facilities during the current and subsequent year.

Franchisee's obligations under this section are in addition to those provided elsewhere in this Franchise and in applicable provisions of the Burien Municipal Code including but not limited to Titles 3 and 12 BMC.

**Section 25. Records.**

A. Franchisee will manage all of its operations in accordance with a policy of keeping its documents and records open and accessible to the City. The City will have access to, and the right to inspect, any documents and records of Franchisee and its affiliates that are reasonably necessary for the enforcement of this Franchise or to verify Franchisee's compliance with terms or conditions of this Franchise. Franchisee will not deny the City access to any of Franchisee's records on the basis that Franchisee's documents or records are under the control of any affiliate or a third party.

B. All documents and records maintained by Franchisee shall be made available for inspection by the City at reasonable times and intervals; provided, however, that nothing in this section shall be construed to require Franchisee to violate state or federal law regarding subscriber privacy, nor shall this section be construed to require Franchisee to disclose proprietary or confidential information without adequate safeguards for its confidential or proprietary nature.

C. One copy of documents and records requested by the City will be furnished to the City at the cost of Franchisee. If the requested documents and records are too voluminous or for security reasons cannot be copied or removed, then Franchisee may request, in writing within ten (10) days of the City's request, that the City inspect them at Franchisee's local office. If any documents or records of Franchisee are not kept in a local office and/or are not made available in copies to the City, and if the City determines that an examination of such documents or records is necessary or appropriate for the enforcement of this Franchise or to verify Franchisee's compliance with terms or conditions of this Franchise, then all reasonable travel and related costs incurred in making such examination shall be

paid by Franchisee.

**Section 26. Assignment or Transfer.** Franchisee's rights, privileges, and authority under this Franchise, and ownership or working control of Facilities constructed or installed pursuant to this Franchise, may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of Franchisee, by operation of law or otherwise, except as provided herein, or without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed; provided that, the foregoing shall not be applicable to assignments to Franchisee's affiliates. Any transfer, assignment, or disposal of Franchisee's rights, privileges, and authority under this Franchise, or ownership or working control of Facilities constructed or installed pursuant to this Franchise, may be subject to reasonable conditions as may be prescribed by the City.

A. No rights, privileges, or authority under this Franchise shall be assigned, transferred, or disposed of in any manner within twelve (12) months after the effective date of this Franchise.

B. Absent extraordinary and unforeseeable circumstances, no Facilities shall be assigned, transferred, or disposed of before construction of the Facilities has been completed and restoration has been performed to the satisfaction of the City.

C. Franchisee and the proposed assignee or transferee shall provide and certify the following information to the City not less than one hundred and fifty (150) days prior to the proposed date of assignment, transfer, or disposal:

(1) Complete information setting forth the nature, terms and conditions of the proposed assignment, transfer, or disposal;
(2) Any other information reasonably required by the City; and
(3) A transfer application fee in an amount to be determined by the City to recover actual administrative costs directly related to receiving and approving the proposed assignment, transfer, or disposal.

D. No assignment, transfer, or disposal may be made or shall be approved unless the assignee or transferee has the legal, technical, financial, and other requisite qualifications to operate, maintain, repair, and remove Facilities constructed or installed pursuant to this Franchise and to comply with the terms and conditions of this Franchise.

E. Any transfer, assignment, or disposal of rights, privileges, and authority under this Franchise or ownership or working control of Facilities constructed or installed pursuant to this Franchise, without prior written approval of the City pursuant to this section, shall be void and is cause for termination of this Franchise.

F. Any transactions which singularly or collectively result in a change of fifty percent (50%)

or more of the ownership or working control (regardless of the percentage) of the Franchisee or affiliated entities having fifty percent (50%) or more of the ownership or actual working control (regardless of the percentage) of Franchisee, or of control of the telecommunications capacity or bandwidth of Franchisee, shall be considered an assignment or transfer requiring City approval. Transactions between affiliated entities are exempt from City approval; provided that, Franchisee shall promptly notify the City prior to any proposed change in, or transfer of, or acquisition by any other party of control of Franchisee. Every change, transfer, or acquisition of control of Franchisee shall cause a review of the proposed transfer. City approval shall not be required for mortgaging purposes or if said transfer is from Franchisee to another person controlled by Franchisee.

G. All terms and conditions of this Franchise shall be binding upon all permitted successors and assigns of Franchisee and all persons who obtain ownership or working control of any facility constructed or installed pursuant to this Franchise.

**Section 27. Receivership.**

At the option of the City, subject to applicable law, this Franchise may be revoked after the appointment of a receiver or trustee to take over the business of Franchisee whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless:

A. The receivership or trusteeship is timely vacated; or

B. The receiver or trustee has timely and fully complied with all the terms and provisions of this Franchise and has remedied all defaults under the Franchise. Additionally, the receiver or trustee shall have executed an agreement duly approved by the court having jurisdiction, by which the receiver or trustee assumes and agrees to be bound by each and every term, provision and limitation of this Franchise.

**Section 28. Violations, Noncompliance, and Other Grounds for Termination or Cancellation.**

A. This Franchise, and any right, privilege or authority of Franchisee to enter, occupy or use Public Ways, may be terminated or cancelled by the City for the following reasons:

(1) Violation of or noncompliance with any term or condition of this Franchise by Franchisee;

(2) Violation of or noncompliance with the material terms of any use and/or development authorization or required permit by Franchisee;

(3) Construction, installation, operation, maintenance, or repair of Facilities on, in, under, over, across, or within any Public Way without Franchisee first obtaining use and/or development authorization and required permits from the City and all

other appropriate regulatory authorities;

(4) Unauthorized construction, installation, operation, maintenance, or repair of Facilities on City property;

(5) Misrepresentation or lack of candor by or on behalf of Franchisee in any application or written or oral statement upon which the City relies in making the decision to grant, review or amend any right, privilege or authority to Franchisee;

(6) Abandonment of Facilities;

(7) Failure of Franchisee to pay taxes, fees, charges or costs when and as due; or

(8) Insolvency or bankruptcy of Franchisee.

B. In the event that the City believes that grounds exist for termination or cancellation of this Franchise or any right, privilege or authority of Franchisee to enter, occupy or use Public Ways, Franchisee shall be given written notice and a reasonable period of time not exceeding thirty (30) days to furnish evidence:

(1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation, noncompliance, or other grounds for termination or cancellation;

(2) That rebuts the alleged violation, noncompliance, or other grounds for termination or cancellation; or

(3) That it would be in the public interest to impose some penalty or sanction less than termination or cancellation.

C. In the event that Franchisee fails to provide evidence reasonably satisfactory to the City as provided in subsection (B) of this section, the City shall refer the apparent violation, noncompliance, or other grounds for termination or cancellation to the City Council. The City shall provide the Franchisee with notice and a reasonable opportunity to be heard concerning the matter.

D. If the City Council determines that the violation, noncompliance, or other grounds above for termination or cancellation exist, then, Franchisee shall, at the election of the City Council, forfeit all rights, privileges and authority conferred under this Franchise or any use and/or development authorization or permit granted by the City, and this Franchise and any such use and/or development authorization or permit may be terminated or cancelled by the City Council. The City Council may elect, in lieu of the foregoing and without any prejudice to any of its other legal rights and remedies, to pursue other remedies, including obtaining an order compelling Franchisee into compliance or to take corrective action, or to recover damages and costs incurred by the City by reason of Franchisee's actions or omissions. The City Council shall utilize the following factors in analyzing the nature, circumstances, extent, and gravity of the actions or omissions of Franchisee:

(1) Whether the misconduct was egregious;

(2) Whether substantial harm resulted;
(3) Whether the violation was intentional;
(4) Whether there is a history of prior violations of the same or other requirements;
(5) Whether there is a history of overall compliance; and
(6) Whether the violation was voluntarily disclosed, admitted or cured.

E. The City Council's choice of remedy shall not excuse Franchisee from compliance with any term or condition of this Franchise or the material terms of any use and/or development authorization or required permit. Franchisee shall have a continuing duty to remedy any violation, noncompliance, or other grounds for termination or cancellation. Further, nothing herein shall be construed as limiting any remedies that the City may have, at law or in equity, for enforcement of this Franchise and any use and/or development authorization or permit granted to Franchisee.

**Section 29. Notices.**

A. Any regular notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:

| | |
|---|---|
| The City: | City of Burien<br>Attn: City Manager<br>400 SW 152nd St., Suite 300<br>Burien, WA 98166-3066 |
| Franchisee: | Zayo Group, LLC<br>400 Centennial Pkwy, Ste. 200<br>Louisville, CO 80027<br>Attn: General Counsel, ZFTI |

B. Franchisee shall additionally provide a phone number and designated responsible officials to respond to emergencies. After being notified of an emergency, Franchisee shall cooperate with the City and make its best efforts to immediately respond to minimize damage, protect the welfare, health and safety of the public and repair Facilities to restore them to proper working order. Annually, on request of the City, Franchisee will meet with City emergency response personnel to coordinate emergency management operations and, at least once a year, at the request of the City, actively participate in emergency preparations.

**Section 30. Non-Waiver.** The failure of the City to exercise any rights or remedies under this Franchise or to insist upon compliance with any terms or conditions of this Franchise shall not be a waiver of any such rights, remedies, terms or conditions of this Franchise by the City and shall not prevent the City from demanding compliance with such terms or conditions at any future

time or pursuing its rights or remedies.

**Section 31. Eminent Domain.** This Franchise is subject to the power of eminent domain and the right of the City Council to repeal, amend, or modify the Franchise in the interest of the public. In any proceeding under eminent domain, the Franchise itself shall have no value.

**Section 32. Limitation of Liability.** Administration of this Franchise may not be construed to create the basis for any liability on the part of the City, its elected officials, employees, agents, representatives, consultants, or volunteers for injury or damage resulting from: (1) any schedule or specification review, inspection, notice and order, permission, or other approval or consent by the City; (2) any action or inaction authorized or done in connection with the implementation or enforcement of this Franchise by the City; or (3) the inaccuracy of plans submitted to the City.

**Section 33. Damage to Facilities.** Unless directly and proximately caused by the active sole negligence of the City, the City shall not be liable for any damage to or loss of any Facilities as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind on, in, under, over, across, or within a Public Way done by or on behalf of the City.

**Section 34. Competitive Neutrality.** In order to maintain a level playing field among all similarly situated franchisees of the City, upon the grant or renewal of another franchise in the Rights-of-Way where material terms or conditions of this Franchise conflict with a change in the City Code, or the provisions of this Franchise provide a material competitive advantage over another similarly situated provider such that it negatively impacts the City's ability to effectively manage the Rights-of-Way, then the City may elect to renegotiate with the Franchisee in good faith to modify the terms and provisions of this Franchise to obtain material terms and conditions that, as a whole, are competitively neutral between franchisees.

**Section 35. Governing Law and Venue.** This Franchise and use of the applicable Public Ways will be governed by federal law, the laws of the State of Washington, and local law. Franchisee agrees to be subject to the jurisdiction of the courts of the State of Washington. Any action relating to this Franchise must be brought in the Superior Court of Washington for King County, or in the case of a federal action, the United States District Court for the Western District of Washington, unless an administrative agency has primary jurisdiction.

**Section 36. Severability.** If any section, sentence, clause or phrase of this Franchise or its application to any person or entity should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality will not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Franchise or its application to any other person or entity; provided that, if any term or condition of this Franchise relating to Franchisee's right, privilege, or authority to place optical cable, optical cable housing, and splicing connections on existing utility poles as overhead Facilities is held to be invalid or unconstitutional by a court of competent jurisdiction, Franchisee's authority to construct, install,

operate, maintain, or repair overhead Facilities shall be deemed void *ab initio*, any overhead Facilities shall be deemed to be unauthorized, and Franchisee shall be authorized only to place Facilities underground; and provided further that, as an alternative to the above severability provisions, the parties may negotiate a mutually acceptable amendment of this Franchise as may be necessary and appropriate to meet the requirements of the law and/or to effectuate the intention of this Franchise.

**Section 37. Miscellaneous.**

A. Equal Employment and Nondiscrimination. Throughout the term of this Franchise, Franchisee will fully comply with all equal employment and nondiscrimination provisions and requirements of federal, state, and local laws, and in particular, FCC rules and regulations relating thereto.

B. Local Employment Efforts. Franchisee will use reasonable efforts to utilize qualified local contractors, including minority business enterprises and woman business enterprises, whenever the Franchisee employs contractors to perform work under this Franchise.

C. Descriptive Headings. The headings and titles of the sections and subsections of this Franchise are for reference purposes only and do not affect the meaning or interpretation of the text herein.

D. Force Majeure. Franchisee shall not be required to perform any covenant or obligation in this Franchise, or be liable in damages to the City, so long as the performance or non-performance of the covenant or obligation is delayed, caused or prevented by an act of God or force majeure. An "act of God" or "force majeure" is defined for purposes of this Franchise as strikes, lockouts, sit-downs, material or labor restrictions by any governmental authority, unusual transportation delays, riots, floods, washouts, explosions, earthquakes, fire, storms, weather (including inclement weather which prevents construction), acts of the public enemy, wars, terrorism, insurrections, and/or any other similar cause not reasonably within the control of Franchisee.

E. Costs and Attorneys' Fees. If any action or suit arises in connection with this Franchise, the substantially prevailing party will be entitled to recover all of its costs and attorneys' fees, as well as costs and attorneys' fees on appeal, in addition to such other relief as the court may deem proper.

F. No Joint Venture. Nothing herein will be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to, nor shall either party, act toward third persons or the public in any manner that would indicate any such relationship with the other.

G. Actions of the City or Franchisee. In performing their respective obligations under this

Franchise, the City and Franchisee will act in a reasonable, expeditious, and timely manner. Whenever this Franchise sets forth a time for any act to be performed by Franchisee, such time shall be deemed to be of the essence, and any failure of Franchisee to perform within the allotted time may be considered a material breach of this Franchise and sufficient grounds for the City to invoke any relevant remedy.

H. Counterparts. This Franchise may be executed in one or more counterparts, and each originally executed duplicate counterpart of this Franchise shall be deemed to possess the full force and effect of the original.

I. Entire Agreement. This Franchise represents the entire understanding and agreement between the parties with respect to the subject matter and supersedes all prior oral and written negotiations between the parties.

J. Modification. The parties may alter, amend or modify the terms and conditions of this Franchise upon written agreement of both parties to such alteration, amendment or modification.

K. Non-exclusivity. This Franchise does not confer any exclusive right, privilege, or authority to enter, occupy or use Public Ways for delivery of Telecommunications Services or any other purposes. This Franchise is granted upon the express condition that it will not in any manner prevent the City from granting other or further franchises in, on, across, over, along, under or through any Public Way.

L. Rights Granted. This Franchise does not convey any right, title or interest in Public Ways but shall be deemed only as authorization to enter, occupy, or use Public Ways for the limited purposes and terms stated in this Franchise. Further, this Franchise shall not be construed as any warranty of title.

M. Contractors and Subcontractors. Franchisee's contractors and subcontractors must be licensed and bonded in accordance with the City's ordinances, rules, and regulations. Work by contractors and subcontractors is subject to the same restrictions, limitations and conditions as if the work were performed by Franchisee.

**Section 38. Effective Date.** This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**Section 39. Acceptance.** Within thirty (30) days after the effective date of this franchise ordinance, Franchisee shall deliver to the City a fully executed, unconditional acceptance of this Franchise in the form attached hereto as Exhibit A. Said acceptance shall be executed by a duly authorized representative of Franchisee, who has full authority to bind Franchisee to the terms of the Franchise. Upon receipt by the City of the Franchisee's acceptance, and the $6,000 administration/processing fee pursuant to Section 18 and proof of deposit of the $25,000 security

fund pursuant to Section 17, within said 30 day period, the City shall attach the fully executed acceptance to the franchise ordinance as Exhibit A. If Franchisee fails to provide the acceptance, fee, and security fund within said 30 day period, then Franchisee shall be deemed to have rejected the Franchise and the Franchise shall be voidable at the discretion of the City.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE __ DAY OF _____, 2013, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS __ DAY OF _____, 2013.

CITY OF BURIEN

_____
Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

_____
Monica Lusk, City Clerk

Approved as to form:

Craig D Knutson

Filed with the City Clerk: February 27, 2013
Passed by the City Council:
Ordinance No. 578
Date of Publication:

## Exhibit A – Acceptance of Franchise

In accordance with Section 39 of Ordinance No. 578, Franchisee hereby submits this unconditional acceptance of the Franchise granted to Zayo Group, LLC by the City of Burien. Franchisee hereby certifies that the undersigned is a duly authorized officer of Franchisee with the authority to execute unconditional acceptance of this Franchise. Attached herewith are the following documents in accordance with the requirements of the Franchise:

1. $6,000 administration/processing fee in accordance with Section 18; and

2. Proof of deposit of $25,000 security fund in accordance with Section 17.

ACCEPTED BY ZAYO GROUP, LLC

_____
Name

_____
Signature

_____
Title

STATE OF _____ )
) ss.
COUNTY OF _____ )

On this ____ day of _____, 20____, personally appeared before me the undersigned, a Notary Public, in and for the State of _____, duly commissioned and sworn, _____ to me known to be an authorized representative of _____, a _____ limited liability corporation, that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath stated that said person is authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL hereto affixed the day and year first above written.

(Signature of Notary)

(Legibly Print or Stamp Name of Notary)
Notary public in and for the State of _____, residing at _____

My appointment expires _____

# AMENDED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT

This Amended and Restated Solid Waste Interlocal Agreement ("Agreement") is entered into between King County, a political subdivision of the State of Washington and the City of _____, a municipal corporation of the State of Washington, hereinafter referred to as "County" and "City" respectively. Collectively, the County and the City are referred to as the "Parties." This Agreement has been authorized by the legislative body of each jurisdiction pursuant to formal action as designated below:

King County: Ordinance No. _____

City: _____

PREAMBLE

A. This Agreement is entered into pursuant to chapter 39.34 RCW for the purpose of extending, restating and amending the Solid Waste Interlocal Agreement between the Parties originally entered into in _____ (the "Original Agreement"). The Original Agreement provided for the cooperative management of Solid Waste in King County for a term of forty (40) years, through June 30, 2028. The Original Agreement is superseded by this Amended and Restated Agreement, as of the effective date of this Agreement. This Amended and Restated Agreement is effective for an additional twelve (12) years through December 31, 2040.

B. The Parties intend to continue to cooperatively manage Solid Waste and to work collaboratively to maintain and periodically update the existing King County

Comprehensive Solid Waste Management Plan (Comprehensive Plan) adopted pursuant to chapter 70.95 RCW.

C. The Parties continue to support the established goals of Waste Prevention and Recycling as incorporated in the Comprehensive Solid Waste Management Plan, and to meet or surpass applicable environmental standards with regard to the Solid Waste System.

D. The County and the Cities agree that System-related costs, including environmental liabilities, should be funded by System revenues which include but are not limited to insurance proceeds, grants and rates;

E. The County, as the service provider, is in the best position to steward funds System revenues that the County and the Cities intend to be available to pay for environmental liabilities; and

F. The County and the Cities recognize that at the time this Agreement goes into effect, it is impossible to know what the ultimate environmental liabilities could be; nevertheless, the County and the Cities wish to designate in this Agreement a protocol for the designation and distribution of funding for potential future environmental liabilities in order to protect the general funds of the County and the Cities.

G. The County began renting the Cedar Hills Landfill from the State of Washington in 1960 and began using it for Disposal of Solid Waste in 1964. The County acquired ownership of the Cedar Hills Landfill from the State in 1992. The Cedar Hills Landfill remains an asset owned by the County.

H. The Parties expect that the Cedar Hills Landfill will be at capacity and closed at some date during the term of this Agreement, after which time all Solid Waste under this Agreement will need to be disposed of through alternate means, as determined by the

Cities and the County through amendments to the Comprehensive Solid Waste Management Plan. The County currently estimates the useful life of the Cedar Hills Landfill will extend through 2025. It is possible that this useful life could be extended, or shortened, by System management decisions or factors beyond the control of the Parties.

I. The County intends to charge rent for the use of the Cedar Hills Landfill for so long as the System uses this general fund asset and the Parties seek to clarify terms relative to the calculation of the associated rent.

J. The County and Cities participating in the System have worked collaboratively for several years to develop a plan for the replacement or upgrading of a series of transfer stations. The Parties acknowledge that these transfer station improvements, as they may be modified from time-to-time, will benefit Cities that are part of the System and the County. The Parties have determined that the extension of the term of the Original Agreement by twelve (12) years as accomplished by this Agreement is appropriate in order to facilitate the long-term financing of transfer station improvements and to mitigate rate impacts of such financing.

K. The Parties have further determined that in order to equitably allocate the benefit to all System Users from the transfer station improvements, different customer classes may be established by the County to ensure System Users do not pay a disproportionate share of the cost of these improvements as a result of a decision by a city not to extend the term of the Original Agreement.

L. The Parties have further determined it is appropriate to strengthen and formalize the advisory role of the Cities regarding System operations.

The Parties agree as follows:

## I. DEFINITIONS

For purposes of this Agreement the following definitions shall apply:

“Cedar Hills Landfill” means the landfill owned and operated by the County located in southeast King County.

“Cities” refers to all Cities that have signed an Amended and Restated Solid Waste Interlocal Agreement in substantially identical form to this Agreement.

"Comprehensive Solid Waste Management Plan" or “Comprehensive Plan” means the Comprehensive Solid Waste Management Plan, as approved and amended from time to time, for the System, as required by chapter 70.95.080 RCW.

“County” means King County, a Charter County and political subdivision of the State of Washington.

"Disposal" means the final treatment, utilization, processing, deposition, or incineration of Solid Waste but shall not include Waste Prevention or Recycling as defined herein.

“Disposal Rates” means the fee charged by the County to System Users to cover all costs of the System consistent with this Agreement, all state, federal and local laws governing solid waste and the Solid Waste Comprehensive Plan.

"Divert" means to direct or permit the directing of Solid Waste to Disposal sites other than the Disposal site(s) designated by King County.

"Energy/Resource Recovery" means the recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of Solid Waste that involves high temperature (above 1,200 degrees F) processing. (chapter 173.350.100 WAC).

"Landfill" means a Disposal facility or part of a facility at which Solid Waste is placed in or on land and which is not a land treatment facility.

“Metropolitan Solid Waste Advisory Committee” or “MSWAC” means the advisory committee composed of city representatives, established pursuant to Section IX of this Agreement.

"Moderate Risk Waste" means waste that is limited to conditionally exempt small quantity generator waste and household hazardous waste as those terms are defined in chapter 173-350 WAC, as amended.

“Original Agreement” means the Solid Waste Interlocal Agreement first entered into by and between the Parties, which is amended and restated by this Agreement. “Original Agreements” means collectively all such agreements between Cities and the County in substantially the same form as the Original Agreement.

“Parties” means collectively the County and the City or Cities.

"Recycling" as defined in chapter 70.95.030 RCW, as amended, means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill Disposal or incineration.

“Regional Policy Committee” means the Regional Policy Committee created pursuant to approval of the County voters in 1993, the composition and responsibilities of which are prescribed in King County Charter Section 270 and chapter 1.24 King County Code, as they now exist or hereafter may be amended.

"Solid Waste" means all putrescible and nonputrescible solid and semisolid wastes including but not limited to garbage, rubbish, ashes, industrial wastes, swill, commercial waste, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged materials, discarded commodities and recyclable materials, but shall not include dangerous, hazardous, or extremely hazardous waste as those terms are defined in chapter 173-303 WAC, as amended; and shall further not include those

wastes excluded from the regulations established in chapter 173-350 WAC, more specifically identified in Section 173-350-020 WAC.

"Solid Waste Advisory Committee" or "SWAC" means the inter-disciplinary advisory forum or its successor created by the King County Code pursuant to chapter 70.95.165 RCW.

“System” includes King County’s Solid Waste facilities used to manage Solid Wastes which includes but is not limited to transfer stations, drop boxes, landfills, recycling systems and facilities, energy and resource recovery facilities and processing facilities as authorized by chapter 36.58.040 RCW and as established pursuant to the approved King County Comprehensive Solid Waste Management Plan.

“System User” or “System Users” means Cities and any person utilizing the County’s System for Solid Waste handling, Recycling or Disposal.

"Waste Prevention" means reducing the amount or type of waste generated. Waste Prevention shall not include reduction of already-generated waste through energy recovery, incineration, or otherwise.

## II. PURPOSE

The purpose of this Agreement is to foster transparency and cooperation between the Parties and to establish the respective responsibilities of the Parties in a Solid Waste management System, including but not limited to, planning, Waste Prevention, Recycling, and Disposal. .

## III. DURATION

This Agreement shall become effective as of _____ and shall remain in effect through December 31, 2040.

## IV. APPROVAL

This Agreement will be approved and filed in accordance with chapter 39.34 RCW.

## V. RENEGOTIATION TO FURTHER EXTEND TERM OF AGREEMENT

5.1 The Parties recognize that System Users benefit from long-term Disposal arrangements, both in terms of predictability of System costs and operations, and the likelihood that more cost competitive rates can be achieved with longer-term Disposal contracts as compared to shorter-term contracts. To that end, at least seven (7) years before the date that the County projects that the Cedar Hills Landfill will close, or prior to the end of this Agreement, whichever is sooner, the County will engage with MSWAC and the Solid Waste Advisory Committee, among others, to seek their advice and input on the Disposal alternatives to be used after closure of the Cedar Hills Landfill, associated changes to the System, estimated costs associated with the recommended Disposal alternatives, and amendments to the Comprehensive Solid Waste Management Plan necessary to support these changes. Concurrently, the Parties will meet to negotiate an extension of the term of the Agreement for the purpose of facilitating the long-term Disposal of Solid Waste after closure of the Cedar Hills Landfill. Nothing in this Agreement shall require the Parties to reach agreement on an extension of the term of this Agreement. If the Parties fail to reach agreement on an extension, the Dispute Resolution provisions of Section XIII do not apply, and this Agreement shall remain unchanged.

5.2 Notwithstanding any other provision in this Agreement to the contrary, the Parties may, pursuant to mutual written agreement, modify or amend any provision of this Agreement at any time during the term of said Agreement.

## VI. GENERAL OBLIGATIONS OF PARTIES

### 6.1 King County

6.1.a Management. The County agrees to provide Solid Waste management services, as specified in this Section, for Solid Waste generated and collected within the City, except waste eliminated through Waste Prevention or waste recycling activities. The County agrees to dispose of or designate Disposal sites for all Solid Waste and Moderate Risk Waste generated and/or collected within the corporate limits of the City which is delivered to the System in accordance with all applicable Federal, State and local environmental health laws, rules, or regulations, as those laws are described in Subsection 8.5.a. The County shall maintain records as necessary to fulfill obligations under this Agreement.

6.1.b Planning. The County shall serve as the planning authority for Solid Waste and Moderate Risk Waste under this Agreement but shall not be responsible for planning for any other waste or have any other planning responsibility under this Agreement.

6.1.c Operation. King County shall be or shall designate or authorize the operating authority for transfer, processing and Disposal facilities, including public landfills and other facilities, consistent with the adopted Comprehensive Plan as well as closure and post-closure responsibilities for landfills which are or were operated by the County.

6.1.d Collection Service. The County shall not provide Solid Waste collection services within the corporate limits of the City, unless permitted by law and agreed to by both Parties.

6.1.e Support and Assistance. The County shall provide support and technical assistance to the City consistent with the Comprehensive Solid Waste Management Plan for a Waste Prevention and Recycling program. Such support may include the award of grants to support programs with System benefits. The County shall develop educational materials related to Waste Prevention and Recycling and strategies for maximizing the usefulness of the educational materials and will make these available to the City for its use. Although the County will not be required to provide a particular level of support or fund any City activities related to Waste Prevention and Recycling, the County intends to move forward aggressively to promote Waste Prevention and Recycling.

6.1.f Forecast. The County shall develop Solid Waste stream forecasts in connection with System operations as part of the comprehensive planning process in accordance with Article XI.

6.1.g Facilities and Services. The County shall provide facilities and services pursuant to the Comprehensive Solid Waste Management Plan and the Solid Waste Transfer and Waste Management plan as adopted and County Solid Waste stream forecasts.

6.1.h Financial Policies. The County will maintain financial policies to guide the System's operations and investments. The policies shall be consistent with this Agreement and shall address debt issuance, rate stabilization, cost containment, reserves, asset ownership and use, and other financial issues. The County shall primarily use long term bonds to finance transfer System improvements. The policies shall be developed and/or revised through

discussion with MSWAC, the Regional Policy Committee, the County Executive and the County Council. Such policies shall be codified at the same time as the Comprehensive Plan updates, but may be adopted from time to time as appropriate outside the Comprehensive Plan process.

6.2 City

6.2.a Collection. The City, an entity designated by the City or such other entity as is authorized by state law shall serve as operating authority for Solid Waste collection services provided within the City's corporate limits.

6.2.b Disposal. The City shall cause to be delivered to the County's System for Disposal all such Solid Waste and Moderate Risk Waste which is authorized to be delivered to the System in accordance with all applicable Federal, State and local environmental health laws, rules or regulations and is generated and/or collected within the corporate limits of the City and shall authorize the County to designate Disposal sites for the Disposal of all such Solid Waste and Moderate Risk Waste generated or collected within the corporate limits of the City, except for Solid Waste which is eliminated through Waste Prevention or waste Recycling activities consistent with the Comprehensive Solid Waste Management Plan. No Solid Waste generated or collected within the City may be Diverted from the designated Disposal sites without County approval.

6.3 JOINT RESPONSIBILITIES.

6.3.a Consistent with the Parties' overall commitment to ongoing communication and coordination, the Parties will endeavor to notify and coordinate with each other on the development of any City or County plan, facility, contract, dispute, or other Solid Waste issue that could have potential significant impacts on the County, the System, or the City or Cities.

6.3.b The Parties, together with other Cities, will coordinate on the development of emergency plans related to Solid Waste, including but not limited to debris management.

## VII. COUNTY SHALL SET DISPOSAL RATES AND OPERATING RULES FOR DISPOSAL; USE OF SYSTEM REVENUES

7.1 In establishing Disposal Rates for System Users, the County shall consult with MSWAC consistent with Section IX. The County may adopt and amend by ordinance rates necessary to recover all costs of the System including but not limited to operations and maintenance, costs for handling, processing and Disposal of Solid Waste, siting, design and construction of facility upgrades or new facilities, Recycling, education and mitigation, planning, Waste Prevention, reserve funds, financing, defense and payment of claims, insurance, System liabilities including environmental releases, monitoring and closure of landfills which are or were operated by the County, property acquisition, grants to cities, and administrative functions necessary to support the System and Solid Waste handling services during emergencies as established by local, state and federal agencies or for any other lawful solid waste purpose, and in accordance with chapter 43.09.210 RCW. Revenues from Disposal rates shall be used only for such purposes. The County shall establish classes of customers for Solid Waste management services and by ordinance shall establish rates for classes of customers.

7.2. It is understood and agreed that System costs include payments to the County general fund for Disposal of Solid Waste at the Cedar Hills Landfill calculated in accordance with this Section 7.2, and that such rental payments shall be established based on use valuations provided to the County by an independent-third party Member, Appraisal Institute (MAI) certified appraiser selected by the County in consultation with MSWAC.

7.2.a A use valuation shall be prepared consistent with MAI accepted principles for the purpose of quantifying the value to the System of the use of Cedar Hills Landfill for Disposal of Solid Waste over a specified period of time (the valuation period). The County shall establish a schedule of annual use charges for the System's use of the Cedar Hills Landfill which shall not exceed the most recent use valuation. Prior to establishing the schedule of annual use charges, the County shall seek review and comment as to both the use valuation and the proposed payment schedule from MSWAC. Upon request, the County will share with and explain to MSWAC the information the appraiser requests for purposes of developing the appraiser's recommendation.

7.2.b Use valuations and the underlying schedule of use charges shall be updated if there are significant changes in Cedar Hills Landfill capacity as a result of opening new Disposal areas and as determined by revisions to the existing Cedar Hills Regional Landfill Site Development Plan; in that event, an updated appraisal will be performed in compliance with MAI accepted principles. Otherwise, a reappraisal will not occur. Assuming a revision in the schedule of use charges occurs based on a revised appraisal, the resulting use charges shall be applied beginning in the subsequent rate period.

7.2.c The County general fund shall not charge use fees or receive other consideration from the System for the System's use of any transfer station property in use as of the effective date of this Agreement. The County further agrees that the County general fund may not receive payments from the System for use of assets to the extent those assets are acquired with System revenues. As required by chapter 43.09.210 RCW, the System's use of assets acquired with the use of other separate County funds (e.g., the Roads Fund, or other funds)

will be subject to use charges; similarly, the System will charge other County funds for use of System property.

## VIII. LIABILITY

8.1 Non-Environmental Liability Arising Out-of-County Operations. Except as provided in this Section, Sections 8.5 and 8.6, the County shall indemnify and hold harmless the City and shall have the right and duty to defend the City through the County's attorneys against any and all claims arising out of the County's operations during the term of this Agreement and settle such claims, provided that all fees, costs, and expenses incurred by the County thereby are System costs which may be satisfied from Disposal Rates as provided in Section VII herein. In providing such defense of the City, the County shall exercise good faith in such defense or settlement so as to protect the City's interest. For purposes of this Section "claims arising out of the County's operations" shall mean claims arising out of the ownership, control, or maintenance of the System, but shall not include claims arising out of the City's operation of motor vehicles in connection with the System or other activities under the control of the City which may be incidental to the County's operation. The provisions of this Section shall not apply to claims arising out of the sole negligence or intentional acts of the City. The provisions of this Section shall survive for claims brought within three (3) years past the term of this Agreement established under Section III.

8.2 Cooperation. In the event the County acts to defend the City against a claim under Section 8.1, the City shall cooperate with the County.

8.3 Officers, Agents, and Employees. For purposes of this Section VIII, references to City or County shall be deemed to include the officers, employees and agents of either Party,

acting within the scope of their authority. Transporters or generators of waste who are not officers or employees of the City or County are not included as agents of the City or County for purposes of this Section.

8.4 Each Party by mutual negotiation hereby waives, with respect to the other Party only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW.

8.5 Unacceptable Waste

8.5.a All waste generated or collected from within the corporate limits of the City which is delivered to the System for Disposal shall be in compliance with the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) (RCRA), chapters 70.95 and 70.105 RCW, King County Code Title 10, King County Board of Health Rules and Regulations, the Solid Waste Division operating rules, and all other Federal, State and local environmental health laws, rules or regulations that impose restrictions or requirements on the type of waste that may be delivered to the System, as they now exist or are hereafter adopted or amended.

8.5.b For purposes of this Agreement, the City shall be deemed to have complied with the requirements of Subsection 8.5.a if it has adopted an ordinance requiring waste delivered to the System for Disposal to meet the laws, rules, or regulations specified in Subsection 8.5.a. However, nothing in this Agreement is intended to relieve the City from any obligation or liability it may have under the laws mentioned in Subsection 8.5.a arising out of the City's actions other than adopting, enforcing, or requiring compliance with said ordinance, such as liability, if any exists, of the City as a transporter or generator for improper transport or Disposal of regulated dangerous waste. Any environmental liability the City may have for

releases of pollutants or hazardous or dangerous substances or wastes to the environment is dealt with under Sections 8.6 and 8.7.

8.5.c The City shall hold harmless, indemnify and defend the County for any property damages or personal injury caused solely by the City's failure to adopt an ordinance under Subsection 8.5.b. In the event the City acts to defend the County under this Subsection, the County shall cooperate with the City.

8.5.d The City shall make best efforts to include language in its contracts, franchise agreements, or licenses for the collection of Solid Waste within the City that allow for enforcement by the City against the collection contractor, franchisee or licensee for violations of the laws, rules, or regulations in Subsection 8.5.a. The requirements of this Subsection 8.5.d shall apply to the City's first collection contract, franchise, or license that becomes effective or is amended after the effective date of this Agreement.

8.5.d.i If waste is delivered to the System in violation of the laws, rules, or regulations in Subsection 8.5.a, before requiring the City to take any action under Subsection 8.5.d.ii, the County will make reasonable efforts to determine the parties' responsible for the violation and will work with those parties to correct the violation, consistent with applicable waste clearance and acceptance rules, permit obligations, and any other legal requirements.

8.5.d.ii If the violation is not corrected under Subsection 8.5.d.i and waste is determined by the County to have been generated or collected from within the corporate limits of the City, the County shall provide the City with written notice of the violation. Upon such notice, the City shall take immediate steps to remedy the violation and prevent similar future violations to the reasonable satisfaction of the County which may include but not be

limited to removing the waste and disposing of it in an approved facility; provided that nothing in this Subsection 8.5.d.ii shall obligate the City to handle regulated dangerous waste, as defined in WAC 173-351-200(1)(b)(i), and nothing in this Subsection shall relieve the City of any obligation it may have apart from this Agreement to handle regulated dangerous waste. If, in good faith, the City disagrees with the County regarding the violation, such dispute shall be resolved between the Parties using the Dispute Resolution process in Section XII or, if immediate action is required to avoid an imminent threat to public health, safety or the environment, in King County Superior Court. Each Party shall be responsible for its own attorneys' fees and costs. Failure of the City to take the steps requested by the County pending Superior Court resolution shall not be deemed a violation of this Agreement; provided, however, that this shall not release the City for damages or loss to the County arising out of the failure to take such steps if the Court finds a City violation of the requirements to comply with applicable laws set forth in Subsection 8.5.a.

8.6 Environmental Liability.

8.6.a Neither the County nor the City holds harmless or indemnifies the other with regard to any liability arising under 42 U.S.C. § 9601-9675 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) or as hereafter amended or pursuant to chapter 70.105D RCW (MTCA) or as hereafter amended and any state legislation imposing liability for System-related cleanup of contaminated property from the release of pollutants or hazardous or dangerous substances and/or damages resulting from property contaminated from the release of pollutants or hazardous or dangerous substances ("Environmental Liabilities").

8.6.b Nothing in this Agreement is intended to create new Environmental Liability nor release any third-party from Environmental Liability. Rather, the intent is to protect the general funds of the Parties to this Agreement by ensuring that, consistent with best business practices, an adequate portion of Disposal Rates being collected from the System Users are set aside and accessible in a fair and equitable manner to pay the respective County and City's Environmental Liabilities.

8.6.c The purpose of this Subsection is to establish a protocol for the setting aside, and subsequent distribution of, Disposal Rates intended to pay for Environmental Liabilities of the Parties, if and when such liabilities should arise, in order to safeguard the Parties' general funds. To do so, the County shall:

8.6.c.i Use Disposal Rates to obtain and maintain, to the extent commercially available under reasonable terms, insurance coverage for System-related Environmental Liability that names the City as an Additional Insured. The County shall establish the adequacy, amount and availability of such insurance in consultation with MSWAC. Any insurance policy in effect on the termination date of this Agreement with a term that extends past the termination date shall be maintained until the end of the policy term.

8.6.c.ii Use Disposal Rates to establish and maintain a reserve fund to help pay the Parties' Environmental Liabilities not already covered by System rates or insurance maintained under Subsection 8.6.c.i above ("Environmental Reserve Fund"). The County shall establish the adequacy of the Environmental Reserve Fund in consultation with MSWAC and consistent with the financial policies described in Article VI. The County shall retain the Environmental Reserve Fund for a minimum of 30 years following the closure of the Cedar Hills Landfill (the "Retention Period"). During the Retention Period, the Environmental Reserve Fund

shall be used solely for the purposes for which it was established under this Agreement. Unless otherwise required by law, at the end of the Retention Period, the County and Cities shall agree as to the disbursement of any amounts remaining in the Environmental Reserve Fund. If unable to agree, the County and City agree to submit disbursement to mediation and if unsuccessful to binding arbitration in a manner similar to Section 39.34.180 RCW to the extent permitted by law.

8.6.c.iii Pursue state or federal grant funds, such as grants from the Local Model Toxics Control Account under chapter 70.105D.070(3) RCW and chapter 173-322 WAC, or other state or federal funds as may be available and appropriate to pay for or remediate such Environmental Liabilities.

8.6.d If the funds available under Subsections 8.6.c.i-iii are not adequate to completely satisfy the Environmental Liabilities of the Parties to this Agreement then to the extent feasible and permitted by law, the County will establish a financial plan including a rate schedule to help pay for the County and City's remaining Environmental Liabilities in consultation with MSWAC.

8.6.e The County and the City shall act reasonably and quickly to utilize funds collected or set aside through the means specified in Subsections 8.6.c.i-iii and 8.6.d to conduct or finance response or clean-up activities in order to limit the County and City's exposure, or in order to comply with a consent decree, administrative or other legal order. The County shall notify the City within 30 days of any use of the reserve fund established in 8.6.c.iii.

8.6.f In any federal or state regulatory proceeding, and in any action for contribution, money expended by the County from the funds established in Subsections 8.6.c.i-iii and 8.6.d. to pay the costs of remedial investigation, cleanup, response or other action required

pursuant to a state or federal laws or regulations shall be considered by the Parties to have been expended on behalf and for the benefit of the County and the Cities.

8.6.g In the event that the funds established as specified in Subsections 8.6.c.i-iii and 8.6.d are insufficient to cover the entirety of the County and Cities' collective Environmental Liabilities, the funds described therein shall be equitably allocated between the County and Cities to satisfy their Environmental Liabilities. Factors to be considered in determining "equitably allocated" may include the size of each Party's System User base and the amount of rates paid by that System User base into the funds, and the amount of the Solid Waste generated by the Parties' respective System Users. Neither the County nor the Cities shall receive a benefit exceeding their Environmental Liabilities.

8.7 The County shall not charge or seek to recover from the City any costs or expenses for which the County indemnified the State of Washington in Exhibit A to the Quitclaim Deed from the State to the County for the Cedar Hills Landfill, dated February 24, 1993, to the extent such costs are not included in System costs.

## IX. CITY ADVISORY COMMITTEE

9.1 There is hereby created an advisory committee comprised of representatives from cities, which shall be known as the Metropolitan Solid Waste Advisory Committee ("MSWAC"). The City may designate a representative and alternate(s) to serve on MSWAC. MSWAC shall elect a chair and vice-chair and shall adopt bylaws to guide its deliberations. The members of MSWAC shall serve at the pleasure of their appointing bodies and shall receive no compensation from the County.

9.2 MSWAC is the forum through which the Parties together with other cities participating in the System intend to discuss and seek to resolve System issues and concerns. MSWAC shall assume the following advisory responsibilities:

9.2.a Advise the King County Council, the King County Executive, Solid Waste Advisory Committee, and other jurisdictions as appropriate, on all policy aspects of Solid Waste management and planning;

9.2.b Consult with and advise the County on technical issues related to Solid Waste management and planning;

9.2.c Assist in the development of alternatives and recommendations for the Comprehensive Solid Waste Management Plan and other plans governing the future of the System, and facilitate a review and/or approval of the Comprehensive Solid Waste Management Plan by each jurisdiction;

9.2.d Assist in the development of proposed interlocal Agreements between King County and cities for planning, Waste Prevention and Recycling, and waste stream control;

9.2.e Review and comment on Disposal Rate proposals and County financial policies;

9.2.f Review and comment on status reports on Waste Prevention, Recycling, energy/resources recovery, and System operations with inter-jurisdictional impact;

9.2.g Promote information exchange and interaction between waste generators, cities, recyclers, and the County with respect to its planned and operated Disposal Systems;

9.2.h Provide coordination opportunities among the Solid Waste Advisory Committee, the Regional Policy Committee, the County, cities, private waste haulers, and recyclers;

9.2.i Assist cities in recognizing municipal Solid Waste responsibilities, including collection and Recycling, and effectively carrying out those responsibilities; and

9.2.j Provide input on such disputes as MSWAC deems appropriate.

9.3 The County shall assume the following responsibilities with respect to MSWAC;

9.3.a The County shall provide staff support to MSWAC;

9.3.b In consultation with the chair of MSWAC, the County shall notify all cities and their designated MSWAC representatives and alternates of the MSWAC meeting times, locations and meeting agendas. Notification by electronic mail or regular mail shall meet the requirements of this Subsection;

9.3.c The County will consider and respond on a timely basis to questions and issues posed by MSWAC regarding the System, and will seek to resolve those issues in collaboration with the Cities. Such issues shall include but are not limited to development of efficient and accountable billing practices; and

9.3.d. The County shall provide all information and supporting documentation and analyses as reasonably requested by MSWAC for MSWAC to perform the duties and functions described in Section 9.2.

## X. FORUM INTERLOCAL AGREEMENT

10.1 As of the effective date of this Agreement, the *Forum Interlocal Agreement* and *Addendum to* Solid Waste Interlocal Agreement *and Forum Interlocal Agreement* by and between the City and County continue through June 30, 2028. After 2028 responsibilities assigned to the Forum shall be assigned to the Regional Policy Committee. The Parties agree that Solid Waste System policies and plans shall continue to be deemed regional countywide policies

and plans that shall be referred to the Regional Policy Committee for review consistent with King County Charter Section 270.30 and chapter 1.24 King County Code.

## XI. COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN

11.1 King County is designated to prepare the Comprehensive Solid Waste Management Plan (Comprehensive Plan) and this plan shall include the City's Solid Waste Management Comprehensive Plan pursuant to chapter 70.95.080(3) RCW.

11.2 The Comprehensive Plan shall be reviewed and any necessary revisions proposed. The County shall consult with MSWAC to determine when revisions are necessary. King County shall provide services and build facilities in accordance with the adopted Comprehensive Plan.

11.3 The Comprehensive Plans will promote Waste Prevention and Recycling in accordance with Washington State Solid Waste management priorities pursuant to chapter 70.95 RCW, at a minimum.

11.4 The Comprehensive Plans will be prepared in accordance with chapter 70.95 RCW and Solid Waste planning guidelines developed by the Department of Ecology. The plan shall include, but not be limited to:

11.4.a Descriptions of and policies regarding management practices and facilities required for handling all waste types;

11.4.b Schedules and responsibilities for implementing policies;

11.4.c Policies concerning waste reduction, Recycling, Energy and Resource Recovery, collection, transfer, long-haul transport, Disposal, enforcement and administration; and

11.4.d Operational plan for the elements discussed in Item c above.

11.5 The cost of preparation by King County of the Comprehensive Plan will be considered a cost of the System and financed out of the rate base.

11.6 The Comprehensive Plans will be “adopted” within the meaning of this Agreement when the following has occurred:

11.6.a The Comprehensive Plan is approved by the King County Council; and

11.6.b The Comprehensive Plan is approved by cities representing three-quarters of the population of the incorporated population of jurisdictions that are parties to the Forum Interlocal Agreement. In calculating the three-quarters, the calculations shall consider only those incorporated jurisdictions taking formal action to approve or disapprove the Comprehensive Plan within 120 days of receipt of the Plan. The 120-day time period shall begin to run from receipt by an incorporated jurisdiction of the Forum's recommendation on the Comprehensive Plan, or, if the Forum is unable to make a recommendation, upon receipt of the Comprehensive Plan from the Forum without recommendation.

11.7 Should the Comprehensive Plan be approved by the King County Council, but not receive approval of three-quarters of the cities acting on the Comprehensive Plan, and should King County and the cities be unable to resolve their disagreement, then the Comprehensive Plan shall be referred to the State Department of Ecology and the State Department of Ecology will resolve any disputes regarding Comprehensive Plan adoption and adequacy by approving or disapproving the Comprehensive Plan or any part thereof.

11.8 King County shall determine which cities are affected by any proposed amendment to the Comprehensive Plan. If any City disagrees with such determination, then the City can request that the Forum determine whether or not the City is affected. Such

determination shall be made by a two-thirds majority vote of all representative members of the Forum.

11.9 Should King County and the affected jurisdictions be unable to agree on amendments to the Comprehensive Plan, then the proposed amendments shall be referred to the Department of Ecology to resolve any disputes regarding such amendments.

11.10 Should there be any impasse between the Parties regarding Comprehensive Plan adoption, adequacy, or consistency or inconsistency or whether any permits or programs adopted or proposed are consistent with the Comprehensive Plan, then the Department of Ecology shall resolve said disputes.

## XII. MITIGATION

12.1 The County will design, construct and operate Solid Waste facilities in a manner to mitigate their impact on host Cities and neighboring communities pursuant to applicable law and regulations.

12.2 The Parties recognize that Solid Waste facilities are regional facilities. The County further recognizes that host Cities and neighboring communities may sustain impacts which can include but are not limited to local infrastructure, odor, traffic into and out of Solid Waste facilities, noise and litter.

12.3 Collaboration in Environmental Review. In the event the County is the sole or co-Lead Agency, then prior to making a threshold determination under the State Environmental Policy Act (SEPA), the County will provide a copy of the SEPA environmental checklist, if any, and proposed SEPA threshold determination to any identifiable Host City (as defined below) and adjacent or neighboring city that is signatory to the Agreement and that may be affected by the

project ("Neighboring City") and seek their input. For any facility for which the County prepares an Environmental Impact Statement (EIS), the County will meet with any identified potential Host City (as defined below) and any Neighboring City to seek input on the scope of the EIS and appropriate methodologies and assumptions in preparing the analyses supporting the EIS. However, nothing in this Section shall limit or impair the County's ability to timely complete the environmental review process.

12.4 Collaboration in Project Permitting. If a new or reconstructed Solid Waste facility is proposed to be built within the boundaries of the City ("Host City") and the project requires one or more "project permits" as defined in chapter 36.70B.020(4) RCW from the Host City, before submitting its first application for any of the project permits, the County will meet with the Host City and any Neighboring City, to seek input. However, nothing in this Section shall limit or impair the County's ability to timely submit applications for or receive permits, nor waive any permit processing or appeal timelines.

12.5 Separately, the County and the City recognize that in accordance with 36.58.080 RCW, a city is authorized to charge the County to mitigate impacts directly attributable to a County-owned Solid Waste facility. The County acknowledges that such direct costs include wear and tear on infrastructure including roads. To the extent that the City establishes that such charges are reasonably necessary to mitigate such impacts, payments to cover such impacts may only be expended only to mitigate such impacts and are System costs. If the City believes that it is entitled to mitigation under this Agreement, the City may request that the County undertake a technical analysis regarding the extent of impacts authorized for mitigation. Upon receiving such a request, the County, in coordination with the City and any necessary technical consultants, will develop any analysis that is reasonable and appropriate to identify impacts. The cost for such

analysis is a System cost. The City and County will work cooperatively to determine the appropriate mitigation payments and will document any agreement in a Memorandum of Agreement. If the City and the County cannot agree on mitigation payments, the dispute resolution process under chapter 36.58.080 RCW will apply rather than the dispute resolution process under Section XII of the Agreement.

## XIII. DISPUTE RESOLUTION

13.1 Unless otherwise expressly stated, the terms of this Section XIII shall apply to disputes arising under this Agreement.

13.2 Initial Meeting.

13.2.a Either Party shall give notice to the other in writing of a dispute involving this Agreement.

13.2.b Within ten (10) business days of receiving or issuing such notice, the County shall send an email notice to all Cities.

13.2.c Within ten (10) business days of receiving the County's notice under Subsection 13.2.b, a City shall notify the County in writing or email if it wishes to participate in the Dispute Resolution process.

13.2.d Within not less than twenty-one (21) days nor more than thirty (30) days of the date of the initial notice of dispute issued under Subsection 13.2.a, the County shall schedule a time for staff from the County and any City requesting to participate in the dispute resolution process ("Participating City") to meet (the "initial meeting"). The County shall endeavor to set such initial meeting a time and place convenient to all Participating Cities and to the County.

13.3 Executives' Meeting.

13.3.a If the dispute is not resolved within sixty (60) days of the initial meeting, then within seven (7) days of expiration of the sixty (60)-day period, the County shall send an email notice to all Participating Cities that the dispute was not resolved and that a meeting of the County Executive, or his/her designee and the chief executive officer(s) of each Participating City, or the designees of each Participating City (an "executives' meeting") shall be scheduled to attempt to resolve the dispute. It is provided, however, that the County and the Participating Cities may mutually agree to extend the sixty (60)-day period for an additional fifteen (15) days if they believe further progress may be made in resolving the dispute, in which case, the County's obligation to send its email notice to the Participating Cities under this Subsection that the dispute was not resolved shall be within seven (7) days of the end of the extension. Likewise, the County and the Participating Cities may mutually conclude prior to the expiration of the sixty (60)-day period that further progress is not likely in resolving the dispute at this level, in which case, the County shall send its email notice that the dispute was not resolved within seven (7) days of the date that the County and the Participating Cities mutually concluded that further progress is not likely in resolving the dispute.

13.3.b Within seven (7) days of receiving the County's notice under Subsection 13.3.a each Participating City shall notify the County in writing or email if it wishes to participate in the executives' meeting.

13.3.c Within not less than twenty-one (21) days nor more than thirty (30) days of the date of the notice of the executives' meeting issued under Subsection 13.3.a, the County shall schedule a time for the executives' meeting. The County shall endeavor to set such

executives' meeting a time and place convenient to all Participating Cities that provided notice under Subsection 13.3.b and to the County.

13.4. Non-Binding Mediation.

13.4.a If the dispute is not resolved within thirty (30) days of the executives' meeting, then any Participating City that was Party to the executives' meeting or the County may refer the matter to non-binding meditation by sending written notice within thirty-five (35) days of the initial executives' meeting to all Parties to such meeting.

13.4.b Within seven (7) days of receiving or issuing notice that a matter will be referred to non-binding mediation, the County shall send an email notice to all Participating Cities that provided notice under Subsection 13.3.b informing them of the referral.

13.4.c Within seven (7) days of receiving the County's notice under Subsection 13.4.b, each Participating City shall notify the County in writing if it wishes to participate in the non-binding mediation.

13.4.d The mediator will be selected in the following manner: The City(ies) electing to participate in the mediation shall propose a mediator and the County shall propose a mediator; in the event the mediators are not the same person, the two mediators shall select a third mediator who shall mediate the dispute. Alternately, the City(ies) participating in the mediation and the County may agree to select a mediator through a mediation service mutually acceptable to the Parties. The Parties to the mediation shall share equally in the costs charged by the mediator or mediation service. For purposes of allocating costs of the mediator or mediation service, all Cities participating in the mediation will be considered one Party.

13.5 Superior Court. Any Party, after participating in the non-binding mediation, may commence an action in King County Superior Court after one hundred eighty (180) days from

the commencement of the mediation, in order to resolve an issue that has not by then been resolved through non-binding mediation, unless all Parties to the mediation agree to an earlier date for ending the mediation.

13.6 Unless this Section XIII does not apply to a dispute, then the Parties agree that they may not seek relief under this Agreement in a court of law or equity unless and until each of the procedural steps set forth in this Section XIII have been exhausted, provided, that if any applicable statute of limitations will or may run during the time that may be required to exhaust the procedural steps in this Section XIII, a Party may file suit to preserve a cause of action while the Dispute Resolution process continues. The Parties agree that, if necessary and if allowed by the court, they will seek a stay of any such suit while the Dispute Resolution process is completed. If the dispute is resolved through the Dispute Resolution process, the Parties agree to dismiss the lawsuit, including all claims, counterclaims, and cross-claims, with prejudice and without costs to any Party.

## XIV. FORCE MAJEURE

The Parties are not liable for failure to perform pursuant to the terms of this Agreement when failure to perform was due to an unforeseeable event beyond the control of either Party ("force majeure"). The term "force majeure" shall include, without limitation by the following enumeration: acts of nature, acts of civil or military authorities, terrorism, fire, accidents, shutdowns for purpose of emergency repairs, industrial, civil or public disturbances, or labor disputes, causing the inability to perform the requirements of this Agreement, if either Party is rendered unable, wholly or in part, by a force majeure event to perform or comply with any obligation or condition of this Agreement, upon giving notice and reasonably full particulars to

the other Party, such obligation or condition shall be suspended only for the time and to the extent practicable to restore normal operations.

## XV. MERGER

This Agreement merges and supersedes all prior negotiations, representation and/or agreements between the Parties relating to the subject matter of this Agreement and constitutes the entire contract between the Parties [except with regard to the provisions of the Forum Interlocal Agreement]; provided that nothing in Section XV supersedes or amends any indemnification obligation that may be in effect pursuant to a contract between the Parties other than the Original Agreement; and further provided that nothing in this Agreement supersedes, amends or modifies in any way any permit or approval applicable to the System or the County's operation of the System within the jurisdiction of the City.

## XVI. WAIVER

No waiver by either Party of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach whether of the same or a different provision of this Agreement.

## XVII. THIRD PARTY BENEFICIARY

This Agreement is not entered into with the intent that it shall benefit any other entity or person except those expressly described herein, and no other such person or entity shall be entitled to be treated as a third-party beneficiary of this Agreement.

## XVIII. SURVIVABILITY

Except as provided in Section 8.1, 8.2, 8.3, Section 8.6.c, except 8.6.ciii and Section 8.6d, no obligations in this Agreement survive past the expiration date as established in Section III.

## XIX. NOTICE

Except as otherwise provided in this Agreement, a notice required to be provided under the terms of this Agreement shall be delivered by certified mail, return receipt requested or by personal service to the following person:

For the City:

_____
_____
_____
_____

For the County:

Pat D. McLaughlin, Director
King County Solid Waste Division
201 South Jackson Street, Suite 701
Seattle, Washington 98104

IN WITNESS WHEREOF, this Agreement has been executed by each Party on the date set forth below:

| CITY of _____ | KING COUNTY |
|---|---|
| _____ | _____ |
| (Mayor/City Manager) | King County Executive |
| _____ | _____ |
| Date | Date |
| _____ | _____ |
| Clerk-Attest<br>Approved as to form and legality | Clerk-Attest<br>Approved as to form and legality |
| _____ | _____ |
| City Attorney | King County Deputy Prosecuting Attorney |
| _____ | _____ |
| Date | Date |

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject**: Motion to Approve Appointments to the Arts Commission | | **Meeting Date:** March 18, 2013 |
| **Department:** City Manager<br>**Contact:**<br>Monica Lusk, City Clerk<br>**Telephone:** (206) 248-5517 | **Attachments:** | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A<br>**Unencumbered Budget Authority:** N/A |
| **Adopted Work Plan Priority:** Yes No X | **Work Plan Item Description:** | |

**PURPOSE/REQUIRED ACTION:**

The purpose of this agenda item is for Council to make appointments to the Arts Commission.

**Background (*Include prior Council Action and Discussions*):**

A call for volunteers to serve on Burien's Arts Commission was placed in the Highline Times, Burien City News, on TBC21, the B-Town Blog, the City's website, and White Center Now. Four applications for the Arts Commission were received to fill four (4) positions with terms that expire on March 31, 2013.

**OPTIONS (*Including fiscal impacts*):**

1. Appoint applicants to fill the four vacancies with the terms noted.
2. Appoint an applicant to fill a vacancy with the term noted, and re-advertise a call for volunteers.
3. Do not appoint any of the applicants, and re-advertise.

**Administrative Recommendation:** Per Council direction.

**Committee Recommendation:** N/A

**Suggested Motions:**

1. Move to appoint to the Arts Commission _____ to Position 1, _____ to Position 2, _____ to Position 6 and _____ Position 9 to full terms that will begin on April 1, 2013, and end on March 31, 2017.

| | |
|---|---|
| Submitted by: Monica Lusk<br>**Administration** | Mike Martin<br>**City Manager** |
| **Today's Date:** March 12, 2013 | **File Code:** R:/CC/AgendaBill2013/031813cm-3 advbdappts-ac |

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:** Discussion and potential adoption of 2014 Community Development Block Grant (CDBG) Project Application | | **Meeting Date:** March 18, 2013 |
| **Department:** Finance Department<br>**Contact:** Kim Krause, Finance Director<br>**Telephone:** (206) 439-3150 | **Attachments:**<br>Attachment A - CDBG Eligible Activities | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A<br>**Unencumbered Budget Authority:** N/A |

**PURPOSE/REQUIRED ACTION:**
The purpose of this agenda item is to review and discuss three potential Community Development Block Grant (CDBG) application ideas for 2014.

**BACKGROUND *(Include prior Council action & discussion)*:**
The City of Burien, as a King County Community Development Block Grant (CDBG) Consortium member, is able to apply for federal CDBG capital funding each year. King County administers these funds on behalf of the Consortium. The CDBG funds are for capital projects that benefit low and moderate income neighborhoods.

The total amount of funding available for the south subregion is estimated at $680,000. The City of Burien has been successful in requesting between $150,000 to $190,000. Per Council request during the 2013-14 budget process, staff is presenting three potential project application ideas for Council's consideration:

1. **South 132nd Street Pedestrian and Bicycle Trail from 9th to 10th Ave South**
   This project adds a 300' long and 8'wide pervious pavement path for walking and bicycle use for access to Cedarhurst Elementary School. The City applied for but did not receive a Washington State Department of Transportation (WSDOT) grant for this project. The cost is estimated at $171,000 with no matching City funds required.
2. ADA Ramps Along SW 116th Street, near Shorewood Elementary School
   This project adds ADA ramps at up to seven intersections by Shorewood Elementary School along SW 116th Street from 26th Ave SW to 14th Ave SW. The cost is estimated at $175,000 with no matching City funds required.
3. Moshier Park Restroom Replacement.
   This project replaces the restroom at Moshier Park and adds a concession stand. The cost is estimated at $500,000 ($200,000 CDBG and $300,000 City funds). There are several issues involved with this project:
   a) Need for City funds,
   b) Moshier Park's use by various city and non-city Leagues might trigger eligibility issues.
   c) Concession stand may cause Program Income issues.

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

1. **Administrative Recommendation:** City staff recommends 1. South 132nd Street Pedestrian and Bicycle Trail from 9th to 10th Ave South as the project for the City's 2014 CDBG application.

**Advisory Board Recommendation: N/A**

**Suggested Motion:** Hold discussion and consider placing one of the projects on the April 1, 2013 consent agenda for approval.

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

| | |
|---|---|
| **Today's Date: March 11, 2013.** | **File Code:** R:/CC/Agenda Bill 2013/031813ad-1 CDBG Project Review.docx |

**ATTACHMENT A**

## CDBG ELIGIBLE ACTIVITIES

**Fire Protection** - acquisition, design, construction or rehabilitation of fire protection facilities and purchase of fire protection equipment.

**Relocation** - relocation payments and assistance to individuals, families or businesses displaced temporarily or permanently by a CDBG project. A CDBG proposal which may entail relocation must include a relocation plan and budget.

**Community Facilities** - acquisition, design, construction, or rehabilitation of community facilities which primarily serve, or will serve, low- and moderate-income persons. CDBG funds can be used to acquire, rehabilitate, or construct senior centers, food banks, emergency shelters, and community clinics.

**Minor Home Repair Programs** - activities related to emergency repairs including activities that protect, repair or arrest the effects of disasters, imminent threats or physical deterioration that pose an imminent danger to life, health or safety.

**Public Infrastructure Improvements** - paving of gravel streets; installation of curbs, gutters, sidewalks, drainage, etc.

**Environmental Quality Projects** - design, construction or reconstruction of water and sewer projects, flood drainage facilities, and solid waste disposal facilities to serve existing low- and moderate-income communities or neighborhoods.

**Parks, Recreation, Open Space** - acquisition, design, site preparation, drainage, construction or rehabilitation of parks or recreational facilities. Any park structure must be permanently affixed. Communities can use these funds to build picnic shelters, and purchase and install play structures.

**Streets, Walkways, and Architectural Barriers** - street improvements such as curb and roadside drainage; purchase and installation of traffic signals; construction of walkways, crosswalks, neighborhood roads, parking lots, and pedestrian malls; and the removal of architectural barriers that bar persons with disabilities and elderly and limit their mobility within the public right of way.

**Removal of Architectural Barrier** - A project which removes material or architectural barriers restricting mobility and accessibility of elderly persons or adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled" to publicly-owned and privately-owned nonresidential buildings, facilities and improvements, and the common areas of residential structures containing more than one dwelling unit is considered to benefit primarily low- and moderate-income persons if it is restricted to the extent possible to the removal of such barriers. (Must be qualified through Public Facility or Public Improvement)

## ELIGIBLE RECIPIENTS

**Presumed Benefit** - Certain groups are presumed by HUD to be principally low- and moderate income.
These are abused children, battered spouses, elderly persons, adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled," homeless persons, illiterate persons, persons living with AIDS, and migrant farm workers.

**Verification of Benefit** – For public facility projects: Agency client data must verify the income of those receiving benefit, and at least 51% of the beneficiaries must be low- and moderate-income. For public infrastructure improvement projects of a neighborhood or community-wide benefit at least 45.2% of the beneficiaries must be low- and moderate-income.

**Income Eligibility (Direct Benefit) Requirements** - In this case, each direct beneficiary is screened for income to restrict project benefit to only those persons who are low- and moderate-income.

**Benefit by Nature/Location of the Project** - This means that the project activity is of such a nature and in such a location that it may be concluded that the clientele will be primarily low- and moderate income persons; for instance, a food bank at an assisted housing project.

**Request For Proposal (RFP) applications are available for non-profit organizations and public agencies <u>only</u> who serve residents of:**

**North/East sub-region cities**: Beaux Arts, Bothell, Carnation, Clyde Hill, Duvall, Hunts Point, Issaquah, Kenmore, Kirkland, Lake Forest Park, Medina, Mercer Island, Newcastle, North Bend, Sammamish, Skykomish, Snoqualmie, Woodinville and Yarrow Point.

**South sub-region cities**: Algona, Black Diamond, Burien, Covington, Des Moines, Enumclaw, Maple Valley, Pacific, SeaTac and Tukwila.

**Please return the Pre-Application form to: <u>Kathy.TremperW@kingcounty.gov</u>, or mail to: King County Housing and Community Development; Kathy Tremper, Community Development Coordinator; 401 Fifth Avenue, Suite 510, Seattle, WA 98104. Telephone: (206) 263-9097, Fax (206) 296-0229, TTY: 711 (Relay Service). If sending fax, please confirm receipt.**

## FUNDING TIMELINE

| | |
|---|---|
| March 8, 2013 | Pre-Applications Available on Web |
| March 11 – April 4, 2013 | Pre-Application Technical Assistance Workshops |
| **April 5, 2013** | Pre-Applications Due (Required to be eligible to submit Application ) |
| April 12, 2013 | Applications Available |
| March/April/May | Technical Assistance Workshops and One on One consultation w/HCD Staff |
| **May 31, 2013** | **Applications Due** to King County HCD, 4:30 p.m. at the Chinook Lobby, 401 Fifth Avenue, Seattle, WA 98104 |
| June - July 2013 | Review Process (Applicants may be contacted during this time for additional information). |
| August, 2013 | Evaluation Process |
| **August 9, 2013** | Public Forum – Applicant Presentations at the King County International Airport |
| August (TBD); | Sub-Regions Advisory Group(s) meet to finalize award recommendations (if needed) |
| **September 26, 2013** | JRC Adopts/Modify Recommendations |
| November 2013 | Applicants are notified of awards |
| January 1, 2014 | New program year begins |

**King County Community Development Block Grant Consortium Cities are:**

***North/East sub-region cities**: Beaux Arts, Bothell, Carnation, Clyde Hill, Duvall, Hunts Point, Issaquah, Kenmore, Kirkland, Lake Forest Park, Medina, Mercer Island, Newcastle, North Bend, Sammamish, Skykomish, Snoqualmie, Woodinville and Yarrow Point.
***South sub-region cities**: Algona, Black Diamond, Burien, Covington, Des Moines, Enumclaw, Maple Valley, Pacific, SeaTac and Tukwila.

**Alternate formats available upon request - (206) 296-9062, or TTY:711 (Relay Service)**

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:** Discussion regarding North Burien Zoning Map Amendments, 2012 Comprehensive Plan Text and Map Amendments. | | **Meeting Date:** March 18, 2013 |
| **Department:** Community Development<br>**Contact:** David Johanson AICP, Senior Planner<br>**Telephone:** (206) 248-5522 | **Attachments:**<br>1) DRAFT Ordinance 573<br>2) 2012 Comprehensive Plan and Zoning Amendment Public Hearing Comment Summary<br>3) 2012 Comprehensive Plan and Zoning Amendment City Council Comment Summary<br>4) Land use designation map changes | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A |
| **Adopted Work Plan Priority:** Yes X No __. | **Work Plan Item Description:** Processing and adoption of annual comprehensive plan amendments. | |

**PURPOSE/REQUIRED ACTION:** The purpose of this agenda item is to continue the discussion of the 2012 Comprehensive Plan and zoning amendments. The Council may ask questions, request more information or comment on the information attached. No action is necessary at this time.

**BACKGROUND (*Include prior Council action & discussion*):**
In 1997, the City adopted its first Comprehensive Plan. In 2003, the City Council completed mandatory updates to the Comprehensive Plan to comply with state law. Additional amendments have been considered annually. Annual amendments to the Comprehensive Plan must be approved in a single processing cycle, per state law. This amendment cycle primarily has been focused on adopting comprehensive plan land use designations for the North Burien area and continuing to update language in the plan to be consistent with changes in state and regional plans.

The public process used in developing the Planning Commission recommendation included two public open houses in North Burien, two public hearings and 18 Planning Commission meetings. The text amendment work was completed in October 2012. All recommendations of the Planning Commission were unanimous.

At the November 5th, November 19th and January 7th City Council meetings there were a number of council comments and requests regarding the proposed updates to the plan and the area-wide zoning amendments. A table summarizing those comments can be found as attachment 3. On January 28, 2013 a public hearing was conducted and the City received both verbal and written comments regarding the proposed amendments to the comprehensive plan and land use maps. A summary of those comments, including staff responses is attached as attachment 2. Because many on the comments pertained to the proposed land use designations the land use designation maps and the corresponding written summaries have been included as attachment 4.

Proposed Ordinance 573 is included as attachment 1.

**FUTURE ACTIONS**
Action on Ordinance 573 is scheduled for April 1, 2013.

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

**Administrative Recommendation**: Discuss Ordinance 573 in preparation for action on April 1, 2013.

**Advisory Board Recommendation**: The Planning Commission unanimously recommended the City Council approve the map and text amendment as set forth in Ordinance No. 573.

**Suggested Motion**: None required.

Submitted by: David Johanson, Senior Planner, AICP
**Administration** DJ **City Manager** MM

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| **Today's Date**: March 12, 2013 | **File Code**:R:\CC\Agenda Bill 2013\031813cd-1 CompPlanAmend 2012.docx |

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 573
## DRAFT

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO 2012 COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS, AMENDING THE COMPREHENSIVE PLAN TEXT, ADOPTING FINDINGS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City Council adopted the Comprehensive Plan of the City of Burien on November 17, 1997, as required by the Growth Management Act ("GMA") of 1990, as amended, and also adopted the Comprehensive Plan pursuant to RCW Chapter 35A.63; and

WHEREAS, the City Council adopted Resolution No. 336 on July 2, 2012, which established the docket of possible Comprehensive Plan amendments to be considered as part of the City's annual amendment package; and

WHEREAS, the City conducted two public open house informative sessions in the north Burien area; and

WHEREAS, public notice was provided and the City of Burien Planning Commission conducted public hearings on March 13, 2012 pertaining to proposed area wide amendments to the Zoning and Comprehensive Plan Maps, and on September 11, 2012 pertaining to proposed amendments to the Comprehensive Plan text, tables and figures; and

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments; and

WHEREAS, the City Council held public meetings on November 5, 2012, November 19, 2012, January 7, 2013 and March 4, 2013 to discuss the proposed amendments; and

WHEREAS, public notice was provided and the City of Burien City Council conducted a public hearing on January 28, 2013 pertaining to proposed text amendments, area wide amendments to the Zoning and Comprehensive Plan Maps, and

WHEREAS, the City of Burien has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; and

ATTACHMENT 1

WHEREAS, the City of Burien provided the proposed Comprehensive Plan amendments to the Washington State Department of Commerce on September 20, 2012 and did not receive any comments by the 60-day comment deadline of November 18, 2012; and

WHEREAS, based on careful consideration of the facts and law, including without limitation, the King County Countywide Planning Polices, public testimony and the records and files on file with the office of the City Clerk including the following:

- Planning Commission meeting minutes of May 10, 2011, July 12, 2011, September 13, 2011, September 27, 2011, October 25, 2011, November 8, 2011, December 13, 2011, January 10, 2012, March 13, 2012, April 24, 2012, May 8, 2012, June 12, 2012, June 26, 2012,September 11, 2012, September 25, 2012 and October 11, 2012,

- Planning Commission meeting packets of May 10, 2011, September 13, 2011, October 25, 2011, November 8, 2011, December 13, 2011, January 10, 2012, March 13, 2012, April 24, 2012, May 8, 2012, June 12, 2012, June 26, 2012,September 11, 2012, September 25, 2012 and October 11, 2012,

- Planning Commission public comments received on March 13, 2012, May 8, 2012, June 12, 2012, June 26, 2012, September 11, 2012, September 25, 2012, and October 9, 2012, and

- City Council findings (attached Exhibit B)
  2012 Comprehensive Plan Amendments,

the City Council finds that approval of text amendments to the City of Burien Comprehensive Plan attached hereto as Exhibit A and amendments to the Comprehensive Plan and Zoning Maps attached hereto as Exhibit C comply with the requirements of the Washington State Growth Management Act and the City of Burien Zoning Code;

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

Section 1: Amendment to the Comprehensive Plan Text. The City Council hereby adopts the amendments to the Burien Comprehensive Plan Text, attached as Exhibit A, and further adopts the findings in support of said amendments, attached as Exhibit B, which Exhibits A and B are incorporated by this reference as if fully set forth herein.

Section 2: Area wide amendments to the Comprehensive Plan Map and Zoning Map. The City Council hereby adopts the amendments to the Burien Comprehensive Plan Map and Zoning Map, attached as Exhibit C, and further adopts the findings in support of said amendments, attached as Exhibit B, which Exhibits B and C are incorporated by this reference as if fully set forth herein.

Section 3: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4: Effective Date. This ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF MARCH, 2013, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY MARCH, 2013.

CITY OF BURIEN
/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: January 30, 2013
Passed by the City Council: March ____, 2013
Ordinance No. 573
Date of Publication: March ____, 2013

# ORDINANCE 573

Exhibit A

# CHAPTER 2.0 PLAN POLICIES

## 2.1 INTRODUCTION

The Burien Vision can only be achieved and sustained through the coordinated action of the entire community. The policies of the Burien Plan set forth in this chapter provide the long-term guidance necessary for such action.

One of the key objectives of the plan is to create a "sustainable community." A sustainable community is a place where people want to settle and live. It is also a community where members have an environment that promotes public health and vitality of the community and where quality residential neighborhoods and commercial areas attract and retain long-term businesses and shoppers. In a sustainable community, the pattern and quality of development is more important than the amount of growth. In older, more developed communities like Burien, the framework and tradition for a compact and efficient community is well established - the plan builds on this asset.

Policies in this chapter seek to develop a sustainable community by:

- maintaining and enhancing the viability of our neighborhoods, including protecting our existing housing stock;
- enhancing the downtown area, including reusing existing structures, facilities, and infrastructure and modifying them according to our current needs and technology; and
- balancing community needs for capital facilities and services with the ability to finance them.

Collectively these policies emphasize a pattern of development that reinforces Burien's small town character and supports the character of existing neighborhoods as seen in Figure 2-LU2. In our neighborhoods, development will be designed to retain the neighborhood's character, as that character is defined by each neighborhood under its Neighborhood Plan. Potential residential densities may also be restricted in areas with environmental constraints (such as aquifer recharge areas, landslide hazard areas, seismic hazard areas, wetlands, stream buffers, shorelines and flood hazard areas) or inadequate infrastructure, including inadequate levels of service for public services (Figure 2-EV1).

Where appropriate, the City will encourage and support the use by individual property owners of alternatives to development. Such alternatives may include transfer of development rights ("TDR") to the downtown and other appropriate areas, conservation easements, open space tracts, and other mechanisms designed to permanently eliminate development. In cases where individual neighborhoods have reduced the development capacity through the use of covenants, the City will support the conversion of those covenants to conservation easements or other suitable mechanisms. Each time a development right is exercised in this or a like manner the development potential of the area will be commensurately reduced. The City will implement administrative programs designed to educate and facilitate the use of these mechanisms and present these programs to the neighborhoods during the neighborhood planning process.

These policies promote new commercial development and residential development in the downtown area and encourage the type of development that will make downtown an attractive and vibrant place to work, shop, live and recreate. The plan envisions a downtown with the types of activities and uses that will enhance the distinctiveness and vitality of downtown while preserving its small town character. Special attention will be given to the scale and design of buildings to achieve this vision. An important part of these policies is promoting economic development in the downtown by encouraging mixed-use development. Pedestrian activity and transit access is also encouraged and emphasized in these areas.

The Comprehensive Plan goals and policies set forth in this chapter reflect the long-term objectives described during the community visioning process and Planning Commission meetings over the past several years. These policy statements along with the land use map will become the foundation for Burien's specific guidelines for how to conduct business, make zoning decisions, create annual and long-term budgets, and prioritize city functions over the next twenty years.

The Plan's policies contained in this chapter are organized according to Planning Element.

This element [land use] of the comprehensive plan contains land use designation criteria that are to be used to evaluate proposed changes to the land use designation map (Comprehensive Plan Map LU-1). The city recognizes the existing land use pattern as identified on the map. The land use designation criteria are to be applied in the consideration of future map amendments.

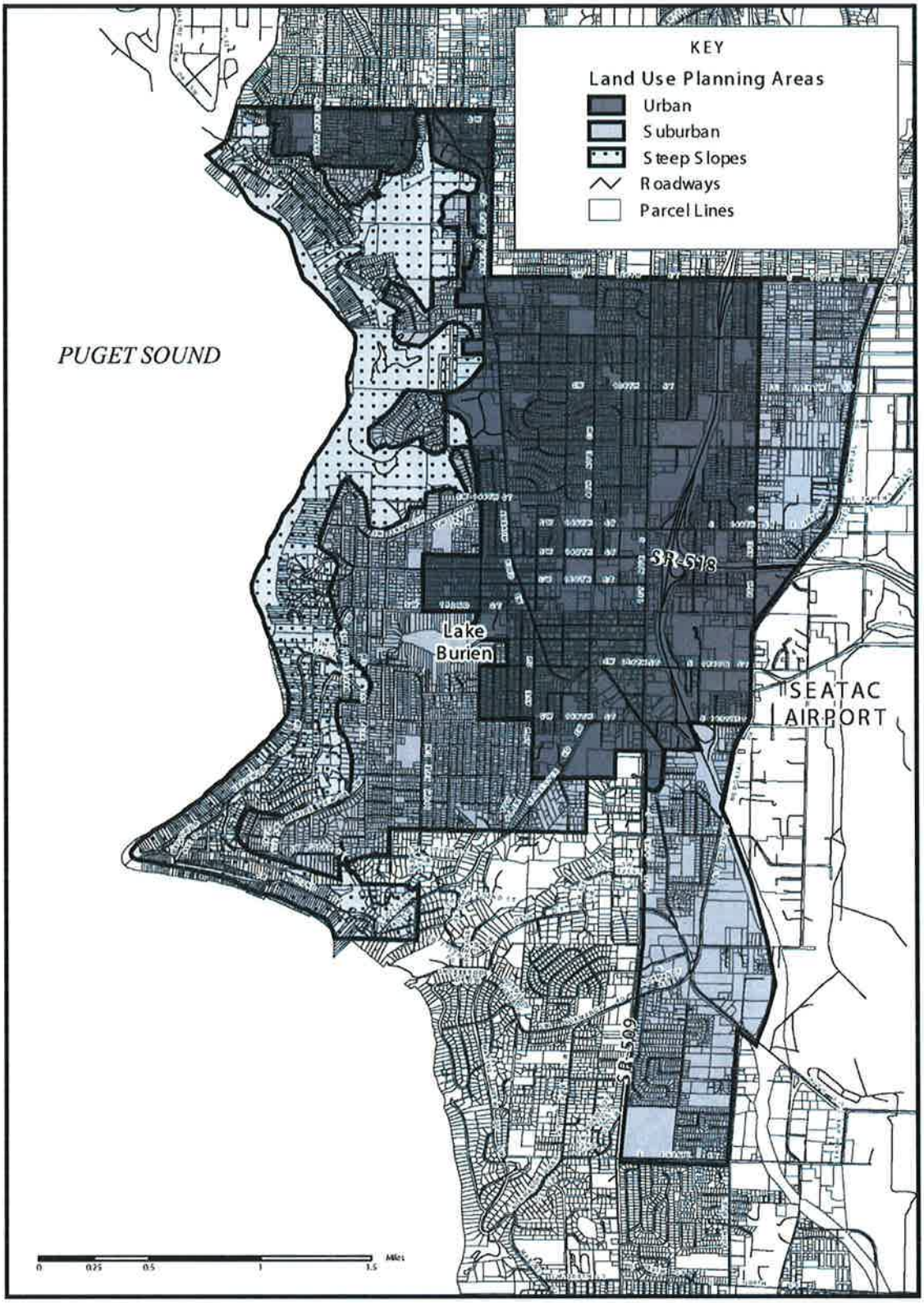


**Figure 2LU-2** - Planned Land Use Intensity

November 2003

Source: King County GIS 2003
p/1e066.01 Burien Crit_Comp/Graphics/Figures/FinalPDFs/Figure2LU2.pdf

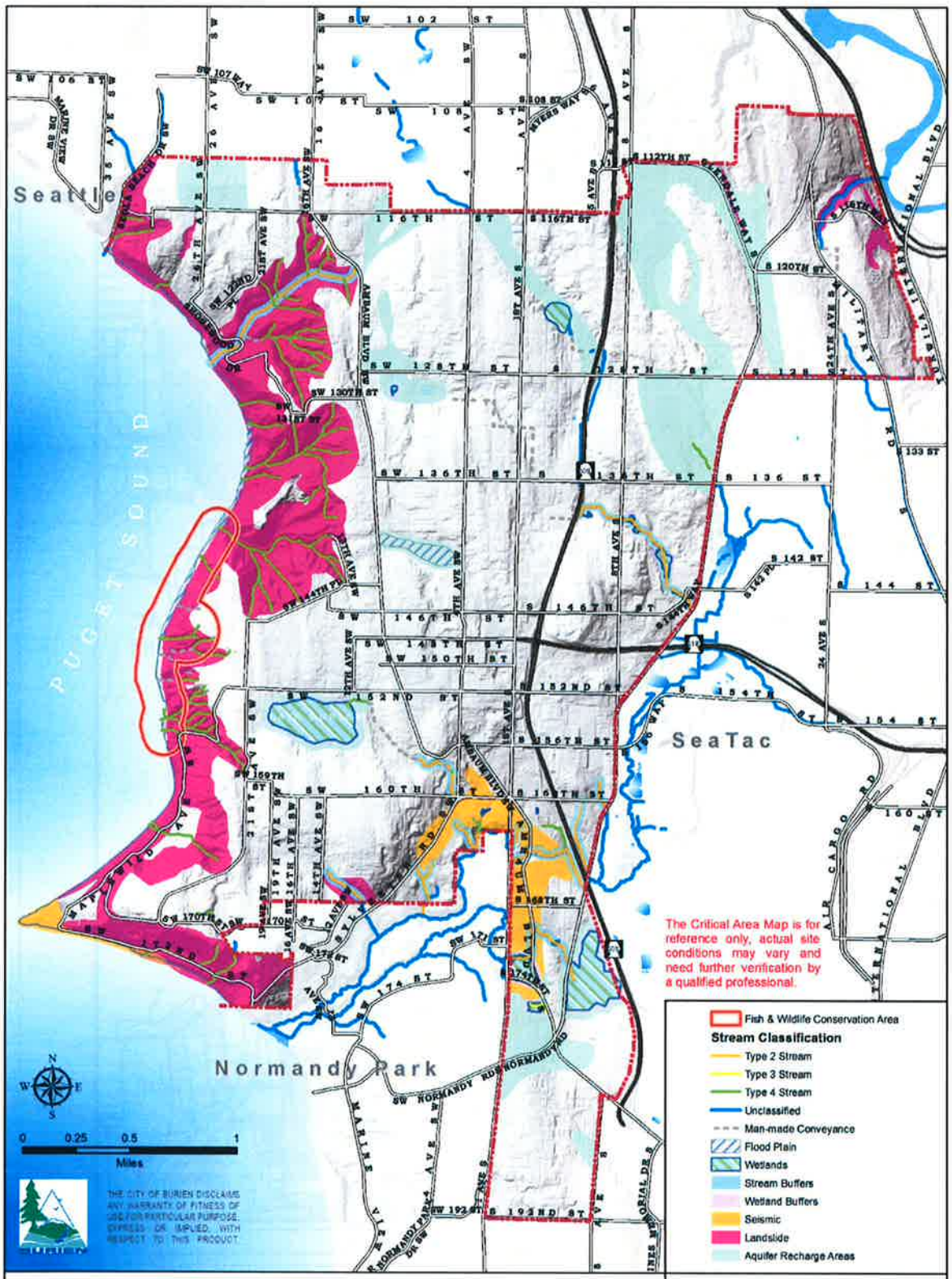


**Figure 2-EV1 - Sensitive/Critical Areas Map** | **December 2012**

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Last updated: 8/21/2012
By: Fernandol

## 2.2 LAND USE ELEMENT

**Goal LU.1**

***Establish a development pattern that is true to the vision for Burien by supporting the neighborhoods and preserving the character of the well-established neighborhoods as defined by the Neighborhood Plans, enhancing the attractiveness and vitality of the downtown core, and preserving the City's small town character.***

***Discussion:*** Land use in Burien should remain primarily residential, with the majority of non-residential development concentrated in the Urban Center (Urban Center Boundary, Figure 2LU-1.11), in appropriate areas along First Avenue South, Ambaum Boulevard SW, Boulevard Park and the North East Redevelopment Area.

Pol. LU 1.1 Map LU-1 (Comprehensive Plan Map) illustrates the future distribution and location of generalized land uses within Burien. ~~The Future Land Use Map adopted in this plan establishes the future distribution, extent and location of generalized land uses within Burien. Uses of land in Burien should reflect the intent of the goals and policies as well as the land use map.~~

~~***Discussion:*** Map LU-1 (enclosed) illustrates the proposed future land use for the City of Burien. Critical areas are not shown on the future land use map, but may occur within each category. These areas are subject to special regulations and special conditions found in the City's Critical Areas Ordinance and generally depicted on the city's Environmentally Critical Areas Map. Full development potential may not be achieved in these areas.~~

Pol. LU 1.2 Deleted ~~Land use in Burien should remain primarily residential, with the majority of non-residential development concentrated in the downtown core, in appropriate areas along First Avenue South and Ambaum Boulevard SW, and in specified areas in the northeast.~~

Pol. LU 1.3 Deleted ~~The general character of existing and future development and capital facility improvements shall correspond to the areas depicted on Map LU-2.~~

~~***Discussion:*** Figure 2 LU-2 depicts the areas generally designated as high, medium, and low (steep slopes) densities. Policies in the land use, transportation and capital facilities elements contain standards for development and improvements in these areas. (Amended, Ord. 445, 2005)~~

Pol. LU 1.4 ~~The City should e~~Encourage a mix of residential, office and commercial uses within Burien's ~~downtown area~~ Urban Center to create a vibrant city center that reduces reliance on the automobile and provides a range of housing opportunities.

Note: Policy numbers may not be consecutive. Through the Comprehensive Plan amendment process, some policies have been deleted from this chapter while existing policy numbers have retained their original sequence. Information on past Comprehensive Plan amendments is available at the City of Burien Community Development Department.

Pol. LU 1.5 ~~Burien should strive to e~~Expand ~~its~~Burien's economic base by attracting the types of economic activities ~~which~~ that best meet the needs and desires of the community, while protecting well-established residential areas from encroachment by incompatible non-residential uses.

Pol. LU 1.6 Encourage ~~The City will ensure that infill~~ redevelopment and development of underutilized and vacant land to be ~~is~~ compatible with the envisioned character, scale and design of surrounding development. ~~The City will encourage infill projects when and where the conditions for development are met.~~

Pol. LU 1.7 The city will strive to ensure that basic community values are reflected in the City's land use and decision making processes, while recognizing the rights of individuals to use and develop private property in a manner consistent with City regulations.

Pol. LU 1.9 Deleted ~~The City is aware that under the Growth Management Act the City may not preclude the siting of the third runway if the runway is determined by the courts to be an "essential public facility." The City also notes that the Growth Management Act, the Central Puget Sound Growth Management Hearings Board, the Countywide Planning Policies, the State Environmental Policy Act and other policies, laws and regulations authorize that there be appropriate and reasonable mitigation for communities and elements of the environment adversely impacted by the siting of an essential public facility. Under certain circumstances, permit applications can be conditioned or denied if significant adverse environmental impacts are not mitigated. If the third runway is constructed, significant adverse impacts should be mitigated to the maximum extent allowed by law.~~

Pol. LU 1.11 ~~The City of Burien designates d~~Downtown Burien and ~~its~~ surrounding ~~residential and employment~~ areas ~~as an urban~~ have been designated a regional growth center in accordance with Vision 2040 and the King County Countywide Planning Policies. The boundaries of the ~~urban~~ Urban ~~C~~center are shown on Figure 2-LU1.11 Urban Center Boundary).

~~***Discussion:*** The Countywide Planning Policies support development of Urban Centers to meet the region's needs for housing, jobs services, culture and recreation. An Urban Center is characterized by defined boundaries; a broad array of daytime and nighttime land uses that are transit-supportive; pedestrian emphasis, superior urban design, limitations on single-occupancy vehicles, public open space and recreational opportunities. The Burien Urban Center has these characteristics. The Urban Center designation recognizes existing city policy supportive of compact mixed-use development. The designation will assist the city to obtain funding for transportation improvements necessary to support the planned level of redevelopment.~~

*Note: Puget Sound Regional Council (Vision 2040) uses the term "Regional Growth Center", King County Planning Policies and the City of Burien use the term "Urban Center" (CPP LU-39) to describe the same area.*

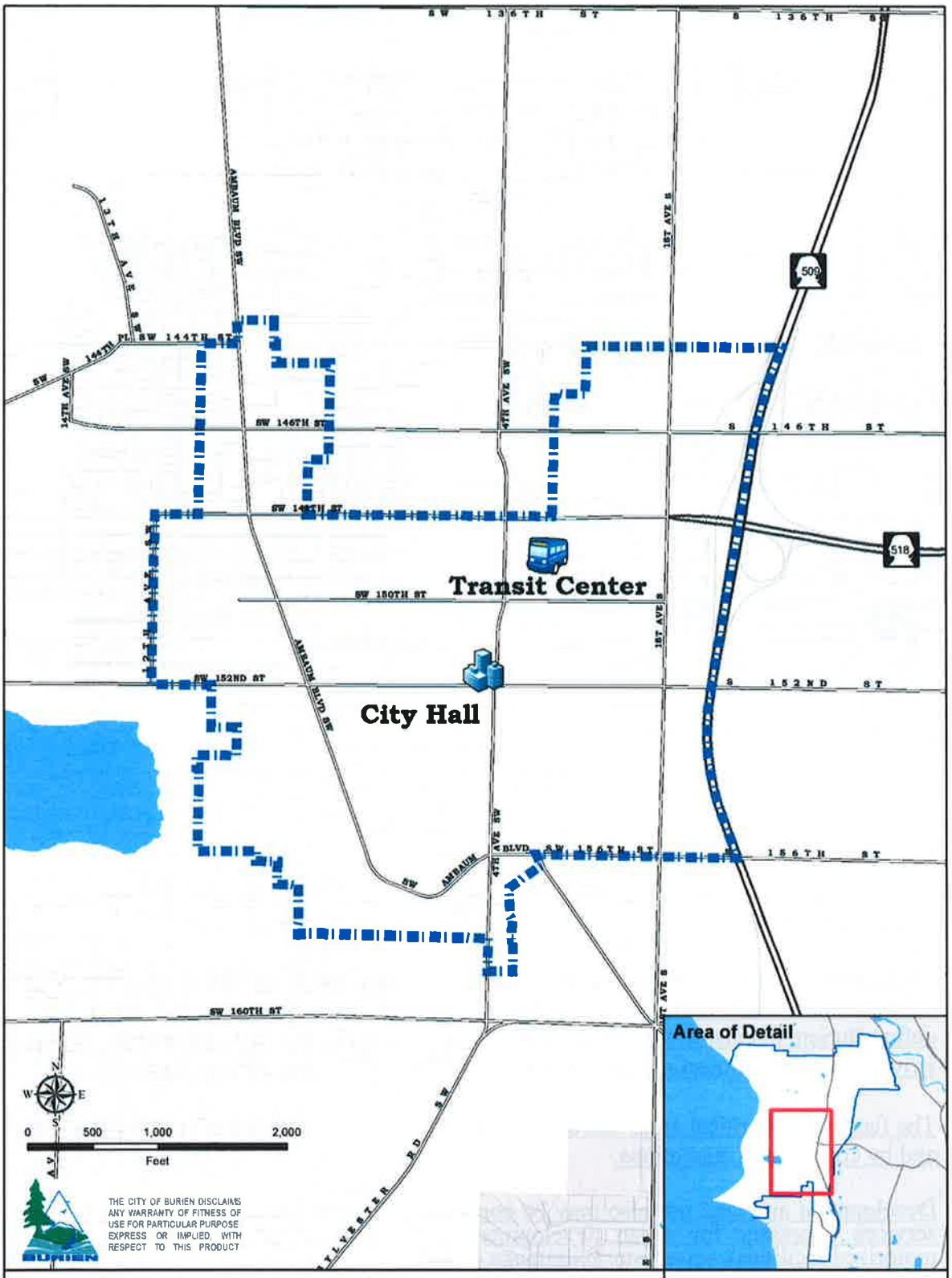


**Figure 2LU-1.11 - Urban Center Boundary** | **December 2012**

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Last updated: 8/21/2012
By: Fernandol

***Goal LU.2***

***Plan for a fair share of regional growth consistent with State and regional goals directing growth to urban areas.***

Pol. LU 2.1 Accommodate growth targets for the planning period ending in 2031as shown in Table 2-LU 2.1 (Countywide Growth Targets 2006 to 2031). Implement appropriate zoning regulations and develop infrastructure to support growth represented by the targets, to the extent that market forces will allow.

## TABLE 2-LU 2.1

### Countywide Growth Targets (2006 to 2031)

| Existing Housing[1] | Housing Target [2] | Housing Capacity[4] |
|---|---|---|
| 13,916 | 4,440 | 4,575 |
| | | |
| **Existing Employment[3]** | **Employment Target[2]** | **Employment Capacity[4]** |
| 11,572 | 4,960 | 7,308 |
| | | |

1-Washington State Office of Financial Management, April 2012, http://www.ofm.wa.gov/pop/april1/default.asp
2-Countywide Planning Policies 9-21-11
3-PSRC 2011 Covered Employment Estimates by Jurisdiction
4-Burien Land Use Capacity Analysis, 2012

**Residential Neighborhoods**

***Goal RE.1***

***Provide a variety of attractive, well-designed housing choices that reinforce the character of the neighborhoods and meet the needs of existing and future City residents.***

***Discussion:*** Burien residents are fortunate to live in a special environment. Five miles of Puget Sound shoreline, steeply wooded slopes, salmon-bearing streams and wetlands help define Burien, but also create potential constraints on land use and development. This plan strives to balance protection of critical areas and the right to use one's property.

The functions of critical areas can be protected through a lower level of residential density and by critical area regulations.

Development and land use also may be constrained by deficiencies in the type or level of services necessary for urban development, such as transportation (streets and non-motorized facilities), sewer, storm drainage or water.

Pol. RE 1.1 Deleted ~~The planned densities in single family neighborhoods should match the land use map.~~

Pol. RE 1.2 The planned densities for single family development should encourage a lower development potential in areas with development constraints.

~~***Discussion:*** Within the City, potential development constraints include, but are not limited to, critical areas, such as areas along the coastline that are susceptible to landslides, areas with wetlands or areas prone to flooding; areas with stormwater drainage problems; exposure to exterior noise levels that exceed an Ldn of 55 dBA; or deficiencies in the type or level of services necessary for urban development, such as transportation facilities (roadway and pedestrian), sewer, or water.~~

Pol. RE 1.3 Any existing single-family lot that was legally subdivided or legally created prior to enactment of subdivision statutes prior to incorporation or annexation shall be considered a legally conforming lot for building purposes, providing the size of the lot was not reduced by more than 50 percent through acquisition for public purposes, and on such lots new homes may be built and existing houses may be expanded and remodeled, provided that applicable setbacks, lot coverage, critical area restrictions, design review requirements (if any), height limits and other applicable regulations in the zoning code are met.

Pol. RE 1.4 When determining buildable lot size for residential development, the area of a lot covered by water (including but not limited to lakes or the Puget Sound) shall not be included in the calculation.

Pol. RE 1.5 The *Low Density Residential Neighborhood* designation will provide for low-density residential development. Development within this designation includes existing neighborhoods that are zoned for four units per acre or less.

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

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

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

2. Relative to other residential areas within the City, the area is characterized by lower intensity development as shown on ~~Map LU-2~~Figure 2LU-2, Planned Land Use Intensity.

3. The land is ~~designated as a potential~~ constrained by landslide hazard areas, ~~steep slope area,~~ or wetlands as shown on the City of Burien's Critical Areas Map.

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

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

***Discussion:*** Portions of the City that contain critical areas are appropriate for a lower level of residential density to protect those critical areas from impact associated with higher density development. Lower density development is appropriate to protect the critical areas and those functions that they serve including but not limited to the natural habitat and promoting the overall public health, safety and welfare. ~~In addition, lower density residential development is often more compatible with high levels of airport-related noise than higher density residential development. For example, currently within the city, the northeastern area is subjected to high levels of airport-related noise, yet maintains good neighborhood quality.~~ Applying lower density development potentials to such areas will help to preserve the existing quality of the neighborhoods and protect critical areas. ~~(Amended, Ord. 445, 2005)~~

Pol. RE 1.6 The *Moderate Density Residential Neighborhood* ~~land use category will provide primarily~~ designation allows single family residential uses ~~in neighborhoods suitable for this type of development, where community improvements and facilities that are normally necessary for development can be provided. Development within this designation includes existing neighborhoods that have been platted at an average of five to~~ at a maximum density of six dwelling units per net acre. Accessory and non-residential uses that are compatible with a moderate density residential area may also be allowed. This designation is implemented by the RS-7,200 zoning category.

~~***Allowed Uses and Description:*** *The Moderate Density Residential Neighborhood* designation allows for single family residential uses, their accessory uses and public and semi-public uses. The maximum residential density shall not exceed six units per net acre.~~

~~To retain the existing character of development in the neighborhoods classified as *Moderate Density Residential Neighborhood,* the City's zoning code will specify appropriate density and dimension standards that include floor area ratios (FARs) in addition to lot coverage, setbacks and height. Development standards for impervious surfaces, streetscapes, sidewalks and stormwater drainage, may vary within each zoning category based on the existing character of the area.~~

~~***Discussion:*** There are specific concerns about increasingly large home sizes within the City's moderate density neighborhoods. The zoning code will need to include measures that adequately restrict homes from becoming massive structures that~~

~~cover almost an entire lot and are out of character with the surrounding residential development.~~

***Designation Criteria:*** Properties designated for Moderate Density Residential Neighborhood uses should generally reflect all of the following criteria:

1. The area is already generally characterized by ~~primarily~~ single-family residential ~~uses~~ development or platting at greater than four units per net acre.

2. The existing ~~or committed~~ and planned public facilities and services are adequate to support ~~residential development at this density.~~ single-family densities greater than four units per net acre.

3. ~~The area does not have significant amounts of critical areas.~~ The area should not be constrained by critical areas. Where critical areas and or buffers do exist, consideration should be given to the health and safety of residents, and potential impacts on the critical area(s) and buffer(s).

4. ~~The area is designated Urban on Figure 2 LU-2 (Application of this designation outside of the area delineated as Urban, shall be limited to five units per acre).~~

Pol. RE 1.7 The *Low ~~and High~~ Density Multifamily Neighborhood* designations ~~should provide for the location of stable and attractive multifamily development near transit, employment, shopping and recreation facilities.~~ allows multiple-family residential uses at a maximum density of 12 units per net acre. Accessory and non-residential uses that are compatible with a low density multi-family area may also be allowed. This designation is implemented by the RM-12 zoning category.

~~Compatibility between these uses and adjacent single family development is provided through the City's design guidelines. Recreation facilities, including a park or open space, is required as an integral part of any multifamily development. Public facilities, especially pedestrian access to activity centers, are a requirement for development. In addition, adequate services and facilities (such as sewer, water and roadway capacity) must be provided concurrent with development before the upper density limit is reached. Developments within these designations include existing multi-family dwellings at an average of 8 to 48 units per acre.~~

~~• *Low Density Multifamily Neighborhood:*~~

~~***Allowed Uses and Description:*** *The Low Density Multifamily Neighborhood* designation permits multiple family housing, accessory uses associated with residences, and public and semi-public uses. Development in these areas may be characterized by single family homes, duplexes, garden style apartments, townhouses, condominiums or apartment buildings. These areas may also function as a transition between business uses and single family residential neighborhoods.~~

~~The maximum density for new multifamily development in these areas shall be 12 units per net acre.~~

***Designation Criteria:*** Properties designated ~~for~~ Low Density Multifamily Neighborhood ~~uses~~ shall reflect all of the following criteria:

1. The area is already primarily characterized by multifamily residential ~~uses~~ development at 8 to 12 units per acre.

2. The area may function as a transition from higher intensity designations such as commercial or multi-family to single-family residential.

3. The area is within 1/8 mile of low intensity commercial service nodes as measured along an arterial as shown on Figure 2LU-3, Commercial Nodes.

4. The area is located within ¼ mile of a transit route with a peak transit frequency of at least every 21-30 minutes.

5. The area should not be constrained by critical areas. Where critical areas and/or buffers do exist, consideration should be given to the health and safety of residents, and potential impacts on the critical area(s) and buffer(s).

6. The area is located adjacent to or has adequate access to an arterial.

Pol. RE 1.8 The *Moderate Density Multifamily Neighborhood* designation allows multiple-family residential uses at a maximum density of 18 to 24 units per net acre. Accessory and non-residential uses that are compatible with a moderate density multi-family area may also be allowed, including offices in a mixed-use development. This designation is implemented by the RM-18 and RM-24 zoning categories.

***Designation Criteria:*** Properties designated *Moderate Density Multifamily Neighborhood* shall reflect all of the following criteria:

1. The area is already primarily characterized by multifamily residential development at 12 to 24 units per acre.

2. The area is within 1/8 mile of any commercial service node (as shown on Figure 2LU-3, Commercial Nodes) or the urban center boundary as measured along an arterial.

3. The area is located within ¼ mile of a transit route with a peak transit frequency of at least every 10-20 minutes.

4. The area does not have ~~significant amounts of~~ critical areas, except critical aquifer recharge areas.

5. The area is located adjacent to or has adequate access to an arterial.

6. The area is served by adequate and/or planned recreational facilities such as athletic fields or playgrounds.

Pol. RE 1.9 The *High Density Multifamily Neighborhood* designation allows multiple-family residential uses at a maximum density of 48 units per net acre. Accessory and non-residential uses that are compatible with a high density multi-family area also may be allowed, including offices in a mixed use development. This designation is implemented by the RM-48 zoning category.

~~• *High Density Multifamily Neighborhood:*~~

~~***Allowed Uses and Description:*** *The High Density Multifamily Neighborhood* designation permits multiple family housing, accessory uses associated with residences, and public and semi-public uses. Development in these areas may be characterized by single family homes, duplexes, garden style apartments, townhouses, condominiums or apartment buildings. Such areas may also function as a transition between higher intensity business uses and lower density multifamily housing and single family residential neighborhoods. The maximum density for new multifamily development in these areas shall be 24 units per net acre.~~

~~There are a number of conditional uses that may be allowed within areas designated for high density multifamily development:~~

~~a. Assisted living units for seniors or disabled persons, subject to a conditional use permit process involving a public hearing. Assisted living units are facilities specifically designed to accommodate seniors or disabled persons who are not able to live independently. Densities greater than 24 units per acre may be allowed when the proposed development is appropriate for the site.~~

~~b. In areas located adjacent to an arterial, well designed office development that fits in with the character of surrounding residential development, subject to an administrative conditional use permit process.~~

***Designation Criteria:*** Properties designated ~~for~~ *High Density Multifamily Neighborhood* ~~uses~~ shall reflect all of the following criteria:

1. The area is already primarily characterized by multifamily residential uses at 18 or more units per acre.

2. The area is within 1/8 mile of moderate and high commercial service nodes (shown on Figure 2LU-3, Commercial Nodes) as measured along an arterial. The designation is also appropriate within the urban center boundary or within 1/8 mile of the urban center boundary as measured along an arterial.

3. The area is located within ¼ mile of a transit route with peak transit frequency of at least every 10-20 minutes.

4. The area does not have ~~significant amounts of~~ critical areas, except critical aquifer recharge areas.

5. The area is located adjacent to or has adequate access to a primary or minor arterial.

6. The area is served by adequate and/or planned recreational facilities such as athletic fields or playgrounds.

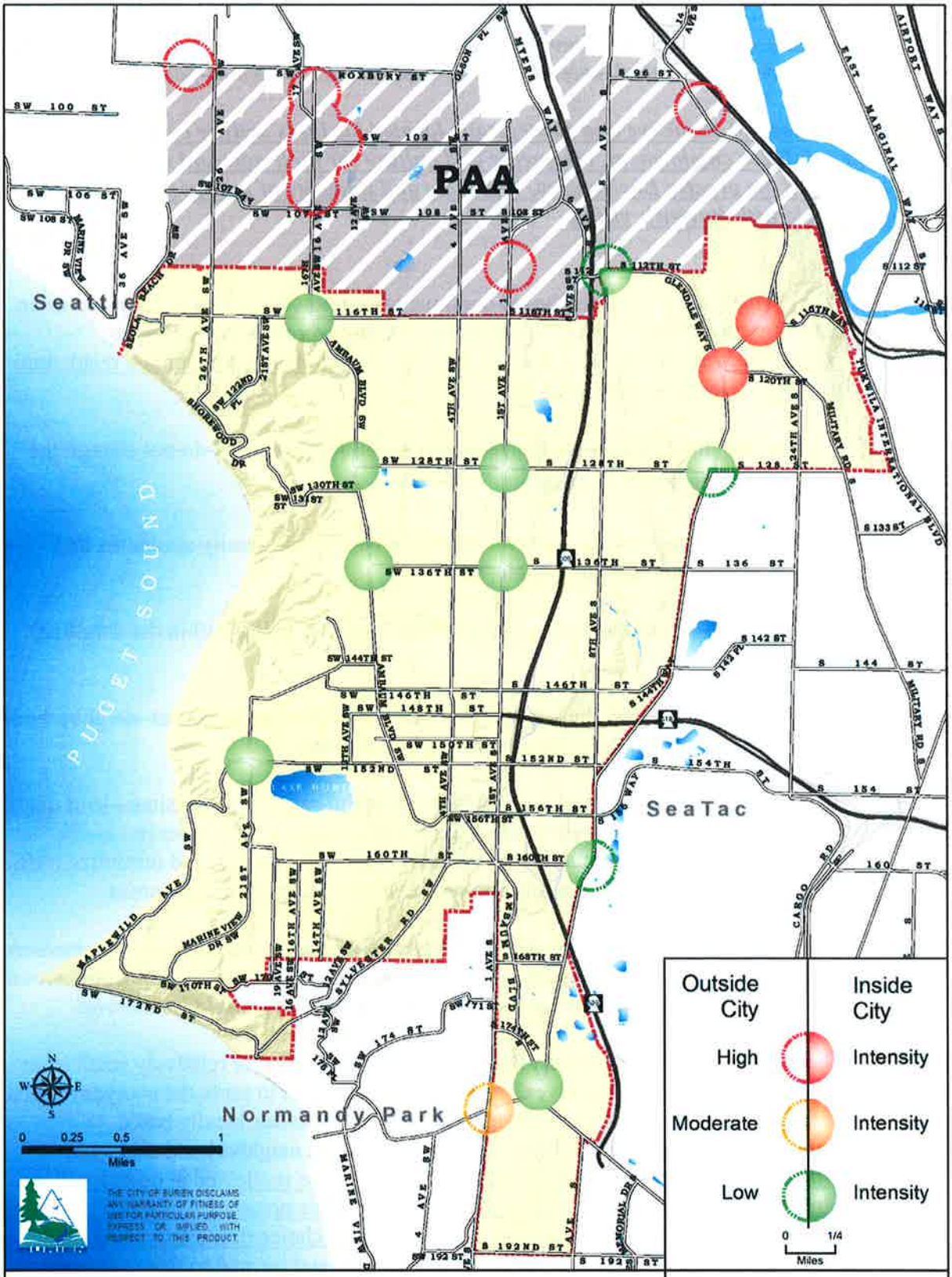


**Figure 2LU-3 - Commercial Nodes** | **December 2012**

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Last updated: 9/5/2012
By: Fernandol

**Business**

**Goal BU.1**

~~***Provide a functional, attractive, and conveniently located mix of uses, including office, retail, commercial, parks and residential uses, that are appropriate in scale, configuration, and location.***~~

***Provide a broad range of attractive and strategically located business activity centers/nodes that serve as focal points for employment, commerce and culture for their adjacent residential neighborhoods and the greater Burien area. The scale and intensity of uses at these locations shall be compatible with Burien's vision.***

Pol. BU 1.1 Allow ~~H~~home occupations ~~should continue to be allowed~~ in residential areas as an accessory use if they ~~comply with standards that ensure compatibility~~ are compatible with adjacent residential uses and do not change the home's residential character. ~~Home occupations:~~

~~a. Shall be incidental to or conducted in a dwelling place, and do not change the home's residential character;~~

~~b. Should have a level of activity compatible with single family structures and residential neighborhood goals; and~~

~~c. Should be conducted by a member of the family residing within the dwelling place.~~

~~Greater flexibility may be appropriate for home occupations near neighborhood borders as a transition to more intensive adjacent uses.~~.

Pol. BU 1.2 ~~Through the development of integrated commercial centers, the business land use categories are intended to p~~Provide areas for businesses ~~uses~~ that serve neighborhoods, the community and the ~~traveling public~~ region, and minimize traffic congestion, visual, and other impacts on the surrounding residential areas.

~~***Discussion:*** The Land use plan establishes five categories to serve the business needs of Burien and the region – *Neighborhood Centers, Intersection Commercial, Downtown Commercial, Community Commercial and Regional Commercial.*~~

Pol. BU 1.3 The *Neighborhood Center* ~~classification~~ designation allows for relatively small areas that provide limited scale convenience goods and services to serve the everyday needs of the surrounding single family neighborhoods or to provide locally based employment opportunities, while protecting the desired neighborhood character. Mixed use development up to 12 dwelling units per acre is allowed at these locations. Mixed use developments contain a commercial or office presence while also providing opportunities for people to live near services and/or a choice of transportation modes. These neighborhood focal points should be designed and located so that customers and employees are encouraged to walk rather than drive to these areas.

This Comprehensive Plan land use designation is implemented by the Neighborhood Center zoning designation.

~~***Allowed Uses and Description:*** The type and scale of uses in these areas must be consistent with the road and utility capacity and compatible with neighborhood character. Limited retail stores, services and professional offices that serve the immediate neighborhood as well as other markets or service areas are allowed. Uses that sell gasoline or diesel fuels are not allowed.~~

~~Within this designation, mixed-use developments that include residential uses on the second floor may be allowed as a conditional use (excluding the area designated for neighborhood center uses in Three Tree Point). Stand-alone multifamily residential structures are not an intended use in these areas, except to accommodate existing structures. Residential densities in mixed-use developments should not exceed 12 units per acre, and retail or commercial uses are required on the first floor.~~

~~The design of these areas, including the size, location and design of parking lots, shall be strictly regulated to ensure compatibility with the surrounding neighborhood. Hours of operation should be regulated and vary with the type and intensity of neighborhood in which it is located. Development within this designation shall include design features to encourage pedestrian and transit access, such as shared parking and siting the buildings near the sidewalks.~~

***Designation Criteria:*** Properties designated for *Neighborhood Center* uses should ~~generally~~ reflect all of the following criteria:

1. ~~The area must be adjacent to neighborhoods, of limited extent, and currently developed or partially developed as business, service or commercial uses.~~
2. ~~The area should have existing or planned pedestrian or other non-motorized connections to the adjacent neighborhood.~~
3. ~~The existing or planned public facilities should be adequate to support small-scale commercial development.~~
4. ~~The area should be located on an arterial, so that physical access does not result in adverse impacts on adjacent and nearby local access streets.~~
5. ~~The area is served or will be served by transit.~~

1. Areas are located at low intensity commercial nodes (shown on Figure 2LU-3, Commercial Nodes) adjacent to residential neighborhood(s).

2. Adjacent residential designations shall predominately be Moderate Density Residential.

3. Areas shall be located on an identified general bikeway.

4. Areas are located within 1/8 mile of a transit route with a peak transit frequency of at least 21-30 minutes.

5. The area does not have critical areas, except aquifer recharge areas.

6. Areas are located adjacent to or have direct access to an arterial.

7. The area is located in sections of the city that have or are planned to have pedestrian or other non-motorized connections.

Pol. BU 1.4 The *Intersection Commercial* ~~category provides~~ designation allows for a variety of commercial uses of low to moderate density or intensity, located at major roadway intersections in close proximity to higher density uses, such as multifamily developments. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the adjacent comprehensive plan land use designations. Customers are anticipated to either drive or walk to these establishments.

This Comprehensive Plan land use designation is implemented by the Intersection Commercial zoning designation.

~~***Allowed Uses and Description:*** *Intersection Commercial* land uses serve multiple residential areas, with a diverse mix of uses. These uses will typically be grouped around a shared parking facility, with primary access on an arterial. Uses include commercial, retail, services, professional offices, recreation and community facilities. The edges of these areas need to be well defined to contain development and limit encroachment into single family areas.~~

***Designation Criteria:*** Properties designated for *Intersection Commercial* uses should reflect the following criteria:

~~1. The intersection of two arterials should be the preferred location for the designation.~~
~~2. The design and capacity of the intersection are able to support the planned uses.~~
~~3. The existing or planned public facilities are adequate to support the proposed development.~~
~~4. The area is served or planned to be served by transit.~~

1. Areas are located within 1/8 mile of Multi-Family Neighborhood or Neighborhood Center land use designations as measured along an arterial. Generally the designation is located outside of the urban center boundary and at low intensity commercial nodes (shown on Figure 2LU-3, Commercial Nodes).

2. Areas shall be located at or within 1/8th mile of the intersection of arterials.

3. Areas are located within 1/8 mile of a transit route with a peak transit frequency of at least 21-30 minutes.

4. The area does not have critical areas, except critical aquifer recharge areas.

5. Areas are located adjacent to or have adequate access to a primary or minor arterial.

Pol. BU 1.5 The *Downtown Commercial* ~~land use~~ designation fosters a vibrant, compact, pedestrian oriented area by allowing high density residential development, office, retail and commercial uses, government activities, and restaurants, entertainment and cultural uses. Mixed use developments are encouraged, including well-designed townhouses and condominiums, providing a convenient living environment and making the downtown a community focal point and center, as well as a lively place in the evening and on weekends. Residential densities are limited only by physical constraints such as height, bulk, parking and infrastructure capacities. Moderate to high rise buildings, pedestrian amenities and facilities that help define downtown Burien's distinctive qualities are encouraged.

This Comprehensive Plan land use designation is implemented by the Downtown Commercial zoning designation.

***Designation Criteria:*** Properties with the Downtown Commercial land use designation should reflect the following criteria. ~~are appropriate for land within the area labeled "downtown area" as shown in Fig. 2-SE1.~~

1. The area is located within the urban center boundary (Figure 2LU-1.1, Urban Center Boundary).

2. The area is located within 1/8 mile of a transit route with a peak transit frequency of at least every 10 minutes.

3. The area does not contain critical areas.

4. The area is located adjacent to or has adequate access to an arterial.

Pol. BU 1.7 The *Community Commercial* ~~land use~~ designation recognizes the business orientation of some of the principal arterials ~~that are in close proximity to the downtown area~~, including Ambaum Boulevard Southwest, Boulevard Park and the Five Corners area. The designation ~~and is intended to provide for~~ allows moderate intensity commercial uses that serve the community. Customers would likely access these establishments by automobile or by transit. The range of allowed uses includes moderate intensity retail activities, professional offices, restaurants, entertainment, and services. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the intensity of adjacent comprehensive plan land use designations. Business uses should be located on the ground floor.

This Comprehensive Plan land use designation is implemented by the Community Commercial 1 and Community Commercial 2 zoning designations.

~~***Allowed Uses and Description:*** The *Community Commercial* land use designation provides for moderate intensity retail activities, professional offices, restaurants, entertainment, and services.~~

***Designation Criteria:*** Properties designated for Community Commercial uses should reflect the following criteria:

~~1. The area is located on a principal arterial in close proximity to the downtown core.~~
~~2. The existing or planned public facilities are adequate to support small to moderate scale commercial development.~~
~~3. The area is served or planned to be served by transit.~~

1. Areas are located within 1/8 mile of the center of moderate and high commercial service nodes (see Figure 2LU-3, Commercial Nodes) as measured along an arterial or within the urban center boundary.

2. Areas are generally adjacent to multi-family residential and other commercial land use designations.

3. Areas have direct access to an Auto/Truck Priority Route.

4. Areas are located within 1/8 mile of a transit route with a peak transit frequency of at least 10-20 minutes.

5. The area does not have geologically hazardous areas.

6. Areas are located adjacent to or have adequate access to an arterial.

Pol. BU 1.8 The *Regional Commercial* ~~land use category~~ designation allows ~~is intended to provide for~~ larger scaled commercial uses that serve the community, the region, and the traveling public. These uses are typically land extensive, and are not well-suited to being located downtown. This classification is currently found along 1st Avenue South and provides locations for retail uses that require large sites, automobile sales and services, restaurants and services for travelers.~~accommodates many of the existing larger chain stores and car dealerships~~. Multifamily development in these areas may only be approved as part of a mixed use development with a maximum of 24 units per acre. Business uses should be located on the ground floor and minimum gross floor area standards for floor area devoted to business uses shall be established to maintain a predominate commercial presence.

This Comprehensive Plan land use designation is implemented by the Regional Commercial zoning designation.

~~***Allowed Uses and Description:*** The Regional Commercial land use category provides for retail uses that require large sites, bulk or large box retail uses, automobile sales and services, wholesale uses, restaurants, and retail and services for travelers.~~

***Designation Criteria:*** Properties designated for Regional Commercial uses should reflect the following criteria:

~~1. The area is located along a principal arterial with adequate roadway capacity and easy access to highways.~~
~~2. The area does not result in the creation or extension of a commercial strip.~~
~~3. The area should not economically compete with or detract from the downtown businesses.~~

1. Areas have direct access to an auto/truck priority route.

2. Areas are located within 1/8 mile of a transit route with a peak midday transit frequency of at least 10-20 minutes.

3. Areas are not constrained by geologically hazardous areas.

4. Areas are adjacent to 1st Avenue South and within ½ mile of the urban center boundary (Figure 2LU-1.1, Urban Center Boundary).

Pol. BU 1.9 The *Professional Residential* designation provides flexibility by allowing both single-family homes and small businesses in an area near but not directly under SeaTac International Airport's third runway.

***Allowed Uses and Description:*** The *Professional Residential* designation allows moderate density residential, small office, small scale retail, art studios, and other similar uses that would be compatible with single-family homes.

Further discussion of the Professional Residential designation can be found in the Final Supplemental Environmental Impact Statement for the Northeast Redevelopment Area dated November 2009.

***Implementation:*** Properties designated *Professional Residential* will be implemented by the PR zone.

***Designation Criteria:*** Properties designated *Professional Residential* shall be located within the Northeast Redevelopment Area and shall be subject to a special study/Supplemental Environmental Impact Statement supporting the designation as outlined in Pol. IN 2.1.

**Office Uses**

**Goal OF.1**

***Provide areas where low to moderate density office development can be concentrated, and where impacts of this use on the surrounding residential neighborhoods can be minimized.***

Pol. OF 1.1 The *Office* ~~land use~~ designation should recognize existing office uses and encourage ~~the expansion of~~ office uses in appropriate areas, based on the criteria below.

~~***Allowed Uses and Description:***~~ The *Office* land use category allows low to moderate density office, medical and medical-related uses, research and development, day care centers, eating and drinking establishment, personal and professional services, and public and semi-public uses. Mixed use development, combining office, retail, commercial and residential uses is also permitted. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the adjacent comprehensive plan land use designations.

This Comprehensive Plan land use designation is implemented by the Office zoning designation.

***Designation Criteria:*** Properties designated for *Office* use should ~~must generally~~ reflect the following criteria:

1. ~~The area should be located on or near arterials with adequate vehicular capacity.~~
2. ~~The area should be located along the edges of residential areas and not penetrate them~~.

1. Areas should be located along the edges of residential areas and may expand into non-residential areas.

2. Areas must be located within ¼ mile of a moderate or high intensity commercial node (see Figure 2LU-3, Commercial Nodes).

3. Areas may serve as a transition from High Density and Moderate Residential Multi-Family Neighborhoods and/or commercial designations to Low and Moderate Density Residential neighborhoods.

4. Areas are located within 1/8 mile of a transit route with a peak midday transit frequency of at least 21-30 minutes.

5. The area should not be constrained by critical areas. Where critical areas and/or buffers do exist, consideration should be given to the health and safety of residents, and potential impacts on the critical area(s) and buffer(s).

6. Areas should have direct access to an arterial.

## Industrial & Manufacturing Uses

**Goal IN.~~2~~ 1** ~~***Provide opportunities for the development of attractive Business Park, Warehouse, Manufacturing and Airport-Related uses in the northeast part of the City where impacts on the surrounding environment can be minimized.***~~

***Provide areas ~~in the southeast part of the city~~ where industrial activities can be concentrated ~~and~~ in a manner where traffic congestion, visual and other impacts on the surrounding environment can be minimized.***

Pol. IN ~~1.2~~ 1.1 The *Industrial* designation provides areas for ~~Existing industrial land uses, including~~ heavy~~ier~~ commercial uses or the processing, manufacturing or storage of non-objectionable products not involving processes or machinery likely to cause undesirable effects upon nearby residential or commercial property. ~~, is appropriate for the Industrial land use designation.~~ The processing or storage of hazardous materials shall be strictly controlled and permitted in accordance with state and federal law.

***Allowed Uses and Description:*** This land use designation includes manufacturing, high technology manufacturing, research and development, industrial uses, processing and essential public facilities. Area activities may include outside storage, processing, manufacturing, or heavy vehicle repair and storage. Developments are encouraged to be grouped together and designed in a manner reflective of an Industrial Park.

~~***Character:*** Uses in the Southeast Industrial designation may include a wide variety of industrial and commercial uses in a less managed environment than the Northeast Special Planning Area or Special Planning Area 4. Area activities may include outside storage, processing, manufacturing, or heavy vehicles repair and storage. Developments are encouraged to be grouped together and designed in a manner reflective of an Industrial Park.~~

***Designation Criteria:*** Properties designated ~~in the southeast for industrial type uses~~ *Industrial* should meet the following criteria:

1. ~~The area must be a minimum of 2 acres in size, although smaller lots may be aggregated to meet this requirement.~~

2. The area is characterized by industrial or heavy commercial development or is adjacent to ~~or designated for~~ industrial uses.

3. ~~The area shall be located near major transportation corridors to facilitate the transportation of goods and minimize the interference with local traffic~~ The area has direct access to an auto/truck priority route.

4. ~~The area does not include significant amounts of environmentally critical areas.~~ The area should be free of or able to appropriately accommodate environmentally critical areas.

5. ~~The existing or planned public facilities are adequate to support these types of industrial uses.~~

Pol. IN ~~1.3~~ 1.2 Vegetative Buffers. Uses in the ~~Southeast~~ Industrial and Airport Industrial areas ~~and Northeast Special Planning Area~~ shall provide vegetative buffers to screen development from adjacent non-business properties and from adjacent roadways.

Pol. IN ~~1.4~~ 1.3 Performance Standards. Performance standards for uses in the ~~Southeast~~ Industrial and Airport Industrial areas ~~and Northeast Special Planning Area~~ will ensure that:

a. The scale and design of these uses is compatible with surrounding neighborhoods;

b. Lighting from these uses will not interfere or conflict with adjacent non-industrial properties;

c. Signage will be controlled and limited to informational types;

d. Curb cuts should be minimized and sharing of access encouraged; and

e. Adequate and safe motorized and non-motorized access to the site is provided, and transportation and circulation impacts, especially on residential areas, will be mitigated.

**Goal ~~IN.1~~ IN.2**

***Provide ~~opportunities~~ areas for the development of attractive Business Park, Warehouse, Manufacturing and Airport-Related uses in the ~~north~~east part of the City where impacts on the surrounding environment can be minimized.***

Pol. IN ~~1.1~~ 2.1 ~~***Discussion:*** In 2003, the City Council implemented this policy in the southern portion of the Northeast Special Planning Area (south of So. 138th Street) by creating a new underlying land use designation, Special Planning Area 4 (see Map LU-1 and Pol. SE 1.5). Policies IN 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 do not apply to Special Planning Area 4, but continue to apply in the rest of the Northeast Special Planning Area (north of So. 138th Street).~~

The Northeast ~~Special Planning~~ Redevelopment Area (NERA) identified on Map LU-1 is an overlay land use designation that recognizes a potential opportunity for economic development in the ~~north~~eastern part of the City, in areas affected by aircraft noise from SeaTac International Airport. Development of uses in the ~~Northeast Special Planning Area~~ NERA should be low scale, landscaped, ~~and~~ buffered, and be clustered together and sited so that they have internal circulation, minimizing the

number of access points to Des Moines Memorial Drive ~~have access to Des Moines Memorial Drive. , meet the designation criteria under this policy and meet the performance criteria set forth in policies IN 1.3 and 1.4.~~ Sites should be designed and located in a way that minimizes traffic, congestion, visual, noise or other impacts on adjacent residential uses or environmentally critical areas.

***Discussion:*** In 2009, the City and Port of Seattle collaborated on a Supplemental Environmental Impact Statement (SEIS) and Redevelopment Plan for the Northeast Redevelopment Area. This led to a series of Comprehensive Plan text and map amendments as well as Zoning Code and Zoning Map amendments related to approximately 158 acres of the NERA. These 158 acres were re-designated and rezoned into two Airport Industrial designations and a Professional Residential designation. Development within this portion of the NERA is subject to the SEIS and Redevelopment Plan. The City subsequently adopted a SEPA Planned Action Ordinance to help facilitate redevelopment in the area.

***Allowed Uses and Description:*** Business Park, Warehouse, Manufacturing uses ~~are~~ include storage ~~within a building~~, production, light industrial, processing and distribution-related businesses inside buildings with only limited storage and related activities occurring outside. Uses only have minimal environmental and land use impacts. ~~Since the area is in close proximity to SeaTac International Airport,~~ T~~t~~he uses in this classification ~~could~~ should be airport-oriented due to its close proximity to SeaTac International Airport. In addition, studio space for artists is also encouraged as a part of these developments, to the extent allowed by FAA restrictions.

~~***Character:*** Uses in the Northeast Special Planning Area 4 should be contained entirely within a structure. Only limited outside storage, or other external activity is appropriate. Developments should be clustered together and sited so that they have internal circulation, minimizing the number of access points to Des Moines Memorial Drive. Sites should be designed and located in a way that minimizes traffic, congestion, visual, noise or other impacts on adjacent residential uses or environmentally critical areas.~~

***Designation Criteria:*** Properties designated ~~for the~~ as Northeast ~~Special Planning~~ Redevelopment Area ~~shall~~should reflect the following criteria:

1. The area should be ~~is located in the northeast corner of Burien~~ adjacent to the Northeast Redevelopment Area as shown on Figure 2-SE1, Special Planning Areas, and is currently or anticipated to be subjected to high levels of noise from airport-related activities, and therefore, less suitable for residential development.

2. ~~The area must be a minimum of 2 acres in size, although smaller lots may be aggregated to meet this requirement.~~

3. The area shall be located near major transportation corridors with adequate highway access.

4. The area should be free of or able to appropriately accommodate ~~significant amounts of~~ environmentally critical areas.

~~5. The existing or planned public facilities are or will be adequate to support the level and intensity of proposed development.~~

~~***Implementation***~~ **Northeast ~~Special Planning~~ Redevelopment Area~~—Special Area Plan~~**
~~***Discussion:*** Land in the Northeast Special Planning Area shown on Map LU-1 may not be ready for conversion from existing residential uses. Preparation of a Special Area Plan or sub-area plan will help ensure that the Northeast Special Planning Area is re-developed in a coordinated manner.~~

Pol. IN ~~1.5~~ 2.2 Prior to considering redesignation of land within ~~Special Planning Area 4~~ the NERA north of South 138th Street as shown on Map LU-1, Comprehensive Plan Map, a Special Area Plan in the form of an addendum or revision to the existing Redevelopment Plan and SEIS shall be prepared. Until completion of a Special Area Plan ~~(or related sub-area plan)~~, this area shall continue to be regulated under the provisions of the underlying land use designation as shown on Map LU-1, Comprehensive Plan Map and zoning as shown on the City's Zoning Map.

~~This Special Area Plan, should be in the form of an integrated Growth Management Act/State Environmental Policy Act integrated plan in order to provide advance environmental review and approval of specific development opportunities or plans~~. The Special Area Plan shall consider at a minimum, the following items:

a. The appropriateness and feasibility of non-residential uses in this area;

b. ~~and w~~Which areas should be converted to ~~the Special Planning Area 4~~ Airport Industrial, Professional Residential and/or other designations that will achieve the objective of Pol. IN 2.1;

c. ~~For those areas appropriate for conversion, the Plan shall address h~~How such areas may be transitioned from existing residential uses;

d. ~~and h~~How development will be supported by adequate facilities;

~~e. The Plan and resulting development regulations should address m~~Minimum parcel size for development to avoid piecemeal conversion of residential land uses. ~~The Special Planning Area may be included in one Special Area Plan or be divided into a number of smaller Special Area Plans particular to individual development plans prepared over time.~~

***Discussion:*** Land in the Northeast ~~Special Planning~~ Redevelopment Area shown on Map LU-1, Comprehensive Plan Map, may not be ready for conversion from existing residential uses. Preparation of a Special Area Plan ~~or sub-area plan~~ will help ensure that the ~~Northeast Special Planning A~~area is re-developed in a coordinated manner.

Pol. IN 2.3 The *Airport Industrial* designations facilitate economic development and provide flexibility for airport-compatible uses in a campus-like setting with internal circulation to minimize the number of access points to Des Moines Memorial Drive.

***Allowed Uses and Description:*** The *Airport Industrial with Automall/Commercial Retail* designation allows flex-tech, professional office, light manufacturing, production, processing and distribution-related businesses, warehousing, utilities, retail, and new car auto sales developed in an auto center configuration. New residential uses are not allowed.

The *Airport Industrial* designation allows flex-tech, professional office, light manufacturing, production, processing and distribution-related businesses, warehousing, and utilities. Retail is allowed as an accessory use. New residential uses are not allowed.

Further discussion of the Airport Industrial designations can be found in the Final Supplemental Environmental Impact Statement for the Northeast Redevelopment Area dated November 2009.

***Implementation:*** Properties designated *Airport Industrial with Automall/Commercial Retail* will be implemented by the AI-1 zone. Properties designated *Airport Industrial* will be implemented by the AI-2 zone.

***Designation Criteria:*** Properties designated *Airport Industrial* shall be located within the Northeast Redevelopment Area and shall be subject to a special study/Supplemental Environmental Impact Statement supporting the designation as outlined in Pol. IN 2.1.

## Parks, Schools, Recreation and Open Space

### Goal PO.1

***Provide areas for Parks, Schools, Recreation and Open Space land uses ~~areas within the City that are devoted to these types of uses,~~ and recognize their contribution to the overall quality of life in Burien.***

Pol. PO 1.1 The *Parks/Schools/Recreation/Open Space* ~~area~~ designation should reflect existing or planned areas for public recreational facilities, such as community centers, parks, trails, open space areas and public schools. This classification also encompasses significant quasi-public facilities, such as private schools, that are not intended for unrestricted public use but provide limited public access to the community.

***Allowed Uses and Description:*** ~~This~~ The *Parks/Schools/Recreation/Open Space* designation allows for public parks, public or quasi-public facilities, recreation, and public open space areas.

***Designation Criteria:*** Properties designated ~~as parks, schools, recreation or open space~~ *Parks/Schools/Recreation/Open Space* ~~should~~ shall ~~generally~~ reflect one of the following criteria:

1. The area is a public park or recreation facility.

2. The area is a quasi-public facility that has limited access park, recreation or open space areas.

3. The area is a public designated open space.

4. The area is identified for acquisition as a public park or a public open space.

5. The area or facility is or may be appropriate for multiple or shared uses, such as a stormwater facility or a public or private school with a play area that could also serve as a passive or active park or open space.

**Special Planning Areas**

**Goal SE.1**

***When appropriate, designate Special Planning Areas to provide the City with the ability to support, encourage and achieve the community vision for specific areas of the city ~~downtown~~. These areas have distinctive ~~geographic~~ characteristics that the City's existing land use designations cannot adequately address.***

**Discussion:** Special Planning Areas are used as a planning tool to create policies, regulations and criteria for development within defined geographic areas of the City that have special characteristics. These characteristics could include special design elements, gateways, large-lot public or semi-public facilities, or master-planned areas. A Special Planning Area can be established when the City's traditional Plan designations and zoning regulations are inadequate to address the development of an area. Within Special Planning Areas, special regulations are designed to ensure that development supports and achieves the desired character and stated goals and policies for the area. Special Planning Areas within the City of Burien are identified in Figure 2-SE1, Special Planning Areas.

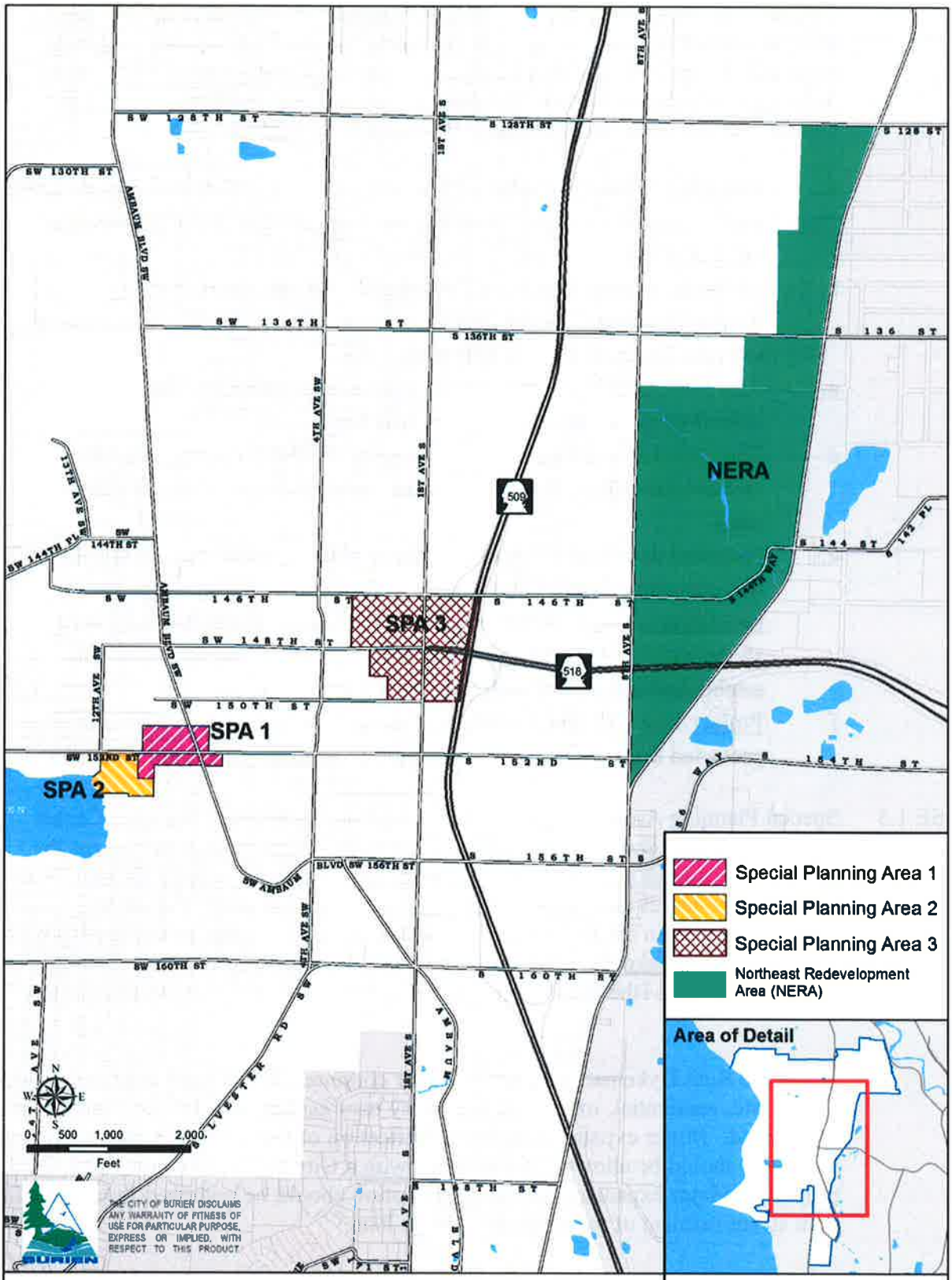


**Figure 2-SE1 - Special Planning Areas** | **December 2012**

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Last updated: 8/21/2012
By: Fernandol

Pol. SE 1.2 Special Planning Area 1 at the southwest entrance of downtown includes an area centered around SW 152nd Street between 8th Avenue SW and the Ruth Dykeman Center, is the area known as "Old Burien." ~~the City should strive to help achieve the following objectives through administering Special Planning Area 1 design standards recognizing~~ The Special Planning Area designation recognizes the area's pedestrian orientation, historic and design character, and location as a gateway to and from downtown. Within Special Planning Area 1 the City should:

a. ~~The City should s~~Strengthen, preserve and enhance Old Burien as an active and economically viable place to shop, visit, conduct business and enjoy cultural events;

b. ~~The pedestrian orientation will be e~~Enhance~~d~~ and maintain~~ed~~ the area's pedestrian orientation and design character in a manner that is consistent with the City's design ~~guidelines~~standards;

~~c. Any construction, improvements or demolition of structures should be subject to special design review by the City;~~

~~d. The City shall administer adopted design standards perpetuating the architecture within Old Burien for commercial, business and residential uses;~~

e. ~~Proposed developments should comply with the stated goals and policies for this area and enhance the character of the area. A~~ Maintain the strong pedestrian connection between Old Burien and ~~the pedestrian oriented shopping area along SW 152nd east of Ambaum Blvd. SW should be established and maintained~~Downtown Burien; and,

f. Protect ~~T~~the residential neighborhood west of 10th Avenue SW ~~should be protected~~ from the potential expansion of retail uses west of Old Burien.

Pol. SE 1.3 Special Planning Area 2 includes the existing Ruth Dykeman Children's Center facilities on Lake Burien. The Special Planning Area designation recognizes the unique use, campus and location of the Ruth Dykeman's Children's Center. While the City encourages and supports the continued operation of the Center, any proposed change in use in the future should be reviewed to ensure that wetlands and water quality of Lake Burien are fully protected and ~~aPublic access to the water is prohibited: and b. T~~the development supports the historical link with Old Burien.

While the Ruth Dykeman Children's Center continues to operate a children's center on the site, residential, office and accessory uses associated with the center should be allowed. Minor expansion and/or modification of the children's center uses and structures should be allowed, if consistent with a City-approved Master Plan for the property. Major expansion and/or modification should be reviewed in conjunction with an amendment of the approved Master Plan.

Pol. SE 1.4 Special Planning Area 3 includes the eastern entrance into downtown near the vicinity of 1st Avenue South and SW 148th Street on the north and SW 150th Street on the south. This area is also referred to as the gateway ~~area~~. The Special Planning Area 3 designation ~~3 should develop~~ recognizes that the gateway area should be ~~as~~ a quality environment that identifies a primary entrance to the City and downtown from major transportation corridors. Developments and improvements in the area (including land within the SR-509 and SR-518 rights-of-way) should be consistent with the December, 1998 "Burien Gateway Design Report", which is adopted as part of this Plan by reference. Within ~~this~~ Special Planning Area 3 the City should:

a. Encourage ~~the type of~~ well-designed, quality development that reinforces a positive image for the City and the adjacent downtown area, and promotes economic development; and

b. Support and encourage site design, building design and landscaping that promotes pedestrian activity and establishes a strong pedestrian connection between ~~the~~ Special Planning Area 3 and the downtown; and

c. Support and encourage the development of quality designed hotels with conference facilities and associated retail.

Pol. SE 1.5 Deleted ~~The Northeast Redevelopment Area (NERA) is an approximately 158 acre area located in the northeastern part of Burien that has been affected by SeaTac International Airport operations (see Figure 2-SE1). The NERA provides near and long-term opportunities for economic development.~~

~~**Allowed Uses and Description:** The NERA has been divided into two land use designations: Airport Industrial (AI) and Professional Residential (PR).~~

~~*Airport Industrial*: The purpose of this designation is to facilitate economic development and provide flexibility for airport-compatible uses in a campus-like setting with internal circulation to minimize the number of access points to Des Moines Memorial Drive. Allowed uses include, but are not limited to flex-tech, professional offices, light manufacturing, production, processing and distribution-related businesses; warehousing, utilities, retail, and new car auto sales developed in an auto mall configuration in designated locations. New residential uses are not allowed.~~

~~*Professional Residential*: The purpose of this designation is to provide flexibility by allowing both single-family homes and small businesses in an area near but not directly under SeaTac International Airport's third runway. Allowed uses include, but are not limited to moderate density residential, small office, small scale retail, art studios, and other similar uses that would be compatible with single-family homes. (Amended, Ord. 528, 2009)~~

Pol. IN 1.5 Deleted ~~Prior to considering redesignation of land within the Northeast Special Planning Area to Special Planning Area 4, a Special Area Plan shall be prepared.~~

~~This Special Area Plan should be in the form of an integrated Growth Management Act/State Environmental Policy Act integrated plan in order to provide advance environmental review and approval of specific development opportunities or plans. The Special Area Plan shall consider the appropriateness and feasibility of non-residential uses in this area and which areas should be converted to the Special Planning Area 4 designations. For those areas appropriate for conversion, the Plan shall address how such areas may be transitioned from existing residential uses, and how development will be supported by adequate facilities. The Plan and resulting development regulations should address minimum parcel size for development to avoid piecemeal conversion of residential land uses. The Special Planning Area may be included in one Special Area Plan or be divided into a number of smaller Special Area Plans particular to individual development plans prepared over time.~~

~~Until completion of a Special Area Plan (or related sub-area plan), this area shall continue to be regulated under the provisions of the underlying land use designation as shown on Map LU-1 and zoning as shown on the City's Zoning Map.~~

**~~Phasing of Uses and Densities~~**

**~~Goal PH.1~~**

***Deleted ~~To allow for the orderly phasing of current uses and densities to desired future uses and densities.~~***

~~Pol. PH 1.1 Where appropriate, the City will encourage and support the use by individual property owners of alternatives to development. Such alternatives may include transfer of development rights ("TDR") to the downtown and other appropriate areas, conservation easements, open space tracts, and other mechanisms designed to permanently eliminate development. In cases where individual neighborhoods have reduced the development capacity through the use of covenants, the City will support the conversion of those covenants to conservation easements or other suitable mechanisms. Each time a development right is exercised in this or a like manner the development potential of the area will be commensurately reduced. The City will implement administrative programs designed to educate and facilitate the use of these mechanisms and present these programs to the neighborhoods during the neighborhood planning process.~~

## Natural Environment

### Goal EV.1

***Preserve and enhance critical areas in order to protect public health, safety, and welfare, and to maintain the integrity of the natural environment.***

Pol. EV 1.1 The City of Burien's Critical Areas Map shall be used as a reference for identifying the City's critical areas. Other unmapped critical areas do exist throughout the city.

Any site containing critical areas are subject to the special development regulations and conditions found in the City's Critical Areas Ordinance.

Pol. EV 1.2 Development should be directed toward areas where their adverse impacts on critical areas can be minimized.

Pol. EV 1.3 Attempt to avoid impacts to critical areas where feasible, before considering minimizing impacts or providing mitigation.

Pol. EV ~~1.3~~ 1.4 The City shall maintain a system of development regulations and a permitting system to prevent the destruction of critical areas. Development regulations should at a minimum address wetland protection, aquifer recharge areas important for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

Pol. EV ~~1.4~~ 1.5 The City shall require permit review approval before any activity or construction is allowed to occur in, adjacent to, or impact a critical area.

~~***Discussion:*** A permit is required because critical areas are susceptible to degradation from incompatible uses or activities including, improper clearing, grading, filling, refuse dumping, and construction.~~.

Pol. EV ~~1.5~~ 1.6 If no feasible alternative exists, a limited amount of development may occur on wetlands and floodplains, however development shall not result in a net loss of associated natural functions and values of those systems. In these instances, a broad range of site planning techniques should be explored to minimize impacts on these critical areas. (Amended, Ord. 497, 2008)

~~***Discussion:*** Clustering and appropriately designed housing types can allow for a more environmentally sensitive site plan by concentrating development on the most buildable portion of a site while preserving natural drainage, wetlands and other natural features. Greater attention to site design, including the use of buffers, can enhance aesthetic appeal, neighborhood compatibility, and resource protection.~~

Pol. EV ~~1.6~~ 1.7 Clustering of housing units may be allowed on lots designated for residential development that contains steep slopes and are located adjacent to an urban environment.

~~***Discussion:*** This policy is intended to allow a more gradual transition from the urban environments (containing multifamily and commercial development) along Ambaum Boulevard eastward to the steep sloped areas designated for lower density single family residential development that are adjacent to Salmon Creek Ravine and Seahurst Park. This policy would allow a property owner to use the full development potential of the lot by concentrating development on the buildable portion of the lot, while protecting the steep sloped portion from development.~~

Pol. EV 1.8 Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.

Pol. EV ~~1.7~~ 1.9 The City shall develop land use regulations to buffer critical areas from the impacts of adjacent land uses.

Pol. EV ~~1.8~~ 1.10 The City requires the use of Best Available Science for protecting critical areas within the community pursuant to the Growth Management Act [RCW 36.70A.172(1)].

Pol. EV ~~1.9~~ 1.11 Encourage minimizing the amount of impervious surfaces in new development through the use of appropriate low-impact development techniques and removing paved areas or using retrofit options in existing developments, where applicable, to minimize runoff.

**Goal EV.2**

***Maintain and promote a safe and healthy environment and preserve the quality of life in Burien.***

Pol. EV 2.1 The City shall ensure that uses and development in shoreline areas is compatible with the shoreline environments designated in the City's Shoreline Master Program. Adherence to these designations will ensure that sensitive habitat, ecological systems, and other shoreline resources are protected.

~~***Discussion:*** Shoreline designations within the City are as follows: "Conservancy" designation is applied from the north end of Seahurst Park southwards to approximately the northern end of 28th Ave. SW. "Urban" designation is applied to the remainder of the Puget Sound shoreline within Burien, as well as to the shoreline of Lake Burien.~~

*Surface Water Quality*

Pol. EV 2.2 Maintain and restore ~~S~~stream banks and stream channels ~~should be maintained or restored~~ to their natural condition wherever such conditions or opportunities exist.

Pol. EV 2.3 The capacity of natural drainage courses shall not be diminished by development or other activities.

Pol. EV 2.4 The City shall consider the impacts of new development on water quality as part of its environmental review process and require where appropriate any mitigation measures.

Pol. EV 2.5 Deleted. ~~The City Shoreline Master Program, hereby adopted as an element of this Plan, shall govern the development of all designated Shorelines of the City. Lands adjacent to these areas shall be managed in a manner consistent with this Program.~~

*Air Quality*

Pol. EV 2.6 ~~The City will c~~Continue to support and rely on the various State, Federal, local and regional programs to protect and enhance air quality..

Pol. EV 2.7 ~~The City shall e~~Encourage the retention of native vegetation and top soil and require landscaping in new developments in order to provide filtering of suspended particulates. ~~(Amended, Ord. 497, 2008)~~

Pol. EV 2.8 ~~The City shall c~~Consider the impacts of new development on air quality as a part of ~~it's~~ the SEPA environmental review process and require mitigating measures as may be appropriate..

*Vegetative Quality*

Pol. EV 2.9 The City shall consider the impacts of new development on the quality of land, wildlife and vegetative resources as a part of its environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention of significant habitats.

Pol. EV 2.10 Identify existing and potential wildlife habitat corridors and work to enhance their function and connectivity to other habitat areas.

Pol. EV ~~2.10~~ 2.11 The City shall encourage an increase in tree canopies through the addition and the preservation of existing vegetation and use of landscaping as an integral part of development plans.

Pol. EV ~~2.11~~ 2.12 The City should consider developing and implementing a measure which would preserve trees of historical significance.

*Hazardous Materials*

Pol. EV ~~2.12~~ 2.13 ~~The s~~Storage and disposal of any hazardous material shall be done only in strict compliance with applicable city, state and federal law.

Pol. EV ~~2.13~~ 2.14 ~~The City shall c~~Consider the impacts of new development on the risk of hazardous materials as a part of ~~it's~~ the environmental review process and require any appropriate mitigating measures.

P Pol. EV ~~2.14~~ 2.15 Deleted ~~No development shall occur on land determined to be contaminated until mediation has been completed between all parties involved. The city will obtain county, Federal and state resources to address issues.~~

*Education*

Pol. EV ~~2.15~~ 2.16 Educate the public on water quality issues and impacts of stormwater flow.

Pol. EV ~~2.16~~ 2.17 Educate individuals and households about different ways to reduce pollution.

Pol. EV 2.18 Support efforts to create and improve urban habitat areas. Habitat creation and enhancement efforts include backyards and/or other forms of urban habitat areas.

**Goal EV.3**

***Promote soil stability ~~and~~ to ~~ensure~~ protect against the loss of both public and private property in areas with steep slopes.***

Pol. EV 3.1 As slope increases, development intensity, site coverage, and vegetation removal should decrease and thereby minimize the potential for drainage problems, soil erosion, siltation and landslides. Slopes of 40 percent or greater should be retained in a natural state, free of structures and other land surface modifications.

1. Single family homes and detached single-family garages on existing legally established lots are exempted from this restriction, provided that:

    a. The application of this restriction would deny any appropriate use of this property;

    b. There is no other appropriate economic use with less impact;

    c. The proposed development does not pose a threat to public health, safety or welfare on or off the development site;

    d. Any alterations permitted to the critical area shall be the minimum necessary to allow for economic use of the property;

    e. An analysis of soils, footings and foundations, and drainage be prepared by qualified professionals, certifying that the proposed activity is safe and will not adversely affect the steep slope hazard area or buffer; and

    f. There are adequate plans, as determined by the City, for stormwater and vegetation management.

2. Short plats or other divisions of an existing legal lot shall only be approved if all resulting lots are buildable under this restriction.

3. It is the applicant's responsibility to show that these provisions are met through an appropriate mechanism such as, or similar to, the SEPA process.

Pol. EV 3.2 The City should prohibit development on areas prone to erosion and landslide hazards. Further, the City should restrict development on potentially unstable land to ensure public safety and conformity with existing natural constraints, unless the risks and adverse impacts associated with such development can be appropriately mitigated.

Pol. EV 3.3 The City should require development proposals to include measures to stabilize soils, hillsides, bluffs and ravine sidewalls and to promote wildlife habitat by retaining or restoring native vegetation.

Pol. EV 3.4 The City should consider developing policies that balance the removal of vegetation to preserve and enhance views with the need to retain vegetation to promote slope stability and open space.

Pol. EV 3.5 Land uses on steep slopes should be designed to prevent property damage and environmental degradation, and to enhance open space and wildlife habitat.

Pol. EV 3.6 Where there is a high probability of erosion, grading should be kept to a minimum and disturbed vegetation should be restored as soon as feasible. In all cases, the City shall require appropriate site design and construction measures to control erosion and sedimentation.

**Goal EV. 4**

***Conserve fish and wildlife resources and maintain bio-diversity.***

Pol. EV 4.1 The City should maintain and enhance existing species and habitat diversity including fish and wildlife habitat that supports the greatest diversity of native species.

Pol. EV 4.2 All development activities shall be located, designed, constructed and managed to avoid disturbance of adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.

Pol. EV 4.3 Fish and wildlife habitat should be protected, conserved and enhanced, including:

a. Habitats for species which have been identified as endangered, threatened, or sensitive by the state or federal government;

b. Priority species and habitats listed in the Adopted King County Comprehensive Plan, ~~November 1994~~October 2008, as amended;

c. ~~Commercial and recreational s~~Shellfish areas;

d. Kelp and eel-grass beds;

e. Herring and smelt spawning areas; and

f. Wildlife habitat networks designated by the City.

Pol. EV 4.4 Fish and wildlife should be maintained through conservation and enhancement of terrestrial, air and aquatic habitats.

Pol. EV 4.5 The City shall be a good steward of public lands and should integrate restoration and/or enhancement of fish and wildlife habitats into capital improvement projects whenever feasible.

Pol. EV 4.6 ~~The City shall work~~ Coordinate with adjacent jurisdictions and state, federal and tribal governments during land use ~~plan development~~ review to identify and protect habitat networks that ~~follow or~~ are adjacent to jurisdictional boundaries.

Pol. EV 4.7 The City should ensure that habitat networks throughout the City are designated and mapped. The network should be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds. These networks should be protected through incentives, regulation and other appropriate mechanisms. Site planning should be coordinated during development review to ensure that connections are made or maintained amongst segments of the network.

Pol. EV 4.8 Native plant communities and wildlife habitats shall be integrated with other land uses where possible. Development shall protect wildlife habitat through site design and landscaping. Landscaping, screening, or vegetated buffers required during development review shall retain, salvage and/or reestablish native vegetation whenever feasible. Development within or adjacent to wildlife habitat networks shall incorporate design techniques that protect and enhance wildlife habitat values.

Pol. EV 4.9 ~~The City should p~~Protect salmonid habitats by ensuring that land use and facility plans (transportation, water, sewer, power, gas) include riparian habitat conservation measures developed by the City, affected tribes, and/or state and federal agencies. Development within basins that contain fish enhancement facilities must consider impacts to those facilities.

Pol. EV 4.10 ~~In order to minimize adverse impacts related to noise, unless prohibited by federal or state law,~~ Protect fish and wildlife habitat conservation areas within the City ~~should be protected~~ from exterior noise levels which exceed 55 dBA Ldn to the extent allowed by federal and state law.

Pol. EV 4.11 The City shall promote voluntary wildlife enhancement projects which buffer and expand existing wildlife habitat, through educational and incentive programs for individuals and businesses.

**Goal EV.5**

***Protect, improve and sustain ground water quality and quantity through sound and innovative environmental management.***

Pol. EV 5.1 The City hereby adopts King County's Preliminary Map of Areas Highly Susceptible to Ground Water Contamination designating Critical Aquifer Recharge Areas, including any subsequent amendments.

Pol. EV 5.2 The City shall protect the quality and quantity of groundwater by:

a. ~~Placing priority on implementation of the South King County Groundwater Management Plan~~;

b. Developing a process by which the City will review, and implement, as appropriate, Wellhead Protection Programs in conjunction with adjacent jurisdictions and ground water purveyors, and adopting best management practices for new development. ~~recommended by the South King County Groundwater Management Plan.~~ The goals of those practices should be to promote aquifer recharge quality and quantity; and

c. Refining regulations as appropriate to protect critical aquifer recharge areas based on information derived through the preparation of Groundwater Management Plans and Wellhead Protection Programs.

Pol. EV 5.3 ~~The City shall~~ ~~protect~~ Provide incentives for and promote ground water recharge by ~~promoting~~ allowing and encouraging the use of low-impact development techniques that infiltrate runoff where site conditions permit. ~~, except where potential groundwater contamination cannot be prevented by pollution source controls and stormwater pretreatment.~~

Pol. EV 5.4 Protect groundwater sources from contamination by requiring pollution source controls and stormwater pretreatment.

Pol. EV ~~5.4~~ 5.5 Comprehensive Plan land use decisions ~~In making future zoning decisions, the City~~ shall consider impacts to ~~evaluate and monitor ground water policies, their implementation costs, impacts upon the~~ quantity and quality of groundwater supply. ~~and the need for new water supplies.~~

Pol. EV 5.6 When considering new or modified groundwater polices the City should evaluate costs of implementation.

*Note: Additional ground water related goals and policies can be found in section 2.8, Storm Water Element.*

**Wetlands**

**Goal EV.6**

***Protect and enhance the functions and values of the City's wetlands.***

Pol. EV 6.1 ~~The City shall p~~Protect ~~its~~ the City's wetlands with an objective of no overall net-loss of functions and values.

Pol. EV 6.2 All wetland functions should be considered in evaluating wetland mitigation proposals, including fish and wildlife habitat, flood storage, water quality, recreation, educational opportunities, and aesthetics.

Pol. EV 6.3 The City will protect wetlands by maximizing infiltration opportunities and promoting the conservation of forest cover and native vegetation.

Pol. EV 6.4 Mitigation for any adverse impacts on wetlands shall be provided in the same basin within which the impacts occur.

**Noise**

**Goal NO.1**

***Prevent community and environmental degradation by limiting noise levels, and to safeguard the health and safety of the residents of the City by ensuring that the City's physical and human environments are protected and enhanced as progress and change ~~take place~~ occurs within and outside of its municipal boundaries.***

Pol. NO 1.1 ~~The City shall:~~

~~a. d~~Discourage the introduction of noise levels which are incompatible with current or planned land uses.

~~b. encourage the reduction of incompatible noise levels; and~~

~~c. discourage the introduction of new land uses into areas where existing noise levels are incompatible with such land uses.~~

Pol. NO 1.2 ~~e~~Encourage the reduction of incompatible noise levels~~; and~~

Pol. NO 1.3 ~~d~~Discourage the introduction of new land uses into areas where existing noise levels are incompatible with such land uses.

Pol. NO ~~1.2~~ 1.4 ~~The City shall w~~Work with other jurisdictions and agencies to encourage the reduction of noise from Seattle-Tacoma International Airport.

Pol. NO ~~1.3~~ ~~The City shall aggressively campaign for the development of new and quieter aircraft engines as well as modifications and/or retrofitting programs which promote the greatest reductions possible in aircraft noise emission levels.~~

Pol. NO ~~1.4~~ 1.5 ~~The City shall take advantage of every opportunity to w~~Work with the Port of Seattle and the Federal Aviation Administration to ~~promote the~~ develop~~ment~~ and implement~~ation of~~ airport operational procedures that will decrease ~~the~~ adverse noise effects. ~~of airport operations on the City and its residents.~~

**Historic Preservation**

**Goal HT.1**

***Ensure that historic ~~properties and sites~~ resources are identified, protected from undue adverse impacts associated with incompatible land uses or transportation facilities, ~~and protected from detrimental exterior noise levels.~~***

Pol. HT 1.1 ~~The City should p~~Protect local historic~~, archeological and cultural sites and structures~~ resources through designation and incentives for the preservation of such ~~properties~~ resources.

Pol. HT 1.2 Deleted ~~Historic properties and sites which exhibit one or more of the following characteristics may be designated by the City as locally significant historic resources:~~

~~a. It is listed, or eligible for listing, in the National Register for Historic Places or the King County Inventory of Historic Places;~~

~~b. It is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;~~

~~c. It is associated with the life of a person who is important in the history of the community, city, state, or nation or who is recognized by local citizens for substantial contribution to the neighborhood or community;~~

~~d. It embodies the distinctive characteristics of a type, period, style or method of construction;~~

~~e. It is an outstanding or significant work of an architect, builder, designer or developer who has made a substantial contribution to the profession;~~

~~f. It has yielded, or may be likely to yield, information important in prehistory or history;~~

~~g. Because of its location, age or scale, it is an easily identifiable visual feature and contributes to the distinctive quality or identity of the community or City;~~

~~h. The property or site includes significant cultural facilities such as amphitheaters, museums, community centers, sports complexes, marinas, etc.~~

~~***Discussion:*** Using the above criteria, the City should be able to identify historic properties and sites as locally significant and worthy of protection from incompatible land uses and activities~~

Pol. HT 1.3 Deleted. ~~The City shall consider the impacts of new development on historical resources as a part of its environmental review process and require any appropriate mitigation measures.~~

Pol. HT 1.4 The City will take all reasonable actions within its means to preserve and protect locally significant historic ~~properties, and sites~~ resources from incompatible land uses.

Pol. HT 1.5 Deleted. ~~In order to minimize adverse impacts related to noise, unless prohibited by federal or state law historic properties and sites of local significance should be protected from exterior noise exposure levels that exceed a Ldn of 55 dBA.~~

**Community Character**

**Goal CC.1**

***~~Create a balanced community by c~~Controlling and directing growth in a manner which enhances, rather than detracts from community quality and values.***

Pol. CC 1.1 Deleted. ~~In its land use management decisions, the City shall seek to direct the rate and pattern of future growth, and support the type of developments that will further the goals of the Burien Vision and the comprehensive plan.~~

Pol. CC 1.2 Deleted. ~~The impact of development proposals on community facilities, amenities and services, as well as the City's general quality of life, shall be studied under the provisions of city, state and federal regulations prior to development approval. As appropriate mitigation measures shall be required to ensure conformance with this Plan.~~

Pol. CC 1.3 Cooperate with surrounding ~~municipalities~~ jurisdictions to enhance the consistency of development proposals with their land use goals and policies. ~~of all jurisdictions, particularly with border jurisdictions.~~

~~**Discussion:** The Burien Plan implements the Burien Vision by balancing the needs and desires of the community with the types and amount of growth that can be afforded. The plan should determine where growth should occur and limit growth in areas where there are constraints to development, such as areas containing critical~~

~~areas, inadequate public facilities and services. The Burien Vision also includes the mitigation of impacts associated with future growth. (Amended, Ord. 445, 2005)~~

**Public Facilities**

**Goal PF.1**

***Ensure that development is served by adequate levels of public facilities and services that are necessary for development.***

Pol. PF 1.1 Prior to permit approval new development must ~~be coordinated~~ comply with ~~the provision of~~ any adopted levels of service for schools, water, fire protection, sewer, general government services, transportation and parks.

If adequate facilities will be provided concurrently (as defined or funded and to be constructed within six years of development) the City may allow development to occur.

Pol. PF 1.2 Deleted. ~~The City will allow new development to occur only when and where adequate facilities exist or will be provided concurrently (as defined or funded and to be constructed within six years of development) with new development.~~

**Property Acquisition Areas (Deleted Ord. 551, Dec. 13, 2010)**

**Land Use Plan Implementation**

**Goal PI.1**

***Implement the goals and policies of the land use plan through a variety of means and mechanisms which are coordinated and consistent.***

Pol. PI 1.1 The Comprehensive Plan, development regulations, functional plans and budgets should be mutually consistent and reinforce each other.

Pol. PI 1.2 The City's development regulations should be consistent with other City plans, ~~and~~ activities, ~~including~~ and ~~other~~ development requirements.

Pol. PI 1.3 Development regulations shall be clearly written and absent duplicative, uncoordinated or unclear requirements.

Pol. PI 1.4 ~~The development regulations should enable the City to use~~ Provide for different ~~types~~ levels of ~~conditional use~~ permit review processes, including administrative, appeal and hearing processes, based on the ~~type of the~~ proposed use ~~applied for~~ and its degree of potential impacts on the community.

Pol. PI 1.5 ~~The land use map of the comprehensive plan shall provide general guidance for land use and zoning (Zoning Map PI1).~~

Burien's development regulations and zoning map must be consistent with the future land use map (Map LU-1).

~~Pol. PI 1.6 In deciding applications for amendments to the comprehensive plan, the City should consider the following:~~ Amendments to the Comprehensive Plan shall comply with the following criteria, using the procedures established in the Zoning Code:

a. ~~Consistency with the comprehensive plan policies and the designation criteria~~ The proposed amendment will not result in a net loss to the community ~~is the best means for meeting an identified public need benefit~~; and

b. ~~Capability of the land;~~ The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) plans, King County Countywide Planning Policies and Burien Comprehensive Plan; and

c. ~~Capacity of public facilities and services and whether public facilities and services can be provided cost effectively (if publicly funded) at the intensity allowed by the designation;~~ The proposed amendment will result in a net benefit to the community; and

d. ~~Whether the proposed use is compatible with nearby uses;~~ The revised Comprehensive Plan will be internally consistent; and

e. ~~The need for the land uses which would be allowed by the comprehensive plan change, and whether the change would result in the loss of the capacity to provide other needed land uses, such as housing; and~~ The capability of the land can support the projected land use;

f. ~~Whether there has been a change in circumstances that makes the proposed plan designation appropriate or whether the plan designation was the result of technical error.~~ Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency; and;

g. The proposed amendment will be compatible with nearby uses; and

h. The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets; and

i. For a Comprehensive Plan land use map change, the applicable designation criteria for the proposed land use designation are met and either of the following is met:

i. Conditions have changed since the property was given its present Comprehensive Plan designation so that the current designation is no longer appropriate; or,

ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.

~~***Discussion:*** The purpose of a comprehensive plan is to aid a community in making decisions about the future. While the future will bring change that the comprehensive plan cannot fully anticipate, the comprehensive plan can identify the factors that may need to be considered in addressing those changes. The above policies describe the role of these factors.~~

~~***Land Use Conflicts***~~

Pol. PI 1.6 Deleted. ~~If there is a conflict between the comprehensive plan land use map and the land use designation policies, the land use designation policies control.~~

Pol. PI 1.7 Deleted. ~~If there is a conflict between other maps found in this plan and the comprehensive plan land use map, the map that most specifically addresses the issue controls.~~

Pol. PI 1.8 Deleted. ~~If there is a conflict between the land use designation policies and other policies, the policy that most specifically addresses the issue controls.~~

Pol. PI 1.9 Deleted. ~~Except as provided in policy PI 1.4, if there is a conflict between the comprehensive plan or the comprehensive plan land use map and the zoning ordinance including the zoning map, the comprehensive plan shall control.~~

~~***Discussion:*** The comprehensive plan land use map is a generalized description of the land use policies. Decision-makers should refer to both the comprehensive plan land use map and the applicable land use policies.~~

Add definition to Glossary in Section 1.4:

Historic Resource: A district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

# Ordinance 573
# EXHIBIT B

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

2012 Comprehensive Plan Text and Map Amendments and Concurrent Area-wide Rezone

**APPLICANT(S):** City of Burien

**LOCATION:** Comprehensive Plan Text and Map Amendments/Citywide

**REQUEST:** Amendments to Burien's Comprehensive Plan. Text amendments to the land use element. Amendments generally include the following:

- Incorporating the North Burien Annexation area, including amendments to the Comprehensive Land Use Map
- Align goals and policies with regional and county planning documents
- Incorporate countywide growth targets
- Improve consistency of land use designation criteria and adopt a commercial node concept
- Ensure goals and policies are consistent with best available science
- Align text to match pending SMP adoption
- Update references to other local planning documents
- Adopting Comprehensive Land use designation for the North Burien Area (generally north of 128th Street)'
- Adoption of area-wide zoning map amendments consistent with the Comprehensive Plan map.

**TAX PARCEL NUMBER(S):** Not applicable

## FINDINGS

### REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria:

***A. The request is the best means for meeting an identified public benefit; and***

The request to amend the Comprehensive Plan was made prior to June 1, 2012, as required in BMC 19.65.095.

The proposed amendments set the policy framework on what land uses and other related decisions should occur over the next 20 years. A portion of the amendments will greatly improve the connection between decisions regarding land use designations, transportation facilities and services. The policy framework will allow plan implementation in a number of areas such as zoning decisions, transportation standards and the design and construction of capital improvement projects.

***B. The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) plans, King County Countywide Planning Policies and Burien Comprehensive Plan; and***

Goals of the GMA state that development should occur in urban areas where adequate public facilities and services exist and there is an efficient multimodal transportation system. The goals also state that the environment should be protected. The GMA and King County Countywide Planning Policies both contain various requirements related to land use, environmental protections, transportation services, and require communities to adequately plan for future growth. The Countywide Planning Policies establish growth targets. The proposed amendments will ensure consistency with the Growth Management Act and Countywide Planning Policies by incorporating policy language illustrating how the City meets county growth targets, land use map changes increasing housing capacity, and language supporting the use of best available science to protect the environment.

Updating the Comprehensive Plan to bring it into compliance with the Growth Management Act (GMA), regional planning documents (Vision 2040, CPPs) and establish comprehensive plan land use designations for the North Burien area fulfills a public benefit. A specific public benefit identified in the regional and county plans is to accommodate forecasted population growth and ensure there is sufficient infrastructure such as housing and transportation facilities. The proposed amendments will also improve long-term certainty in the land use decision-making process. The plan amendments will solidify a long-term land use management approach that will coordinate development with infrastructure improvements and adjacent uses while encouraging efficient use of land.

***C. The proposed amendment will result in a net benefit to the community; and***

The proposed amendments will provide guidance for future land uses and decisions involving possible changes to land use designations. The net benefit will be that land use decisions will have a cohesive set of criteria that more directly consider transportation, recreation, proximity to transit and other land uses. The newly updated criteria, coordinated for internal consistency, will provide a higher degree of predictability when the City contemplates long-range land use decisions. These all result in a net benefit for the community.

***D. The revised Comprehensive Plan will be internally consistent; and***

The proposed amendments will be consistent with the remaining portions of the Comprehensive Plan.

***E. The capability of the land can support the projected land use; and***

The proposed land use capacity calculations have been shared with the service providers, such as water and sewer districts, who have confirmed that there is sufficient capacity to serve potential growth. In addition, the transportation network was evaluated to determine if potential growth, based on land use capacity, could support the increases. The analysis concluded that there would be no change in anticipated LOS beyond previous growth projections. The proposed amendments do not recommend specific land uses nor affect specific parcels of land. Any new development is required to obtain all necessary approvals before construction is allowed and, if appropriate, projects will be reviewed in detail when applications are submitted.

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

Not applicable; see item E above. The proposed amendments do not propose specific land uses that could impact public facility capacity.

***G. The proposed amendment will be compatible with nearby uses; and***

Not applicable. The proposed amendments do not propose specific land uses nor affect specific parcels of land.

***H. The proposed amendment will not prevent the City from achieving its Growth Management Act population and employment targets; and***

The proposed amendments do not propose specific land uses nor affect specific parcels of land; however, the capacity to meet other needs such as housing has increased. The increase in housing and employment capacity was based on a land-use capacity analysis generally using the buildable lands methodology.

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

***i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate;***

***ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.***

The proposed changes to the Comprehensive Plan Land Use map occur in the area annexed to the city in 2010 except for some changes along the west side of Ambaum Boulevard SW. King County provided planning and development services up until the time of annexation; incorporation into Burien would be considered a marked change in conditions. The City's process, which included a significant public outreach effort, looked to correct a number of land use designation inconsistencies as well as incorporate and address land use related desires of the residents in that area. The west side of Ambaum Boulevard south of SW 116th Street to SW 128th Street, which has been a part of the City since incorporation, was adjusted to match its previous land use designation intensity prior to Burien incorporating in 1993. The switch back to the high density multi-family designation more appropriately matches the development intensity that currently exists as well as what is in place on the east side of this highly traveled arterial.

J. ***The City Council may approve an area-wide rezone only if all of the following criteria are met:***

***i. The rezone is consistent with the comprehensive plan; and***

***ii. The rezone will advance the public health, safety, or welfare; and***

***iii. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.***

The proposed amendments to the zoning map are consistent with the proposed amendments to the comprehensive plan map. The amendments were specifically coordinated to ensure consistency between to two documents.

The area-wide rezone bears will advance the public health, safety and welfare because it eliminates many of the inconsistencies and concentrates higher levels of residential development intensity near the longstanding neighborhood commercial nodes. It focuses commercial and residential activity into centralized locations at the main intersections of Ambaum Blvd. SW, 1st Avenue South, Des Moines Memorial Drive and Glendale Way. The proposed zoning amendments allow construction of residential units in close proximity to commercial zones and mass transit. These amendments enable future developments to complement each other by concentrating

the local goods and service uses near residential uses, thereby creating more walkable neighborhood focal points.

The area-wide rezone will not be detrimental to uses or property because it amends former King County zoning designations along Des Moines Memorial Drive, a corridor that is currently an excessive patchwork of many different zones with various densities at many different locations. This proposed alternative eliminates many of the inconsistencies and concentrates higher levels of residential development intensity near the longstanding neighborhood commercial center of Des Moines Memorial Drive and Glendale Way.

Along the Ambaum Boulevard corridor the proposed map amendments will more closely match the current development intensity and will allow residential development to locate in an area that is served by mass transit. The Ambaum Boulevard SW corridor is well served by mass transit. The map amendments implement a portion of Burien's long range vision that is found under the "Environment, Livable" statement. This section of the vision states that "Burien makes sustainable land, energy, water and transportation choices." The slightly higher residential densities may also encourage and/or enable reinvestment and redevelopment.

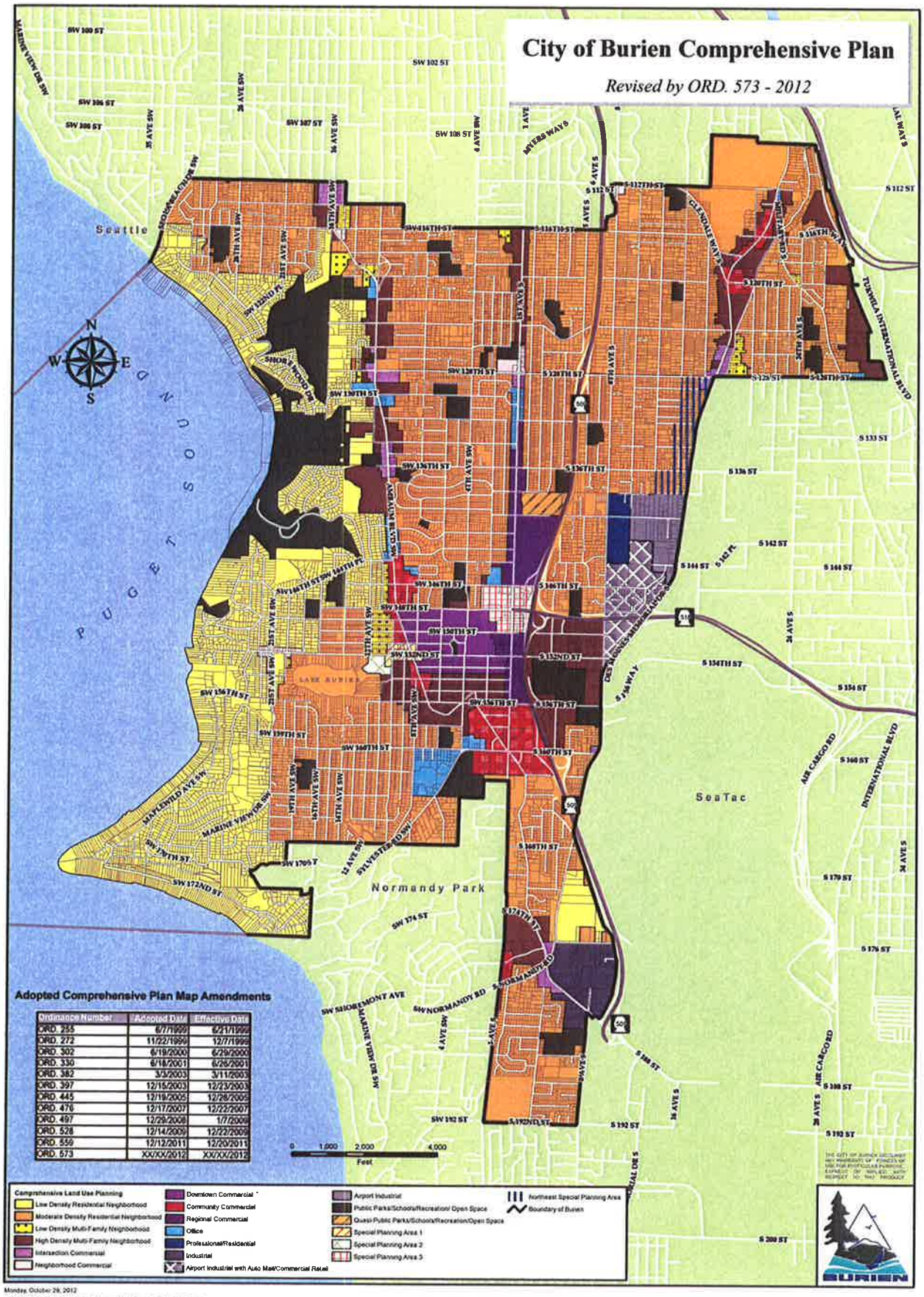
Amendments along 1st Avenue South maintain the existing zoning designations along a high traffic corridor. Minor adjustments are proposed to better align zoning designations with property lines.

The area-wide rezone has merit and value for the community because it allows slightly higher residential densities near the long-standing commercial centers and along established transportation corridors. Allowing slightly higher residential densities at specific locations may also encourage and/or enable reinvestment and redevelopment. Enabling the construction of more residences at central locations may in turn provide more incentives for businesses to locate there because as redevelopment occurs there will be a larger population base to support business activity. The land use designation changes also implement the vision statement of "Diversity, Multi-centered," which states that "Burien cultivates a thriving array of business and community centers."

The proposed map amendments near the intersection of SW 116th Street and Ambaum Blvd. SW slightly increase limitations on the type of uses that may be allowed and reduce the overall amount of land that is zoned commercial. The relatively small reduction in commercially zoned area is validated by evidence of underutilized land and vacant buildings throughout the city. It is believed that the city generally has an oversupply of commercially zoned land and the current vacancies in other commercial areas support this theory as well. Another consideration factored into this alternative is that some of the strip commercial zones appear to compete with one another. This alternative will help direct auto oriented commercial uses to more appropriately designated "auto-oriented" corridors such as 1st Avenue, while also increasing the City's ability to provide sufficient residential capacity.

# City of Burien Comprehensive Plan

*Revised by ORD. 573 - 2012*



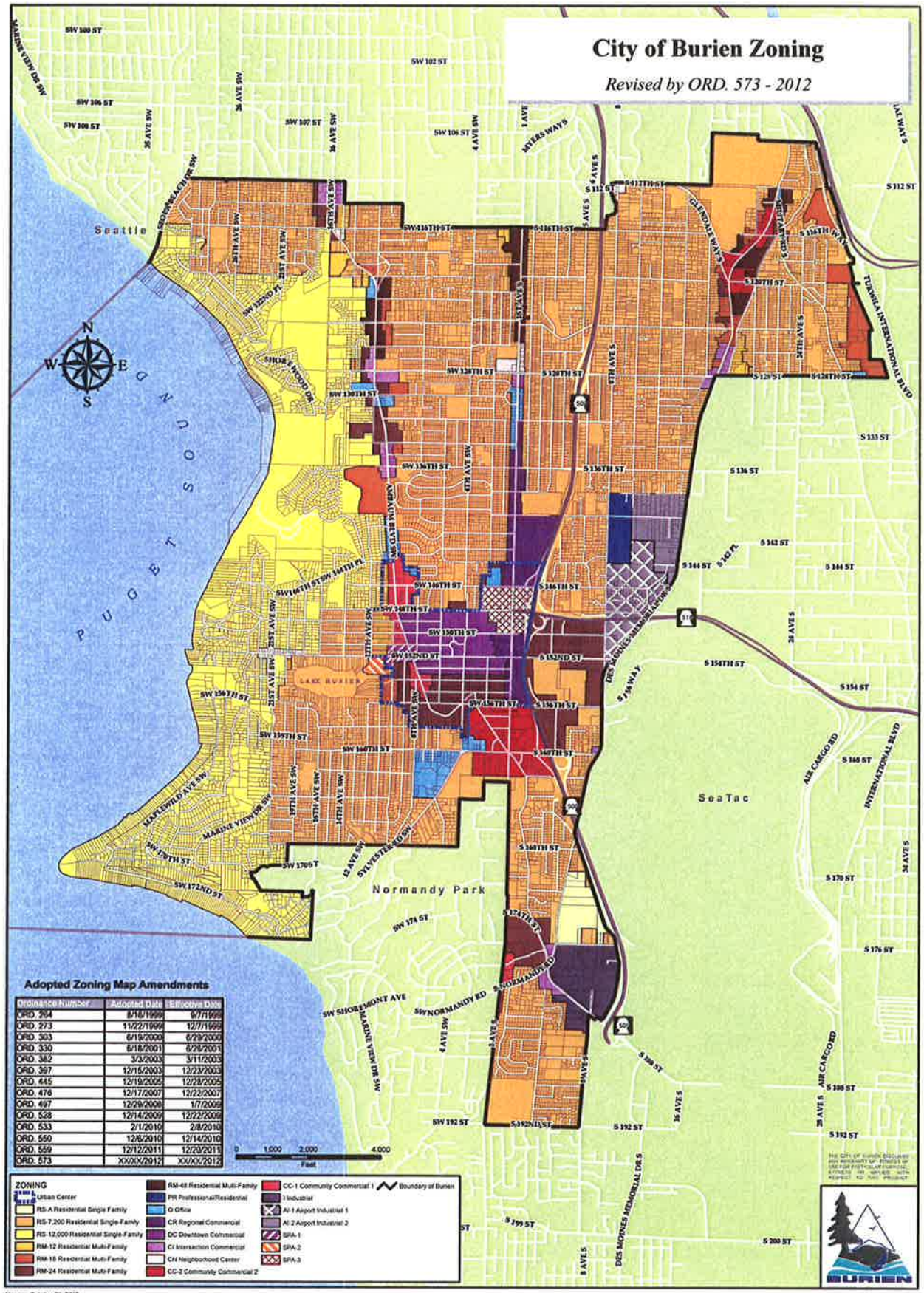

**Adopted Comprehensive Plan Map Amendments**

| Ordinance Number | Adopted Date | Effective Date |
|---|---|---|
| ORD. 255 | 6/7/1999 | 6/21/1999 |
| ORD. 272 | 11/22/1999 | 12/7/1999 |
| ORD. 302 | 6/19/2000 | 6/29/2000 |
| ORD. 330 | 6/18/2001 | 6/26/2001 |
| ORD. 382 | 3/3/2003 | 3/11/2003 |
| ORD. 397 | 12/15/2003 | 12/23/2003 |
| ORD. 445 | 12/19/2005 | 12/28/2005 |
| ORD. 476 | 12/17/2007 | 12/22/2007 |
| ORD. 497 | 12/29/2008 | 1/7/2009 |
| ORD. 528 | 12/14/2009 | 12/22/2009 |
| ORD. 559 | 12/12/2011 | 12/20/2011 |
| ORD. 573 | XX/XX/2012 | XX/XX/2012 |

Monday, October 29, 2012

# City of Burien Zoning

*Revised by ORD. 573 - 2012*




**Adopted Zoning Map Amendments**

| Ordinance Number | Adopted Date | Effective Date |
|---|---|---|
| ORD. 264 | 8/16/1999 | 9/7/1999 |
| ORD. 273 | 11/22/1999 | 12/7/1999 |
| ORD. 303 | 6/19/2000 | 6/29/2000 |
| ORD. 330 | 6/18/2001 | 6/28/2001 |
| ORD. 382 | 3/3/2003 | 3/11/2003 |
| ORD. 397 | 12/15/2003 | 12/23/2003 |
| ORD. 445 | 12/19/2005 | 12/28/2005 |
| ORD. 476 | 12/17/2007 | 12/22/2007 |
| ORD. 497 | 12/29/2008 | 1/7/2009 |
| ORD. 528 | 12/14/2009 | 12/22/2009 |
| ORD. 533 | 2/1/2010 | 2/8/2010 |
| ORD. 550 | 12/6/2010 | 12/14/2010 |
| ORD. 559 | 12/12/2011 | 12/20/2011 |
| ORD. 573 | XX/XX/2012 | XX/XX/2012 |

Monday, October 29, 2012
\\File01\RECORDS\GIS\Master Map Project\Zoning_CPLU_11x17.mxd

# 2012 COMPREHENSIVE PLAN/ZONING AMENDMENTS
## PUBLIC HEARING
## COMMENT SUMMARY
## WORKING DRAFT 1/28/2013

| commenter | # | TOPIC | SUMMARY of VERBAL COMMENT | DRAFT RESPONSE | | CC Direction |
|---|---|---|---|---|---|---|
| Troy Schmell | 1 | Zoning<br>Map ref nos.<br>B-27 and B-30 | Opposes B27 and B30. Both B27 and B30 have RM-18 zoning on two sides and RS-7,200 on two sides. His properties are transitional zoning between the two. | Map reference no. B-27<br>RM-12 to RS-7,200<br>Maintains the single-family residential character found to the south and west of the area. Reinforces the practice of locating multi-family development within walking distance of neighborhood commercial centers. (excerpt from zoning changes tables)<br><br>Map reference no. B-30<br>RM-12 to RS-7,200<br>Parcel is vacant. Reinforces the practice of locating multi-family development within walking distance of neighborhood commercial centers. (excerpt from zoning changes tables) | | |
| Troy Schmeil | 2 | Zoning | Went to the open houses and specifically asked about any zoning changes and was told no, his properties would not be rezoned because they provided transition between the two zones; he's very concerned about why it's being changed when he was told it would not be. | The first open house was an opportunity for the community to provide input before the three zoning alternatives were created and the second open house was an opportunity to comment on the three zoning alternatives. At these open houses there were no statements on whether zoning was going to change or remain the same, only that the city was exploring alternatives. The open houses were followed by meetings and a public hearing with the Planning Commission. | | |
| Troy Schmeil | 3 | Zoning<br>Map ref no. B-27 | B27- has approval from King County for a plat, which was transferred to the City – it's not mentioned anywhere in this paperwork. | The City has confirmed that the property has preliminary plat approval for a 17 lot subdivision with King County. The preliminary plat approval will expire on 12/12/2014.<br><br>The status of the condition of the plat may be an important consideration and given that the plat is still valid with King County it is appropriate to retain the RM-12 designation. | | |
| Troy Schmeil | 4 | Zoning<br>Map ref no. B-30 | B30 - he's been trying to get approval from the City for almost a year. | His current application is challenged by significant access issues to the property with regard to safety entering and exiting Military Road S and he is working with Public Works to determine if there is a safe alternative to provide access to the site. | | |
| GoodSpaceGuy | 5 | Zoning | Zoning is labor intensive, expensive, decreases incentive, and transfers ownership rights from the owner of the property to the government that does the zoning. He is opposed to zoning and he's opposed to the Growth Management Act; would like to see it abolished and would like to see the end of zoning for Burien. | The Growth Management Act is a state mandate and the City must comply with its requirements. | | |

ATTACHMENT 2





ATTACHMENT 2

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| **Chestine Edgar** | 6 | Policy SE 1.3 | Supports the language proposed by Councilmember Edgar be put into the Comprehensive Plan. Any inconsistency is in the DRAFT SMP and should be corrected there, not in the Comp Plan. The EIS and the previous SMP were vetted by DOE and should be the basis going forward. | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed. | | |
| **Chestine Edgar** | 7 | Policy EV1.3 | The text should read "avoid" not "attempt to avoid", based on the WACs and RCWs. | The comment relates to item number 8 on the City Council comment summary matrix. The issue was raised at multiple City Council meetings. There was no definitive consensus of the Council to change the language as proposed. The Staff response in that matrix is as follows:<br><br>*Text was recommended by the Watershed Co. as a part of the BAS gap analysis. Alternate language may be proposed. In keeping the phrase "attempt to" it recognizes that in some instances it may not be possible to avoid all impacts and therefore some level of mitigation may be acceptable.* | | |
| **Chestine Edgar** | 8 | Policies PI 1.6-1.9<br><br>Nov 5th CC packet page 299 | The policies are based on understanding the order that Comp Plans are developed – EIS first, then text on how the land can be used is developed – only after EIS and policies are developed is the map developed and any subsequent maps. If the map is inconsistent you have to go back to the original intent of the text. If you remove all of these as suggested, there is no guidance any longer for how this is to be attended to; the guidance disappears. Then it becomes a conflict that ends up in the courts – there's no reason that should happen. These things can simply be resolved if the inconsistencies are addressed with citizens and staff in how they were developed and the process that was followed. They should remain in: they explain how the policies interact with the maps. To remove them, then there is no longer any language in the document that explains how to deal with those inconsistencies. | The comment relates to item number 14 on the City Council comment summary matrix. The city attorney provided a response at the November 5th meeting. Generally, there is a requirement that the documents be consistent, so therefore the policies are not needed. If there is an inconsistency it should be addressed and remedied.<br><br>The Staff response in that matrix is as follows:<br><br>*The maps must be consistent and one cannot rule over the other. Answered at the Nov. 5th meeting.* | | |

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| **Robert Howell** | 9 | Policy SE 1.3 | Respect the EIS and put in language that any future public access to the lake be visual only. | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed. | | |
| **Brenda Koob** | 10 | General zoning | The proposed changes won't change what they can do at their property, but thinks zoning is a good thing, as it keeps like properties and communities together. Without zoning they could put a dump on the property right next to you and there's nothing you could do about it.<br><br>Also thinks the changes will bring more people into Burien, which will bring in more business, which will only help Burien grow, which helps us do things like the art projects and other things that are important to the citizens that actually work and live in Burien. This is the 10th property that she's managed over a six-year period in Burien, so she's very vested in what happens in the area. Brenda McDaniel is the manager of the two sites that they have in north Burien; wanted to come in and show their support. | The city has an obligation to provide sufficient housing capacity to accommodate for future population growth. The recommended zoning changes are an effort to balance the need to accommodate future growth while trying to direct it to areas where there is adequate infrastructure such as transit services. The areas of focus are also complimented with supportive commercial zones which in-turn provides increased economic opportunities while supporting the needs of residents within a comfortable walking distance. | | |
| **Chet Unune** | 11 | Zoning<br>Map ref no. A-2 | Parcel # 1591600566, currently commercial zoning, due to change to RM-24. Does not like the proposed change because value of the property will be decreasing and will impact him. It is appropriate to leave the zoning as it is and not impact people by decreasing the value of their property. Planning to build a commercial development on that lot that currently is vacant. SW 114th St and 16th Ave SW Area A-2. | Map reference no. A-2<br><br>CC-2 to RM-24<br><br>Changes zoning of vacant/underutilized commercial land to multi-family and creates consistency with adjacent zones to the west and the east. Topography of the land will also allow for exceptional views to the west. It also assists in creating a better balance of commercial and residential land use designations city wide. (excerpt from zoning changes tables) | | |

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| **CanhTan Ta** | 12 | Zoning<br>Map ref no. B-27 | Does not want properties 0257000002 and 0257000003 changed to RS-7,200. She's already obtained approval from King County on March 30, 2009, to subdivide the two parcels into 16 residential lots in the R-12 zone. If the properties are rezoned she will not be able to subdivide into 16 residential lots. She has spent much money and effort over 5 years to prepare this subdivision. Is not just or fair to rezone when she has approval from King County – would prevent her from redeveloping it as she had intended. 12010 26th Ave S – Boulevard Park corridor B-27 | Map reference nos. B-27<br><br>RM-12 to RS-7,200<br><br>Maintains the single-family residential character found to the south and west of the area. Reinforces the practice of locating multi-family development within walking distance of neighborhood commercial centers. (excerpt from zoning changes tables).<br><br>The City has confirmed that the property has preliminary plat approval of a 16lot subdivision which expires on March 30, 2014. Preliminary subdivision approvals have time limits by which the work must be completed otherwise the plat expires and development on that lot would have to comply with the rules in effect at the time an application is deemed complete. The owner can complete the final subdivision process and either sell the lots or apply for permits to construct homes.<br><br>It is appropriate to retain the RM-12 designation given there is a valid plat pending completion with King County. | | |
| **John Upthegrove** | 13 | Policy SE 1.3 | If the word physical was placed in front of "public access" in the Comprehensive Plan, it would become consistent with the EIS and with the SMP because it would not prohibit public access. | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed. | | |

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| **Judy Connelly** | 14 | Zoning | She thinks people love to live in Burien because of large property sizes and she thinks it's sad that they're getting divided and houses are being built closer together. We're getting a lot of urban gardeners that want to move into our community and she thinks they are good people to have in it, but our properties are getting smaller and smaller because we're trying to compact more houses in there. She personally thinks that we're a small city next to a great big city so we have a lot to offer people who want big properties and we're losing them because we're subdividing the properties. | The City contains multiple single-family residential zones that each has different minimum lot size requirements. The lot size requirements have generally remained consistent over a long period of time. There some areas of the city where lot sizes may allow for larger lot single-family development to occur. | | |
| **Judy Xie** | 15 | Zoning<br>Map ref no. B-11 | Lives at 11804 Des Moines Memorial Drive and owns 11806. She strongly supports the change from R-24 to R-48. Hopefully it will bring more residents and new businesses as well; a lot of people would like to live here but it's really hard to find places to rent, she's been told by people in the past couple months. Changing from R-24 to R-48 will increase the supply of housing and decrease the cost, because the existing buildings were built in the 1920s. | Map reference no. B-11<br><br>RM-24 to RM-48<br><br>The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. (excerpt from zoning changes tables). | | |
| **Fred Brown** | 16 | | Re: 13205 12th Ave SW, zoned RS-12,000, client has a state-licensed adult family home on the property. She's owned it since 2004 and since purchasing has always had an interest in subdividing the property.<br>The current zoning is RS-12,000 and would not allow the property to be subdivided. It is his opinion that the property's current zoning is inconsistent with, and does not implement, the City's comprehensive plan. The property should be allowed to be subdivided.<br>The Planning Commission and staff have proposed language to resolve this conflict with respect to cluster housing to be added to 2.0. I disagree with the assessment and proposed language and respectfully submit alternative language. "Subdivision in this area subject to development standards consistent with the RS7200 if approved by the director after preliminary plat review shows compliance with BMC 19.40 Critical Areas." | The property mentioned is not a part of this action and is well south of the area being considered for land use designation changes. The subject property is constrained by steep slopes and generally the city discourages increasing density in areas that contain geologically hazardous areas. The recorded Burien short plat (SP 96-02) shows the top of bank along with a condition that vegetation cannot be altered in the 10 foot buffer at the top of the bank. A critical area review is required as a part of a short plat application. | | |

| | | | WRITTEN COMMENTS | DRAFT RESPONSE | | |
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| **Randy Fiem, Pacific Underwriters** | 17 | Zoning<br>Map ref no. B-24 | Owns parcels 0985001125 (CC-2 → CI) and 0985001110 (O →CI) and is in favor of the proposed changes. Believes they would benefit the community "by providing a focused area for higher density and business use. It would benefit the businesses within the area and protect the surrounding residential areas from business encroachment." | Map reference no. B-24<br><br>O to CI and CC-2 to CI<br><br>Changes zoning of one office-zoned parcel to Intersection Commercial, which is similar to other adjacent parcels along Des Moines Memorial Drive South. The change to CI ensures that development scale and use compliment and support the surrounding residential neighborhood near this more prominent intersection. (excerpt from zoning changes tables) | | |
| **Bradley Olschefski** | 18 | Zoning<br>Map ref no. B-3 | Owns parcel 0985000175 (RM-12 →RS-7,200) and is opposed to the proposed change in zoning. Bought the property with intent of building townhomes or small apartment building on it; a rezone would negatively impact the property value and would preclude the construction of his intended project. Many of the SFR in the neighborhood need major repair or need to be demolished. Would be better to increase zoning of the SFR parcels to RM-18 or RM-24 to make them attractive to redevelopment. Most of the surrounding zoning is RM-18, RM-24 or RM-48. Thinks apartment building or townhomes on his parcel would bring more property tax in to the City than 2 or 3 SFRs, as would be permitted under RS-7,200. Vehemently opposes rezone; wants RM-18 to help meet housing targets and to match surrounding zoning. | Map reference no. B-3<br><br>RM-12 to RS-7,200<br><br>The area east of the golf course is developed with many single family residences. The change matches the existing uses to the corresponding zoning designation. (excerpt from zoning changes tables) | | |
| **Daryl Tapio** | 19 | | Owns two houses and several pieces of property in North Burien near Ambaum. Is supportive of the proposed changes. Being along a bus corridor gives convenient access to many areas. | There was a specific effort made to locate higher density zones adjacent to transit corridors. | | |
| **Chet and Asha Unune** | 20 | Zoning<br>Map ref no. A-2 | Own parcel 1591600566 (CC-2 →RM-24) and are opposed to the proposed zoning change. They say it would decrease the value of their property. They want to use their property to develop a commercial building. | Map reference no. A-2<br><br>CC-2 to RM-24<br><br>Changes zoning of highly underutilized commercial land to multi-family and creates consistency with adjacent zones to the west and the east. Topography of the land will also allow for exceptional views to the west. It also assists in creating a better balance of commercial and residential land use designations city wide. | | |

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| **Lisa McCarroll, Lane Hatling, Lon Hatling, Kimberly Hatling, Robert and Robbie Howell, Joe Pfeifer and Cynthia Murrill, and Marcy Fogg Rivas** | 21 | Policy SE 1.3 | Requesting that the Council "keep the language as proposed by Council member Edgar on 11/19/12 for Policy SE 1.3 (Special Planning Area 2/RDCC) on page 278/item 6 of the Jan. 28, 2013 council packet. The language he has submitted is consistent with the Environmental Impact Statement for the Comp Plan as well as the current draft SMP. It allows only visual public access to the water to protect the water quality." | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed. | | |
| **Debi Wagner, Stan Milkowski, Sr., Nancy Jane Milkowski, Tanya Engeset and Sandy Giedhill-Young** | 22 | Policy SE 1.3 | Requesting "that the Environmental Impact Statement for the Comp Plan be followed in the policies relating to the land use for Planning Area 2/the Ruth Dykeman Children's Center. Policy SE 1.3 – page 2-23 – should clearly state that any proposed changes in use in the future to the area should ensure that: a. **physical** public access is prohibited to the water to protect water quality." | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed. | | |

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| **John and Linda Poltras** | 23 | Policy SE 1.3 | Requesting that the Council "keep the language as proposed by Council member Edgar on 11/19/12 for Policy SE 1.3 (Special Planning Area 2/RDCC) on page 278/item 6 of the Jan. 28, 2013 council packet."<br><br>Say that staff comments are unsupported by the DOE and the DOE does not decide what is in Burien's Comp Plan. Say staff "has repeatedly made errors and misquoted DOE on numerous issues relating to what is required in the SMP. They have also made errors in claiming that a Draft SMP drives a standing Comp Plan." Say that the current EIS says that "should the land use change for Special Planning Area 2, only visual access and passive recreation should be allowed to this area and the water – to protect water quality." | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed. | | |
| **Durwood Smith** | 24 | Policy SE 1.3 | Requesting that the Council "keep the language as proposed by Council member Edgar on 11/19/12 for Policy SE 1.3 (Special Planning Area 2/RDCC) on page 278/item 6 of the Jan. 28, 2013 council packet. The language he has submitted is consistent with the Environmental Impact Statement for the Comp Plan as well as the current draft SMP. It allows only visual public access to the water to protect the water quality." Suggests making a "first class park" at Arbor Lake Park in North Burien, similar to Steel Lake Park in Federal Way – lawns, picnic areas, views, sport fields, nature viewing. Enhance what Burien already has. | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed. | | |

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| **Linda Plein** | 25 | Policy SE 1.3 | Says that since 1996 the draft and final Comp Plans have contained an EIS saying that land use around Lake Burien should be low density and the Ruth Dykeman parcel should allow only passive recreation with visual public access to the public for the protection of water quality. Says staff is ignoring the EIS to change the language regarding RDCC parcel; should not be allowed. Says staff is claiming the DOE is demanding the change; says DOE denies. DOE has no influence over city comprehensive plans. Says staff then claimed it was required to pass the SMP; says DOE denies that, too. Requesting Burien maintain current language in Comp Plan re: RDCC parcel, to protect water quality. | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed. | | |
| **Chestine Edgar** | 26 | Policy SE 1.3 | Requesting the Comp Plan language be revised to match the wording to the EIS in Chapter 5 for SPA2, including the RDCC parcel for Pol. SE 1.3a on page 2-23 of the existing Comp Plan. Says the EIS, on page 5-32, states that land use around the lake should be low density and public access from RDCC parcel should be passive and visual only – to change Pol. SE 1.3 as proposed is in violation of the EIS.<br><br>Also says the SMP does not overrule the Comp Plan or current EIS; DOE says it has no say over city comp plans, and the current EIS is not in violation of DOE rules. Says the arguments by staff that the policy must be changed are "without merit." Wants physical access to the lake prohibited, for water quality. | The comment relates to item number 6 on the City Council comment summary matrix. The Staff response in that matrix is as follows:<br><br>*"Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.*<br><br>*11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. "*<br><br>The issue was raised at multiple City Council meetings and there was no consensus of the Council to change the language as proposed.<br><br>The second comment relates to item number 14 on the City Council comment summary matrix. The city attorney provided a response at the November 5th meeting. Generally, there is a requirement that the documents be consistent, so therefore the policies are not needed. If there is an inconsistency it should be addressed and remedied. | | |

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| **Judy Xie** | 27 | Zoning<br>Map ref no. B-11 | Owns 11804 Des Moines Memorial Dr. S. [with John Zhang, see testimony], strongly supports the change from R24 to R48 because of proximity to downtown Seattle. Denser zoning may result in better funding for redevelopment. Most of the properties are old. She hopes the greater density will bring new residents and new businesses to the area, and new tax revenues to support the community, too. | Map ref no. B-11<br><br>RM-24 to RM-48<br><br>The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. (excerpt from zoning changes tables) | | |
| **John Zhang** | 28 | Zoning<br>Map ref no. B-11 | Owns the property at 11806 Des Moines Memorial Dr. S. [with Judy Xie, see testimony] (RM-24 → RM-48) Strongly supports rezone. Believes it will encourage redevelopment and attract new residents. Says the existing houses are very low value and low value plagues the owners trying to get money to renovate, so redevelopment may be the answer, since it's so close to downtown Seattle. | Map ref no. B-11<br><br>RM-24 to RM-48<br><br>The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. (excerpt from zoning changes tables) | | |
| **Shahnaz Chahim** | 29 | Zoning<br>Map ref no. none | Owns duplex at 1040 SW 124th St (Parcel #3744600421). Currently zoned RS-7,200, not proposed to change; would like it changed to RM-18 to match the properties to the west and across 124th and to make the use in conformance with the zoning. [note: the parcel right behind it has an identical duplex on it – parcels to the east are SFR.] Writer notes that the GMA encourages density, so believes the zoning should be changed. | Parcel is not being proposed to be changed. The current use of the parcel is a duplex as is the parcel to the north. The parcel is developed at a density of approximately 10 units per acre. The parcels immediately east are developed as single-family residences.<br><br>Staff can recommend the change to RM-18 for parcel 3744600421 and 3744600423. The RM-18 designation will expand to the east by 60 feet and is a very close match with the existing development on both parcels. At a maximum only one additional unit could be possibly added to each parcel. | | |
| **C. Bryon Hammock, CCM, general manager, Rainier Golf & Country Club** | 30 | Zoning | Does not want the proposed Boulevard Park zoning changes as they will result in more rental properties, which will bring down adjacent property values. "Many of the surrounding rental properties have been sold within the last couple of years to new owners wishing to enhance the community but are still fighting the 'low income' that brings down the Boulevard Park area." Two questions: "Why is the City of Burien wishing to expand development in rental dwellings? How is this beneficial to owners and neighbors now?" | The proposed zoning changes do not specify whether a development would be for rent or for purchase. The increases in zone intensity in the Boulevard park are to support compact development near commercial centers, near transit and encourage redevelopment of aging housing stock. Please also see the general summary in the land use alternative tables. | | |

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| **Neil and Marilyn Nyssela** | 31 | Zoning<br>Map ref no. A-2 | Own 8 parcels proposed to change from CC-2 to RM-24. Under King County zoning it was Community Business, Special Overlay, changed to that when K.C. eliminated General Commercial in the '90s. The special overlay allowed the existing uses, which weren't permitted until CB zoning.<br><br>When Burien annexed, were assured Burien would not change the zoning in any way that would significantly affect property value. Found out CC-2 didn't allow everything allowed in CB-SO, but felt helpless. Also, under CB could have 48 units per acre. Now, if rezoned to RM-24, city will be cutting development potential in half and there are no commercial uses allowed and non-residential uses are allowed only as part of a mixed-use development. Strongly object to this attack on their property values. | Map ref no. A-2<br><br>CC-2 to RM-24<br><br>Changes zoning of highly underutilized commercial land to multi-family and creates consistency with adjacent zones to the west and the east. Topography of the land will also allow for exceptional views to the west. It also assists in creating a better balance of commercial and residential land use designations city wide. (excerpt from zoning changes tables) | | |
| | | Zoning<br>Map ref no. A-1 | Also own 4 parcels proposed to change from CC-2 to CN. Also were zoned CB-SO under county. The special overlay allowed the existing uses, which weren't permitted until CB zoning. When Burien annexed, were assured Burien would not change the zoning in any way that would significantly affect property value. Also, under CB could have 48 units per acre. Now, if rezoned to CN, will be able have only 12 units per acre, taking as much as 75% of the development value of their land. Strongly object to this attack on their property values. | Map ref no. A-1<br><br>CC-2 to CN<br><br>CI (Intersection Commercial) zoning recognizes this specific area along 16th Avenue SW may be better suited for low to moderate convenience commercial uses. The proposed zoning allows a diverse mix of uses to encourage pedestrian and transit access and be compatible with adjacent residential neighborhoods. Note: the same zoning designation is applied at the intersection of Ambaum Boulevard SW and SW 128th Street. The CI zone allows convenience retail (no auto sales), office, eating and drinking establishments, auto service and mixed use of up to 24 or 12 units per acre. | | |

| Council Member | 2012 COMPREHENSIVE PLAN/ZONING AMENDMENTS<br>CITY COUNCIL COMMENT SUMMARY<br>WORKING DRAFT 1/7/2013 | | | | Modified (Since1/7/13 | |
|---|---|---|---|---|---|---|
| | # | TOPIC (Nov. 5th CC Packet Page No.) | SUMMARY of COMMENT | DRAFT RESPONSE | | 11/19/12 CC Direction |
| LK | 3 | Pg. 92, 252<br>RE 1.6 | Large home sizes section is proposed to be deleted. The Council should reconsider deleting the language. | Building coverage and impervious surface coverages are regulated by the zoning code and the public has not expressed concern regarding structure sizes. The city has also implemented size requirements for accessory structures in the zoning beginning in 2009. | | No definitive consensus to change proposed language in the draft ordinance. |
| LK | 4 | Pg. 93<br>RE 1.7 | What is the appropriate terminology? Unit per acre or unit per net acre.<br><br>11/19/12 - LK and BE researched GMHB cases and commented that the intent of the two documents should be consistent and that the text does not necessarily have to be word for word. Therefore the text in the Comp Plan could be amended accordingly. | The term "net" should be used when describing the allowed density because it most accurately represents the achieved density once land area deductions for items such as right-of-way and drainage facilities are incorporated into the calculation. The term "net" excludes these types of facilities from a density calculation.<br><br>The term "net" should not be used when describing the character of an area because dedications of land (right-of-way and drainage) have already occurred.<br><br>Upon further review staff recommends the term "net" should be removed from policy RE 1.6 designation criteria 1. With only that one exception all other references are consistent with the explanation above.<br><br>RE 1.5 should not be amended because it is a policy included in the proposed SMP policy and any changes would make the documents inconsistent.<br><br>OR<br><br>11/19/12 – Staff recommends the text be changed in the proposed SMP however it would expand the SMP issue list beyond the 4 items identified by the City Council. DOE would not likely object to this minor amendment. | | No definitive consensus to change proposed language in the draft ordinance. |
| BE | 6 | Pg. 112, 279<br>SE 1.3 | Change language to read "physical public access to the water is prohibited and development supports the historical link to old Burien."<br><br>11/19/12 - BE commented that access has already been analyzed in comp plan page 5-32 and suggests the following text amendments. | Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.<br><br>11/19/12 – The initial issue pertains to requirement to have policies that are consistent with the implementing regulations (see pg 279). Staff has provided | | No definitive consensus to change proposed language in the draft ordinance. |

ATTACHMENT 3



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ATTACHMENT 3

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | "While the City encourages and supports the continued operation of the Center, any proposed change in use in the future should be reviewed to ensure that wetlands and water quality of Lake Burien are fully protected and public access to Lake Burien would be limited primarily to views and passive recreation and ~~aPublic access to the water is prohibited: and b. T~~the development supports the historical link with Old Burien." | excerpts from the Growth Management Act and the Growth Management Hearings Board decisions regarding the requirement that development regulations (BMC & SMP) be consistent with the Comprehensive Plan. Please note the Bainbridge Island decision where the consistency requirement addresses both the comprehensive plan and shoreline master program. | | |
| **LK** | 7 | Pg. 114, 283<br>PH 1.1 | TDR why are we removing this section?<br><br>11/19/12 – JR we should proceed with a TDR program. Staff will provide more information on the analysis | The language was not recommended to be removed. It was intended to be moved to the introduction section (Section 2.1) as specified on page 283 in the table provided at the Nov. 5th meeting. Upon further review, it appears the text was not included in the introduction section as printed in the draft ordinance. The appropriate changes will be made to the proposed ordinance.<br><br>11/19/12 – In July 2012 the City studied the issue of whether a County TDR program could work as a redevelopment tool in the NERA. The preliminary analysis concluded that the given the scale and timing of improvements in the NERA that a TDR program would not generate sufficient revenue. In addition the money that would be needed to initiate the program may better used to provide funding for necessary capital improvements which in turn could encourage development in the area. | | |
| **LK** | 8 | Pg. 115, 284<br>EV 1.3 | A comment to use the proposed alternate language. "~~Attempt to~~ Avoid impact to critical areas before considering minimizing impacts or providing mitigation." | Text was recommended by the Watershed Co. as a part of the BAS gap analysis. Alternate language may be proposed. In keeping the phrase "attempt to" it recognizes that in some instances it may not be possible to avoid all impacts and therefore some level of mitigation may be acceptable. | | No consensus to amend the language as proposed. |
| **BE** | 9.1 | Pg. 90<br>LU 2.1 | Amend the date from 2013 to 2031. | Staff will make the appropriate change to the text. | | |
| **BE** | 9.2 | Pg. 121<br>EV 5.6 | Where are the ground water policies located?<br><br>There should be a reference to those other policies. | Ground water policies start on the Nov. 5th Council Packet page 121 with Goal EV.5 and continue to page 121 and EV 6.3. The storm water element of the comprehensive plan also contains goals and policies that address ground water (see Section 2.8 of Comp Plan, pg. 2-109). In addition, the storm water master plan recognizes the storm water element of the comprehensive plan as the policy framework for related storm water planning efforts (pg. 1-3 of the SDMP). The goals and polices of the storm water element are included as appendix 1-1 in the Storm Drainage Master Plan.<br><br>Staff recommends that the following be added to reference to the storm water element.<br><br>*Note: Additional ground water related goals and policies can be found in section 2.8, Storm Water Element.* | | |

| | | | COUNCIL CONSENSUS ITEMS | | | 11/19/12 CC Direction |
|---|---|---|---|---|---|---|
| **JR/JB/BB** | 1 | Notice/Process | Request that each property owner receive individualized notice when there is a proposed down zone. The notice should specifically state the zoning change.<br>Notice of potential downzone should be provided. Can we provide another notice? | If the Council so chooses, a public hearing can be scheduled and public notice could be expanded to include an individualized notice to properties where a change proposed. There are cost and timing implications that will need to be considered. Should the hearing occur before the holidays in December or early in 2013?<br>The earliest staff could coordinate a public hearing is for your December 17th meeting.<br><br>11/19/12 – Notice will be provided and a public hearing will be conducted as directed. | | Council Direction to conduct a Hearing on January 28th Notice should be provided no later than 14-days before the hearing date. Council will review the modified matrix on January 7th. |
| **JR/BE/BB** | 2 | Pg. 126, 299<br>Pol. PI 1.5 | -How do you meet a "public benefit"? It is too restrictive of a standard.<br>-Change the text to read "it will not result in a net loss to the community".<br>-The current language could be considered an impediment to development.<br>-Net benefit compared to net loss language. Provide examples of what the application of the criteria could lead too. Use real world examples if possible. | Public benefits can be a wide range of items depending on the specific attributes of any individual proposal. Some public benefits identified in past analysis include providing increased opportunity or capacity for employment, housing or recreation amenities. Typically a public benefit can and should be related to a goal or policy in the Comprehensive plan. The goals and policies in the plan provide direction on where the community wishes to improve and/or maintain a desired level of service or feature in the community. Some proposals may indirectly result in a public benefit, such as encouraging compact development or allowing higher intensity uses adjacent to transit. The benefits of this scenario include use of transit which reduces air pollution, added health benefits and reduced costs associated with transit capacity improvements. All of which are tangible benefits to the greater community.<br><br>If a "no loss" or "no harm" standard is included in the criteria, it assumes that the community is content with the status quo and positive gains will be minimized slowing the progress toward the community's vision. | | Council consensus to replace the language in the criteria from "public benefit" to "it will not result in a net loss to the community" |
| **LK** | 5 | Pg. 112<br>SE 1.2 | Define boundaries of Old Burien in writing.<br><br>11/19-12 – LK and RC keep the descriptive language in this policy and other places where there is a written description of a location or boundary. | The language describing the general location of the SPA-1 (Old Burien) land use designation could remain.<br><br>OR<br><br>Old Burien is identified on the zoning and comprehensive plan maps as Special Planning Area 1. The comprehensive plan and zoning maps contain sufficient detail to determine the boundaries. The maps are available on line at this web address: http://www.burienwa.gov/DocumentView.aspx?DID=657 . | | Council consensus to retain the descriptive language in this and other sections (SE 1.2 & SE 1.4). |
| **LK** | 9 | Pg. 121<br>EV 5.3 | "Provide incentives for" should be added to the policy. | Staff supports the proposed language. The final policy could read as follows. "Provide incentives for and promote ground water recharge by allowing and encouraging the use of low impact development techniques that infiltrate runoff where site conditions permit." | | Consensus to amend the language as proposed. |

| | | | QUESTIONS | DRAFT RESPONSE | | |
|---|---|---|---|---|---|---|
| **JR** | 10 | Pg. 88<br>Pol. LU 1.11 | Why is 5-corners not included within the Urban Center boundary? What was the reasoning for the boundaries? What would be the difference in our planning if it was included? | There is no proposed change to the Urban Center Boundary. The center was reviewed and approved in PSRC's Vision 2040 (page 50) and the Countywide Planning Policies, Policy DP-30.<br><br>There are criteria in the CPP's that cities must adhere to through a countywide adoption process. References to center criteria and related policies can be found in the CPP's beginning with Policy LU-39 through LU-50<br><br>See also LU 1.11 for local policy language (page 88) relating to the creation of the urban center.<br><br>The planning and related implementation work focus achieving the policy objectives in a localized portion of our city that align with the policy objectives of centers (pedestrian mobility, transit use, housing, urban design and facilities to meet human service needs). The 5-corners area is primarily an auto-oriented retail center which is not directly consistent with these policy objectives. | | |
| **BE** | 11 | Pg. 98<br>BU 1.1 | What are the requirements for signage and parking for home occupations? | Requirements regarding home occupations are found in BMC 19.17. 090. In summary, legally established businesses may continue, no signs are allowed and one additional parking space is required. | | |
| **BE** | 12 | Pg. 112<br>SE 1.3 | Does an EIS have to be approved by Ecology? | No. DOE can comment on an EIS. | | |
| **JR** | 13 | Pg. 124<br>HT 1.4 | Does the proposed language change the requirement that an owner has to agree to the landmark designation process? | No. The implementing regulations have been adopted into the zoning code and a requirement of filing an application is that the property owner provides written consent to initiate the designation process (BMC 19.85.020[3]). | | |
| **BE** | 14 | Pg. 127, 299<br>PI 1.6 – 1.9 | Land use conflicts, section deleted, why? There is an RCW that states one has precedent over the other. | The maps must be consistent and one cannot rule over the other. Answered at the Nov. 5th meeting. RCW section not provided. | | |
| **BE** | 14.1 | Pg. 121<br>EV 5.4 | Provide examples ground water pre-treatment. | Examples of storm water pre-treatment include the following: biofiltration swales, filter strips, wetponds, wet vaults, storm water wetlands, sand filters, catch basin inserts and oil/water separators. (source KCSWDM) | | |
| | | | | | | |

| | | | COMMENTS | DRAFT RESPONSE | | |
|---|---|---|---|---|---|---|
| JB | 15 | Housing Capacity/Density | A comment supporting the designation from RM-24 to RM-48. Recognizing the change provides a financial incentive to rebuild those properties. | It should be noted that the proposed changes will assist the city in achieving its obligation to provide sufficient capacity for housing as required by the CPP's (see Burien Pol. LU 2.1, page 90). | | |
| LK | 16 | Pg. 95<br>RE 1.9 | Concerned about the up zoning that has occurred. RM-24 to RM-48.<br><br>11/19/12 JR/RC – Some areas are reverting back to the original zoning prior to City incorporation and will match the existing development intensity.<br><br>LK – Supports retaining the RM-24 designation.<br><br>JB/RC- The change back to RM-48 provides a financial incentive to redevelop those properties. | Some portions of the City may be appropriate to increase potential development intensity especially near struggling commercial nodes and along corridors with good transit services. Please see attachment 5 of the Nov. 5th Council packet for a more thorough description of the comprehensive plan and zoning change objectives (begins on council packet page 303). It should be noted that the changes assist the city in achieving its obligation to provide sufficient capacity for housing as required by the CPP's (see Pol. LU 2.1, page 90). | | |
| LK | 17 | Pg. 107<br>IN 2.1 | NERA 1. Designation criteria for NERA. Check in with staff later. | Staff has not received comments from Councilmember Krakowiak regarding this comment. | | |

# AMBAUM BOULEVARD SW

## Zoning changes

The approach in this land use alternative is to implement slightly higher residential densities along the Ambaum Boulevard SW corridor. This approach is preferred partially in part to more closely match the current development intensity and in part to locate units in an area that is served by mass transit as Ambaum Boulevard SW will be designated as a pedestrian and transit priority corridor. This alternative implements a portion of Burien's long range vision that is found under the "Environment, Livable" statement. This section states that "Burien makes sustainable land, energy, water and transportation choices." The slightly higher residential densities may also encourage and/or enable reinvestment and redevelopment. Enabling the construction of more residences throughout this corridor may in-turn provide more incentives for businesses to locate in the adjacent commercial zones as re-development occurs because they would have a larger population base to draw customers from. It also recognizes the future housing trend of more residents seeking rental housing as opposed to purchasing units. This alternative also implements the vision statement of "Diversity, Multi-centered" which states that "Burien cultivates a thriving array of business and community centers."

Commercial zones will remain generally the same, with one exception, which is located at the north end of the corridor at the intersection of SW 116th Street and 16th Avenue SW. The proposed changes, at this location, will slightly increase limitations on the type of uses that may be allowed and reduce the overall amount of land that is zone commercial which is evidenced by underutilized land and vacant buildings throughout the city. It is believed that the city generally has an oversupply of commercially zoned land and the current vacancies in other commercial areas support this theory as well. Another consideration factored into this alternative is that some of the strip commercial zones appear to compete with one another. This alternative will help direct auto oriented commercial uses to more appropriately designated "auto oriented" corridors such as 1st Avenue, while also increasing the City's ability to provide sufficient residential capacity.

The guiding themes in this alternative include;

- Changes RM-48 to RM-24.
- Generally match the existing uses to the appropriate zones.
- Reduces auto oriented commercial zoning with commercial zoning that is more complimentary toward serving abutting residential uses.

| **Ambaum Boulevard SW Corridor** | | |
|---|---|---|
| A.1 | CC-2 to CI | CI (Intersection Commercial) zoning recognizes this specific area along 16th Avenue SW may be better suited for low to moderate convenience commercial uses. The proposed zoning allows a diverse mix of uses to encourage pedestrian and transit access and be compatible with adjacent residential neighborhoods. Note: the same zoning designation is applied at the intersection of Ambaum Boulevard SW and SW 128th Street. The CI zone allows convenience retail (no auto sales), office, eating and drinking establishments, auto service and mixed use of up to 24 or 12 units per acre. |

| | | |
|---|---|---|
| A.2 | CC-2 to RM-24 | Changes zoning of highly underutilized commercial land to multi-family and creates consistency with adjacent zones to the west and the east. Topography of the land will also allow for exceptional views to the west. It also assists in creating a better balance of commercial and residential land use designations city wide. |
| A.3 | CC-2 to CN | Matches similar zone at the intersection to the south (Ambaum Blvd. SW and SW 128th Street). CN allows convenience retail, office, eating and drinking establishments, and mixed use up to 12 units per acre. |
| A.4 | RS-7,200 to RM-24 | Match zoning to existing use which is a 1958 MFR development with a density of approximately 19 units per acre. |
| A.5 | RM-12 to RM-18 | Adjust line to include the one parcel to the west and increase the redevelopment potential in an area with good access from roads other than Ambaum Blvd. SW. |
| A.6 | RM-18 to RS-7,200 | Changes a one parcel zoning designation (spot zone) of a religious facility to the adjacent single family zone designation. Religious facilities are allowed in SFR zones. |
| A.7 | RM-24 to RM-48 | Adjusts zoning to match RM-48 zoning on the parcel to the east, which is under the same ownership. |
| A.8 | RM-12 to O | The subject parcel is under the same ownership as the parcel to the south which is zoned office. A portion of the existing use to the south is also located on the subject parcel. |
| A.9 | RM-24 to RM-48 | Change zoning designation to match the general development pattern of the area west of Ambaum Blvd. SW. All of the parcels are developed at a density greater than 24 units per acre. The change returns the zoning back to designations of the early 1990's. |
| A.10 | RS-12,000 to RM-24 | Matches zoning designation to existing use. Existing use is a 24 unit MFR development with a density of approximately 27 units per acre constructed in 1966. |
| A.11 | RM-12 to RM-24 | Matches zoning to existing MFR density constructed on the parcels. |
| A.12 | CI to Park/School/Rec./Open Space (Comprehensive Plan Map only) | Proposed change is for comprehensive plan map only. The underlying zoning designation will remain the same. Parcel is currently developed as a City Park. |
| A.13 | RM-48 to RS-7,200 | Matches the zoning designation to the majority of the site, which is a religious facility that is zoned RS-7,200. |
| A.14 | RM-12 to RS-12,000 | Changes zoning to match existing single-family residences constructed in 1991. |
| A.15 | RM-12 to RM-24 | Changes zoning to match existing multi-family development constructed at 40 units per acre (south parcel) and 24 units per acre on the parcel north of SW 128th Street. |

# AMBAUM BOULEVARD SW

## PROPOSED Land Use/Zoning

A1-CI zoning recognizes this area may be better suited for low to moderate convenience commercial uses. The zoning allows a diverse mix of uses to encourage

A2-Changes zoning of highly underutilized commercial land to multi-family and creates consistency with adjacent zones to the west and the east.

A3-Matches similar zone at the intersection to the south (Ambaum and SW 128th St). CN allows convenience retail, office, eating and drinking establishments, and mixed use up to 12 units per acre.

A4-Match zoning to existing use which is a 1958 MFR development with a density of approximately 19 units per acre.

A5-Adjust line to include the one parcel to the west and increase the redevelopment potential in an area with good access from roads other than Ambaum Blvd SW.

A6-Changes a one parcel zoning designation (spot zone) of a religious facility to the adjacent single family zone designation. Religious facilities are allowed in SFR zones.

A7-Adjusts zoning to match RM-48 zoning on the parcel to the east, which is under the same ownership.

A8-The subject parcel is under the same ownership as the parcel to the south which is zoned office. A portion of the existing use to the south is also located on the subject parcel.

A9-Change zoning designation to match the general development pattern of the area west of Ambaum Blvd SW. All of the parcels are developed at a density greater than 24 units per acre. The change returns the zoning back to designations of the early 1990's.

A10-Matches zoning designation to existing use. Existing use is a 24 unit MFR

A11-Matches zoning to existing MFR density constructed on the parcels.

A12-Proposed change is for comprehensive plan map only, underlying zoning designation remains the same.

A13-Matches the zoning designation to the majority of the site, which is a religious facility that is zoned RS-7,200.

A14-Changes zoning to match existing single family residences constructed in 1991.

A15-Changes zoning to match existing multi-family development constructed at 40 units per acre(south parcel) and 24 units per acre on the parcel north of SW 128th.

Comp Plan to PPSROS

Comp Plan to PPS

Unincorporated King County

1/4 Mile Radius

16TH AVE SW

AMBAUM BLVD SW

16TH ST

SW 130TH ST

SW 131ST ST

SHOREWOOD

RS-12,000

RS-7,200

**Legend**

- Residential Single Family A
- Residential Single-Family 12,000
- Residential Single-Family 7,200
- Residential Multi-Family 12
- Residential Multi-Family 18
- Residential Multi-Family 24
- Residential Multi-Family 48
- Neighborhood Center
- Intersection Commercial
- Downtown Commercial
- Regional Commercial
- Community Commercial 1
- Community Commercial 2
- Office
- Professional/Residential
- Industrial
- Airport Industrial 1
- Airport Industrial 2
- Special Planning Area 1
- Special Planning Area 2
- Special Planning Area 3

0 100 200 400 Feet

# 1ST AVENUE SOUTH

## Zoning changes

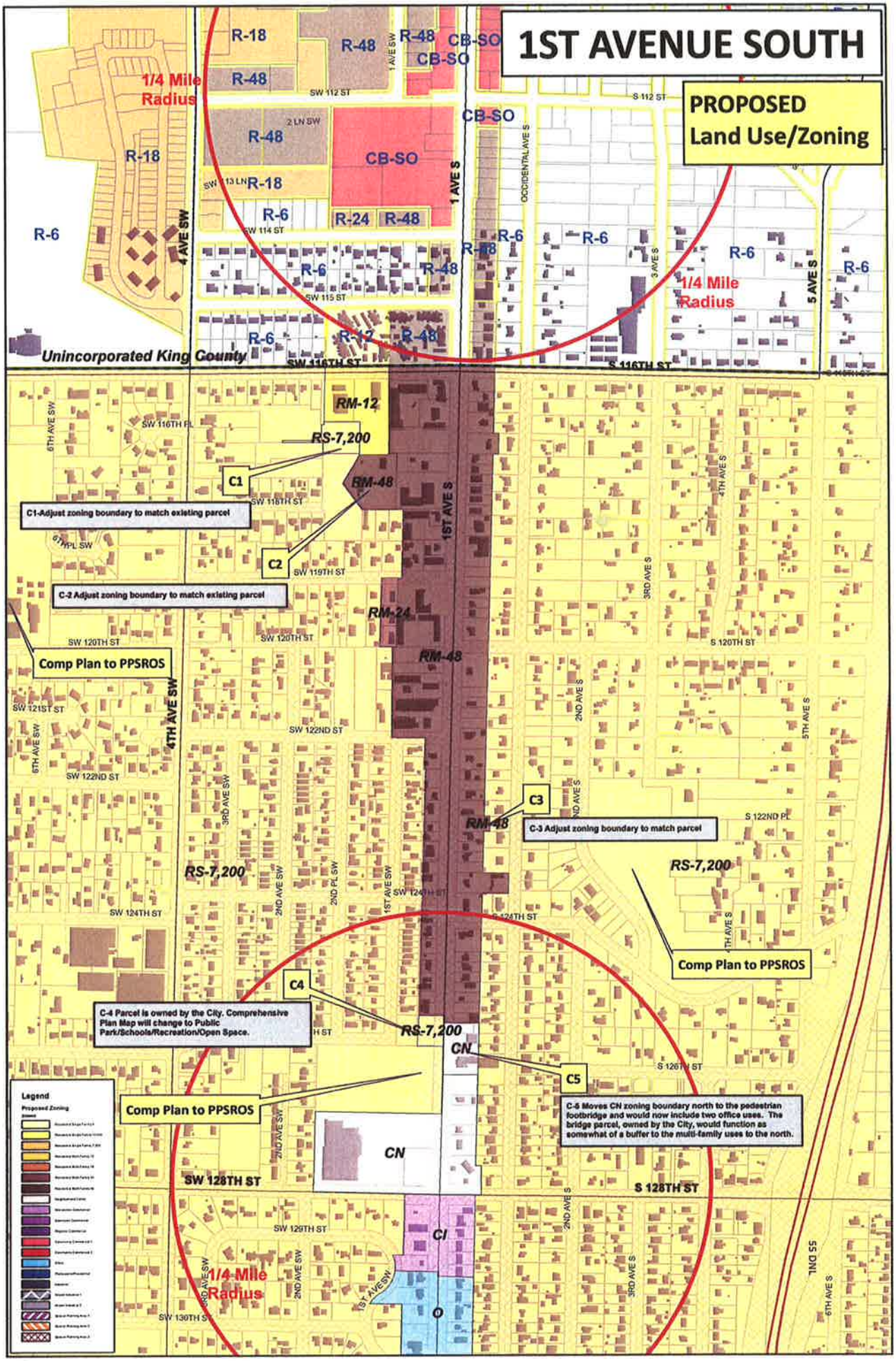
# PREFERRED ALTERNATIVE

The First Avenue South zoning alternative primarily maintains the existing zoning designations along this high traffic corridor. Minor adjustments are proposed to better align zoning designations to match property lines.

| 1st Avenue South Corridor | | |
|---|---|---|
| C.1 | RM-12 to RS-7,200 | Adjust zoning boundary to match existing parcel lines. |
| C.2 | RS-7,200 to RM-48 | Adjust zoning boundary to match existing parcel lines. |
| C.3 | RS-7,200 to RM-48 | Adjust zoning boundary to match parcel lines. |
| C.4 | RM-48 to RS-7,200 | Parcel is owned by the City. Comprehensive Plan map will change to Public Park/Schools/Recreation/Open Space. |
| C.5 | RM-48 to CN | Moves CN zoning boundary north to the pedestrian footbridge and would now include two office uses. The bridge parcel, owned by the City, would function as somewhat of a buffer to the multi-family uses to the north. |

# 1ST AVENUE SOUTH

## PROPOSED Land Use/Zoning



# BOULEVARD PARK

## Zoning changes

The Boulevard Park land use alternative recognizes the presence of multiple transit routes along with a long-standing neighborhood commercial node located at the intersection of Des Moines Memorial Drive South, South 120th Street and Glendale Way. Former King County zoning designations along the Des Moines Memorial Drive corridor is an excessive patchwork of many different zones with various densities at many different locations. This proposed alternative eliminates many of the inconsistencies and concentrates higher levels of residential development intensity near the longstanding neighborhood commercial center. It slightly shrinks the commercial zoning designations along the corridor focusing activity into one centralized location at the main intersection of South 120th Street, Des Moines Memorial Drive and Glendale Way. This alternative guides the construction of residential units in closer proximity to commercial zones that will provide local goods and services, thereby creating a walkable neighborhood focal point. Underperforming commercial areas both north and south of Des Moines Memorial Dr. and South 120th Street are reduced in size, while at the intersection of Des Moines Memorial Dr. and South 128th Street the scale and intensity of the possible commercial uses is limited slightly, recognizing its proximity to the single-family neighborhoods.

This land use approach implements a portion of Burien's updated vision that falls under the category of "Environment, Livable". This section states that "Burien makes sustainable land, energy, water and transportation choices." The slightly higher residential densities near the long-standing commercial center may also encourage and/or enable reinvestment and redevelopment. Enabling the construction of more residences at this central location may, in turn, provide more incentives for businesses to locate here because as redevelopment occurs there will be a larger population base to support business activity. The preferred alternative also implements the vision statement of "Diversity, Multi-centered," which states that "Burien cultivates a thriving array of business and community centers."

A number of residential areas located on the outer periphery of the central commercial area are down-zoned to match existing uses or surrounding development character thereby focusing new development potential in the primary node as described above.

The guiding theme in this alternative includes:

- Focus development intensity, both commercial and residential, at the central intersection of Des Moines Memorial Drive South, South 120th, and Glendale Way South (Boulevard Park).

| **Boulevard Park** | | |
|---|---|---|
| B.1 | RM-12 to RS-7,200 | Match zoning to existing use (SFR). Removes a spot zone. |
| B.2 | RS-12,000 to RS-7,200 | Parcel is owned by Rainier Golf and Country Club and contains a portion of the golf course. |
| B.3 | RM-12 & RM-18 to RS-7,200 | The area east of the golf course is developed with many single family residences. The change matches the existing uses to the corresponding zoning designation. |
| B.4 | RM-12 to RM-48 | Existing parcel is developed as a SFR and RM-48 is on both the north and south side of the property. The parcel is also on a major arterial. |

| | | |
|---|---|---|
| B.5 | RM-18 to RS-7,200 | Matches zoning to existing uses (SFR) on land that is partially constrained by steep slopes. |
| B.6 | RM-12 to RS-7,200 | The parcel contains a SFR. |
| B.7 | RM-12 to RM-24 | Match zoning to existing MFR uses and increase the RM-24 zone south to the geographic break (road). Adjust lines of the existing RM-24 zone to match property lines. |
| B.8 | RM-18 to CC-2 | Aligns the zoning boundary with the existing parcel lines. |
| B.9 | RM-18 to RM-24 and RM-48 to RM-24 | The properties on the north and south of South 116th Street will now be more closely matched to existing MFR developments. Density and zoning designations on both sides of the street will now match. Existing RM-18 parcel to the south is vacant and will now match adjacent SFR zoning. |
| B.10 | RM-12 to RM-24 | Aligns the zoning designation with the parcel to the north (RM-24) and serves as a transition from the RM-48 zone to the south. Parcels are currently single-family or vacant (farm). |
| B.11 | RM-24 to RM-48 | The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. |
| B.12 | RM-12 to RM-48 | The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. |
| B.13 | RM-12 to RS-7,200 | Adjusts zoning boundary lines to match parcel lines. |
| B.14 | RM-12 to RM-18 | Aligns zoning boundary with existing parcel lines and slight increase in the size of the zone due to its proximity to the primary commercial intersection. |
| B.15 | RM-12 to RM-24 | The proposed change matches adjacent zoning and places higher densities near the commercial core. Topography should not be an issue if a development is designed to use hillside. Access could be difficult. |
| B.16 | RM-12 to RS-7,200 | Zoning change will now match existing development. All parcels are developed as single-family except one is a duplex. The duplex could possibly qualify as an ADU. |
| B.17 | RM-12 to CC-2 | Eliminates spot zone for existing library. Implements logical zoning boundaries for the entire block. |
| B.18 | RM-18 to CC-2 | Current zoning boundary splits a parcel. |
| B.19 | RM-12 to RM-18 | Proposed change matches adjacent zoning designation while also increasing density taking into consideration the proximity to the commercial center. |
| B.20 | RM-12 to RM-48 | The change places more units within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. Parcel sizes considered in zone change as well. |
| B.21 | RM-12 to RM-18 | The area serves as a transition from the higher density (RM-48) to the north. Parcels in this area are generally smaller, which is generally compatible to lower-intensity development from a site design perspective. |
| B.22 | RM-12 to RM-18 | Change implements a zone transition from a high traffic corridor to the established residential neighborhoods. |
| B.23 | RM-12 to RM-18 | A slight increase in density of four parcels and that would now match adjacent zoning designations on the same side of the street and across DMD. |

| | | |
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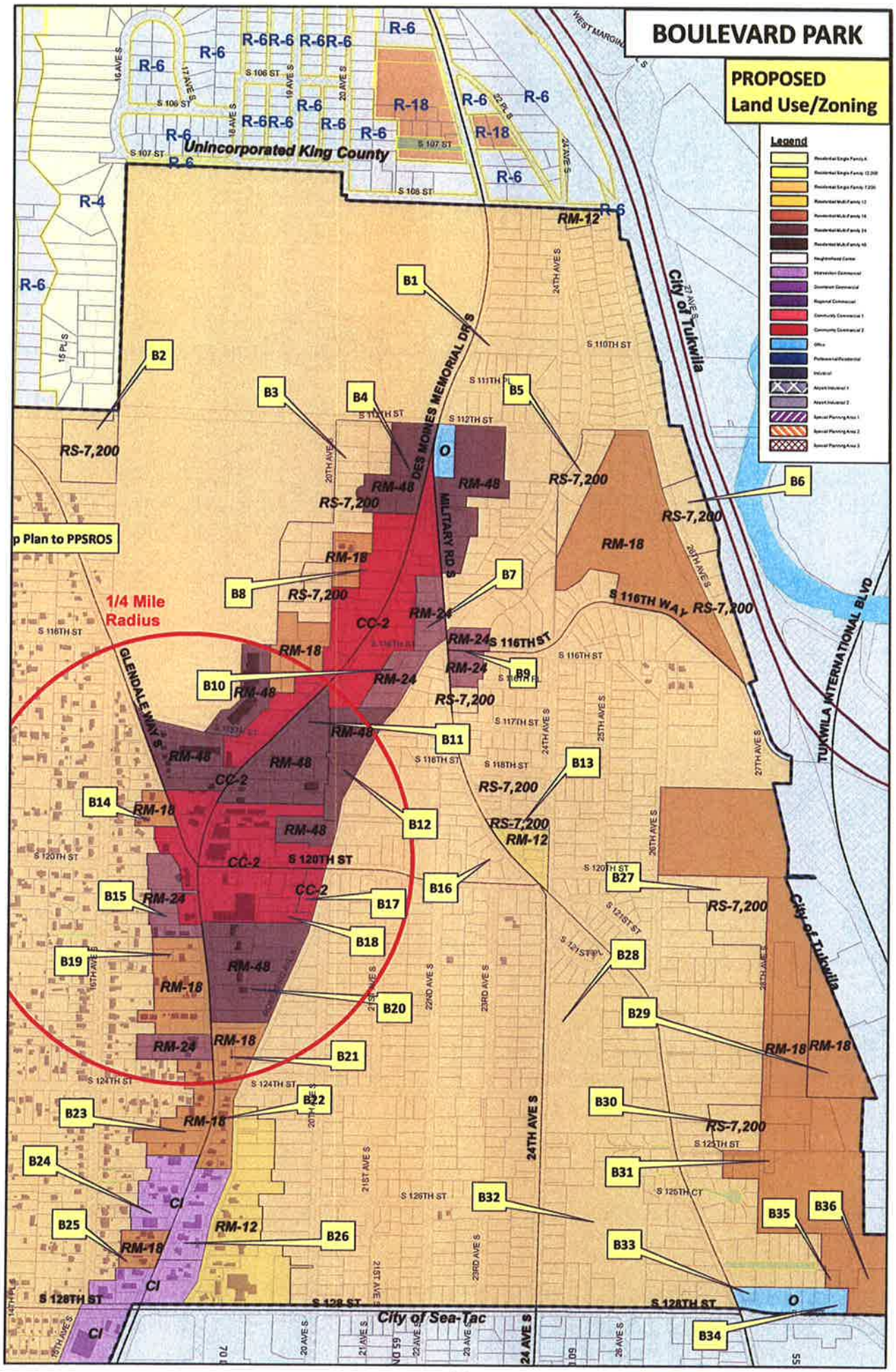
| B.24 | O to CI | Changes zoning of one office-zoned parcel to Intersection Commercial, which is similar to other adjacent parcels along Des Moines Memorial Drive South. The change to CI ensures that development scale and use compliment and support the surrounding residential neighborhood near this more prominent intersection. |
| B.25 | RM-12 to RM-18 (or CI) | A slight increase in density, and matches an adjacent zoning designation. |
| B.26 | RM-12 to CI | The change fills in a gap in the commercial zone along a busy traffic corridor. See B.24 for rational for change to CI. |
| B.27 | RM-12 to RS-7,200 | Maintains the single-family residential character found to the south and west of the area. Reinforces the practice of locating multi-family development within walking distance of neighborhood commercial centers. |
| B.28 | Comprehensive Plan Map Change | Change Comprehensive Plan Map from Moderate Density Residential Neighborhood to Public Parks/Schools and Open Space. All schools currently have this designation. |
| B.29 | CR to RM-18 | Matches zoning designation to the remainder of the parcel, which contains a multi-family development. This zoning line bisects a property; however, it appears to recognize there may be potential development that would be compatible with development at the base of the slope (in Tukwila and zoned C LI). |
| B.30 | RM-12 to RS-7,200 | Parcel is vacant. Reinforces the practice of locating multi-family development within walking distance of neighborhood commercial centers. |
| B.31 | RS-7,200 to RM-18 | Removes a spot zone. |
| B.32 | Comprehensive Plan Map Change | Change Comprehensive Plan Map from Moderate Density Residential Neighborhood to Public Parks/Schools and Open Space. All parks have this designation. |
| B.33 | RM-12 to O | Eliminates a spot zone and matches zoning of adjacent properties. It recognizes the location of the hospital across the street. Parcel is currently vacant. |
| B.34 | RM-48 to O | Eliminates a spot zone and matches zoning of adjacent properties. It recognizes the location of the hospital across the street. |
| B.35 | RM-12 to RM-18 | Removes a single parcel zoning situation on a parcel that contains a single-family residence. |
| B.36 | RM-24 to RM-18 | Removes a single zone for a parcel on a property that contains a church. Religious facilities are an allowed use in the RM-18 zone. |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PROPOSED
Land Use/Zoning
Legend
Unincorporated King County
City of Tukwila
City of Sea-Tac
TUKWILA INTERNATIONAL BLVD
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MILITARY RD S
GLENDALE WAY S
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**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:** Review of Revisions to the City Council Policies and Procedures | | **Meeting Date:** March 18, 2013 |
| **Department:** City Manager<br>**Contact:** Nhan Nguyen, Management Analyst<br>**Telephone:** (206) 439-3165 | **Attachments:**<br>1. Council Policies and Procedures – Draft with Track Changes.<br>2. 2013 Council Meeting Guidelines<br>3. Matrix of Revisions | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A<br>**Unencumbered Budget Authority:** N/A |
| **Adopted Work Plan Priority:** Yes No X | **Initiative Description:** | |

**PURPOSE/REQUIRED ACTION:** The purpose of this agenda item is for Council to review the final version of the document and place it on the Consent Agenda of the next Council meeting.

**BACKGROUND** (*Include prior Council action & discussion*):

At the November 26, 2012 Council meeting, staff presented draft of revisions to City Council Policies and Procedures. Council asked staff to create and document in the matrix the revisions that each Councilmember wanted to make. At the January 7 and February 4 Council meetings, Council commented on staff's responses to Council's requests. Council directed staff to respond to these comments and bring back the updated matrix to the March 18 meeting.

The 2013 City of Burien Council Meeting Guidelines contains all the revisions as requested by Council and is attached.

**OPTIONS** ***(Including fiscal impacts)*:**

1. Approve the revisions to the City Council Policies and Procedures and direct staff to put the revised Policies and Procedures on the Consent Agenda at the March 25 Council meeting.
2. Add additional revision requests to the matrix and direct staff to bring it back at the next Council meeting for review.

**Administrative Recommendation**: Hold discussion and consider placing approval of the City Council Policies and Procedures on the March 25 Consent Agenda.

**Advisory Board Recommendation:** N/A

**Suggested Motion**: N/A

Submitted by: Nhan Nguyen
**Administration** NN / **City Manager** MM

| | |
|---|---|
| **Today's Date**: March 5, 2013 | **File Code**: R/CC/AgendaBill2013/031813cm-1 Revisions to City Council Policies and Procedures |

ATTACHMENT 1

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# CITY OF BURIEN, WASHINGTON

## CITY COUNCIL ~~POLICIES AND PROCEDURES~~ MEETING GUIDELINES

~~200520132~~

~~Adopted by the Burien City Council~~
~~July 25, 1994~~
~~Revised February 13, 1995~~
~~Revised November 20, 1995 by Resolution 072~~
~~Revised December 18, 1995 by Resolution 071~~
~~Revised January 26, 1998 by Resolution 095, 097, & 100~~
~~Revised June 1, 1998 by Motion~~
~~Revised September 21, 1998 by Resolution No. 103~~
~~Revised April 27, 1999 by Ordinance No. 228 and Ordinance 229~~
~~Revised June 7, 1999 by Ordinance No. 258~~
~~Revised October 4, 1999 by Motion~~
~~Revised February 26, 2001 by Motion~~
~~Revised February 4, 2002 by Motion~~
~~Revised February 3, 2003 by Motion~~
~~Revised November 1, 2004 by Motion~~
~~Revised June 6, 2005 by Motion and Resolution No. 215~~
~~**********~~
~~Prepared by~~
~~Community Relations & Human Resources~~

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## SECTION 1. AUTHORITY

**1.1** The Burien City Council hereby establishes the following Council Meeting Guidelines ~~procedures for the conduct of Council meetings, proceedings and business.~~ ~~These~~ These ~~procedures~~ Guidelines shall be in effect upon adoption by the Council and until such time as they are amended or new procedures adopted in the manner provided by these ~~rules~~Guidelines. Council-Manager Plan of Government, RCW 35A.13, is attached as Exhibit A.

## SECTION 2. COUNCIL MEETINGS

**2.1** Regular Meetings and Study Sessions.

A. Beginning March 5,2001, Beginning April 6, 2009, rRegular meetings of the City Council of the City of Burien shall be held at 7:00 p.m. on the first, and third Monday of each month at the building designated as Burien City Hall, currently located at 415 SW 150th Street400 SW 152nd Street, Burien, Washington, or at another location the City Council may deem appropriate. (Resolution No. 3 and amended by Resolution Nos. 3, 19, 35, 71, 97, 101, and 290)

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B. Regular Meeting is defined as a meeting used to conduct all ordinary and routine business of the city.

C. Beginning November 1, 2004, sStudy sessions Sessions of the City Council of the City of Burien shall be held at 7:00 p.m. on the second and fourth Monday of each month (except as noted in "HG" below).

D. Study Session is defined as a meeting used to review and discuss pertinent business of the city and to prepare matters for action at a Regular Meeting.

E. The City Council may take official action at either a Regular Meeting or at a Study Session. Only business items requiring action that are time sensitive shall be scheduled at a Study Session. Both Regular Meetings and Study Sessions will be broadcast live on the City's government cable T.V. channel, TBC21.

F. Beginning November 1, 2004, Committee meetings shall be held on an as-needed basis. Items reviewed in Committee will be scheduled for Council action per committee recommendation.

G.F. Beginning January 2004, City Council workshops will be held quarterly, at a location designated by the City Council.

H.G. Beginning November 1, 2004 April 6, 2009, dDuring the months of June, July, and August, Council meetings will be held on the first second and third Mondays of the month. The Sstudy ssession on the fourth Monday will be canceled during these months.

**2.2** Should any Council meeting fall upon a date designated as a legal holiday, then that meeting shall be canceled.

**2.3** ~~Citizens'~~ Public comment and public hearing sign-up sheets will be available at each Regular Council meeting for the use of ~~citizens~~ the public wishing to address the Council.

**2.4** The City Clerk shall prepare minutes for all Council meetings, which shall contain an account of all official actions of the Council. The minutes will constitute the official record of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.~~will keep an account of all proceedings of the Council in accordance with the statutory requirements, and proceedings will be entered into a minute book constituting the official record of the Council.~~

**2.5 ~~2.5~~ Types of Meetings**

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~~(1)~~
A. Regular: used to conduct all ordinary and routine business of the city.

B. ~~(2)~~ Study Session: used to review and discuss pertinent business and policy issues of the City and to prepare matters for action at a Regular Meeting.

C.~~(3)~~ Special: any Council meeting other than ~~the~~ a Regular ~~Council~~ Meeting or Study Session which has been called for the purpose of conducting official action or studying an issue. Notice shall be given at least 24 hours in advance. A Special Council meeting may be scheduled by the Mayor and three additional Councilmembers, or at the request of a majority of the Councilmembers.

~~(4)~~ ~~Committee Meetings: Meetings of three councilmembers, scheduled on an as-needed basis, for the purpose of discussing routine business items. Committees may make recommendations for action to the Council as a Whole. Generally, these items will be forwarded for approval on the Consent Agenda. Councilmembers who do not serve on a committee with questions or concerns about an agenda item, are responsible to contact staff or a committee member prior to the committee meeting to express their concern or need for additional information.~~

D. ~~(4)~~ Emergency: a Special Council meeting called without 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24 hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor or a majority of Councilmembers. The minutes will indicate the reason for the emergency.

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(5)E. Executive Session: a Council meeting that is closed except to the Council, City Manager, and authorized staff members and/or consultants authorized by the Mayor or a majority of Councilmembers. The public is restricted from attendance. Executive Sessions may be held during Regular, Study Session, or Special Council meetings, or as separate meetings, and will be announced by the Mayor. Executive Session subjects are limited to considering matters authorized by state law, as set forth inper RCW 42.30.110.

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Before convening an Executive Session, the Mayor shall announce the specific purpose of the meeting and the potential for action by the Council when it reconvenes. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain. At the end of that time, if the discussion has not concluded, the meeting shall by public announcement again be extended for a time certainThe Mayor shall also announce that the Executive Session will be conducted per RCW42.30.110(2).

Executive Sessions will begin and end in accordance with State law. At the conclusion of the Executive Session, if the potential for taking action was previously announced, the public meeting will reconvene.

## 2.6 ORDER OF REGULAR COUNCIL MEETING AGENDA

**Call to Order**

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The Mayor calls the meeting to order.

**Pledge of Allegiance**

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The Mayor, and at times, invited guests lead the flag salute.

**Roll Call**

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The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers.

**Agenda Confirmation**

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Councilmembers may offer motions to alter the current agenda through deletion, revision or additions to the agenda.

**Announcements/Presentations**

~~The Mayor makes announcements of upcoming meetings and events, and presents proclamations. A proclamation is defined as an official declaration made by either the City Council or the Mayor.Other special presentations may also be scheduled at this time.~~

~~**Correspondence for tAgenda Confirmation**~~

~~Councilmembers may offer motions to alter the current agenda through deletion, revision or additions to the agenda.~~

**~~Citizens'~~ Public Comments**

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Members of the audience may comment in writing or verbally on items relating to any matter. Verbal comments are limited to three (3) minutes per person and five (5) minutes for groups. Attendees who are unable to do so by themselves may ask City Clerk for assistance to read their comments.

**Correspondence for the Record**

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~~Correspondence addressed to the Council will normally be included in "Correspondence for the Record" for a future City Council meeting. Correspondence that is abusive or otherwise inappropriate, or sent anonymously, will not be included in the Record.~~ Correspondence that discloses personal information will be edited out before included in the Record. Correspondence that contains profanity or abusive in nature would be submitted to the Mayor who would decide whether it should be included in the Record. Correspondence that is sent anonymously will not be included in the Record.

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**Consent Agenda**

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Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters~~, including ordinances and resolutions,~~ discussed at a previous City Council meeting. ~~or by majority vote from a Council Committee meeting.~~ Three Councilmembers may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent agenda has been considered, each item which was removed is considered. When discussion on that item is completed, a motion may be made to vote on the item or to refer it to ~~committee or to~~ another meeting.

**Business Agenda**

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Public Hearings and Discussion

Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances. ~~Citizens~~ Public wishing to comment will follow the same procedure as for "~~Citizens'~~

Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council may then proceed with deliberation. For legislative public hearings, Council's decision will occur at the next regular meeting. ~~and decision making~~.

**Proclamations and Presentations**

The Mayor presents proclamations. A proclamation is defined as an official declaration made by either the City Council or the Mayor. The Mayor and Councilmembers may each request the preparation of two proclamations a year to honor individuals or groups. Requests for proclamations from outside organizations and groups will be placed in the City Manager's Report and reviewed by the City Council. Proclamations must be signed or otherwise be pre-approved by a majority of Councilmembers prior to execution by the Mayor. Proclamations may be placed on the Council agenda for official presentation or mailed to the honored individual or organization as appropriate.

Presentations are also scheduled at this time.

The City Manager may provide written report to the City Council under "City Manager's Report."

**Ordinances and Resolutions**

Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after publication in the City's official newspaper.

Resolutions are adopted to express Council policy or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

Ordinances and resolutions may be passed under any of the agenda sections.

**City Manager Report**

**Council Business ~~Reports~~**

~~Council Committee meeting agendas and minutes, and Advisory board minutes may be transmitted for the record.~~ Councilmembers may report on ~~Council committee meetings, other~~ meetings, and activities in which they have participated and represented the City. Councilmembers may also provide written reports to the "City Manager's Report. ~~under the heading, "Council Updates and Reports.~~"

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~~Staff reports on issues of interest to the Council which do not require immediate Council action shall be made at Study Sessions whenever possible.~~

**Executive Session**

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An Executive Session may be held before, during or after a Council meeting, as described in Council Policy 2.5 (5).

~~**Future Agenda Items**~~

~~The agenda for the next council meeting is reviewed by councilmembers.~~

~~Councilmembers may raise any issue they desire related to Council business. Requests for new agenda items should be brought to the 4th Monday Study Session for scheduling at a future Council meeting.~~

**Adjournment**

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With no further business to come before the Council, the Mayor shall entertain a motion to adjourn. Councilmembers will vote on the motion to adjourn in the same manner as other motions. ~~(10/24/05)~~

~~**2.6.1**~~ **Breaks**

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Generally, formal breaks during the meeting will not be called.

## 2.7 ORDER OF STUDY SESSION AGENDA

**Call to Order**
**Pledge of Allegiance**
**Roll Call**
~~**Correspondence for the Record**~~**Correspondence for the Record**
**Discussion Items**

These are business items the full Council wishes to discuss and study in preparation for action at a future Council meeting. As noted in Section 2.1 E, action may ~~also~~ be taken at a study session.

Members of the audience may comment on the item being discussed when recognized by the Mayor.

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Requests for new agenda items should be brought to the 4th Monday Study Session for scheduling at a future Council meeting.

**Adjournment**

~~2.7.1 Generally, formal breaks during the meeting will not be called.~~

## SECTION 3. AGENDA PREPARATION

**3.1** The City Clerk, in consultation with the Mayor and City Manager, will prepare an agenda for each Council meeting specifying the time and place of the meeting, and set forth a brief general description of each item to be considered by the Council.

**3.2** The proposed agenda schedule will be reviewed ~~as the first item of discussion at the 4th Monday Study Session~~ during the last regular Council meeting of each month. The City Manager and City Clerk will maintain a list of all known or requested items for future Council agendas ~~as well as for its Committees~~. Changes in the proposed schedule from the previous week will be highlighted in bold with the reason for the change noted in italics below the item. This will be provided with each ~~week~~ agenda and be the basis of the Council's monthly review discussion.

**3.3** The Mayor and/or City Manager may place items on a Council meeting agenda, according to the Proposed Council Agenda Schedule ~~recommendations from Council committees,~~ and requests of Councilmembers.

**3.4** An item may be delayed if the Mayor and/or the City Manager knows it is of particular importance to an absent Councilmember.

~~3.5 The City Clerk will identify times for each agenda item on the agenda.~~

**3.5~~6~~** Legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items, which have been scheduled by convenience rather than for statutory or other legal reasons.

**3.6~~7~~** Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

**3.7~~8~~** Agendas with supporting materials will be provided to the City Council at ~~noon~~ 5 pm the Thursday prior to the meeting. Agenda and materials will be available at City Hall, ~~and~~ on the City's website and at the Burien Library for City staff, media and the public at 4:00~~5:00~~ p.m. on the Friday prior to the meeting.

**3.8~~9~~** The Council may use the "Recommended Motion" language on the agenda bill ~~Recommended Motion language~~ for making a motion.

**3.~~910~~** ~~Proclamations: The Mayor and Councilmembers may request the preparation of proclamations to honor individuals or groups. Requests for proclamations from outside organizations and groups will be placed in the City Manager's Report and reviewed by the City Council. Proclamations must be signed or otherwise be pre-approved by a majority of Councilmembers prior to execution by the Mayor. Proclamations may be placed on the Council agenda for official presentation or mailed to the honored individual or organization as appropriate.~~

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## SECTION 4.– COUNCIL DISCUSSION AND DECISION MAKING PROCESS

**4.1** New or non-routine topics and issues will be discussed first at a Study Session unless the topic requires more immediate discussion.

**4.2** The Council will take action at a following Regular meeting unless Council agrees that action can be taken immediately (except Consent Agenda and emergency items).

**4.3** If a majority of the Council arrives at consensus to put an issue up for a vote and a Councilmember is not there when the vote takes place, then that Councilmember should not bring the item back.

**4.4** The Mayor will ~~assist in keeping~~facilitate the discussion ~~to the time noted~~in a timely manner and Councilmembers will try to be cognizant of the amount of time the discussion is taking.

**4.5** The Mayor will state the public hearing procedures before each public hearing.

**4.6** Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Manager.

**4.7** Councilmembers are individually responsible for gathering additional information on issues and for calling staff with questions not covered during the formal Study Session or Regular meeting process.

**4.8** ~~All~~ To the extent not otherwise governed by these Guidelines, Council discussion ~~shall~~ will be governed by ROBERT'S RULES OF ORDER, NEWLY REVISED.

## SECTION 5. COMMENTS, CONCERNS & TESTIMONY TO COUNCIL

**5.1** Persons addressing the Council, who are not specifically scheduled on the agenda, shall will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes. Groups shall limit their remarks to five (5) minutes.

All remarks will be addressed to the Council as a Whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.

**5.2** The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct and to enforce the Rules of the Council. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.

**5.3** Citizens Public with complaints, concerns or questions, will be encouraged to refer the matter to the City Manager, or ask that the matter be placed on a future City Council meeting or Council Committee meeting agenda with the appropriate background information.

## SECTION 6. MOTIONS

**6.1** Prior to discussion, the Deputy Mayor will make the motion, and the senior member of the Council will make the second. If the Deputy Mayor is absent, the senior Councilmember will make the motion and the second most senior member will make the second.

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After the motion is made and seconded, the applicable staff member will give a short presentation on the subject to be discussed.

**6.2** If a motion does not receive a second, it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.

**6.3** A motion that receives a tie vote is deemed to have failed.

**6.4** Motions shall be clear and concise and not include arguments for the motion within the motion.

**6.5** After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote and may state why they will vote for or against a motion, if they wish to do so.

**6.6** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.

**6.7** A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.

**6.8** A motion to table is undebatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future Regular or Special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.

**6.9** A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or at a time certain at a future Regular or Special City Council meeting.

**6.10** A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if the motion to reconsider received an affirmative vote.

**6.11** A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds (2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.

**6.12** A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

**6.13** Whenever possible, proposed substantive amendments should be written out with all Councilmembers receiving copies in advance of the meeting.

**6.14** Discussion of the motion only occurs after the motion has been moved and seconded.

**6.15** When the discussion is concluded, the motion maker, Mayor, City Clerk, or City Attorney shall repeat the motion prior to voting.

**6.16** The City Council votes on the motion as restated. If the vote is unanimous, the Mayor shall state that the motion has been passed unanimously according to the number of Councilmembers present, such as "7-0" or "6-0".

**6.17.** If the vote is not unanimous, and a Councilmember requests it, each Councilmember shall state his/her vote by roll call vote taken by the City Clerk. The City Clerk or City Attorney then restates the outcome of the vote. For example, the outcome may be restated as, "Councilmembers A, B, C, and D vote 'yes'. Councilmembers E, F. and G vote 'no'. The vote is 4-3 to adopt Ordinance X. The motion carries."

**6.18** Once the vote has been taken, the topic of discussion is closed. It is not necessary for Councilmembers to justify or explain their vote. If Councilmembers wish to make their positions known, this should be stated during the discussion *preceding* the vote.

**6.19** When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration, but no motion for reconsideration of a vote shall be made after the meeting has adjourned.

**6.20** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the Council's consensus at the conclusion of the discussion.

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**6.2~~10~~** The City Attorney shall decide all questions of interpretations of these ~~policies and procedures~~meeting guidelines and other questions of a parliamentary nature which may arise at a Council meeting. All ~~cases~~ questions not provided for in these ~~policies and procedures~~meeting guidelines shall be governed by Robert's Rules of Order, Newly Revised.

In the event of a conflict, these Council ~~policies and procedures~~meeting guidelines shall prevail.

## SECTION 7. ORDINANCES

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**7.1** All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by a majority of the City Council, ~~or~~ the City Manager, or the City Attorney.

**7.2** Ordinances shall~~will~~ be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance and sign it prior to placing it before the City Council for ~~their~~ its consideration.

**7.3** Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.

**7.4** Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication in the first possible publication following enactment.

**7.5** An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified in the ordinance.

## SECTION 8. PRESIDING OFFICER OF THE COUNCIL

The Mayor shall:

A.~~(1.)~~ Be the official spokesperson for the City

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B.~~(2.)~~ Act as the official head of the City for all ceremonial purposes.

C.~~(3.)~~ Sign documents as appropriate on behalf of the Council.

D.~~(4.)~~ Observe and enforce ~~all policies and procedures~~the Council Meeting Guidelines ~~adopted by the Council.~~

E.~~(5.)~~ Act as presiding officer at all meetings of the Council.

F.~~(6.)~~ Preserve order and decorum in the Council Chambers.

G.~~(7.)~~ Decide all questions on order, in accordance with the ~~policies and procedures~~Guidelines, subject to appeal by any Councilmember.

H.~~(8.)~~ Recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

I.~~(9.)~~ Endeavor to ~~keep~~ facilitate the discussion ~~moving~~ in a timely manner ~~and within the time allocated~~.

J.~~(10.)~~ Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted or participated in as part of his/her official status as Mayor.

K.~~(11.)~~Appoint Councilmembers to serve on ad-hoc committees if necessary.

L.~~(12.)~~ Serve as the Council's delegate to the National League of Cities, Association of Washington Cities, and other events and conferences.

M.~~(13.)~~ .....In the absence of the Mayor, the Deputy Mayor shall carry out the above responsibilities.

N.~~(14.)~~In the absence of the Mayor and Deputy Mayor, the member with the most continuous tenure on the Council shall be the presiding officer.

O.~~(15.)~~ In the event the Mayor and Deputy Mayor are unavailable to serve, the senior member of the Council shall serve as the Mayor to convene and preside over a special meeting of the Council for the purpose of naming an acting mayor and deputy mayor.

P.~~(16.)~~ The acting mayor and deputy mayor shall serve until such time as new members are appointed to fill any vacancies on the Council.

Q.~~(17.)~~ When the Council again has seven members, it shall elect a Mayor and Deputy Mayor to fill the previously unexpired terms.

## SECTION 9. COUNCIL RELATIONS/ANTI HARASSMENT POLICY

### 9.1. ANTI-HARASSMENT POLICY.

A.~~(1.)~~ It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by elected officials toward fellow councilmembers or members of the public. Elected officials are expected to show respect for one another and the public at all times, despite individual differences.

B.~~(2.)~~ Harassment is defined as verbal, written or physical conduct that demeans or shows hostility or aversion toward an employee, another elected official or members of the public. Examples of prohibited conduct include slurs or demeaning comments to councilmembers, employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, or disability.

C.~~(3.)~~ Sexual harassment is a form of unlawful discrimination.

D.~~(4.)~~ This policy is intended to assist the City in addressing not only illegal harassment, but also any conduct that is offensive and inappropriate. Councilmembers are strongly urged to report all incidents of harassment, discrimination or other inappropriate behavior.

### 9.2 ~~9.2~~ REPORTING DISCRIMINATION OR HARASSMENT

A. ~~(1.)~~ If the incident involves a city employee, the incident should be reported as soon as possible to the City Manager.

B. If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the incident should be reported as soon as possible to the Mayor.

C. ~~(2.)~~ If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the Mayor may ask the City Manager to assist the Council by providing a list of qualified experts to investigate the incident and advise the council on a response to the complaint.

D. ~~(3.)~~ All complaints will be investigated promptly. Upon receiving a complaint, the mayor shall initiate an investigation within 24 hours, or by the end of the next business day.

E. ~~(4.)~~ All complaints will be kept confidential to the fullest extent possible, and will be disclosed only as necessary to allow an investigation and response to the complaint. No one will be involved in the investigation or response except those

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with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.

F. If the incident involves the Mayor, then the Mayor's responsibilities described in B, C, D above will be performed by the City Attorney.

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~~(5.~~G.~~)~~ Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The City will take whatever action it deems necessary to prevent an offense from being repeated.

H.~~(6.)~~ The City will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.

I.~~(7.)~~ Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of when the complaint was received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.

**9.~~3~~ 3 COUNCIL RELATIONS WITH STAFF**

A.~~(1.)~~ There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.

B.~~(2.)~~ City staff shall acknowledge the Council as policy makers, and the Councilmembers shall acknowledge City staff as administering the Council's policies.

C.~~(3.)~~ Councilmembers with a particular interest in an item or topic should be given a courtesy call if that item is rescheduled by staff.

D.~~(4.)~~ All written informational material requested by individual Councilmembers shall be submitted by City staff to the City Manager who after his/her review, will submit it to all Councilmembers with a notation indicating which Councilmember requested the information.

E.~~(5.)~~ Councilmembers shall not attempt to influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.

F.~~(6.)~~ The Council shall not attempt to change or interfere with the operating rules and practices of any City department.

G.~~(7.)~~ To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives. Unless specifically requested, other Councilmembers' mail shall not be opened before distribution to those Councilmembers.

~~(8.) The City Clerk shall not open mail addressed to individual Councilmembers~~

H.~~(9.)~~ No Councilmember shall direct the City Manager or staff to initiate any action or prepare any report that is a priority or requires significant resources, or initiate any project or study without the consent of a majority of the Council.

I.~~(10.)~~ Individual requests for information may be made directly to the Department Director unless otherwise determined by the City Manager. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Manager.

**SECTION 10. COUNCIL MEETING STAFFING**

**10.1** The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting.

**10.2** The City Attorney shall attend all meetings of the Council unless excused, and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. ~~The Assistant City Attorney or designee shall attend meetings when the City Attorney has been excused.~~

**10.3** The City Clerk, or designee, shall attend Regular, Special and Study Session meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

## SECTION 11. COUNCILMEMBER ATTENDANCE AT MEETINGS

11.1~~(1.)~~ Councilmembers will inform the Mayor, a Councilmember, the City Manager or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence.

11.2~~(2).~~ The Mayor will announce for the record a Councilmember's excused or unexcused absence at the Regular Meetings and Study Sessions after roll-call is taken~~. (10/24/05)~~

11.3~~(3.)~~ Councilmembers who attend meetings of another jurisdiction, regional meetings, or "in-house"meetings should provide a report for the City Manager's Report.

11.4~~(4.)~~ Councilmembers will not attend special district meetings as liaison. ~~(as a representative or in an official capacity on behalf of the Council).~~

11.5~~(5.)~~ Councilmembers will let the Executive ~~Administrative~~ Assistant to the City Manager know what meetings they are attending so that these can be noted on the meetings calendar.

## SECTION 12. PUBLIC HEARINGS

### 12.1 TYPES

There are two types of public hearings: legislative and quasi-judicial. The mayor will state the public hearing procedures before each public hearing. The public may comment on public hearing items.~~Quasi-judicial hearings require the Council to use a certain process, which may include a record of considered evidence, specific findings and a decision.~~ The Public wishing to comment will follow the same procedure as for "Public Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.

### 12.2 LEGISLATIVE PUBLIC HEARINGS

The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy, including without limitation, review by the City Council of its comprehensive land use plan or the biennial budget.

### 12.3 QUASI-JUDICIAL PUBLIC HEARINGS

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The purpose of a quasi-judicial public hearing is to decide issues including the right of specific parties and include, without limitation, certain land use matters such as site specific rezones, preliminary plats, and variances. The City Council's decision on a quasi-judicial matter must be based upon and supported by the "record" in the matter. The "record" consists of all testimony or comment presented at the hearing and all documents and exhibits that have been submitted. In quasi-judicial hearings, Councilmembers shall comply with all applicable laws including without limitation the appearance of fairness doctrine per RCW42.36.

APPEARANCE OF FAIRNESS. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate, or immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents and/or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents and/or opponents, announced predispositions, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If so, no matter how remote, the Councilmember should disclose the facts to the City Manager who will seek the opinion of the City Attorney, which will be communicated to the Councilmember

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and the Mayor. ~~Legislative (ordinance or miscellaneous) hearings do not require a decision be made even though information is presented.~~

~~Citizens~~ ~~The Public~~ ~~wishing to comment will follow the same procedure as for "Citizens'~~ ~~Public~~ ~~Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.~~

## SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS

**13.1** All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. Seating space shall be provided for the media at each public meeting.

## SECTION 14. COUNCIL REPRESENTATION

**14.1** If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments, which differ from the Council majority, may be expressed if the Councilmember clearly states these statements do not represent the Council's position.

**14.2** A Councilmember shall obtain the other Councilmember's concurrence before representing that Councilmember's view or position with the media, another governmental agency or community organization. If the subject is controversial, Councilmembers shall avoid speaking for each other.

**14.3** Letters, written statements, newspaper guest opinions, and so on, which state a Council opinion or policy shall be submitted to the full Council for review, comment and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.

~~**14.4**~~ As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council at the time of communication.~~in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication.~~

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## SECTION 15. CONFIDENTIALITY

**15.1** Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW 42.56 Public Records Act).

**15.2** If the Council, in Executive Session, has given direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney, or City staff designated by the City Manager, Councilmembers should review such potential discussion with the City Manager. Any Councilmember having any such contact or discussion shall make full disclosure to the City Manager and/or the City Council in a timely manner.

## SECTION 16. COUNCIL BUSINESS POLICIES

### 16.1 LITIGATION POLICIES AND REPORTING

"Periodically, the City Attorney will provide a report to the City Council on new litigation and ongoing litigation in the Council Executive Session.

~~a. Once monthly, the City Attorney will provide a report to the City Council on new litigation and ongoing litigation.~~

~~b. Once monthly, the City Attorney will provide a report on proposed counterclaims or abatement foreclosures.~~

~~c. The City Council shall approve counterclaims, abatement foreclosures, and the initiation of a lawsuit.~~

~~d. Quarterly reports prepared by WCIA on the City's Risk Profile will be provided to the City Council in Executive Session.~~

~~e. The City Attorney will prepare a succinct quarterly written report on the status of litigation to the City Council.~~

~~f. Due to the confidential nature of these reports, questions regarding them should be directed to the City Manager or City Attorney.~~

~~**16.2 FINANCIAL MANAGEMENT POLICIES (Approved 2004)**~~

~~**Introduction:** These policies are intended to serve as a Council approved set of values and expectations for Council Members, City staff, citizens and other interested parties who may do business with the City. The use of the term "City" refers to all City officials, staff and employees who are responsible to carry out these policies. The policies describe expectations for financial planning, budgeting, accounting, reporting and other management practices. They have been prepared to assure prudent financial management and responsible stewardship of the City's financial and physical assets.~~

~~A. Fund Definitions~~

~~The *General Fund* is the general operating fund of the City. It accounts for all financial resources and transactions except those required to be accounted for in another fund.~~

~~*Special Revenue funds* account for revenues derived from specific taxes, grants, or other sources that are legally restricted to expenditures for specified purposes.~~

~~*Debt Service funds* account for the accumulation of resources to pay principal, interest and related costs on general long-term debt.~~

~~*Capital Project funds* account for financial resources designated for the acquisition or construction of general government capital improvements.~~

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~~*Enterprise funds* are established to account for operation (a) that are finance and operated in a manner similar to private business enterprise—where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes. Examples of enterprise funds are those for water, gas, and electric utilities; swimming pools; airports; parking garages; and transit systems.~~

~~*Internal Service funds* are used to account for the financing of goods or services provided by one department or agency to other departments or agencies of a government, or to other governments, on a cost-reimbursement basis.~~

~~*User Fee is* a fee charged to a customer of City services who may or may not be a Burien resident but receives a direct benefit from the service.~~

**~~B. Resource Planning and Allocation Policies~~**

~~1. To assure stability and continuity in City services, the City will maintain a multi-year Financial Plan. The purpose of this annual planning process will be for citizens, the staff, advisory committees and City Council to discuss current and future programs, service levels and capital facility needs. The City's six-year Operating and Capital Financial Plan will consider relevant economic conditions, estimate revenues and reserves, changes in levels of service, operating expenses, capital requirements, and debt service for the City's three major categories of funds: General Fund (including Cumulative Reserve and Parks Rehabilitation Fund); Street Fund (including Arterial Street Fund), and Surface Water Management Fund. This plan will be reviewed, modified and adopted by the Council each year.~~

~~2. The City of Burien will maintain minimum General Fund reserves of 5% of current year General Fund revenues in the Cumulative Reserve Fund and a 5% ending fund balance in the General Fund. The Cumulative Reserve Fund is a "rainy day" fund used to stabilize services and the City's employment force to minimize uncertainty about the continuity of services and employment.~~

~~3. The City of Burien will maintain in the Street and Arterial Street Fund an ending fund balance equal to 50% of current year recurring revenues.~~

~~4. The City will maintain in the Surface Water Management Fund an ending fund balance equal to 50% of current year recurring revenues.~~

~~5. The relationship between the Operating and Capital Budgets will be incorporated into the forecast and budget process. Operating and capital budgets shall be prepared to~~

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~~provide for operating services and maintenance or enhancement of fixed assets needed to support City services.~~

~~6. The City's annual budget will be based on a six-year Operating and Capital Financial Plan (a forecast) approved by the Council. The City Manager prepares the Financial Plan by August each year to respond to current City goals and policies, and other long-range plans and needs of the City. The prior five years of program expenditures (as shown in the comprehensive annual financial report) and the prior five years department and object expenditures will be forwarded to the Council with the Financial Plan.~~

~~7. The City budget will implement City Council adopted goals and policies, long-range plans, the service choices for the community and revenue allocation policies of the Council.~~

~~8. The City will use "prudent revenue and expenditure assumptions" in their budget documents and financial forecasts.~~

~~9. Ongoing expenditures (which exclude ending fund balances) generally should not exceed ongoing revenues (which exclude beginning fund balances) in the first two to three years of the forecast.~~

~~10. The City Council's policy on TCI franchise revenues is to allocate 100% to street maintenance each year.~~

~~11. The City Council will dedicate 100 percent of the revenue received from electrical utility franchise with Seattle City Light for street and arterial street maintenance and major rehabilitation.~~

~~12. The City Council will dedicate 100% of the revenue received from utility and B&O taxes to the General Fund, with the exception that the utility tax on garbage revenue will be used to support Street Fund activities and the Transportation CIP until these funds are needed in the General Fund.~~

~~**C. Accounting and Financial Practice Policies**~~

~~1. The City will maintain an accounting and financial reporting system that fully meets professional standards, state accounting requirements, and standards used by debt rating agencies. The City of Burien will strive to maintain a bond rating in the "A" category.~~

~~2. Policies and procedures are in place to assure financial controls and oversight for accounting, investment and other cash management decisions. Procurement policies and procedures are adopted by the Council to meet legal requirements and assure effective~~

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~~and competitive purchasing. Procurement authority will be delegated consistent with Council policy and written procedures approved by the City Manager.~~

~~3. Regardless of the budget appropriation, if a fund's revenues are less than anticipated, operating, capital and ending fund balances will be reviewed by the City Manager who will then make a recommendation for possible adjustments to the City Council.~~

~~4. If a fund's ending balance is sufficient, excess reserves or other one-time revenues, such as grants, will be used for capital, equipment, or other one-time projects or services that improve the City's productivity and efficiency.~~

~~5. Consistent with accepted government accounting practices the City may evaluate certain support services within the Financial Plan to determine if creating a user fee, internal service fund or enterprise fund will increase efficiency of service delivery or recover the cost of providing the service from the users.~~

**~~D. Revenue and Collection Policies~~**

~~1. **The General Fund** and its related reserve funds exist to provide services and benefits related to the general safety, health and welfare of the community. These services include: law enforcement and crime prevention services; parks, recreation and cultural services to all citizens; general community planning and development *(excluding private development projects)*; a proportionate share of overhead costs for administrative and legislative services. While some services are budgeted in the general fund such as recreational classes and development fees, these services provide specific private benefits to the users. These services are funded by user fees to recover part or all of the City's costs. The City will establish cost recovery policies for parks, recreation and cultural services and submit periodic financial reports to the Council on City progress in meeting the policies.~~

~~2. **Surface Water Management** fees are collected to provide for operating and capital expenses related to street cleaning, ditch and drainage maintenance, and capital costs for surface water conveyance, treatment and retention facilities including a share of the administrative and legislative expense of the City. Impervious surface and impacts to the flow and quality of urban surface water run off created by developed urban property are used to determine residential and commercial user charges.~~

~~3. **Street funds** are collected primarily through gas tax revenues to fund maintenance and capital improvements to the residential and arterial street system including a share of the administrative and legislative expense of the City.~~

~~4. To minimize the impact of cyclical economic downturns on City general fund revenues and services, the City will attempt to diversify the economic base, which impacts the General Fund.~~

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5. The City will establish cost recovery policies for fee supported services which consider the relative public/private benefits received from the services being provided and/or the desirability of providing access to services for specialized populations. These guidelines will determine the percentage of full service costs to be recovered through fees. The level of cost recovery will be routinely adjusted to ensure that rates are current, equitable, and competitive and cover that percentage of the total cost deemed appropriate.

6. In preparing the Financial Plan, the receipt of a grant will be included in operating fund revenues only when it is probable the City will receive a grant award. *(Probable means relatively likely but not certain.)*

E. Capital Improvement Policies

1. The City will plan for capital improvements over a multi-year period. The Capital Improvement Program will directly relate to the long-range plans and policies of the City Council. When capital improvements are being planned, operating costs will be estimated and identified within the City's Financial Plan.

2. To maintain the City's physical assets, a current inventory will be maintained of all of the City's physical assets, and their condition, maintenance and periodic replacement costs. Predictable on-going capital replacement expense such as for fleet and other equipment should be funded through cash reserves set aside each year. These costs will be reported and included in the annual update of the City's Financial Plan.

3. The City will maintain an "Art in Public Places Fund" for the purpose of providing funds for capital improvement projects funded wholly or in part by the City of Burien for construction or remodeling of government owned public buildings, transit centers and parks (Ordinance 238).

4. A capital project is defined as a project of a nonrecurring nature with a cost of $25,000 or more and estimated service life of 10 years or more. Major renovations of existing facilities that cost more than $25,000 may be submitted for consideration as a capital project. Maintenance of existing facilities, however, should not be included in capital requests. Requests for funding of maintenance projects should be included in the appropriate operating budget.

5. The Adopted Capital Facilities Element of the Burien Comprehensive Plan provides guidance regarding the development of the City's Capital Improvement Program. This is incorporated into these financial policies as Appendix I.

6. In each of the three sections of the Capital Improvement Program (transportation, parks and general government and surface water management) funding sources for the six year period will be identified so that it will be clear what local funds, grant funds and other sources are supporting the program.

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7. The City will use Community Development Block Grant capital funds to fund eligible capital projects that are included in the city's adopted Capital Improvement Program. The funds will only be spent on eligible projects that benefit low and moderate individuals as defined in the Community Development Block Grant regulations.

8. Property taxes levied for general government operations will be no more than 1% more than levied in the prior year plus the amount received as a result of new construction. The City will use "banked" property tax levy capacity to fund the construction of a new Senior Center. The "banked capacity" levied for the Senior Center will not exceed the difference between a 1% growth in the property tax from the prior year and a 6% growth. (*before taking new construction into account*). These funds will be set aside in the Senior Center Reserve Fund.

**F. Debt and Investment Management Policies**

1. The City will comply with debt issuance guidelines consistent with federal, state, and local policies. Debt will be used prudently in limited circumstances so as not to risk the City's credit rating. The use of councilmanic debt authority will be based on a full feasibility analysis, including the loss of revenues from an economic downturn.

2. Debt may be used on a limited basis for specific short-term cash flow needs. Debt will not be used to fund long-term revenue shortages. For major capital projects with long-term useful lives (normally 20 years or more) and where costs exceed short-term cash flows, debt may be used providing there is sufficient dedicated revenue within the Financial Plan to service the debt.

3. The City will follow state law and the City's adopted Investment Policy, which includes the following criteria in priority order:
a. Preserve capital through prudent financial investments;
b. Maintain sufficient liquidity so that funds are available when needed; and
c. Achieve the best available rate of return.

4. The City will maintain and invest any private donations and trusts in separate accounts consistent with the terms of the donation.

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G. Financial Management and Organizational Review Policies

1. The City Manager will review the organizational structure at frequent intervals to assure that it is responsive to current conditions, minimizes service duplication within the organization and with other local government jurisdictions. Periodic performance audits may be used to assess organizational costs and effectiveness. Budget reviews shall be made periodically to examine all line-item costs in a particular department or program.

2. The City will routinely evaluate both its administrative and direct service delivery systems to determine whether a service should be provided by the City, by agreement with a qualified and or competitively priced private or public contractor or eliminated due to changes in community requirements.

3. The City Council will adopt, through the annual budget, service levels, a work program and performance standards that reflect City revenues, community expectations and legal requirements set by other levels of government. The City is committed to examining how it provides services so that service levels and performance standards are met or exceeded at the least cost to the public.

4. The compensation of employees will be reviewed every three years. It will be competitive with that of comparable public sector employers in the relevant recruiting or market area. The criteria for reviewing employee wages and benefits will also include internal comparability for similar jobs and the City's ability to pay. If relevant private sector comparisons are available, they will be considered.

5. The City will, within available resources, maintain the productivity of staff through a supportive working environment, which includes appropriate equipment, supplies, materials, and professional staff development.

6. The City will evaluate its use of intergovernmental service contracts to prevent duplication of services and to assure an effective and efficient service delivery system to the community.

7. The approval of City contracts will be done as follows:

- The City Manager will have authority to sign contracts up to $25,000.
- Contracts over $25,000 that are budgeted, routine, and annually recurring would be placed on the Council consent agenda *(examples include contracts for janitorial services, prosecution, public defense, and parks maintenance).*
- Capital Project contracts over $25,000 that are within the project phase budget and where the Council has approved the project scope would be put on the consent agenda.
- All contracts that require additional budget authority would go to Council for discussion and approval.
- All new initiatives over $25,000 would go to Council for discussion and approval *(for example, the wireless master plan and the demographics study).*

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- All capital projects where there is a material change in scope would go to Council for discussion and approval *(for example an extension of a sidewalk that was not part of the original project scope).*

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## 16.3 PROCUREMENT POLICIES

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*Approved April 3, 2000*
*Amended October 2, 2000*

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### Chapter 1. Purpose, Scope, and General Policies

#### 1.01 Purpose

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Purchasing policies and procedures are intended to ensure that the City complies with applicable laws and regulations, and receives goods and services of the highest quality at the lowest cost.

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#### 1.02 Scope

These guidelines apply to all City departments and employees engaging in the purchase of goods or services for the City including public works projects. They do not govern the purchase or lease of real property.

#### 1.03 General Contracting/Purchasing Policies

1. The City will comply with all applicable laws and regulations including grant requirements in purchasing goods and services.

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2. Contracts or purchasing agreements over $25,000 will be approved, prior to execution, by the City Council, either in the adopted budget or by separate action.

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3. Contracts and purchases will not be divided into units or phases to circumvent approval or bidding requirements established in these policies.

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4. Employees making or authorizing purchases will ensure that budget authority is available prior to purchase, that required purchasing agreements have been properly executed prior to purchase, and that the goods or services purchased have been received and are acceptable to the City before authorizing payment. Claims requests, invoices and other supporting documentation will be submitted to the Finance Department when payment is requested. Claims requests will be signed by the Department Director.

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### Chapter 2. Public Works Projects

#### 2.01 Definition

~~The term public work refers to all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the city, or which is by law a lien or charge on any property therein. (RCW 39.04.010)~~

**~~2.02 Bidding Requirements (RCW 35.22.620)~~**

~~1. The City will use the "competitive bidding process," described below, for public works projects with an estimated cost exceeding $200,000.~~

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~~2. The City will use either the "competitive bidding process" or "small works roster process" for public works projects costing more than $20,000 but not more than $200,000 when a single craft or trade is involved in the project and more than $35,000 but not more than $200,000 when multiple crafts or trades are involved.~~

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~~3. For projects costing more than $500 but not more than $20,000 (for a single craft or trade) or $35,000 (for multiple crafts or trades), the City may use an informal bidding process in lieu of the "competitive bidding" or small works roster process. Project managers will solicit at least three bid quotations from qualified firms. Project managers will record bid quotations, written or unwritten, and retain this record and all bid documentation in the project file.~~

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~~4. The City may not divide a public works project into units or phases to avoid these bid requirements.~~

~~5. The City may use employees to perform projects with estimated costs not exceeding $20,000 for a single craft or trade or $35,000 for multiple crafts or trades, provided that the total cost of such projects in any year may not exceed ten percent of the City's public works construction budget for that year. Public works performed by the County for the City count toward the ten-percent limitation. The City will report to the state auditor the public works construction budget, total construction costs of public works performed by public employees, and the amount above or below the ten percent limit. The City will account and record costs of public works over $5,000 not let by contract and publish a 15-day advance notice (estimate and description of work) on projects over $25,000 to be performed other than by contract or small works roster process. In emergencies, the notice may be published within seven days after work begins. (RCW 35.22.620, 39.04.020)~~

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**~~2.03 Exceptions~~**

~~Public works bidding requirements may be waived under the following conditions:~~

1. Emergencies. In an emergency the City Manager is authorized to declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency will be made by the City Council or City Manager and duly entered of record no later than two weeks following the award of the contract. Emergency means unforeseen circumstances beyond the control of the City that present a real, immediate threat to the proper performance of essential functions or will likely result in material damage to property, bodily injury, or loss of life if immediate action is not taken. (RCW 39.04.280)

2. Sole source. Bidding may not be required if advertising for bids would result in only one bid. State law authorizes sole source "purchases" (RCW 39.04.280), but this authority is less clear for public works contracts. If sole source contracting is being considered, Department Directors will consult with the City Attorney and submit to the City Manager a written finding stating the factual basis for a sole source contract. If the contract is executed, the finding and contract will be recorded and open to public inspection.

3. County contract. The City may contract with the County (or state) for construction or repair of streets and bridges without competitive bidding. (RCW 35.77.020, 47.24.050)

4. Neighborhood self-help projects. The City may contract with a neighborhood organization for neighborhood improvements. The value received must be at least three times the cost to the City. Total payments for such projects may not exceed two dollars per City resident in any year. (RCW 35.21.278)

**2.04 Competitive Bidding Process**

1. Advertising for Bids. The City will publish a notice calling for sealed bids once each week for two consecutive weeks in a newspaper of general circulation, allowing at least fourteen days from the date of first publication to the date bidding is closed. The notice will also be posted in a public place.

The notice will include title of the project, nature and scope of work, location where contract documents may be reviewed or obtained, cost of contract documents, notice of place, date, and time bids are due, requirement for sealed bids, bid bond requirement, and statements that the City has the right to cancel the invitation to bid, to reject any and all bids and to waive minor irregularities in the bidding process.

Bid packets will be prepared containing the invitation to bid notice, instructions to bidders, general conditions, special bid conditions, if any, terms and conditions, specifications, bid proposal form, form for listing subcontractors, non-collusion affidavit, and contract.

2. Rejection of Bids. The City Manager may reject all bids and re-advertise for bids. If no responsive bids are received, the City Manager, with approval of the City Council, may negotiate the purchase with a vendor at the lowest possible cost to the City.

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3. Bid Bond. Bids on public works projects will be accompanied by a bid proposal deposit in the form of a cashier's check or surety bond in an amount not less than five percent of the amount bid. The City Manager may require bid bonds on other projects.

Bid bonds will be returned to unsuccessful bidders when the contract is let and to the successful bidder when the contract is executed and a performance bond provided. The bid bond will be forfeited if the successful bidder fails to enter into the contract pursuant to the bid and furnish the performance bond within ten days of being notified of the bid award.

4. Performance Bond (RCW 39.08.010). A performance bond will be required on all public works contracts. The City Manager may require performance bonds on other contracts to protect the City's interests and ensure full performance of the contract. On contracts of $25,000 or less, at the option of the contractor and in lieu of a performance bond, the City may retain fifty percent of the contract amount for a period of thirty days after the date of final acceptance or until receipt of all necessary releases from the state Department of Revenue and Department of Labor and Industries and settlement of any liens, whichever is later.

5. Award of Bids. Unless it rejects all bids, the City will accept the bid of the lowest responsible bidder. If a bid other than the low bid is accepted, the City Manager will state the reasons. This statement will be submitted to the City Council with the recommended contract, when Council approval is required, and filed with records related to the award.

6. Signature and Approval. Contracts will be prepared by the Department, initialed by the Department Director and signed by the City Manager after review by the City Attorney and, if over $25,000, approval by the City Council.

**2.05 Small Works Roster Process (RCW 35.22.620, 39.04.155)**

The City Council has authorized a small works roster process for awarding public works contracts for a maximum dollar amount not to exceed $200,000.

1. In this process the City Manager or designee will publish in a newspaper of general circulation once each year a notice of establishment of the small works roster. The notice will invite all qualified contractors to be listed on the roster. Where required, contractors must be licensed or registered to perform work in this state. Responsible contractors will be added to the roster at any time they submit a written request and necessary records.

2. The City will solicit quotations from all appropriate contractors or from at least five qualified contractors on the roster for each project. For projects between $100,000 and $200,000, if the City solicits bids from less than all the appropriate contractors on the roster, it will notify the remaining contractors on the roster that quotations on the work are being sought. Whenever possible, at least one contractor will be a minority or woman

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contractor. The City will not favor certain contractors over others on the roster performing similar services when soliciting bids.

3. Contracts will be awarded to the contractor submitting the lowest responsible bid.

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4. Immediately after the award, all bid quotations submitted will be recorded and made available to the public for inspection or supplied in response to telephone inquiries.

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5. Bid and performance bonds will be required.

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6. The City will make available a list of the contracts awarded through the roster process at least once a year. The list will contain the name of the contractor; amount of contract, brief description of work performed, date awarded, and location where bid quotations may be inspected. (RCW 39.04.200)

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**Chapter 3. Professional and Technical Services**

**3.01 General Policies**

1. The City will use a request for proposals, request for qualifications, bid solicitation or similar competitive process for selecting a contractor when the estimated cost of the service exceeds $500, except where the City Manager determines that direct negotiation of a contract will best serve the City's interests. Where bid quotations are used, Project managers will solicit at least three bids from qualified firms, record the bid quotations, written or unwritten, and retain this record and all bid documentation in permanent files.

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2. Professional services contracts will be limited to firms or persons who can properly be considered contractors. A contractor will normally offer specialized skills, knowledge or experience; operate a separate business offering similar services to others for a fee; have a place of business separate from a City facility; and work independently, once provided with a scope of work, deciding how the work will be accomplished. The City will not have the right to direct or control the manner in which the contractor's services are performed.

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**3.02 Architectural and Engineering Services**

Departments requiring architectural or engineering services, including landscape architecture and land surveying, will follow these additional special procedures in conformance with RCW 39.80.

1. Publish an advance notice of the City's need for services, stating the general scope and nature of the work or project.

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2. Invite architectural and engineering firms to submit statements of qualifications and performance data.

3. Afford minority- and woman-owned firms the maximum practicable opportunity to compete for contracts.

4. Evaluate qualifications and performance data submitted and select one or more firms for consideration.

5. Discuss methods of approach with one or more firms.

6. Select the firm most highly qualified to provide the services required without regard to price.

7. Negotiate a contract with the selected firm at a price determined by the City to be fair and reasonable. Consider the estimated value, scope, complexity and professional nature of the services in determining a reasonable price.

8. If agreement cannot be reached with the selected firm, formally terminate the negotiation, select another firm and begin the negotiating process with that firm. Continue until agreement is reached or the search terminated.

9. The City Manager may suspend these requirements upon making a finding that an emergency requires the immediate execution of the work.

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## Chapter 4. Material, Supplies and Equipment

### 4.01 Purchasing Policies

1. Purchases over $500 will be made through a bidding process, except where the City Manager determines that a negotiated purchase agreement will best serve the City's interests. Bidding may occur through an informal process that includes solicitation of bid quotations from at least three qualified vendors. Contracts/purchase agreements will be awarded to the lowest and best responsible bidder. Employees soliciting bids will record bid quotations, written and unwritten, and retain this record and all bid documentation in permanent files.

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2. Purchases over $25,000 require City Council approval.

3. "Open" or "blanket" contracts or purchase orders may be used where multiple purchases will be made over time and exact quantities or descriptions of goods to be purchased cannot be specified in advance. An open contract or purchase order will specify the time period and a maximum dollar amount. The maximum amount will be used for purposes of applying the above rules on bidding and signature or approval authority.

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4. The City's Travel Policies (Personnel Policies, Appendix B) will govern convention and travel expenses.

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**4.02 Exceptions**

Exceptions to these purchasing policies are permitted as follows:

1. Emergencies. The City Manager may authorize emergency purchases without bidding. For purchases over $25,000, the City Manager will seek City Council approval at the earliest opportunity.

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2. Sole Source. The City Manager may authorize an exception to bidding policies when purchase from a single source is justified. Warranty work, additions to or repair and maintenance of equipment already purchased, prior training of staff, inventory of replacement parts, special market conditions, the absence of alternative vendors or similar conditions may justify such an exception.

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3. Auctions/Closeouts. The City Manager may authorize the purchase of supplies, material, or equipment at any public auction, closeout sale, bankruptcy sale or other similar sale upon determining that the purchase will be made at a competitive price. (RCW 39.30.045)

4. State Contracts. The City Manager may authorize purchases of supplies, materials or equipment through a State of Washington Office of State Procurement contract, without a bidding process. (RCW 39.34.030)

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5. Exchanges. The City may by agreement exchange supplies, materials, services, property or equipment with other public agencies. (RCW 39.33)

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6. Intergovernmental Purchases. Purchases may be made through or jointly with, another governmental entity by agreement pursuant to the Interlocal Cooperation Act, RCW 39.34. Purchases from or through the federal government may be made without bidding (RCW 39.32). Intergovernmental purchasing agreements require City Council authorization.

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7. Insurance and Bonds. The City Manager may waive any bidding requirement.

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**Chapter 5. Prohibited Practices**

**5.01 Code of Ethics**

The City's "Code of Ethics for City Officials and Employees" (Personnel Policies, Appendix D) will govern conduct with respect to purchasing wherever applicable.

## 5.02 Other Prohibited Practices

1. **Collusion among bidders.** Collusion will result in the treatment of bids from the firms involved as null and void. Such bidders may be excluded from future bidding with the City.

2. **Disclosure of sealed bid contents.** Disclosure of information from sealed bids by a City official or employee in advance of opening bids is prohibited. Bids submitted by bidders after receiving such information will be null and void.

3. **Sale to private parties.** The City will not use its purchasing power or lend its credit to purchase goods or services for a private party or for sale to City employees, City officials or others. City property declared surplus, however, may be sold in accordance with City surplus property disposition procedures.

4. **Donations.** The City will not accept donations of goods or services in return for a commitment to initiate or continue a purchasing agreement. Discounts or awards available to all customers, or to a customer class that would normally include the City, are not prohibited.

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## Chapter 6. Purchasing Procedures

The City Manager shall establish whatever procedures are necessary to implement these policies.

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## SECTION 17. COUNCIL AND STAFF TRAVEL AND EXPENSES

### 17.1 PURPOSE

The purpose of this policy is to identify and provide guidelines regarding the City's travel policies and to identify valid business expenses for which public officials and employees of the City may qualify for payment or reimbursement.

**This policy applies to elected and appointed public officials, and to employees of the City of Burien.**

**In addition to this policy, the provisions of Chapter 42.24 RCW and the Budgeting, Accounting, and Reporting Systems (BARS) manual prescribed by the Washington State Auditor's Office also apply.**

The City of Burien reimburses its employees and elected or appointed officials for reasonable travel, subsistence and related expenses incurred conducting City business provided the expenses are prudent and directly related to the individual's service on behalf of the City.

### 17.2 ADMINISTRATION

The Director of Administrative Services administers the travel and expense reimbursement program, designs and distributes forms and instruction and carries responsibility for review of claims. Claims will not be allowed without a detailed account of moneys spent certified by the individual making the claim as required by the Division of Municipal Corporations in the Office of the State Auditor.

**A. Documentation**

Claims for personal reimbursement must be made on official forms, be accompanied by the vendor's original receipt or bankcard charge slip showing the date, vendor imprinted name, amount paid and the items/services received, and must be certified correct and signed by the individual seeking reimbursement.

In addition to the documentation above, claims for business related meals as described in IV.D require the following documentation:

1. The names of the individuals participating.
2. Their official title or capacity as it relates to city business.
3. The nature of the topics discussed, nature of the occasion, what public purpose or policy was being served (and/or copy of agenda).
4. Employee claims for expenses must be signed by department directors. Director claims must be signed by the Manager. The Manager's expenses will

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be reviewed by the Administrative Services Director. Council member expenses must be signed by the City Manager.

B. Council Retreats/Executive Team Retreats

The reasonable cost of necessary food and beverages while conducting a City retreat is authorized for reimbursement. The cost of food and beverages shall not exceed the per diem as outlined in Section IV.E.

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C. City Sponsored Training/Staff Meetings

The general rule is that meals and snacks are not reimbursable and are to be purchased by those individuals attending.

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D. Professional Organization Sponsored Training or Seminars/Business Luncheon Meetings

If the meal is included as part of the cost of registration, the expense is reimbursed as part of the registration reimbursement.

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If the meal is not included as part of the cost of registration, the expense is eligible for reimbursement.

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E. Service Awards Ceremonies

Expenditures for reasonable refreshments served and awards given are eligible for reimbursement.

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F. Special Events

The City policy is to allow for reimbursement for the costs of reasonable refreshments for public events such as open houses, City anniversary celebrations, welcoming parties for appointed city officials, and other citywide events.

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G. Birthday Celebrations/Retirement Celebrations

These events are considered private parties and as such represent an inappropriate expenditure of public funds. The costs of any food or beverage or any incidental expenses related to these events (film, flowers, cards, etc.) are not eligible for reimbursement.

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H. Volunteers

It is the policy of the City of Burien to recognize and acknowledge the contribution that volunteers make to the City. At awards programs, the city will pay the nominal cost of service awards and a nominal amount for food and beverage expenses for award programs.

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## ~~17.3 TRANSPORTATION EXPENSES~~

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~~Public officials and employees are to exercise prudent judgment in incurring travel expenses on official City business. Excessive or unnecessary expenses will not be reimbursed or paid for by the City. Authorization of travel is to be exercised through the use of the current budget or other effective means.~~

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~~Reasonable transportation expenses for approved travel will be reimbursed. The most direct and cost effective mode of transportation will be the basis for the reimbursement. Out-of-state travel must be approved by the City Council. In-state travel means travel within the state of Washington; out-of-state travel means travel outside the boundaries of the state of Washington. In special or unusual circumstances, arrangements will be made to accommodate unique transportation requirements.~~

~~A. Air Travel~~

~~The maximum reimbursement of air travel expenses is to be no greater than coach class or its equivalent; the "government rate" shall be requested unless a lower rate for the same travel service is available. Costs for air transportation are to be requested by purchase order and billed to the City by the vendor whenever possible.~~

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~~B. Rental Vehicles~~

~~If it is more convenient and cost effective for more than one employee or public official to travel together, a vehicle may be rented. The city will reimburse for purchase of supplemental insurance. The receipt from the rental car agency must accompany the public official or employee travel expense claim form in order to obtain reimbursement.~~

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~~C. Personal Vehicles~~

~~Privately owned vehicles with auto insurance may be used for official travel. If an individual elects to drive rather than fly, mileage will be reimbursed in an amount equal to the appropriate round trip coach airfare or the current city mileage rate, whichever is less. Mileage reimbursement determination will be based on the state department of transportation mileage chart or odometer readings.~~

~~If two or more public officials or employees travel in the same vehicle, the city will pay only one public official/employee. Mileage will be paid from the official's, or employee's residence, or work site to the travel site, whichever is less. The mileage rate reimbursed to public officials/employees will be the amount currently allowed by the Internal Revenue Service.~~

~~D. Other Miscellaneous Transportation Expenses~~

Miscellaneous travel costs such as bus, taxi, subway, bridge or other tolls, parking, ferry, and the like are authorized and should be reported on the claim form. A receipt will be required for expenses over $5.00.

## 17.4 MEALS

### A. Meals

Based on recommendations from the State Auditor's Office, the City uses the following guidelines in determining the use of public funds for expenditures for food and beverages:

1. Who consumed this food and drink?
2. What was the nature of the occasion for the consumption?
3. What public purpose or policy objective was served?
4. Why was it necessary to consume food and beverage to carry out the policy?
5. Were the expenses "reasonable"?
6. Were the expenses consistent with the policy authorizing reimbursement?

### B. Local Business Meals

Meals (including snacks) between City public officials/employees will not normally be reimbursed. It is expected that City business between City public officials/employees can for the most part be conducted on City premises during normal work hours.

### C. Meetings Through Mealtimes

The City recognizes that there are occasions when it may be necessary for a group of public officials and/or employees to work through a meal in order to meet a deadline or to keep a group convened in order to accomplish the task. To be considered for reimbursement as a working meal, the meeting must span over a three-hour period, which includes the group's normal mealtime.

### D. Business Meals Between City Employees and Non-City Employees

The practice of the City providing meals to non-city employees is discouraged. However, for directors and above, the City recognizes that there are situations where non-city employees provide an unpaid service to the City during a mealtime. The costs of meals while conducting City business with persons other than City employees either locally or out of town are authorized for reimbursement subject to the limitations described in this document.

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**E. Meals While On Authorized Travel Status**

Per Diem shall be used for meals while out of town on City business. Out of town means the one way travel distance is greater than 40 miles from the City and overnight stay is required. Per Diem for meals shall be at the rate in effect at the time of travel for the specific area or locality. The maximum allowable rate shall be those in effect by the State of Washington, Office of Financial Management.

The accounting department will have a listing of the rates in effect, which are listed at the following website: http://www.ofm.wa.gov/policy/10.90.htm.

**Expenditures Not Included as Food and Beverage**: Unauthorized expenditures include, but are not limited to, liquor, expenses of spouse, guests or other persons not authorized to receive reimbursement under this policy or state regulations.

Situations not specifically addressed above will be reviewed by the Administrative Services Director for propriety.

**17.5 LODGING**

Hotel/motel accommodations for public officials/employees attending out-of-town functions on city business are acceptable. Lodging expenses shall be reimbursed at actual costs, as evidenced by a receipt, up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality. The maximum allowable lodging rates shall be those in effect by the State of Washington, Office of Financial Management. The cost of accommodations should be requested by purchase order and billed directly to the City by the vendor whenever possible. If advance payment is required, a purchase order will be prepared and the lodging registration will serve as supporting documentation for the claims check issued to the vendor. A vendor's receipt for these expenditures is required in all cases. In some situations, the maximum allowable lodging amount may not be adequate and the City Manager may approve payment of lodging not to exceed 150% of the applicable maximum per diem amount.

An employee or public official out of town on City business will be allowed one personal long distance phone call, not to exceed ten (10) minutes for each night away from the City.

**17.6 OTHER TRAVEL EXPENSES**

Non-Allowable Expenses

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~~Certain travel expenses are considered personal and not essential to the transaction of official city business and therefore not reimbursable. Such non-reimbursable expenses include, but are not limited to:~~

~~Baggage checking, valet services, laundry services, entertainment expenses, radio or television rental, transportation to or from places of entertainment, costs of personal trip insurance, medical and hospital services, personal toiletry articles, barber or hairdresser, personal postage or reading materials, expenses of a spouse or other family member, mileage allowance for commuting to regular, special, and committee meetings of the City Council, expenses on a personal car, meal expenses for formal meetings of City Council committees, fines for violation of motor vehicle laws.~~

## ~~17.7 – TRAVEL ADVANCES~~

~~The city has established an advance travel account for the purpose of advancing funds to city council members and employees who are traveling on city business. This account will not be used for personal loans, payment of airline tickets, pre-registration fees or reimbursement of travel expenses already incurred.~~

~~Requests for Advance Travel Funds shall be made on a form prescribed by the Director of Finance and Administrative Services and approved as described in II.A.4 above. Upon appropriate approval a check will be issued, no more than 7 days prior to departure on the authorized trip. Within 10 days of return to work a proper accounting shall be made of the use of the travel advanced funds, including receipts for other expenses as described above and excluding meals consumed at the per diem rates. Any funds remaining shall be repaid to the accounting department. If funds are due the employee the employee will be reimbursed through the claims process.~~

~~Failure to repay a travel advance within 10 days of return to work shall result in the employee being personally responsible for the full amount of the unpaid amount plus 10% interest from the date the funds are due. No further advances will be made to any employee who is delinquent in accounting for or repaying a prior advance.~~

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## SECTION 178. PUBLIC RECORDS

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**178.1** Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law (RCW 42.56). Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained per Washington State Archives Retention Schedule. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.

## SECTION 189. CITY MANAGER EVALUATION PROCESS

~~19.1 The Mayor, Councilmembers and City Manager will determine the evaluation criteria and format for the city manager evaluation process.~~

~~19.2 After the criteria have been reviewed, the City Manager will complete a self-evaluation based on the agreed upon criteria. The Manager will also provide a report on the follow-up actions identified in the Council's last evaluation. The City Council will then receive a copy of the completed self-evaluation, the prior year's Council evaluation, and a blank form for each Councilmember to complete. The City Manager's current employment contract will also be distributed.~~

~~19.3 The Mayor, Council and Manager will schedule an executive session to discuss the Manager's self-evaluation as well as each City councilmember's evaluation comments and concerns.~~

~~19.4 The Council, in executive session without the Manager will discuss and agree on its overall rating and feedback and assign a committee to write up the comments for final Council review and approval. Before the Council approves its evaluation summary, the Manager and full Council may meet again to review the summary. The Manager shall be given an opportunity to respond to the comments or ask questions to clarify expectations.~~

~~19.5 Each year when the evaluation is completed, the City Manager's contract may be discussed to determine if there are any recommendations for change.~~

~~19.6 The City Attorney shall prepare amendments, if any, to the City Manager's employment contract.~~

~~19.7 The original or amended contract and changes in compensation shall be approved or disapproved by the City Council at a regular or special meeting of the Council.~~

~~19.8 The Mayor, in consultation with the City Manager, shall prepare a press release no later than the next working day following final action at a regular or special Council meeting regarding the results of the evaluation.~~

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**Process for evaluating the Burien City Manager**

1. The Mayor, Councilmembers and City Manager will determine the evaluation criteria and format for the city manager evaluation process.
2. City Manager sends Council Members blank evaluation forms with completed self evaluation. (by second Monday in November).
3. Council Members complete individual evaluations then convey them by the first Monday in December to the Human Resources Manager for compilation.
4. The HR manager will create a single evaluation then return it to all Council Members and City Manager no later than the second Monday in December. The

document will consolidate all scores and verbatim comments, and identify them by author.

5. Council and the City Manager will meet in executive session the third Monday in December to discuss the evaluation.

**SECTION 19~~20~~. MAYOR/DEPUTY MAYOR SELECTION PROCESS**

**19~~20~~.1** The Mayor and Deputy Mayor shall be elected from the ranks of the Councilmembers according to the Council/Manager form of government.

**19~~20~~.2** The Mayor shall be elected to a two-year term according to RCW-35A.13.030.

**19~~20~~.3** The Deputy Mayor shall be elected to a one-year term at the first Regular Council meeting in January, ~~according to a motion passed by the Council on January 10, 1994.~~

**19~~20~~.4** The City Clerk or designee shall conduct the election for Mayor. The Mayor shall then conduct the election for Deputy Mayor.

## SECTION 21. CITY COUNCIL COMMITTEES

**21.1** The following City Council committees are formed by Burien Resolution No. 095, amended by Resolution No. 103, Resolution No. 123, and Resolution No. 138. **By** Motion on November 1, 2004, the Committees shall meet on an as-needed basis only (see Section 2).

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A. The Council shall review the committee structure annually.

B. Beginning February 7, 2000, and continuing until the Council directs otherwise, the following Council committees are established:

1. Government Operations (includes governmental relations policies, financial planning and budget policies,voucher review, community planning and budget policies; contract services including police, parks and recreation, community development, and human services).

2. Public Works and Capital Projects (includes transportation, surface water and other utility operating issues, planning studies for physical improvements; capital projects, grants and resource development).

3. Cultural Arts, Facilities, and Events (CAFÉ) (includes developing/siting city center hydro and vintage race car museum, historical museum, the Burien Little Theater, and the Burien Art Gallery; strengthening working relationships to develop better connections to private and public funding sources; strengthening existing community events through Council leadership).

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C. Each committee shall be comprised of no more than three (3) Councilmembers, with appointments made by the entire City Council in January of each year. One committee member shall be chosen by his/her fellow committee members to chair the committee meetings.

D. The City Council committees shall establish regular meeting schedules.

E. The Committees shall study issues and develop recommendations for consideration by the Council.

F. The Council committees are to be policy review and discussion arms of the Council, providing an opportunity to explore the implications of policy alternatives and the policy development process; and to serve in an advisory capacity to the Council as a whole in reviewing policy matters referred to them by the Council; informing and educating the Council on existing City programs and issues, and other such matters as the committee

~~deems appropriate. The City Council Committees shall not become involved in administration of City government.~~

~~G. Committees may not take binding action on behalf of the Council.~~

~~H. Each Committee shall have staff support as assigned by the City Manager. The staff will work with committee chairs to prepare agendas, provide support materials, and prepare reports.~~

~~I. Draft summaries of each meeting will be prepared by a committee member or the staff assigned to the committee by the City Manager and distributed to each Councilmember and included in the Council packet for the following Council meeting. Verbal reports may be given at Regular and Special Council meetings as requested by a committee member, the committee chair, the Mayor or any member of the Council.~~

~~J. The City Council Committees shall comply with the state "Open Public Meetings Act."~~

~~K. The Committee may hold Special Meetings as needed.~~

~~L. Councilmembers shall also serve as liaisons, as assigned by a majority of the Council, to the following: Planning Commission, Business and Economic Development Partnership, Parks Board, Arts Commission, Suburban Cities Assocation, SCATBd, ACC, King County CDBG, Senior Center, SWKC Chamber of Commerce, SWKC Chamber of Commerce Government Affairs Committee, Burien Branch of Work Incentive Program, South King County Human Services Forum, and others as assigned.~~

~~21.2 Council Committee Process Resolution No. 103. The following is established for the processing of items through City Council committees.~~

~~A. The Council approved work program will be scheduled on Council committee agendas at the beginning of the year and periodically through the year. The Director shall work with the Committee chair in setting the agendas.~~

~~B. Additional requests are made to the committee chair or appropriate director for scheduling.~~

~~C. The committee chair, in concert with the assigned committee staff or his/her designee, schedules the additional item according to its urgency and the priority of other items already under consideration.~~

D. The staff director or assigned staff for the committee prepares the agenda and provides staff reports and recommendations for items on the work program. Items outside the City's adopted work program may come to the committee without a report or recommendation. Unless formally requested by a majority of the City Council, the staff will not provide substantive work on a new assignment.

E. The committee discusses the item and makes a recommendation to the City Council.

F. The department director prepares brief draft minutes and submits the item to the City Clerk for a Council agenda. The Committee will consider the draft minutes for approval at the next Committee meeting.

G. The Mayor and City Manager schedule the item on an upcoming agenda according to its urgency and priority.

## SECTION 20~~22~~. APPOINTMENTS TO COMMITTEES AND REGIONAL ORGANIZATIONS

Council may appoint Councilmember(s) to ad-hoc committees during a regular Council meeting. Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make direct appointment to a regional committee when asked to do so by that body.

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20~~22~~.1 Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body.

~~22.2 Council committee membership shall not limit a Councilmember's interest in serving on a particular regional body.~~

20~~22~~.2~~3~~ When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment. All names of Councilmembers expressing an interest shall be submitted by the Mayor to the regional body, which will then make the appointment(s).

20.3~~22.4~~ When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Councilmember receiving a majority vote will represent the City on that regional body.

~~22.5~~19.4 Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.

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~~22.6~~19.5 Councilmembers who are appointed representatives to regional organizations shall provide a report to the Council either in written or oral form at the regular Council meeting in the City Manager's Report or under Reports on the Council agenda following a meeting of the regional organization.

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## SECTION 21~~3~~. PROCEDURE FOR FILLING COUNCIL VACANCIES

21.1~~(1.)~~ If a Council vacancy occurs, the Council will follow the procedure outlined in RCW 35A.13.020 (1), which requires the remaining Council members to appoint a qualified person to fill the vacant position within ninety (90) days of the effective date of the vacancy.

21.2~~(2.)~~ The City Councilmember who is resigning from office will submit a letter of resignation to be accepted by the City Council at the next Council meeting.

21.3~~(3.)~~ The City Council shall review and make any revisions they wish to the Council Vacancy Application form (Exhibit B~~A~~).

21.4~~(4.)~~ The legal announcement shall appear at least two times in the legal section of the City's official newspaper and in any other publication or on any internet site deemed appropriate by the City Council.

21.5~~(5.)~~ The City Clerk shall receive all applications for the specified period of time.

21.6~~(6.)~~ The City Council shall submit questions for an interview process to the City Clerk.

21.7~~(7.)~~ The City Clerk shall compile the applications for an interview process, set an interview date according to the Council's availability, and schedule interviews with the applicants. The City Clerk shall~~will~~ prepare the final list of interview questions as agreed upon by the Council.

21.8~~(8.)~~ The City Clerk shall prepare a notice of the meeting to interview candidates.

21.9~~(9.)~~ The Council in a Regular or Special Council meeting open to the public will interview all candidates who have submitted an application. Councilmembers will ask the same questions of all candidates. Each candidate will be allowed two minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

21.10~~(10.)~~ The Council may recess into Executive Session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during a public meeting.

21.11~~(11.)~~ The City Attorney will prepare the Oath of Office and swear in the newly appointed Councilmember at the same or next scheduled Council meeting.

21.12~~(12.)~~ Upon appointment, the City Clerk ~~writes~~ shall send a letter to the Department of Elections notifying ~~them~~ it of the new appointment.

21.13~~(13.)~~ The vacancy that was filled by appointment must be filled by election to that position in the next regularly scheduled municipal election.

21.14~~(14.)~~ The Councilmember elected in the next regular municipal election to the office that had been vacated prior to the expiration of the term, will take office immediately following the certification of the election.

## ~~SECTION 24. BURIEN CITIZEN BOARDS AND COMMISSIONS~~

~~The following Boards and Commissions are established by the Burien City Council.~~

**~~24.1~~** ~~City of Burien Planning Commission. A Planning Commission consisting of seven members to provide guidance and direction to the City Council on Burien's future growth is created by Ordinance No. 388, replacing Ordinance No. 113.~~

~~Membership and Terms. The seven members are appointed to staggered terms of four years;members filling Position Numbers 1, 2, 3, and 4 shall be appointed for terms expiring March 31, 2006; and members filling Position Nos. 5, 6, and 7 shall be appointed for terms expiring March 31, 2004.~~

~~Appointment. All members shall be appointed by the City Council. Voting members must reside within the city limits and the Commission shall at all times include between five and seven voting members. Members shall be selected without respect to political affiliation and shall serve without compensation. The Council shall attempt but not be obligated to appoint members representing all geographic areas of Burien.~~

~~Removal. Members may be removed by a majority vote of the entire City Council for neglect of duty, conflict of interest, malfeasance in office or other just cause, including absence for more than eight regular meetings in a calendar year. The decision of the City Council shall be final and there shall be no appeal therefrom.~~

~~Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments.~~

**~~24.2~~** ~~Business and Economic Development Partnership. A Business and Economic Development Partnership consisting of 14 appointed citizen members and one non voting ex-officio to provide advice to the City Council on Burien's future economic development is created by Ordinance No. 114 and amended by Ordinance No. 258.~~

~~Membership. The Partnership shall consist of 14 appointed members and one non-voting ex-officio member. The membership shall be selected with a goal of predominate business representation and should include applicants from the following areas serving Burien:~~

- ~~Business owners, managers and employees~~
- ~~Commercial property owners~~
- ~~Chambers of commerce and merchants associations~~
- ~~Burien city residents~~
- ~~Employment and job training services~~
- ~~Education~~
- ~~Others with an interest in Burien~~

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The City Manager or his/her designee shall be a non-voting ex-officio member.

Terms. Appointed members shall serve four-year terms running from April 1 through March 31, or until a successor is duly appointed and confirmed. The appointments shall be staggered with every odd numbered year, half of the members due for re-appointment or replacement.

Appointment. Members of the Partnership shall be appointed by the City Council in a manner consistent with the Council's appointment procedures. Members shall be selected without respect to political affiliation and shall serve without compensation.

Removal. Members may be removed by a majority vote of the entire City Council. The decision of the City Council shall be final and there shall be no appeal therefrom.

Vacancies. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term in the same manner as for appointments as provided above.

24.3

City of Burien Arts Commission. An Arts Commission shall be appointed to advise and make recommendations to the City Council regarding the improvement and furtherance of artistic activities within the City is created by Ordinance No. 229 and amended by Ordinance No. 324.

Membership and Terms. Eleven (11) Commission members shall be appointed to four-year terms. There shall be a term limit of two consecutive terms. Terms will expire March 31.

Appointment. All members shall be appointed by a majority vote of the City Council, from among the residents of the City. Appointments shall emphasize citizens involved in non-profit arts organizations.

Removal. Members of the Commission may be excused by majority vote of the City Council.

Vacancies. Vacancies shall be filled for new four-year terms

24.4 Parks and Recreation Advisory Board. A Parks and Recreation Advisory Board shall be appointed to advise and make recommendations to the City Council regarding recreational programming and the acquisition, promotion, improvement, maintenance, and use of City Parks is created by Ordinance No. 228 and amended by Ordinance No. 325.

Membership and Terms. Seven (7) Parks and Recreation Board members shall be appointed to four-year terms. During the initial organization of the Board, three of the members shall be appointed to two-year terms to stagger initial membership expiration. There shall be a term limit of two consecutive terms. Terms will expire March 31.

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~~Appointment. All members shall be appointed by a majority vote of the City Council, from among the residents of the City. Appointments shall be made from citizens of recongnized fitness for the position, based on a demonstrated interest in parks and recreation, dedication to representing the interests of the public, and to some degree, based on professional training/expertise in related fields.~~

~~Removal. Members of the Commission may be excused by majority vote of the City Council.~~

~~Vacancies. Vacancies shall be filled for new four-year terms.~~

## SECTION 225. MISCELLANEOUS

**225.1** When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote.; When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

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## SECTION 236. SUSPENSION AND AMENDMENT OF ~~RULES~~GUIDELINES

**236.1** Any provision of these ~~rules~~ guidelines not governed by state law or ordinance, may be temporarily suspended by a majority vote of the Council.

~~26.2~~22.2..... These ~~rules~~ guidelines may be amended, or new rules adopted, by a majority vote of the Council.

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Adopted by the Burien City Council
July 25, 1994
Revised February 13, 1995
Revised November 20, 1995 by Resolution 072
Revised December 18, 1995 by Resolution 071
Revised January 26, 1998 by Resolution 095, 097, & 100
Revised June 1, 1998 by Motion
Revised September 21, 1998 by Resolution No. 103
Revised April 27, 1999 by Ordinance No. 228 and Ordinance 229
Revised June 7, 1999 by Ordinance No. 258
Revised October 4, 1999 by Motion
Revised February 26, 2001 by Motion
Revised February 4, 2002 by Motion
Revised February 3, 2003 by Motion
Revised November 1, 2004 by Motion
Revised June 6, 2005 by Motion and Resolution No. 215
Revised March 18, 2013~~, 2012~~ by Resolution No....~~.~~

**EXHIBIT A**

## RCW 35A.13.010
## City officers — Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.

[2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § 35A.13.010.]

**Notes:**

**Severability -- 1987 c 3:** See note following RCW 3.70.010.

**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

Population determinations, office of financial management: Chapter 43.62 RCW.

## RCW 35A.13.020
## Election of councilmembers — Eligibility — Terms — Vacancies — Forfeiture of office — Council chair.

In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or

councilmember pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW 35A.13.030.

[2009 c 549 § 3017; 1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 §35A.13.020 .]

## RCW 35A.13.030

## Mayor — Election — Chair to be mayor — Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW 35A.13.033. The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[2009 c 549 § 3018; 1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § 35A.13.030

## RCW 35A.13.033

## Election on proposition to designate person elected to position one as chair — Subsequent holders of position one to be chair.

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW 35A.13.030. If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

[2009 c 549 § 3019; 1975 1st ex.s. c 155 § 3.]

## RCW 35A.13.035

## Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[2009 c 549 § 3020; 1969 ex.s. c 81 § 1.]

**Notes:**

**Effective date -- 1969 ex.s. c 81:** "This 1969 amendatory act shall take effect July 1, 1969." [1969 ex.s. c 81 § 7.]

## RCW 35A.13.040

## Compensation of councilmembers — Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office

shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § 35A.13.040.]

**Notes:**

**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

## RCW 35A.13.050

## City manager — Qualifications.

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

[2009 c 549 § 3022; 1967 ex.s. c 119 §35A.13.050 .]

## RCW 35A.13.060

## City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[2009 c 549 § 3023; 1967 ex.s. c 119 § 35A.13.060.]

## RCW 35A.13.070

## City manager — Bond and oath.

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[2009 c 549 § 3024; 1967 ex.s. c 119 § 35A.13.070.]

## RCW 35A.13.080
## City manager — Powers and duties.

The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the code city;

(2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his or her attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution.

[2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § 35A.13.080.]

### Notes:

**Severability -- 1987 c 3:** See note following RCW 3.70.010.

## RCW 35A.13.090
## Creation of departments, offices, and employment — Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[1967 ex.s. c 119 § 35A.13.090.]

## RCW 35A.13.100

## City manager — Department heads — Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW 35A.13.080 and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[2009 c 549 § 3026; 1967 ex.s. c 119 § 35A.13.100.]

## RCW 35A.13.110

## City manager — Appointment of subordinates — Qualifications — Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[1967 ex.s. c 119 § 35A.13.110.]

## RCW 35A.13.120

## City manager — Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

[2009 c 549 § 3027; 1967 ex.s. c 119 § 35A.13.120.]

## RCW 35A.13.130

## City manager — Removal — Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

[2009 c 549 § 3028; 1967 ex.s. c 119 § 35A.13.130.]

## RCW 35A.13.140

## City manager — Removal — Reply and hearing.

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution

removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[2009 c 549 § 3029; 1967 ex.s. c 119 § 35A.13.140.]

## RCW 35A.13.150
## City manager — Substitute.

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

(1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or

(2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or

(3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § 35A.13.150.]

## RCW 35A.13.160
## Oath and bond of officers.

All provisions of RCW 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[1967 ex.s. c 119 § 35A.13.160.]

## RCW 35A.13.170
## Council meetings — Quorum — Rules — Voting.

All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § 35A.13.170.]

### Notes:

**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

## RCW 35A.13.180
## Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW 35A.12.140.

[1967 ex.s. c 119 § 35A.13.180.]

## RCW 35A.13.190
## Ordinances — Style — Requisites — Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of . . . . . do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

[1967 ex.s. c 119 § 35A.13.190.]

## RCW 35A.13.200
## Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW 35A.12.150 and 35A.12.160.

[1967 ex.s. c 119 § 35A.13.200.]

## RCW 35A.13.210
## Audit and allowance of demands against city.

RCW 35A.12.170 shall apply to the audit and allowance of demands against the city.

[1967 ex.s. c 119 § 35A.13.210

## RCW 35A.13.220
## Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW 35A.12.180.

[1967 ex.s. c 119 § 35A.13.220.]

## RCW 35A.13.230
## Powers of council.

The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11 RCW, except insofar as such power and authority is vested in the city manager.

[1967 ex.s. c 119 § 35A.13.230.]

**Exhibit B**

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## APPLICATION FOR APPOINTMENT TO BURIEN CITY COUNCIL

Thank you for your interest in serving on the Burien City Council. Please fill out this form and attach a cover letter and resume if you wish. Submit the form to the City Clerk's Office, 400 SW 152nd Street, Suite 300, 98166, by 5 p.m. on ____. Should you have any questions, feel free to contact Monica Lusk, City Clerk, at (206) 248-5517.

The vacancy is for Council Position No. __, which is an At Large position representing all Burien residents. The term for this position expires December 31, __. Applicants must have lived in the city of Burien for 12 consecutive months prior to being appointed to office and be a registered voter to qualify for a position on the Burien City Council.
(Note: Residents living in the area annexed to Burien in April 2010 are eligible to apply)

PLEASE PRINT:
NAME: _____

HOME ADDRESS: _____

PHONE NUMBER - HOME: _____ WORK _____

EMAIL: _____

YEARS OF RESIDENCE IN BURIEN: _____
(Note: Residents living in the area annexed to Burien in April 2010 are eligible to apply)

CURRENT OCCUPATION: _____

PRIOR WORK EXPERIENCE: _____

COMMUNITY INVOLVEMENT (Past and present) _____

_____

_____

AVAILABILITY FOR LATE AFTERNOON AND EVENING MEETINGS

_____

**Exhibit B**

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Please provide information about experience and or training that you possess that you feel would be beneficial to holding this City Council office.

**Exhibit B**

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Please provide information about experience and or training that you possess that you feel would be beneficial to holding this City Council office.

ATTACHMENT 2

# CITY OF BURIEN, WASHINGTON

## CITY COUNCIL
## MEETING GUIDELINES

2013

## TABLE OF CONTENTS

## SECTION 1. AUTHORITY

**1.1** The Burien City Council hereby establishes the following Council Meeting Guidelines. These Guidelines shall be in effect upon adoption by the Council and until such time as they are amended or new procedures adopted in the manner provided by these Guidelines. Council-Manager Plan of Government, RCW 35A.13, is attached as Exhibit A.

## SECTION 2. COUNCIL MEETINGS

**2.1** REGULAR MEETINGS AND STUDY SESSIONS.

A. Regular meetings of the City Council of the City of Burien shall be held at 7:00 p.m. on the first and third Monday of each month at the building designated as Burien City Hall, currently located at 400 SW 152nd Street, Burien, Washington, or at another location the City Council may deem appropriate. (Resolution No. 3 and amended by Resolution Nos. 19, 35, 71, 97, 101, and 290)

B. Regular Meeting is defined as a meeting used to conduct all ordinary and routine business of the city.

C. Study Sessions of the City Council of the City of Burien shall be held at 7:00 p.m. on the fourth Monday of each month (except as noted in G" below).

D. Study Session is defined as a meeting used to review and discuss pertinent business of the city and to prepare matters for action at a Regular Meeting.

E. The City Council may take official action at either a Regular Meeting or at a Study Session. Only business items requiring action that are time sensitive shall be scheduled at a Study Session. Both Regular Meetings and Study Sessions will be broadcast live on the City's government cable T.V. channel, TBC21.

F. City Council workshops will be held quarterly, at a location designated by the City Council.

G. During the months of June, July, and August, Council meetings will be held on the first and third Mondays of the month. The Study session on the fourth Monday will be canceled during these months.

**2.2** Should any Council meeting fall upon a date designated as a legal holiday, then that meeting shall be canceled.

**2.3** Public comment and public hearing sign-up sheets will be available at each Regular Council meeting for the use of the public wishing to address the Council.

**2.4** The City Clerk shall prepare minutes for all Council meetings, which shall contain an account of all official actions of the Council. The minutes will constitute the official record of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

**2.5** TYPES OF MEETINGS

A. Regular: used to conduct all ordinary and routine business of the city.

B. Study Session: used to review and discuss pertinent business and policy issues of the City and to prepare matters for action at a Regular Meeting.

C. Special: any Council meeting other than a Regular Meeting or Study Session which has been called for the purpose of conducting official action or studying an issue. Notice shall be given at least 24 hours in advance. A Special Council meeting may be scheduled by the Mayor and three additional Councilmembers, or at the request of a majority of the Councilmembers.

D. Emergency: a Special Council meeting called without 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24 hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor or a majority of Councilmembers. The minutes will indicate the reason for the emergency.

E. Executive Session: a Council meeting that is closed except to the Council, City Manager, and authorized staff members and/or consultants authorized by the Mayor or a majority of Councilmembers. The public is restricted from attendance. Executive Sessions may be held during Regular, Study Session, or Special Council meetings, or as separate meetings, and will be announced by the Mayor. Executive Session subjects are limited to considering matters authorized by state law, per RCW42.30.110.

Before convening an Executive Session, the Mayor shall announce the specific purpose of the meeting and the potential for action by the Council when it reconvenes. The Mayor shall also announce that the Executive Session will be conducted per RCW42.30.110(2).

Executive Sessions will begin and end in accordance with State law. At the conclusion of the Executive Session, if the potential for taking action was previously announced, the public meeting will reconvene.

## 2.6 ORDER OF REGULAR COUNCIL MEETING AGENDA

**Call to Order**
The Mayor calls the meeting to order.

**Pledge of Allegiance**
The Mayor, and at times, invited guests lead the flag salute.

**Roll Call**
The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence.

**Agenda Confirmation**
Councilmembers may offer motions to alter the current agenda through deletion, revision or additions to the agenda.

**Public Comments**
Members of the audience may comment in writing or verbally on items relating to any matter. Verbal comments are limited to three (3) minutes per person and five (5) minutes for groups. Attendees who are unable to do so by themselves may ask City Clerk for assistance to read their comments.

**Correspondence for the Record**
Correspondence that discloses personal information will be edited out before included in the Record. Correspondence that contains profanity or abusive in nature would be submitted to the Mayor who would decide whether it should be included in the Record. Correspondence that is sent anonymously will not be included in the Record.

**Consent Agenda**
Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters discussed at a previous City Council meeting. Three Councilmembers may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent agenda has been considered, each item which was removed is considered. When discussion on that item is completed, a motion may be made to vote on the item or to refer it to another meeting.

## Business Agenda

### Public Hearings and Discussion

Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances. Public wishing to comment will follow the same procedure as for "Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council may then proceed with deliberation. For legislative public hearings, Council's decision will occur at the next regular meeting.

### Proclamations and Presentations

The Mayor presents proclamations. A proclamation is defined as an official declaration made by either the City Council or the Mayor. The Mayor and Councilmembers may each request the preparation of two proclamations a year to honor individuals or groups. Requests for proclamations from outside organizations and groups will be placed in the City Manager's Report and reviewed by the City Council. Proclamations must be signed or otherwise be pre-approved by a majority of Councilmembers prior to execution by the Mayor. Proclamations may be placed on the Council agenda for official presentation or mailed to the honored individual or organization as appropriate.

Presentations are also scheduled at this time.

The City Manager may provide written report to the City Council under "City Manager's Report."

### Ordinances and Resolutions

Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after publication in the City's official newspaper.

Resolutions are adopted to express Council policy or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

Ordinances and resolutions may be passed under any of the agenda sections.

## City Manager Report

### Council Business

Councilmembers may report on meetings and activities in which they have participated and represented the City. Councilmembers may also provide written reports to the "City Manager's Report."

**Executive Session**
An Executive Session may be held before, during or after a Council meeting, as described in Council Policy 2.5 (5).

**Adjournment**
With no further business to come before the Council, the Mayor shall entertain a motion to adjourn. Councilmembers will vote on the motion to adjourn in thesame manner as other motions.

Breaks
Generally, formal breaks during the meeting will not be called.

**2.7** ORDER OF STUDY SESSION AGENDA

**Call to Order**
**Pledge of Allegiance**
**Roll Call**
**Correspondence for the Record**
**Discussion Items**

These are business items the full Council wishes to discuss and study in preparation for action at a future Council meeting. As noted in Section 2.1 E, action may be taken at a study session.

Members of the audience may comment on the item being discussed when recognized by the Mayor.

Requests for new agenda items should be brought to the 4th Monday Study Session for scheduling at a future Council meeting.

**Adjournment**

## SECTION 3. AGENDA PREPARATION

**3.1** The City Clerk, in consultation with the Mayor and City Manager, will prepare an agenda for each Council meeting specifying the time and place of the meeting, and set forth a brief general description of each item to be considered by the Council.

**3.2** The proposed agenda schedule will be reviewed during the last regular Council meeting of each month. The City Manager and City Clerk will maintain a list of all known or requested items for future Council agendas. Changes in the proposed

schedule from the previous week will be highlighted in bold with the reason for the change noted in italics below the item. This will be provided with each agenda and be the basis of the Council's monthly review discussion.

**3.3** The Mayor and/or City Manager may place items on a Council meeting agenda, according to the Proposed Council Agenda Schedule and requests of Councilmembers.

**3.4** An item may be delayed if the Mayor and/or the City Manager know it is of particular importance to an absent Councilmember.

**3.5** Legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items, which have been scheduled by convenience rather than for statutory or other legal reasons.

**3.6** Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

**3.7** Agendas with supporting materials will be provided to the City Council at 5 pm the Thursday prior to the meeting. Agenda and materials will be available at City Hall, on the City's website and at the Burien Library for City staff, media and the public at 4:00 pm on the Friday prior to the meeting.

**3.8** The Council may use the "Recommended Motion" language on the agenda bill for making a motion.

## SECTION 4. COUNCIL DISCUSSION AND DECISION MAKING PROCESS

**4.1** New or non-routine topics and issues will be discussed first at a Study Session unless the topic requires more immediate discussion.

**4.2** The Council will take action at a following Regular meeting unless Council agrees that action can be taken immediately (except Consent Agenda and emergency items).

**4.3** If a majority of the Council arrives at consensus to put an issue up for a vote and a Councilmember is not there when the vote takes place, then that Councilmember should not bring the item back.

**4.4** The Mayor will facilitate the discussion in a timely manner and Councilmembers will try to be cognizant of the amount of time the discussion is taking.

**4.5** The Mayor will state the public hearing procedures before each public hearing.

**4.6** Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Manager.

**4.7** Councilmembers are individually responsible for gathering additional information on issues and for calling staff with questions not covered during the formal Study Session or Regular meeting process.

**4.8** To the extent not otherwise governed by these Guidelines, Council discussion will be governed by ROBERT'S RULES OF ORDER, NEWLY REVISED.

## SECTION 5. COMMENTS, CONCERNS & TESTIMONY TO COUNCIL

**5.1** Persons addressing the Council, who are not specifically scheduled on the agenda, shall be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes. Groups shall limit their remarks to five (5) minutes.

All remarks will be addressed to the Council as a Whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.

**5.2** The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct and to enforce the Rules of the Council. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.

**5.3** Public with complaints, concerns or questions, will be encouraged to refer the matter to the City Manager, or ask that the matter be placed on a future City Council meeting agenda with the appropriate background information.

## SECTION 6. MOTIONS

**6.1** Prior to discussion, the Deputy Mayor will make the motion, and the senior member of the Council will make the second. If the Deputy Mayor is absent, the senior Councilmember will make the motion and the second most senior member will make the second.

After the motion is made and seconded, the applicable staff member will give a short presentation on the subject to be discussed.

**6.2** If a motion does not receive a second, it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.

**6.3** A motion that receives a tie vote is deemed to have failed.

**6.4** Motions shall be clear and concise and not include arguments for the motion within the motion.

**6.5** After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote and may state why they will vote for or against a motion, if they wish to do so.

**6.6** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.

**6.7** A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.

**6.8** A motion to table is undebatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future Regular or Special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.

**6.9** A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or at a time certain at a future Regular or Special City Council meeting.

**6.10** A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if the motion to reconsider received an affirmative vote.

**6.11** A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds (2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.

**6.12** A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

**6.13** Whenever possible, proposed substantive amendments should be written out with all Councilmembers receiving copies in advance of the meeting.

**6.14** Discussion of the motion only occurs after the motion has been moved and seconded.

**6.15** When the discussion is concluded, the motion maker, Mayor, City Clerk, or City Attorney shall repeat the motion prior to voting.

**6.16** The City Council votes on the motion as restated. If the vote is unanimous, the Mayor shall state that the motion has been passed unanimously according to the number of Councilmembers present, such as "7-0" or "6-0".

**6.17.** If the vote is not unanimous, and a Councilmember requests it, each Councilmember shall state his/her vote by roll call vote taken by the City Clerk. The City Clerk or City Attorney then restates the outcome of the vote. For example, the outcome may be restated as, "Councilmembers A, B, C, and D vote 'yes'. Councilmembers E, F. and G vote 'no'. The vote is 4-3 to adopt Ordinance X. The motion carries."

**6.18** Once the vote has been taken, the topic of discussion is closed. It is not necessary for Councilmembers to justify or explain their vote. If Councilmembers wish to make their positions known, this should be stated during the discussion *preceding* the vote.

**6.19** When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration, but no motion for reconsideration of a vote shall be made after the meeting has adjourned.

**6.20** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the Council's consensus at the conclusion of the discussion.

**6.21** The City Attorney shall decide all questions of interpretations of these meeting guidelines and other questions of a parliamentary nature which may arise at a Council meeting. All questions not provided for in these meeting guidelines shall be governed by Robert's Rules of Order, Newly Revised.

In the event of a conflict, these Council meeting guidelines shall prevail.

## SECTION 7. ORDINANCES

**7.1** All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by a majority of the City Council, the City Manager, or the City Attorney.

**7.2** Ordinances shall be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance and sign it prior to placing it before the City Council for its consideration.

**7.3** Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.

**7.4** Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication in the first possible publication following enactment.

**7.5** An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified in the ordinance.

## SECTION 8. PRESIDING OFFICER OF THE COUNCIL

The Mayor shall:

A. Be the official spokesperson for the City

B. Act as the official head of the City for all ceremonial purposes.

C. Sign documents as appropriate on behalf of the Council.

D. Observe and enforce the Council Meeting Guidelines.

E. Act as presiding officer at all meetings of the Council.

F. Preserve order and decorum in the Council Chambers.

G. Decide all questions on order, in accordance with the Guidelines, subject to appeal by any Councilmember.

H. Recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

I. Endeavor to facilitate the discussion in a timely manner.

J. Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted or participated in as part of his/her official status as Mayor.

K. Appoint Councilmembers to serve on ad-hoc committees if necessary.

L. Serve as the Council's delegate to the National League of Cities, Association of Washington Cities, and other events and conferences.

M. In the absence of the Mayor, the Deputy Mayor shall carry out the above responsibilities.

N. In the absence of the Mayor and Deputy Mayor, the member with the most continuous tenure on the Council shall be the presiding officer.

O. In the event the Mayor and Deputy Mayor are unavailable to serve, the senior member of the Council shall serve as the Mayor to convene and preside over a special meeting of the Council for the purpose of naming an acting mayor and deputy mayor.

P. The acting mayor and deputy mayor shall serve until such time as new members are appointed to fill any vacancies on the Council.

Q. When the Council again has seven members, it shall elect a Mayor and Deputy Mayor to fill the previously unexpired terms.

## SECTION 9. COUNCIL RELATIONS/ANTI HARASSMENT POLICY

### 9.1 ANTI-HARASSMENT POLICY

A. It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by elected officials toward fellow councilmembers or members of the public. Elected officials are expected to show respect for one another and the public at all times, despite individual differences.

B. Harassment is defined as verbal, written or physical conduct that demeans or shows hostility or aversion toward an employee, another elected official or members of the public. Examples of prohibited conduct include slurs or demeaning comments to councilmembers, employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, or disability.

C. Sexual harassment is a form of unlawful discrimination.

D. This policy is intended to assist the City in addressing not only illegal harassment, but also any conduct that is offensive and inappropriate. Councilmembers are strongly urged to report all incidents of harassment, discrimination or other inappropriate behavior.

### 9.2 REPORTING DISCRIMINATION OR HARASSMENT

A. If the incident involves a city employee, the incident should be reported as soon as possible to the City Manager.

B. If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the incident should be reported as soon as possible to the Mayor.

C. If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the Mayor may ask the City Manager to assist the Council by providing a list of qualified experts to investigate the incident and advise the council on a response to the complaint.

D. All complaints will be investigated promptly. Upon receiving a complaint, the mayor shall initiate an investigation within 24 hours, or by the end of the next business day.

E. All complaints will be kept confidential to the fullest extent possible, and will be disclosed only as necessary to allow an investigation and response to the complaint. No one will be involved in the investigation or response except those with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.

F. If the incident involves the Mayor, then the Mayor's responsibilities described in (B), (C) & (D) above will be performed by the City Attorney.

G. Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The City will take whatever action it deems necessary to prevent an offense from being repeated.

H. The City will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.

I. Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of when the complaint was received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.

**9.3** COUNCIL RELATIONS WITH STAFF

A. There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.

B. City staff shall acknowledge the Council as policy makers, and the Councilmembers shall acknowledge City staff as administering the Council's policies.

C. Councilmembers with a particular interest in an item or topic should be given a courtesy call if that item is rescheduled by staff.

D. All written informational material requested by individual Councilmembers shall be submitted by City staff to the City Manager who after his/her review, will submit it to all Councilmembers with a notation indicating which Councilmember requested the information.

E. Councilmembers shall not attempt to influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.

F. The Council shall not attempt to change or interfere with the operating rules and practices of any City department.

G. To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives. Unless specifically requested, other Councilmembers' mail shall not be opened before distribution to those Councilmembers.

H. No Councilmember shall direct the City Manager or staff to initiate any action or prepare any report that is a priority or requires significant resources, or initiate any project or study without the consent of a majority of the Council.

I. Individual requests for information may be made directly to the Department Director unless otherwise determined by the City Manager. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Manager.

## SECTION 10. COUNCIL MEETING STAFFING

**10.1** The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting.

**10.2** The City Attorney shall attend all meetings of the Council unless excused, and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.

**10.3** The City Clerk, or designee, shall attend Regular, Special and Study Session meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

## SECTION 11. COUNCILMEMBER ATTENDANCE AT MEETINGS

**11.1** Councilmembers will inform the Mayor, a Councilmember, the City Manager or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence.

**11.2** The Mayor will announce for the record a Councilmember's excused or unexcused absence at the Regular Meetings and Study Sessions after roll-call is taken

**11.3** Councilmembers who attend meetings of another jurisdiction, regional meetings, or "in-house"meetings should provide a report for the City Manager's Report.

**11.4** Councilmembers will not attend special district meetings as liaison.

**11.5** Councilmembers will let the Executive Assistant to the City Manager know what meetings they are attending so that these can be noted on the meetings calendar.

## SECTION 12. PUBLIC HEARINGS

### 12.1 TYPES

There are two types of public hearings: legislative and quasi-judicial. The mayor will state the public hearing procedures before each public hearing. The public may comment on public hearing items. The Public wishing to comment will follow the same procedure as for "Public Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.

### 12.2 LEGISLATIVE PUBLIC HEARINGS

The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy, including without limitation, review by the City Council of its comprehensive land use plan or the biennial budget.

### 12.3 QUASI-JUDICIAL PUBLIC HEARINGS

The purpose of a quasi-judicial public hearing is to decide issues including the right of specific parties and include, without limitation, certain land use matters such as site specific rezones, preliminary plats, and variances. The City Council's decision on a quasi-judicial matter must be based upon and supported by the "record" in the matter. The "record" consists of all testimony or comment presented at the hearing and all documents and exhibits that have been submitted. In quasi-judicial hearings, Councilmembers shall comply with all applicable laws including without limitation the appearance of fairness doctrine per RCW42.36.

### 12.4 APPEARANCE OF FAIRNESS.

Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate, or immediate family. It could involve *ex* parte (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents and/or opponents

before or after the hearing, business dealings of the Councilmember's employer with the proponents and/or opponents, announced predispositions, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If so, no matter how remote, the Councilmember should disclose the facts to the City Manager who will seek the opinion of the City Attorney, which will be communicated to the Councilmember and the Mayor.

## SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS

**13.1** All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. Seating space shall be provided for the media at each public meeting.

## SECTION 14. COUNCIL REPRESENTATION

**14.1** If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments, which differ from the Council majority, may be expressed if the Councilmember clearly states these statements do not represent the Council's position.

**14.2** A Councilmember shall obtain the other Councilmember's concurrence before representing that Councilmember's view or position with the media, another governmental agency or community organization. If the subject is controversial, Councilmembers shall avoid speaking for each other.

**14.3** Letters, written statements, newspaper guest opinions, and so on, which state a Council opinion or policy shall be submitted to the full Council for review, comment and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.

As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council at the time of communication.

## SECTION 15. CONFIDENTIALITY

**15.1** Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is

considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW 42.56 Public Records Act).

**15.2** If the Council, in Executive Session, has given direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney, or City staff designated by the City Manager, Councilmembers should review such potential discussion with the City Manager. Any Councilmember having any such contact or discussion shall make full disclosure to the City Manager and/or the City Council in a timely manner.

## SECTION 16. COUNCIL BUSINESS POLICIES

### 16.1 LITIGATION POLICIES AND REPORTING

Periodically, the City Attorney will provide a report to the City Council on new litigation and ongoing litigation in the Council Executive Session.

## SECTION 17. PUBLIC RECORDS

**17.1** Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law (RCW 42.56). Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained per Washington State Archives Retention Schedule. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.

## SECTION 18. CITY MANAGER EVALUATION PROCESS

### PROCESS FOR EVALUATING THE CITY MANAGER

A. The Mayor, Councilmembers and City Manager will determine the evaluation criteria and format for the city manager evaluation process.
B. City Manager sends Council Members blank evaluation forms with completed self evaluation. (by second Monday in November).
C. Council Members complete individual evaluations then convey them by the first Monday in December to the Human Resources Manager for compilation.
D. The HR manager will create a single evaluation then return it to all Council Members and City Manager no later than the second Monday in December. The document will consolidate all scores and verbatim comments, and identify them by author.
E. Council and the City Manager will meet in executive session the third Monday in December to discuss the evaluation.

## SECTION 19. MAYOR/DEPUTY MAYOR SELECTION PROCESS

**19.1** The Mayor and Deputy Mayor shall be elected from the ranks of the Councilmembers according to the Council/Manager form of government.

**19.2** The Mayor shall be elected to a two-year term according to RCW35A.13.030.

**19.3** The Deputy Mayor shall be elected to a one-year term at the first Regular Council meeting in January.

**19.4** The City Clerk or designee shall conduct the election for Mayor. The Mayor shall then conduct the election for Deputy Mayor.

## SECTION 20. APPOINTMENTS TO COMMITTEES AND REGIONAL ORGANIZATIONS

Council may appoint Councilmember(s) to ad-hoc committees during a regular Council meeting. Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make direct appointment to a regional committee when asked to do so by that body.

**20.1** Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body.

**20.2** When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment. All names of Councilmembers expressing an interest shall be submitted by the Mayor to the regional body, which will then make the appointment(s).

**20.3** When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Councilmember receiving a majority vote will represent the City on that regional body.

**20.4** Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.

**20.5** Councilmembers who are appointed representatives to regional organizations shall provide a report to the Council either in written or oral form at the regular Council meeting in the City Manager's Report or under Reports on the Council agenda following a meeting of the regional organization.

## SECTION 21. PROCEDURE FOR FILLING COUNCIL VACANCIES

**21.1** If a Council vacancy occurs, the Council will follow the procedure outlined in RCW 35A.13.020 (1), which requires the remaining Council members to appoint a qualified person to fill the vacant position within ninety (90) days of the effective date of the vacancy.

**21.2** The City Councilmember who is resigning from office will submit a letter of resignation to be accepted by the City Council at the next Council meeting.

**21.3** The City Council shall review and make any revisions they wish to the Council Vacancy Application form (Exhibit B).

**21.4** The legal announcement shall appear at least two times in the legal section of the City's official newspaper and in any other publication or on any internet site deemed appropriate by the City Council.

**21.5** The City Clerk shall receive all applications for the specified period of time.

**21.6** The City Council shall submit questions for an interview process to the City Clerk.

**21.7** The City Clerk shall compile the applications for an interview process, set an interview date according to the Council's availability, and schedule interviews with the applicants. The City Clerk shall prepare the final list of interview questions as agreed upon by the Council.

**21.8** The City Clerk shall prepare a notice of the meeting to interview candidates.

**21.9** The Council in a Regular or Special Council meeting open to the public will interview all candidates who have submitted an application. Councilmembers will ask the same questions of all candidates. Each candidate will be allowed two minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

**21.10** The Council may recess into Executive Session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during a public meeting.

**21.11** The City Attorney will prepare the Oath of Office and swear in the newly appointed Councilmember at the same or next scheduled Council meeting.

**21.12** Upon appointment, the City Clerk shall send a letter to the Department of Elections notifying it of the new appointment.

**21.13** The vacancy that was filled by appointment must be filled by election to that position in the next regularly scheduled municipal election.

**21.14** The Councilmember elected in the next regular municipal election to the office that had been vacated prior to the expiration of the term, will take office immediately following the certification of the election.

## SECTION 22. MISCELLANEOUS

**22.1** When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

## SECTION 23. SUSPENSION AND AMENDMENT OF GUIDELINES

**23.1** Any provision of these guidelines not governed by state law or ordinance, may be temporarily suspended by a majority vote of the Council.

**23.2** These guidelines may be amended or new rules adopted, by a majority vote of the Council.

Adopted by the Burien City Council
July 25, 1994
Revised February 13, 1995
Revised November 20, 1995 by Resolution 072
Revised December 18, 1995 by Resolution 071
Revised January 26, 1998 by Resolution 095, 097, & 100
Revised June 1, 1998 by Motion
Revised September 21, 1998 by Resolution No. 103
Revised April 27, 1999 by Ordinance No. 228 and Ordinance 229
Revised June 7, 1999 by Ordinance No. 258
Revised October 4, 1999 by Motion
Revised February 26, 2001 by Motion
Revised February 4, 2002 by Motion
Revised February 3, 2003 by Motion
Revised November 1, 2004 by Motion
Revised June 6, 2005 by Motion and Resolution No. 215
Revised March 18, 2013 by Resolution…

**Exhibit A**

RCW 35A.13.010
City officers — Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.

[2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § 35A.13.010.]

Notes:

**Severability -- 1987 c 3:** See note following RCW 3.70.010.

**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

Population determinations, office of financial management: Chapter 43.62 RCW.

RCW 35A.13.020

Election of councilmembers — Eligibility — Terms — Vacancies — Forfeiture of office — Council chair.

In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilmember pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW 35A.13.030.

[2009 c 549 § 3017; 1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 §35A.13.020 .]

RCW 35A.13.030

Mayor — Election — Chair to be mayor — Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW 35A.13.033. The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[2009 c 549 § 3018; 1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § 35A.13.030

RCW 35A.13.033

Election on proposition to designate person elected to position one as chair — Subsequent holders of position one to be chair.

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW 35A.13.030. If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

[2009 c 549 § 3019; 1975 1st ex.s. c 155 § 3.]

RCW 35A.13.035
Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[2009 c 549 § 3020; 1969 ex.s. c 81 § 1.]
Notes:

**Effective date -- 1969 ex.s. c 81:** "This 1969 amendatory act shall take effect July 1, 1969." [1969 ex.s. c 81 § 7.]

RCW 35A.13.040
Compensation of councilmembers — Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five

thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § 35A.13.040.]
Notes:

**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

RCW 35A.13.050
City manager — Qualifications.

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

[2009 c 549 § 3022; 1967 ex.s. c 119 §35A.13.050 .]

RCW 35A.13.060
City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[2009 c 549 § 3023; 1967 ex.s. c 119 § 35A.13.060.]

RCW 35A.13.070
City manager — Bond and oath.

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[2009 c 549 § 3024; 1967 ex.s. c 119 § 35A.13.070.]

RCW 35A.13.080
City manager — Powers and duties.

The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the code city;

(2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his or her attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution.

[2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § 35A.13.080.]
Notes:
**Severability -- 1987 c 3:** See note following RCW 3.70.010.

RCW 35A.13.090
Creation of departments, offices, and employment — Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[1967 ex.s. c 119 § 35A.13.090.]

RCW 35A.13.100
City manager — Department heads — Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW 35A.13.080 and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[2009 c 549 § 3026; 1967 ex.s. c 119 § 35A.13.100.]

RCW 35A.13.110
City manager — Appointment of subordinates — Qualifications — Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[1967 ex.s. c 119 § 35A.13.110.]

RCW 35A.13.120
City manager — Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council,

while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

[2009 c 549 § 3027; 1967 ex.s. c 119 § 35A.13.120.]

RCW 35A.13.130
City manager — Removal — Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

[2009 c 549 § 3028; 1967 ex.s. c 119 § 35A.13.130.]

RCW 35A.13.140
City manager — Removal — Reply and hearing.

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[2009 c 549 § 3029; 1967 ex.s. c 119 § 35A.13.140.]

RCW 35A.13.150
City manager — Substitute.

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

(1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or

(2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or

(3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § 35A.13.150.]

RCW 35A.13.160
Oath and bond of officers.

All provisions of RCW 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[1967 ex.s. c 119 § 35A.13.160.]

RCW 35A.13.170
Council meetings — Quorum — Rules — Voting.

All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § 35A.13.170.]

Notes:
**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

RCW 35A.13.180
Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW 35A.12.140.

[1967 ex.s. c 119 § 35A.13.180.]

RCW 35A.13.190
Ordinances — Style — Requisites — Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of . . . . . do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance

may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

[1967 ex.s. c 119 § 35A.13.190.]

RCW 35A.13.200
Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW 35A.12.150 and 35A.12.160.

[1967 ex.s. c 119 § 35A.13.200.]

RCW 35A.13.210
Audit and allowance of demands against city.

RCW 35A.12.170 shall apply to the audit and allowance of demands against the city.

[1967 ex.s. c 119 § 35A.13.210

RCW 35A.13.220
Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW 35A.12.180.

[1967 ex.s. c 119 § 35A.13.220.]

RCW 35A.13.230
Powers of council.

The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11 RCW, except insofar as such power and authority is vested in the city manager.

[1967 ex.s. c 119 § 35A.13.230.]

**Exhibit B**


## APPLICATION FOR APPOINTMENT TO BURIEN CITY COUNCIL

Thank you for your interest in serving on the Burien City Council. Please fill out this form and attach a cover letter and resume if you wish. Submit the form to the City Clerk's Office, 400 SW 152nd Street, Suite 300, Burien Washington 98166, by 5 p.m. Should you have any questions, feel free to contact Monica Lusk, City Clerk, at (206) 248-5517.

The vacancy is for Council Position No.___, which is an At Large position representing all Burien residents. The term for this position expires December 31___. Applicants must have lived in the city of Burien for 12 consecutive months prior to being appointed to office and be a registered voter to qualify for a position on the Burien City Council.

(Note: Residents living in the area annexed to Burien in April 2010 are eligible to apply)

PLEASE PRINT:
NAME: _____

HOME ADDRESS: _____

PHONE NUMBER - HOME: _____ WORK _____

EMAIL: _____

YEARS OF RESIDENCE IN BURIEN: _____
(Note: Residents living in the area annexed to Burien in April 2010 are eligible to apply)

CURRENT OCCUPATION: _____

PRIOR WORK EXPERIENCE: _____

COMMUNITY INVOLVEMENT (Past and present)_____

_____

_____

AVAILABILITY FOR LATE AFTERNOON AND EVENING MEETINGS

_____

# Exhibit B

Please provide information about experience and or training that you possess that you feel would be beneficial to holding this City Council office.

| | CITY COUNCIL POLICIES AND PROCEDURES<br>CITY COUNCIL COMMENT SUMMARY<br>WORKING DRAFT 11/28/2012 | | | | |
|---|---|---|---|---|---|
| **COUNCIL MEMBER** | **#** | **REFERENCE Section** | **CURRENT** | **REQUESTS** | **COUNCIL CONSENT (Y/N)** |
| **Staff** | 1 | Section 9.1 & 9.2 Anti Harassment Policy & Reporting Discrimination or Harassment | This section was removed from Council Policies and Procedures. | Staff recommended this section be removed from the Policies and Procedures because it can be found in the Human Resources Department's City of Burien Personnel Policies, Section 2.03 Anti-Harassment Policy, Including Sexual Harassment.<br><br>BE and LK would like to keep 9.1 and 9.2. BE suggested several additions to the sections to specifically address incidents relating to Councilmembers. Staff agrees with BE's additions:<br><br>9.2 B. If the incident involves an elected official or official appointed by the City Council such as an advisory member, the incident should be reported as soon as possible to the Mayor.<br><br>9.2 F. If the incident involves the Mayor, then the Mayor's responsibilities described in (B), (C) and (D) above will be performed by the City Attorney | No |
| **Staff** | 2 | Section 18 City Manager Evaluation Process | This section was removed from Council Policies and Procedures. | LK and BE suggested wrapping up the City Manager's evaluation process in December so the incumbent Councilmembers, during election year, may participate.<br><br>Staff has no recommendation. | No |





ATTACHMENT 3

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| | | | | Staff rewrites the City Manager's Evaluation process as follows:<br><br>**Process for evaluating the Burien City Manager**<br>1. The Mayor, Councilmembers and City Manager will determine the evaluation criteria and format for the city manager evaluation process.<br>2. City Manager sends Council Members blank evaluation forms with completed self evaluation. (by second Monday in November).<br>3. Council Members complete individual evaluations then convey them by the first Monday in December to the Human Resources Manager for compilation.<br>4. The HR manager will create a single evaluation then return it to all Council Members and City Manager no later than the second Monday in December. The document will consolidate all scores and verbatim comments, and identify them by author.<br>5. Council and the City Manager will meet in executive session the third Monday in December to discuss the evaluation. | |
| **COUNCIL MEMBER** | **#** | **REFERENCE Section** | **CURRENT** | **REQUESTS** | **COUNCIL CONSENT (Y/N)** |
| **LK** | 3 | 2.1.A. Regular Meetings and Study Session | Regular meetings of the City Council of the City of Burien shall be held at 7:00 p.m. on the first and third Monday of each month at the building designated as Burien City Hall, currently located at 400 SW 152nd Street, Burien, Washington, or at another location the City Council may deem | LK asked staff to provide Resolution 3, 19, 35, 71, 97, 101, and 290.<br><br>Staff provided resolutions. | Done |

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| | | | appropriate. (Resolution No. 3 and amended by Resolution Nos. 3, 19, 35, 71, 97, 101, and 290). | | |
| **BE** | 4 | 2.4 Council Meetings | The City Clerk shall prepare minutes for all Council meetings, which shall contain an account of all official actions of the Council. The minutes will constitute the official record of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law. | BE asked: "If information is not documented in the minutes, the Council has the <u>responsibility</u> to amend the minutes?"<br><br>Staff responds: There is no legal responsibility required of Council to amend the minutes; however, Council has the opportunity to do so at the next meeting under Consent Agenda. | Done |
| **LK** | 5 | 2.5.(5) Executive Session | Before convening an Executive Session, the Mayor shall announce the specific purpose of the meeting and the potential for action by the Council when it reconvenes. The Mayor shall also announce that the Executive Session will be conducted per RCW42.30.110(2). | LK asked staff to provide RCW 42.30.110(2).<br><br>Staff provided resolution. | Done |
| **LK** | 6 | 2.6 Roll Call | The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers. | LK asked staff to provide ordinance regarding attendance requirement for Councilmembers.<br><br>Staff provided RCW. | Done |
| **BE** | 7 | 2.6 Roll Call | The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers. | Delete "Councilmembers may make a motion to excuse absent Councilmembers" to read:<br><br>The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence.<br><br>Staff: No recommendation. | Done |

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| LK | 8 | 2.6 Public Hearings and Discussion | Public Hearings and Discussion<br>Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances. Public wishing to comment will follow the same procedure as for "Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council may then proceed with deliberation and decision making. | LK would like to add "For legislative public hearing, Council's decision will occur at the next regular meeting." Staff revised the section to read:<br>Public Hearings and Discussion<br>Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances. Public wishing to comment will follow the same procedure as for "Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council may then proceed with deliberation. For legislative public hearing, Council's decision will occur at the next regular meeting. | Done |
| LK | 9 | 2.6 Consent Agenda | Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters, including ordinances and resolutions, discussed at a previous City Council meeting. | Delete "including ordinances and resolutions" to read:<br><br>Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters, discussed at a previous City Council meeting.<br><br>Note: The proposed change would not prevent ordinances and resolutions from being included.<br><br>Staff: No recommendation. | Done |
| LK | 10 | 2.6 Public Comments | Members of the audience may comment in writing or verbally on items relating to any matter. Verbal comments are limited to three (3) minutes per person and five (5) minutes for groups. | LK would like the City Clerk to assist in reading public comments. Staff agrees. This section is now read:<br><br>Members of the audience may comment in writing or verbally on items relating to any matter. Verbal comments are limited to three (3) minutes per person and five (5) minutes for groups. Attendees who are unable to do so by themselves may ask City Clerk for | Done |

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| | | | | assistance to read their comments. | |
| **BE** | 11 | 2.6 Correspondence for the Record | Correspondence addressed to the Council will normally be included in Correspondence for the Record for a future City Council meeting. | BE requested the word "future" to be replaced with the words "the next regularly scheduled" meeting to read:<br><br>Correspondence addressed to the Council will normally be included in "Correspondence for the Record" for ~~a future~~ the next regularly scheduled City Council meeting | Done |
| **LK/JB/GR/BE** | 12 | 2.6 Correspondence for the Record | Correspondence that is abusive or otherwise inappropriate, or sent anonymously, will not be included in the Record. | Councilmembers discussed what should or shouldn't be included in the Correspondence for the Record (CFR).<br><br>Staff recommends:<br><br>Correspondence that discloses personal information will be edited out before included in the Record. Correspondence that contains profanity or abusive in nature would be submitted to the Mayor who would decide whether it should be included in the Record. Correspondence that is sent anonymously will not be included in the Record. | Done |
| **LK** | 13 | 2.6 Council Reports | Council Reports<br><br>Councilmembers may report on other meetings and activities in which they have participated and represented the City. Councilmembers may also provide written reports to the City Manager's report under the heading, "Council Updates and Reports." | LK would like to take out "City Business" item under "Business Agenda" in the City Council Meeting Agenda and replace it with an item titled "City Manager Report." LK also would like to rename "Council Reports" to "Council Business."<br><br>Staff agrees. | Done |
| **LK** | 14 | 2.7 Order of Study Session Agenda | Call to Order<br><br>Pledge of Allegiance<br><br>Roll Call | Add "Correspondence for the Record" to read:<br><br>Call to Order<br><br>Pledge of Allegiance | Done |

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| | | | Discussion Items | Roll Call<br>Correspondence for the Record<br>Discussion Items | |
| **BE** | 15 | 3.2 Agenda Preparation | The proposed agenda schedule will be reviewed as the first item of discussion at the 4th Monday Study Session. | BE wanted to revise the section to read:<br><br>The proposed agenda schedule will be reviewed during the last regular Council meeting of each month. | Done |
| **BE/GR** | 16 | 3.8 Agenda Preparation | Agenda and materials will be available at City Hall and on the City's website for City staff, media and the public at 5 pm on the Friday prior to the meeting. | BE requested to change the time of making agenda package available to the public to an earlier time. GR requested the agenda package to be available at the Burien Library. The revised statement reads:<br><br>Agenda and materials will be available at City Hall, on the City's website and at the Burien Library for City staff, media and the public at 4:00 pm on the Friday prior to the meeting. | Done |
| **LK/BE/GR** | 17 | 4.1-4.8 Council Discussion and Decision Making Process | In these sections and throughout the Policies and Procedures, the word "will" is being used most dominantly. | For stronger emphasis and consistency, councilmembers LK/BE/GR asked staff to use the word "shall" in place of the word "will" wherever applicable throughout the document.<br><br>Staff recommends keeping the status quo since the word "will" is less formal than "shall" and fits the intent of the document which is a "Guidelines" rather than "Policies and Procedures."<br><br>BE asked staff to look at paragraphs that have both words "will" and "shall" to ensure proper usage.<br><br>Staff agreed and replaced "will" with "shall" in section 5.1, section 7.2 and section 23.7. | Done |

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| **LK** | 18 | 6.0 Motions | There are vertical marks on the left column on page 82 and throughout the document. | LK pointed out these vertical lines should be deleted. Staff explained that once the document is finalized, the lines will be deleted. | Done |
| **LK** | 19 | 8.10 Presiding Officer of the Council | Share information with Councilmembers on meetings, issues, etc. that the Mayor has received as part of his/her official status as Mayor. | Add "conducted or participated in" to read:<br><br>Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted or participated in as part of his/her official status as Mayor. | Done |
| **BE** | 20 | 8.10 Presiding Officer of the Council | Format: (1.), (2.) and so on. | Remove the period after the number to read:<br><br>(1), (2) and so on. | Done |
| **Council** | 21 | Section 9.3 Council Relations with Staff | This section was retained in the Council Policies and Procedures. | Council discussed how many Councilmember's approvals are needed when asking staff to work on issues that require significant resources.<br><br>Staff recommends that Council majority is required for significant issues as written in section 9.3.9:<br><br>"No Councilmember shall direct the City Manager or staff to initiate any action or prepare any report that is a priority or requires significant resources, or initiate any project or study without the consent of a majority of the Council." | Done |
| **BE** | 22 | 9.7 & 9.8 Council Relationship with Staff | 9.7 To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives. Unless specifically requested, other Councilmembers' mail shall not be opened before distribution to those Councilmembers. | BE expressed concern that these two sections might duplicate each other and asked staff to remove section 9.8. Section 9.8 is deleted.<br><br>~~9.8 The City Clerk shall not open mail addressed to individual Councilmembers~~<br>Staff agrees. | Done |

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| | | | 9.8 The City Clerk shall not open mail addressed to individual Councilmembers. | | |
| **BE** | 23 | 11.5 Councilmember Attendance at Meetings | Councilmembers will let the Executive Assistant to the City Manager know what meetings they are attending so that these can be noted on the meetings calendar. | BE asked: "Where is the meeting calendar located that shows which meetings each Council member attends?" (sic) and asked staff to include in the pink sheet (distributed in the first page of the City Council meeting package) the Council's committee assignment list (as assigned for the year during Council Retreat).<br><br>Staff agrees. | Done |
| **BE** | 24 | 12.3 Public Hearing - Quasi-Judicial Public Hearings | The Public wishing to comment will follow the same procedure as for "Public Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making. | BE would like to move this paragraph from section 12.3 to merge with section 12.1 Public Hearings – Types to read:<br><br><u>12.1 TYPES</u><br><br>There are two types of public hearings: legislative and quasi-judicial. The mayor will state the public hearing procedures before each public hearing. The public may comment on public hearing items. The Public wishing to comment will follow the same procedure as for "Public Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.<br><br>Staff agrees. | Done |
| **BE** | 25 | 14.4 Council Representation | As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication. | BE wanted to delete "in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication" and add "at the time of communication":<br><br>As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be | Done |

| | | | | | |
|---|---|---|---|---|---|
| | | | | presented to the full Council ~~in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication~~ at the time of communication.<br><br>Staff: No recommendation. | |
| **BE** | 26 | 15.1 Confidentiality | Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW). | BE requested the referenced RCW to be identified. This section is revised to read:<br><br>Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW 42.56 Public Records Act). | Done |
| **BE/LK** | 27 | 16.1 Litigation Policies and Reporting | This section was removed from the Council Policies and Procedures. | Staff recommended this section be removed from the Policies and Procedures because rather than a mandatory reporting schedule, staff recommends that litigation reporting occurs in executive session on an as-needed basis as determined by City Manager and City Attorney.<br><br>BE & LK would like this section be rewritten to ask the City Attorney to periodically provide a report on litigation issues.<br><br>Staff recommends the section be rewritten as follows:<br><br>"Periodically, the City Attorney will provide a report to the City Council on new litigation and ongoing litigation in the Council Executive Session. | Done |

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| **RC** | 28 | 16.2 Financial Management Policies | This section was removed from the Council Policies and Procedures. | Staff recommended this section to be removed from the Policies and Procedures because it can be found in the 2013-2014 Biennial Budget Section 5.3 "Financial Policies."<br><br>RC wanted City to include "buying from local businesses as much as possible" to be included in Purchasing Policies. Staff is in the process of revising the Purchasing Policies and plan to roll out the updated policies in March 2013. This issue could be considered at that time. | Done |
| **Staff** | 29 | Section 17 Council and Staff Travel and Expenses | This section was removed from Council Policies and Procedures. | Staff recommended this section be removed from the Policies and Procedures because it is in the "City of Burien's Travel Policies and Procedures, Revised March 31, 2011" in the Human Resources Department and is posted on City Intranet called B-Hive for staff's reference. | Done |
| **LK** | 30 | 20.3 Mayor/Deputy Mayor Selection Process | The Deputy Mayor shall be elected to a one-year term at the first Regular Council meeting in January according to a motion passed by the Council on January 10, 1994. | Delete the date to read:<br><br>The Deputy Mayor shall be elected to a one-year term at the first Regular Council meeting in January ~~according to a motion passed by the Council on January 10, 1994.~~ | Done |
| **Staff** | 31 | Section 21 City Council Committees | This section was removed from Council Policies and Procedures. | Staff recommended this section to be removed from the Policies and Procedures because there are no committees. | Done |
| **BE** | 32 | 22 Appointments to Regional Organizations | SECTION 22. APPOINTMENTS TO REGIONAL ORGANIZATIONS<br><br>Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may | BE would like to see procedure for appointments to ad-hoc committees.<br><br>Staff recommends Council to discuss how this procedure be created. Staff will use Council's directions to draft the procedure.<br><br>Council directed Staff to write one or two sentences to state that Council may appoint Councilmembers to ad-hoc committee during regular Council meetings. Staff | Done |

| | | | | | |
|---|---|---|---|---|---|
| | | | make direct appointment to a regional committee when asked to do so by that body. | recommends rewriting this section as follows:<br><br>SECTION 22. APPOINTMENTS TO COMMITTEES AND REGIONAL ORGANIZATIONS<br><br>City Council may appoint Councilmember(s) to ad-hoc committee during a regular Council meeting. Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make direct appointment to a regional committee when asked to do so by that body. | |
| | | | | | |
| **Staff** | 33 | Section 24 Burien Citizen Boards and Commissions | This section was removed from Council Policies and Procedures. | Staff recommended this section be removed from the Policies and Procedures because it can be found in Burien Municipal Code 2.45, 2.50, 2.55 and 2.60 which is available on the City of Burien's website. | Done |

**CITY OF BURIEN**
AGENDA BILL

| | | |
|---|---|---|
| **Agenda Subject:** Respond to Council's questions from the February 25 Council meeting and present new information on filing deadline with King County Election Office. | | **Meeting Date:** March 18, 2013 |
| **Department:** City Manager<br>**Contact:** Nhan Nguyen, Management Analyst<br>**Telephone:** (206) 439-3165 | **Attachments:**<br>1. Maps of Council Districts<br>2. RCW 29A.24.201 and RCW 42.12.070<br>3. RCW 29A.16.040 and RCW 29A.24.050 | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A<br>**Unencumbered Budget Authority:** N/A |
| **Adopted Initiative:**<br>Yes No X | **Initiative Description:** N/A | |

**PURPOSE/REQUIRED ACTION:**
The purpose of this agenda item is to continue the discussion about the issue of Council Districting and to answer the following questions from the City Council at the February 25 meeting: 1) What would happen if there were no candidates from a district? and 2) Can staff present some possible districting maps to Council? Staff also have new information on deadline as informed by the King County Eletion Office.

**BACKGROUND (*Include prior Council action & discussion*):**
At the February 4 Council meeting, Council directed staff to research the subject of Council election by wards/districts and to present the findings at the February 25 Council meeting. At that meeting, Council directed staff to bring back answers to the two questions.

Answers:

1) If there were no candidates from a district at the initial formation of the district, then one of the incumbents could be appointed to fill the district vacancy per RCW 29A.24.201 or the position could be filled by Council appointment per RCW 42.17.070. If there were no candidates from a district at subsequent elections, then per RCW 29A.24.201 the incumbent would remain in office until the next election or until he or she resigns, at which time the vacancy would be filled by Council appointment per RCW 42.12.070.

2) Attached are the illustrative maps of the City with seven, six, five and four districts.

Deadline requirement from the King County Elections Office:

Per RCW 29A.16.040, precinct boundaries need to be set fourteen days before the start of candidate filing. This year, candidate filing begins on May 13 (pursuant to RCW 29A.24.050), so the boundaries need to be set by April 30. The GIS Department at the King County Elections Office needs 20 days prior to this boundary set date to incorporate boundary changes into the voter registration system. Therefore, the KC Elections Office would need to receive the adopted ward/district boundaries from the City of Burien by **April 1,** according to King County Elections Office.

**OPTIONS (*Including fiscal impacts*):**
Direct staff as Council wishes.

**Administrative Recommendation:** N/A

**Advisory Board Recommendation:** N/A

**Suggested Motion:** N/A

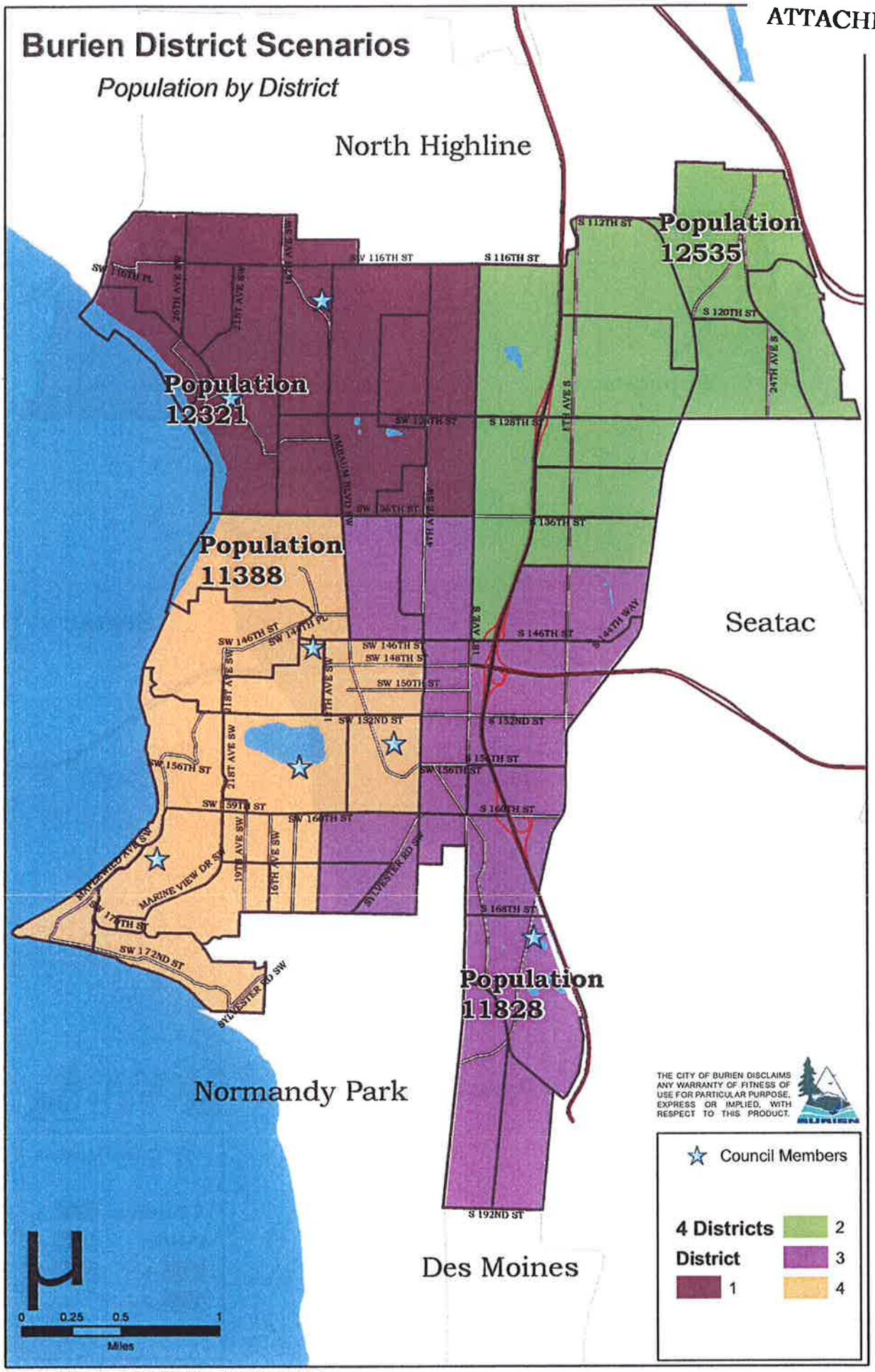
Submitted by: Nhan Nguyen
**Administration** _____ **City Manager** _____

| | |
|---|---|
| **Today's Date:** March 5, 2013 | **File Code:** R/CC/AgendaBill 2013/031813cm-2 Districts |

ATTACHMENT 1

# Burien District Scenarios

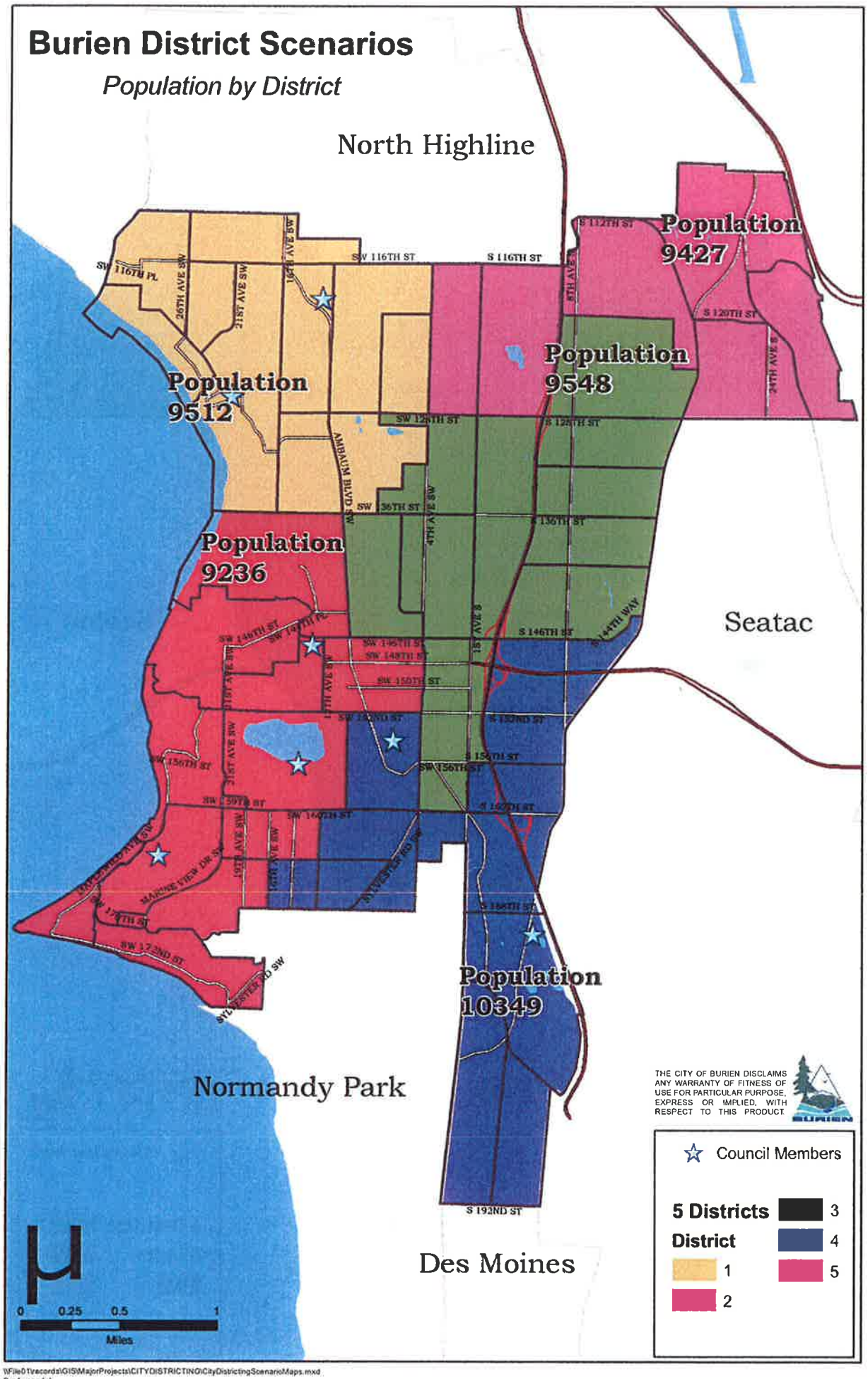
*Population by District*




\\File01\records\GIS\MajorProjects\CITYDISTRICTING\CityDistrictingScenarioMaps.mxd
By: fernandol
On: 2/27/2013

# Burien District Scenarios

*Population by District*

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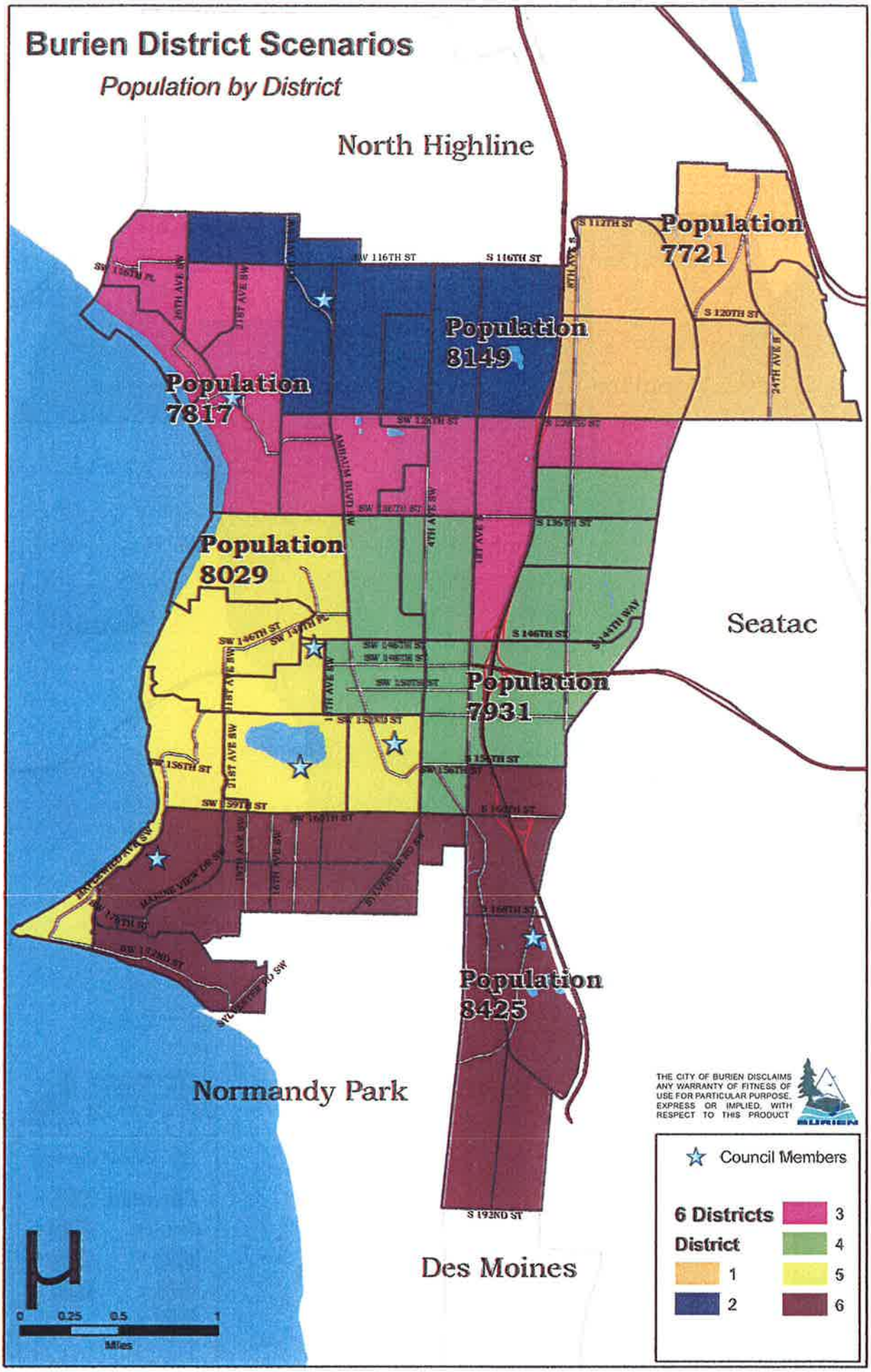
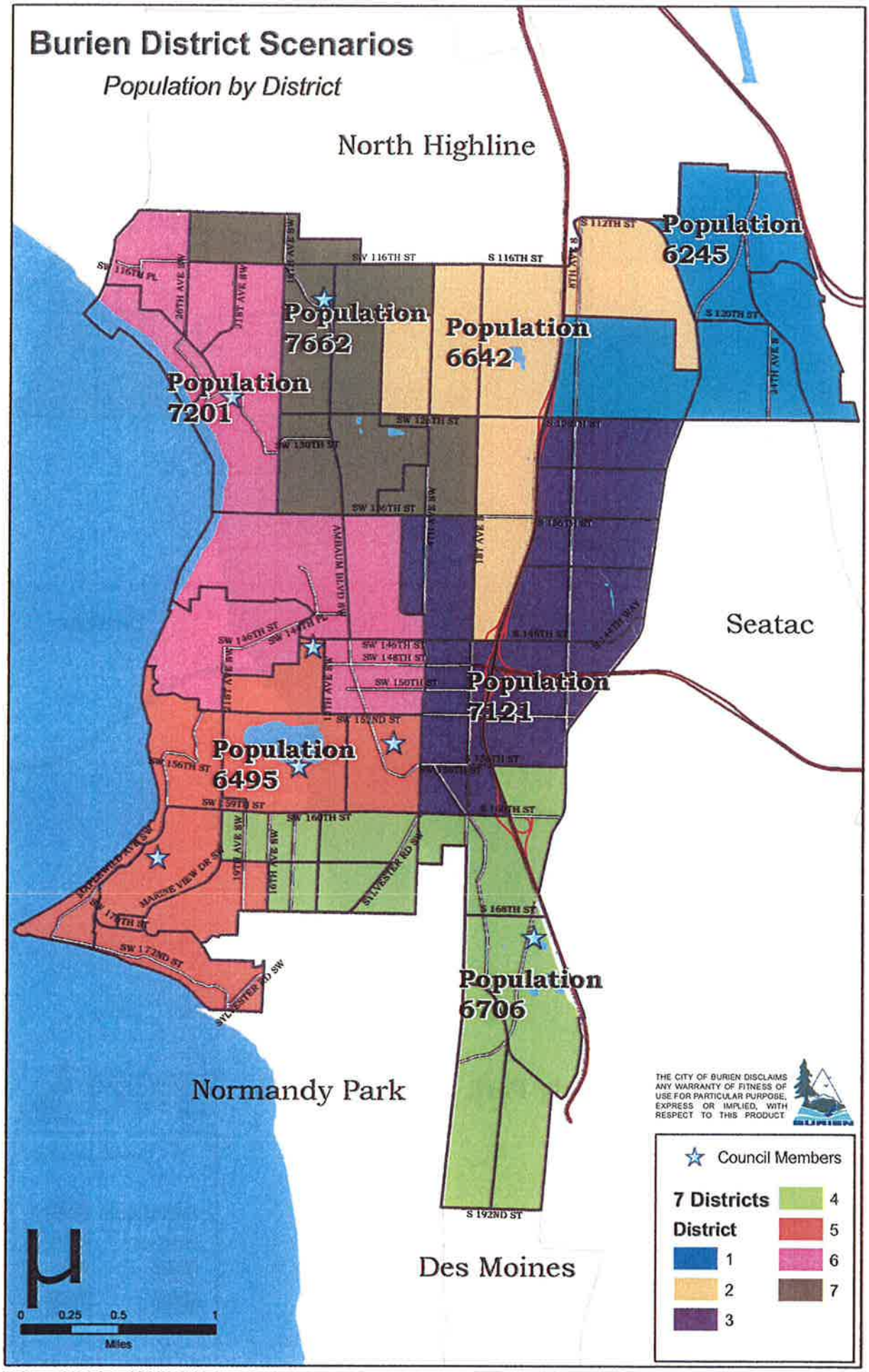
By: fernandol
On: 2/27/2013




\\File01\records\GIS\MajorProjects\CITYDISTRICTING\CityDistrictingScenarioMaps.mxd
By: fernandol
On: 2/27/2013

# Burien District Scenarios

*Population by District*

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By: lernandol
On: 2/27/2013

## RCW 29A.24.201

# Lapse of election when no filing for single positions — Effect.

If after both the normal filing period and special three-day filing period as provided by RCW 29A.24.171 and 29A.24.181 have passed, no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until a successor is elected at the next election when such positions are voted upon. [2004 c 271 § 190.]

## RCW 42.12.070

# Filling nonpartisan vacancies.

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first-class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. If needed, special filing periods shall be authorized as provided in chapter 29A.24 RCW for qualified persons to file for the vacant office. A primary shall be held to qualify candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the person receiving the greatest number of votes shall be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29A.04.133 and shall service both the remainder of the unexpired term and the succeeding term. [2011 c 349 § 28; 1994 c 223 § 1.]

**RCW 29A.16.040**
**Precincts — Boundaries may be altered.**

The county legislative authority of each county in the state shall divide the county into election precincts and establish the boundaries of the precincts.

(1) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection (3) of this section, no precinct changes may be made during the period starting fourteen days prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(2) The county legislative authority may establish by ordinance a limitation on the maximum number of active registered voters in each precinct within its jurisdiction. The number may be less than the number established by law, but in no case may the number exceed one thousand five hundred active registered voters.

(3) The county auditor shall temporarily adjust precinct boundaries when a city or town annexes unincorporated territory to the city or town, or whenever unincorporated territory is incorporated as a city or town. The adjustment must be made as soon as possible after the approval of the annexation or incorporation. The temporary adjustment must be limited to the minimum changes necessary to accommodate the addition of the territory to the city or town, or to establish the eligible voters within the boundaries of the new city or town, and remains in effect only until precinct boundary modifications reflecting the annexation or incorporation are adopted by the county legislative authority.

[2011 c 349 § 5; 2011 c 10 § 26; 2004 c 266 § 10; 2003 c 111 § 404; 1999 c 158 § 3; 1994 c 57 § 3; 1986 c 167 § 2; 1980 c 107 § 3. Prior: 1977 ex.s. c 361 § 4; 1977 ex.s. c 128 § 1; 1975-'76 2nd ex.s. c 129 § 3; 1967 ex.s. c 109 § 1; 1965 c 9 § 29.04.040; prior: (i) 1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part. (ii) 1907 c 130 § 2, part; 1889 p 408 § 21, part; RRS § 5278, part. (iii) Code 1881 § 2679; 1854 p 65 § 4, part; No RRS. Formerly RCW 29.04.040.]

**RCW 29A.24.050**
**Declaration of candidacy — Certain offices, when filed.**

Except where otherwise provided by this title, declarations of candidacy for the following offices shall be filed during regular business hours with the filing officer beginning the Monday two weeks before Memorial day and ending the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

This section supersedes all other statutes that provide for a different filing period for these offices.

[2011 c 349 § 7; 2006 c 344 § 6; 2003 c 111 § 605. Prior: 1990 c 59 § 81; 1986 c 167 § 8; 1984 c 142 § 2. Formerly RCW 29.15.020, 29.18.025.]

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:** Review of Council Proposed Agenda Schedule | | **Meeting Date:** March 18, 2013 |
| **Department:** City Manager<br>**Contact:** Monica Lusk, City Clerk<br>**Telephone:** (206) 439-5517 | **Attachments:**<br>1. Proposed Meeting Schedule<br>2. Study Session Topics<br>3. Council Retreat Notes | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A<br>**Unencumbered Budget Authority:** N/A |
| **Adopted Initiative:**<br>Yes No X | **Initiative Description:** N/A | |

**PURPOSE/REQUIRED ACTION:**

The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.

**BACKGROUND (*Include prior Council action & discussion*):**

According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.

**OPTIONS (*Including fiscal impacts*):**

1. Review the schedule, and add, delete, or move items.
2. Review the schedule and make no modifications.

**Administrative Recommendation:** Review the schedule and provide direction to staff.

**Advisory Board Recommendation:** N/A

**Suggested Motion:** None required.

| | |
|---|---|
| Submitted by: Monica Lusk<br>**Administration** | Mike Martin<br>**City Manager** |
| **Today's Date:** March 13, 2013 | **File Code:** \\File01\records\CC\Agenda Bill 2013\031813cm-4 Rev Agenda Schedule.doc |

**ATTACHMENT 1**

# CITY OF BURIEN
# COUNCIL PROPOSED AGENDA SCHEDULE
# 2013

**March 25, 6 pm - King County Landmarks Commission Interviews, 7 pm Council Study Session**

Review of CARES Operational Evaluation and Discussion on CARES' Contract Amendment Relating to Dead Animals in a Public Area.
*(City Manager)*

Discussion on Amending BMC Title 6, Relating to Pet Licensing.
*(City Manager)*

Discussion & Update on Potential Off-Leash Dog Area.
*(Parks)*

Discussion on City Council Election by Wards.
*(City Manager – Council direction on 2/25)*

**April/May**

1. April 1, 6 pm BEDP Interviews (TENTATIVE)
   7:15 pm – 7:45 pm - Reception Honoring Outgoing Advisory Board Members
2. Motion to Approve Appointment to the King County Landmarks Commission.
   *(Community Development*
3. Motion to Adopt City Council Meeting Guidelines.
   *(City Manager)*
4. Motion to Approve Burien City Council Appointments for 2013.
   *(City Manager)*
5. Motion to Approve the Submittal of the 2014 Community Development Block Grant Application.
   *(Finance)*
6. **Motion to Adopt Ordinance No. 579, Relating to Pet Licensing.**
   *(City Manager)*
7. Discussion and Possible Action on the North Burien Zoning Map Amendments, 2012 Comprehensive Plan Text and Map Amendments.
   *(Community Development)*
8. Presentation of Annual Report by Small Business Development Center (SBDC). (TENTATIVE)
   *(City Manager)*
9. Motion to Approve Appointments to the Business and Economic Development Partnership (BEDP).
   *(City Manager)*
10. SMP Update Introduction.
    *(Community Development)*
11. April 22, 7 pm Council Study Session
12. **Presentation of Annual Report by Discover Burien. (TENTATIVE)**
    *(City Manager)*
13. **Presentation of the Quarterly Financial Report.**
    *(Finance)*
14. Public Hearing on SMP Update. (TENTATIVE)
    *(Community Development)*
15. Motion to Approve Appointments to the Parks and Recreation Board.
    *(City Manager)*
16. Motion to Adopt Shoreline Master Program (SMP) Update.
    *(Community Development)*
17. **May 27, Cancelled - Council Study Session – Memorial Day**
18. Review of Proposed Council Agenda Schedule.
    *(City Manager)*
19. City Manager's Report.
    *(City Manager)*

ATTACHMENT 2

# STUDY SESSION TOPICS
# 2013

| Identified at Retreat | Identified at Meetings |
|---|---|
| 1. Outreach to Diverse Groups | 6. Community Recreation Center |
| 2. Kids and Cops | |
| 3. Storm Water Management | |
| 4. Transportation Improvement Program | |
| 5. Wellness Cluster Initiative | |

(Facilitator Retreat Notes and this evolving list of topics will be included with the Review of Council Proposed Agenda Schedule)

**DISCUSSIONS HELD:**

Liquor and B&O Taxes – April 23, 2012

Economic Development – July 23, 2012

Advisory Boards –August 27, 2012

Discussion on White Center and Boulevard Park Libraries – September 24, 2012

Discussion on Preliminary Operating Budget – September 24, 2012

King County Historic Preservation Program (Rose) – October 1 & 12, 2012

Review of Council Policies and Procedures – November 26, 2012, January 7 & 28, 2013, February 4, 2013

ATTACHMENT 3

# Burien City Council Annual Retreat Summary

January 28

# 2012

Summary of notes from the day

2012 Annual retreat notes

Burien City Council
Retreat Notes
Revised January 28, 2012

## Open Space Session Notes

### 1. Session Title: Advisory Boards

Convener: Rose
Those attending: Lucy, Michael, Bob

**Key Themes and Notes:**

- Are we in the right place for current needs?
- **BEDP, Planning, Arts, Parks**, Teen Council, Senior Advisory Board
- What do we want?
- Roles? What do ordinances say?
- Do we need different ones? Education?
- Permanent standing committees/Boards
- Consensus- Education Adv/Levy
- Liaison with all Boards
- Shift in scope volunteer vs. Advisory

**Next Steps:**

- Study session to review ordinances/roles- 1) BEDP/ 2) Others
- Take input from existing members
- Spell out factors/criteria for filling vacancies
- Integrate involvement in work plan items

### 2. Session Title: Diverse Community Outreach

Convener: ?
Those attending: Lucy, Angie, Craig, Brian, Bob, Janet, Scott G, Joan

**Key Themes and Notes**

- Trust in Law Enforcement
- Business opportunities
- Community involvement
    - Boards/Groups/Associations
    - Government
- Enhancing communication

**Next Steps**

- Existing programs to help communication
- Develop more internal/external communication networks
- Effective creation and/or participation in cultural events
- Participate in other culture media

Burien City Council
Retreat Notes
Revised January 28, 2012

3. **Session Title: Economic Development**

Convener: Dan Trimble
Those attending: Jack, Jerry, Janet, Scott, Bob

| Key Themes and Notes | Next Steps |
|---|---|
| Attracting Business | More outreach<br>Regional retail & small chains<br>Council Members recruit<br>Office Incubator |
| • Auto Mall (Auto Center) | |
| • Better use of assets<br>  o P.A.C., Ticket tax & promotion | |
| • Special events | |
| • Marketing Strategy<br>  o Recruitment | |
| • Vacant Store fronts<br>  o Tax<br>  o Art Galleries<br>  o Window painting | |
| • Business retention | |
| • Business Expansion | |
| • Merchant groups<br>  o BEDP | BEDP engaged<br>matching funding |
| • BEDP Focus | |
| • Chamber of Commerce<br>  o Burien focused | |
| • Parking (more) | Propose to CC (here or under Impact fees) |
| • Impact fees | |

4. **Session Title: Kids and Cops**

Convener:
Those attending:

**Key Themes and Notes:**

- Identify key players
- Identify possible stakeholders
- Obtain grassroots support/involvement
- Identify specific outcomes

Burien City Council
Retreat Notes
Revised January 28, 2012

**Next Steps:**

- Staff to staff conversation (principals)
- Council discussion re: identified issues
- Contact w/ School district
- Council/HSD Retreat
- Develop strategic Plan
    - Timeline
    - Performance measures

5. **Session Title: Liquor and B & O Taxes**

Convener: Jerry
Those attending: Nhan, Scott, Maiya, Kim

**Key Themes and Notes**

- B & O tax
    - State collection
- Reduce Costs
- Liquor Tax
    - Sales Tax
    - B & O Tax

**Next Steps**

- What is being done at State level?
- Bring it in-house
    - Cost?
    - Control
- Repeal RCW that prohibits Local B & O

6. **Session Title: Stormwater and TIP**

Convener: Joan
Those attending: Craig, Kim, Maiya

**Key Themes and Notes**

- NPDES flexibility
    - LID program
    - 2 year development period
- Marine/Lake Burien homeowner support
    - Stormwater improves quality of life, ED
- TIP- long term planning for street repair

Burien City Council
Retreat Notes
Revised January 28, 2012

**Next Steps**

- Seek Fed/State demonstration grants for Miller Creek
- Look for effective model ordinances
- Surface water rate increase
- Council agreement/conversation
- Education/outreach for LID (ESC)
- TIP management plan

7. **Session Title: Wellness Cluster**

Convener: Rose
Those attending: Jack, Dan, Michael, Mike

**Key Themes and Notes**

- Is it working?
    - Business people/Educators not on the same page re: vision/goals
- Success in some areas, but lack of stakeholder buy-in, organization and focused leadership
- Lack of clear steps to accomplish vision/mission

**Next Steps**

- Formalize structure and approach: Membership, structure and leadership
    - If not, sunset it
- Shift leadership to stakeholders
- Liz Heath/Capacity building

Burien City Council
Retreat Notes
Revised January 28, 2012

## Headlines and Next Steps

### Advisory Boards

- Are existing boards the right ones? There are some required by statute/ordinance. We need to understand what is really required
- Do we need different boards? Do we need an Education Board for example?
- Schedule study sessions re: BEDP and then others
- Make criteria for membership explicit
- Integrate their involvement with Work Plan as appropriate so they have input
- Reinstituting Council liaison to all Boards
- Make process explicit for selecting board members
- Boards could be clearly linked to Vision and how they contribute

**Next Steps:**

- Study session to review ordinances/roles- 1) BEDP/ 2) Others
- Take input from existing members
- Spell out factors/criteria for filling vacancies
- Integrate involvement in work plan items

### Economic Development

- Business attraction and retention
- Focus of existing groups- do they meet the community needs? Do they need to be shifted to city-wide, region, vs. micro-focus?
- Business outreach
- Image and impediments
- Marketing
- Impact fees
- Improving/enhancing store fronts
- Special events in city to bring people in
- Town Square
- Auto Center

**Next Steps**

- More outreach
    - Regional retail & small chains
    - Council Members recruit
    - Office Incubator
- BEDP engaged

- Matching funds
- Parking or Impact Fees?

**Diverse Community outreach**

- Develop level of trust in law enforcement
- Understand boundaries re: cultural behavior that can take place
- Communication- improve it, reach out
- We need to reach out to them, their existing events, meet them in their cultural environments
- Increase participation in local govt
- Develop soccer leagues
- ESL
- Create an extended day option as part of Kids and Cops for Homework assistance and sports; can include officers playing sports with kids (Basketball)
- Reexamine renters rights to ensure they feel comfortable asking questions

**Next Steps**

- Existing programs to help communication
- Develop more internal/external communication networks
- Effective creation and/or participation in cultural events
- Participate in other culture media

**Kids and Cops**

- ID key stakeholders
- Get grass root support
- Staff to staff conversation about how to move forward
- Council discussion simultaneously
- Contact school district for work session/retreat

**Next Steps:**

- Staff to staff conversation (principals)
- Council discussion re: identified issues
- Contact w/ School district
- Council/HSD Retreat
- Develop strategic Plan
    - Timeline
    - Performance measures

Burien City Council
Retreat Notes
Revised January 28, 2012

**Liquor & B & O taxes**

- Understand what the change in law means for city- will know w/in 2-3 months
- B&O- will the state take it over or will city take it in-house

**Next Steps**

- What is being done at State level?
- Bring it in-house
    - Cost?
    - Control
- Repeal RCW that prohibits Local B & O

**Storm Water and TIP**

- Long term planning for street repair- multi-decade plan not addressed in workplan
- Statewide funding not adequate to fund state initiatives, so cities will need to address this

**Next Steps**

- Seek Fed/State demonstration grants for Miller Creek
- Look for effective model ordinances
- Surface water rate increase
- Council agreement/conversation
- Education/outreach for LID (ESC)
- TIP management plan

**Wellness Cluster**

- Questions re: it's effectively working, some successes
- Unclear buy-in or lack thereof
- No clear steps for moving it forward- formalizing it
    - Clear ID membership
    - Clear structure
    - Clear leadership
- Shift leadership to community-based stakeholders; there are resources available
- Pursue capacity building funding to move this group forward (Liz Heath)

**Next Steps**

- Formalize structure and approach: Membership, structure and leadership
    - If not, sunset it
- Shift leadership to stakeholders
- Liz Heath/Capacity building

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:** March 18, 2013
**SUBJECT:** City Manager's Report

## I. INTERNAL CITY INFORMATION

### A. Parks Department & EarthCorps Receive Grant Funds for Restoration Project

In partnership with EarthCorps, the Burien Parks, Recreation & Cultural Services (PaRCS) Department has received notice that the King Conservation District Board of Supervisors has awarded Burien a Member Jurisdiction Grant in the amount of $37,103.90 for a restoration project in Eagle Landing Park. The grant will be used to mount a major removal of invasive plants in the park this spring and replant natives in the fall. The project will also utilize work crews from the Washington State Department of Natural Resources, supported by a community forestry grant obtained by the PaRCS Department.

### B. Update on Other PaRCS Grant Efforts

The Seahurst Park seawall removal project is tentatively in the que for approximately $5.7M in State grant funds. Through a combination of grant funding from the Puget Sound Acquisition and Restoration (PSAR) Program, the Estuary and Salmon Recovery Program (ESRP), and the federal Environmental Protection Agency (EPA), approval of the proposed State capital budget is the last hurdle to secure funding for the project. Assuming approval by the legislature, the project would move forward with the assistance of the Army Corps of Engineers in summer 2013. On a smaller scale, PaRCS also received a Department of Natural Resources grant that provides skilled labor crews for a few weeks for free to perform habitat restoration projects. One project that's been identified will be removal of invasive plants, site restoration and planting of natives within Eagle Landing Park. Staff will combine these crews with volunteers and crews from EarthCorps to perform substantial restoration work in the park.

**C. Landscape Architect Firm to Provide Pro Bono Design Services To PaRCS**

LA Studios LLC, a landscape architect firm in Renton, has offered pro bono services for the preliminary project feasibility and design work associated with consideration of an off-leash area in a park in Burien. The firm's president contacted staff after reading about the community residents advocating for a dog park and their attendance at a past City Council meeting. Staff met with the firm and developed an agreement clarifying the roles and expectations of all parties, and the work began in early February.

**D. State Auditor Arriving in April**

The Finance Department received notification from the State Auditor's Office (SAO) that they will be on-site starting in April. It is anticipated that one or two SAO staff will be on-site through the end of May, with completion of the Comprehensive Financial Report scheduled for the end of June.

**E. Quarterly Financial Reports**

The Finance Department is planning to present the first quarter financial reports at the May 6 Council meeting. Staff needs a minimum of 21 days to close each month; therefore, the reports will be ready no earlier than the first meeting that is more than 30 days after the end of each quarter. It may be delayed if the County does not send the City's property tax revenue reports in a timely manner. Starting with the second quarter, the reports will be included as a City Manager report item, currently scheduled for August 5.

**F. 1st Avenue South Phase 1 Part 2: From August 6, 2012, to January 31, 2013**

Part 2 completed the remaining work from the original 1st Avenue South Phase 1 project with the installation of the new street lighting from SW/South 146th Street to SW/South 160th Street; landscaping; and installation of the new traffic signal at SW 150th Street and 1st Avenue South. There was also some minor corrective work done to several sidewalk access ramps.

**G. 1st Avenue South Phase II: From November 20, 2011, to May 31, 2013***

The project construction resumed on March 6, 2013; the project had been shut down just before the 2012 holiday season. During the break, Seattle City Light completed its work by reconnecting all electrical services along the project corridor to the new underground electrical system; after which, City Light removed all of its overhead lines and power poles. DPK, project contractor, will be installing the new traffic signal pole bases, working their way to the final asphalt overlay in May. The project is scheduled to be completed in June 2013.

*Subject to any weather delays.

**H. Consultant Selected for Solid Waste and Recycling Collection Project**

The City of Burien selected Epicenter Services, LLC, as the consultant to assist in hiring a private collection company for our solid waste and recycling services.

Epicenter Services will work with the City to develop a waste and recycling collection Request for Proposal (RFP) and contract, manage the competitive procurement process, and provide additional technical support as needed. Jeff Brown, Principal of Epicenter Services, has more than fifteen years of experience in developing solid waste collection RFP's and conducting contract negotiations for King County cities, including those for the close-by cities of Seattle, Bellevue, Newcastle, Auburn, Federal Way, Des Moines, Tukwila, SeaTac, Renton, and others. The City's current contract with Waste Management, Inc. will end on May 31, 2014, unless renewed.

**I. Monthly Building Reports (Page 385)**
The monthly reports for permits issued and permits received during the month of February are attached. Work remains steady.

**J. New "Fill-in-the-Blanks" Form for Residential Decks (Page 387)**
Staff has completed a new prescriptive Residential Deck application package that allows the customer to fill in the blanks describing how they will construct their deck using standard prescriptive construction methods. (The first page of the packet is attached for review). This process will allow for review and permit issuance at the counter for uncovered, single story residential decks that are not located in critical areas and that meet all minimum property setbacks.

**K. Clearing Permit Issued for Westmark – Emerald Pointe Apartment Project**
A Clearing Permit (BLD 13-0080) was issued on March 11 to Westmark, LLC to begin construction work on the Emerald Pointe apartment project. The clearing permit is the first step of a phased development process which will result in construction of 179 rental apartment units on the 9.6 acre site at 1300 SW 136th Street. The project is located immediately to the west of the NAVOS Mental Health Clinic on SW 136th Street and west of Ambaum Blvd. SW. This permit will allow land and vegetation clearing, installation of storm water drainage systems, installation of sediment and erosion control systems and establishment of a construction entrance for the site. It could begin as early as the end of March.

## COUNCIL UPDATES/REPORTS

**A. Waste Management – 2013 Inflation Adjustment (Page 389)**
The 2013 Waste Management rate schedule was received February 25, and is on file in the Finance Department for anyone who wishes to review it.

B. **Corrected Preliminary Flood Insurance Rate Map (FIRM) Issuance Report**
A corrected Preliminary FIRM Issuance report for King County,Washington and Incorporated Areas was received on March 11, and a copy is on file with the building official.

**C. 2013 Legislative Session Update (Page 391)**
The attached update from Mike Doubleday, Government Relations Specialist, summarizes weeks seven and eight of the 2013 legislative session.

**D. 2013 Association of Washington Cities (AWC) Board of Directors Recruitment (Page 403)**
Glenn Johnson, AWC Nominating Committee Chair, sent a letter to Mayor Bennett (attached) calling for nominations to the 2013 AWC Board of Directors. The deadline for applications is Friday, April 12, at 5:00 pm.

**E. Letter to Mayor Bennett from King County Executive Dow Constantine (Page 405)**
A letter dated February 28 (attached) from King County Executive Dow Constantine to Mayor Bennett highlights a proposal to amend the Washington Administrative Code (WAC) that would affect the way the Emergency Management Performance Grant (EMPG) program is managed.

**F. Letter to Mayor Bennett from Metropolitan King County Council (Page 407)**
A letter dated March 5 (attached) from Anne Noris, Metropolitan King County Council, to Mayor Bennett confirms that the amendments to the Countywide Planning Policies have been ratified.

**G. Letter to Mayor Bennett from Burien/White Center Rotary Club (Page 409)**
The Burien/White Center Rotary Club sent a letter (attached) to Mayor Bennett requesting support from the City for their Annual Fundraiser Dinner and Dance at the Rainier Golf and Country Club on May 18.

**H. Citizen Action Report (CAR) (Page 411)**
Staff has provided Council with the attached February Citizen Action Report.

**I. Notices: (Page 421)**
The following (attached) Notice was published:

- Notice of Decision: Approval of a Critical Area Review, subject to conditions, for construction of a 647 square foot single-family residence with a 163 square foot deck in a Critical Area. The deadline for filing a written Notice of Appeal with the City Clerk is prior to 5:00 pm on March 15, 2013.

Burien
Washington, USA

## Summary of Permits Issued– February 2013

| Type Permit | Count | Valuation |
|---|---|---|
| Building | 22 | $ 1,095,860 |
| Damage | 1 | |
| Demolition | 5 | $ 10,000 |
| Electrical | 69 | $ 50,361 |
| Fire Protection | 9 | $ 53,258 |
| Mechanical | 15 | $ |
| Plumbing | 11 | $ 3,000 |
| Right of Way | 28 | |
| Sign | 5 | $ 5,700 |
| Totals : | 165 | $ 1,218,179 |

# Burien

Washington, USA

## Summary of Permits Applications Received – February 2013

| Type Permit | Count | Valuation |
|---|---|---|
| Building | 23 | $ 1,159,305 |
| Damage | 1 | |
| Demolition | 5 | $ 10,000 |
| Electrical | 68 | $ 50,261 |
| Fire Protection | 14 | $ 81,650 |
| Mechanical | 17 | $ 68,500 |
| Plumbing | 12 | $ 4,000 |
| Right of Way | 42 | |
| Sign | 9 | $ 13,200 |
| Totals : | 191 | $ 1,386,916 |

Burien
Washington, USA

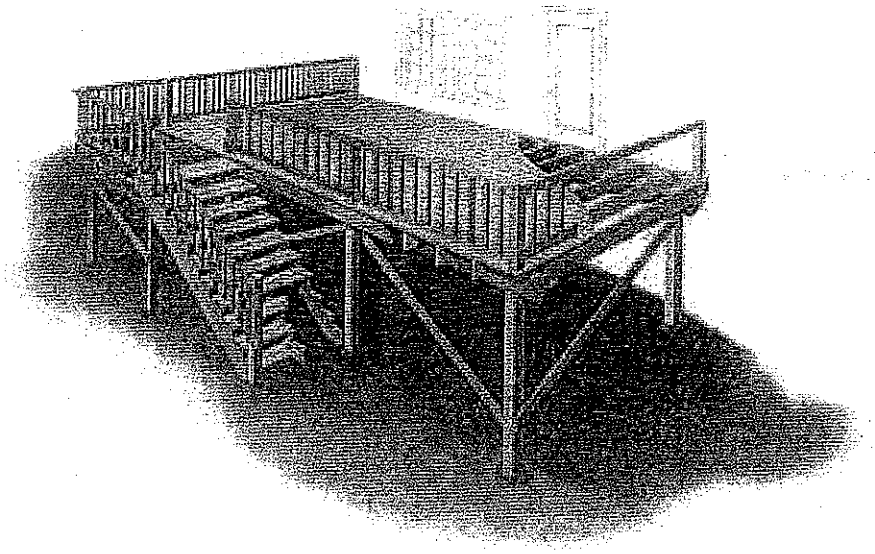
400 SW 152nd Street, Suite 300 Burien, WA 98166 Phone: (206) 241-4647 • FAX: (206) 248-5539 www.burienwa.gov



# Single Family Residential Uncovered Decks and Porches

**How to Use this Guide**
Provide two sets of plans and complete the following:

1. **Complete this building guide** by filling in the blanks on the bottom of this page and on page 2. Indicate which construction details will be used.
2. **Provide 2 plot plans** showing dimensions of your deck and its relationship to existing buildings or structures on the property and the distance to existing property lines, drawn to scale. (please see sample site plan page 9)
3. **Fill out a building permit application**
   The majority of permit applications are processed with little delay. The submitted documents will help determine if the project is in compliance with building safety codes, zoning codes and other applicable laws.



**PLEASE SELECT ALL THAT APPLY:**

**Affected critical areas:**
☐ None ☐ Wetlands ☐ Streams ☐ Flood Hazard Area
☐ Critical Aquifer Recharge Area
☐ Geologically Hazardous Area ☐ Fish & Wildlife Conservation Area

WASTE MANAGEMENT

RECEIVED

FEB 25 2013

City of Burien

**WASTE MANAGEMENT**
720 4th Ave, Suite 400
Kirkland WA 98033

February 22, 2013

City of Burien

Attention: Mike Martin, City Manager

Re: 2013 Inflation Adjustment

Please find the enclosed 2013 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 2012. This year's CPI index was 236.564, up from 231.415 last year, which was an annual change of 2.23%. This year's Diesel Fuel index was 4.163, up from 3.999 last year, which was an annual change of 4.10%. This year's Employment Cost index was 116.0, up from 113.9 last year, which was an annual change of 1.84%. Based on these numbers, weighted increase calculates to a 2.18% 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, 2013.

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, Seattle District

March 3, 2013

**To:** **Mike Martin, Burien City Manager**
**City Councilmembers**

**From:** **Mike Doubleday**

**Re:** **2013 Legislative Session, Week 7 Update**

Friday was the final committee cut-off for a bill in the house of origin and now each chamber must pass bills by March 13.

The State Supreme Court ruled last Thursday in a 6-3 vote, that Initiative 1053, that required a 2/3s majority of the legislature to pass a tax increase, was unconstitutional. The remedy for those who want the 2/3s majority to be reinstated is to add the provision to the state constitution which requires 2/3s of legislators in the House and Senate to send the measure to the ballot, or legislators would need to agree to call a Constitutional Convention where the provision would have to be approved to be put before the voters. Some legislators have already stated they will pursue one or both of these options.

Both parties in the Senate said after the ruling that a tax increase this session was unlikely, leaving a large question mark about how to address the Court's mandate in the McCleary decision, which said the legislature needed to increase financing for K-12 by about $4 billion over the next 6 years.

Futhermore, the state operating budget is somewhere around $1B short of revenues to continue current spending levels, which will cause budget cuts or tax increase or some combination of both to write the 2013-15 biennial budget. Add to that the decrease in revenues to the state caused by federal "sequestration" (for example, a reduction in military spending will reduce

JBLM personnel, thus causing a drop in sales tax revenue) and the 2013-15 operating and capital budgets become tricky to write.

### 1. Liquor Funds (HB 1368)

This bill did not emerge from House Appropriations on Friday, but it remains alive as it will be necessary to implement the budget (or NTIB in Olympia-speak). It restores liquor tax revenues diverted last session, and lifts the cap to cities on liquor profits cities have historically received. If the cap on liquor profits is lifted, cities would receive an additional $9.8 million in total in the 2013-15 biennium.

### 2. Transportation

The House Transportation committee voted out two local option bills on Friday:

- **HB 1953**, Rep. Liias' bill, allows a voter-approved 1% MVET, for Community Transit only,
- **HB 1959,** Rep. Farrell's (from Seattle),
  - allows a Transportation Beneift District (TBD) to councilmanically increase the local annual vehicle fee, from $20 to $40; currently, a TBD can impose a $20 fee without a public vote, and can send up to a $100 fee to the ballot,
  - allows King County only to impose a 1.5% MVET (or send it to the ballot), and requires that 60% of the proceeds be used for public transportation, and 40% for local roads, to be distributed per populations.

The Senate Transportation committee did not take action on any local option bills, and Senate committee co-chair, Senator King, is reluctant to approve any transportation revenue bill without a public vote.

Rep. Clibborn's new revenue transportation revenue package (**HB 1954**) remains in committee for now, and likely won't receive a public hearing for awhile, if at all. It's unclear if House leadership is interested in moving a transportation revenue bill this year, and the Senate majority coalition

seems much less inclined to move a package. Rep. Clibborn's package was detailed in last week's update. I'm working to get the Governor to take a more active role in these discussions.

### 3. Local B&O Tax

**SB 5688** was the only bill on for public hearing on Friday in Ways and Means and was passed out with a number of No votes. **SB 5656** was also passed out on Friday.

The Senate has until March 13 to pass these bills. If we're not able to stop these bills in the Senate, we'll try to get as many No votes as possible on the floor vote.

**SB 5688** mandates that DOR takes control of the model local B&O ordinance and will lead eventually to a state takeover of the administration and collection of the local B&O tax which will cost Bellevue a few million in revenue. **SB 5656** mandates that all cities must join the state's business license system (BLS) by a date certain.

### 4. Public Records (HB 1128, HB 1037)

The public records bill **HB 1128**, remains in House Rules, but we are told a vote will be taken before the March 13 cut-off. Cities are requesting a number of amendments to the bill. **HB 1128** allows a court to issue an injunction against harassing requestors of public records from public agencies.

**HB 1037**, the data mining bill, was sent to a fiscal committee, and was not voted out by Friday.

### 5. Seahurst Park Renovation Funding

I did submit a community project capital budget form in the House last week but I've told delegation members it's only if the Puget Sound Partnership (PSP) and/or the DFW budget items fall off. I'm in

communication with both state agencies. I think we're in good shape unless Department capital budgets are dramatically reduced.

### 6. State Budgets

Now that the 2/3's majority ruling has been handed down, the three state budgets – operating, capital, and transportation, likely will be released sometime after the March 20 revenue forecast. I heard late in the week that the Senate is discussing cutting about $750 million from the biennial operating budget, and that is before any money is included to address the McCleary K-12 revenue mandate from the state Supreme Court.

I am hearing that cities liquor revenues, the public works trust fund revenues, and the Model Toxic Control Act (MTCA) revenues are all on the table in this budget.

### 7. Water-Sewer District Powers (HB 1239/SB 5185)

**HB 1239** is in Rules but a number of city lobbyists are working against it. The bill adds some additional inspection powers for water/sewer districts regarding their infrastructure. The Senate bill did not move before cut-off.

### 8. Alternative Public Works Contracting Reauthorization/Job Order Contracting (SB 5349/HB 1466)

Authorization for three alternative public works contracting procedures in state law is scheduled to sunset on June 30, 2013. The three methods are Design-Build, General Contractor/Construction Manager (GC/CM), and Job Order Contracting (JOC).

These identical bills extend these procedures through 2021; for job Order Contracting in King County (counties over one million population) the JOC amount is increased from $4 million to $6 million. **SB 5349** was passed unanimously by the Senate last week.

## 9. Stormwater Funding

These bills did not move out of committee before cut-off. **SB 5441/HB 1235** prioritized state investments in stormwater toward helping local governments meet our permit obligations, rather than the current focus on items that are largely above and beyond permit obligations. However, stormwater will be a budget issue.

## 10. Continued Use of Lodging Tax Revenues (SB 5262/HB1253)

Prior to 2007, lodging taxes were used only for tourism. In 2007, the legislature expanded the uses to include operations such as festivals and special events, and amended the definition of "tourism-related facility" to include a facility owned by a public entity as well as a non-profit organization. The expanded uses expire on June 30, 2013.

**HB 1253** passed out of House Finance on Friday with the following amendments:

- Allows cities and counties to continue funding the operations of non-profit organizations operating tourism-related facilities.
- Prohibits lodging revenue from being used for capital expenditures of a facility owned by a non-profit. Capital funding may still be provided to a facility operated by a non-profit if it is owned by a public entity.
- Allows revenue to be used to attract local travelers, not just tourists, and defines both terms.
- Requires recipients of lodging taxes to submit estimates of tourism and local-traveler benefits with their funding applications and submit a post-event report of the actual benefits. The local government receiving these reports must submit them to the Joint Legislative Audit and Review Committee (JLARC) and the Local Lodging Tax Advisory Committee (LTAC). In turn, JLARC must submit reports detailing the use and economic impact of the revenue to specified legislative committees every two years.

- Requires LTACs to prioritize all funding applications and submit the prioritized list and funding levels to the local government. The local government may only fund applicants on the list and must allow the LTAC to review any changes to funding levels.

This bill is a work in progress.

March 10, 2013

**To: Mike Martin, Burien City Manager**
**City Councilmembers**

**From: Mike Doubleday**

**Re: 2013 Legislative Session, Week 8 Update**

This Wednesday, March 13 is the cut-off for bills to pass the house of origin. The House worked all day Saturday, and Monday and Tuesday will be late nights for both chambers (though the Senate has said they will finish work by 7pm each day). The remaining cut-off dates are as follows;

- **April 3** is the last day to pass bills out of a policy committee in the opposite chamber,
- **April 9** is the last day to pass bills out of the revenue committees in the opposite chambers,
- **April 17** is the last day for each chamber to consider bills from the opposite house,
- **April 28** is the final day of the 105-day session.

Every legislative session is usually dominated by a theme, and this year's session looks to be an education year; a number of education reform bills have dominated both chambers' work this past week, and once the first budget drafts are released in about two weeks, education will again be the dominant theme.

It is still unknown whether or not a transportation revenue package will become a theme this year. Governor Inslee did speak with some of the caucuses last week, and reportedly reiterated his support for a statewide transportation revenue package. If a package does gain traction in the final weeks of the session, it is very likely to be sent to the fall ballot.

## 1. Liquor Funds (HB 1368)

This bill remains alive as it will be necessary to implement the budget. It restores liquor tax revenues diverted last session, and lifts the cap to cities on liquor profits cities have historically received. If the cap on liquor profits is lifted, cities would receive an additional $9.8 million in total in the 2013-15 biennium. Governor Inslee is on record (from the fall campaign) of supporting cities' efforts to restore this funding. If the March 20 revenue forecast is down again, we may be working to prevent any further cuts in liquor revenues.

## 2. Transportation

The two local option House bill, **HB 1953**, and **HB 1959**, are on the House floor and can be voted on at any time.

- **HB 1953**, allows a voter-approved 1% MVET, for Community Transit in Snohomish County only,
- **HB 1959**
  - allows a Transportation Beneift District (TBD) to councilmanically increase the local annual vehicle fee, from $20 to $40; currently, a TBD can impose a $20 fee without a public vote, and can send up to a $100 fee to the ballot,
  - allows King County only to impose a 1.5% MVET (or send it to the ballot), and requires that 60% of the proceeds be used for public transportation, and 40% for local roads, to be distributed per capita.

There was discussion at the end of the week about combining these two bills so that only one vote would be taken.

Rep. Clibborn's new revenue transportation revenue package (**HB 1954**) remains in committee for now. I think this issue remains behind the operating budget and *McCleary* (education) funding in priority for the last month and a half of session.

Senator King has introduced a fee bill (**SB 5857**) which increases certain transportation-related fees. This may serve as new transportation revenue (though on a very limited scale) if a larger transportation revenue package does not advance this year.

Maiya and I met with Steve Gorcester, the Director of the Transportation Improvement Board (TIB) last week. We both felt Burien's chances of receiving a few million dollars from TIB either in November of this year or in 2014 are excellent provided we present TIB with a full development plan for the area.

### 3. Local B&O Tax

These bills remain on the Senate calendar and I *do* expect them to be voted out before the March 13 deadline. The prime sponsor, Senator Braun, from Chehalis, has been calling around to cities and chambers of commerce looking for support.

**SB 5688** mandates that DOR takes control of the model local B&O ordinance and mandates that cities adopt the state B&O classifications (about 45). **SB 5656** mandates that all cities must join the state's business license system (BLS) by a date certain; there is an amendment on the bar from Senator Mullet of Issaquah that would mandate that cities choose either the state BLS or the city portal for licensing.

### 4. Public Records (HB 1128, HB 1037)

As of Sunday, **HB 1128** remains in House Rules and we have indications it won't move this session. We were told the Speaker was being overwhelmed with opposition from the newspapers. **HB 1128** allows a court to issue an injunction against harassing requestors of public records from public agencies. **HB 1037**, the data mining bill, died before cut-off.

## 5. Seahurst Park Renovation Funding

I spoke with the Senate capital budget staff person last week about this project (he grew up in Burien). He said there may be some "shaving" of projects off the agency lists, but also said he'd heard good things about Seahurst. Seahurst is ranked high enough on both lists that I'm confident we'll survive any cut-downs.

I'll also get back in touch with Senator Murray's office this week about federal Corps funding.

## 6. State Budgets

The news last week was that the state revenue forecast on March 20 likely will show a significant increase in DSHS caseloads, thus increasing the revenue needed to close the operating budget deficit for 2013-15. The Senate will write the first budget this year, which will be released sometime after March 20.

We are all hearing that cities liquor revenues, the public works trust fund revenues, and the Model Toxic Control Act (MTCA) are at risk in this budget.

## 7. Water-Sewer District Powers (HB 1239)

**HB 1239** is in Rules but hasn't moved. The bill adds some additional inspection powers for water/sewer districts regarding their infrastructure. The Senate bill did not move before cut-off.

## 8. Alternative Public Works Contracting Reauthorization/Job Order Contracting (SB 5349)

Authorization for three alternative public works contracting procedures in state law is scheduled to sunset on June 30, 2013. The three methods are Design-Build, General Contractor/Construction Manager (GC/CM), and Job Order Contracting (JOC).

**SB 5349** extends these procedures through 2021; for job Order Contracting in King County (counties over one million population) the JOC amount is increased from $4 million to $6 million. **SB 5349** has passed the Senate unanimously and has already been heard in the House committee.

### 9. Continued Use of Lodging Tax Revenues (SB 5262/HB1253)

Prior to 2007, lodging taxes were used only for tourism. In 2007, the legislature expanded the uses to include operations such as festivals and special events, and amended the definition of "tourism-related facility" to include a facility owned by a public entity as well as a non-profit organization. The expanded uses expire on June 30, 2013.

This is an ever-changing bill; an amended version was released over the weekend that appears to restore the use of lodging tax funds for capital expenditures of a facility owned by a non-profit. The provision requiring Local lodging tax advisory committee to prioritize funding applications remains but King County is exempted from this provision.

### 10. Deferral of Impact Fee Payments (HB 1652)

A bill that has been around for a few years finally passed the House last week by a surprisingly large margin of 73-26. **HB 1652** makes mandatory a now optional program for cities, counties, and school districts that collect impact fees: cities must adopt one of two options as follows:

- An applicant must record a covenant against title to the development subject to the impact fee obligation. The covenant is a lien against the lot or unit at the rates in effect at the time the building permit is issued and are binding upon successors. The impact fee must be paid the time of closing or 18 or more months after the issuance of the building permit, whichever is earlier.
- a process whereby an applicant my apply for a deferral of the impact fee payment until final inspection or certificate of occupancy.
- An alternative method adopted by the city that is consistent with a deferral program.

Cities were told in the days before this vote that the bill would pass. The Senate is likely to pass the bill as well.

We have been talking with the Governor's office about this bill. School districts are the most heavily impacted and oppose this bill as well. The deferral process delays complying with the concurrency provisions of GMA until after the city receives full payment of the impact fee.

**11. Disposition of Surplus Property for Affordable Housing (HB1563)**
Under current law, cites are not required to participate in the state Department of Commerce's surplus property inventory nor are cities directed in law to consider affordable housing when selling surplus property.

Under **HB 1563**, cities are allowed to sell, lease, exchange, or donate surplus property to an eligible organization for the purpose of developing affordable housing (not a mandate). The bill passed the House on a 51-46 vote.

AWC
ASSOCIATION OF WASHINGTON CITIES

1076 Franklin Street SE • Olympia, WA 98501-1346 • 360.753.4137 • 1.800.562.8981

awcnet.org

RECEIVED

MAR 13 2013

City of Burien

Date: March 11, 2013

TO: Mayor Bennett
City of Burien

FROM: Glenn Johnson, AWC Nominating Committee Chair

SUBJECT: **2013 AWC Board of Directors Recruitment**

As the presiding Chair of AWC's Nominating Committee, I have the distinct pleasure of calling for nominations to the 2013 AWC Board of Directors.

Members of the AWC Board of Directors play a critical leadership role in the success of the Association. As a board member, you would provide guidance regarding legislative proposals as outlined in the Statement of Policy adopted by AWC member delegates. The board also reviews and adopts AWC's annual operating budget, establishes membership fees, and provides policy direction regarding other issues of concern.

The 2013 AWC Nominating Committee is currently calling for applications for eleven AWC Board of Director positions that include District #13, and At-Large (Western) #1 & #2.

The Nominating Committee strongly encourages you to share this information with your city council.

If you or someone on your city council is interested in serving in this capacity, please complete and return the Board of Directors Application located at http://www.awcnet.org/forms/backgroundinfoform.asp to AWC by **5:00 pm Friday, April 12, 2013**. You may mail, fax or email this form to the attention of Luann Hopkins, Association of Washington Cities, 1076 Franklin Street SE, Olympia, WA 98501; Fax: (360) 753-0149; or luannh@awcnet.org.

**Cities represented in the open AWC Board District #13 position are:**

- Algona
- Auburn
- Black Diamond
- Burien
- Covington
- Des Moines
- Enumclaw
- Federal Way
- Kent
- Maple Valley
- Newcastle
- Normandy Park
- Pacific
- Renton
- SeaTac
- Tukwila

**At-Large #1** represents cities east of the crest of the Cascade Mountain Range
**At-Large #2** represents cities east of the crest of the Cascade Mountain Range (<5000 pop)

Additional information about the AWC Board of Directors and a district map can be found on AWC's website.

King County

**Dow Constantine**
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818
**206-263-9600** Fax 206-296-0194
TTY Relay: 711
www.kingcounty.gov



February 28, 2013

The Honorable Brian Bennett
Mayor, City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166-1917

Dear Mayor Bennett:

I am writing to draw your attention to a plan to amend the Washington Administrative Code (WAC) in a manner that would substantially change the way the Emergency Management Performance Grant (EMPG) program is managed.

Attached, please find a proposal from a Washington State Emergency Management Association (WSEMA) working group to create a new Emergency Management Review Board and re-formulate the distribution of Emergency Management Performance Grant (EMPG) funds to jurisdictions across the state. This plan comes in response to an earlier successful effort from many jurisdictions across the State, including those within King County, to have Washington Emergency Management Division (WA EMD) halt a proposal that would have drastically reduced EMPG funding allocations to most Puget Sound area cities. This new proposal comes at an especially important time, as federal support for emergency preparedness and response is on a downward trajectory.

The WSEMA working group's change to the WAC offers a new strategy for a regionally-based approach to emergency preparation efforts. It restores some, but not all, of the funding cuts originally proposed by the Washington Emergency Management Division, and establishes a new Emergency Management Review Board that would advise and consult with WA EMD on funding EMPG and other issues. While the proposed formula is not final, we appreciate their hard work to come up with an alternative that provides an additional of funding to King County jurisdictions.

I am intrigued by the possibility of creating improved partnerships with cities to find economies of scale and to strengthen our regional emergency management preparation. I have directed my County Administrative Officer Caroline Whalen, Emergency Management Director Walt Hubbard and Regional Initiatives Director Diane Carlson to reach out and

engage with cities in King County and the Sound Cities Association on the specifics of the working group's proposal; to discuss how this proposal affects your community and ways the County and cities could partner to provide both basic and enhanced services to cities in light of the new funding realities.

I look forward to our continued collaboration as we work together to build safer, more disaster-resilient communities.

Sincerely,

Dow Constantine
King County Executive

Attachments (2)

cc: Caroline Whalen, County Administrative Officer, King County Department of Executive Services (DES)
Walt Hubbard, Director, Office of Emergency Management, DES
Jim Mullen, Director, Emergency Management Division, Washington Military Department (WA EMD)
Peter Antolin, Assistant Director, Emergency Management Department, WA EMD
EMPG Work Group members
Dylan Ordonez, Executive Leadership Team Coordinator, King County Executive's Office (KCEO)
Genesee Adkins, Director of Government Relations, KCEO
Diane Carlson, Director of Regional Initiatives, KCEO
Scott Heinze, Heinze & Associates LLC

King County

**Metropolitan King County Council**
Anne Noris, Clerk of the Council
King County Courthouse
516 Third Avenue, Room 1200
Seattle, WA 98104-3272
**Tel: 206-296-1020**
Fax: 206-205-8165
TTY/TDD: 206-296-1024
Email: anne.noris@kingcounty.gov
Web: www.kingcounty.gov/council/clerk

RECEIVED

MAR 0 6 2013

City of Burien

March 5, 2013

The Honorable Brian Bennett
City of Burien
400 SW 152nd Suite 300
Burien, WA 98166

Dear Mayor Bennett:

On December 3, 2012, the King County Council approved and ratified the amendments to the Countywide Planning Policies on behalf of unincorporated King County in Ordinance Nos. 17486 and 17487.

On December 22, 2012, copies of the ordinances and supporting materials were sent to all jurisdictions in King County in accordance with the Countywide Planning Policies, FW-1, Step 9. The 90-day deadline for ratification of this amendment was March 4, 2013.

A review of legislation relating to ratification of this amendment filed with the Clerk of the King County Council indicates that the amendment has been ratified.

Sincerely,

Anne Noris
Clerk of the Council

cc: King County City Planning Directors
Suburban Cities Association
John Starbard, Director, Department of Permitting and Environmental Review (DPER)
Paul Reitenbach, Project/Program Manager, DPER
Rick Bautista, Council Staff, Transportation, Environment and Economy Committee (TREE)

Burien/White Center
ROTARY CLUB
P.O. Box 48267
Burien, WA 98166



February 20, 2013

Mayor of Burien
Brian Bennett
400 SW 152nd St., Ste. 300
Burien, WA 98166
c/o Charitable Donations

RE: Charitable Donation or Advertising Support

For the past 58 years the Burien-White Center Rotary Club has helped children and the disadvantaged in our community by providing kids with warm coats & clothes, feeding the hungry, school scholarships, programs for the elderly and resources for troubled kids working with Navos/Ruth Dykeman Children's Center and the Matt Griffin YMCA. We also support local schools and numerous other community organizations.

On May 18th, 2013, we are having our Annual Fundraiser Dinner & Dance at the Rainier Golf & Country Club, located in Seattle Washington.

We would be grateful if your organization could help us achieve our goal in making this fundraiser a huge success. In addition, we will prominently advertize your support.

Federal ID # 91-1532794
Contact Person: Kathleen Bradish
Mailing Address: 112 SW 157th Street, Burien, WA 98166
Telephone: 206.433.1700
Email Address: kathleen.bradish@raymondjames.com

We thank you in advance for all your help!

Sincerely,

Chuck Cox

# Burien/White Center Rotary Auction
## May 18th, 2013

## Sponsorship Opportunities

**MAJOR SPONSORSHIP: $1,500 (4)**

Major sponsors will enjoy the opportunity for prominent exposure in recognition of their generous support.

**Major Sponsorship Includes:**

- You will have a table of 10 at the Auction
- Full Page ad on the inside front cover or back cover.
- 10 tickets to the Sponsors Reception before the Auction
- Major size company logo on all advertising materials and on the banner at the evening of the Auction.

**LOCAL SPONSORSHIP: $1,000 (8)**

Local Sponsorship - Show your company or organization's support by participating as a sponsor.

**Local Sponsorship Includes:**

- You will have a table of 8 at the Auction
- Full Page ad in the catalog
- 4 tickets to the Sponsors Reception before the Auction
- Significant size company logo on all advertising materials and on the banner at the evening of the Auction.

**GENERAL SPONSORSHIP: $500 (Unlimited)**

Show your company or organization's support by participating as a general sponsor.

**General Sponsorship Includes:**

- 4 tickets to the Auction
- Half page ad in the Auction program
- 2 tickets to the Sponsors Reception before the Auction.
- Company logo on all advertising materials and on the banner at the evening of the Auction.

**ADVERTISING OPPORTUNITY (Unlimited)**

We invite your company or organization to advertise to show your support.

**Alternative Sponsorship Examples:**

- Full Page $250
- ½ Page $150
- ¼ Page $100
- Business Card $75

Please contact Kathleen Bradish at (206) 433-1700 if you are interested in becoming a Sponsor for this wonderful event.

**Auction Sponsorship & Advertising Registration**

Name Company or Organization

Payment Method:
Check in the amount of $_____ made payable to Burien/White Center Rotary

Credit Card for the amount of $ ☐ VISA ☐ MASTERCARD

Card #: Billing Address Zip Code:

Expiration Date: 3-Digit Security Code:

Printed Name on Card: Signature:

Please contact Kathleen Bradish directly at 206-433-1700 if you wish to provide credit card information over the phone. Please fax or mail registration & check to Cox Financial, 112 SW 157th Street, Burien, WA 98166 ~ Fax 206-433-1702

Please email your Ad/Logo in a Print Resolution Ready JPG or TIF file to kathleen.bradish@raymondjames.com

Burien
Washington, USA

## CITY OF BURIEN MEMORANDUM

**DATE:** March 1, 2013

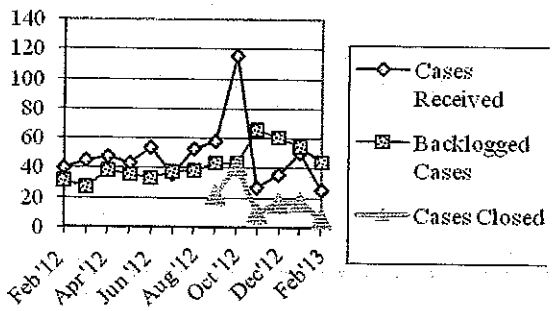
**TO:** Mike Martin, City Manager

**FROM:** Cynthia Schaff, Paralegal

**RE:** 2013 Citizen Action Report

This report reflects the caseload for February and includes all backlog cases open as of February 28, 2013. As of that date, there were 77 open cases. 44 of the open cases are more than five weeks old and are considered backlog. There were 25 cases opened during the month of February, 5 cases initiated by staff/police/fire, and 20 cases initiated by residents. 6 of the cases opened during the month of February were closed within the month.

**Citizen Action Case Status**




| | Feb '12 | Mar '12 | Apr '12 | May '12 | Jun '12 | Jul '12 | Aug '12 | Sep '12 | Oct '12 | Nov' 12 | Dec' 12 | Jan' 13 | Feb' 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Cases Closed** | | | | | | | | 22 | 42 | 10 | 17 | 18 | 6 |
| **Cases Received** | 40 | 45 | 48 | 43 | 54 | 36 | 53 | 58 | 116 | 27 | 36 | 50 | 25 |
| **% Cases Closed/Received** | | | | | | | | 38% | 36% | 37% | 47% | 36% | 24% |
| **Backlogged Cases** | 31 | 27 | 38 | 36 | 33 | 37 | 38 | 43 | 43 | 66 | 61 | 55 | 44 |
| **Total Open Cases** | 54 | 62 | 63 | 59 | 69 | 60 | 62 | 72 | 125 | 88 | 84 | 84 | 77 |
| **% of Backlog** | 57% | 44% | 60% | 61% | 48% | 62% | 61% | 60% | 34% | 75% | 73% | 65% | 57% |

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

Cc: Chip Davis, Interim Community Development Director
Jim Bibby, Code Compliance Officer
Maiya Andrews, Public Works Director
Michael Lafreniere, Parks Director
Jan Vogee, Building Official
Craig Knutson, City Attorney

# Monthly Report to the City Manager

## Citizen Action Request Case Status

Burien Washington, USA

Report Date: 03/01/2013

| Days Old | Department | CAR # | Date Received | Nature of Request | Complaint Information | Last Action | Date | Status |
|---|---|---|---|---|---|---|---|---|
| 1046 | Public Works | CAR-10-0208 | 04/20/2010 | Planning / Zoning | 804 SW 122ND ST<br>Zoning-Puloka-Zone 1 | Other - See Notes | 10/26/2012 | Open |
| 504 | Building | CAR-11-0399 | 10/14/2011 | Critical Area Concerns | 16705 MAPLEWILD AV SW<br>Critical Area House-Johnson/Justin-Zone 3 | Other - See Notes | 11/30/2012 | Open |
| 477 | Code Enforcement | CAR-11-0486 | 11/10/2011 | Nuisance | 16331 MAPLEWILD AV SW<br>Nuisance-Golka-Zone 3 | NOV Issued | 02/26/2013 | Open |
| 436 | Code Enforcement | CAR-11-0552 | 12/21/2011 | Nuisance | 11813 ROSEBERG AV S<br>Nuisance Junk Vehicles-Teem-Zone 2 | Other - See Notes | 01/17/2013 | Open |
| 408 | Fire Department | CAR-12-0024 | 01/18/2012 | Fire Department Issue | 15733 AMBAUM BL SW<br>Fire Dept issue-Highline Lanes-Zone 3 | Other - See Notes | 04/12/2012 | Open |
| 345 | Fire Department | CAR-12-0110 | 03/21/2012 | Fire Department Issue | 420 SW 154TH ST<br>Fire Issue-Laru Apts-Zone 3 | Case Received | 03/21/2012 | Open |
| 345 | Fire Department | CAR-12-0111 | 03/21/2012 | Fire Department Issue | 615 AMBAUM BL SW<br>Fire Issue-Condos-Zone 3 | Case Received | 03/21/2012 | Open |
| 345 | Fire Department | CAR-12-0112 | 03/21/2012 | Fire Department Issue | 15800 4TH AV S<br>Fire Issue-Woodcrest Apt-Zone 4 | Case Received | 03/21/2012 | Open |
| 345 | Fire Department | CAR-12-0114 | 03/21/2012 | Fire Department Issue | 15621 4TH AV S<br>Fire Issue-Cedar Court Apts-Zone 4 | Case Received | 03/21/2012 | Open |

| Days Old | Department | CAR # | Date Received | Nature of Request | Complaint Information | Last Action | Date | Status |
|---|---|---|---|---|---|---|---|---|
| 319 | Code Enforcement | CAR-12-0152 | 04/16/2012 | Housing Concerns | 340 SW 120TH ST<br>Housing, Vacant-deLeon-Zone 1 | NOV Issued | 01/17/2013 | Open |
| 281 | Code Enforcement | CAR-12-0203 | 05/24/2012 | Nuisance | 12657 12TH AV S<br>Nuisance, Vehicles, House-Towle-Zone 2 | NOV Issued | 01/23/2013 | Open |
| 242 | Code Enforcement | CAR-12-0284 | 07/02/2012 | Fire Department Issue | 12448 AMBAUM BL SW<br>Fire Issue-Clifton Apts-Zone 1 | Case Received | 07/02/2012 | Open |
| 235 | Code Enforcement | CAR-12-0289 | 07/09/2012 | Fire Department Issue | Fire Issue-Green Center Trailer Court-Zone 1 | NOV Issued | 02/26/2013 | Open |
| 218 | Fire Department | CAR-12-0311 | 07/26/2012 | Fire Department Issue | 12400 28TH AV S<br>Fire Alarm-Woodbridge Apts.-Zone 2 | Phone Call | 07/30/2012 | Open |
| 199 | Code Enforcement | CAR-12-0338 | 08/14/2012 | Business License | 502 SW 138TH ST<br>Business License/Home Occ.-Parkers Moving-Zone 1 | Other Letter | 02/28/2013 | Open |
| 198 | Code Enforcement | CAR-12-0341 | 08/15/2012 | Nuisance | 1226 SW 146TH ST<br>Nuisance vehicles, grass-Till-Zone 3 | NOV Issued | 02/26/2013 | Open |
| 191 | Code Enforcement | CAR-12-0353 | 08/22/2012 | Nuisance | 12723 SHOREWOOD PL SW<br>Nuisance, Attractive,Swim Pool-Mielke-Zone 1 | Other - See Notes | 02/26/2013 | Open |
| 190 | Code Enforcement | CAR-12-0355 | 08/23/2012 | Nuisance | Vegetation-Miller-Zone 1 | NOV Issued | 02/15/2013 | Open |
| 189 | Code Enforcement | CAR-12-0356 | 08/24/2012 | Nuisance | 1605 S 124TH ST<br>Vegetation-Schafer-Zone 2 | Other - See Notes | 02/26/2013 | Open |
| 164 | Code Enforcement | CAR-12-0397 | 09/18/2012 | Rental Housing License | 13040 12TH AV SW<br>Rental Hsg-Ambaum View Apts.-Zone 1 | NOV Issued | 02/26/2013 | Open |
| 163 | Building | CAR-12-0406 | 09/19/2012 | Building | 15809 25TH AV SW<br>Bldg Permit-Hunt-Zone 3 | Enforcement Letter 1 | 09/20/2012 | Open |
| 151 | Code Enforcement | | | | 18050 DES MOINES MEMORIAL DR S | | | |

| Days Old | Department | CAR # | Date Received | Nature of Request | Complaint Information | Last Action | Date | Status |
|---|---|---|---|---|---|---|---|---|
| | | CAR-12-0431 | 10/01/2012 | Fire Department Issue | Fire/Building-New Owner-Zone 4 | Enforcement Letter 1 | 11/21/2012 | Open |
| 141 | Code Enforcement | CAR-12-0439 | 10/11/2012 | Building | 14448 8TH AV S<br>Building Permit-Hoang-Zone 4 | NOV Issued | 01/17/2013 | Open |
| 137 | Code Enforcement | CAR-12-0442 | 10/15/2012 | Nuisance | 15827 8TH AV SW<br>RV Living-McCann-Zone 3 | NOV Issued | 01/28/2013 | Open |
| 137 | Code Enforcement | CAR-12-0444 | 10/15/2012 | Business License | 209 SW 152ND ST<br>B/L-La Preciousa Boutique-Zone 3 | Enforcement Letter 1 | 12/03/2012 | Open |
| 127 | Building | CAR-12-0547 | 10/25/2012 | Building | 16429 3RD AV S<br>Bldg Permits-Fernandez-Zone 4 | Enforcement Letter 2 | 11/30/2012 | Open |
| 126 | Code Enforcement | CAR-12-0557 | 10/26/2012 | Nuisance | 16004 7TH AV SW<br>Unsecured/Vacant-Golka-Zone 3 | Other - See Notes | 12/05/2012 | Open |
| 91 | Code Enforcement | CAR-12-0588 | 11/30/2012 | Nuisance | 13262 4TH AV S<br>Vehicle Repair-Elkins- Zone 2 | Enforcement Letter 1 | 12/19/2012 | Open |
| 91 | Code Enforcement | CAR-12-0594 | 11/30/2012 | Sign Violation | 250 SW 153RD ST<br>Sign Permit- El Unicornio-Zone 3 | Enforcement Letter 1 | 01/23/2013 | Open |
| 88 | Code Enforcement | CAR-12-0591 | 12/03/2012 | Nuisance | 13811 DES MOINES MEMORIAL DR S<br>Fence -Haberzettl-Zone 2 | Enforcement Letter 1 | 02/01/2013 | Open |
| 85 | Code Enforcement | CAR-12-0600 | 12/06/2012 | Business License | 11804 8TH AV SW<br>Business License, Swear Shop-Nguyen-Zone 1 | Case Received | 12/06/2012 | Open |
| 81 | Code Enforcement | CAR-12-0606 | 12/10/2012 | Sign Violation | ABS Pole Violation-Classy Motors-Zone 1 | Enforcement Letter 1 | 12/19/2012 | Open |
| 74 | Code Enforcement | CAR-12-0617 | 12/17/2012 | Accessory Dwelling Unit | 1256 SW 119TH ST<br>ADU/Nuisance-Sorm-Zone 1 | Enforcement Letter 1 | 01/04/2013 | Open |

| Days Old | Department | CAR # | Date Received | Nature of Request | Complaint Information | Last Action | Date | Status |
|---|---|---|---|---|---|---|---|---|
| 74 | Code Enforcement | CAR-12-0621 | 12/17/2012 | Sign Violation | 147 SW 152ND ST<br>Sign Maintenance-Julie's Nails-Zone 3 | Enforcement Letter 1 | 01/02/2013 | Open |
| 72 | Code Enforcement | CAR-12-0620 | 12/19/2012 | Business License | 15608 1ST AV S<br>Business License-LC Interpreters-Zone 4 | Case Received | 12/19/2012 | Open |
| 72 | Code Enforcement | CAR-12-0626 | 12/19/2012 | Nuisance | 12242 23RD AV S<br>Nuisance, Vehicles, Trash, RV Living-King-Zone 2 | Enforcement Letter 1 | 01/02/2013 | Open |
| 67 | Code Enforcement | CAR-12-0625 | 12/24/2012 | Nuisance | Nuisance, Dumping-Baker-Zone 2 | NOV Issued | 02/26/2013 | Open |
| 64 | Code Enforcement | CAR-13-0011 | 12/27/2012 | Nuisance | 16015 8TH AV SW<br>Nuisance-Luzny-Zone 3 | Enforcement Letter 1 | 01/24/2013 | Open |
| 51 | Code Enforcement | CAR-13-0010 | 01/09/2013 | Sign Violation | 16033 1ST AV S<br>ABS,Salvation Army-Zone 3 | Enforcement Letter 1 | 01/11/2013 | Open |
| 50 | Building | CAR-13-0018 | 01/10/2013 | Building | 14901 28TH AV SW<br>Building/ROW Issue-Winston-Zone 3 | Case Received | 01/10/2013 | Open |
| 44 | Code Enforcement | CAR-13-0028 | 01/16/2013 | Nuisance | 151 S 128TH ST<br>Nuisance-Coombs-Zone 2 | Enforcement Letter 1 | 01/30/2013 | Open |
| 43 | Code Enforcement | CAR-13-0024 | 01/17/2013 | Sign Violation | 15421 1ST AV S<br>Sign Violation-Hassen-Zone 3 | Phone Call | 01/25/2013 | Open |
| 37 | Code Enforcement | CAR-13-0030 | 01/23/2013 | Nuisance | 856 SW 125TH ST<br>Vacant House-Dang-Zone 1 | Enforcement Letter 1 | 02/13/2013 | Open |
| 37 | Code Enforcement | CAR-13-0045 | 01/23/2013 | Housing Concerns | 12223 8TH AV S<br>Septic System-Nguyen-Zone 2 | Case Received | 01/24/2013 | Open |
| 31 | Code Enforcement | CAR-13-0036 | 01/29/2013 | Nuisance | 13825 DES MOINES MEMORIAL DR S<br>Vehicles/Trash-Haberzettl -Zone 4 | Enforcement Letter 1 | 02/05/2013 | Open |

| Days Old | Department | CAR # | Date Received | Nature of Request | Complaint Information | Last Action | Date | Status |
|---|---|---|---|---|---|---|---|---|
| 31 | Code Enforcement | CAR-13-0039 | 01/29/2013 | Business License | 12225 21ST AV S<br>Business License-Farow's Child Care-Zone 2 | Case Received | 01/30/2013 | Open |
| 31 | Code Enforcement | CAR-13-0051 | 01/29/2013 | Housing Concerns | 12456 ROSEBERG AV S<br>Housing, No Water-Prasad, Rental-Zone 2A | Case Received | 01/29/2013 | Open |
| 30 | Code Enforcement | CAR-13-0037 | 01/30/2013 | Nuisance | 12054 3RD AV S<br>Vehicles-Meth-Zone 2 | Enforcement Letter 1 | 02/07/2013 | Open |
| 30 | Code Enforcement | CAR-13-0040 | 01/30/2013 | Planning / Zoning | 12216 12TH AV S<br>Vehicles & Vehicle repair-Bardot-Zone 2 | Case Received | 01/30/2013 | Open |
| 29 | Code Enforcement | CAR-13-0047 | 01/31/2013 | Nuisance | 13602 3RD AV S<br>Nuisance, Vacant-Gomez-Zone 2 | Enforcement Letter 1 | 02/11/2013 | Open |
| 29 | Code Enforcement | CAR-13-0049 | 01/31/2013 | Housing Concerns | 821 SW 154TH ST<br>Housing-Nguyen-Zone 3 | Enforcement Letter 1 | 02/28/2013 | Open |
| 25 | Code Enforcement | CAR-13-0052 | 02/04/2013 | Nuisance | Vacant Lot/Garbage-Lee-Zone 2 | Enforcement Letter 1 | 02/21/2013 | Open |
| 24 | Code Enforcement | CAR-13-0053 | 02/05/2013 | Sign Violation | 17730 AMBAUM BL S<br>Sign Permit Violation-Tienda Mexicana-Zone 4 | Enforcement Letter 1 | 02/07/2013 | Open |
| 21 | Code Enforcement | CAR-13-0057 | 02/08/2013 | Nuisance | Nuisance, Trailer Storage-Used Tires-Zone1 | Enforcement Letter 1 | 02/14/2013 | Open |
| 21 | Code Enforcement | CAR-13-0059 | 02/08/2013 | Nuisance | 13421 4TH AV S<br>Nuisance, Vehicles-Federal National-Zone 2 | Enforcement Letter 1 | 02/20/2013 | Open |
| 18 | Code Enforcement | CAR-13-0060 | 02/11/2013 | Nuisance | 1040 S 136TH ST<br>Vehicles/Garbage-Rattu-Zone 2 | Case Received | 02/11/2013 | Open |
| 17 | Code Enforcement | CAR-13-0062 | 02/12/2013 | Housing Concerns | 1039 S 128TH ST<br>Housing-Van-Zone 2 | Enforcement Letter 1 | 02/21/2013 | Open |

| Days Old | Department | CAR # | Date Received | Nature of Request | Complaint Information | Last Action | Date | Status |
|---|---|---|---|---|---|---|---|---|
| 16 | Code Enforcement | CAR-13-0063 | 02/13/2013 | Nuisance | 425 SW 153RD ST<br>Nuisance, Trash,Vagrants-Zone 3 | Enforcement Letter 1 | 02/15/2013 | Open |
| 14 | Code Enforcement | CAR-13-0064 | 02/15/2013 | Housing Concerns | 473 S 160TH ST<br>Housing-Johnson-Zone 4 | Case Received | 02/15/2013 | Open |
| 10 | Code Enforcement | CAR-13-0065 | 02/19/2013 | Business License | Business License-Dr. Thompson-Zone 1 | Enforcement Letter 1 | 02/21/2013 | Open |
| 9 | Code Enforcement | CAR-13-0067 | 02/20/2013 | Nuisance | 15910 3RD PL SW<br>Nuisance, Vegetation-Condos-Zone 3 | Case Received | 02/20/2013 | Open |
| 9 | Code Enforcement | CAR-13-0068 | 02/20/2013 | Nuisance | 18437 8TH AV S<br>Vacant-Pegg-Zone 4 | Enforcement Letter 1 | 02/21/2013 | Open |
| 9 | Code Enforcement | CAR-13-0072 | 02/20/2013 | Parking | 1018 SW 132ND ST<br>Vehicle Parking-Knutson-Zone 1 | Case Received | 02/25/2013 | Open |
| 8 | Code Enforcement | CAR-13-0069 | 02/21/2013 | Business License | 11618 DES MOINES MEMORIAL DR S<br>Business License-Java Express-Zone 2 | Case Received | 02/21/2013 | Open |
| 4 | Code Enforcement | CAR-13-0071 | 02/25/2013 | Nuisance | 15644 9TH AV SW<br>Nuisance, Vehicles, Trash-Patmore-Zone 3 | Case Received | 02/26/2013 | Open |
| 4 | Code Enforcement | CAR-13-0074 | 02/25/2013 | Nuisance | 13438 5TH AV SW<br>Nuisance,Trash,Vegetation-Voellger-Zone 1 | Case Received | 02/25/2013 | Open |
| 3 | Code Enforcement | CAR-13-0070 | 02/26/2013 | Animals | 2112 S 126TH ST<br>Animal, Rooster-Arevalo-Zone 2 | Enforcement Letter 1 | 02/27/2013 | Open |
| 2 | | CAR-13-0073 | 02/27/2013 | | 801 SW 150TH ST<br>B/L-3 Tree Ventures-Zone 3 | Case Received | 02/27/2013 | Open |
| 2 | Code Enforcement | CAR-13-0075 | 02/27/2013 | Animals | 16545 DES MOINES MEMORIAL DR S<br>Animals, Set Back-Nguyen-Zone 4 | Case Received | 02/27/2013 | Open |

| Days Old | Department | CAR # | Date Received | Nature of Request | Complaint Information | Last Action | Date | Status |
|---|---|---|---|---|---|---|---|---|
| 2 | Code Enforcement | CAR-13-0076 | 02/27/2013 | Illegal Dumping | 14419 11TH AV SW<br><br>Illegal Dumping-Robertson-Zone 1 | Case Received | 02/27/2013 | Open |

# Notice of Decision

City of Burien 400 SW 152nd Street, Suite 300 Burien, Washington 98166-2209

**Date** March 1, 2013

**Applicant** Ripple Design Studio for Nancy Chesnutt & George Hook, Property Owners

**Proposal** Construction of a 647 square foot Single-family Residence with a 163 square foot deck in a Critical Area.

**File No.** PLA 12-1981
File is available for viewing at Burien City Hall during regular business hours

**Location** 160xx Maplewild Avenue, Burien, WA

**Tax Parcel No.** 252303-9008

**Decision** Approval of a Critical Area Review, subject to conditions.

**Appeals** The City of Burien has issued the decision described above. Parties of record may appeal this decision to the Hearing Examiner pursuant to Burien Municipal Code Section 19.65.065.5. The deadline for filing a written Notice of Appeal with the City Clerk is prior to 5:00 p.m. on **March 15, 2013**. Copies of the "Notice of Appeal" document may be obtained at the Department of Community Development. There is a non-refundable filing fee of $300.00 for the submittal of an appeal. For more information please contact the project planner (see below).

**Property Tax Revaluation** Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's Office at (206) 296-7300.

**Project Planner** Stephanie Jewett, AICP
Department of Community Development
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166
Phone: (206) 439-3152 E-Mail: stephaniej@burienwa.gov

**Attachments** Conditions of approval and development standards

## Conditions of Approval

## PLA 12-1981

1. It is the responsibility of the applicant to ensure compliance with the various provisions contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien (ref. BMC § 13.10.020) and the 2008 Burien Road Standards.

2. All design recommendations, including specific recommendations for site preparation, foundation construction, surface drainage and erosion control, shall follow the recommendations of the Geotechnical Engineering Report prepared by PanGEO, Inc. dated May 30, 2012.

3. Prior to construction permit approval the Applicant shall:

   a. Provide copies of the recorded easement documents for parking of two vehicles on the adjacent property to the east and for the pedestrian access on the property to the south.

   b. Address the applicable stormwater requirements as discussed in the Development Review Engineer's memorandum dated February 8, 2013.

   c. Demonstrate compliance with the Fire Marshal's requirement for installation of residential sprinklers to mitigate access and distance from fire hydrant (see Conclusion D.4).

4. Any significant trees located on site during construction that are not proposed for removal shall be protected. Protective measures shall comply with the requirements of BMC Chapter 19.25.150.

5. Prior to issuance of building permit, the Applicant shall pay a Transportation Impact Fee.

6. Prior to final Approval, the Applicant shall:

   a. Provide written confirmation from PanGEO Inc. that they have monitored the construction of the project and that it has been constructed in accordance with the recommendations in the Geotechnical Engineering Report dated May 30, 2012.

# DEVELOPMENT STANDARDS

FILE NO. PLA 12-1981 Chesnutt Hook Single Family Residence

DATE: March 1, 2013

In addition to the standards addressed in the staff report, the City of Burien and other agencies will review the Building Permits to ensure compliance with all applicable city, county, and state codes and policies. At a minimum, the following sections of the Burien Municipal Code (BMC), King County Code (KCC), and state laws will be analyzed during those reviews.

19.10.265 Structure height.

Structure height is the vertical distance measured from average natural grade to the highest point of the structure. Natural grade is the topography of the lot immediately prior to any site preparation or grading, including excavation or filling. Prior to issuance of any development permits for the site, the city must have on file a topographic survey showing natural grade of the site prior to any development activity.

19.15.005: Permitted uses, setbacks, height limits, building coverage, and impervious surface coverage.

19.20.100.10 Parking for single detached dwelling units.

All vehicle parking and storage must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Parking spaces shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the public right-of-way.

19.25.120 Significant trees - Retention required.

19.25.150 Significant trees - Protection.

To provide the best protection for *significant trees*:

1. No clearing shall be allowed on a *site* until approval of tree retention and landscape plans;
2. An area of prohibited disturbance, generally corresponding to the drip line of the *significant tree* shall be protected during construction with a temporary five-foot-high chain link or plastic net *fence*. The fencing shall be installed prior to issuance of development permits for the *site*;
3. No *impervious surfaces*, fill, excavation, or storage of construction materials shall be permitted within the area defined by such *fencing*;
4. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the drip line of the tree;
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
    A. The drip line of the tree(s); or

B. An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground; and

6. Alternative protection methods may be used if determined by the *Director* to provide equal or greater tree protection. [Ord. 293 § 1, 2000]

19.35 Transportation Impact Fees.

19.35.060 Imposition of transportation impact fees.
Any person who receives a building permit or other construction permit for any development activity or who undertakes any development activity within the city's corporate limits for which a building permit, or other construction permit if a building permit is not required, shall pay the transportation impact fees as set forth in this chapter to the city. The impact fees shall be paid at the time of issuance of the permit.

BMC 19.40 Critical Areas

19.40.190 Vegetation Management Plan. Prior to issuance of any development permits, the applicant shall submit a vegetation management plan for City review and approval. 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 and any areas where vegetation in a *critical area* or its *buffer* is proposed to be disturbed. 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. Vegetation within critical areas and their buffers may be trimmed, pruned or removed only upon prior written approval by the Director. 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.

19.40.210 Notice on Title. Prior to issuance of any development permits, the property owner shall submit to the City, a signed notice approved by the *Director* for recording with King County. The notice shall inform the public of the presence of *critical areas* or *buffers* on the *site*, of the application of this chapter to the property, of the requirement for engineered structure design (if applicable), and that limitations on actions in or affecting such *critical areas* or *buffers* may exist. The notice shall run with the land.

19.40. 290. 3.C Erosion Control. Prior to issuance of any development permits or site alterations, the applicant shall submit an *erosion* control plan to the *Director* for review and approval.

19.40.290.3.E Landscaping. The disturbed area of a site shall be landscaped to provide erosion control and to enhance wildlife habitat. Landscape plantings should include trees and shrubs with a mix of shade, flowering, and coniferous and broad-leaf evergreens that are either native to the Puget Sound area or are valuable to western Washington birds and wildlife as listed by the Department of Fish and Wildlife.