PLANNING COMMISSION AGENDA

March 27, 2013, 7:00 p.m.
Multipurpose Room/Council Chamber
Burien City Hall, 400 SW 152nd Street
Burien, Washington 98166

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

1. ROLL CALL	
2. AGENDA CONFIRMATION	
3. PUBLIC COMMENT	Public comment will be accepted on topics not scheduled for a public hearing.
4. APPROVAL OF MINUTES	March 13, 2012
5. NEW BUSINESS	a. None
6. OLD BUSINESS	a. 2013 Comprehensive Plan Docket Recommendation
7. PLANNING COMMISSION COMMUNICATIONS	
8. DIRECTOR'S REPORT	
9. ADJOURNMENT	
Future Agendas (Tentative)	April 10, 2013 • To Be Determined April 24, 2013 • To Be Determined

Planning Commissioners

Jim Clingan (Chair)
Ray Helms
Nancy Tosta (Vice Chair)

Greg Duff
Brooks Stanfield

Joey Martinez
John Upthegrove

City of Burien

BURIEN PLANNING COMMISSION
March 13, 2013
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

To hear the Planning Commission'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
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair Jim Clingan called the March 13, 2013, meeting of the Burien Planning Commission to order at 7 p.m.

ROLL CALL

Present: Jim Clingan, Greg Duff, Ray Helms, Joey Martinez, Brooks Stanfield, Nancy Tosta and John Upthegrove

Absent: None

Administrative staff present: David Johanson, senior planner; Stephanie Jewett. planner

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Duff, seconded by Commissioner Tosta, to approve the agenda for the March 13, 2013, meeting as modified. Motion passed 7-0.

PUBLIC COMMENT

Chestine Edgar, 1811 SW 152nd St., spoke about the new deadline for submitting applications for Comprehensive Plan amendments and whether the upcoming docket is a one- or two-year docket.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Martinez, seconded by Commissioner Stanfield, and passed 7-0 to approve the minutes of the October 9, 2012, meeting.

OLD BUSINESS

None.

NEW BUSINESS

a. Public meeting on the 2013 Comprehensive Plan Docket

David Johanson explained that the purpose of the public meeting is to receive input on the proposed 2013 Comprehensive Plan amendment docket. He noted that this is a one-year docket and gave a brief overview of the requests received by the March 1st deadline and the other items on the proposed docket. The commissioners discussed how to prioritize the items on the docket.

DRAFT

Chestine Edgar, 1811 SW 152nd St., spoke in support of her request to add changing the land use designation of the area surrounding Lake Burien to low density to the 2013 docket.

Matt Anderson, 127 N. 84th St., Seattle, representing NAVOS, spoke in support of that agency's request to redesignate a portion of the Ruth Dykeman campus SPA-2 and rezone that portion from RS-7,200 to SPA-2, reversing a change that was made in 2009.

Don Warren, 15702 13th Ave SW, spoke in support of the NAVOS request regarding the Ruth Dykeman campus. He also expressed support for the request to change the land use designation around Lake Burien.

b. 2013 Comprehensive Plan Docket Recommendation

The commissioners discussed the proposed docket, including whether or not to include the request regarding Lake Burien.

Direction/Action

Commissioner Martinez moved to delay adopting a recommendation on the annual docket until the March 27th Planning Commission meeting. Commissioner Tosta seconded the motion. Motion carried 6 -1.

PLANNING COMMISSION COMMUNICATIONS

Commissioner Helms inquired as to the status of the Community Development Director position. Mr. Johanson replied that the City is beginning the search for a new director.

DIRECTOR'S REPORT

None

ADJOURNMENT

Direction/Action

Commissioner Tosta moved for adjournment; Commissioner Stanfield seconded. Motion carried 7-0. The meeting was adjourned at 8:04 p.m.

APPROVED:_____

_____
Jim Clingan, chair
Planning Commission

DRAFT

CITY OF BURIEN, WASHINGTON
MEMORANDUM

DATE: March 20, 2013

TO: Burien Planning Commission

FROM: David Johanson, AICP, Senior Planner

SUBJECT: Public Meeting on 2013 Comprehensive Plan Amendment Docket

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Please note this memo has been slightly modified from the original as provided for your March 13th meeting.

PURPOSE

The purpose of this agenda item is for the Planning Commission to hold a public meeting to consider testimony and make a recommendation to the City Council on which amendments to consider as part of the City's 2013 Comprehensive Plan amendment docket. A draft version of Resolution No. 342 establishing the 2013 Comprehensive Plan docket is included as attachment 1.

Burien Municipal Code(BMC 19.65.095.2.A, B and C describe this stage of the amendment process:

> A. By January 1, the City will issue notice of the annual Comprehensive Plan amendment request deadline. The amendment request deadline is March 1.
>
> B. The Director will create a preliminary docket of amendment requests received by the March 1 deadline. The Planning Commission shall hold at least one public meeting on the preliminary docket to consider testimony and make recommendations to the City Council on which amendments to consider, and may recommend a priority be assigned to each proposed amendment.
>
> C. The City Council shall consider the recommendations of the Planning Commission on the preliminary docket, and by May 1 adopt by resolution a final docket of Comprehensive Plan amendments for consideration. [Ord. 397 §4, 2003]

BACKGROUND

The City of Burien adopted its first comprehensive plan in 1997 and in 2003 the city completed a major update to the plan in order for it to be consistent with updates to the Growth Management Act, regional planning and county planning documents. With the exception of the update work in 2003, generally the city has been making annual amendments to the plan and those can be characterized as additive in nature.

This "update" of Burien's Comprehensive Plan is required by RCW 36.70A.130. The state Growth Management Act (GMA) requires counties and cities to periodically conduct a thorough review of their plan and regulations to bring them up to date with any relevant changes in the GMA and to respond to changes in land use and population growth. In July 2011, the City Council concurred with the Comprehensive Plan amendment docket as recommended by the Planning Commission and passed Resolution 322 accepting the 2011-2012 docket. The docket was characterized as a two year work

program and work was completed as resources allowed. The Commission has been working on the docketed items since 2011.

A public notice of the annual amendment process was issued on December 30, 2012 (see Attachment 2). There is one eligible amendment that was submitted by the March 1, 2013 deadline (see Attachment 3). In addition to the formal application, the city received a correspondence requesting that the Planning Commission and City Council review the land use map for the Lake Burien neighborhood as part of the 2013 amendment docket (see Attachment 4).

On March 13, 2013 the Planning Commission held a public meeting and received comment on the preliminary docket. At that meeting the Commission held a discussion on the preliminary docket and decided to defer making a recommendation to the City Council until March 27, 2013.

ACTION

Pursuant to BMC 19.65.095.2.B (see above), the Commission should make recommendations to the City Council on which amendments to consider, and may recommend a priority be assigned to each proposed amendment.

A number of work program items have been completed or substantially completed over the last two years however there are a number of items that will need to reviewed and/or amended. Pursuant to RCW 36.70A.130(5) comprehensive plans and development regulations shall be reviewed and updated to comply with the GMA on or before **June, 30 2015.** It should be noted that this deadline only applies to those items required by the GMA and not those items that the city would prefer to update.

Staff recommends that a higher priority be placed on the work program items necessary to satisfy the requirements of the GMA. The recommended priority rank is included in Attachment 1, Exhibit A. A simple high(H), medium(M) and low(L) ranking system was used. For the purposes of this docket the rank identifies in what order of priority they will be considered. The primary objective of the rank is to ensure that the required comprehensive plan amendments and updates to the development regulations occur prior to the GMA update deadline in 2015. Please also note there are docket items denoted with a "C", generally these have been completed in previous years. These items remain on the docket should the continuing update work find that modifications are necessary to ensure internal document consistency.

Action by the City Council is required by May 1, 2013. The Commission has two options, provided below. Staff recommends Option 1.

Option 1: Recommend approval of the 2013 docket. This option recommends approval of the 2013 docket without changes and puts the highest priority on the GMA items.

> *Option 1 suggested motion:* I move to recommend the City Council adopt Resolution No. 342 establishing the 2013 Comprehensive Plan amendment docket.

Option 2: Modify the proposed 2013 docket. This option would alter the proposed docket by adding and/or removing item(s).

> *Option 2 suggested motion:* I move to recommend the City Council adopt Resolution No. 342 establishing the 2013 Comprehensive Plan amendment docket.
>
> (once the motion is made and seconded, another motion may be presented)
> I move to modify the Comprehensive Plan amendment docket as presented in Resolution 342 by adding _____ and/or removing _____.

And/or

I move to modify the Comprehensive Plan amendment docket as presented in Resolution 342 by amending the priority of the items as follows: _____.

Attachments:

1) DRAFT Resolution 342
2) Comprehensive Plan Amendment Notice Request
3) Application for a Comprehensive Plan Map/Rezone request submitted by Navos
4) Correspondence from Chestine Edgar received via e-mail 3/1/2013

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 342

DRAFT

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, RELATING TO THE COMPREHENSIVE PLAN OF THE CITY OF BURIEN, AS REQUIRED AND ADOPTED PURSUANT TO THE GROWTH MANAGEMENT ACT OF 1990, AS AMENDED (RCW CHAPTER 36.70A), AND AS ADOPTED PURSUANT TO RCW CHAPTER 35A.63; ESTABLISHING THE CITY'S 2013 COMPREHENSIVE PLAN AMENDMENT DOCKET AND WORK PROGRAM.

WHEREAS, the Burien 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 Growth Management Act authorizes the City to amend the Comprehensive Plan on an annual basis and requires cities to periodically conduct a thorough review of their plans and regulations to ensure they are consistent with changes in the Act; and

WHEREAS, in 2003 the City of Burien completed its last thorough Growth Management Act review and completed its last annual amendment process in December of 2011; and

WHEREAS, the City of Burien in 2011 conducted a Visioning process and desires to incorporate this vision into its Comprehensive Plan; and

WHEREAS, the City of Burien intends to update its Comprehensive Plan to comply with relevant State, regional and county planning documents; and

WHEREAS, the City of Burien followed public participation procedures as set forth by BMC 19.65.095; and

WHEREAS, on December 30, 2012 the City of Burien issued a Notice of Comprehensive Plan Review and Update, informing the general public of the update and how they may participate in establishing the scope of work; and

WHEREAS, on March 13, 2013, the City of Burien Planning Commission held a public scoping meeting to allow for interested parties to comment on a draft scope of work and on March 27, 2013 made recommendations to the Burien City Council; and

WHEREAS, the City Council held a public meeting to consider requests for amending the Comprehensive Plan; and

WHEREAS, the City of Burien received one(1) private amendment request, which is included in the Docket and Work Program attached hereto as Exhibit A.

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

Section 1. 2013 Comprehensive Plan Amendment Docket Adopted. The City Council directs City staff and the Planning Commission to analyze, study and make recommendations to City Council on the items listed on the Docket and Work Program attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS _____DAY OF _____, 2013.

CITY OF BURIEN

_____/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

_____/s/ Monica Lusk, City Clerk

Approved as to form:

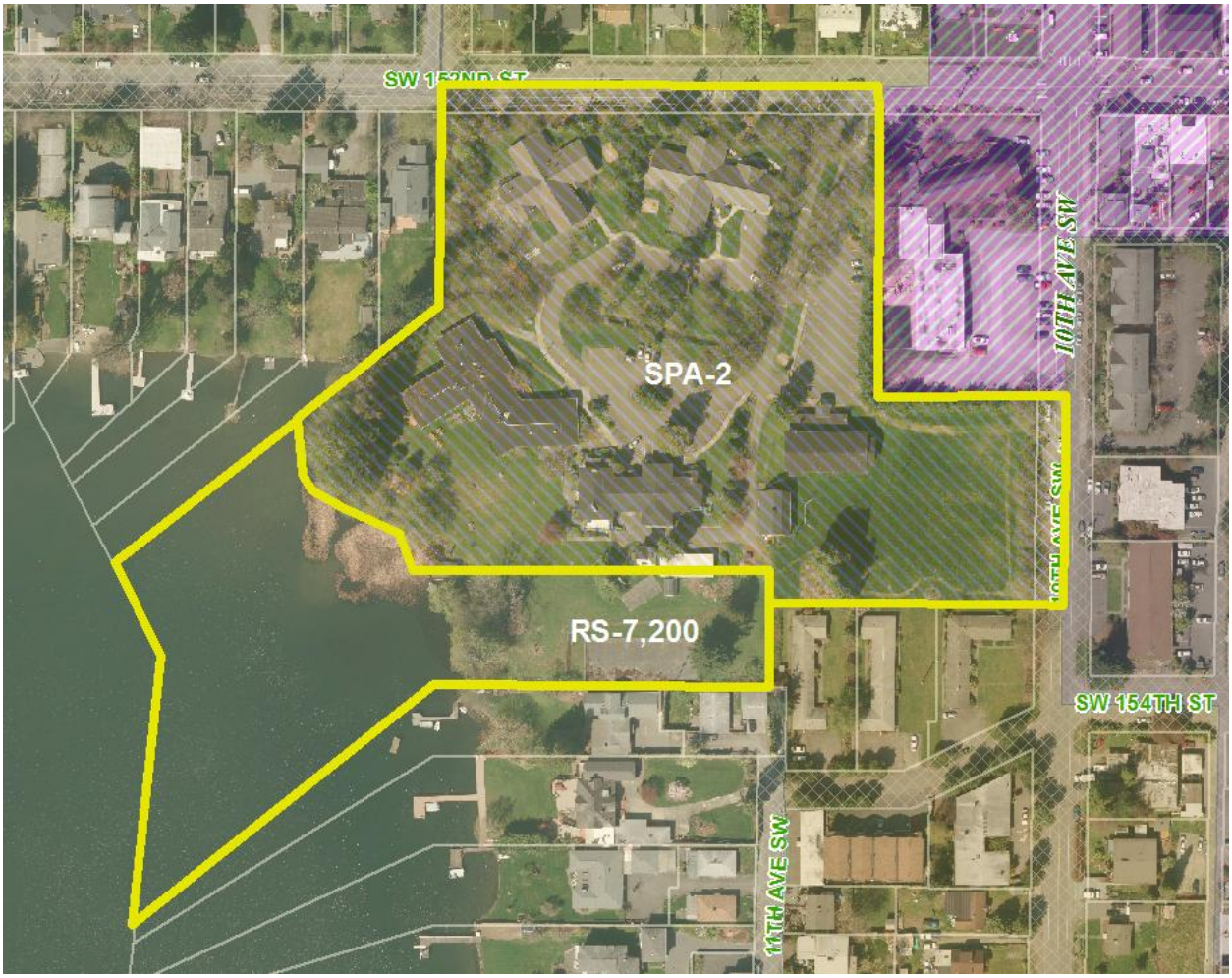
_____/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: April XX, 2013
Resolution Passed: April XX, 2013
Resolution No. 342

RESOLUTION 342—EXHIBIT A
2013 COMPREHENSIVE PLAN AMENDMENTS
DOCKET AND WORK PROGRAM
May XX, 2013

Item No.	Priority	Topic
1	L	Reformat document centered on updated vision.
2	L	Streamline Plan, combine or eliminate goals and/or policies as needed or are no longer applicable.
3	M	Update maps throughout entire document to include North Burien and updated information.
4	M	Develop measurable action items implementing policies.
5	M	Examine critical area designations and ensure they are consistently applied throughout the city.
6	C	Integrate policy direction of Transportation Master Plan.
7	M	Integrate policy direction of Park Recreation and Open Space plan update.
8	M	Integrate policy direction of Drainage Master Plan.
9	H	Integrate Shoreline Master Program into comprehensive plan.(Pending outcome of SMP adoption)
10	H	Integrate required elements of Vision 2040
11	H	Integrate required elements of GMA and other State laws since 2003
12	H	Integrate required elements of the King County Countywide Planning Policies
13	C	Update growth targets as specified in the Countywide Planning Policies
14	H	Incorporate North Burien into applicable policies and the Comprehensive Land Use Map.
15	H	Ensure sufficient land to accommodate housing for all economic segments
16	M	Update utility policy and supporting background information.
17	H	Ensure best available science is current and update if necessary.
18	L	Review and update policy to ensure minimal impacts to natural features, habitat and wildlife.
19	L	Address climate change.
20	C	Ensure transportation connectivity is included.
21	C	Strengthen support for providing alternative transportation modes.
22	C	Include policies promoting healthy eating and active living.
23	M	Update essential public facilities policy as appropriate.
24	H	Update capital facility planning consistent with GMA.
25	L	Establish an approach to develop neighborhood plans.
26 (NEW)	H	Comp Plan Ref. No. 2013-1, Navos Comprehensive Map Amendment and Rezone Request, Land Use Application No. PLA 13-0413, (see page 4 below)
27	M	Update existing conditions/background information.
28	H	Comply with applicable State Environmental Policy Act Review Requirements.

Ref. No.	INDIVIDUAL PROPOSED AMENDMENTS	Proposed By
2013-1	**Comprehensive Plan Map Amendment/Rezone Request** **Parcel Nos**.192304-9054 (See map below) **Addresses:** 1033 SW 152nd Street (See map below) **File No.** PLA 13-0413 **Request:** Comprehensive Plan change from Moderate Density Residential Neighborhood to Special Planning Area 2 and Rezone from Residential Single-Family 7,200 (RS-7,200) to Special Planning Area 2 (SPA-2).	**Property Owners**



Comprehensive Plan Amendment Request Notice

City of Burien **400 SW 152nd Street, Suite 300** **Burien, Washington 98166-3066**

Comprehensive Plan Update

The City of Burien is initiating its annual Comprehensive Plan amendment process for 2013 and this year the City will be continuing the update process initiated in 2011. In addition, the City is accepting new individual requests to be considered during the 2013 Comprehensive Plan docketing process.

The final Comprehensive Plan Docket will be determined by the City Council in April following a recommendation by the Planning Commission.

Request Submittal Deadline March 1, 2013, 5:00 pm

Individuals and organizations may propose amendments to the Comprehensive Plan. The deadline for submittal of these Comprehensive Plan Amendment requests is 5:00 pm, March 1, 2013. Please note that an amendment to the Comprehensive Plan land use map also may require a Rezone. Application packets are available at City Hall and on the city website www.burienwa.gov. A filing fee is required for amendment requests. We also recommend meeting with Planning staff (see contact information below) prior to filing.

Public Meeting March 13, 2013, 7:00 pm

The Burien Planning Commission will hold a public meeting for interested parties to learn about and comment on the preliminary docket of amendment requests on March 13, 2013, at 7:00 pm at the Burien Library/City Hall Multi-Purpose Room. This meeting will be televised live on BCTV Channel 21, and streamed live and archived at www.burienmedia.org.

File Availability

The 2013 Comprehensive Plan Amendment file is available for viewing at Burien City Hall during regular business hours. All Planning Commission and City Council packets also are available online at www.burienwa.gov. To be notified of future meetings related to the Comprehensive Plan, please sign up for our comprehensive plan e-mail list at http://www.burienwa.gov/list.aspx.

How to Comment

Written comments regarding the Comprehensive Plan preliminary docket may be submitted in person, via mail, e-mail or by facsimile. Oral comments can be provided at the preliminary docket meeting or during the public comment portions of Planning Commission and City Council meetings, at the discretion of the Chair. Additional notice of public hearings on specific amendments will be provided.

Project Planner (for submittal of written comments or for more information)

David Johanson, AICP
Department of Community Development
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166
Phone: (206) 248-5522 E-Mail: davidj@burienwa.gov

Date of Notice: December 30, 2012

Burien
Washington, USA

Comprehensive Plan Amendment Request (Includes rezones)

400 SW 152nd Street, Suite 300 Burien, WA 98166
Phone: (206) 241-4647 • FAX: (206) 248-5539
www.burienwa.gov

Amendment Type	Reference Number (staff will assign)
___ Map amendment ___ Text amendment ___ Quasi-Judicial Rezone	PLA 13-0413

APPLICANT INFORMATION		
Name: Chris Fiori	Company: Heartland LLC	Daytime Phone: 206-682-2500
Mailing Address: 1301 First Avenue, Suite 200 - Seattle, WA 98101		E-mail: cfiori@htland.com
Contact person: Chris Fiori	E-Mail: cfiori@htland.com	Daytime Phone: 206-682-2500
Property owner: Navos		Daytime Phone: 206-933-7000
Mailing Address: 2600 SW Holden Street - Seattle, WA 98126		E-Mail: jerry.scott@navos.org

SITE INFORMATION (if applicable)		
Site Address: 1033 SW 152ND STREET, BURIEN, WA 98166	Parcel Number: 192304-9054	
Existing Zoning District: RS-7200 and SPA-2	Existing Comprehensive Plan designation: Moderate Density Residential and SPA-2	
Requested Zoning: SPA-2	Requested Plan designation: SPA-2	
Number of Acres: 7.49 ACRES (LAND ONLY) 10.14 ACRES (LAND + WATER)	Current Land Use: Institutional	

Critical areas present: ☒ Wetlands ☐ Streams ☒ Critical Aquifer ☐ Landslide Hazard Area ☐ Fish & Wildlife

Brief description of proposal (attach additional sheets if necessary):

In 2009, a portion of the Subject Parcel was rezoned from SPA-2 to RS-7200. Navos is in the process of developing a campus master plan for a Behavioral Healthcare Center of Excellence that will incorporate the entire parcel, including the RS-7200 land. Therefore, Navos would like to rezone the RS-7200 portion of the property to revert back to uniform SPA-2 zoning across the entire parcel. The preliminary plan for near-term improvements on or adjacent to the portion of property for which a rezone is requested includes landscaping, play areas, outdoor recreational spaces, renovations to existing structures, and construction of a new office building. The current split-zoning impedes flexibility in locating these planned improvements because of the required buffering between the SPA-2 uses and the RS-7200-zoned land. Some portion of the planned campus uses may be best-located in the buffer area. Rezoning the RS-7200 portion of the Site will allow Navos the flexibility to achieve an optimal campus configuration.

RECEIVED
FEB 28 2013 @ 2:20 pm
CITY OF BURIEN

SIGNATURE

I, Jerry Scott, declare that I am the owner of the property involved in this application, and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I designate Heartland LLC to act as my agent with respect to this application. I agree to reimburse the City of Burien for the costs of professional engineers and other consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff.

Dated: 3/1/13 Signature: _____

HEARTLAND

March 1, 2013

Stephanie Jewett, AICP
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166

Ms. Jewett,

Please accept the following as an attachment to the Comprehensive Plan Amendment Request for the Ruth Dykeman Children's Center property, parcel 1923049054. We look forward to working with the City to ensure that all necessary criteria for this proposed rezone have been adequately addressed. If you have any questions or concerns, please do not hesitate to contact our firm.

Sincerely,
HEARTLAND, LLC

Matt Anderson
Principal & Director

1301 First Avenue, Suite 200 Seattle, Washington 98101 TEL 206 682-2500 FAX 206 467-1429 WWW.HEARTLANDLLC.COM

COMPREHENSIVE PLAN AMENDMENT CRITERIA AND JUSTIFICATION

A. THE PROPOSED AMENDMENT IS THE BEST MEANS FOR MEETING AN IDENTIFIED PUBLIC BENEFIT.

Navos is a King County, WA-based non-profit whose mission is to improve the quality of life of people vulnerable to mental illness by providing a broad continuum of care. Navos is in the process of developing a Master Plan for the Behavioral Healthcare Center of Excellence for Children, Youth and Families ("the Lake Burien Campus"), on the subject property.

The Site of the Lake Burien Campus is one legal parcel, which is currently split-zoned. The majority of the parcel zoned SPA-2 and a small portion of the property in zoned RS 7200. In support of Navos' goal of developing a Center for Excellence on the property, Navos is looking to rezone the portion of the property zoned RS-7200 to SPA-2. Because of the change in future land use from residential to Special Use, this rezone requires a Comprehensive Plan Amendment. Please see Exhibit I for a map denoting the proposed rezone.

This amendment would support protection of the fragile lake ecosystem by effectively precluding the subdivision of the RS-7200 land into residential lots. It is not anticipated that Master Plan development program elements (i.e., gross square footage of development, parking, and lot coverage, among others) would be affected by this rezone.

As a historical note, the entire property was zoned SPA-2 prior to a rezone in 2009. At the time, the Ruth Dykeman Center had planned to subdivide a portion of the property and sell residential lots to help support its mission. The land was rezoned and subsequently platted for 3 residential lots, but the subdivision later expired, leaving the zoning RS-7200. This application seeks to restore the entire property to the pre-existing SPA-2 zoning, which is more suited to its current use and allows the area to be more easily incorporated into the property's master plan.

The SPA-2 zone requires a 20-foot landscape buffer where adjacency with residential zones occurs. This is true even if the adjacent residential use is located on the same legal parcel and is owned by the same entity as the SPA-2 zoned land, as is the case for the subject property. This condition, if left unchanged, could have a negative impact on both site planning and use of outdoor space by Lake Burien Campus clients, residents, and staff.

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.

We are confident that the proposed comprehensive plan change is consistent with the GMA. The site is located within the UGA and the majority of the site has already been designated as a Special Planning Area within the framework of the GMA and Countywide Planning Policies. Furthermore, the applicant is seeking to restore the historic land use designation for the property and reinstate zoning that is consistent with the past planning process.

The applicant believes that the request for the comprehensive plan change is consistent with Buren Comprehensive Plan Policy SE 1.3, which states:

Special Planning Area 2 includes the Ruth Dykeman Children's Center facilities in Lake Burien. 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:

a. Public access to the water is prohibited; and

b. 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 of modification of the 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.

The applicant believes that this rezone will better prohibit public access to the lake, whereas the existing residential zoning keeps open the possibility of a later subdivision, the sale of which could be to a private entity or a public one.

Navos is in the process of developing a Master Plan for the site in keeping with the types of uses listed in this policy of the Comprehensive Plan.

C. THE PROPOSED AMENDMENT WILL RESULT IN A NET BENEFIT TO THE COMMUNITY.

Navos' goal for the site is to create a Center for Excellence in Behavioral Health, serving the youth and families of Burien and neighboring communities. This Center of Excellence will be a tremendous civic asset as conceived in the Master Plan, which will be shared broadly with neighbors and the Burien community beginning in Spring 2013.

D. THE REVISED COMPREHENSIVE PLAN WILL BE INTERNALLY CONSISTENT.

It is the applicant's assumption that the reconciliation of two different zoning designations on the same legal parcel would not cause any inconsistencies in the City of Burien Comprehensive Plan.

E. THE CAPABILITY OF THE LAND CAN SUPPORT THE PROJECTED LAND USE.

It is the applicant's understanding that the determination of the capability of the land can support the projected land use would be evaluated in the SEPA review process for the site, which will be conducted as a part of the Master Planning process for the Lake Burien Campus. Since this rezone is reverting the zoning back to its original zoning prior to the 2009 rezone, the applicant assumes that the City made the determination that the land could support the projected SPA-2 use during its original designation.

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.

It is the applicant's understanding that the determination of whether adequate public facility capacity exists to support the projected land use would be evaluated in the SEPA review process

for the site, which will be conducted as a part of the Master Planning process for the Lake Burien Campus.

G. THE PROPOSED AMENDMENT WILL BE COMPATIBLE WITH NEARBY USES.

The proposed amendment would change the land use designation and zoning back to its condition prior to 2009, and therefore it is assumed that the City determined the SPA-2 use to be compatible with nearby uses when the original zoning was enacted. Navos intends to create a Master Plan which is compatible with the goals of the intentions of the SPA-2 zone.

H. THE PROPOSED AMENDMENT WOULD NOT PREVENT THE CITY FROM ACHIEVING ITS GROWTH MANAGEMENT ACT POPULATION AND EMPLOYMENT TARGETS.

Navos has no plan to develop the RS-7200 land for residential uses with or without the proposed Comprehensive Plan amendment. As such, it is the applicant's assumption that this action would no impact on GMA targets. Even if subdivided and developed as residential lots, the three potential lots would have a negligible affect on GMA growth targets. Furthermore, having the ability to most-efficiently master plan the property will allow Navos to maximize its organizational capacity at the site, thus supporting the City's employment growth goals.

For a Comprehensive Plan land use map change, the applicable designation criteria for the proposed land use designation are met when 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,

Navos's merger with the Ruth Dykeman Children's Center negated the real or perceived need for the rezone of a portion of the parcel from SPA-2 to RS-7200. The master planning process for the Center of Exellence on Lake Burien has created the need for zoning consistency across the property, in light of the site planning and private open space considerations noted in response to criteria (A), above.

ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.

Navos's has no opinion as to whether the Ruth Dykeman Children's Center rezone process that gave rise to the need for this amendment and rezone was inappropriate.

SITE SPECIFIC REZONE CRITERIA AND JUSTIFICATION

A. THE REZONE IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

The rezone restores the zoning designation that was in place prior to 2009. The applicant is seeking a Comprehensive Plan revision concurrently with a zoning change to ensure consistency between the Comprehensive Plan designation and the zoning on the single legal parcel in question.

B. THE REZONE WILL ADVANCE THE PUBLIC HEALTH, SAFETY, OR WELFARE.

Navos' goal for the site is to create a Center for Excellence in behavioral health, serving the youth and families of Burien and neighboring communities. This will be a tremendous civic asset as conceived in the Master Plan, which will be shared broadly with neighbors and the Burien community beginning in Spring 2013.

The application believes that this rezone will better prohibit public access to the lake, in keeping with Comprehensive Plan Policy SE 1.3.

C. THE REZONE WILL NOT HAVE SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS THAT ARE MATERIALLY DETRIMENTAL TO ADJACENT PROPERTIES OR OTHER AFFECTED AREAS.

It is the applicant's understanding that the determination of the capability of the land can support the projected land use would be evaluated in the SEPA review process for the site, which will be conducted as a part of the Master Planning process for the Lake Burien Campus. Furthermore, since this rezone is reverting the the zoning designation of the site to its original SPA-2 designation, it is the applicants assumption that environmental impacts of SPA-2 intended uses were examined when the property was initially given the SPA-2 designation.

D. THE REZONE IS NECESSARY BECAUSE AT LEAST ONE OF THE FOLLOWING IS MET:

a. Conditions in the immediate vicinity or neighborhood have changed so that it is in the public interest to approve the rezone, or

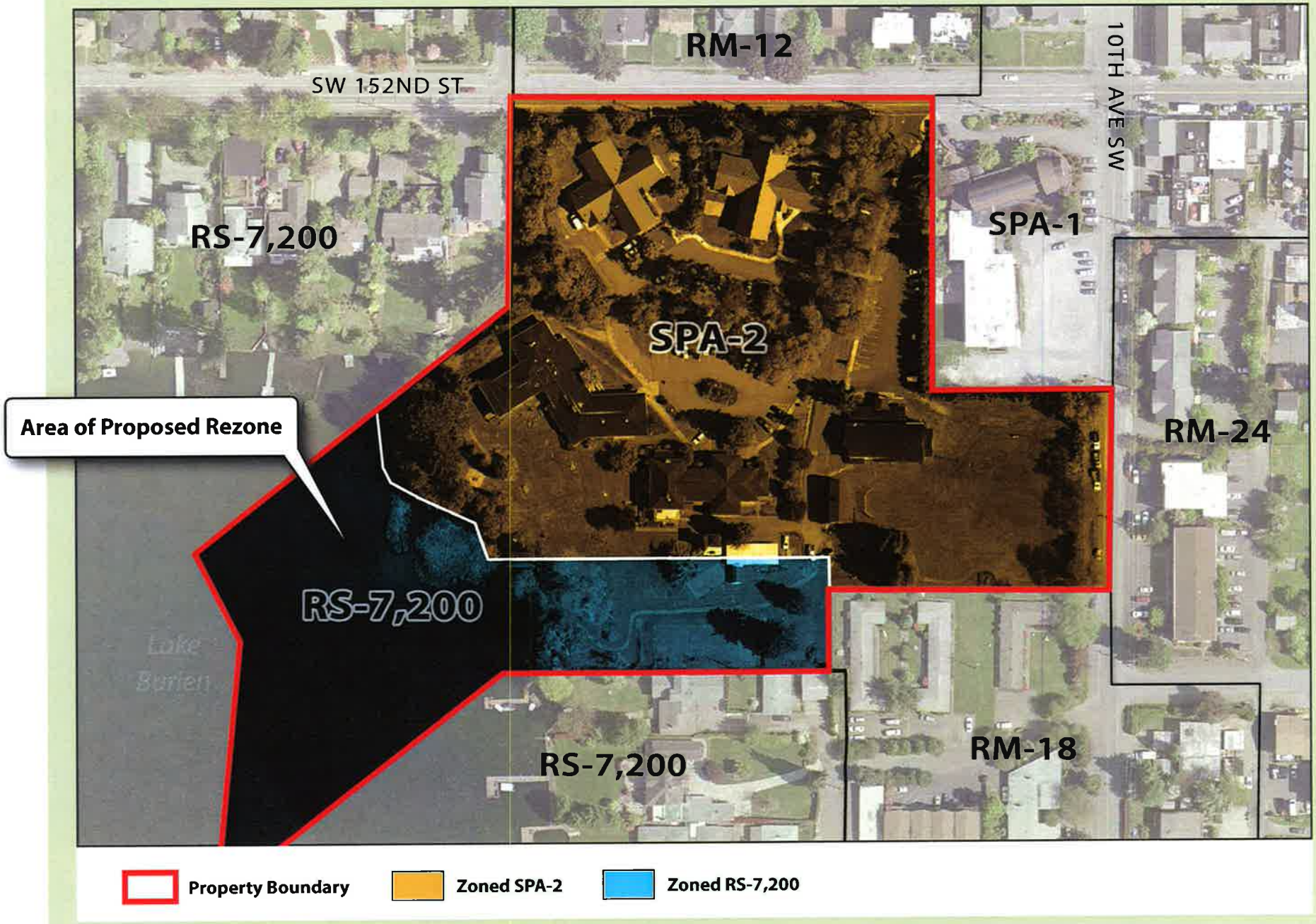
b. The rezone will correct a zone classification or zone boundary that was inappropriate when established, or

c. The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.

The applicant is seeking a Comprehensive Plan change and a simultaneous zoning change. Navos believes that it is in the public interest to establish a successful Behavioral Healthcare Center of Excellence for Children, Youth and Families on the Subject Property, and the requested change of zoning can help support the operational quality of the Center and allow flexibility in siting buildings within the parameters of the Master Plan.

Exhibit I

Ruth Dykeman Wellness Center: Existing Zoning



HEARTLAND

David Johanson

From: Chestine Edgar [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
Attachments: Comp Plan Land Use map amendment request 2013.doc

To All,

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

ATTACHMENT 4

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.

The conditions for the Lake Burien Neighborhood have markedly changed since that request was considered and put on the docket in 2010. 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