

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 591

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### **AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO 2013 COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS, 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, pursuant to RCW Chapter 35A.63 and as required by the Growth Management Act ("GMA") of 1990, as amended; and

WHEREAS, the City Council adopted Resolution No. 342 on April 1, 2013, which established the docket of possible Comprehensive Plan amendments to be considered as part of the City's annual amendment package; and

WHEREAS, public notice was provided and the City of Burien Planning Commission held a public hearing on October 23, 2013 pertaining to proposed amendments to the zoning map, comprehensive plan map and zoning code amendments; 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 18, 2013 and December 2, 2013 to discuss the proposed amendments; and

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

WHEREAS, the City of Burien provided the proposed comprehensive plan amendment to the Washington State Department of Commerce on September 20, 2013 and did not receive any comments by the 60-day comment deadline of November 19, 2013; and

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

- Planning Commission meeting minutes of March 13, 2013, March 27, 2013, October 9, 2013 and October 23, 2013;
- City Council findings (attached Exhibit A)
  - o Docket Ref. No. 26, Navos Comprehensive Plan Map Amendment, Rezone Request and zoning code amendment;

the City Council finds that approval of amendments to the Comprehensive Plan and Zoning Maps attached hereto as Exhibit B 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. Amendments to the Comprehensive Plan and Zoning Maps. The City Council hereby adopts the amendments to the Burien Comprehensive Plan and Zoning Maps, attached as Exhibit B, and further adopts the findings in support of said amendments, attached as Exhibit A, which Exhibit A is incorporated by this reference as if fully set forth herein.

Section 2. 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 3. 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 2<sup>nd</sup> DAY OF DECEMBER, 2013, AND SIGNED IN AUTHENTICATION OF ITS  
PASSAGE THIS 2<sup>nd</sup> DAY OF DECEMBER, 2013.**

CITY OF BURIEN  
/s/ Brian Bennett, Mayor

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

Approved as to form:  
/s/ Ann Marie Soto, Acting City Attorney

Filed with the City Clerk: December 2, 2013  
Passed by the City Council: December 2, 2013  
Ordinance No. 591  
Date of Publication: December 5, 2013

CITY OF BURIEN  
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2013 Comprehensive Plan Map Amendment and Rezone Request  
for  
Navos (Ruth Dykeman Children's Center)

**AMENDMENT REFERENCE NUMBER:** 2013-1

**APPLICANT(S):** Chris Fiori with Heartland, LLC for Navos (Ruth Dykeman Children's Center), Property Owner

**LOCATION:** 1033 SW 152<sup>nd</sup> Street, Burien WA 98166 (See Attachment 1).

**REQUEST(S):**

1. Change Comprehensive Plan Designation from Moderate Density Residential Neighborhood to Special Planning Area 2.
2. Change Zoning Designation from RS-7,200 Single-Family Residential to SPA-2 Special Planning Area 2.

**TAX PARCELNUMBER(S):** 192304-9054

**STAFF RECOMMENDATIONS:**

1. Amend Comprehensive Plan Designation from Moderate Density Residential Neighborhood to Special Planning Area 2.
2. Amend Zoning Designation from RS-7,200 Single-Family Residential to Special Planning Area 2 (SPA-2).

**FINDINGS**

**HISTORY (Comprehensive Plan):**

1981: The King County Highline Community Plan designated the subject property as Community Facility.

1997: The City of Burien Comprehensive Plan designated the subject property as Downtown Commercial with a Special Enhancement Area overlay.

1999: The Burien Comprehensive Plan map designated the subject property as Special Planning Area 2.

2009: The Burien Comprehensive Plan map designation for this portion of the subject parcel was amended to Moderate Density residential Neighborhood by approval of Request No. 2008-7 (PLA 08-0838).

**HISTORY (Zoning):**

1981: The King County Zoning Map designated the subject properties RM-1,800.

1994: The City of Burien interim zoning map designated the property as R-24.

1999: The City of Burien zoning map designated the property as Special Planning Area 2 (SPA-2).

2009: The Burien zoning map designation for this portion of the subject parcel was amended to RS-7,200 Single-Family Residential by approval of Request No. 2008-7 (PLA 08-0838).

**CURRENT LAND USES:**

<b>Land Use</b>	<b>Status Under Current Plan and Zoning</b>
Community Residential Facility	Approved Master Plan, July 17, 2013 (PLA 13-0733)

**ADJACENT COMPREHENSIVE PLAN/ZONING DESIGNATIONS:**

<b>Direction</b>	<b>Comp. Plan Designation</b>	<b>Zone</b>	<b>Current Uses</b>
North	Low Density Multi-Family Neighborhood	RM-12 Residential Multiple Family	Multiple-family and Single-family residential
South	High Density Multi-Family Neighborhood and Moderate Density Residential	RS 7,200 Residential Single Family and RM-18 Residential Multiple Family	Multiple-family residential and Single-family residential
East	High Density Multi-Family Neighborhood and SPA-1	RM-18 and SPA-1	Multiple-family residential and religious facility
West	Moderate Density Residential	RS-7,200 Residential Single Family	Single-family residential

**DISCUSSION:**

The applicant stated the intent of the amendment request is to rezone the southern portion of the Ruth Dykeman Children’s Center property to revert back to the pre-2009 designation of Special Planning Area 2 to facilitate implementation of its newly adopted campus master plan for a Behavioral Healthcare Center of Excellence that will encompass the entire subject parcel. The current split zoning designation of the property impedes Navos ability to locate planned improvements for the campus due to required buffers between RS-7,200 and SPA-2 zoning designations. Approval of the requested amendment will allow Navos the flexibility needed to achieve an optimal campus configuration for the Healthcare Center for Excellence.

**REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT**

Zoning Code section 19.65.095.6 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (in italics, followed by Planning Commission and staff response):

***A. The proposed amendment is the best means for meeting an identified public benefit.***

Navos is a non-profit organization with a mission to improve the quality of life for people vulnerable to mental illness by providing a broad continuum of care. A campus master plan was recently completed for the subject property (PLA 13-0733) for development of the Behavioral Healthcare Center of Excellence for Children, Youth and Families on the Lake Burien campus.

The negative impacts associated with the split land use and zoning designation for the subject property, which will affect site planning in conformance with the adopted master plan and adversely impact the use of outdoor space by campus clients, residents and staff, will be resolved by the proposed amendment thus enabling Navos to better address their mental healthcare mission. In addition, approval of the amendment would support protection of the fragile lake ecosystem by eliminating the possibility of constructing single-family homes and facilitating a more environmentally sensitive development as approved in the campus master plan.

**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.***

The proposed amendment is consistent with the intent of the Growth Management Act, PSRC and Countywide Planning Policies as it will facilitate the provision of regional mental healthcare services. The majority of the subject parcel has already been designated as a Special Planning Area within the framework of the GMA and Countywide Planning Policies and the proposed amendment seeks to restore the historic land use designation for the property and reinstate zoning that is consistent with the past planning process.

The proposed amendment is consistent with Burien Comprehensive Plan Policy SE 1.3 which recognizes the unique use, campus and location of the Navos/Ruth Dykeman Center and encourages and supports continued operation of the facility with environmental reviews to protect adjacent wetlands and Lake Burien. Major expansions of the facility are to be reviewed as part of an approved master plan, which was recently completed by Navos (PLA 13-0733). Note that the applicant cites in their justification a portion of the Comprehensive Plan Policy SE 1.3 regarding public access to Lake Burien which was in effect at the time of their application but was subsequently removed from the Comprehensive Plan.

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

The proposed amendment will result in a net benefit to the community by furthering Navos' mission to create a Center for Excellence in Behavioral Health providing mental health services for youth and families in Burien and neighboring communities, while also complying with the approved master plan that includes enhancements to the wetland and shoreline on Lake Burien.

**D. *The revised Comprehensive Plan will be internally consistent.***

The proposed amendment will resolve a split land use and zoning designation currently in place on the subject parcel and will result in consistent land use and zoning designations thereby facilitating campus development in conformance with the recently approved campus master plan (PLA 13-0733) and ensuring internal consistency in the Comprehensive Plan.

**E. *The capability of the land can support the projected land use.***

A detailed analysis of the subject property was conducted as part of the campus master plan review (PLA 13-0733) to address facility and environmental constraints and the applicant submitted a critical area study defining and delineating critical areas on the site. The primary constraints are the wetlands and shorelines found on the western portions of the site. The presence of critical areas has been accommodated in the approved campus master plan and the land has the capability to support the projected land use.

**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.***

The applicant has demonstrated the adequacy of public facility capacity to serve the projected land use as part of the analysis for the recently approved campus master plan (PLA 13-0733).

**G. *The proposed amendment will be compatible with nearby uses.***

Properties to the west of the subject property are designated Moderate Density Neighborhood and are developed with single-family residential homes. To the north of the proposed comprehensive plan map change is the existing Ruth Dykeman Children's Center. South of the property is designated and developed with single family residential uses and medium density multi-family developments. Finally to the east, the area is designated SPA-1 (Old Burien) and High Density Residential Neighborhood and contains a religious facility and multi-family residential development respectively.

The proposed amendment would change the land use designation and zoning back to designations in place prior to the 2009 amendment and would implement the development strategies identified in the approved campus master plan (PLA 13-0733). The approved campus plan was evaluated for compatibility with adjacent uses as part of the development review process and is compatible with the goals established for the SPA-2 designation.

**H. *The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets.***

The proposed amendment would result in the loss of three potential residential lots which would have a negligible effect on Burien's population target. Approval of the proposed amendment will allow the applicant to most efficiently implement the recently approved campus master plan (PLA 13-0733) and maximize its organizational capacity, thus supporting Burien's employment target.

**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; or,***
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.***

The merger of Navos and Ruth Dykeman Children's Center eliminated the need for the previous amendment which changed the designation from SPA-2 to Single-Family Residential. The recently approved campus master plan (PLA 13-0733) has established the need for zoning consistency across the property to allow the Behavioral Healthcare Center of Excellence for Children, Youth and Families to fully implement its mission statement. For this reason the current designation for the property is no longer appropriate.

**REVIEW OF CRITERIA FOR REZONE**

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

**A. *The rezone is consistent with the Comprehensive Plan.***

The requested rezone to SPA-2 would restore the previous zoning designation for the property and would be consistent with the proposed Comprehensive Plan if the Comprehensive Plan designation is changed (see criteria and discussion above). Staff is recommending that the Comprehensive Plan map change request be approved.

**B. *The rezone will advance the public health, safety or welfare.***

Expansion of the campus will provide expanded access to behavioral healthcare services for youth and families in Burien and surrounding areas.

**C. *The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.***

There is no evidence to support that a rezone will have significant adverse environmental impacts that are materially detrimental to uses in the immediate vicinity of the property. A recently approved campus master plan (PLA 13-0733) for the subject property addressed any facility and environmental constraints that exist for the property. The presence of critical areas has been accommodated in the approved campus master plan and traffic and parking impacts associated with the proposed use are to be mitigated at time of development permit review.

**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 boundary that was inappropriate when established, or**
- c. The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.**

The proposed rezone will better serve the public interest by allowing full implementation of the recently approved campus master plan to establish a successful Behavioral Healthcare Center of Excellence for Children, Youth and Families on the subject property than the current designation of the property as RS-7,200 Single-Family Residential, while restoring wetland and shorelines as set forth in the approved master plan.

**ATTACHMENTS**

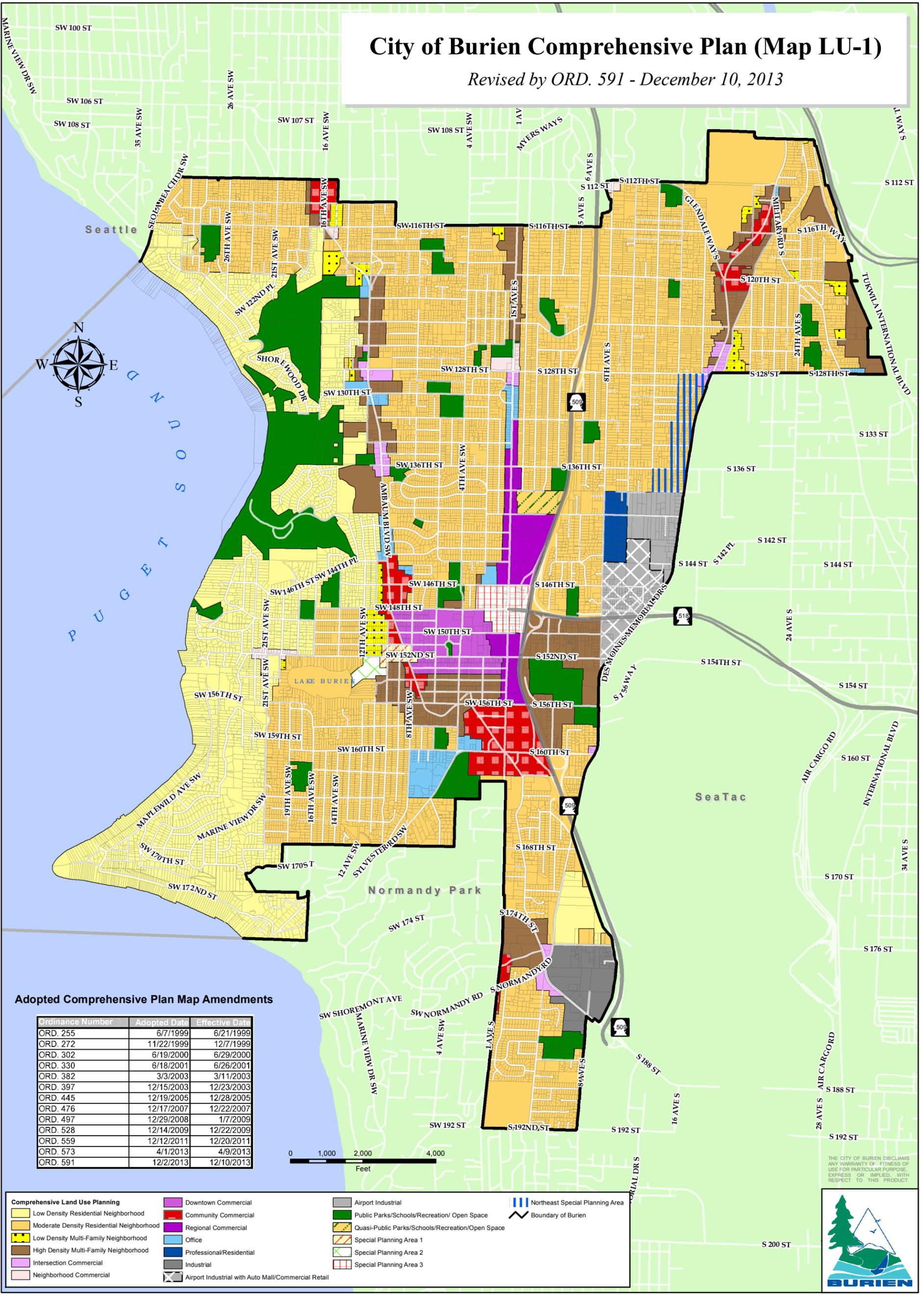
1 - Vicinity Map

2 - Comprehensive Plan Amendment and Rezone Request, received February 28, 2013

3 – Planning Commission Minutes for October 9<sup>th</sup> Meeting and October 23<sup>rd</sup> Public Hearing

# City of Burien Comprehensive Plan (Map LU-1)

Revised by ORD. 591 - December 10, 2013



### 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	4/1/2013	4/9/2013
ORD. 591	12/2/2013	12/10/2013



<b>Comprehensive Land Use Planning</b>	Downtown Commercial	Airport Industrial	Northeast Special Planning Area
Low Density Residential Neighborhood	Community Commercial	Public Parks/Schools/Recreation/ Open Space	Boundary of Burien
Moderate Density Residential Neighborhood	Regional Commercial	Quasi-Public Parks/Schools/Recreation/Open Space	Special Planning Area 1
Low Density Multi-Family Neighborhood	Office	Special Planning Area 2	Special Planning Area 3
High Density Multi-Family Neighborhood	Professional/Residential	Industrial	
Intersection Commercial	Airport Industrial with Auto Mall/Commercial Retail		
Neighborhood Commercial			

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