



PLANNING COMMISSION AGENDA
March 12, 2014, 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 February 26, 2014

5. OLD BUSINESS None

6. NEW BUSINESS a) 2014 Comprehensive Plan Docket: Pubic Meeting
b) 2014 Comprehensive Plan Docket Recommendation

**7. PLANNING
COMMISSION
COMMUNICATIONS**

8. DIRECTOR'S REPORT

9. ADJOURNMENT

**Future Agendas
(Tentative)** March 26, 2014

- 2014 Comprehensive Plan Docket Recommendation to City Council (if necessary)
- 2014 Comprehensive Plan – Housing Element

Planning Commissioners

Jim Clingan (Chair)

Ray Helms

Joey Martinez (Vice Chair)

Butch Henderson

**Greg Duff
Brooks Stanfield**

City of Burien

BURIEN PLANNING COMMISSION
February 26, 2014
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 February 26, 2014, meeting of the Burien Planning Commission to order at 7:00 p.m.

ROLL CALL

Present: Jim Clingan, Greg Duff, Ray Helms, Butch Henderson, Joey Martinez, Brooks Stanfield

Absent: (one position vacant)

Administrative staff present: David Johanson, senior planner; Brandi Eyerly, planner

AGENDA CONFIRMATION

Direction/Action

Motion was made by Vice Chair Martinez, seconded by Commissioner Henderson, to approve the agenda for the February 26, 2014, meeting. Motion passed 6-0.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Martinez, seconded by Commissioner Stanfield, and passed 6-0 to approve the minutes of the February 12, 2014, meeting.

PUBLIC COMMENT

Marty Kooistra, 1284 SW 164th St., executive director of the Housing Development Consortium, spoke about what he described as a growing concern in South King County about the preservation of existing housing stock and the need for code enforcement strategies and support strategies from various sources, including nonprofits, to help residents maintain and upgrade their homes. He said neighborhood value comes from the appearance and nature of the housing. He encouraged the commissioners to examine in the Comprehensive Plan how the City, in partnership with other organizations, can emphasize the capacity necessary to help Burien residents maintain a high-quality housing stock which will, in turn, encourage people to move to Burien.

Sam Pace, 29839 154th Ave SE, Kent, a housing specialist representing Seattle-King County Realtors, presented three documents to the commissioners: the first, a letter to the commissioners transmitting suggestions for updating the housing element; the second, an explanation of the relationships between the Growth Management Act, countywide planning policies, comprehensive plans and development

regulations; and the third, a summary of a panel presentation at the Seattle King County Realtors 19th annual housing issues briefing for city council members and candidates in May 2013.

OLD BUSINESS

None.

NEW BUSINESS

Comprehensive Plan Update: Housing Element, Continuing Discussion

David Johanson noted that the agenda item is a continuation of the discussion begun at the commission's Feb. 12th meeting about the Housing Element of the Comprehensive Plan.

He drew the commissioners' attention to the three attachments to his memo in the meeting packet: the housing element from Vision 2040; a description of the trends in household types and sizes in the Puget Sound region, dated December 2012; and an article from the American Planning Association's magazine describing the housing needs/desires of Generation Y, immigrants and senior adults.

He said the commissioners will be looking at Burien's capacity to absorb more housing growth; if greater capacity is needed, where and how will it be accommodated? Mr. Johanson invited the commissioners to continue the discussion they began at their February 12th meeting.

Commissioner Helms expressed his belief that businesses will be attracted to areas where the housing stock is well-maintained, adding that although maintenance is a function of code enforcement rather than zoning, it is still something to be considered and encouraged. He said that although rental units are the current trend, he wondered if new apartments could be constructed at a high enough quality that they could be converted to condominiums when that market re-emerges.

Commissioner Stanfield agreed that the City should not focus on only one trend but work to accommodate all needs while keeping an eye on the community's vision for Burien. He said he agreed with Mr. Pace's statement that the City's policies should support versatility, affordability, diversity and flexibility. He said he was thinking of several different policy areas, based on the commission's discussion thus far: preservation of existing housing stock, zoning and capacity, and versatility.

Commissioner Martinez said he grew up in and around government housing in East Los Angeles and there is nothing in Burien, or being considered for Burien, that is remotely similar to that, despite the fears voiced by some people in the community.

Commissioner Henderson asked how, with current zoning, the City can transition to accommodate all the various housing needs/desires. Mr. Johanson replied that the City is required to plan out to 2035. He said the early indication is that Town Square will provide greater capacity than previously anticipated and that, combined with a few other projects in the pipeline and credit for units recently constructed, puts the City's number at approximately 30 units greater than its target number. He said the vacant and underutilized land in the city is zoned approximately one-third single family, one-third multifamily and one third mixed use, which is a good mix, but there is no guarantee the market will build exactly that.

Commissioner Duff said he believes that as Seattle reaches maximum capacity companies will look outside of the city to site their medical research and Amazon and Google-type offices. He said the vacant land adjacent to the airport, in other cities, will become prime land, but the housing that will feed those businesses could be in Burien.

Commissioner Stanfield asked if there is room in the zoning code to increase flexibility to accommodate a greater mix of housing types. Mr. Johanson responded that there is opportunity to allow different products than what are currently allowed, citing cottage housing as an example. He added that it might be time to make adjustments to the Zoning Code to achieve better density yields. He asked the commissioners if they

are comfortable with Burien's projected yield being only 30 units above its assigned target, which doesn't allow much room for error.

Commissioner Helms asked if the commission should be thinking of things like the impact of increased density on the school district as they consider changes to the housing element. Mr. Johanson explained that the school district also takes into consideration projected growth figures as it does its own forecasting and planning, so the commissioners don't necessarily need to consider it. He noted that growth is dictated by the market, so there is an element of uncertainty.

PLANNING COMMISSION COMMUNICATIONS

Commissioner Stanfield said he had read an article from the Seattle Bike Blog reporting on the findings of a study done by a researcher who had strapped air monitoring equipment to himself to gather pollution data while riding his bicycle around Seattle. The research question was whether riders are exposing themselves to toxic fumes while riding their bikes in traffic. He said the data showed that riders are exposed to the greatest amounts of pollution in areas of congested traffic, for instance in the University District and crossing the Fremont Bridge. The degree of exposure was greatly reduced where the bike path was separated from traffic by as little as 10 feet, he said. He noted that when the Burien did its Transportation Master Plan a lot of the heavy bike/pedestrian use was separated from heavy traffic by as much as a block, which now may provide an additional benefit to those users.

DIRECTOR'S REPORT

Mr. Johanson announced that there is a public open house with the candidates for the city manager job on Friday, Feb. 28th, from 5:30 to 7:30 p.m. at the community center.

He also said the interviews for the four Planning Commission positions open for appointment this year will take place on March 31st.

ADJOURNMENT

Direction/Action

Commissioner Martinez moved for adjournment; seconded by Commissioner Henderson. Motion carried 6-0. The meeting was adjourned at 8:08 p.m.

APPROVED: _____

Jim Clingan, chair
Planning Commission

CITY OF BURIEN, WASHINGTON MEMORANDUM

DATE: March 5, 2014

TO: Burien Planning Commission

FROM: David Johanson, AICP, Senior Planner

SUBJECT: Public Meeting on 2014 Comprehensive Plan Amendment Docket

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 2014 Comprehensive Plan amendment docket. A draft version of Resolution No. 353 establishing the 2014 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 3, 2014 deadline (see Attachment 3). March 3rd was selected because March 1st (as stated in the zoning code) occurs on a Saturday. In addition to the one 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 2014 amendment docket (see Attachment 4).

PUBLIC COMMENT

At your upcoming meeting staff is recommending that time be allowed for the general public to provide input on the City proposed docket. It is suggested that the typical public hearing format be used to obtain this input with the format being 3 minutes of speaking time for individuals and 5 minutes for speaker's representing a group. It is the Commission's decision whether additional time may be allowed for questions or dialog with meeting participants.

DOCKETING CRITERIA

The Burien Municipal Code contains criteria that shall be used to determine if a proposed amendment should be placed on the docket. Those criteria are as follows;

BMC 19.65.095 Comprehensive Plan Amendments

4. Docketing Criteria. The City Council shall use the following criteria for deciding whether a proposed amendment is added to the docket in subsection 2.C of this section:

- A. The request has been filed in a timely manner, and either:
- B. State law requires, or a decision of a court or administrative agency has directed, such a change; or
- C. All of the following criteria are met:
 - i. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and
 - ii. The City has the resources, including staff and budget, necessary to review the proposal; and
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the City Council; and
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the Comprehensive Plan or a new approach supporting the City's vision; and
 - v. The proposal has not been considered by the City Council in the last three (3) years. This time limit may be waived by the City Council, if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

The City received one formal application and has prepared a response to each of the applicable criteria listed above and has included it as a part of attachment 3.

It should be noted that the city did receive correspondence requesting an area wide rezone around Lake Burien (see attachment 4), however there was no formal application filed nor was the applicable fee paid. The Commission may choose to add this item to the docket if it is so inclined. A similar request was made in both 2010 and 2012. Similar to the request made in 2012, staff has not included it in the docket nor responded to the docketing criteria because it does not qualify as a formal application.

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 three years however there are a number of items that will need to be 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 voluntarily 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, 2014. The Commission has three options, provided below. Staff recommends Option 1.

Option 1: Recommend approval of the 2014 docket. This option recommends approval of the 2014 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. 353 establishing the 2014 Comprehensive Plan amendment docket.

Option 2: Modify the proposed 2014 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. 353 establishing the 2014 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 353 by adding _____ and/or removing _____.

And/or

I move to modify the Comprehensive Plan amendment docket as presented in Resolution 353 by amending the priority of the items as follows: _____.

Option 3: Delay recommendation until the March 27, 2014 Planning Commission meeting. This option would delay the Commission's recommendation on the annual docket to your next regular meeting.

Attachments:

- 1) DRAFT Resolution 353
- 2) Comprehensive Plan Amendment Notice Request
- 3) Application for a Comprehensive Plan Map/Rezone request submitted by JRA Architecture and Planning
- 4) Correspondence from Robert Howell, Robbie Howell, Linda Plein, Len Boscarine and Chestine Edgar received 3/3/2014.

DRAFT

CITY OF BURIEN, WASHINGTON RESOLUTION NO. 353

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 2014 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 29, 2013 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 12, 2014, the City of Burien Planning Commission held a public meeting to allow for interested parties to comment on a draft docket and work program and on March XX, 2014 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. 2014 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 April, 2014.

CITY OF BURIEN

/s/ Lucy Krakowiak, Mayor

Attest/Authenticated:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Ann Marie Soto, Interim City Attorney

Filed with the City Clerk: March **XX**, 2014

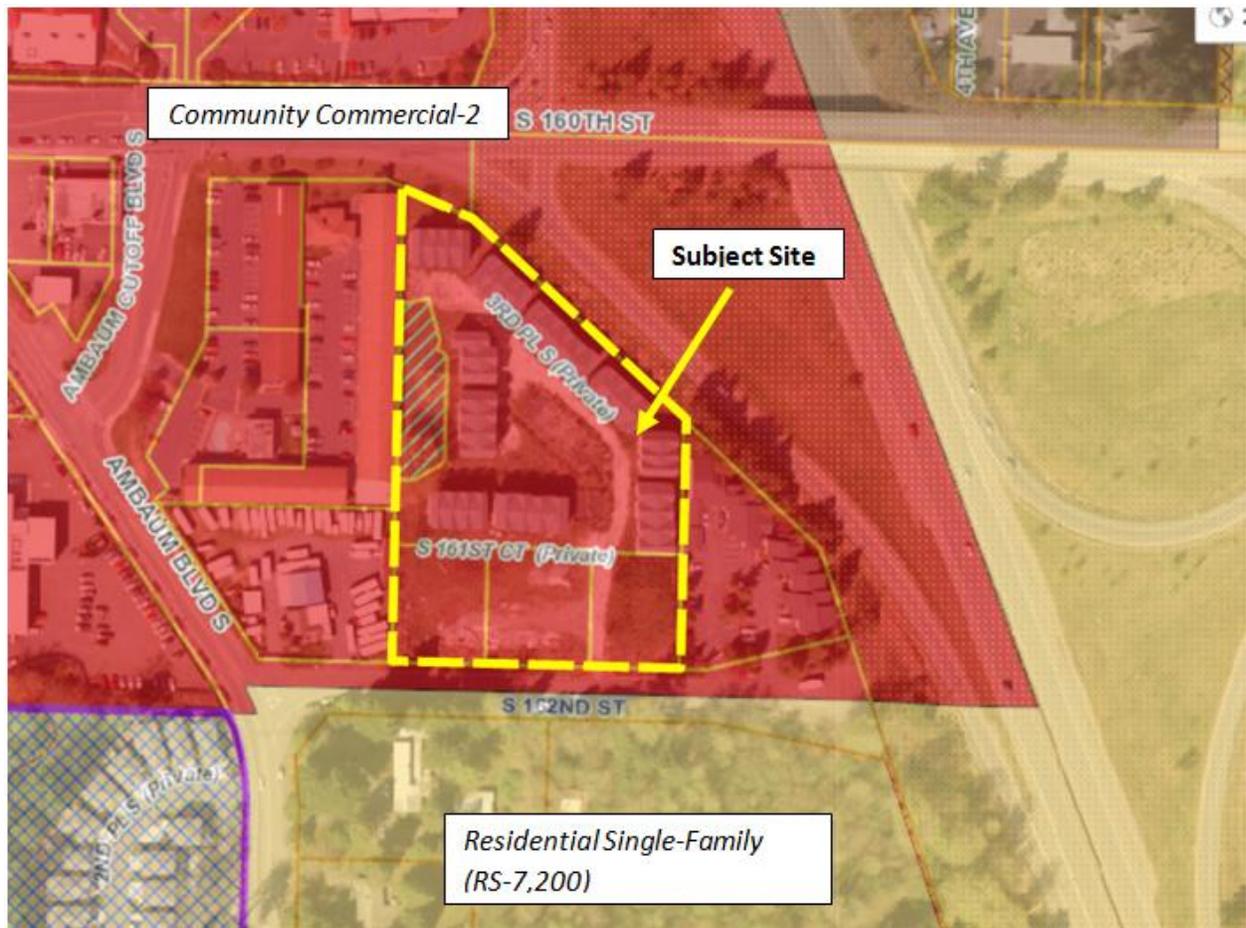
Resolution Passed: April **XX**, 2014

Resolution No. 353

RESOLUTION 353—EXHIBIT A
2014 COMPREHENSIVE PLAN AMENDMENTS
DOCKET AND WORK PROGRAM
April XX, 2014

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. 2014-1, Miller Creek Development Comprehensive Map Amendment and Rezone Request, Land Use Application No. PLA 14-0441, (see page 4 below)
27	M	Update existing conditions/background information.
28	H	Comply with applicable State Environmental Policy Act Review Requirements.
29 (NEW)	H	Remove references to White Center/Area "Y" PAA, Figure 2-AN 1.1 and text on pg 2-36.

Ref. No.	INDIVIDUAL PROPOSED AMENDMENTS	Proposed By
2014-1	<p>Comprehensive Plan Map Amendment/Rezone Request</p> <p>Parcel Nos. 292304-9054 (See map below)</p> <p>Addresses: 246 South 162nd Street (See map below)</p> <p>File No. PLA 14-0441</p> <p>Request: Comprehensive Plan change from Community Commercial to High Density Multi-Family Neighborhood and Rezone from Community Commercial 2 (CC-2) to Residential Multi-Family 24 (RM-24).</p>	<p>JRA Architecture and Planning for</p> <p>John Maclean of Westland,</p> <p>Property Owner</p>





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 2014 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 2014 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 3, 2014, 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 3, 2014. 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 12, 2014, 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 12, 2014, 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 2014 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 29, 2013



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
<input type="checkbox"/> Map amendment	(staff will assign)
<input type="checkbox"/> Text amendment	PLA 14-0441
<input type="checkbox"/> Quasi-Judicial Rezone	

APPLICANT INFORMATION		
Name: JOHN MACLEAN	Company: WESTLAND	Daytime Phone: 206-227-4225
Mailing Address: 20107 RICHMOND BEACH DR NW, SHORELINE WA 98177		E-mail: jmackivi@men.com
Contact person: SAME	E-Mail:	Daytime Phone:
Property owner: SAME		Daytime Phone:
Mailing Address:		E-Mail:

SITE INFORMATION (if applicable)		
Site Address: 246 S 162 ND ST, BURIEN WA	Parcel Number: 292304-9057	
Existing Zoning District: CC-2	Existing Comprehensive Plan designation: COMMUNITY COMMERCIAL	
Requested Zoning: R-24	Requested Plan designation: HIGH DENSITY RESIDENTIAL	
Number of Acres: 3.05	Current Land Use: MULTI-FAMILY	
Critical areas present: <input checked="" type="checkbox"/> Wetlands <input type="checkbox"/> Streams <input type="checkbox"/> Critical Aquifer <input type="checkbox"/> Landslide Hazard Area <input type="checkbox"/> Fish & Wildlife		
Brief description of proposal (attach additional sheets if necessary): COMPREHENSIVE PLAN AMENDMENT AND REZONE REQUEST.		

RECEIVED
MAR 09 2014
CITY OF BURIEN

RECEIVED
MAR 09 2014
CITY OF BURIEN

SIGNATURE

I, R JOHN MACLEAN, 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 _____ 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: 3/3/14

Signature: [Signature]



Architecture & Planning

February 20, 2014

Miller Creek Rezone and Comprehensive Plan Amendment Request

Project Data:

Address	246 S 162 nd St, Burien WA
APN	292304-9057
Site Area	3.05 Ac, 132,858 SF
Current Zone	CC-2, with R-24 Allowed Residential Density
Zone Requested	R-24
Current Comprehensive Plan Designation	Community Commercial
Proposed Comprehensive Plan Designation	High-Density Residential

Rezone Request

Per BMC 19.65.090.3.C, SITE SPECIFIC REZONES, the City may grant a site specific rezone when the following criteria are met:

A. The rezone is consistent with the Comprehensive Plan;

Response:

- 1. The Rezone request is consistent with the Comprehensive Plan in requesting only the current, allowable residential density, R-24.*
- 2. The Rezone will become consistent with the Comprehensive Plan, upon acceptance of the attached Comprehensive Plan Amendment. The Comprehensive Plan Amendment is a condition of approval for the rezone.*

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

Response: The rezone will advance the public health, safety, or welfare, in the following manner:

- 1. The initial step in advancing public health, safety and welfare on the abandoned Miller Creek project was taken by the Development Team in purchasing the property, and proceeding to make the constructed dwellings habitable. Abandoned buildings attract vagrants, drug users, dangerous and other forms of animal pests, and imply a less than robust local economy, as well as a compromised city-scape.*
- 2. Ownership marketing analysis determined that commercial use would certainly not be viable in this out-of-the-way location. Not in the public welfare to construct buildings with a low or no-demand use, which would likely again, stand empty.*
- 3. Rezone request actually decreases the overall project density, with R-24 density allowed in addition to the 25% commercial building area currently required. A less-dense site is potentially associated with greater residential visual appeal, and available open space.*
- 4. We would anticipate a quieter, more livable residential community without immediate adjacency to large, commercial buildings on site. Certainly for children and pets, the environment is safer without a commercial component, due to vehicular, commercial trip generation.*

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

Response: The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas, as follows;

- 1. As discussed above, building on-site density will decrease as a result of the rezone, the requested residential density remains R-24, only the 25%, less-than viable commercial component requirement is removed. Therefore, from an environmental impact standpoint, the building has potential for 25% less bulk.*
- 2. Adjacent properties include RV sales/yard to the west, and Alder Lane Apartments, to the east. As discussed above, the decreased density makes this proposal environmentally friendly to each adjacent property, and in particular to Alder Lane, itself a single-purpose, multi-family property, benefitting also from lack of cross-traffic with commercial use in this dead-end street location.*

D. The rezone is necessary to correct a zone classification or zone boundary that was inappropriate when established;

Response: The rezone is necessary to correct a zone classification and zone boundary that was inappropriate when established, discussed as follows;

- 1. Per Burien Code statement of Purpose and Intent, the current CC-2 zone for this property reads as follows:*

BMC 19.15.035 COMMUNITY COMMERCIAL ZONES:

PURPOSE AND INTENT: The Community Commercial (CC) zones implement the Community Commercial Comprehensive Plan designation. To recognize the differences in surrounding neighborhood character and intensity between the designated Community Commercial areas, two CC zones have been established: CC-1 and CC-2. The purpose of these zones is to establish areas for moderate intensity **(i)commercial uses that serve the community**. The intent is to provide for a variety of goods and services in areas which are **(ii)designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and (iii)be consistent with road and utility capacity**.

A brief review of the immediate site illustrates non-conformance with the above code objectives:

- a) *The project location, on a dead-end street, falls well short of any potential to serve the community, in a meaningful or appropriate manner.*
- b) *The site does not have potential for encouragement of commercial, pedestrian and transit access, again, it its location on a small, dead-end street.*
- c) *Road capacity notion, reference here again illustrates this code is apropos of an urban location, was therefore inappropriate when established for this site.*

Comprehensive Plan Amendment Request

Per BMC 19.65.095.6, City Council may approve or approve with modifications a Comprehensive Plan amendment(CPA)if the following criteria are met:

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

Response: As discussed above, pedestrian and transit commercial use as envisioned in the code criteria, is nonviable for this site, while multi-family is an established, successfully functioning use, as seen with Alder Lane, adjacent apartments to the east. The public benefits with added, moderate to middle-income housing, when appropriately placed, as is the case with this property. A non-commercial use here also protects the existing quiet, residential nature of the street.

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.

Response:

1. Growth Management Act

1990 Washington State Growth Management Act Goals, and response applicable to subject property:

a) Encourage development in urban areas

Identified in both the city Comprehensive Plan and Zoning Map as a projected area of growth and density, our request to maintain the same residential, R-24 density, is in accord with both.

b) Reduce sprawl

n/a

c) Encourage efficient multi modal transportation systems

n/a

d) Encourage availability of affordable housing

Granting the CPA along with the Rezone, will allow the developer to proceed with future, multi-family housing that would have otherwise been channeled into commercial building. Again, the development intent is R-24, high density development, at a affordable price-point vs. single-family dwelling, and certainly at less consumption per dwelling of available land, vs. single family dwelling.

e) Encourage economic development throughout the state consistent with comprehensive plans.

CPA as discussed herein.

f) Do not take property rights without just compensation.

n/a

g) Should timely and predictably process permits.

Agreed, but n/a here.

h) Maintain and enhance natural resources industries.

n/a

i) Retain open space, enhance recreation, conserve fish and wildlife habitat, and develop parks and recreation facilities.

Worth again mentioning that granting the CPA and Rezone, will decrease the project overall potential density by 25%, as the underlying, current R-24 density, is in addition to the required 25% commercial building area. A 25% decrease in permitted building area could potentially create greater open space.

j) Protect environment and enhance quality of life.

As stated above, it is clear that the existing, semi-urban residential character of the Alder Lane apartments immediately adjacent to the west, and the already built, 46 ground related(homes with ground level entry)dwelling units on site, have highest

quality of life as a single purpose, residential community, as pedestrian and transit related goods and services type commercial, is nonviable in this location.

k) Encourage citizen participation and coordination between jurisdictions.

n/a

l) Ensure public facilities and services necessary to support development are adequate at the time of occupancy.

As mentioned, CPA and rezone represent a reduction in potential development scope.

m) Identify and encourage preservation of archaeological and historic sites.

n/a

n) Shoreline Management Act policy.

n/a

2. Puget Sound Regional Council (PSRC)

...The Puget Sound Regional Council works with local governments, businesses, and citizens to build a common vision for the region's future, expressed through three connected major activities: VISION 2040, the region's growth strategy; Transportation 2040, the region's comprehensive long-range transportation plan; and Prosperity Partnership, which develops and advances the region's economic strategy." (see PRSC.org).

Of these three activities, Vision 2040 is applicable to this CPA and Rezone request. Stated Vision 2040 Environmental Framework, Growth Strategy, and Multicounty Policies, applicable to subject property as follows:

a) Rural and Resource lands

n/a

b) Environmental Stewardship

i: Care for our air, water, land, and climate

As mentioned above, CPA and rezone proposal affords less building density, creating potential for greater open space in single-purpose, multi-family residential development, also greater area for vegetation, less erosion potential, etc.

ii: Care for fish and wildlife

Less building density means greater potential open space and wildlife and other habitat, in terms of code conformant, drought resistant, native landscaping.

iii: Reduce waste and consumption

Again, the failure of the previous developer to complete the project, and lack of follow-up by another development team, are clear indicators this project as proposed was economically nonviable. Constructing very marginally leasable speculative buildings, is the epitome of waste and consumption, and a developer mindset of a by-gone era.

c) Urban Areas, Cities, and Urban Centers

i. Care for people.

Discussed above, how the CPA and Rezone will maintain and promote the 'cul-de-sac' and 'pocket', residential nature of this neighborhood.

ii. Encourage quality urban design.

The single-purpose, stand-alone commercial structures of the previous, bankrupted development were in general conformance with City zoning code, but not with the general intent. The intent of the CC-2 zone, Mixed-Use code provision is residential over commercial, in the same building. This is a common building type developed regionally and world-wide, and can result in quality urban design.

Here, however, the 46 residential units were constructed separately, forcing as mentioned, stand alone, commercial buildings. Granting the CPA and Rezone request will result in removal of all need for these commercial structures, in what has evolved as a 'pocket', residential community, as described above. The scale and modulation of residential vs. commercial construction is appropriate here, and will therefore result in greater and higher quality urban design opportunities for this site.

iii Provide clean and efficient transportation

n/a

iv Promote healthy living

As described above, non-introduction of potential, commercial vehicle trips cross-trafficking with the single purpose, residential use established in this pocket community, promotes greater liveability and thereby, promotes the goal of healthy living, via more pedestrian activity, children at play, dog-walking, jogging, etc.

v Ensure economic prosperity

The failure of the past development, and the subsequent disinclination of the developer community to buy the project and construct it as planned, are clear indicators of its failure from an economic standpoint. The proposed CPA and Rezone, by an experienced, successful multi-family developer that understands that creating a strong sense of community makes a project successful, will put this development back on good economic footing.

- vi Build and sustain vibrant cities, centers, and compact communities.

It is the intent to develop the site to full, R-24 potential.

- vii Create abundant open space and parks.

Concept of greater potential for open space by granting the CPA and Rezone request, discussed above.

- vii Provide high quality services and amenities.

Service type amenities, n/a for this proposal.

- viii Expand housing choices

Removal of the requirement for the stand-alone, single-purpose commercial structures currently required, will result in expansion of housing opportunities and choices, via multi-family development on the newly available land.

3. King County Countywide Planning Policies

In accordance with and as directed by the Growth Management Planning council policies discussed above, the state-mandated Growth Management Act required implementation of same into legislation that would guide and govern the individual Counties in complying with the GMA, known for the City of Burien as the King County *Countywide Planning Policies* (CPPs). As such, the Countywide Planning Policies applicable to this CPA and Rezone request are essentially the same as discussed above, however, the discussion continues, here to look at very broad, general areas of emphasis of the CPP's, and the manner in which this proposed action meets each, as applicable:

a) Affordable housing

As discussed above, granting the CPA and Rezone request will free up land currently mandated as commercial structure on this site by code, for additional, multi-family development. As moderate to middle-income housing, development is in keeping the CPP goal of affordable, community-based housing in identified urban core areas, allowing citizens to live in their community of employment, vs. commuting some distance away.

b) Economy

Please see 'Comprehensive Plan Amendment Request'(CPAR)B.2.b).iii; CPAR-B.2.c).v, discussed above.

c) Environment

Granting the CPA and Reszone request is in conformance with the CPP environmental goals of Open Space, pedestrian friendly atmosphere, sense of community,

concentration of density, and etc., as discussed above, please see: 'Rezone Request'(RR)A.1-4; RR.C.1- 2; Comprehensive Plan Amendment Request'(CPAR)A; CPAR.B.1.a); CPAR-B.1.i)-j); CPAR.B.2.b).i-iii; CPAR.B.2.c).i-ii; CPAR.B.2.c).iv; CPAR.B.2.c).vi-vii; CPAR.B.2.c).viii.

d) Land Use

Located in the identified urban growth boundary, the site and proposed R-24 density meets the CPP objectives for efficient use of urban land, maintaining the quality and quantity of natural and agricultural land, and, as described above, engendering livable communities.

e) Transportation

As discussed in CPAR.B.3.a) above, granting the CPA and Rezone request for this site will promote community based housing in the identified urban growth areas, provide added potential for little or no commute for the locally employed.

4. Burien Comprehensive Plan.

Please see RR.A.1.-2.

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

Response: As discussed in detail above, the CPA requested for this site, will benefit both the immediate, residential 'pocket' community, as well as the larger, general community of Burien, please see above: RR.B.1-4; RR.C.1-2.

D. The revised Comprehensive Plan will be internally consistent;

Response: As discussed above, the scope of the Comprehensive Plan revision request maintains the current R-24, allowed residential density, while removing the additional, commercial building requirement. Thus, the Comprehensive plan remains completely and uniformly consistent internally.

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

Response: As discussed above, granting the CPA will actually result in a reduction in project density from the current zoning and Comprehensive Plan designation, under which the previous development was permitted.

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;

Response; As discussed in CPAR.E, immediately above, City of Burien permitting review demonstrating adequate public facility capacity has already been conducted and approved for a project of greater potential density and building area, for this site.

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

Response: As discussed in detail above, adjacent Alder Lane apartment development is identical in use to CPA request.

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

Response: As discussed in detail above, the GMA density objectives will not be affected by granting the CPA request, as the same residential density is proposed as currently exists.

Removing the potential for economically nonviable commercial use in this location, as demonstrated above, will not affect employment targets nor employment opportunity.

I. For a Comprehensive Plan land use map change, the applicable designation criteria for the proposed land use designation are met and the map change will correct a Comprehensive Plan designation that was inappropriate when established.

Response: Inappropriate Comprehensive Plan and Zone designation as discussed in detail, please see RR.D.1.a)-c).

Comprehensive Plan Docketing Criteria

Miller Creek Comprehensive Plan Map and Rezone Request

The following is a review of the docketing criteria for the Miller Creek comprehensive plan map and rezone request (file No. PLA 14-0441). Each of the criteria is followed by a staff response.

BMC 19.65.095 Comprehensive Plan Amendments.

4. Docketing Criteria. The City Council shall use the following criteria for deciding whether a proposed amendment is added to the docket in subsection 2.C of this section:

A. The request has been filed in a timely manner, and either:

Response: The applicant submitted an application filling fees on March 3, 2014. This criteria has been satisfied.

B. State law requires, or a decision of a court or administrative agency has directed, such a change; or

Response: Not applicable.

C. All of the following criteria are met:

i. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

Response: The requested change of the comprehensive plan map and corresponding property specific rezone is a matter that is directly related to the comprehensive plan including but not limited to a change on the long range planning map and evaluating the change using applicable land use designation criteria.

ii. The City has the resources, including staff and budget, necessary to review the proposal; and

Response: The City has the resources to review this request.

iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the City Council; and

Response: There is no other work program item the will more appropriately address the request.

iv. The proposal will serve the public interest by implementing specifically identified goals of the Comprehensive Plan or a new approach supporting the City's vision; and

Response: *The request will be reviewed in greater detail to determine if the proposed land use designation change will be consistent with the goals and policies of the comprehensive plan. The application indicates that if approved, the proposed land use designation change would allow for the construction of more housing units which is consistent with Goal RE.1. It will also assist the city in complying with the requirement to provide sufficient housing for anticipated growth (growth targets).*

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.

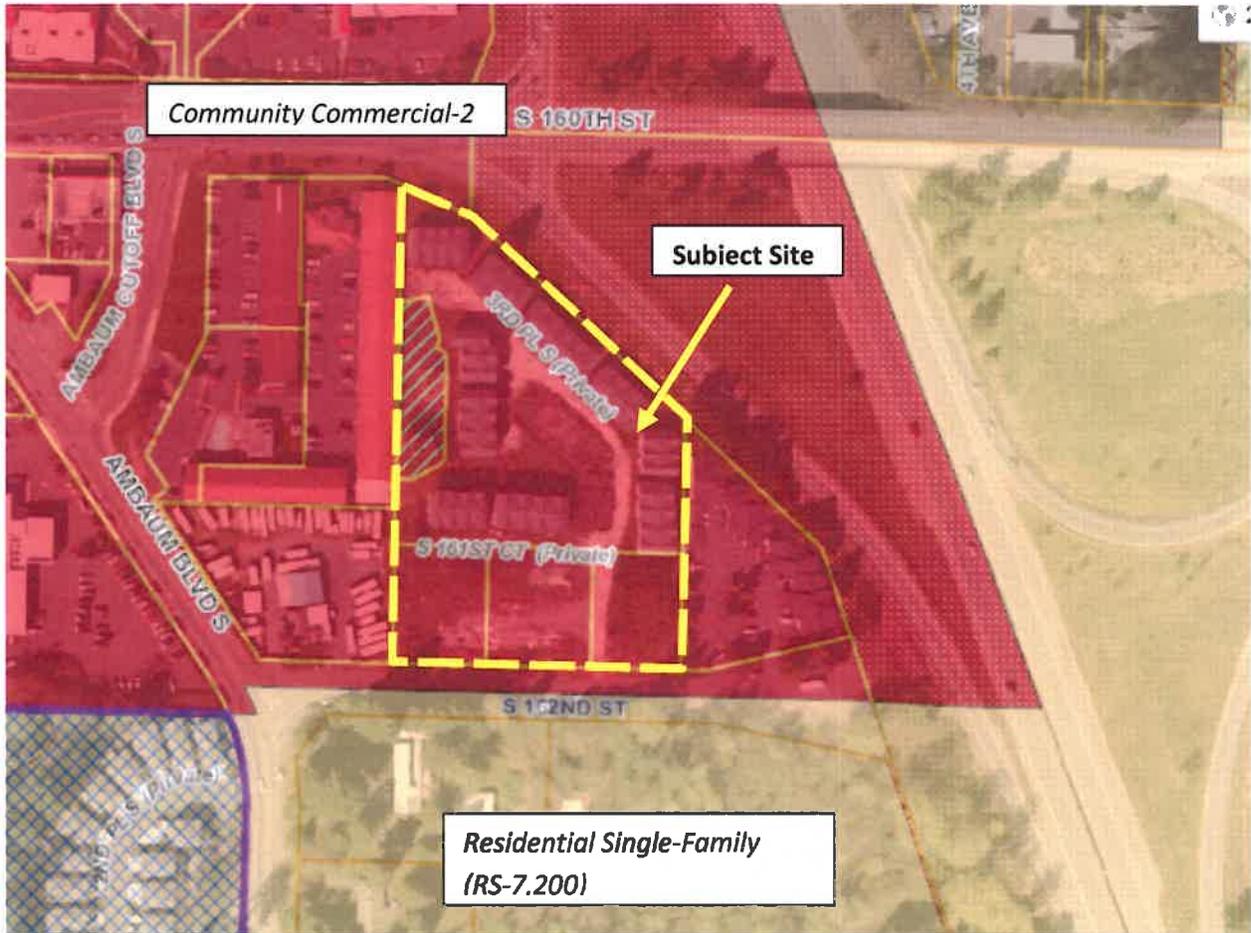
v. The proposal has not been considered by the City Council in the last three (3) years. This time limit may be waived by the City Council, if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

Response: *The requested land use designation change has not been considered by the City Council in the last three years.*

Vicinity Map

Miller Creek Comprehensive Plan Map and Rezone Request

Application File No. PLA 14-0441



RECEIVED
MAR -3 2014
CITY OF BURIEN

To-The Burien City Council
To-The Burien Planning Commission
To- The Burien Planning Department
March 1, 2014

Re: Request for amendment to the Burien Comprehensive Plan Land Use Map

Currently the Burien Comprehensive Plan to open for revision and update and the Plan has been open since 2011 and is still open. According to the Growth Management Act (GMA), during the time the Plan is open, citizens are allowed to request changes/amendments to the Plan, if there is reasonable cause for their request; it involves a city wide or neighborhood/area wide benefit or corrects an error or inconsistency in the Plan or Plan Map. Also in Burien, if a Planning Commission member or City Council member sponsors a request for a change/amendment to the Plan, the amendment can be brought forth without the citizen(s) having to pay a filing fee for the amendment to be put on the docket.

Robert Howell, Robbie Howell, Linda Plein, Len Boscarine and Chestine Edgar and members of the Lake Burien Neighborhood are requesting that a change/amendment to the Land Use Map for the Lake Burien Neighborhood be considered, sponsored and placed on the docket by the Council for 2014 (a detailed packet is attached to this letter).

Since the City incorporated in 1993, the Lake Burien Neighborhood residents have always considered the neighborhood to be Low Density Residential due to the character of the pattern of development (less than 4 units per acre) to protect the water quality of the Lake and its sensitive/critical areas (the data for the baseline SMP technical documents and King County records, shows the area still developed at less than 4 units per acre and having critical areas). For those reasons, the Lake Burien Neighborhood was placed in the 1997 Comprehensive Plan text and on the Land Use Map as Low Density Residential. In 1999 through an alleged emergency amendment process, the Lake Burien Neighborhood still remained in the text of the Comprehensive Plan as a Low Density Residential neighborhood but was changed on the Land Use Map to a Moderate Density Residential neighborhood. The change happened without anyone checking for consistency between the text of the plan (Chapters 2 and Chapter 5-the EIS) and the proposed map change. Also no one checked to see if this change should be allowed under the requirements for critical areas and Best Available Science or even accurate current science. The public record of that June, 1999 Council meeting verifies that. The residents of the Lake Burien Neighborhood gave testimony at that meeting stating that they were opposed to this change because they felt it would degrade water quality in the Lake. In spite of their resistance, the change/amendment passed.

This map change created an inconsistency that is not allowed under RCW 36.70A.070 of the GMA. This inconsistency has been carried forward into other Burien maps, policies, ordinances and is causing a net loss to the water quality of the Lake, its critical areas and its shoreline. For the reasons of inconsistency and net loss to the Lake and its critical areas, the residents of the Lake Burien Neighborhood are requesting that the Land Use Map be considered for amendment.

*Contains full packet - attached ATTACHMENT 4

In the past when the residents of the Lake Burien Neighborhood have requested that this issue be placed on the docket, they have been told that the Planning Department and the Planning Commission are too busy to handle this amendment. However last year, when the request was made to put this amendment on the docket and it was turned down because the Planning Department and Commission allegedly did not have time, the Planning Commission only met 42% of the time of its scheduled meeting-the rest of the meetings were cancelled for lack of work that the staff did not have to bring to them.

Because this request for an amendment change may result in a rezone, 163 residents of the neighborhood and involved parties signed a petition stating (turned in to COB in 2010) that they agreed to this Land Use Map change/amendment for the protection of the water quality of the lake and its critical areas. The City has this petition as part of its public records.

At one time the City Staff stated publicly that this amendment was really about public access. However when the then City Manager was directly questioned about this, he claimed that this amendment would not bar public access and was not really about public access. This is important to note because some Planning Commissioners have continued to make public comments that this amendment is about public access when it is not. This amendment is about inconsistencies that need correct and protection to critical areas, water quality and shorelines.

In previous discussions put forth by the City Staff, the staff has contended that there are alternative means that have been put in place that protect the Lake and its critical areas from net loss and to protect water quality. However, those alternative means have not proven to be adequate-such as the storm water and surface water management systems and the practice of just encouraging Low Impact Development Practices around the Lake. The photos of the flooding of the neighborhood properties and residences during storms as well as the toxic algae blooms and excessive algae blooms serve as evidence that net loss is occurring to the Lake and water quality. In a recent case that came before the Growth Management Hearings Board in 2013, the Board ruled that, "When developing alternative means of protection, counties and cities must assure no net loss of ecological functions and values and must include Best Available Science(BAS). Repeatedly in public, the City and the City Council have stated that they do not have adequate funding to make the changes in the storm water, surface water and water quality system that are required to guarantee no net loss to the Lake and other shorelines. When these funds are not available, the Growth Management Board and the GMA have stated that land use for the areas experiencing net loss must be reconsidered. The Lake Burien Neighborhood is requesting that the 2013 Land Use Map be amended for consistency reasons and to prevent net loss to the Lake Burien Neighborhood-its water quality, critical areas and shoreline.

Thank you for your time and consideration.

Robert Howell, Robbie Howell, Linda Plein, Len Boscarine, Chestine Edgar *bc*

To: The City of Burien, Burien City Council, Burien Planning Commission
From: Robert Howell, Robbie Howell, Chestine Edgar, Len Boscarine, Linda Plein and
the Lake Burien Neighborhood *LR*
Date March 2, 2014

Subject: 2014 Burien Comprehensive Plan Amendment Request-Change to 2013 Burien
Comprehensive Plan Land Use Map

This amendment request is to resolve the inconsistencies in the 2013 Burien
Comprehensive Plan between the plan text and the land use map for the Lake Burien
Neighborhood and to provide protection to the critical areas and the shoreline.

Summary of Changes Sought by the Petitioners

Change the land use designation on the Burien Comprehensive Land Use Map from
“Moderate Density Residential Neighborhood” to “Low Density Residential
Neighborhood” for the Lake Burien Neighborhood to correct inconsistencies that exist in
the Burien Comprehensive Plan; to protect the Lake Burien neighborhood as a doubly
impacted critical area; and to be compliant with Washington State’s Growth Management
Act (GMA) and Management Act (SMA) for the protection of Critical Areas.

Change or amendment any City of Burien regulations, policies, maps, etc. so that they are
coordinated, clear, consistent and in agreement with the Burien Comprehensive Plan
Land Use designation of “Low Density Residential Neighborhood” for the Lake Burien
Neighborhood.

Short and Plain Statement of the Grounds for the Comprehensive Plan Map Amendment

- I. Lake Burien has Critical Areas (wetland, aquifer recharge area) by state, county and
City designation and as such warrants extra protection in land use map designation.
Additionally it is a Shoreline of the State. (Sensitive/Critical Areas Map and the
Land Use map in the Burien Comprehensive Plan).
- II. The Lake Burien Neighborhood meets the designation criteria of a Low Density
Residential Neighborhood as documented in the Land Use Element policy text in
the 2013 Burien Comprehensive Plan (Pol. RE 1.5). In Chapter 5 (EIS) of the
Burien Comprehensive Plan, the mitigation required for the Plan being approved
speaks to the Lake Burien Neighborhood being at Low Density Residential to
protect water quality, pgs. 5-29 to 5-32.

- III. The Lake Burien Neighborhood is shown as a Moderate Density Residential Neighborhood on the 2013 Burien Comprehensive Plan Land Use Map (Comprehensive Plan MAP LU-1).
- IV. There appears to be an inconsistency between the 2013 Burien Comprehensive Plan policy text and the 2013 Burien Comprehensive Plan Land Use Map. Whenever an inconsistency exists within or across master documents, it must be corrected per RCW 36.70A.070.
- V. The 2013 Burien Comprehensive Plan Land Use Map needs to correctly document the Lake Burien Neighborhood as a Low Density Residential Neighborhood.
- VI. Other related city maps, plans and regulations need to be consistent with the corrected 2013 Burien Comprehensive Plan Land Use Map.

**Statement to Sustain the Amendment to
the Burien Comprehensive Plan Map**

I

**LAKE BURIEN IS A CRITICAL AREA (WETLAND, AQUIFER RECHARGE AREA)
BY STATE, COUNTY AND CITY DESIGNATION AND AS SUCH WARRANTS EXTRA
PROTECTION IN LAND USE MAP DESIGNATION**

Lake Burien is designated as a Critical Area for the following reasons; it is an aquatic resource, a wetland, an aquifer recharge area, and an area of importance for wildlife (Grette Associates 2008) (Attachment A-King County Map, Appendix to the SMP-Herrera 2010, Appendix to the SMP-Cooke 2010). Lake Burien is also considered a shoreline of the state. The City of Burien's 2003 Critical Areas Map (Attachment D); 2013 Burien Comprehensive Plan Figure 2-EV1-Sensitive/Critical Areas Map, Dec. 2012 (page 2-4) and Figure 5.2-1 Constraints (page 5-7) of the Burien Comprehensive Plan, revised 2013, shows that a significant portion of the properties in the Lake Burien Neighborhood are impacted by multiple Critical Areas and, as such, have constrained use. Chapter 5 of the Burien Comprehensive Plan is also the 1997 Environmental Impact Statement (EIS) for the 2013 Comprehensive Plan and provides discussions why the Lake Burien Neighborhood should be Low Density Residential. The EIS explains possible problems if the area is not kept at low density residential and uses the low density residential rationale and its mitigation plans for the Lake Burien Neighborhood to justify why the Plan should be approved by both The Washington Department of Commerce and Puget Sound Regional Council. And it was with these mitigations that the Plan was approved. Any subsequent SEPA statements resulting from this original EIS continue to show the Lake Burien Neighborhood and its Critical Areas and shoreline as still requiring a low density residential designation to meet the mitigations of this EIS and Chapter 5 text of the actual Comprehensive Plan.

As a result of the inconsistency between the Comprehensive Plan policy text and the Land Use Map, there appears to be a disregard for the protections of Critical Areas as required by RCW 36.70A (The Growth Management Act). The protection of Critical Areas and the need for lower density land use is recognized in sections **RCW 36.70A.020, 36.70A.060, 36.70A.170, 36.70A.172, 36.70A.175, 36.70A.480, 90.58.020**

and WAC 173-26-201, 173-26-211, 173-26-221, 173-201A. The King County Comprehensive Plan, which serves to guide Countywide Planning Policies, recognizes the importance of Critical Areas in Chapter 1-Regional Planning and Chapter 4-Environment. In the 2013 Burien Comprehensive Plan, the need to protect Critical Areas is recognized in Chapter 2-Plan Policies as well as in Chapter 5, the Environmental Impact Statement for the Burien Plan.

In all of the previously mentioned RCWs, WACs and documents, the requirement of Best Available Science (BAS) and current, accurate and complete scientific and technical information is required for protecting Critical Areas and the shoreline.

The 2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Natural Environment, Goal EV.1, Pol. EV 1.10 (page 2-27), states: *“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)].”*

RCW 36.70A.172 Critical Areas – Designation and Protection – Best available science to be used, states: *“(1) In designing and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas.”*

WAC 173-26-201 (2) (a) Basic concepts - Use of scientific and technical information states, *“To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1) [Shoreline Management Act], local governments shall incorporate the following two steps into their master program development and amendment process.*

First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern....

Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available....”

Prior to the Burien Shoreline Master Plan (SMP), the historical rules or policies for protecting Critical Areas were required to be based on Best Available Science (BAS). Lake Burien is also a shoreline of the state and controlled by the Shoreline Management Act. Those historical rules or policies for protecting Critical Areas must be passed on to the SMP and, when they are placed in the SMP, the protection of Critical Areas must be shown to meet the standard of most current, accurate and complete scientific and technical information.

In a review of the Best Available Science and current science for protecting and saving wetlands and other Critical Areas, the following strategies were cited:

1. limiting uses,
2. avoiding development in some areas,
3. transferring development density to another site, and
4. public protection of the critical area as a valuable site (MRSC-Best Available Science-Critical Areas, 4/10).

The mitigation sequence cited in the Shoreline Management Act for protecting and saving wetlands and other Critical Areas requires the no net loss standard be met and that:

“Master programs shall indicate that, where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority, with (e)(i)(A) of this subsection being top priority.

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

(E) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(F) Monitoring the impact and the compensation projects and taking appropriate corrective measures.” WAC 173-26-201 (2) (e) (i) Basic concepts - Environmental impact mitigation.

While buffers and mitigation have been strategies used to protect wetlands and Critical Areas, they have been proven not adequate to prevent “no net loss” to these Critical Areas (King County website, PSWSMRP, “Wetlands and Urbanization”, Azous and Horner, 1997). Pollutants reach wetlands mainly through runoff (PSWQA 1986; Stockdale 1991). Urbanization of wetlands and the watersheds that feed wetlands generate large amount of pollutants such as eroded soils from construction sites, toxic metals and petroleum wastes from roadways and nutrients and bacteria from residential areas. *“At the same time that urbanization produces larger quantities of pollutants, it reduces water infiltration capacity, yielding more surface runoff.”*(Loucks 1989; Canning 1988). The addition of 66% more residences to any a critical area wetland (with 70% impervious surface coverage being allowed at moderate density land use) will result in a significant impact to the area and cause net loss to the area (Attachment E-Map showing lot impacts). Residential uses that impact wetlands include: *“a. Human presence and activity that impacts or drives off fish and wildlife. Bigger residences usually mean more people on the property, whether family members or guests. b. Pets that prey on or drive off fish and wildlife. More family members increase the likelihood of having more pets. c. Machinery and vehicular noise that impacts or drives off fish and wildlife. More people on the property increase the likelihood of having more machines and vehicles - including automobiles, watercraft, yard machinery, and recreational vehicles. d. Use of chemicals and fertilizers for house and yard. Larger structures and grounds increase the use of chemicals. e. Uses of night lighting that impacts or drives off fish and wildlife. Larger structures and grounds typically increase the use of night lighting.”* (Making Small Shoreline Buffers Work with Buffer Science, March 2010). **The 2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Natural Environment, Wetlands,**

Goal EV.6, Pol. EV 6.1, (page 2-32), states: *“The City shall protect its wetlands with an objective of no overall net loss of functions and values.”*

The Burien SMP, II-13 Date: 6/3/13, Pol. CON 9 states: *“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) (Critical Areas)”*.

The Burien SMP Pol. CON 4, states: *“Development should be directed toward areas where their adverse impacts on critical areas can be minimized”*.

New construction and added impervious surface area can significantly impact Aquifer Recharge Areas. *“Lake Burien is mapped as an Aquifer Recharge Area, a Critical Area. Alterations to the surface conditions within an Aquifer Recharge Area associated with development, such as changes in impervious surface area, channeling of runoff and changes in the soils, can affect the rate and quantity of water entering the aquifer. Additionally, contamination of waters within the Aquifer Recharge Area can adversely impact the entire aquifer”* (Grette, 2008).

The 2013 Burien Comprehensive Plan, 2.8 STORM WATER ELEMENT, Goal ST.1, Protecting Water Quality, Pol. ST 1.10, (page 2-107), states: *“In the interest of the residents of Burien, the Puget Sound area and adjoining communities, the City will protect the quality of surface water bodies that are located within the drainage basins of the City.”*

However, it should be noted even though Pol. ST 1.12 states that: *“The City shall establish enforcement mechanisms that may be used to prevent or stop contamination to surface water quality...”*, it also states that *“The City currently does not have an adopted water quality ordinance.”* **STORM WATER ELEMENT, Goal ST.1, Protecting Water Quality, Pol. ST 1.12**, (page 2-107). In addition, the city has yet to mandate the use of Low Impact Development (LID) techniques for new development or for redevelopment.

Without an adopted water quality ordinance and adequate knowledge of the impact of storm water and surface water, a precautionary approach should be taken for the protection of Critical Areas. A critical strategy that should be employed in the protection of urbanized Critical Areas and wetlands is to keep the land use of these areas at low density usage. This concept of low density usage is supported by the **2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Residential Neighborhoods, Goal RE.1, Pol. RE 1.5, Low Density Neighborhood** (page 2-9) and should be reflected by land use designations at *“a density of 4 units per acre or less, due to the constraints posed by critical areas.”*

The Burien SMP states; Pol. FLD 1- *“Discourage new development in shoreline areas that would be harmed by flood conditions, or which would create or intensify flood hazard impacts on other properties”*. (The photos that the applicants have submitted

showing the flooding during storms indicate that the current facilities in the Lake Burien area are not sufficient to support Moderate Density Residential development in the area).

Additionally, under the Public Trust Doctrine, water quality and the environmental preservation are considered as valid public trust issues. This is a simple but powerful legal concept that obliges all levels of government to manage natural resources in the best interest of their citizens, without sacrificing the needs of future generations. As a legal concept, it is well established in the United States at the state level and in federal agencies. Lake Burien is a critical area that falls under the domain of the Public Trust Doctrine. The Lake Burien neighborhood contains significant amounts of Critical Areas and is a shoreline as discussed in this section and as such should be designated as “*Low Density Residential Neighborhood*” by both the Comprehensive Plan policy text Goal RE.1, Pol. RE 1.5 and the Comprehensive Plan Land Use Map.

II

THE LAKE BURIEN NEIGHBORHOOD MEETS THE DESIGNATION CRITERIA OF A LOW DENSITY RESIDENTIAL NEIGHBORHOOD BY THE LAND USE ELEMENT POLICY TEXT IN THE 2013 BURIEN COMPREHENSIVE PLAN

Lake Burien appears as a wetland on the City of Burien’s Critical Areas Map. The **2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Natural Environment, Goal EV.1, Pol. EV 1.2** (page 2-26), states: “*Development should be directed toward areas where their adverse impacts on critical areas can be minimized.*”

According to the **2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Residential Neighborhoods, Goal RE.1, Pol. RE 1.5** (page 2-9), a Low Density Residential Neighborhood is described as being “*zoned for 4 units per acre or less, due to the constraints posed by critical areas.*” The **Designation Criteria in Goal RE.1, Pol. RE 1.5** (page 2-10) contains four criteria that are relevant to this discussion: “*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 area within the City, the area is characterized by lower intensity development as shown on Figure 2 LU-2, Planned use Intensity.*
3. *The land is designated as potential landslide hazard area, steep slope area, or wetland 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.*”

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

Lake Burien Neighborhood is characterized by single family residential development that is less than four units per acre (see Attachment M showing current land use, units and projected impervious surface for different densities of use). In spite of the lot size

designation of 7200 sq ft, the land around Lake Burien has always (approximately 100 years) been characterized by single family residential development at four units per acre or less. This development pattern was a result of the fact that King County originally determined that Lake Burien properties had 100' setback requirements from the lake edge. The historical nature of the lake is documented in the attached letter from Joe Wozniack (Attachment G). For this reason, the Lake Burien neighborhood had been identified in Burien's 1997 Comprehensive Plan and Land Use Map with an R-3 land use designation (R-3 is equivalent to Burien's current zoning of RS 12,000 and allows 45% impervious surface coverage) and was placed in that Plan as Low Density Residential.

In the 1999 amendment to the Burien Comprehensive Plan, the Lake Burien neighborhood was changed from R-3 to R-6 (R-6 is equivalent to Burien's current zoning of RS 7,200 which allows 70% impervious surface coverage). The Lake Burien neighborhood remained by text description Low Density Residential but the land use map was changed to Moderate Density Residential. In an extensive review of the Burien City files including meeting minutes, draft maps, citizen comments and King County records, there is no evidence of discussions about Best Available Science or current science for this critical area or shoreline being used in the final decision of why Lake Burien should be change from R-3 to R-6 designation on the Comprehensive Plan Land Use Map. However there was a study done by the City of Burien with a map showing the Lake Burien Neighborhood directly joined to the Seahurst neighborhood. In the table located below that map, there is documentation showing that the density of the Lake Burien neighborhood could be increased by 53 new lots if it was changed to moderate density residential (RS 7,200). Again there was no consideration or notation about this area being a critical area, a shoreline, any reference to the Chapter 5,EIS recommendations, the use of BAS or current science shown as a footnote or consideration in the development of this document or the recommendations this document was proposing.

The residential properties surrounding Lake Burien are already physically characterized by single family residential development at four units pre acre or less and meet the definition of a "*Low Density Residential Neighborhood*" as defined in **2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Residential Neighborhoods, Goal RE.1, Pol. RE 1.5.** (pages 2-9 & 2-10). Additionally, significant portions of properties immediately adjacent to Lake Burien are categorized by the City of Burien as Critical Areas. Therefore by the Comprehensive Plan policy text definition, the Lake Burien neighborhood is designated as "*Low Density Residential Neighborhood*".

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

As show in Figure 2 LU-2, Planned Use Intensity, the 2013 Burien Comp. Plan, the Lake Burien Neighborhood is shown in an area of lower intensity development. This figure shows 3 intensities, High, Medium, Low. The 2 lower intensities on the figure are Medium and Low. The Lake Burien Neighborhood is one of the lower intensities shown on the figure.

3. The land is designated as potential landslide hazard area, steep slope area, or wetland on the City of Burien's Critical Areas Map

Lake Burien is designated as a wetland on Burien's Sensitive/Critical Areas Map—see 2013 Burien Comp. Plan

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

Lake Burien is a Shoreline of the State. In addition, Lake Burien waters feed Miller Creek which discharges its waters into Puget Sound. Therefore the city has an obligation to “...provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound”.

RCW 36.70A.030 (1) Comprehensive plans - Mandatory elements.

The Burien SMP states; Pol. FLD 1, “Discourage new development in shoreline areas that would be harmed by flood conditions, or which would create or intensify flood hazard impacts on other properties.”

The Lake Burien Neighborhood has continued to experience flooding problems due to the antiquated storm water system surrounding and emptying into the Lake. Even though the land use in the area is currently at low density, the storm water system is already inadequate to handle the area now and it would even less able to handle storm and surface water if the area was allowed to maximize its density to moderate density as is projected into the near future by the city of Burien.

The water quality in the Lake is degrading (the toxic algae bloom in 2010-2011 and prolonged algae bloom of 2011) as a result of the inadequate storm water system and continued expanded land use development in the basin at the moderate density residential will only exacerbate the problem.

As evidenced by the photos and letters regarding storm and surface water flooding and Lake Burien pollution (Attachment N), the City lacks adequate public facility capacity to protect the land use and has been unable to provide corrective action to mitigate or cleanse those discharges. While Lake Burien has been identified as a project on the Capital Improvements Plan (CIP) for a number of years, the City has yet to allocate adequate funds to study and remediate these problems in the near future.

In cases where the “public facility capacity” cannot support the land use, the Growth Management Hearings Board has ruled on a number of such cases:

“If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed must be included in the Plan. [WSDF I, 94-3-0016, FDO, at 65.]”

“As a matter of law, when “probable funding falls short of meeting existing needs” then the jurisdiction in question must reassess its land use element. [WSDF I, 94-3-0016, FDO, at 47.]”

When a jurisdiction in question must reassess its land use element due to funding shortfall, this is accomplished by lowering the intensity of land use. In the case of the Lake Burien Neighborhood, this would be accomplished by reducing the land use intensity designation from “*Moderate Density Residential Neighborhood*” to “*Low Density Residential Neighborhood*”. As a first step intervention to help reduce the storm water and surface water management inadequacies of the current systems, the land use for the Lake Burien Neighborhood should be changed to Low Density residential.

III

WHENEVER AN INCONSISTENCY EXISTS WITHIN OR ACROSS MASTER DOCUMENTS, IT MUST BE CORRECTED PER RCW 36.70A.070

The first paragraph of the Washington State Growth Management Act (GMA) section **RCW 36.70A.070 Comprehensive plans – Mandatory elements**, states:

“The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map.”

According to the **2013 Burien Comprehensive Plan, Land Use Plan Implementation, Goal PL.1** (page 2-34), there is a requirement to “*Implement the goals and policies of the land use plan through a variety of means and mechanisms which are coordinated and consistent.*”

Since the 2013 Comprehensive Plan policy text and Comprehensive Plan Land Use Map are not in agreement about the neighborhood designation for Lake Burien Neighborhood, there is a lack of coordination and consistency.

IV

THE 2013 BURIEN COMPREHENSIVE PLAN LAND USE MAP NEEDS TO CORRECTLY DOCUMENT THE LAKE BURIEN NEIGHBORHOOD AS A LOW DENSITY RESIDENTIAL NEIGHBORHOOD

There is an inconsistency between Lake Burien Neighborhood meeting the designation criteria of a “*Low Density Residential Neighborhood*” as documented in the 2013 Comprehensive Plan and the depiction of the Lake Burien Neighborhood as a “*moderate Density Neighborhood*” on the 2013 Comprehensive Plan Map. Therefore the Comprehensive Plan Map needs to be corrected and the 2013 Comprehensive Plan compliant with the Washington State Growth Management Act (**RCW 36.70A.070 Comprehensive plans – Mandatory elements**) which mandates that a Comprehensive

Plan "...shall be an internally consistent document and all elements shall be consistent with the future land use map."

V

OTHER RELATED CITY MAPS AND REGULATIONS NEED TO BE CONSISTENT WITH THE CORRECTED 2013 BURIEN COMPREHENSIVE PLAN LAND USE MAP.

This amendment request is for the Lake Burien Neighborhood to have a land use map designation of "*Low Density Residential Neighborhood*" as supported by the 2013 Comprehensive Plan text policies and that other City of Burien regulations, policy, maps, etc. regarding land use are coordinated, clear, consistent and in agreement with the 2013 Burien Comprehensive Plan Land Use designation of "*Low Density Residential Neighborhood*". See the attached map for the requested map change (Attachment H).

Summary of Changes

Change the land use designation on the Burien Comprehensive Land Use Map from "*Moderate Density Residential Neighborhood*" to "*Low Density Residential Neighborhood*" for the Lake Burien Neighborhood to correct inconsistencies that exist in the Burien Comprehensive Plan; to protect the Lake Burien neighborhood as a doubly impacted critical area; and to be compliant with Washington State's Growth Management Act (GMA) and Management Act (SMA) for the protection of Critical Areas.

Change or amendment any City of Burien regulations, policy, maps, etc. so that they are coordinated, clear, consistent and in agreement with the Burien Comprehensive Plan Land Use designation of "*Low Density Residential Neighborhood*" for the Lake Burien Neighborhood. Correct all other master plan documents and maps to show the Lake Burien Neighborhood as Low Density residential.

Comprehensive Plan Amendment Criteria

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

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

B. The proposed amendment is consistent with the Growth Management Act, applicable to the PSRC, King County countywide planning policies and the Burien Comprehensive Plan. The citizens bringing forth this amendment met with specialists from the

PSRC two times to check on the consistency of the issues regarding vision, environment, meeting GMA numbers, housing and employment numbers. In all cases this requested amendment was consistent with the PSRC.

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

- A) 2.2 LAND USE ELEMENT:
 - 1) Land Use, Goal LU.2
 - 2) Residential Neighborhoods, Goal RE.1, Pol. RE 1.5
 - 3) Natural Environment, Goal EV.1, Pol. EV 1.2, EV 1.8, Goal EV. 2, Goal EV.4, Goal EV.5, Goal EV.6, Pol. EV 6.1
 - 4) Land Use Plan Implementation, Goal PI.1, Pol. PI 1.1, Pol. PI 1.2, Pol. 1.3
- B) 2.8 STORM WATER ELEMENT:
 - 1) Protecting Water Quality, Goal ST.1, Pol. ST 1.10, Pol. ST 1.12

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

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

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

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

The proposed amendment is applicable to the PSRC:

- 1) Vision 2040

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. Lake Burien is a Shoreline of the State and its waters feed Miller Creek which discharges its waters into Puget Sound. Therefore the city has an obligation to “...provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound”. **RCW 36.70A.030 (1) Comprehensive plans - Mandatory elements.**

Due to its connection to Puget Sound, providing “*guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state*” will benefit not only water quality, natural environment and Critical Areas, it will benefit the Burien community as well as contribute to the benefit to the waters of Puget Sound and salmon recovery.

by having a Comprehensive Plan that is internally consistent in both text and maps. The **2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Land Use Plan Implementation, Goal PI.1, Pol. PI 1.1** (page 2-34) states: “*The Comprehensive Plan, development regulations, function plans and budgets should be mutually consistent and reinforce each other.*”

Goal PI.1, Pol. PI 1.2 (page 2-34) states: “*The City’s development regulations should be consistent with other City plans and activities, including other development requirements. Development regulations shall be clearly written and absent of duplicative, uncoordinated or unclear requirements.*”

Burien citizens and City staff and consultants who use the Burien Comprehensive Plan will not be confused by internal inconsistencies. Other city plans, development regulations, functional plans and budgets will also be consistent.

D. The revised Comprehensive Plan will be internally consistent.

The revised Comprehensive Plan will be internally consistent and it will also be in compliance with the Washington State Growth Management Act (**RCW 36.70A.070 Comprehensive plans – Mandatory elements**) which mandates that a Comprehensive Plan “*...shall be an internally consistent document and all elements shall be consistent with the future land use map.*”

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

Best Available Science and current science suggest that the carrying capacity of the properties around Lake Burien would not be negatively impacted if the properties are designated as “*Low Density Residential Neighborhood*”. This amendment reduces the current proposed density and land use designation demands on a Critical Areas and the shoreline – the Lake Burien Neighborhood (see Attachment H- this was the remaining Lake Burien Neighborhood after it was removed from the Seahurst Neighborhood in 1999 during the Land Map Change by the city. It is also the neighborhood that Bob King spoke about in 1999 when giving testimony about the 1999 amendment. And it is the neighborhood the residents have submitted with this amendment and is supported by the storm water drainage system for the area. It is highlighted in yellow).

F. Adequate public facility capacity to support the projected land use exists or can be provided by the property owners requesting the amendment or can be cost effectively provided by the City or an other public agency

Adequate public Facilities do not exist for Moderate Density land use in the Lake Burien Neighborhood as it is currently designated on the 2013 Land Use Map.

Lake Burien is a Shoreline of the State. In addition, Lake Burien waters feed Miller Creek which discharges its waters into Puget Sound. Therefore the city has an obligation to “...provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound”.

RCW 36.70A.030 (1) Comprehensive plans - Mandatory elements.

As evidenced by the photos and letters of storm and surface water flooding and Lake Burien pollution (Attachment N), the City lacks adequate public facility capacity to protect the current low density use much less moderate density land use and the City has been unable to provide corrective action to mitigate or cleanse those discharges. While Lake Burien has been identified as a project on the Capital Improvements Plan (CIP) for a number of years, the City has yet to allocate funds.

In cases where the “public facility capacity” cannot support the land use, the Growth Management Hearings Board has ruled on a number of such cases:

“If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed must be included in the Plan. [WSDF I, 94-3-0016, FDO, at 65.]”

“As a matter of law, when “probable funding falls short of meeting existing needs” then the jurisdiction in question must reassess its land use element. [WSDF I, 94-3-0016, FDO, at 47.]”

When a jurisdiction in question must reassess its land use element due to funding shortfall, this is accomplished by lowering the intensity of land use. In the case of the Lake Burien Neighborhood, this would be accomplished by reducing the land use intensity/density designation from “Moderate Density Residential Neighborhood” to “Low Density Residential Neighborhood”.

This amendment is very cost effective to the citizens and the City as it simply requires revised of City documents which can be accomplished in house by the City.

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

The proposed amendment will be compatible with nearby uses which are mainly residential. The amendment will simply reduce density in an already residential

neighborhood. The area to be changed on the map is currently adjacent to properties already classified as a “*Low Density Residential Neighborhood*”. However, a lengthy analysis of surrounding neighborhoods is not relevant to this request. Under both the Growth Management Act and the Shoreline Management Act, the City has an obligation to protect Critical Areas regardless of their location or nearby uses. The protection of Critical Areas should not be compromised by increasing the intensity/density of land containing Critical Areas just because it happens to be adjacent to lands designated for higher intense use. This would be in violation of the intent of both the Growth Management Act and the Shoreline Management Act.

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

As previously stated the citizens making this request met with specialist from the PSRC.

According to the tables shown in the Buildable Lands report, Burien will have no problem with its GMA numbers targets, if this amendment is passed.

This amendment will not impact Burien contribution to the Countywide Growth Targets (2006 to 2031). Burien’s growth targets for the planning period ending 2031 show that Burien’s Housing Capacity has an excess. Burien’s growth targets for the planning period ending 2031 also show that Burien’s Employment Capacity is 7308 and their Employment Target is 4,960. Burien will have an excess Employment capacity of 2348. **2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Goal LU.2 (page 2-8).**

I. For a Comprehensive Plan Map change, the applicable designation criteria for the proposed land use designation are met and either of the two following are met:

i. Conditions have changed since the property was given its present comprehensive plan designation so that the current designation is no longer appropriate.

This criterion is not applicable.

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

The 1999 amendment which changes the Land use map to Moderate Density Residential Use for the Lake Burien Neighborhood was inappropriate when it was established.

Since this is a 2014 Comprehensive Plan map change, the applicable designation criteria are met because a map change will correct an inconsistency between the 2013 Comprehensive Plan policy text and 2013 Comprehensive Plan maps. The 2013 Burien Comprehensive Plan will become compliant with the Washington State Growth Management Act (**RCW 36.70A.070 Comprehensive plans – Mandatory elements**)

which mandates that a Comprehensive Plan “...shall be an internally consistent document and all elements shall be consistent with the future land use map.” And the 2013 Burien Comprehensive Plan will become compliant with the Washington State Shoreline Management Act for the protection of Shorelines of the State and associated Critical Areas.

Area Wide Rezone Criteria

This next series of responses will follow the list of items requested by the city under the topic of “Rezone Criteria” shown on page 2 of the “Burien Comprehensive Plan Amendment Request” application form.

A. The amendment is consistent with the Comprehensive Plan.

The physical characteristics of the Lake Burien Neighborhood match the Comprehensive Plan Land Use Designation Criteria for a *Low Density Neighborhood*. As well as the mitigations required in Chapter 5 of the Comp. Plan. The amendment that is being proposed will make the 2013 Burien Comprehensive Plan Land Use Map consistent with the text of its policies for the protection of this critical area and its shoreline.

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

This amendment seeks to protect Critical Areas that involve water quality. The protection of water quality is of the utmost importance to public health and safety and is required by both the Growth Management Act and the Shoreline Management Act.

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

The proposed amendment will be compatible with nearby uses which are mainly residential will not have significant adverse environmental impacts. The amendment will simply reduce future density in an already residential neighborhood. The area to be changed on the map is currently adjacent to properties already classified as a “*Low Density Residential Neighborhood*”. However, a lengthy analysis of zoning of the surrounding neighborhoods is not relevant to this request. Under both the Growth Management Act and the Shoreline Management Act, the City has an obligation to protect Critical Areas regardless of their location or nearby uses. The protection of Critical Areas should not be compromised by increasing the intensity of land containing Critical Areas just because it happens to be adjacent to lands designated for higher intense use or different zoning. This would be in violation of the intent of both the Growth Management Act and the Shoreline Management Act.

The 2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Land Use Implementation, Goal PI.1, (page 2-34), states: “Implement the goals and policies of

the land use plan through a variety of means and mechanisms which are coordinated and consistent.”

The 2013 Burien Comprehensive Plan, 2.2 LAND USE ELEMENT, Land Use Implementation, Goal PI.1, Pol. PI 1.1., (page 2-34), states: “*The Comprehensive Plan, development regulations, functional plans and budgets should be mutually consistent and reinforce each other.*”

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

Therefore, if the Comprehensive Plan Land Use Map is amended; then the other city documents such as the Zoning Map and supporting text requirements and regulations regarding land use development, redevelopment and zoning will also need to be amended to be consistent with the 2013 Comprehensive Plan for the area of Lake Burien.

Other facts of note about the Lake Burien Neighborhood;

1. Over 70% of the properties abutting the lake have wetlands associated with them.
2. Approximately 90% of the properties in the Lake Burien Neighborhood were built before 1980.
3. Approximately 66% of the properties abutting the Lake were built before 1966 and are old and antiquated by construction standards.
4. 163 residents and parties with vested interests in the properties signed a petition in 2010 to have the Land Use Map for this neighborhood changed to Low Density Residential to protect the critical areas and the water quality of the Lake.

Sources/References used in the preparation of the 2014 Burien Comprehensive Plan amendment request

Burien Municipal Code 18.60.020, 18.60.310

Burien Comprehensive Plan, (2009 revised 2013)

City of Burien Map Collections

City of Burien records on Comprehensive Plan, (1996 – 1999)

Cooke, Sarah Spear, “*Review for the City of Burien’s Draft SMP.....*”, (March 23, 2010)

Grette Associates, Shoreline Analysis and Characterizations, (June 12, 2006, revised October 23, 2008)

Grette Associates, Shoreline Inventory, (March 27, 2008, revised October 23, 2008)

Herrera Environmental Consultants, “*Data Analysis Report: Lake Burien, Washington*”, (March 16, 2010) Zisset, Rob

King County Comprehensive Plan, (2008)

King County Land Records, Maps.

Letter to City of Burien Council members, John Wozniak, President, Lake Burien Shore Club, (October 30, 1997)

MRSC - Best Available Science - Critical Areas, online, (April 2010)

PSWSMRO, “Wetlands and Urbanization”, (Azous and Horner, 1997)

Revised Code of Washington (RCW), RCW 36.70A

Recommendations on Making Small Shoreline Buffers Work with Buffer Science, (March 2010)

“Science daily”, (April 13, 2009)

The SMP Handbook, DOE

“The Public Trust Doctrine and Coastal Zone Management in Washington State”, Washington State Department of Ecology, (October 1991)

Whidbey Environmental Action Network v. Island County, (June 4, 2004)

ATTACHMENT A

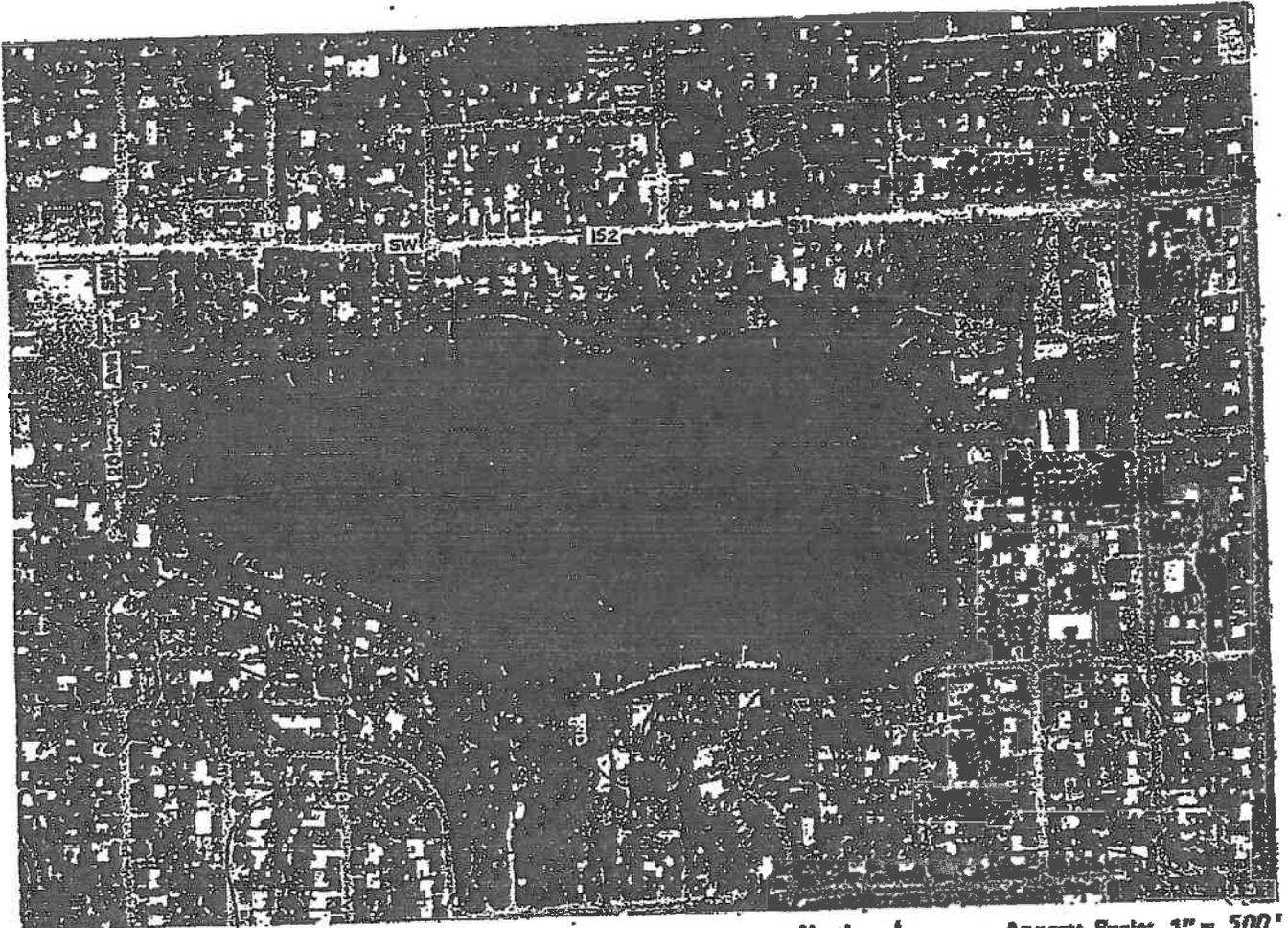


Photo Date: 5-80

North ▲

Approx. Scale: 1" = 500'

WETLAND: *Miller Creek 5*

COMMUNITY PLAN AREA: *Highline*

LOCATION: *NW SW 19-23-4*

NE SE 24-23-3

BASIN OR DRAINAGE: *Puget Sound*

INVENTORY DATE: *8-18-81*

ACREAGE: *42*

CLASSIFICATION:	Fish and Wildlife Service	Common Name
<i>L1UB3</i>	<i>Laoustrine, Littoral, Unconsolidated Bottom, Mud</i>	<i>Open Water</i>
<i>L2UB2</i>	<i>Laoustrine, Littoral, Unconsolidated Bottom, Sand</i>	<i>Open Water</i>

NOTE:

The wetland edge shown above is approximate. In marshes, ponds or lakes, the transition from standing water to uplands is usually clear. However, the edges of forested or scrub/shrub wetlands are less distinct. There, the change from wetland to upland is gradual. For a discussion, see Wetland Plants of King County and the Puget

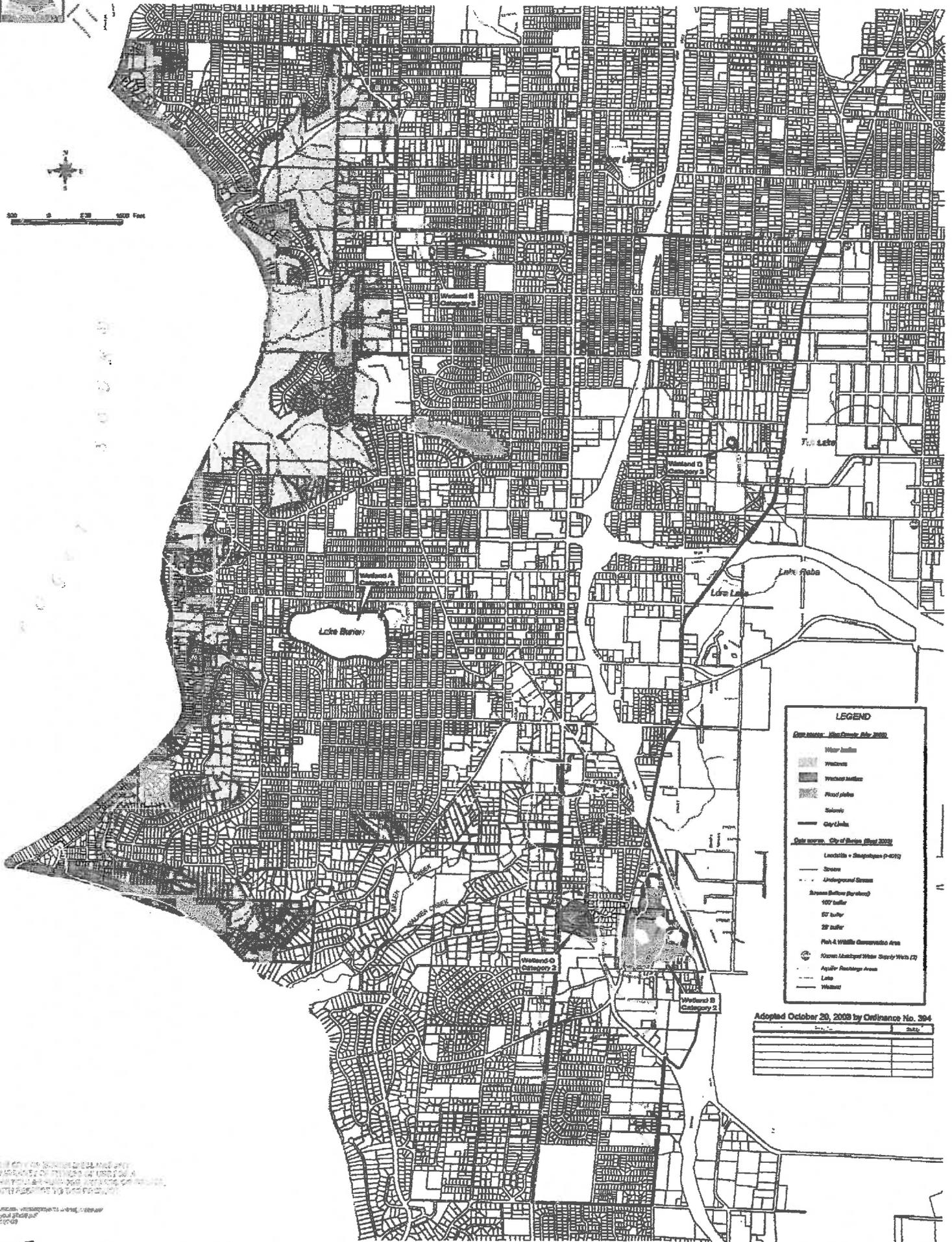
**CITY OF BRIEN
CRITICAL AREAS MAP**

ATTACHMENT D

Note: This map is for display only. All delineations are approximate. Additional sensitive areas not shown may also be identified by on-site or other studies.



0 500 1000 Feet



LEGEND

Data source: Mini-Map, City 2000

- Water bodies
- Wetlands
- Wetland buffers
- Flood plains
- Seismic
- City Limits

Data source: City of Brien (May 2002)

- Landfills - (Shagbark 7-021)
- Stream
- Underground Stream
- Stream Buffer (Variable)
- 100' buffer
- 50' buffer
- 25' buffer
- Fish & Wildlife Conservation Area
- Storm (Sanitary) Water Supply Well (2)
- Applic. Recharge Areas
- Leak
- Wetland

Adopted October 20, 2009 by Ordinance No. 394

DATE	DESCRIPTION

THIS CITY IS PROVIDING THIS MAP AS A SERVICE TO THE PUBLIC AND DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE CITY IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS MAP.

Taken from Ordinance No. 394 Adopted Oct, 2003

Lake Burien Neighborhood Properties - Units Per Acre

	Acres	# of Existing Lots	Current # of Houses	Units/acre	
				Based on # of existing lots	Based on # of houses
Properties adjacent to Lake Burien	33.57	71	82	2.11	2.44
Properties upland from Lake Burien	15.04	63	58	4.19	3.86
Combined properties totals	48.61	134	142		
Calculation of combined properties totals				2.76	2.92

II. SPECIFIC TO LAKE BURIEN VOLUME I:

1. The PCP shows the Ruth Dykeman Children's Center as being zoned Downtown Commercial and as part of a Special Enhancement Area.

COMMENT: The residents and landowners on Lake Burien absolutely object to this re-zone and all the implications stated or otherwise, or that may be implied by future bureaucratic interpretation that this designation carries.

2. The residential area surrounding Lake Burien is R-3. This is covered by Pol RE 1.5 The Low Density Residential Neighborhood designation on page II-8. This is, appropriately, the lowest density of units per acre in the hierarchy of residential/multi-family designations. The Ruth Dykeman Children's Center's changed designation is covered by Pol BU 1.6 The Downtown Commercial designation on page II-18. This is a designation of higher commercial intensity of use exceeding that of the Neighborhood Center, The Intersection Commercial, and The City Center Commercial designations.

ANALYSIS:

BU 1.3 The Neighborhood Center contains the following: "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."

BU 1.4 The Intersection Commercial contains the following: "The edges of these areas need to be well-defined to contain development and limit encroachment into single family areas."

BU 1.5 The City Center Commercial contains the following: "Development on the edge of this area must be compatible with the character of adjacent single family neighborhoods."

BU 1.6 The Downtown Commercial designation contains absolutely no similar limiting, defining, or constraining provision as part of this policy statement as set forth in above in Bu 1.3, 1.4, and 1.5.

The Downtown Commercial designation contains no limiting, defining or constraining provisions to protect the adjacent "Low Density Residential Neighborhood" zoned single family residential area.

COMMENT: The residents and landowners on Lake Burien absolutely object to the absence of any protective provision in The Downtown Commercial designation as it applies to the Ruth Dykeman Children's Center and the adjacent "Low Density Residential Neighborhood" zoned single family residential area.

(NOTE: Pol. RE 1.5 the "first" 2nd statement is incorrect. Map LU-2 shows only Steep Slopes, Suburban and Urban. It does not show any "rural".)

Taken from letter submitted to The City of Burien Council Members by J. J. Wozniak, President and on behalf of The Lake Burien Shore Club, October 30, 1997.

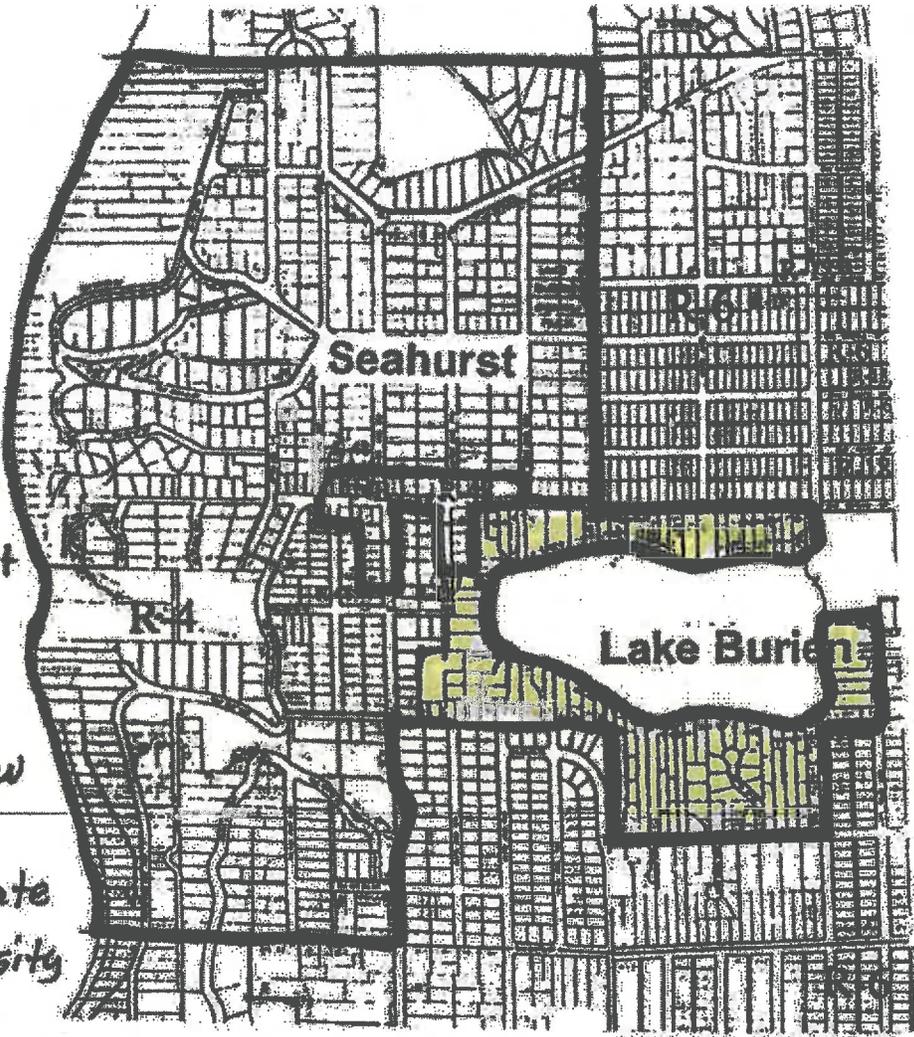
ATTACHMENT H

PURSEY SOUND

LAKE BURIEN
NEIGHBORHOOD

Map Amendment
Change

Area in yellow
to change
from moderate
to low density
residential



Lake Burien Neighborhood Properties - Units Per Acre

	Acres	# of Existing Lots	Current # of Houses	Units/acre	
				Based on # of existing lots	Based on # of houses
Properties adjacent to Lake Burien	33.57	71	82	2.11	2.44
Properties upland from Lake Burien	15.04	63	58	4.19	3.86
Combined properties totals	48.61	134	142		
Calculation of combined properties totals				2.76	2.92

A ATTACHMENT M

Lake Burien Upland Lots Sizes and Number of Houses

House Number	Lot Size per King County Records		Current # of Houses	Potential # of Houses @ RS:		Potential # of Whole Houses @ RS:	Lake Burien Upland estimated sq. ft. of Impervious Surface of current House (based on earlier zoning codes)	RS 7,200 Allowable sq. ft. of Impervious Surface (@ 70% of future development on Lake Burien)	RS 12,000 Allowable sq. ft. of Impervious Surface (@ 45% of future development on Lake Burien)	Amount of additional sq. ft. of Impervious Surface allowed in critical areas if zoned as RS 7,200 vs RS 12,000	King County designated wetland
	Acres	Sq Ft		7,200	12,000						
1817SW152	0.34	14,700	1	2.04	2	1	5,400	10,290.0	6,615	3,675.0	N
2012SW156	0.18	7,880	1	1.07	1	1	5,400	5,376.0	3,458	1,920.0	N
2006SW156	0.19	8,400	1	1.17	1	1	5,400	5,880.0	3,780	2,100.0	N
15512-20SW	0.25	10,800	1	1.50	1	1	5,400	7,560.0	4,860	2,700.0	N
1930SW156	0.19	8,400	1	1.17	1	1	5,400	5,880.0	3,780	2,100.0	N
1924SW156	0.19	8,400	1	1.17	1	1	5,400	5,880.0	3,780	2,100.0	N
1918SW155	0.20	8,526	1	1.18	1	1	5,400	5,968.2	3,837	2,131.5	N
1920SW155	0.19	8,446	1	1.17	1	1	5,400	5,912.2	3,801	2,111.5	N
1914SW156	0.21	9,100	1	1.26	1	1	10,800	6,370.0	4,095	2,275.0	N
1904SW156	0.22	9,750	1	1.35	1	1	5,400	6,825.0	4,388	2,437.5	N
1822SW156	0.48	21,060	1	2.93	2	1	6,400	14,742.0	9,477	5,265.0	N
1218SW156	0.34	15,000	1	2.08	2	1	10,800	10,500.0	6,750	3,750.0	N
1616SW156	0.23	10,028	1	1.39	1	1	5,400	7,018.2	4,512	2,506.5	N
15610-16SW	0.60	8,449	0	1.17	1	1	5,400	5,914.3	3,802	2,112.3	N
15616-16SW	0.17	7,325	0	1.02	1	1	5,400	5,127.5	3,296	1,831.3	N
15622-16SW	0.17	7,202	1	1.00	1	1	5,400	5,041.4	3,241	1,800.5	N
1520SW158	0.34	15,011	1	2.08	2	1	5,400	10,507.7	6,755	3,752.8	N
15708-15PL	0.19	8,400	1	1.17	1	1	5,400	5,880.0	3,780	2,100.0	N
15714-15PL	0.19	8,400	1	1.17	1	1	5,400	5,880.0	3,780	2,100.0	N
15722-15PL	0.19	8,400	1	1.17	1	1	5,400	5,880.0	3,780	2,100.0	N
1510SW156	0.28	12,000	1	1.67	1	1	10,800	8,400.0	5,400	3,000.0	N
Vacant	0.22	9,598	0	1.33	1	1	0	6,718.6	4,319	2,399.5	N
1490SW158	0.22	9,598	1	1.33	1	1	5,400	6,718.6	4,319	2,399.5	N
Vacant-GL	0.30	13,061	0	1.81	1	1	0	9,142.7	5,877	3,265.3	N
15723-14PL	0.33	14,400	1	2.00	2	1	5,400	10,080.0	6,480	3,600.0	N
1438SW158	0.21	9,000	1	1.25	1	1	5,400	6,300.0	3,914	2,174.5	N
15712-14PL	0.20	8,698	1	1.21	1	1	5,400	6,088.6	3,914	2,174.5	N
15722-14PL	0.18	7,798	1	1.08	1	1	5,400	5,458.6	3,509	1,949.5	N
15732-14PL	0.25	10,797	1	1.50	1	1	5,400	7,557.9	4,859	2,699.3	N
1410SW158	0.28	12,000	1	1.67	1	1	5,400	8,400.0	5,400	3,000.0	N
15711-14PL	0.38	16,702	1	2.32	1	1	5,400	11,691.4	7,516	4,175.5	N
15721-14PL	0.35	15,237	1	2.12	2	1	5,400	10,665.9	6,857	3,809.3	N
15731-14PL	0.39	16,927	1	2.35	2	1	5,400	11,848.9	7,617	4,231.8	N
1414SW158	0.28	12,375	1	1.72	1	1	5,400	8,662.5	5,569	3,093.8	N
15734-14SW	0.37	15,997	1	2.22	2	1	5,400	11,197.9	7,199	3,999.3	N
1314SW158	0.24	10,601	1	1.47	1	1	5,400	7,420.7	4,770	2,650.3	N
15733-13SW	0.21	9,122	1	1.27	1	1	5,400	6,385.4	4,105	2,290.5	N
15725-13SW	0.38	16,504	1	2.29	2	1	5,400	11,552.8	7,427	4,126.0	N
15715-13SW	0.34	14,600	1	2.03	2	1	5,400	10,220.0	6,570	3,650.0	N
15707-13SW	0.29	12,800	1	1.78	1	1	5,400	8,960.0	5,760	3,200.0	N

H2O ACCESS(POWELL 45ALE)

H2O ACCESS(FRED R.)

H2O ACCESS

H2O ACCESS

H2O ACCESS

H2O ACCESS

H2O ACCESS

ATTACHMENT M

Lake Burien Upland Lots Sizes and Number of Houses

House Number	Lot Size per King County Records		Current # of Houses	Potential # of Houses @ RS:		Potential # of Whole Houses @ RS:	Lake Burien Upland estimated sq. ft. of Impervious Surface of current House based on earlier zoning codes	RS 7,200 Allowable sq. ft. of Impervious Surface (@ 70%) of future development on Lake Burien	RS 12,000 Allowable sq. ft. of Impervious Surface (@ 45%) of future development on Lake Burien	Amount of additional sq. ft. of Impervious Surface allowed in critical areas if zoned as RS 7,200 vs RS 12,000	King County designated wetland
	Acres	Sq Ft		7,200	12,000						
15705-13SW	0.26	11,200	1	1.56	1	1	5,400	7,840.0	5,400	2,440.0	N
15706-13SW	0.26	11,200	1	1.56	1	1	5,400	7,840.0	5,040	2,800.0	N
15708-13SW	0.24	10,600	1	1.47	1	1	5,400	7,420.0	4,770	2,650.0	N
15712-13SW	0.25	11,000	1	1.53	1	1	5,400	7,700.0	4,950	2,750.0	N
15724-13SW	0.27	11,755	1	1.63	1	1	5,400	8,228.5	5,290	2,938.8	N
12325W158	0.15	6,596	1	0.92	1	1	5,400	4,616.5	2,966	1,648.8	N
12245W158	0.21	9,302	1	1.29	1	1	5,400	6,708.0	4,311	2,395.0	N
12185W158	0.22	9,580	1	1.33	1	1	5,400	6,899.9	4,436	2,484.3	N
12105W158	0.23	9,857	1	1.37	1	1	5,400	6,899.9	4,436	2,464.3	N
12045W158	0.23	9,857	1	1.37	1	1	5,400	7,969.5	5,123	2,846.3	N
12035W157	0.26	11,365	1	1.58	1	1	5,400	7,094.5	4,561	2,533.8	N
12135W157	0.23	10,135	1	1.41	1	1	5,400	7,289.1	4,686	2,603.3	N
12175W157	0.24	10,413	1	1.45	1	1	5,400	7,483.0	4,811	2,672.5	N
12275W157	0.25	10,690	1	1.48	1	1	5,400	7,340.2	5,400	1,940.2	N
12305W157	0.24	10,486	1	1.46	1	1	5,400	7,069.3	4,545	2,524.8	N
12245W157	0.23	10,099	1	1.40	1	1	5,400	8,163.4	5,248	2,915.6	N
12105W157	0.27	11,662	1	1.62	1	1	5,400	4,543.7	2,921	1,622.8	N
15623-12SW	0.15	6,491	1	0.90	1	1	5,400	4,543.7	2,921	1,622.8	N
15613-12SW	0.15	6,491	1	0.90	1	1	5,400	8,885.1	5,712	3,173.3	N
11025W156	0.29	12,693	1	1.76	1	1	5,400	5,053.3	3,249	1,804.8	N
15417-11SW	0.17	7,219	1	1.00	1	1	5,400	5,928.3	3,811	2,117.3	N
15401-11SW	0.19	8,469	1	1.18	1	1	5,400	467,928	306,036	161,892	N
Avg Sq Ft		10,529	58		72	62	340,200				Y=0/62

3 of 62 properties within the uplands are less than 7,200 sq ft

Lake Burien Properties - Units Per Acre

House Number	Year Originally Built	Lot Size per King County Records		Current # of Houses	Critical Area	Units per Acre	Comments
		Acres	Sq Ft				
1618	1961	0.27	11,782	1	Y		
1602	1926	0.39	17,094	1	Y		
1600	1975	0.31	13,320	2	Y		
15602	1999	0.93	40,515	2	Y		
15703	2008	1.02	44,400	2	Y		
Common		0	0	0			
1440	1937	1.27	55,380	1	Y		
15709	1953	0.35	15,180	1	Y		
15700	1997	0.25	10,800	1	Y		
1418	1953	0.59	25,860	1	Y		
15705	1955	0.39	16,907	1	Y		
15701	1954	0.44	18,980	1	Y		
15703	1952	0.49	21,270	1	Y		
15701	1959	0.37	16,101	1	Y		
15702	1951	0.36	15,658	1	Y		
15704	1955	0.36	15,704	1	Y		
1228	1978	0.35	15,320	1	Y		
1222	1958	0.33	14,395	1	Y		
1216	1947	0.51	22,259	1	Y		
1208	1978	0.24	10,644	1	Y		
15605	1953	0.25	10,900	1	Y		
Vacant		0.04	1,590	0			
Vacant		0.40	17,300	0	Y		
15441	1950	0.61	26,593	1	Y		
15431	1956	0.43	18,610	2	Y		
15427	1955	0.41	17,773	1	Y		
15423	1999	0.38	16,460	1	Y		
15413	1955	0.36	15,752	1	Y		
15407	1909	0.65	28,320	1	Y		
15403	1937	0.33	14,586	1	Y		

235 units per acre for properties adjoining the lake.

The following two pictures were taken on 152nd St across the street from the Ruth Dykman Home. They were also taken on March 15, 2012 hours later at dusk. This is a critical area that should be maintained for the health of Lake Burien. Please upgrade the storm water management plan to include all of the streets in the Lake Burien Basin. Thank you,

Robert and Robbie Howell
15240 20th Ave SW
Burien, WA 98166
206-948-8227



MARCH 15, 2017. 2.



March 15, 2012 at 12:30 am

About an hour later we were able to walk up to 20th Ave SW and 152nd St.

- A couple of neighbors reported to me that a stream from 152nd had run down 20th on the east side of the street taking the least line of resistance down our driveway into Lake Burien. The following three pictures were taken at that time. The volume of the water had diminished but it was still loaded with sediment flowing into the lake.
- There needs to be a storm water runoff plan for 20th Ave SW along the lake.

At 10:15 AM on 10/10/00





MARCH 13, 2012 15

March 15, 2012 at 11:15 A.M.

- Our house is located at 15240 20th Ave SW.
- Water is flowing onto our courtyard as the rain is ending.
- We couldn't walk to our truck without wading.
- Before the rain started flowing down our driveway from the street the gravel on our driveway was smooth. There was no indentation. The force of the water run off from the street tore up the driveway forming a riverbed.
- We have adequate drains for the rain in the courtyard and the city approved them when we remodeled our house. However our drains are not adequate to handle major storm water run-off from 152nd and 20th Ave SW.
- We also have a sump pump located underneath the house that runs night and day on rainy days like March 15, 2012.
- Before we did our remodel we had a paved driveway and paved parking. We never had flooding. Due to the cost factor we decided to use gravel in our driveway.
- Then St Francis increased the paved parking across the street and ever since then we have been experiencing flooding on days of heavy rain.
- We want to make sure that the city includes the Lake Burien Neighborhood in its' storm water management plan.

RH Backyard



March 15, 2012

MARCH 13, 1971

10





14

Delivered-To: robbieh@windermere.com
 X-Spam-Threshold: 95
 X-Spam-Score: 0
 X-Spam-Flag: NO
 X-Virus-Scanned: OK
 X-MessageSniffer-Scan-Result: 0
 X-MessageSniffer-Rules: 0-0-0-9948-c
 X-CMAE-Scan-Result: 0
 X-CNFS-Analysis: v=1.0 c=1 a=xqWC_Br6kY4A:10 a=LoaXrUE-Pa_2fE9B0lgA:9
 a=CjulK1q_8ugA:10 a=yMhMjIubAAAA:8 a=SSmOFEACAAAA:8 a=J2V_KxD4SbCDFQ118GcA:9
 a=Ta8EISsvKkVNYTc3TrIA:7 a=gKO2Hq4RSVka:10 a=hTZec7Yk6K0A:10
 X-Orig-To: robbieh@windemere.com
 X-Originating-Ip: [64.122.205.34]
 From: Valerie Stuart <ValerieS@burienwa.gov>
 To: Alissa Maxwell <Alissa.maxwell@otak.com>, 'Bob Edgar' <r_edgar2@yahoo.com>, 'Carol Lumb' <Lumbcarol@hotmail.com>, 'Chestine Edgar' <c_edgar2@yahoo.com>, 'Chuck Rangel' <Ragpicker8@hotmail.com>, "elissa.ostergaard@kingcounty.gov" <elissa.ostergaard@kingcounty.gov>, 'Erik Robbins' <erik@gotonps.com>, Heungkook Lim <heungkookl@burienwa.gov>, 'Ingrid Hansen' <hansenings@comcast.net>, 'Jessica Christofferson' <jessica.christofferson@otak.com>, "Joe Simmler PhD (joe.simmler@otak.com)" <joe.simmler@otak.com>, 'John & Cyndi Upthegrove' <cyndiu@comcast.net>, 'Kathy Johnson' <studio@glassexpressions.com>, 'Lee Moyer' <moyerla@aol.com>, Maiya Andrews <maiya@burienwa.gov>, 'Robbie Howell' <robbieh@windemere.com>, 'Ruthie Goetz' <ruthiegoetz@yahoo.com>
 Date: Tue, 3 Apr 2012 09:10:13 -0700
 Subject: Draft notice for meeting
 Thread-Topic: Draft notice for meeting
 Thread-Index: Ac0NCCafUoupJgqtTrm2F1/MPG7QJAAK5XsAAABFn2ABH9gk4A==
 Accept-Language: en-US
 X-MS-Has-Attach:
 X-MS-TNEF-Correlator:
 acceptlanguage: en-US

City of Burien Drainage Master Plan Advisory Committee Meeting and Open House

A meeting of the Drainage Master Plan Advisory Committee will be held on Tuesday, April 10, 2012 at 6:00 pm at the Burien Community Center, located at 14700 6th Avenue SW, in the Lakeview Room. This meeting will be immediately followed by an Open House from 6:30-7:30 pm.

The Advisory Committee will be updated on the status of the Drainage Master Plan from 6:00 pm to 6:30 pm. During this time, Otak, the City's consultant, will provide an overview of the plan elements, summarize the input received since the last meeting, and review the proposed capital program. At approximately 6:30 pm the meeting will open up to an informal discussion with the public about the City's stormwater program and drainage issues in the City. The City is seeking suggestions about ways to involve the public in water quality issues and specific topics of interest.

3-15-2012

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From: "almquist jon" <almquist.jon@comcast.net>
To: craigk@burienwa.gov
Cc: maiyaa@burienwa.gov, council@burienwa.gov
Sent: Sunday, October 6, 2013 8:12:52 PM
Subject: Storm Water Drainage Issues:

Dear Sir:

I have been having waste water problems on my property for approximately the last two years. It was not an issue in the previous 38 years I have resided at this property.

I called the Waste Water Division one one occasion, and came into the offices twice to report my concerns within the last 2 years.

There is an easement along the west side of my property in which runs a pipe that is supposed to take waste water draining down 14th SW street into Lake Burien. During the last two winters I now have water gushing up from underground in the area of this pipe when it rains. At times there is enough of a current from this water that gravel is swept down my driveway and the water floods the parking area in front of my home, and overwhelms the ability of my drains to handle this water. Despite 2 sump pumps in the area under my home water accumulates under the home when this happens, and I am concerned that I will sustain both mold damage as well as potentially destroying my furnaces and water heater.

I have been told that a camera was passed down this drain pipe to identify the problem, but that staff was uncertain what to do about the problem.

If roots from the cedar trees growing on this easement have invaded this pipe there are many companies in the Seattle area that can both identify the root problem and cut the roots out using Vactor trucks which can pass cutting blades driven by high pressure water down the pipe. If there is a break in the pipe it is only going to get worse waiting longer to be repaired. There is an easement which allows you to correct this defect that is a hazard to my home. I believe it is negligent of the city to not repair this community waste water drain.

Respectfully,

Jon R. Almquist
1261 SW 152nd Street
Burien, WA 98166
206-246-6290

649

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Subject: Water testing
From: Fred Reinke (reinkefnd@comcast.net)
To: c_edgar2@yahoo.com;
Date: Friday, December 10, 2010 3:28 PM

Hi Chestine,

We have the copies of the pages here.

We talked to Ken Srilofung, Storm Water Management Engineering Technician. He said that the city has only tested water in the 128th and Ambaum project. They have only visually looked at some of the creeks to see if there was any sediment, algae, or turbidity, etc. They have until March 2011 to complete the visual inspections and report to the Dept of Ecology. After that they will decide where to put the testing stations and communicate that to the DOE.

He said he would send us an email with in the week or two describing the above information in more detail and the plan for the testing stations. He seemed very friendly and forthcoming with his information.

Hope this is what you needed.

Fred Reinke