



CITY COUNCIL MEETING AGENDA

July 6, 2009

7:00 p.m.

Burien City Hall, Council Chambers
 400 SW 152nd Street, 1st Floor
 Burien, Washington 98166

PAGE NO.

I. CALL TO ORDER

II. EXECUTIVE SESSION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. AGENDA CONFIRMATION

VI. PUBLIC COMMENT To receive comments on *topics other than public hearing topics*. Individual will please limit their comments to three minutes, and groups to five minutes.

- | | | |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| VII. CORRESPONDENCE FOR THE RECORD | a. Letter Received June 23, 2009, from James W. Martin Regarding Sculpture Art Next to the Town Square Park with Response from Michael Lafreniere, Parks Director. | 3. |
| | b. Email Dated June 25, 2009, from Eric Dickman, Burien Little Theatre Artistic Director, Regarding Another Reason to Support the Arts in Burien. | 7. |

VIII. PRESENTATIONS

- | | | |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----|
| IX. CONSENT AGENDA | a. Approval of Vouchers: Numbers 22470 - 22626 (22504 skipped) in the Amount of \$4,437,224.60 with Voided Check No. 22496. | 9. |
| | b. Approval of Minutes: June 15, 2009. | 29. |
| | c. Motion to Approve Resolution 296 to Become a Cascade Agenda City. | 33. |

- | | | |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| X. BUSINESS AGENDA | a. City Manager's Report. | 37. |
| | b. Review of Hearing Examiner's Findings, Conclusions and Recommendation on the Proposed Navos Mental Health Facility Type 3 Land Use Review (1210 SW 136 th Street). | 107. |

COUNCILMEMBERS

Joan McGilton, Mayor
 Kathy Keene

Sue Blazak, Deputy Mayor
 Lucy Krakowiak Sally Nelson

Rose Clark
 Gordon Shaw

CITY COUNCIL AGENDA

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X. BUSINESS AGENDA (cont'd.)	c. Motion to Adopt Proposed Resolution No. 299, Setting a Public Hearing for the Establishment of a Transportation Benefit District.	215.
	d. Discussion on Proposed Ordinance No. 516, Approving the Formation of a Transportation Benefit District and Proposed Resolution No. 298, Approving an Interlocal Agreement Between the City of Burien, Washington ("Burien"), and the Burien Transportation Benefit District ("TBD No. 1").	221.
	e. Discussion on Motion to Adopt Resolution No. 295, Establishing the 2009 Comprehensive Plan Amendment Docket.	235.
	f. Discussion on a Parks Board Recommendation to Name the 141 st Street Stormwater Pond Park.	273.
	g. Discussion on Proposed Ordinance No. 515 and Resolution No. 297, Amending the Fee Schedule for Permit Fees and Other Community Development and Land Use Fees.	277.
	h. Update on Compliance with National Pollution Discharge Elimination System Permit Issued January 15, 2007.	291.
	i. Discussion on Proposed Ordinance No. 514, Relating to Regulation of Firearms.	325.

XI. COUNCIL REPORTS

XII. ADJOURNMENT

James Martin
1920 SW 165th ST.
Burien, WA 98166

RECEIVED

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JUN 23 2009

CITY OF BURIEN

To Whom It May Concern:

I am writing to express my displeasure with the recent addition of sculpture art in the new Burien Park, next to the Library.

On Saturday June 13th 2009, I was walking down 152nd enjoying a nice sunny day with my 3 year old son. Our favorite is to walk by the Australian Bakery and the pet store, if we're lucky we can catch the parrot that lives at the pet store out for a visit. We were enjoying the sunshine and were excited by the festival atmosphere; it was the celebration of the new Burien Town Center.

We walked up the side steps to a little grassy flat, admiring the plush freshly planted grass. As we walked my son is asking all kinds of questions, as is typical of a child his age. What's this? What's that? How come? What's it for? Those types of questions. I am constantly amazed at the rate in which he is filling his beautiful young mind with new things.

We arrive at the rock dedicated to Mt. Rainer. My son really enjoyed seeing how glossy and smooth the rock was. Of course, all he wanted to do is throw the little pebbles from around into the grass. So to distract him, I continued down the path admiring how beautiful the plants and shrubbery was.

All of the sudden, my son looks up and spots the sculptures; he comments on how big the big lady and little lady are and asks why there is garbage all around them. (The asphalt) I must admit I (and pretty much everyone I've talked with about this) agree that the chunks of asphalt are an eyesore- not to mention potentially harmful to small children. Anyway- I digress. . . As he focuses his attention to the surrounding smaller pieces, we noticed a group of boys giggling and laughing at one in particular, but we keep on with our walk. As we walked up to these art pieces my son carefully inspected each one, asking questions and making comments- typical of most 3 year olds. I explained how they were pieces of art and they were place here to make things look nice.

I drag him off the chunks of asphalt again (I ask myself what on earth these chunks of street add? Is the City of Burien trying to conserve by turning construction debris into art?) We continued to walk around until we came to the art that the boys were giggling at. The artist was actually still installing this piece, a statue of a woman sitting down. At first glance it reminded me of the classic thinking man statue. I thought it was humorous, and looked kind of nice. From where I am standing I can hear the artist talking. He was bragging that the person that models for this statute was 34 year old lady, who actually wanted to stand and lift her arms in the air to show everything. He was joking about how he guessed she looked pretty good for a 34 year old. (Good thing my 36 year old wife wasn't with us!)

CFTR:
cc: Michael Lafrevere for response
PL 6/29/09

Upon closer inspection of the piece I noticed that she was naked. I think to myself, hmm, weird choice for a public library, and a park where children are going to play. I took a closer look and noticed this art was very detailed. Now, let me first say before anyone say's "Freedom of expression or support the arts" I get it. I support the arts- but I also feel the placement of the art is as important as the quality of it. The best piece of art can be placed inappropriately. My son walks up to the statue and asks, "What is that daddy?" as he points to her breast. I explained what he was looking at, and told him this was art. He pointed again and said "no daddy that's not art, what are those?" This time he was pointing to her nipples. I brushed it off and tried to distract him but my son moved in to get a closer look.

I walk up to my son and squatted next to him in front of the statue. He asks more questions, in response I said, "That's her hand son, just like you have two hands". Just as I am pointing to her hand, I get a glimpse of pubic hair. I am thinking, well maybe when she was posing she was all the way naked and he just sculpted her private area in a tactful, non-descript fashion. I was shocked to see that her private area was sculpted in the utmost detail. I do not consider myself to be a prude, but I was astounded at such a sight. This woman in her entirety was displayed right there in front of me. Now I know what those 10 year old boys were giggling at. I wonder how many parents will have to have a discussion they weren't prepared for as a result of this art.

If I were to see this type of art in an art gallery, I wouldn't think twice, but right in the middle of the public park? I wouldn't choose to bring my 3 year old son to look at this style of art in a gallery, as I feel it is for viewing by adults. Unfortunately now I won't choose to bring my son to enjoy the grounds in the Burien Town Center. The art there provides my son with an education that he is not yet old enough to have.

After describing what I saw to many family and friends and taking and sharing a few photo's with them, all agreed that the City of Burien has demonstrated a clear lack in judgment. I have grown up in this community, as has my family and many of my friends. As a long time resident of Burien, I am extremely disturbed by the finding that it's appropriate to place this graphic display in a public location frequented by children, bronze or not. I have a feeling I am not the only parent that will be able to thank the City of Burien's new art for putting me in the position to have to have an awkward conversation with their child after spending an afternoon reviewing the art.

As a resident and taxpayer in this community I urge you to re-consider the placement of this piece of art. In addition, I believe you should re-evaluate your process for evaluating art for public display, applying special considerations in locations that children are likely to frequent. Until this is removed, I will not be able to take my son back to enjoy the beautiful grounds that you have created.

Yours truly,



James W. Martin



Burien

Washington, USA

15811 Ambaum Blvd SW, Suite C, Burien, WA 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

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June 29, 2009

James Martin
1920 SW 165th Street
Burien, WA 98166

Dear Mr. Martin:

Thank you for contacting the City of Burien regarding the sculptures next to Town Square Park. The sculptures and the area you are referring to are part of the Burien Interim Art Space (B/IAS) project. The project is actually not part of Town Square Park, but is on private property. For more about the project, please visit www.interim-art-space.com. The Burien Interim Art Space is a temporary art park created by the community and designed to use land that would otherwise be sitting idle. The site is scheduled for construction of the next phase of the Burien Town Square project at that time the Art will be deinstalled and returned to the artists. More information about the project is available at www.interim-art-space.com.

Certainly many people often have a wide range of opinions regarding public art, and I do respect your point of view. As has long been said, art is in the eye of the beholder. It is also the case that we have heard many positive comments about the project from the public. It has also led to some interesting partnerships that are beneficial to the community. **For example, students from the Highline School District's Puget Sound Skills Center recently learned to fabricate metal sculptures for display at the site, and members of the local plumbers and pipefitters union stepped forward to work with the students on this effort.** There is also art there made by students at Gregory Heights and Cedarhurst elementary schools. Due to the uniqueness of the B/IAS concept regarding the use of unused spaces for community art, this project has also received positive press and significant regional attention for Burien.

The crescent-shaped berms of asphalt pieces that you reference were actually created by the artists and are part of the site plan. **As I clarified earlier, the site is not part of the City's new park but is on private property;** it is not owned or maintained by the City. The site is maintained by community volunteers from a local non-profit arts organization. The project is a partnership between a handful of art organizations and the property owner, i.e. the Town Square developer. The City did not commission the creation of the sculpture you referenced; it did however contribute some funds along with other organizations, including the Town Square developer, Urban Partners, to the arts organization to assist it with its project. The City has an "**Art in Public Places**" fund for these types of public art projects, both permanent and temporary. As I said, this exhibition is expected to be on display through the end of the year.

Again, thank you, and we will relay your comments to the citizen volunteers who have organized the B/IAS project.

If you have further questions or suggestions, I can be contacted at 206-988-3700.

Sincerely,

Michael Lafreniere, Director
Parks, Recreation and Cultural Services Department

cc: Council Members
Mike Martin, City Manager

From: Council
Sent: Thursday, June 25, 2009 5:26 PM
To: 'eric@burienlittletheatre.com'
Subject: RE: Another reason to support the arts in Burien

Thank you for your message. It will be included in the Council's Correspondence for the Record.

L. Clausen
Burien City Manager's Office

-----Original Message-----

From: eric [mailto:eric@burienlittletheatre.com]
Sent: Thursday, June 25, 2009 3:47 PM
To: Council
Subject: Re: Another reason to support the arts in Burien

Dear Council,

This link
http://seattletimes.nwsourc.com/html/opinion/2009350172_guests18lynch.html, repeated as the attached .pdf, is an editorial by guest columnist Robert L. Lynch and Gene Duvernoy entitled "The arts can be part of economic solutions." It addresses the need to support the arts in these trying times. This editorial was first published in the Seattle Times on June 17, 2009. I hope you caught it, but if you missed it, of special note are the following two paragraphs:

And the arts are an "industry." Nonprofit arts organizations are proud members of the business community – employing people locally, purchasing goods and services within the community, and deeply involved in the marketing and promotion of their cities. The numbers are significant: Nationally, nonprofit arts organizations and their audiences generate \$166.2 billion in economic activity, 5.7 million jobs, and nearly \$30 billion in government revenue every year.

And in Seattle alone, nonprofit arts groups and their audiences provide \$330 million in economic impact and generate more than \$26 million in local and state tax revenues. Additionally, Seattle is home to 4,065 arts-related businesses that employ 21,025 people – highest arts businesses per capita in the nation.

While this editorial is addressed expressly to the City of Seattle, Burien too can take away the message that with investment, the arts can bounce back fast and strong, generating more local jobs and economic activity than most other industries.

The Council has been a supporter of the arts in the past, and I look forward to continued, if not growing, support in the future.

Eric Dickman
Artistic Director

CFTR: 7/6/09

COMPUTER CHECK REGISTER

CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY APPROVE FOR PAYMENT ON This 6th day of July, 2009 the FOLLOWING:

CHECK NOS. 22470-22626 (22504 skipped)

IN THE AMOUNTS OF \$4,437,224.60

WITH VOIDED CHECK NOS. 22496

Accounts Payable
Checks for Approval



User: liliac
Printed: 07/01/2009 - 8:41 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22470	06/15/2009	General Fund	Professional Services	A-Maze-ing Kettlecorn	710.00
				Check Total:	710.00
22471	06/15/2009	General Fund	Professional Services	Bouncy House	764.12
				Check Total:	764.12
22472	06/15/2009	General Fund	Operating Rentals And Leases	Wells Fargo Financing Leasing	686.48
				Check Total:	686.48
22473	06/15/2009	General Fund	Repairs And Maintenance	Wescom Communications, Inc	98.55
				Check Total:	98.55
22474	06/24/2009	General Fund	Professional Services	A-Maze-ing Kettlecorn	60.00
				Check Total:	60.00
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	89.85
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	96.84
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	74.45
22475	06/24/2009	General Fund	Printing/binding/copying	CITI BANK	130.56
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	38.37
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	16.45
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	9.98
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	87.45
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	15.34
22475	06/24/2009	General Fund	Postage	CITI BANK	114.80
22475	06/24/2009	General Fund	Admission and Entrance Fees	CITI BANK	680.00
22475	06/24/2009	General Fund	Admission and Entrance Fees	CITI BANK	633.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22475	06/24/2009	General Fund	Operating Rentals And Leases	CITI BANK	330.00
22475	06/24/2009	General Fund	Burien Marketing Strategy	CITI BANK	152.52
22475	06/24/2009	General Fund	Admission and Entrance Fees	CITI BANK	814.00
22475	06/24/2009	General Fund	Lodging	CITI BANK	335.26
22475	06/24/2009	General Fund	Miscellaneous	CITI BANK	74.90
22475	06/24/2009	Town Square CIP	Office Furniture and Equipment	CITI BANK	295.00
22475	06/24/2009	General Fund	Registration - Trainng/workshp	CITI BANK	50.00
22475	06/24/2009	General Fund	Miscellaneous	CITI BANK	30.00
22475	06/24/2009	General Fund	Publications	CITI BANK	87.00
22475	06/24/2009	General Fund	Meals	CITI BANK	67.74
22475	06/24/2009	General Fund	Miscellaneous	CITI BANK	35.00
22475	06/24/2009	General Fund	Office And Operating Supplies	CITI BANK	1,300.16
22475	06/24/2009	General Fund	Repairs And Maintenance	CITI BANK	74.23
22475	06/24/2009	General Fund	Miscellaneous	CITI BANK	6.99
22475	06/24/2009	General Fund	Office/operating Supplies	CITI BANK	72.25
Check Total:					5,712.14
22476	06/24/2009	Town Square CIP	Construction	DPK Inc.	377,854.65
Check Total:					377,854.65
22477	06/24/2009	General Fund	Unemployment	Employment Security Department	21.03
Check Total:					21.03
22478	06/24/2009	Transportation CIP	Construction	Johansen Excavating, Inc	27,458.00
22478	06/24/2009	Transportation CIP	Retainage Payable	Johansen Excavating, Inc	-1,372.90
Check Total:					26,085.10
22479	06/26/2009	General Fund	Miscellaneous	King County Recorder	44.00
Check Total:					44.00
22480	06/29/2009	Surface Water Management Fund	PWTFL Pond LTD	Department of Community, Trade	78,480.84
22480	06/29/2009	Surface Water Management Fund	Interest on PWTFL Pond	Department of Community, Trade	6,918.25
22480	06/29/2009	Debt Service Fund	PWTFL debt svc principal	Department of Community, Trade	129,177.32
22480	06/29/2009	Debt Service Fund	PWTFL debt svc principal	Department of Community, Trade	52,777.78
22480	06/29/2009	Debt Service Fund	interest on PWTFL	Department of Community, Trade	8,396.53
22480	06/29/2009	Debt Service Fund	interest on PWTFL	Department of Community, Trade	3,694.44
22480	06/29/2009	Debt Service Fund	PWTFL debt svc princ 1st S0	Department of Community, Trade	113,602.94
22480	06/29/2009	Debt Service Fund	PWTFL interest 1st So	Department of Community, Trade	8,831.29

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	401,879.39
22481	06/29/2009	General Fund	Miscellaneous	Gov't Finance Officers Assn.	435.00
				Check Total:	435.00
22482	07/06/2009	General Fund	Strawberry Festival	Abbey Party Rents	2,141.41
				Check Total:	2,141.41
22483	07/06/2009	General Fund	Dues/memberships	ACCIS	75.00
				Check Total:	75.00
22484	07/06/2009	General Fund	Repairs And Maintenance	ADT Security Services	113.55
22484	07/06/2009	General Fund	Repairs And Maintenance	ADT Security Services	10.88
22484	07/06/2009	General Fund	Repairs And Maintenance	ADT Security Services	88.88
22484	07/06/2009	Town Square CIP	Office Furniture and Equipment	ADT Security Services	6,312.59
				Check Total:	6,525.90
22485	07/06/2009	General Fund	Operating Rentals And Leases	AIRGAS-NORPAC, INC.	7.80
22485	07/06/2009	General Fund	Operating Rentals And Leases	AIRGAS-NORPAC, INC.	7.80
				Check Total:	15.60
22486	07/06/2009	Town Square CIP	Office Furniture and Equipment	Albert Lee Appliance	7,870.53
				Check Total:	7,870.53
22487	07/06/2009	General Fund	Quarterly Newsletter	MT Group LLC	4,961.45
				Check Total:	4,961.45
22488	07/06/2009	General Fund	Repairs And Maintenance	All Clear Inc.	164.25
				Check Total:	164.25
22489	07/06/2009	General Fund	Professional Services	Administrative Office of the C	6.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	6.00
22490	07/06/2009	General Fund	Professional Services	Apex Moving & Storage, LLC	308.35
22490	07/06/2009	General Fund	Professional Services	Apex Moving & Storage, LLC	308.34
22490	07/06/2009	General Fund	Professional Services	Apex Moving & Storage, LLC	308.34
22490	07/06/2009	General Fund	Professional Services	Apex Moving & Storage, LLC	308.34
				Check Total:	1,233.37
22491	07/06/2009	General Fund	Instructors Prof Svcs	American Red Cross	600.00
				Check Total:	600.00
22492	07/06/2009	General Fund	Dues/memberships	American Society of Composers,	310.50
				Check Total:	310.50
22493	07/06/2009	General Fund	Instructors Prof Svcs	Dana Babb	396.00
				Check Total:	396.00
22494	07/06/2009	General Fund	Federal Lobbying Services	Ball Janik LLP	8,833.33
				Check Total:	8,833.33
22495	07/06/2009	General Fund	Quarterly Newsletter	Kenneth Barger	148.96
				Check Total:	148.96
22497	07/06/2009	Parks & Gen Gov't CIP	Project Development	Builders Exchange of WA, Inc.	98.50
				Check Total:	98.50
22498	07/06/2009	General Fund	Repairs And Maintenance	Brendens Auto Service	813.33
				Check Total:	813.33
22499	07/06/2009	General Fund	Printing/binding/copying	Philip Hwang Kwang Nam	175.20
22499	07/06/2009	General Fund	Printing	Philip Hwang Kwang Nam	98.55

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	273.75
22500	07/06/2009	General Fund	Instructors Prof Svcs	Eileen Broomell	762.45
				Check Total:	762.45
22501	07/06/2009	General Fund	Office And Operating Supplies	Burien Bark L.L.C.	305.55
				Check Total:	305.55
22502	07/06/2009	General Fund	Office And Operating Supplies	Burien Trophy	23.82
				Check Total:	23.82
22503	07/06/2009	General Fund	Repairs And Maintenance	Burien Upholstery	246.38
				Check Total:	246.38
22505	07/06/2009	General Fund	Repairs And Maintenance	Carr Lines	876.00
				Check Total:	876.00
22506	07/06/2009	General Fund	Mis Plan Implementation	CDW-G	1,312.82
22506	07/06/2009	General Fund	Computer Related Supplies	CDW-G	100.12
				Check Total:	1,412.94
22507	07/06/2009	General Fund	Professional Services	Ava Chakravarti	600.00
				Check Total:	600.00
22508	07/06/2009	General Fund	Website	Civic Plus	250.00
				Check Total:	250.00
22509	07/06/2009	General Fund	Channel 21 Video Production	COMCAST	57.70
				Check Total:	57.70
22510	07/06/2009	General Fund	Office And Operating Supplies	Consolidated Electrical	41.38
22510	07/06/2009	General Fund	Office And Operating Supplies	Consolidated Electrical	9.20

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22510	07/06/2009	General Fund	Office And Operating Supplies	Consolidated Electrical	41.38
Check Total:					91.96
22511	07/06/2009	General Fund	Miscellaneous	Crystal and Sierra Springs	15.10
22511	07/06/2009	General Fund	Miscellaneous	Crystal and Sierra Springs	67.93
22511	07/06/2009	General Fund	Miscellaneous	Crystal and Sierra Springs	67.93
Check Total:					150.96
22512	07/06/2009	General Fund	Jail Contract	City of Renton	140.00
Check Total:					140.00
22513	07/06/2009	General Fund	Utilities	City of Seattle	359.19
22513	07/06/2009	General Fund	Utilities	City of Seattle	359.19
22513	07/06/2009	General Fund	Utilities	City of Seattle	79.83
22513	07/06/2009	General Fund	Utilities	City of Seattle	492.98
22513	07/06/2009	General Fund	Utilities	City of Seattle	902.85
22513	07/06/2009	Street Fund	Utilities - Traffic Signals	City of Seattle	622.18
22513	07/06/2009	Street Fund	Utilities-street Lighting	City of Seattle	3,199.35
22513	07/06/2009	Street Fund	Utilities-street Lighting	City of Seattle	74.25
22513	07/06/2009	Surface Water Management Fund	Util - Pump 28: Hermes Deprssn	City of Seattle	291.79
22513	07/06/2009	Surface Water Management Fund	Util - Pump 21: Chelsea Park	City of Seattle	14.02
22513	07/06/2009	Surface Water Management Fund	Chelsea Pond	City of Seattle	34.68
22513	07/06/2009	General Fund	Utilities	City of Seattle	227.61
Check Total:					6,657.92
22514	07/06/2009	General Fund	Utilities	City Of Seattle	31.50
Check Total:					31.50
22515	07/06/2009	General Fund	Instructors Prof Svcs	Donald Custer	1,086.30
Check Total:					1,086.30
22516	07/06/2009	Town Square CIP	INTERIM CITY HALL	D&L Property Management, LLC	87,846.60
Check Total:					87,846.60
22517	07/06/2009	General Fund	State Lobbying Services	Michael D. Doubleday	3,041.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	16 Amount
				Check Total:	3,041.00
22518	07/06/2009	General Fund	Att Svcs - Litigation - 1st So	David Evans & Associates, Inc.	23,963.25
				Check Total:	23,963.25
22519	07/06/2009	Surface Water Management Fund	Machinery And Equipment	Dell Computer Corporation	2,120.79
22519	07/06/2009	Surface Water Management Fund	Machinery And Equipment	Dell Computer Corporation	2,186.50
22519	07/06/2009	Surface Water Management Fund	Machinery And Equipment	Dell Computer Corporation	387.59
22519	07/06/2009	Surface Water Management Fund	Machinery And Equipment	Dell Computer Corporation	2,186.50
22519	07/06/2009	Surface Water Management Fund	Machinery And Equipment	Dell Computer Corporation	387.59
				Check Total:	7,268.97
22520	07/06/2009	Street Fund	Discover Burien	Discover Burien	5,386.00
22520	07/06/2009	Street Fund	Special Event Clean up	Discover Burien	3,331.00
				Check Total:	8,717.00
22521	07/06/2009	Parks & Gen Gov't CIP	Project Development	Daily Journal of Commerce	554.40
22521	07/06/2009	General Fund	Advertising	Daily Journal of Commerce	676.80
				Check Total:	1,231.20
22522	07/06/2009	General Fund	Strawberry Festival	Sam Doesburg	300.00
				Check Total:	300.00
22523	07/06/2009	Street Fund	Special Event Clean up	Dunn Lumber Co.	79.37
22523	07/06/2009	General Fund	Office And Operating Supplies	Dunn Lumber Co.	14.21
22523	07/06/2009	General Fund	Office And Operating Supplies	Dunn Lumber Co.	8.86
				Check Total:	102.44
22524	07/06/2009	General Fund	Repair/maint-vehicle	Elephant Car Wash	11.83
22524	07/06/2009	General Fund	Repairs And Maintenance	Elephant Car Wash	11.83
				Check Total:	23.66
22525	07/06/2009	General Fund	Professional Services	Evolucion Latina	800.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	800.00
22526	07/06/2009	General Fund	Machinery/eqpt - Noncapitalize	EWING	651.53
				Check Total:	651.53
22527	07/06/2009	General Fund	Professional Services	FASTSIGNS	125.93
				Check Total:	125.93
22528	07/06/2009	General Fund	Office And Operating Supplies	Flag Factory Northwest	195.95
				Check Total:	195.95
22529	07/06/2009	General Fund	Instructors Prof Svcs	Patricia Flores	60.00
				Check Total:	60.00
22530	07/06/2009	General Fund	Public Defender	Michael R. Frans	1,800.00
				Check Total:	1,800.00
22531	07/06/2009	Surface Water Management Fund	Endangered Species Act Study	Frause Group	4,545.21
				Check Total:	4,545.21
22532	07/06/2009	General Fund	Instructors Prof Svcs	Alyssa Fritts	360.00
				Check Total:	360.00
22533	07/06/2009	General Fund	Telephone	FSH Communications, LLC	2.21
22533	07/06/2009	General Fund	Telephone	FSH Communications, LLC	2.22
22533	07/06/2009	General Fund	Telephone	FSH Communications, LLC	2.22
22533	07/06/2009	General Fund	Telephone	FSH Communications, LLC	2.22
				Check Total:	8.87
22534	07/06/2009	General Fund	Professional Services	Gray & Osborne, Inc.	3,056.22
				Check Total:	3,056.22

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22535	07/06/2009	General Fund	Parks Maintenance	Goodbye Graffiti	1,250.49
22535	07/06/2009	Town Square CIP	Project development	Goodbye Graffiti	2,079.95
Check Total:					3,330.44
22536	07/06/2009	General Fund	Utilities	Glendale Heating	469.27
Check Total:					469.27
22537	07/06/2009	Street Fund	Operating Rentals And Leases	Greenbaum Burien	1,081.00
Check Total:					1,081.00
22538	07/06/2009	General Fund	Attorney Srvc - Litigation	Gordon, Thomas, Honeywell	435.00
Check Total:					435.00
22539	07/06/2009	Town Square CIP	Construction Inspection	Harris & Associates	28,847.51
22539	07/06/2009	Town Square CIP	Construction Inspection	Harris & Associates	34.00
22539	07/06/2009	Surface Water Mgmt CIP	Construction Inspection	Harris & Associates	358.53
22539	07/06/2009	Town Square CIP	Construction Inspection	Harris & Associates	28,847.52
Check Total:					58,087.56
22540	07/06/2009	Town Square CIP	Art Work	James M. Harrison Art & Design	24,000.00
Check Total:					24,000.00
22541	07/06/2009	General Fund	Instructors Prof Svcs	Henry Hart	151.50
Check Total:					151.50
22542	07/06/2009	General Fund	Registration - Trainng/workshp	Highline Community College	189.00
22542	07/06/2009	General Fund	Registration - Trainng/workshp	Highline Community College	99.00
Check Total:					288.00
22543	07/06/2009	Street Fund	Small Tools & Minor Equipments	RAY HELMS	153.43
Check Total:					153.43
22544	07/06/2009	General Fund	Human Services-Arts & Culture	Highline Historical Society	8,732.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	8,732.75
22545	07/06/2009	General Fund	Operating Rentals And Leases	Head-quarters	209.50
				Check Total:	209.50
22546	07/06/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	455.54
				Check Total:	455.54
22547	07/06/2009	General Fund	Operating Rentals And Leases	Ikon Office Solutions	407.11
				Check Total:	407.11
22548	07/06/2009	General Fund	Professional Services	Image Source Inc.	358.38
				Check Total:	358.38
22549	07/06/2009	General Fund	Professional Services	Iron Mountain Rec. Management	465.44
22549	07/06/2009	General Fund	Miscellaneous	Iron Mountain Rec. Management	987.78
				Check Total:	1,453.22
22550	07/06/2009	General Fund	Telephone	Integra Telecom	141.31
22550	07/06/2009	General Fund	Telephone	Integra Telecom	212.02
22550	07/06/2009	General Fund	Telephone	Integra Telecom	176.69
22550	07/06/2009	General Fund	Telephone	Integra Telecom	70.67
22550	07/06/2009	General Fund	Telephone	Integra Telecom	353.37
22550	07/06/2009	General Fund	Telephone	Integra Telecom	176.69
22550	07/06/2009	General Fund	Telephone	Integra Telecom	212.02
22550	07/06/2009	General Fund	Telephone	Integra Telecom	106.01
22550	07/06/2009	General Fund	Telephone	Integra Telecom	106.01
22550	07/06/2009	General Fund	Telephone	Integra Telecom	106.01
22550	07/06/2009	General Fund	Telephone	Integra Telecom	106.01
22550	07/06/2009	General Fund	Telephone	Integra Telecom	544.69
				Check Total:	2,311.50
22551	07/06/2009	General Fund	Repairs And Maintenance	Interstate Tire & Automotive	129.21
				Check Total:	129.21

Check Number	Check Date	Fund Name	Account Name	Vendor Name	20 Amount
22552	07/06/2009	General Fund	Substance Abuses	King County Finance	1,856.59
				Check Total:	1,856.59
22553	07/06/2009	General Fund	Police Contract - King Co	King County Sheriff's Office	2,882,483.65
				Check Total:	2,882,483.65
22554	07/06/2009	Street Fund	Street Maint. Contract-kc	KING COUNTY FINANCE	18,434.65
22554	07/06/2009	Surface Water Management Fund	Swm Billed By King Co Roads	KING COUNTY FINANCE	13,369.49
22554	07/06/2009	Transportation CIP	Project Development	KING COUNTY FINANCE	520.69
22554	07/06/2009	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE	30,895.65
22554	07/06/2009	Town Square CIP	Construction	KING COUNTY FINANCE	3,785.85
22554	07/06/2009	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE	1,177.35
22554	07/06/2009	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE	834.86
22554	07/06/2009	General Fund	Professional Services	KING COUNTY FINANCE	248.90
				Check Total:	69,267.43
22555	07/06/2009	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2	1,480.62
				Check Total:	1,480.62
22556	07/06/2009	General Fund	King Co Pet License Trust Acct	King County Pet License	705.00
				Check Total:	705.00
22557	07/06/2009	General Fund	Drug seizure proceeds KCSO	King County Sheriff, Pcnt. #4	80.00
22557	07/06/2009	General Fund	Drug seizure proceeds KCSO	King County Sheriff, Pcnt. #4	40.00
				Check Total:	120.00
22558	07/06/2009	General Fund	Attorney Srvc - Gen'l Matters	Kenyon Disend, PLLC	9,662.07
22558	07/06/2009	General Fund	Prosecution - City Atty	Kenyon Disend, PLLC	10,143.20
22558	07/06/2009	General Fund	Attorney Srvc - Litigation	Kenyon Disend, PLLC	2,204.17
22558	07/06/2009	General Fund	Att Srvc - Litigation - 1st So	Kenyon Disend, PLLC	10,750.20
				Check Total:	32,759.64
22559	07/06/2009	General Fund	Instructors Prof Svcs	Kim Klose	103.80
				Check Total:	103.80

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22560	07/06/2009	Transportation CIP	Construction-engineering	KPG, Inc.	39,617.78
22560	07/06/2009	Parks & Gen Gov't CIP	Design-Engineering	KPG, Inc.	6,077.00
22560	07/06/2009	Transportation CIP	Project Development	KPG, Inc.	21,897.09
22560	07/06/2009	Transportation CIP	Project Development	KPG, Inc.	102,189.70
Check Total:					169,781.57
22561	07/06/2009	General Fund	Computer Related Supplies	MICHAEL LAFRENIERE	98.54
Check Total:					98.54
22562	07/06/2009	General Fund	Hearing Exam Nonreimbursed	Donald B. Largen	1,341.84
Check Total:					1,341.84
22563	07/06/2009	General Fund	Professional Services	Megan Lueck	800.00
Check Total:					800.00
22564	07/06/2009	General Fund	Instructors Prof Svcs	Hunter McGee	157.50
Check Total:					157.50
22565	07/06/2009	General Fund	Drug seizure proceeds KCSO	McLendon Hardware, Inc.	121.32
22565	07/06/2009	General Fund	Drug seizure proceeds KCSO	McLendon Hardware, Inc.	22.97
22565	07/06/2009	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware, Inc.	35.63
Check Total:					179.92
22566	07/06/2009	General Fund	Sales Tax Auditing Costs	Microflex, Inc.	90.11
Check Total:					90.11
22567	07/06/2009	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	67.56
22567	07/06/2009	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.	21.36
Check Total:					88.92
22568	07/06/2009	Town Square CIP	Construction Inspection	Mayes Testing Engineers, Inc.	168.00
22568	07/06/2009	Town Square CIP	Construction Inspection	Mayes Testing Engineers, Inc.	1,453.00
22568	07/06/2009	Town Square CIP	Construction Inspection	Mayes Testing Engineers, Inc.	314.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,935.00
22569	07/06/2009	Equipment Reserve Fund	Machinery/eqpt - Noncapitalize	Network Computing Architects I	948.00
				Check Total:	948.00
22570	07/06/2009	General Fund	Professional Services	National Construction Rentals,	199.00
				Check Total:	199.00
22571	07/06/2009	General Fund	Travel	Sally Nelson	399.40
22571	07/06/2009	General Fund	Telephone	Sally Nelson	91.90
22571	07/06/2009	General Fund	Mileage	Sally Nelson	36.30
				Check Total:	527.60
22572	07/06/2009	Town Square CIP	Office Furniture and Equipment	NetIG	253.77
				Check Total:	253.77
22573	07/06/2009	General Fund	City Hall Custodial	National Maintenance	293.35
				Check Total:	293.35
22574	07/06/2009	General Fund	NE Redevelopment Area	OTAK, Inc	31,654.56
				Check Total:	31,654.56
22575	07/06/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	8.57
22575	07/06/2009	General Fund	Admission and Entrance Fees	Petty Cash Custodian	193.94
				Check Total:	202.51
22576	07/06/2009	General Fund	Professional Services	Photography By Steven	21.90
				Check Total:	21.90
22577	07/06/2009	General Fund	Drug seizure proceeds KCSO	PLATT	138.04
				Check Total:	138.04

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22578	07/06/2009	General Fund	Hispanic Family Outreach	PARA LOS NINOS	5,000.00
				Check Total:	5,000.00
22579	07/06/2009	General Fund	City Hall Bldg Maintenance	PRG Investment Company, LLC	2,000.00
				Check Total:	2,000.00
22580	07/06/2009	General Fund	Printing/binding/copying	Print Place	85.41
22580	07/06/2009	General Fund	Printing/binding/copying	Print Place	394.20
				Check Total:	479.61
22581	07/06/2009	Street Fund	Utilities-street Lighting	Puget Sound Energy	1,524.91
				Check Total:	1,524.91
22582	07/06/2009	Surface Water Management Fund	Surface Water Mgmt Inventory	Pipeline Video & Cleaning LLC	2,750.10
				Check Total:	2,750.10
22583	07/06/2009	General Fund	Telephone	QWEST	14.81
22583	07/06/2009	General Fund	Telephone	QWEST	66.66
22583	07/06/2009	General Fund	Telephone	QWEST	66.66
22583	07/06/2009	General Fund	Telephone	QWEST	80.87
22583	07/06/2009	General Fund	Telephone	QWEST	60.82
22583	07/06/2009	General Fund	Telephone	QWEST	1,009.89
22583	07/06/2009	General Fund	Telephone	QWEST	99.65
				Check Total:	1,399.36
22584	07/06/2009	Street Fund	RedFlex Red Light Cameras	Redflex Traffic Systems	10,012.91
				Check Total:	10,012.91
22585	07/06/2009	General Fund	Refund Clearing Account -Parks	Amaro Salmeron	200.00
				Check Total:	200.00
22586	07/06/2009	General Fund	Refund Clearing Account -Parks	Christel Scribner	50.00
				Check Total:	50.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	24 Amount
22587	07/06/2009	General Fund	Cash Over & Short	Dorothy Klemetson	10.00
				Check Total:	10.00
22588	07/06/2009	Street Fund	Business Licenses	Pinnacle Financial Services	15.00
				Check Total:	15.00
22589	07/06/2009	General Fund	Business & Occupation Tax	Future Homes	114.83
				Check Total:	114.83
22590	07/06/2009	General Fund	Business & Occupation Tax	Western Fire & Safety Co., Inc	109.64
				Check Total:	109.64
22591	07/06/2009	General Fund	CERT / Citizens Academy	Safeway	83.89
				Check Total:	83.89
22592	07/06/2009	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	142.87
22592	07/06/2009	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	23.82
22592	07/06/2009	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	23.82
				Check Total:	190.51
22593	07/06/2009	General Fund	Professional Services	Nancy Shattuck	1,415.00
				Check Total:	1,415.00
22594	07/06/2009	General Fund	Lodging	GORDON SHAW	834.52
22594	07/06/2009	General Fund	Meals	GORDON SHAW	218.00
22594	07/06/2009	General Fund	Mileage	GORDON SHAW	182.33
22594	07/06/2009	General Fund	Travel	GORDON SHAW	42.00
				Check Total:	1,276.85
22595	07/06/2009	Parks & Gen Gov't CIP	Project Development	Shiels Obletz Johnsen	360.00
22595	07/06/2009	Town Square CIP	Project Development	Shiels Obletz Johnsen	7,266.55
				Check Total:	7,626.55
22596	07/06/2009	Town Square CIP	Art Work	Sollod Studio LLC	4,300.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	4,300.00
22597	07/06/2009	General Fund	Strawberry Festival	Scott Sonnenfeld	262.80
				Check Total:	262.80
22598	07/06/2009	General Fund	Misc. EOC	SPRINT	99.98
				Check Total:	99.98
22599	07/06/2009	General Fund	Office/operating Supplies	STAPLES	42.70
22599	07/06/2009	General Fund	Office And Operating Supplies	STAPLES	91.98
				Check Total:	134.68
22600	07/06/2009	General Fund	Professional Services	State Auditor's Office	10,536.10
				Check Total:	10,536.10
22601	07/06/2009	General Fund	Dues/memberships	National User Group	50.00
				Check Total:	50.00
22602	07/06/2009	General Fund	Registration - Trainng/workshp	SWKC Chamber of Commerce	20.00
				Check Total:	20.00
22603	07/06/2009	General Fund	Professional Services	Kim Trenerry-Mogi	600.00
				Check Total:	600.00
22604	07/06/2009	General Fund	Telephone	TelSpan, Inc.	5.13
				Check Total:	5.13
22605	07/06/2009	General Fund	Teen Programs	Reginald Thomas	517.92
				Check Total:	517.92
22606	07/06/2009	General Fund	Instructors Prof Svcs	Sallie Tierney	39.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	39.00
22607	07/06/2009	General Fund	Neighborhood Fund Grant	Lori Toth	147.55
22607	07/06/2009	General Fund	Neighborhood Fund Grant	Lori Toth	690.13
				Check Total:	837.68
22608	07/06/2009	Town Square CIP	Office Furniture and Equipment	Tri-Tec	3,934.46
				Check Total:	3,934.46
22609	07/06/2009	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	40,139.24
22609	07/06/2009	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	3,867.56
				Check Total:	44,006.80
22610	07/06/2009	General Fund	Operating Rentals And Leases	United Site Services	80.00
				Check Total:	80.00
22611	07/06/2009	Surface Water Management Fund	Chelsea Pond	Utilities Service Co, Inc.	213.53
22611	07/06/2009	Surface Water Management Fund	Chelsea Pond	Utilities Service Co, Inc.	213.53
22611	07/06/2009	Surface Water Management Fund	Util - Pump 28: Hermes Deprssn	Utilities Service Co, Inc.	213.52
				Check Total:	640.58
22612	07/06/2009	General Fund	Registration - Trainng/workshp	WA Assn. of Building Officials	95.00
22612	07/06/2009	General Fund	Lodging	WA Assn. of Building Officials	160.00
				Check Total:	255.00
22613	07/06/2009	General Fund	Registration - Trainng/workshp	Washington Association Of	300.00
				Check Total:	300.00
22614	07/06/2009	General Fund	Office And Operating Supplies	White Center Glass &	14.78
22614	07/06/2009	General Fund	Office And Operating Supplies	White Center Glass &	14.78
22614	07/06/2009	General Fund	Office And Operating Supplies	White Center Glass &	3.29
				Check Total:	32.85
22615	07/06/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	97.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22615	07/06/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	139.26
22615	07/06/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	97.65
22615	07/06/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	48.75
22615	07/06/2009	General Fund	Utilities	Water District No. 49	159.85
22615	07/06/2009	General Fund	Utilities	Water District No. 49	49.35
22615	07/06/2009	General Fund	Utilities	Water District No. 49	222.04
22615	07/06/2009	Town Square CIP	Construction	Water District No. 49	222.04
22615	07/06/2009	Town Square CIP	Construction	Water District No. 49	322.06
22615	07/06/2009	Town Square CIP	Construction	Water District No. 49	48.75
				Water District No. 49	71.54
				Check Total:	1,478.79
22616	07/06/2009	Town Square CIP	Art Work	Dan Webb	9,000.00
				Check Total:	9,000.00
22617	07/06/2009	Street Fund	Garbage Franchise Tech Assist	Wilder Environmental Consultin	779.54
				Check Total:	779.54
22618	07/06/2009	General Fund	Repairs And Maintenance	Wescom Communications, Inc	1,990.90
				Check Total:	1,990.90
22619	07/06/2009	Transportation CIP	Project Development	Widener & Associates	3,031.24
22619	07/06/2009	Transportation CIP	Project Development	Widener & Associates	3,031.23
22619	07/06/2009	Transportation CIP	Project Development	Widener & Associates	3,031.23
				Check Total:	9,093.70
22620	07/06/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	23.79
22620	07/06/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	107.10
22620	07/06/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	107.10
22620	07/06/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	59.50
22620	07/06/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	24.17
22620	07/06/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	108.75
22620	07/06/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	108.75
22620	07/06/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	60.40
				Check Total:	599.56
22621	07/06/2009	General Fund	Professional Services	Pastor Pat Wright	500.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	28 Amount
				Check Total:	500.00
22622	07/06/2009	General Fund	Dues/memberships	Washington State Arts Alliance	50.00
				Check Total:	50.00
22623	07/06/2009	General Fund	Professional Services	Washington State Patrol	80.00
				Check Total:	80.00
22624	07/06/2009	General Fund	State Surcharge	STATE TREASURER	693.00
				Check Total:	693.00
22625	07/06/2009	General Fund	Jail Contract	Yakima County Department	6,454.13
				Check Total:	6,454.13
22626	07/06/2009	Surface Water Management Fund	Storm Water Facility Maint	Yardsmen Company	440.92
				Check Total:	440.92
				Report Total:	4,437,224.60

DRAFT

Burien
WASHINGTON

CITY COUNCIL MEETING AGENDA

June 15, 2009

7:00 p.m.

Burien City Hall, Council Chambers
400 SW 152nd Street, 1st Floor
Burien, Washington 98166

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

- *Watch the video-stream available on the City website, www.burienwa.gov*
- *Check out a DVD of the Council Meeting from the Burien Library*
- *Order an audio cassette tape recording or a DVD of the meeting from the City Clerk, (206) 241-4647*

CALL TO ORDER

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

EXECUTIVE SESSION

None held.

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Deputy Mayor Sue Blazak, Councilmembers Rose Clark, Lucy Krakowiak, Sally Nelson, and Gordon Shaw. Councilmember Kathy Keene was excused.

Administrative staff present: Mike Martin, City Manager; Christopher Bacha, Interim City Attorney; Mike Marrs, Fire Chief; Scott Kimerer, Police Chief; Scott Greenberg, Community Development Director; Jennifer Ramirez Robson, Management Analyst; Tabatha Miller, Finance Director; Debbie Zemke, Recreation Manager; and Angela Chaufy, Acting City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously to affirm the Agenda.

PUBLIC COMMENT

Roger DeLorm, 13254 2nd Ave SW

Mr. DeLorm said that the City should not pay for five Councilmembers to travel to Washington, DC during times of budget cuts. He recommended that the public attend the Citizens Police Academy course.

CORRESPONDENCE FOR THE RECORD

- a. Email Dated May 26, 2009, from Stacy Colombel Regarding Items for Your Council Meetings.
- b. Email Dated May 31, 2009, from Tom Usher Regarding Noise Pollution with Response from Jenn Ramirez Robson, Management Analyst.
- c. Email Dated June 5, 2009, from Andy Ryan Regarding Bike Route.

PRESENTATIONS

Presentation of Civic Award to City by Luis Navarro, Board President, U.S. Mexico Chamber of Commerce, Pacific Northwest Chapter

Luis Navarro, U.S. Mexico Chamber of Commerce Pacific Northwest Chapter Board President presented Council with a Civic Leadership Achievement Award in appreciation for the City of Burien's efforts to support diversity. He informed Council of the current and projected demographics of the Latino community and their associated economic and buying power trends.

Review of City of Burien Fireworks Ban

Fire Chief Marrs noted that the setting off of public fireworks is illegal in Burien. He encouraged the public to water their yards, keep a fire extinguisher close, and have a bucket and shovel handy on the 4th of July. He reiterated that fireworks are dangerous and illegal.

Police Chief Kimerer noted that there are limited police and fire resources. He stated that Council passed an ordinance last year designating civil infractions for the discharge of fireworks and, in 2010, providing the police authority to enforce penalties for the possession of fireworks. Chief Kimerer encouraged the public to watch sanctioned firework displays.

CONSENT AGENDA

- a. Approval of Vouchers: Numbers 22314 - 22469 in the Amount of \$1,513,675.61. 11
- b. Approval of Minutes: June 1, 2009.

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously to approve the June 15, 2009, Consent Agenda.

BUSINESS AGENDA

City Manager's Report

Follow-up

Staff will continue to work with the Highline School District to identify options, other than the participation in the funding of speaker Gayle Evans, to support the Highline School District.

Review of Council Proposed Agenda Schedule

Follow-up

Staff will confirm that a discussion regarding a proposed Tenant Protection Program is scheduled on a 3rd Quarter Council Agenda.

Discussion of Draft Resolution to Become a Cascade Agenda City

Direction/Action

Council concurred that the draft resolution be placed on the July 6, 2009 Consent Agenda for approval.

Update on Transportation Benefit District Formation

Direction/Action

Council concurred with the proposed timetable.

Follow-up

Staff will confirm that the license tab fee option is no longer available to King County.

Motion to Appoint Members to Prepare Pro and Con Statements for the Proposed North Highline South Annexation Area Ballot Measure

Direction/Action

Motion was made by Deputy Mayor Blazak and seconded by Councilmember Nelson to appoint Barbara Peters to the Pro Committee and Mark Ufkes to the Con Committee for Voters' Pamphlet Statements for the North Highline South Annexation Area Ballot Measure. **Motion** passed, 5 – 1. Opposed, Councilmember Krakowiak.

Motion to Adopt Ordinance No. 513, Amending the 2009-2010 Biennial Budget and Discussion

Direction/Action

Motion was made by Deputy Mayor Blazak and seconded by Councilmember Nelson to Adopt Ordinance No. 513, amending the 2009-2010 Adopted Budget. **Motion** passed, 5 – 1. Opposed, Councilmember Krakowiak.

Motion to Authorize the City Manager to Execute Condominium Declaration and Operating Agreement

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously to authorize the City Manager to execute the Condominium Declaration and Operating Agreement for Burien City Hall and King County Library, a Condominium.

Motion on Proposed Public Artwork Donation

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously to approve Artist Phillip Levine's art design concept honoring Dick Dahlgard.

COUNCIL REPORTS

None.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Blazak, seconded by Councilmember Nelson and passed unanimously to adjourn the meeting at 9:02 p.m.

Joan McGilton, Mayor

Angela M. Chafty, Acting City Clerk

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Approve Resolution 296 to Become a Cascade Agenda City		Meeting Date: July 6, 2009
Department: Community Development	Attachments: 1. <u>Draft Resolution</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Scott Greenberg, Community Development Director		
Telephone: (206) 248-5519		
Adopted Initiative: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Initiative Description: N/A	
<p>PURPOSE/REQUIRED ACTION: The purpose of this item is for City Council to consider and act upon a Resolution for Burien to join the Cascade Agenda Cities Program.</p> <p>BACKGROUND (Include prior Council action & discussion): The Cascade Land Conservancy (CLC) is Washington's largest independent land conservation and stewardship organization. CLC is working with their partners to chart a bold course with The Cascade Agenda. Over the next 100 years, the Puget Sound region's population will grow by 3.5 million people. The Cascade Agenda links the landscape conservation element of CLC with support for the creation of livable, vibrant cities and towns.</p> <p>Membership in CLC's Cascade Agenda Cities Program would provide Burien with the following services:</p> <ul style="list-style-type: none"> • Recognition as a regional leader in creating smart communities • Technical assistance on growth options • Access to best practices through a region-wide learning network of peers • Workshops with other innovative cities and regional experts • Community outreach on how to create a better future for the region • Membership in the Cascade Agenda Coalition--directed at influencing state level policy <p>A City Council Resolution is required to join the program. Jeff Aken from CLC presented information about the CLC and Cascade Agenda Cities Program at your June 15th meeting.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Approve Resolution 296		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: A motion to approve the consent agenda will approve Resolution 296.		
Submitted by: Scott Greenberg Administration <i>SG</i>		Mike Martin City Manager <i>MM</i>
Today's Date: June 25, 2009	File Code: R://CC/AgendaBill2009/061509cd-1 Cascade Agenda Cities	



CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 296

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, TO
BECOME A CASCADE AGENDA CITY**

WHEREAS, the population in the Puget Sound region is expected to double in the next one hundred (100) years on top of the already dramatic growth recently experienced, thereby significantly impacting the growth of cities and towns, and

WHEREAS, long-term ecosystem health, economic vitality and quality of life are of critical importance to citizens of the City, and

WHEREAS, in the face of such growth, the City can maintain and enhance the quality of life by guiding how and where this growth will occur, and

WHEREAS, *The Cascade Agenda* is a 100-year collective vision for the central Puget Sound region with the goals of conserving 1.3 million acres of working farms, forests, and natural areas and creating vibrant and livable communities, while sustaining a strong regional economy, and

WHEREAS, The Cascade Land Conservancy, recognizing the relationship between making our communities spectacular enough to attract growth and the conservation of this region's ecosystems and working lands, has launched the "Cascade Agenda Cities Program" to help local jurisdictions create complete, compact and connected communities.

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

Section 1. The City endorses the vision articulated in *The Cascade Agenda* as beneficial to the City and the region as a whole.

Section 2. The City shall pursue a partnership with the Cascade Land Conservancy as a member of the Cascade Agenda Cities Program to advance this vision within the community.

Section 3. The City will seek to align policies and programs on community development, housing, transportation, parks, open space, and sustainability with the objectives of The Cascade Agenda Cities Program, striving to make the City more complete, compact and connected.

Section 4. The City Manager shall appoint a staff person to act as the City's primary contact with respect to Cascade Agenda Cities related activities.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON,
WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk:
Passed by the City Council:
Resolution No.: 296



Burien

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Washington, USA

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MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: July 6, 2009
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Annexation Open House

On June 16, 2009 City staff hosted a Burien Proposed Annexation Informational Open House at Southern Heights Elementary School. This event was the sixth in a series of open houses planned by staff. The event was attended by approximately 65 people. The response was generally favorable to annexing to Burien.

Questions and comments raised during the open house will be incorporated into the Burien Annexation web page located at www.burienwa.gov/annexation. Interested parties may also receive future open house information by signing up for the Annexation Email List or calling the Burien Annexation Info Line at 206-436-5555. The next open house is scheduled for Tuesday, July 14th at Glen Acres Church of Christ located at 11401 – 10th Ave South.

Note: We have experienced technical difficulties when people call the Annexation Info Line using a cell phone. People calling from a land line have been able to access the information as usual. The problem with access from cell phones has been resolved.

B. Municipal League of King County Supports Proposed Annexation (Pg. 47)

The Municipal League supports Proposition 1, the annexation of unincorporated North Highline South Annexation Area as an appropriate reflection of community character, demographics, and preferences. The full recommendation is attached to this report. The Municipal League Board of Trustees recommends voters support the partial annexation of the North Highline area to Burien.

About the Municipal League:

The Municipal League is a volunteer-driven, nonpartisan, nonprofit organization that works toward better government in King County, Washington. The League's mission is to promote government that is open, effective and accountable, and to improve the caliber of public officials and the quality of public decisions.

Every election a team of citizens come together the review and make recommendations on measures facing King County voters. The ballot issues committee evaluates the measures through the lens of good government by hearing from all sides of each issue. The committee then presents a synopsis of the arguments for and against along with a rationale of our position. The results are distributed via the League's Web site <http://www.munileague.org/>.

C. Puget Sound Regional Council's (PSRC) Airport Compatible Land Use Program Update

Staff has been asked to participate in Puget Sound Regional Council's (PSRC) Airport Compatible Land Use Program Update. The PSRC has formed an advisory committee to assist and provide input and comments on a current study that is intended to advance the region's existing planning process related to airport compatible land use that fall within the GMA and FAA requirements. The findings of the study will assist PSRC staff, as well as local jurisdictions and airports to better assess and manage the development of compatible land uses near the regions public use airports. The goals of this process as stated by PSRC is to provide a forum for information exchange, facilitate discussions between PSRC and local agencies, improve local land use planning decisions, and protect the region's airports from further urban encroachment.

The first meeting on June 16, 2009 was focused on introducing the topic and providing an opportunity to inform the committee members of the project and for committee members to preliminarily identify the key issues related to airports and land use planning. The committee is planning to meet approximately 4 or 5 more times before the end of the year. PSRC staff has indicated that they intend on completing the update by the end of 2009. For more information please contact David Johanson, either by phone (206) 248-5522 or e-mail davidj@burienwa.gov.

D. Hurstwood Neighborhood Matching Fund Grant Recipient – Project Complete! (Pg. 51)

The Hurstwood neighborhood received a \$4,000 grant from the City at the beginning of 2009 for landscaping improvements around the existing neighborhood sign located at the intersection of 13th Ave SW and 16th Ave SW. The improvements included topsoil, trees, shrubs, groundcover, granite boulders, and cobblestone to create a dry stream appearance. Volunteers from the neighborhood donated close to 200 hours of their time to help with the installation of the new landscaping. The neighborhood project coordinator, Lori Toth, forwarded a thank you letter to the City that included the following -

"We are thrilled to see our project come to an end and see the beautiful results of a large neighborhood (124 home) coming together to focus on a single project. We want to thank the City of Burien for offering such a unique and valuable grant to city neighborhoods"

(Attached is a complete copy of the thank you letter.)

E. Neighborhood Matching Fund – Second Grant Awarded!

The Meritage Subdivision Homeowner's Association (located at 3rd Avenue South and South 168th Street) has been awarded the City's second Neighborhood Matching Fund Grant. The \$5,000 award will be used for the installation of three green fiberglass classic decorative street lights to provide for a safer environment and improve the appearance of the neighborhood. Volunteers from the neighborhood will be donating their time to help with the installation of short retaining walls and landscaping around the bases of the street lights.

F. American Planning Association Meets in Burien

In June, we hosted several meetings for the Washington Chapter of the American Planning Association (APA Washington). The quarterly Board of Directors meeting was attended by about 25 planners from around the state. At the meeting, our Community Development Director Scott Greenberg was installed as President of APA Washington for a two-year term.

APA Washington's Community Planning Action Team (CPAT) also met in City Hall. The CPAT is a nationally-recognized program providing planning assistance at little or no cost to small cities unable to afford planning staff. Recently plans were prepared for Goldendale, Zillah and Morton. The President of the American Institute of Certified Planners, Paul Inghram, attended this meeting and was provided a tour of our new building and Town Square.

G. Burien Featured in AIA Forum (Pg. 53)

Burien Town Square was a featured project in the Summer 2009 edition of the American Institute of Architects' Forum Magazine. The article discussed the three new town centers in Burien, Sammamish and Shoreline. A copy of the article is attached and is reproduced by permission.

H. Green Power Challenge

Planning staff is working with the City of Tukwila, Seattle City Light and Puget Sound Energy on a "green power challenge" to increase awareness and use of green power and renewable energy in the community. We expect the program to begin this fall, and will provide more information as it becomes available. The City of Burien and Elliott Bay Brewery are already purchasing "green power" at the "gold" level as part of City Light's "Green-up" program.

I. "City Arts" Magazine features Burien; B/IAS Update on Planned Events and Activities (Pg. 55)

Seattle's glossy "City Arts" magazine is a year-old publication that features the best of what's happening in the Seattle area arts scene on a monthly basis. July's issue has a wonderful story entitled "Sudden Sculpture" with artistic photos and a feature story on B/IAS (see attached; it can also be viewed online at <http://tr.im/qc95>). It was written by one of Burien's newest Arts Commissioners, Virginia Wright. Staff and representatives from the B/IAS project have also provided an update of

developments and planned activities (attached). B/IAS continues to generate much buzz and regional attention for Burien. It has also been the subject of considerable media attention as of late; along with local media, it has been featured on KOMO-TV news and in the Los Angeles Times' arts blog.

J. Head Start Returning to Burien Community Center

Parks Department staff has been meeting with Highline Head Start program administrators over the last several months to facilitate their rental of two Burien Community Center (BCC) classrooms beginning this fall. Head Start plans to use BCC for approximately six months until their new White Center facility is completed. Pending confirmation of anticipated increased federal funding, Head Start may also end up expanding their program, which would necessitate an ongoing need to rent the two BCC classrooms. This tenant arrangement would contribute significant revenue towards BCC operational costs, which will be especially beneficial once the Parks Dept. relocates to the old Burien Library facility in 2010. Head Start was a previous longtime BCC tenant until 2003 when reduced funding created the need to consolidate their programs to one facility in White Center.

K. Mathison Park Expansion

Project bid opening took place on June 19 for the Mathison Park Expansion Project. L. W. Sundstrom, Inc. submitted the low bid of \$361,174, approximately 25% below the Engineer's Estimate. Sundstrom has recently been working on the Town Square Park project, so is very familiar to Burien and staff. The project will include the addition of an accessible pathway extending the length of the park from north to south, which will include trail viewpoints and interpretive signage, a new playground for aged K-5 children, and additional benches and picnic tables. The construction contract calls for a 120-day completion period, which will fall in November 2009. The funds for the project include \$210,000 from the Washington Wildlife and Recreation Program, \$53,317 from King County Youth and Sports Facilities Grant and the balance from the City CIP.

L. Arts Commission Forward Recommendations to BEDP

At the June 12 BEDP meeting, Arts Commissioner Shelley Brittingham and Recreation Manager Debbie Zemke presented recommendations for the Economic Development chapter update of the City's Comp Plan. The Arts Commission recommends incorporating arts and culture as a signature element and driver of the City's overall economic development strategies. Additional suggestions include developing existing and new small and unique businesses; establishing a downtown "Cultural District"; installing artist-designed way finding and visual markers throughout the City; pursuing establishment of a small downtown performing arts venue; recruiting arts education institutions to the City; embracing opportunities for Cultural Tourism; broadening the "wellness cluster" to include "integrated wellness" in addition to medical amenities; and installing artist-designed banners along the Ambaum corridor that could both illustrate the City's diverse ethnicity and improve its aesthetic image. BEDP will be submitting their final Economic Development recommendations to the Planning Commission in July.

M. Community Gardens

Parks staff recently hosted a public discussion on the topic of community gardens at the June 10, Parks and Recreation Board meeting. Members of Sustainable Burien were invited, as they had expressed past interest in this topic and participated in this first meeting intended to open discussion and begin the formalization of a future program proposal. Community Gardens will become a frequent topic on future Board Agendas.

N. Arts Commissioners Attend "Americans for the Arts" Convention

Commissioners Dane Johnson and Shelley Brittingham attended this national event held in Seattle June 17-19 which had 1200 artists, arts administrators and advocates in attendance. "Americans for the Arts" is the nation's leading nonprofit organization for advancing the arts in America. Commissioner Johnson had an opportunity to speak with one of the event organizers and as a result, the convention's first blog entry highlighted Burien's B/IAS project.

O. Stimulus Funding to Promote Senior Adult Fall Prevention

The City's Senior Program has been chosen to participate in a new county-wide awareness program that will promote the benefits of physical activity to prevent accidental falling. Federal stimulus funding has been obtained by the Seattle and King County Public Health Emergency Medical Services Division to develop the program, which intends to educate seniors on increasing and improving muscle, strength, balance, and cardiovascular fitness. Parks staff are planning new promotional events this Fall to increase the number of local senior participants in the City's extensive health, fitness, and wellness programs currently held at the Burien Community Center.

P. Strawberry & Arts Festival Brings Community Together

This year's event again succeeded in bringing innovative and fresh art experiences to the Burien community. People of all ages danced, created, ate, relaxed, shopped and celebrated during the Festival weekend. The outdoor dance floor was a popular new feature this year, and brought together both Aviation High School ballroom and professional swing dancers along with a longtime Highline favorite band, The Tempo's. Trapeze artists, masked parade dancers, and street performers joined continual entertainment on the Main and Gallery stages. Saturday attendance was especially high, with Burien Arts (formerly the Burien Arts Association) selling out of their famous strawberry shortcakes. Sunday's occasional rain and cooler weather didn't deter many people from remaining at the Festival until it closed.

Q. Moshier Arts Center Workshop A Success

Visiting artist Sandra Farmer held a two-day ceramic workshop in May which specialized in sculpting and painting techniques for the head. 170 students registered for Moshier classes during spring quarter.

R. Burien's 2008 Comprehensive Annual Financial Report (CAFR) Available

After months of work, the Finance Department issued the 2008 CAFR which includes a "clean bill of health" from the Washington State Auditor's Office. The Independent Auditor's Report is included as a part of the CAFR and opines that the financial statements are presented fairly and in conformity with generally accepted accounting principles. The Management's Discussion and Analysis, and the Statistical Section – in particular - provide a history and forward look at the City's financial picture. Gary Coleman, our Accounting Manager, deserves a pat on the back, for his hard work on this annual project. If you would like a copy of the CAFR please stop by the Finance Department.

S. South County Corrections Entity (SCORE) Update

Land use permitting:

Formal application was made to the City of Des Moines for land-use, street vacation, unclassified use, and grading permits on April 16th. Des Moines has issued a mitigated determination of non-significance. The public hearing before the Des Moines Council is scheduled for July 9th. Under the current schedule, the SCORE will break ground on August 3rd.

Design completion:

The SCORE is at the midpoint in completing the construction documents which are expected to be finalized early July and then submitted for building permit approval and for general contractor bidding.

Property condemnation:

Both the Port of Seattle and WSDOT have stipulated to public use and necessity. Both parcels have been appraised; however, the SCORE has not yet begun cost negotiations with the Port or WSDOT. Final transfer of the property will not occur until the SCORE has received land use permitting.

Financing:

The SCORE finance team is made up of the finance managers from each of the cities, and the cities are working with a team approach to the underwriters. A preliminary offering statement is being developed, and it is expected that presentations to the rating agencies will occur in late July. Bond pricing is currently scheduled for September 23rd.

II. COUNCIL UPDATES/REPORTS

A. Progress Towards Funding 1st Ave. S. Phase 2 Project

Burien's 1st Avenue South Phase 2 project (SW 140th to SW 146th) is closer to receiving \$2.5 million in funds from the next federal transportation funding cycle. The Phase 2 project would continue the types of improvements the City has made for drivers and pedestrians along 1st Avenue South between the City's southern border and SW 146th Street ("Phase 1").

On June 17, members of the Puget Sound Regional Council's (PSRC's) Transportation Policy Board from King County and its cities met to discuss a list of transportation projects that a county-wide staff group has recommended to receive federal funds through the next PSRC transportation funding cycle. Councilmember Sally Nelson attended the meeting to advocate for the City's 1st Avenue South Phase 2 project. After the group heard two other cities' requests to change the staff-recommended list of projects, and counter-arguments by Burien and other cities whose projects might have been pushed off the list by those changes, the TPB King County group voted to approve the staff group's original recommendations.

Now these projects will come before the full PSRC Transportation Policy Board (TPB) for discussion in July, and the TPB's recommendations will go to the PSRC Executive Board for action later that month. (Councilmember Nelson serves on the Executive Board as a representative of the Suburban Cities Association of King County.)

B. South County Area Transportation Board Meetings

Councilmember Shaw and Mayor McGilton have attended recent meetings of the South County Area Transportation Board (SCATBd), to hear about the possible options available to King County Metro for reducing bus service. The County's transit agency is examining significant potential service cuts due to the major loss of income from sales tax (the primary funding source for bus service in King County, which has declined due to the economy). Metro's budget gap for 2010 is projected to be \$74 million, and by 2013 the gap could be \$142 million. The potential effect on transit service could involve the reduction or elimination of dozens of existing routes. The Board will provide input to Metro as it finalizes the recommended service cuts. Later this year the public will have the opportunity to provide comments and the County Council will act on the Metro budget and related service reductions in November.

C. Regional Transit Committee Meetings (Pg. 61)

Mayor McGilton and other Suburban Cities' members of the King County Council's Regional Transit Committee (RTC) have spent numerous hours hearing about potential options for Metro to reduce transit service. The suburban cities' RTC members have developed a set of principles to guide them as they debate the pros and cons of the various options Metro faces for cutting service. The "guiding principles" have received the endorsement of the Suburban Cities Association (SCA) and are included with this report. Committee members are asking that Metro take every possible step to avoid drastic cuts in service.

D. City Receives Letter from Port of Seattle Regarding the Lora Lake Apartments Property & the Model Toxics Control Act (MTCA) Agreed Order (Pg. 62)

The City received the attached letter in response to Mayor McGilton's letter on the same topic.

E. Department of Ecology Provides Information on Lora Lake Site (Pg. 63)

The Department of Ecology has prepared a fact sheet to provide information on the Lora Lake Apartments cleanup site (attached).

F. Local Neighborhood Traffic Issue

Council has been sent a series of email exchanges regarding a local neighborhood traffic issue in the Goat Hill Shorewood neighborhood, which began in early June. If councilmembers have questions about this matter, I would be happy to provide more information.

G. Southwest Suburban Sewer District (SSSD) Honored With Award

The Southwest Suburban Sewer District received letters from the Department of Ecology that both Miller Creek and Salmon Creek Plants have been recognized as a recipient of the "2008 Wastewater Treatment Plant Outstanding Performance" award. SSSD serves the Burien community.

H. Sales Tax Update (Pg. 69)

Attached is the April 2009 Sales tax report and updated versions of the economic indicator graphs council reviewed during the budget discussion. Finance staff is keeping these figures current and will provide them to council on an ongoing basis, if they are useful to them.

I. Regional Commission on Airport Affairs (RCAA) Requests Assistance (Pg. 75)

The Regional Commission on Airport Affairs has written a letter requesting that the City of Burien work with them to help ensure citizen participation in a Port of Seattle airport-related noise study that will be starting in early winter. See attached letter for details.

J. Congratulatory Letter Received Regarding Town Square (Pg. 77)

Burien has received a letter from the City of Shoreline congratulating us on the grand opening of Burien Town Square (attached).

K. Burien Receives Preliminary April 1, 2009 Population Determinations from the Office of Financial Management (OFM) (Pg. 79)

Burien received preliminary figures prior to the release of the final figures, June 30, 2009. The final report has now been released and is available at:

<http://www.ofm.wa.gov/pop/april1/default.asp>

L. Burien Receives Report on Need for Affordable Housing for Seniors (Pg. 91)

Burien has received a copy of, "Quiet Crisis: Age Wave Maxes Out Affordable Housing, King County 2008 – 2025." This document reports that by 2025, almost one in four residents in King County will be seniors. It suggests that many of these people will find themselves unable to afford housing and requests that the region begin to address this problem now. A copy of the cover letter for the report is attached. The full report is available at: <http://www.agingkingcounty.org/housing.htm> .

M. Burien Receives King County Benchmarks 2009 Report on Environment

The 2009 Environmental issue of the King County Benchmarks Report was received by the City. It will be on file in the City Manager office for any council member who wishes to review it. The Report is also available online at:

www.kingcounty.gov/benchmarks.

N. Thank You Received from Highline Schools Foundation for Excellence (Pg. 93)

The City received a thank you letter for our sponsorship of the 2009 Gold Star Awards Luncheon (attached).

O. City Receives Port of Seattle Air Mail Newsletter (Pg. 95)

Attached is the Summer 2009 newsletter from the Port of Seattle for the "neighbors of Seattle-Tacoma International Airport.

P. Major Projects Status Report (Pg. 97)

Staff has prepared the June 2009 Major Projects Status Report for Council (attached).

Q. Advisory Board Meeting Minutes (Pg. 101)

Attached are the following approved Minutes of advisory boards:

- May 13, 2009 – Parks & Recreation Advisory Board
- May 8, 2009 – Business & Economic Development Partnership

R. Notices (Pg. 105)

- City Seeks Committee Members for Transportation Benefit District Ballot Measure
- BEDP Subcommittee Meeting Notice for Friday, July 10, 2009

Municipal League of King County
<http://www.munileague.org>

SUPPORTS

Annexation of North Highline Unincorporated Area to the City of Burien

August 18, 2009 Primary Election Ballot

Summary

The unincorporated area of North Highline is located between Seattle and Burien and is one of the largest remaining unincorporated areas in King County, with a population of about 33,000. It is served by the Highline School District, by two fire districts, and by the King County Sheriff's office. North Highline is primarily residential with small commercial areas and relatively low assessed property values. A financial feasibility study, required as part of the State's Growth Management Act and initiated by the North Highline Unincorporated Area Council (UAC), was conducted in 2005 by Nesbitt Planning & Management. The study determined that the area's tax base and potential revenues would be insufficient to fund the basic expenses of a city and concluded that an incorporation of the area as a new city would be financially infeasible.

Analyses were also conducted of annexations to the City of Burien and the City of Seattle and determined that either such proposed annexation could work. Both cities have considered the unincorporated area of North Highline as a "potential annexation area."

The North Highline UAC voted in 2005 to recommend annexation to the City of Burien. Surveys and citizen feedback indicated that the residents of the unincorporated area were divided, with many wanting to remain unincorporated and the rest divided almost equally between preferring annexation to Burien and Seattle. Many residents of the White Center and Boulevard Park portions of the area which are closest to Seattle felt strongly in favor of annexation to Seattle.

The Seattle City Council, however, originally voted not to consider annexing the area because it was not eligible to receive the state tax support other annexing cities receive. Since then, the Legislature in 2009 authorized such payments to Seattle.

During 2008 negotiations were conducted between Burien, Seattle, King County, and the two fire districts about dividing the area. A memorandum of agreement was negotiated in December 2008 and the City of Burien proceeded to propose annexation of the southern half of the unincorporated area, bounded by 116th and 112th in the north. The area consists of about 2.7 square miles and includes a population of 14,350. The UAC voted to support this partial annexation to Burien. The Boundary Review Board also voted in support of the annexation. The remaining, northern, portion of the area, including White Center and Boulevard Park, might be annexed by either Burien or Seattle at a later date.

ARGUMENTS FOR THE MEASURE

The proponents of the annexation to Burien made the following arguments for the measure:

- The North Highline annexation area is a community with a distinct working class identity similar to Burien's. Annexation would reunite a community that was artificially divided 16 years ago when Burien became a city.
- The annexation to Burien would retain the small town feel the community is used to and would allow closer access to local government and local services.
- Burien itself is a young city of 31,000 (incorporated in 1993) and this partial annexation would be a manageable addition that the city could successfully handle. While there is little commercial tax base in this southern portion of the annexation area, the property tax base and utility taxes will generate sufficient revenues to provide the needed services.
- The City of Burien contracts for police services with the King County Sheriff and would expand the contract to include the annexed area, ensuring similar levels of service.
- The annexation area would retain fire services from Fire District 2, a level of service that local residents value.
- Burien has an existing functional municipal government and well developed public services and programs that will appropriately serve the new annexed area.
- Burien will receive state funds to offset the costs of this annexation during an initial period during which the City will staff up, review zoning polices and develop a capital improvement plan for the new area.
- The annexation is on the August primary ballot to move the process forward expeditiously. The North Highline community has been working on this and waiting for this long enough.

ARGUMENTS AGAINST THE MEASURE

Arguments against the measure were articulated by opponents of annexation to Burien:

- White Center has always been the southern frontier of Seattle. White Center and surrounding neighborhoods feel like they belong to the urban area.
- The North Highline community is very diverse; at least half of the population are people of color who moved there in recent years in search of affordable housing. These residents do not feel an affiliation with the City of Burien which is demographically much older, more white and consists largely of people who have lived there for 30 to 40 years.
- The elected leadership of Burien, the UAC, and the Fire District is not representative of the diversity of the community.
- The North Highline community tends to have larger families, higher poverty rates, lower incomes and its residents rely more on government services such as affordable housing that Seattle can provide.

- Seattle will be able to provide a much higher level of services. Services such as neighborhood planning, environmental programs, arts and cultural affairs, small business support, and youth programming are just a few “big city” services Seattle could offer.
- White Center has higher per capita crime rates and youth gang problems which can be better handled by the Seattle Police Department.
- Property taxes would be identical in Burien or Seattle but in Seattle the level of services would be much higher. Water and sewer rates would be lower in Seattle.
- Residents of North Highline already have Seattle mailing addresses which protect property values.
- The City of Burien does not have the scale to handle such a large annexation. The Burien business district is struggling and has many vacant storefronts. The city is already spread thin and this added burden could bankrupt the city.
- The North Highline community should stay together, not be split in two. The two parts of the community should have equitable services.
- The decision to place this annexation on the August primary ballot is a political calculation designed to ensure a low voter turnout.
- The current proposal was developed when Seattle could not avail itself of state funding and had already voted against annexation. Seattle is now able to access such funding. This is a significant development that counsels against moving ahead now. Burien and Seattle should enter into further discussions and develop a better plan which could be placed on a general election ballot at a later date when voters can be given a clear choice.

RECOMMENDATION and RATIONALE

The Municipal League Board of Trustees recommends voters support the partial annexation of the North Highline area to Burien.

The North Highline unincorporated area extends from the very diverse and urban White Center community on the southern edge of Seattle to a largely residential area of golf courses and territorial views with a suburban feeling in the south. Surveys of the community over several years have revealed a distinct division between residents who want urban services and feel a strong connection to Seattle on the one hand and residents who prefer the small-town and more accessible feeling of an unincorporated or Burien affiliation on the other. A division into two annexation areas, one to Burien and one to Seattle, is appropriate in light of the different community character, demographics and preferences. Drawing the line between the two areas will necessarily be somewhat arbitrary. The current proposed annexation boundary along 116th and 112th Streets appears to divide the unincorporated area along significant arterials and about equally in terms of size and population.

The Municipal League has been a strong supporter of the region's growth management goals and believes that it is a matter of some urgency that communities move forward with annexations of unincorporated areas. The North Highline annexation area has been studied for more than five years. Citizen groups have been actively planning and advocating for annexation for many years. This partial annexation is a viable plan that should move forward. It is hoped that the remaining northern area of North Highline that encompasses White Center and Boulevard Park can vote to be annexed to Seattle in the near future.

The City of Burien
400 SW 152nd St - Suite 300
Burien, WA. 98166

5/20/09

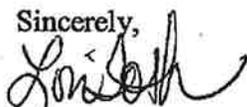
To whom it may concern,

The City of Burien's neighborhood matching fund grant program has been a huge success for the Hurstwood neighborhood! A variety of neighbors assisted in our garden project through digging planting, watering, spreading mulch and topsoil, transplanting plants, organizing work parties, selecting granite boulders, etc. We have been amazed at the number of volunteers we have had participating at work parties – even in the pouring down rain. The grant has given our neighborhood a focus on community building and pride. We now have neighbors who walk our neighborhood picking up trash daily. Many have included taking care of Seahurst Park on their walks. Our garden work parties included neighbors who have lived in Hurstwood for over 30 years and brand new home owners working side by side. We also had elementary and high school age residents working together with retired and senior neighbors. Our garden is located by the only entrance into Hurstwood, and on work party days cars would stop and neighbors would drop off juice, hot coffee, and many words of thanks and encouragement. We have been so pleased by the community spirit this grant has helped us to create.

Our grant funds were used by following our grant budget. We had a few additional costs, such as a right of way street use permit and the cost of a traffic control flagger, which were paid in full by the Hurstwood Community Club. The cost of our plants, top soil, mulch, boulders and landscape design consultation has all been paid or reimbursed by the city according to the grant project budget.

We are thrilled to see our project come to an end and see the beautiful results of a large neighborhood (124 homes) coming together to focus on a single project. We want to thank the city of Burien for offering such a unique and valuable grant to city neighborhoods!

Sincerely,



Lori Toth

Hurstwood Community Club



GGLO

A Downtown for Every 'Burb

"Town Centers" are planned for three Seattle suburbs

Joseph W. Tovar, FAICP

Frank Lloyd Wright once said that the rise of the automobile "threw open the door to the cage of the city." In his vision of "Broadacre City," each "Usonian" home was situated on an acre of land and served by high-speed highways. The imagery of low-slung homes sprawling across a vast landscape was compelling and romantic, foreshadowing post-war suburbanization.

In contrast, the regional form envisioned by Washington's Growth Management Act (GMA), adopted in 1990, is a compact urban landscape, connected by multiple transportation modes, encompassed within a landscape of farms, forests, and rural countryside. This compact urban landscape is only about 16% of the total land area of the central Puget Sound region, with the balance designated as rural, farm, and forest lands. The anti-sprawling ethic of the GMA in some ways reflects, in other ways shapes, our thinking about the place of the individual in the community and the place of the man-made landscape within the natural one.

Long established cities like Seattle, Everett, and Tacoma have very distinct downtowns, but the region's thirteen cities incorporated since 1990 have largely had to create their "town centers." Some, such as Burien, had the street grid of a nascent business district in place for many years, but lacked strong residential or civic components. Others, such as Shoreline, had no well-developed downtown grid, growing instead around commercial corri-



GGLO

ABOVE: Burien Town Center Building Design by GGLO TOP: Burien Town Center Master Plan

dors along major highways. Sammamish is an example of a third type, on the metropolitan edge, with an even less articulated road grid, but enjoying the flexibility of larger parcels of relatively undeveloped land.

Burien

There were many reasons why Burien chose to create a mixed-use town center. Scott Greenberg AICP, Planning Director for Burien, said, "We wanted to build on our existing downtown area to create a sense of place and identity. The Town Square project is a public-private, mixed-use development, with our new city hall, a regional King County library, and residential. We see it as a business, government, and cultural focal point for the community, and a catalyst for redevelopment and revitalization for the larger downtown area." He also said that by focusing residential growth in the downtown area, the city hoped to support and preserve Burien's well-established residential neighborhoods.

The Burien Town Square project sits on ten acres and is served by a new street grid that is essentially complete. It will contain 400 housing units in a combination of townhouses and mid-rises, 70,000sf of new retail/office space, and a one-acre public park. The 45,000sf regional library/city hall complex is scheduled to open in May of 2009.

Burien currently has an administrative design review process and adopted design guidelines with a 90-day estimated review time. The broad design objectives are to: promote quality development and reinforce a vision of an attractive, pedestrian-oriented downtown with a small town atmosphere; convey a sense of permanence, attention to detail, quality, and investment. A "design departure" process is available if the applicant can demonstrate how the original intent of the standard will still be met. Burien also adopted the SEPA "urban infill" exemption for the Town Square project. Greenberg said, "We are considering expanding this residential and mixed-use project exemption to the entire downtown Burien area. This would streamline the review process."

Sammamish

The city of Sammamish adopted its Town Center Plan for many of the same reasons as Burien. Planning Director Kamuron Gurol said, "We wanted to create a central gathering spot with a sense of place. We also wanted to increase the housing choices in Sammamish, provide public amenities, and focus new growth into a center rather than disperse it across the city." The less-developed land use pattern of Sammamish helps explain the larger expanse of its Town Center, including the 20-acre Sammamish Commons Park with natural features incorporated into the overall scheme.

A new Sammamish City Hall of 38,000sf and adjacent parkland were early investments in the public infrastructure for Sammamish Town Center. The plan calls for up to 2,000 new residential units and up to 600,000sf of retail and office. Building heights up to six stories are permitted, with the primary use likely to be residential rather than office due to the city's place in the region. The city of Sammamish is in the process of preparing development regulations and design guidelines to promote high quality development, emphasize walkability, and describe appropriate aesthetic character.

Gurol said: "We welcome the input of developers and architects about the most efficient design review process. We hope to meet the needs both of the community and those who make the major investment and design decisions that will implement our Town Center Plan." He stressed that it is important for the city to streamline the development review process, provide flexibility for design creativity, and a high degree of certainty for site plan layout and design requirements. He also said "City governments can set the stage by land acquisition and infrastructure investments that demonstrate the community's commitment to accomplishing the vision."

Shoreline

Shoreline developed as a classic "bedroom community" only fifteen minutes away from the jobs, services, and amenities of Seattle. It built its identity and reputation on great schools and parks, but lacked either a seat of local government or a commercial "center." Instead, low-rise strip commercial development coalesced for decades along the three-mile long Highway 99/Aurora corridor. Soon after incorporation in 1995, the city of Shoreline decided to transform Aurora Avenue North into an urban boulevard with landscaped medians, underground utilities, decorative street furniture, broad sidewalk, and bus lanes to complement the four lanes of general purpose traffic.

The extreme makeover of the first mile of Aurora is now complete, and work begins this year on the "middle mile" which bisects the city's designated "Town Center." A cluster of facilities within several blocks of N. 175th Street at Aurora Avenue lend a civic character to the area. The main headquarters of the Shoreline Fire Department sits at this key intersection, while the new 60,000sf City Hall is under construction a block to the east. These two public buildings bracket the Interurban Trail, (a bicycle/pedestrian path that parallels Aurora) a linear park, a historic red-brick road, and the second mile of the Aurora project. Bus rapid transit will reach this Town Center by 2013, serving a transit stop adjacent to the park site. A block to the west are the local museum and Shorewood High School, which is about to undergo a major renovation.

The city hopes that public investments in these amenities and transportation improvements will attract residential and commercial development. A new Town Center development code is under review, including design standards and development incentives to build mixed-use, mid-rise projects up to six stories in height. The environmental analysis will establish how much of the city's 20-year growth target can be accommodated in their transit-served, mixed-use Town Center.

Growth Comes to the "Center"

Each of these new cities is building a "Town Center" as a functional and symbolic focus for community life, to increase housing choice, and support transportation investments. Each calls for mixed-use, mid-rise compact building forms at the heart of their centers. And though each Town Center sits on a fraction of its city's geographic area, it is there that each city intends to accommodate a significant percentage of GMA-mandated residential growth targets. Each of these cities also recognize the importance of good design and intend to employ design standards and design review processes to ensure community and context-appropriate architecture.

The GMA vision of compact urban development is even more compelling in view of Washington's climate change objectives to decrease vehicle miles traveled and greenhouse gas emissions. Regional initiatives, such as the Cascade Agenda, stress the importance of making cities lively and attractive magnets for new growth in order to conserve the rural and resource landscape. Building successful town centers as focal points for civic, cultural, and residential life will therefore be important not only to these individual cities, but the region as a whole. ■

Joseph W. Tower FAICP is President of the Washington Chapter of the American Planning Association. He has been the Planning Director for the city of Shoreline for three years, helped draft the Growth Management Act in the early 1990s and spent twelve years interpreting the GMA as a member of the Growth Management Hearings Board.

Town Centers at a Glance

	Burien	Sammamish	Shoreline
Date incorporated	1993	1999	1995
2008 population	31,000	40,000	53,000
Land area (sq. mi.)	7.5	18	12
Population/sq. mi.	4,133	2,222	4,416
Area of Town Center	89 acres	240 acres	55 acres
Capacity for new units in Town Center	4,500	2,000	5,500
Maximum building height	12 stories	6 stories	6 stories



Sudden Sculpture

By Virginia Wright

The Burien Interim Art Space proves any empty lot can become an artistic spectacle.



Rising out of the rubble of Burien's Town Square construction zone, the one-acre Burien Interim Art Space (B/ IAS) is an innovative concept. On a slab of land that would otherwise have remained fallow for a year, a crop of metal sculptures has sprouted. The pieces exhibit a range of styles and scale, from a conservative piece easily imagined in front of an office building to a delicate metal tree encircled by comfortable seating. The two-story-tall centerpiece of the site is *The Passage*, by Dan Das Mann and Karen Cusolito, which depicts a pair of figures constructed entirely of scrap and recycled metal. The larger figure passes liquid fire to the smaller one through enormous steel fingers.

The creative fire behind this massive logistical operation is the husband-and-wife team of Kathy Justin and Dane Johnson. With a BFA in theatrical lighting from Cornish, Kathy runs her own business, KMJ Lighting Design, and chairs the Burien Arts Commission. Dane, a fellow commissioner, sits on the board of Ignition Northwest and spurs audio-technical advancements as operations manager at KUOW. Artists themselves, they work in resin, paint, words and light. Dane and Kathy have produced

arts events for two decades, and last month the City of Burien recognized the invigorating impact of their work by jointly presenting them with the Community Leader Award.

The idea for the B/ IAS project was ignited by the far-reaching sparks of the Burning Man Arts Festival, held in the Nevada desert every year. Dane and Kathy have been faithful "Burners" since 2001 and were able to pull artists and artworks originally built for Burning Man for installation on the B/ IAS project site. To make a reality of what might strike some as a fanciful concept, the duo skillfully assembled a coalition consisting of Burien Town Square, Urban Partners LLC, 4Culture, the City of Burien, Ignition Northwest and GGLO — the architecture firm developing Town Square.

GGLO initially requested that protective fences be placed around the fiery sculptures, but this was antithetical to the central ideas of B/ IAS: interactivity and community involvement. So there are no barriers around the art. The public can walk around and interact freely with the pieces.

"You can touch the art," says Dane. "This is not a museum. This is an active, living, engaging space." At Seattle Art



It wasn't a one-shot event with a static sculpture garden left in its wake. The project continues to draw new ideas and artists.

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City Arts database manager and writer Virginia Wright was recently appointed an Arts Commissioner by the Burien City Council. Her term ends in 2013.



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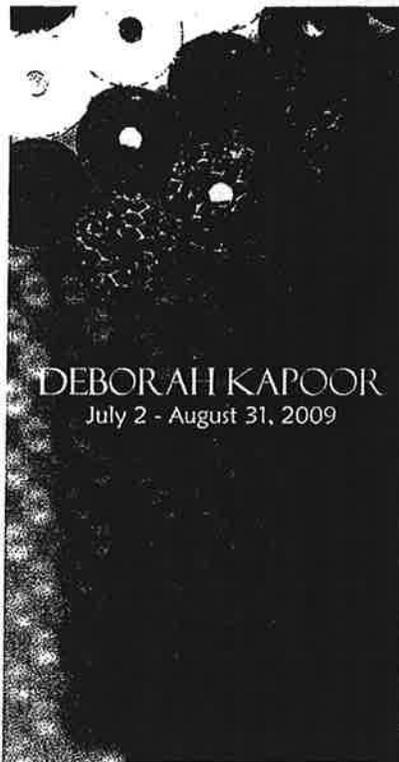
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Museum's Olympic Sculpture Park, the art is strictly hands off. But B/ IAS is more like a regular urban park, except for the fact that it's ephemeral and undergoing continuous transformation. B/ IAS will be gone a year after its creation. Its legacy, Dane and Kathy hope, is the inspiration for other performances and installations of art in temporary spaces — around Puget Sound and beyond.

"Really, our goal is to put together a do-it-yourself manual, so that other communities can do the same thing," says Kathy. "If we can give them the skeleton of how it happened for us, then there's that possibility." In Los Angeles and Detroit, people are taking over abandoned lots and making guerrilla community gardens. "We want to do that same thing, but do it with art — and legally. There are going to be so many dormant construction sites all over the nation for the next couple of years."

The B/ IAS opening in late winter was an exhilarating burst of artistic fervor in the center of the town, attended by hundreds of people, including some who just happened to be passing and felt compelled to stay and watch. The primary sculptures spewed and dripped fire, accompanied by DJs, fire dancers and other performers. Burien had probably never seen such a spectacle, and the response from the community has been nearly unanimous in its enthusiasm.

But it wasn't a one-shot event with a static sculpture garden left in its wake. The project continues to draw new ideas and artists. The idea is to build the community by connecting people who might not otherwise have any involvement with each other. For instance, the local Pacific Islander community might bring traditional fire dancers to perform in the space alongside Burner-inspired fire dancers from Seattle.

The opening event was preserved in videos and photographs you can view at interim-art-space.com. If this sparks an idea of your own, B/ IAS is just twenty minutes away from downtown Seattle. Go visit. The place is all yours. ◀

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contributors



Stacey Levine doesn't often partake of sweets, but fondly remembers ice cream sandwiches from childhood. When she stood on the Hill Ward Memorial platform, she decided that her story (page 20) would focus on the natural beauty of the area. Look for her new book of stories, *The Girl with Brown Fur*, which *The Believer* described as having "a refreshing lack of respect for reality."



Virginia Wright wrote our Eastside cover story about Bungie Studios in November; she returns this issue to write "Sudden Sculpture" (page 12). The story interested her partly because she drives by the Burien/Interim Art Space every day, but also because of its unusual use of space. A resident of the Three Tree Point area of Burien and member of the Burien Arts Council, she is looking forward to getting an orange creamsicle from the ice cream truck.



Photojournalist **Mike Kane** is from the "index finger" of Michigan (Michiganders use their hand to pinpoint their origins). He moved to Seattle to work for the *P-I* and is now collecting freelance work, including separate series about gangs, urban Indians and the upcoming Olympics. His photographs of the Western State Hospital ruins (page 20) mark his first appearance in *City Arts* and were taken on a perfect day for his favorite treat, a rocket-pop.

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CITY OF BURIEN, WASHINGTON

MEMORANDUM

TO: Michael Lafreniere, Director of Parks, Recreation, and Cultural Services

FROM: Debbie Zemke, Recreation Manager

DATE: June 24, 2009

SUBJECT: New B/IAS Installations & Summer Events

At the June 23 Arts Commission meeting, Commissioner Dane Johnson reported on new program developments at the B/IAS site, including additional artwork installations and upcoming summer events.

InstallationsRecycled Art

- *Color Wheels* by Highline High School art students, featuring brightly- painted car hubcaps that decorate the B/IAS site's light poles.
- *Flowers* by both Gregory Heights and Cedarhurst elementary school students, who used discarded water bottles to create multi-colored artworks that are "planted" in the garden beds.

Sculpture

- *Paradigm Shift* by artist Mike Magrath, a bronze nude woman sculpture that was originally exhibited at the Henry Art Gallery in Seattle.

EventsOutdoor Movies @ Dusk

- July 24: Student Films and a feature movie TBD
- August 1: *Metropolis*, by Fritz Lang, with music accompaniment.

Pieces of Eight: Music Composition Performances

- August 15 & 16: Performing artists will be commissioned prior to the event to create sound performances on a scale deeper and larger than in ordinary environments. These new compositions will be written specifically for presentation on 8 channels over 8 speaker stacks throughout the B/IAS site over the weekend.

The B/IAS group is also exploring possibilities to install another sculpture that has an incredibly interesting history behind it entitled *Monolith*. More information will be forthcoming.

SCA's Policy Positions and Guiding Principles for Potential Metro Service Reductions

The Suburban Cities Association, representing nearly 832,000 King County citizens and 54% of incorporated King County, worked in good faith with Seattle, Metro, and the King County Council to develop the current policy on any system-wide reductions in Metro Transit service hours. Support of this policy has recently been reaffirmed by the membership and the SCA board of Directors.

Any reduction in service must adhere to Metro's Strategic Plan IM-3: "Any system wide reduction in service investment shall be distributed among the subareas in proportion to each subarea's share of the total service investment."

(Adopted by the SCA Board of Directors - April 15, 2009)

Further, SCA believes ensuring at least a minimum level of transit service coverage to all geographic areas of the county is a priority while preserving Transit Now programs to the extent possible. While SCA does not speak for the 341,000 citizens in unincorporated King County, we recognize that the position of SCA also supports the transit needs of these tax payers. The following Guiding Principles represent SCA's priorities for potential Metro service reductions with an emphasis on coordination and collaboration with other service providers and with the subareas.

Guiding Principles for Reducing Metro Transit Service Hours

- Any reduction in service should strive to maintain at least a minimum level of transit service, providing transit access to all geographic areas of the county.
- Any reduction in service should strive to preserve the voter-approved Transit Now programs to the fullest extent possible within the collection of Transit Now revenues.
- Any reduction in service should strive to provide better coordination to avoid duplication in service between Sound Transit and Metro where feasible.
- Any system wide reductions in service shall be in proportion to each subarea's share of the total service investment, at each major service change.
- Any reduction in service should tailor the type of service and service levels to the needs of each sub-area
- Any reduction in service must be implemented within each subarea in communication and consultation with appropriate King County Subarea Boards.

(Adopted by the SCA Board of Directors - June 17, 2009)

**RECEIVED**

JUN 24 2009

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June 19, 2009

Mayor Joan McGilton
City of Burien
400 SW 152nd Street
Suite 300
Burien, WA 98166

Re: Lora Lake Apartments Property & the Model Toxics Control Act (MTCA) Agreed Order

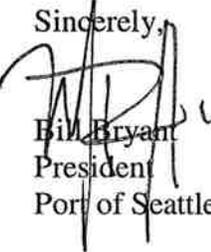
Dear Mayor McGilton:

I am happy to report to you that the Port of Seattle Commission authorized the Chief Executive Officer to execute the Agreed Order under the Model Toxics Control Act (MTCA) for the Lora Lake Apartment property at our meeting on June 9, 2009.

This authorization will allow the Port to move quickly to demolish the remaining apartment buildings this summer. The demolition project will be conducted as part of a Department of Ecology-supervised MTCA "interim action: designed to prevent migration of contaminants from the site during demolition. To complete the Agreed Order, the Port, with Ecology oversight, will also prepare a robust Public Participation Plan and a Remedial Investigation (RI) and Feasibility Study (FS), which will form the basis for site remediation.

The Port looks forward to working with the City of Burien to finalize the Northeast Redevelopment Area Strategy and to clarify the long-term re-development plans for the Lora Lake site as part of this effort.

Sincerely,


Bill Bryant
President
Port of Seattle Commission



Toxics Cleanup Program

July 2009

Agreed Order available for public review and comment

The Washington State Department of Ecology (Ecology) prepared this fact sheet to provide you with information about the Lora Lake Apartments cleanup site, located at 15001 Des Moines Memorial Drive in Burien, Washington (see figure).

In June 2009, Ecology and the Port of Seattle (Port) entered into a legal agreement called an Agreed Order. Under this Agreed Order, the Port agrees to conduct a Remedial Investigation/Feasibility Study (RI/FS). The Remedial Investigation will identify the nature and extent of contamination associated with former operations at the site. The Feasibility Study will assess alternative means of cleaning up the contamination. A Work Plan will be prepared describing the investigations and engineering assessments that will be performed. When the work is complete, the Port will prepare a report presenting the results of the RI/FS.

A Public Participation Plan will be prepared that will describe how the public will be informed of work at the site and indicate specific opportunities for public input. The public will have an opportunity to comment on the Public Participation Plan, the Work Plan, and the RI/FS report before they are finalized.

Public Comment Invited

You are invited to review the Agreed Order and send your comments to Ecology for consideration. Comments will be accepted until August 10, 2009.

Comments Accepted

July 10 - August 10, 2009

Submit Comments and Technical Questions to:

David L. South - Site Manager
Washington State Department of Ecology
Northwest Regional Office - Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008
Phone: (425) 649-7200
E-mail: dsou461@ecy.wa.gov

DOCUMENT REVIEW LOCATIONS

Burien Public Library

400 SW 152nd Street
Burien, WA 98166
(206) 243-3490

**Washington State Department of Ecology
Northwest Regional Office**

3190 160th Ave SE
Bellevue, WA 98008
Call for an appointment: Sally Perkins
Phone: (425) 649-7190
Fax: (425) 649-4450
E-mail: sper461@ecy.wa.gov
Hours: Tuesday – Thursday
8:00 AM – 12:00 PM and 1:00 PM – 4:30 PM

Ecology's Toxics Cleanup Website:

http://www.ecy.wa.gov/programs/tcp/sites/loraLakesAps/loraLakesAps_hp.html

Facility Site ID #: 1880040

Public Meeting for the Agreed Order

There will be a public meeting for the Lora Lake Apartments Agreed Order. You will have an opportunity to talk with Ecology and Port of Seattle staff members, get answers to any questions or concerns you may have, and provide comments at the meeting.

Lora Lake Apartments Public Meeting

Date: July 23, 2009, 7:00 – 9:00 p.m.

Location: Highline School District’s Educational Resource and Administration Center, 15675 Ambaum Blvd., S.W., Burien

Site Background

This site was an orchard and private residence prior to 1940. During the 1940s and 1950s, the site was used by Novak Barrel Cleaning Company. Novak received barrels from various industries. The barrels had been used to contain chemicals. Novak cleaned the barrels so they could be reused. Burien Auto Wrecking operated at the site from approximately 1960 to 1981. A developer purchased the site during the 1980s, and in 1987 built the Lora Lake Apartment complex. In 1998, the Port bought the site, part of which was required for a Runway Protection Zone, where residences are prohibited. The Runway Protection Zone was required for Sea-Tac Airport’s Third Runway. The six buildings within the Runway Protection Zone were demolished in 2007. Sixteen buildings remain and are scheduled for demolition this summer. The portion of the site that was not required for the Runway Protection Zone is slated to be redeveloped.

Former activities at the site released hazardous chemicals into the environment. These include

polycyclic aromatic hydrocarbons; petroleum products, pentachlorophenol, dioxin, tetrachloroethene, trichloroethene, 1,2-dichloroethane, and arsenic. The RI/FS will assess the concentration and distribution of contamination in soil, sediment, groundwater, surface water and air. The Port has already performed a significant amount of investigation prior to this Order. This work will be summarized in a *Supplemental Data Gaps* report.

The apartment complex is currently vacant and constitutes a public safety hazard. Vacant properties are attractive to transients and susceptible to arson or accidental fires. The Port plans to demolish the above-ground portions of the apartment complex this summer, leaving the foundations and asphalt areas intact. Measures will be taken to ensure the demolition activities do not disturb potentially contaminated soil. Workers will be protected from contaminated soil by existing pavement, by placing rock work surfaces in traffic areas as necessary, and by fencing off unpaved areas. Storm water in demolition areas will be collected on site and trucked to a permitted facility approved by Ecology for disposal. Dust control measures will be taken as well.

What Happens Next?

After the 30-day public comment period, Ecology will review all comments received and consider input for the plans in the Agreed Order. The Public Participation Plan and the RI/FS Work Plan will be prepared and made available to the public at the document review locations and on the website listed in the sidebar on page 1. The RI/FS report will be available for public review at a later date at the same locations.

Comentario del Público sobre la Orden Acordada para el Sitio de los Apartamentos Lora Lake

Período de Comentario Público Julio 10, 2009 – Agosto 10, 2009

El Departamento de Ecología del Estado de Washington (Ecología) requiere sus comentarios sobre la Orden Acordada (acuerdo legal) para la limpieza del sitio de los Apartamentos Lora Lake, localizados en 15001 Des Moines Memorial Drive en Burien, WA.

En las décadas de 1940 y 1950, el sitio fue usado para limpiar barriles que habían contenido productos químicos. Entre 1960 y 1981, el sitio fue usado para guardar vehículos siniestrados. Un promotor inmobiliario compró el sitio durante la década de 1980, y en 1987 construyó los Apartamentos Lora Lake. En 1998, el Puerto de Seattle (Puerto) compró el sitio, una parte del cual fue requerida para la Zona de Protección de la Tercera Pista del Aeropuerto de SeaTac, en donde se prohíben las residencias. Seis de los edificios de apartamentos estaban dentro de la Zona de Protección de la Pista. Estos edificios fueron demolidos en 2007. Dieciséis edificios permanecen y la demolición de los edificios está programada para éste verano. La parte del sitio que no fue requerida para la Zona de Protección de la Pista está designada para ser re-urbanizada.

Las actividades previas en el sitio contaminaron el medio ambiente con sustancias químicas peligrosas incluyendo hidrocarburos aromáticos policíclicos, productos del petróleo, pentaclorofenol, dioxinas, tetracloroetileno, tricloroetileno, 1,2-dicloroetileno y arsénico. En junio de 2009, Ecología y el Puerto llegaron a un acuerdo, según el cual el Puerto acepta a llevar a cabo una Investigación Remediadora/ Estudio de Factibilidad (RI/FS por sus siglas en inglés). La Investigación Remediadora identificará la naturaleza y el alcance de la contaminación asociada con las operaciones previas en el sitio. El Estudio de Factibilidad evaluará los medios alternos para la limpieza de la contaminación. Un Plan de Trabajo será preparado para describir las investigaciones y los estudios de ingeniería que serán llevados a cabo. Cuando el trabajo este completo, el Puerto preparará un reporte presentando los resultados del RI/FS.

Un Plan de Participación Pública será preparado que describirá la forma en que el público será informado del trabajo en el sitio e indicará las oportunidades específicas para que el público de su aportación. El público tendrá una oportunidad para comentar sobre el Plan de Participación Pública, el Plan de Trabajo, y el reporte del RI/FS antes de ser finalizados.

Ecología le invita a aprender más sobre la Orden Acordada en una reunión pública de las 7 a las 9 p.m., el 23 de julio de 2009, en el *Educational Resource and Administration Center* del *Highline School District*, 15675 Ambaum Blvd., S.W., Burien. Empleados de Ecología y del Puerto de Seattle estarán disponibles para responder preguntas y para oír sus preocupaciones. Usted podrá dar sus comentarios a Ecología durante la reunión y en cualquier momento durante el período de comentario. Para más información, visite el sitio de Ecología en la Internet:
http://www.ecy.wa.gov/programs/tcp/sites/loraLakesAps/loraLakesAps_hp.html

Para la reunión, la asistencia de un intérprete puede ser organizada.

Los documentos de la Orden Acordada están disponibles en:

- Departamento de Ecología del Estado de Washington, 3190 160th Ave. S.E., Bellevue, WA 98008, llame al (425) 649-7190 para hacer una cita.
- Biblioteca de Burien, 400 S.W. 152nd St., Burien, WA 98166 (206) 243-3490

Para más información en español o para solicitar un interprete para la reunión pública, por favor comuníquese con Gustavo Ordóñez al (360) 407-6619; o, por correo electrónico a gord461@ecy.wa.gov con referencia al sitio de los Apartamentos Lora Lake.

Ý kiến về Lệnh Thoả Thuận cho Địa điểm chung cư Lora Lake

Thời hạn thu nhận ý kiến từ 10 tháng 7 đến 10 tháng 8, 2009

Bộ Môi Sinh yêu cầu quý vị đóng góp ý kiến về Lệnh Thoả Thuận (hợp đồng pháp lý) dọn sạch địa điểm chung cư Lora Lake, tọa lạc tại 15001 Des Moines Memorial Drive trong Burien, WA.

Trong các thập niên 1940 và 1950, địa điểm này đã được dùng để làm sạch các thùng chứa hóa chất. Từ khoảng 1960 đến 1981, địa điểm này đã được dùng làm nghĩa địa xe hơi. Một nhà thầu địa ốc đã mua khu này trong thập niên 1980, và xây chung cư Lora Lake vào năm 1987. Đến năm 1998, Cảng Seattle (Cảng) đã mua lại địa điểm, một phần trong khu này đã được dùng làm Khu Bảo vệ Đường bay Thứ Ba của Phi Trường Sea-Tac, nơi bị cấm xây nhà cửa. Sáu toà nhà nằm trong trong Khu vực Bảo vệ Đường bay. Những toà nhà này đã được phá xập năm 2007. Mười sáu toà nhà còn lại đang được dự định phá huỷ vào mùa hè này. Các phần trong địa điểm không cần thiết cho Khu vực Bảo vệ Đường bay sẽ được cho tái thiết.

Các hoạt động trước đây tại địa điểm này đã xả ra một số hóa chất độc hại vào môi trường trong đó có những chất hydrocarbon thơm đa vòng, các sản phẩm dầu mỏ, pentachlorophenol, dioxin, tetrachloroethene, trichloroethene, 1,2-dichloroethane, và thạch tín. Vào tháng Sáu năm 2009, Bộ Môi Sinh và Cảng Seattle đã ký Lệnh Thỏa Thuận (Agreed Order), theo đó Cảng Seattle đồng ý tiến hành một Cuộc khảo sát bổ cứu /Nghiên cứu khả thi (RI/FS). Cuộc khảo sát bổ cứu sẽ xác định tính chất và mức độ của sự ô nhiễm do các hoạt động trước đây tại địa điểm này gây ra. Cuộc nghiên cứu khả thi sẽ đánh giá những phương tiện dọn sạch khác nhau. Một Kế hoạch làm việc sẽ được soạn thảo, mô tả cuộc điều tra và đánh giá kỹ thuật sẽ được dùng tới. Khi công việc hoàn tất, Cảng Seattle sẽ chuẩn bị một báo cáo trình bày kết quả của cuộc RI / FS.

Một Kế hoạch tham gia công cộng mô tả cách thức công chúng sẽ được thông báo về các công tác tại địa điểm này và cho biết cơ hội cụ thể để công chúng cho ý kiến. Công chúng sẽ có cơ hội để bình luận về Kế hoạch tham gia công cộng, Kế hoạch làm việc, và báo cáo RI / FS trước khi chúng được hoàn tất.

Bộ Môi Sinh mời gọi quý vị đến tìm hiểu thêm về Lệnh Thoả Thuận trong một phiên họp công cộng từ 7 tới 9 giờ tối ngày 23 tháng 7 năm 2009 tại Văn Phòng của Khu Học Chánh Highline, số 15675 Ambaum Blvd., S.W., Burien. Nhân viên của Bộ Môi Sinh và Cảng Seattle sẽ có mặt để trả lời các câu hỏi và nghe những quan tâm của quý vị. Quý vị sẽ có thể cho Ecology biết ý kiến tại cuộc họp hay bất cứ lúc nào trong thời gian thu nhận ý kiến. Để biết thêm chi tiết, xin vô trang web của Ecology: http://www.ecy.wa.gov/programs/tcp/sites/loraLakesAps/loraLakesAps_hp.html

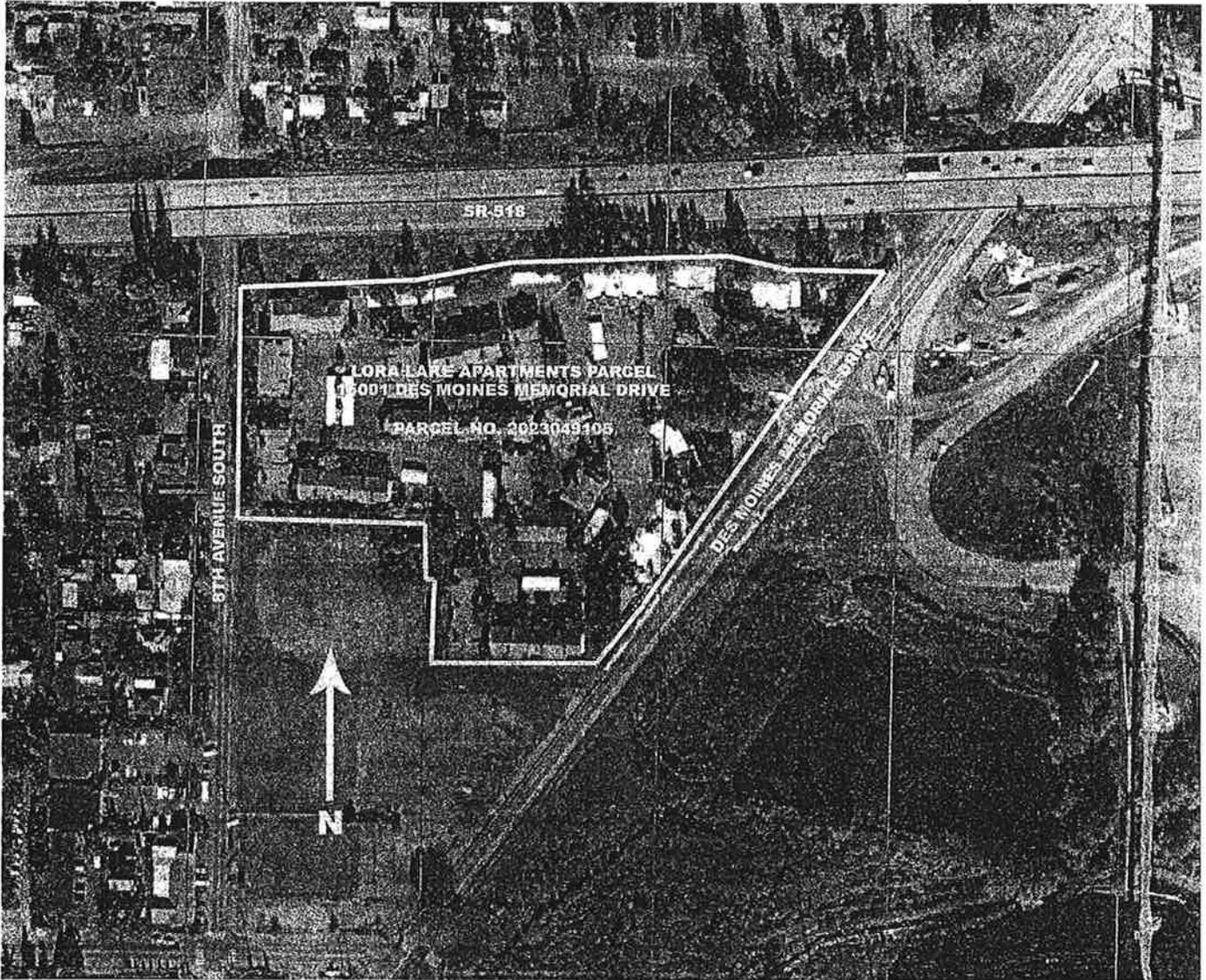
Chúng tôi sẽ cung cấp thông dịch viên, nếu quý vị yêu cầu.

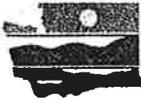
Các tài liệu có thể được tìm thấy tại các địa điểm sau đây:

- Bộ Môi Sinh Washington, 3190 160th Ave. S.E., Bellevue, WA 98008
Gọi lấy hện: (425) 649-7190
- Thư viện Burien, 400 S.W. 152th St., Burien, WA 98166, (206) 243-3490

Muốn biết tin tức bằng tiếng Việt hay là yêu cầu có thông dịch viên cho cuộc họp công cộng, xin liên lạc với Ông Vũ Anh Tuấn, điện thoại số 360-407-7449 hay qua điện thư tại tuvu461@ecy.wa.gov và tham chiếu địa điểm Chung Cư Lora Lake.

The Lora Lake Apartments Property Boundary Map
15001 Des Moines Memorial Drive, Burien, Washington





DEPARTMENT OF
ECOLOGY

State of Washington

3190 160th Ave SE

Bellevue, WA 98008

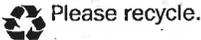
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*****SINGLE-PIECE

MR. MIKE MARTIN
CITY OF BURIEN
400 SW 152ND ST STE 300
BURIEN WA 98166

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98166-2305 C034



Ecology Seeks Public Comment on the Agreed Order for Lora Lake Apartment Site

Public Comment Period: July 10, 2009 – August 10, 2009

Public Meeting on July 23, 2009 from 7 to 9 pm at Highline School District’s Educational Resource and Administration Center, 15675 Ambaum Blvd., S.W., Burien

El Período de Comentario Público para la Orden Acordada sobre la limpieza del sitio de los Apartamentos Lora Lake es del 10 de julio de 2009 al 10 de agosto de 2009. Ecología le invita a aprender más sobre la Orden Acordada en una reunión pública de 7 a 9 p.m., el 23 de julio de 2009, en el *Educational Resource and Administration Center del Highline School District*, 15675 Ambaum Blvd., S.W., Burien. Para más información en español o para solicitar un intérprete para la reunión pública, por favor comuníquese con Gustavo Ordóñez al (360) 407-6619 o por correo electrónico a gord461@ecy.wa.gov y refiera la limpieza del sitio de los Apartamentos Lora Lake.

Thời hạn thu nhận ý kiến từ 10 tháng 7 năm 2009 đến 10 tháng 8 năm 2009 về Sắc lệnh Đồng Thuận dọn sạch liên quan đến những Căn phòng cho thuê Lora Lake. Bộ Môi Sinh kêu gọi sự tham gia của quý vị trong buổi hội thảo công cộng để tìm biết thêm về Sắc lệnh Đồng thuận này từ 7 đến 9 giờ tối, ngày 23 tháng 7 năm 2009, tại địa điểm “Educational Resource and Administration Center” của trường Highline School District, số 15675 Ambaum Blvd SW, Burien. Nếu cần tài liệu bằng tiếng Việt hoặc muốn có thông dịch viên trong buổi họp, xin liên lạc ông Vũ Tuấn, số 360-407-7449 hay bằng điện thư ở TUVU461@ECY.WA.GOV trên tiêu đề Những Căn phòng cho thuê Lora Lake.

If you need this publication in an alternative format, call Nancy Lui at (425) 649-7117. Persons with hearing loss, call 711 for Washington Relay Service. Persons with speech disability call 877-833-6341.

April 2009 Sales Tax Detail

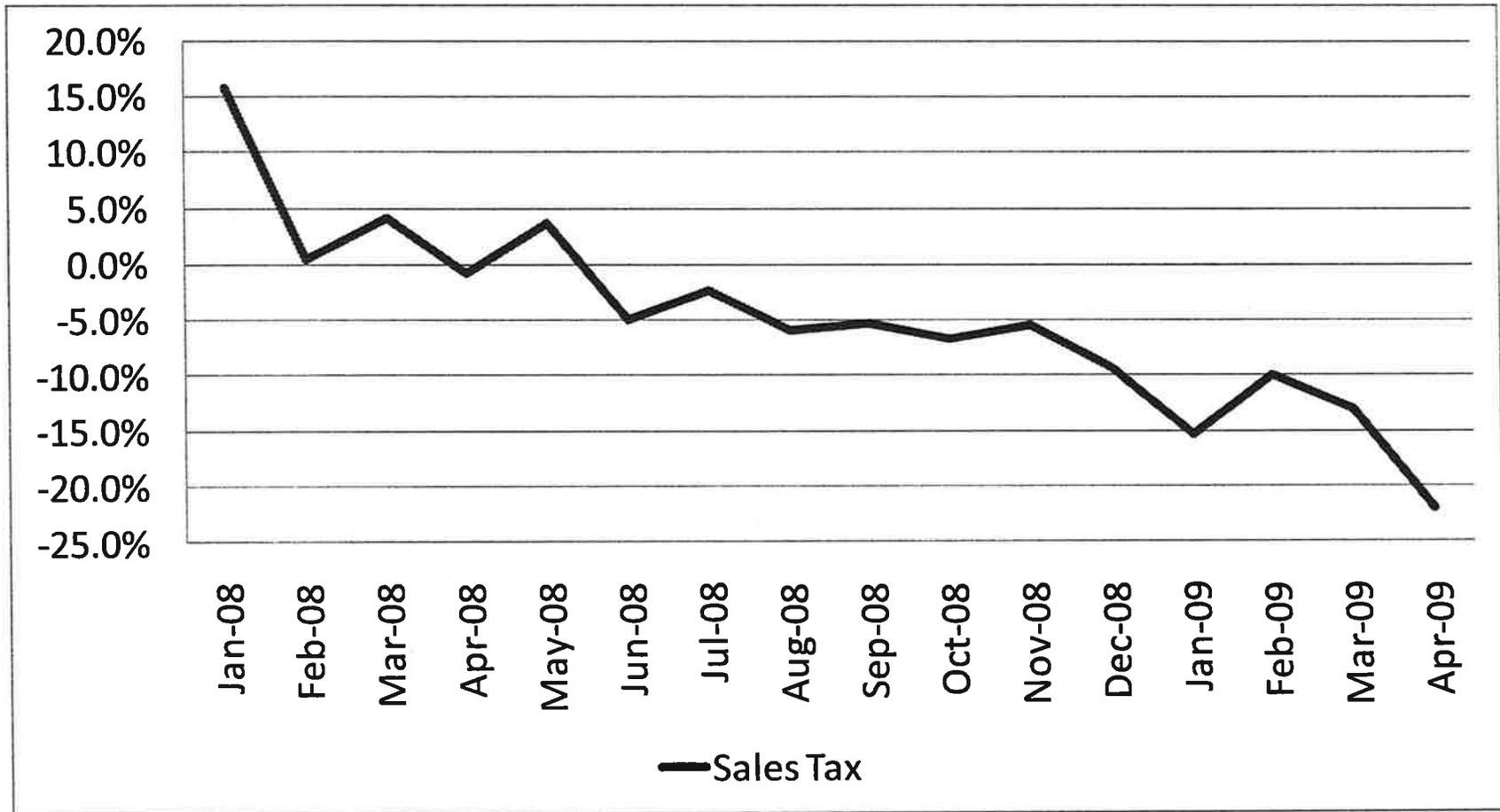
- April 2008 to April 2009 ↓ 22%
- Retail Trade (53%) ↓ 23.7%
 - Motor Vehicle & Parts Dealers (21% of total) ↓ 43.7%
 - » New Car Dealers (17.4% of total) ↓ 46.3%
 - General Merchandise Stores (8.8% of total) ↑ 3.6%
 - Food & Beverage Stores (7.1% of total) ↓ 5.6%
 - Building Material & Garden (1% of total) ↑ 86.6%
 - Electronics and Appliances (1% of total) ↑ 19.1%
- Construction (13.2%) ↓ 44.6%
- Accommodations & Food Service (10.9%) ↓ 9.8%

City of Burien

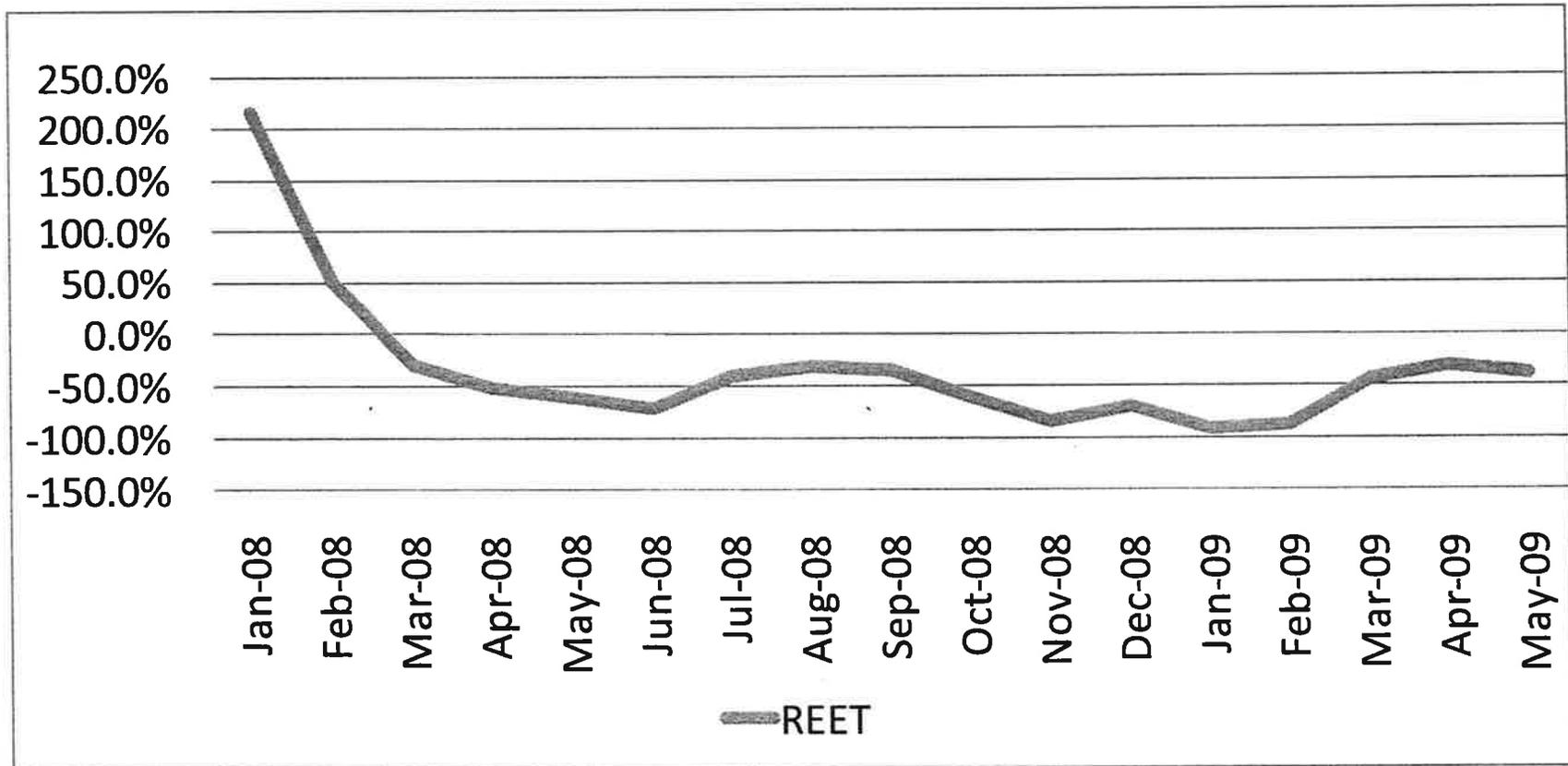
April 2009 Sales Tax Revenue Comparison by Category

	April-09		% of Total Revenue	April-08		Difference		
						2008 to 2009	% Change	
Unknown	\$	422	0.1%	\$	539	\$	(117)	-21.7%
Agriculture, Forestry, Fishing	\$	356	0.1%	\$	9	\$	347	N/A
Mining	\$	291	0.1%	\$	360	\$	(69)	-19.2%
Construction	\$	39,799	13.2%	\$	71,870	\$	(32,071)	-44.6%
Manufacturing	\$	5,972	2.0%	\$	5,127	\$	845	16.5%
Wholesale Trade	\$	10,143	3.4%	\$	9,061	\$	1,082	11.9%
Retail Trade	\$	160,071	53.1%	\$	209,673	\$	(49,602)	-23.7%
Transportation and Warehousing	\$	541	0.2%	\$	803	\$	(262)	-32.6%
Information	\$	13,603	4.5%	\$	13,447	\$	156	1.2%
Finance & Insurance	\$	699	0.2%	\$	986	\$	(287)	-29.1%
Real Estate, Rental, Leasing	\$	5,796	1.9%	\$	6,096	\$	(300)	-4.9%
Prof, Sci, Technical Services	\$	4,060	1.3%	\$	2,339	\$	1,721	73.6%
Admin, Support, Remedy Services	\$	3,044	1.0%	\$	2,860	\$	184	6.4%
Educational Services	\$	827	0.3%	\$	1,426	\$	(599)	-42.0%
Health Care Social Assistance	\$	3,220	1.1%	\$	3,733	\$	(513)	-13.7%
Arts, Entertainment, Recreation	\$	2,484	0.8%	\$	2,279	\$	205	9.0%
Accomodation and Food Services	\$	32,842	10.9%	\$	36,400	\$	(3,558)	-9.8%
Other Services	\$	17,222	5.7%	\$	20,320	\$	(3,098)	-15.2%
	\$	<u>301,392</u>		\$	<u>387,328</u>	\$	<u>(85,936)</u>	-22.2%

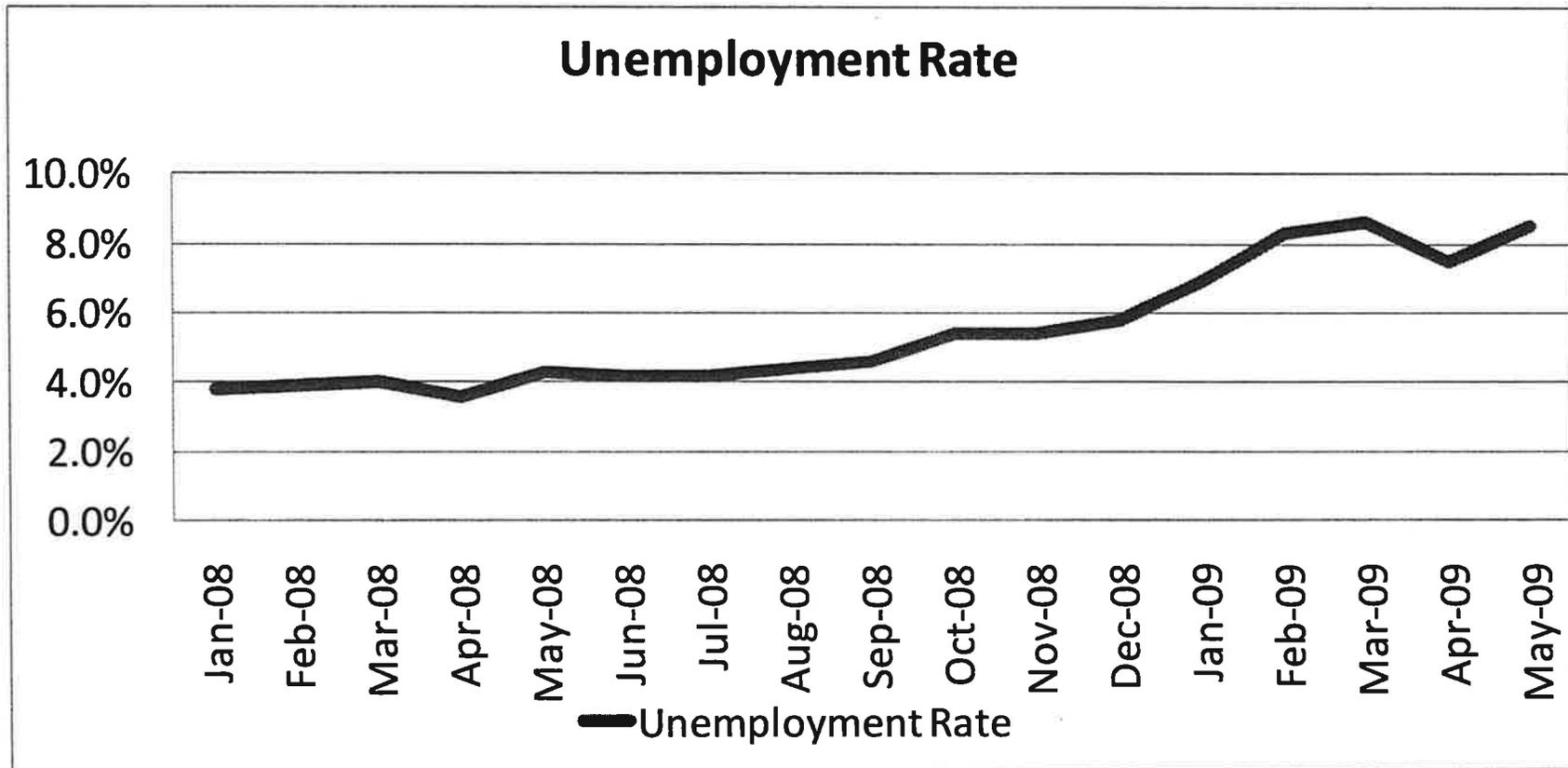
SALES TAX PERCENTAGE CHANGE FROM PRIOR YEAR SAME MONTH



REAL ESTATE EXCISE TAX PERCENTAGE CHANGE FROM PRIOR YEAR SAME MONTH



CITY OF BURIEN UNEMPLOYMENT RATE



20 May 2009

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JUN 09 2009

CITY OF BURIED

Mike Martin
City Manager, City of Burien
15811 Ambaum Blvd SW, Suite C
Burien, WA 98166

Dear Mr Martin:

As you know, Sea-Tac Airport says that it will start a new study of Airport-related noise, starting in early winter this year, a so-called Part 150 study. All discussion of mitigation of noise from the third runway is supposed to take place as part of this study. There is no guaranty of significant community participation in this study, despite the precedent set in Sea-Tac's last such study (1997-2001). (In that study, local municipalities had members on the citizens' advisory committee.)

The RCAA Board of Directors believes that participation by the impacted communities is necessary if the study is to be effective. It would be best if there were citizen input from the very start – when any Technical Committee is set up, before the Airport starts soliciting Requests For Proposals or Requests For Qualification from consultants.

We ask that the City of Burien join us in working to ensure a good citizen-participation component. The initial step that we propose is that near-by cities ask the Port Commissioners to direct staff that the Part 150 study have a citizen-community participation component at least as inclusive as that in the last study, & that local cities, other elected officials, & interested citizen groups be brought into the very earliest stages of planning the study. A proposed draft letter to that effect is attached for your consideration.

Yours very truly,


Lawrence J. Corvari
President

encl.

cc: Joan McGilton, Mayor

II-010-008
L09-138.3

Officers
19900 4th Ave SW
Normandy Park, WA 98166
(206) 824-3120
FAX (206) 824-3451
Allan M. Furney
Vice President - Technical
www.rcaanews.org

Jim Bartlemay
Secretary-Treasurer
Lawrence J. Corvari
President

Allan M. Furney
Vice President - Technical

Jim Bartlemay
Secretary-Treasurer

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- A. M. Brown
- Brett Fish
- Dennis Hansen, M.D.
- Stuart Jenner
- Jane M. Rees
- Stan Scarvie

Affiliates

- CANE
- C.A.S.E. (Citizens Against Sea-Tac Expansion)
- Seattle Community Council Federation
- Seattle Council on Airport Affairs

Operations Manager
Chas. H.W. Talbot

Webmistress
J. Beth Means

Draft of suggested letter to POS in re Sea-Tac Airport's proposed Part 150 study

[date]

Bill Bryant, President, Port of Seattle Commission
John Creighton, Member, Port of Seattle Commission
Patricia Davis, Member, Port of Seattle Commission
Gael Tarleton, Member, Port of Seattle Commission
Lloyd Hara, Member, Port of Seattle Commission
P.O. Box 1209
Seattle, Washington 98111

Re: Proposed noise-mitigation study
("Part 150 study") for Sea-Tac Airport

Dear Mr Bryant and Other Members of the Port of Seattle Commission

The City of ----- is aware that the Port of Seattle intends to start a new study of noise-issues at Seattle-Tacoma International Airport, starting in early winter this year (a so-called Part 150 study). We are concerned that there is no guaranty of significant community participation in this study, despite the precedent set in Sea-Tac's last such study (1997-2001). (In that study, local municipalities had members on the citizens' advisory committee.)

The City of ----- believes that participation by the impacted communities is necessary if the study is to be effective. It would be best if there were citizen and community input from the very start. Local cities, other elected officials, & interested citizen groups should be brought into the very earliest stages of planning the study. This means before any Technical Committee is set up, and before the Airport starts soliciting Requests For Proposals or Requests For Qualification from consultants.

We ask that the Port Commission work with the City of ----- & other Sea-Tac impacted communities to develop and ensure a good citizen-participation component that will be at least as inclusive as that in the last study. The initial work of developing a proposal is probably a staff function. It would be appropriate for the Commission to direct staff to take immediate steps to circulate a draft community-participation plan for review by the Commission & the affected public. The model used in the last study was a good one, at least to kick off further discussions.

[close / signature]

cc: Tay Yoshitani, CEO
Mark Reis, Managing Director, Aviation Division

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JUN 23 2009



77

SHORELINE
CITY COUNCIL

Cindy Ryu
Mayor

Terry Scott
Deputy Mayor

Chris Eggen

Ron Hansen

Doris McConnell

Keith McGlashan

Janet Way

CITY OF BURIEN

June 19, 2009

The Honorable Joan McGilton
Mayor
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166

Dear Mayor McGilton:

On behalf of the City of Shoreline and the Shoreline City Council, it is my great honor and privilege to congratulate you on the grand opening of Burien Town Square. Both myself, as a member of the King County Regional Transit Committee and a representative of the SeaShore Transportation Forum, and Councilmember Chris Eggen, as the Co-Chair of the SeaShore Transportation Forum and representative of the SCA Public Issues Committee, along with the entire Shoreline Council, are very supportive of transit oriented development and the creation of "third places" in communities. Burien Town Square serves both these land use goals, in addition to providing open space, economic development potential and a civic anchor to your community. Your Council, staff and community should be very proud of what your City has achieved.

Congratulations again on the completion of such an impressive project.

Sincerely yours,

Cindy Ryu
Mayor

cc: Shoreline City Councilmembers
Robert L. Olander, City Manager



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

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JUN 11 2009

CITY OF BURIEN

79

June 9, 2009

Dear City, Town, and County Officials:

Preliminary April 1, 2009 population determinations developed by the Office of Financial Management (OFM) are enclosed for your review.

Population growth in the state continues to slow. Annual statewide housing growth has dropped from a peak of 50,900 in 2006 to 41,300 in 2008 and to 31,800 in 2009. Slower housing growth in 2009 is coupled with increasing vacancies. The increase in the state's postal vacancy rate, compared to 2000, was 3.66 percent in February/April 2008, but edged forward to 3.76 percent in 2009. Increases were prominent in many rural/recreational counties. Tables showing postal vacancy rates and change by county are enclosed.

Please evaluate your 2009 population on the basis of total housing and population change from 2000 to 2009. Year-to-year change is often misleading because of changes in data collection and corrections. Annual population change compared to housing growth appears to be particularly inconsistent this year due to slower housing growth, increase in vacancies, and some adjustments made by OFM to better balance incorporated and unincorporated growth trends. Please call if you have any questions.

Should you have any questions about your final city population figure or want to discuss possible changes to your city estimate, please contact Diana Brunink at (360) 902-0597. Questions and possible changes for county estimates should be directed to me at (360) 902-0588.

Requests for revisions and supporting documentation must be received by June 23, 2009. By statute, OFM must finalize these figures by June 30, 2009. The sooner you contact us the more time we will have to review and evaluate the input materials.

These preliminary populations are being sent to the highest elected official in all local jurisdictions, city population contact persons, county planners, and regional planning agencies. ***The figures are provided for administrative review and are subject to change. These populations should not be released to the public or to the press under any circumstances until final and released on our webpage on June 30, 2009.***

Sincerely,

Theresa J. Lowe
Chief Demographer

Enclosures



**April 1 Population of Cities, Towns, and Counties
Used for Allocation of Selected State Revenues
State of Washington**

Caution: Annual change may not be valid due to corrections and data changes. Estimates for individual years may not be comparable. Estimates in this series are not revised based on information that becomes available after the estimate date. Evaluate growth by looking at the growth between the last census and most current estimate.

County Municipality	Census 2000	Estimate								
		2001	2002	2003	2004	2005	2006	2007	2008	2009
Cowlitz	92,948	93,900	94,400	94,900	95,300	95,900	96,800	97,800	99,000	99,600
Unincorporated	38,792	39,195	39,485	39,745	40,000	40,290	40,590	41,125	41,550	41,990
Incorporated	54,156	54,705	54,915	55,155	55,300	55,610	56,210	56,675	57,450	57,610
Castle Rock	2,130	2,125	2,120	2,140	2,150	2,140	2,135	2,135	2,145	2,145
Kalama	1,783	1,840	1,870	1,935	1,950	1,980	2,025	2,105	2,475	2,505
Kelso	11,895	11,860	11,770	11,830	11,800	11,820	11,840	11,840	11,900	11,840
Longview	34,660	35,100	35,310	35,290	35,340	35,430	35,570	35,710	35,880	36,010
Woodland part	3,688	3,780	3,845	3,960	4,060	4,240	4,640	4,885	5,050	5,110
Douglas	32,603	32,800	33,100	33,600	34,200	34,700	35,700	36,300	37,000	37,600
Unincorporated	22,317	22,469	20,539	20,855	21,330	21,780	19,665	20,180	20,815	21,290
Incorporated	10,286	10,331	12,561	12,745	12,870	12,920	16,035	16,120	16,185	16,310
Bridgeport	2,059	2,080	2,065	2,070	2,075	2,075	2,075	2,090	2,070	2,090
Coulee Dam part	125	125	176 *	175	175	175	175	175	175	175
East Wenatchee	5,757	5,770	7,965	8,140	8,255	8,300	11,420	11,480	11,570	11,660
Mansfield	319	321 *	320	320	325	325	325	330	330	330
Rock Island	863	865	860	865	870	875	865	865	865	875
Waterville	1,163	1,170	1,175	1,175	1,170	1,170	1,175	1,180	1,175	1,180
Ferry	7,260	7,300	7,300	7,300	7,300	7,400	7,500	7,550	7,700	7,800
Unincorporated	6,306	6,310	6,325	6,325	6,330	6,425	6,510	6,565	6,700	6,795
Incorporated	954	990	975	975	970	975	990	985	1,000	1,005
Republic	954	990	975	975	970	975	990	985	1,000	1,005
Franklin	49,347	50,400	51,300	53,600	57,000	60,500	64,200	67,400	70,200	72,700
Unincorporated	13,686	13,765	12,915	12,175	12,305	12,455	12,730	13,325	14,000	14,105
Incorporated	35,661	36,635	38,385	41,425	44,695	48,045	51,470	54,075	56,200	58,595
Connell	2,956	2,970	3,100	3,190	3,195	3,195	3,200	3,205	3,255	3,430
Kahlotus	214	215	215	215	220	220	220	220	215	220
Mesa	425	440	440	440	440	440	440	440	440	455
Pasco	32,066	33,010	34,630	37,580	40,840	44,190	47,610	50,210	52,290	54,490
Garfield	2,397	2,400	2,400	2,400	2,400	2,400	2,400	2,350	2,300	2,250
Unincorporated	880	880	885	885	890	885	875	830	775	725
Incorporated	1,517	1,520	1,515	1,515	1,510	1,515	1,525	1,520	1,525	1,525
Pomeroy	1,517	1,520	1,515	1,515	1,510	1,515	1,525	1,520	1,525	1,525
Grant	74,698	75,900	76,400	77,100	78,300	79,100	80,600	82,500	84,600	86,100
Unincorporated	35,797	36,230	36,625	36,815	37,240	37,660	38,455	39,550	40,395	40,845
Incorporated	38,901	39,670	39,775	40,285	41,060	41,440	42,145	42,950	44,205	45,255
Coulee City	600	600	590	590	605	600	600	600	600	600
Coulee Dam part	4	5	0 *	0	0	0 +	0	0	0	0
Electric City	922	950	950	955	950	950	955	970	980	985
Ephrata	6,808	6,895	6,865	6,855	6,890	6,930	6,950	7,025	7,065	7,110
George	528	535	540	525	525	525	530	530	545	550
Grand Coulee	897	926 *	910	920	925	925	930	930	935	940
Hartline	134	135	130	130	135	135	135	145	145	145
Krupp	60	65	65	65	65	60	60	60	60	60
Mattawa	2,609	2,820	2,850	3,025	3,265	3,290	3,330	3,340	3,350	3,395
Moses Lake	14,953	15,210	15,420	15,730	16,110	16,340	16,830	17,440	18,310	18,930
Quincy	5,044	5,165	5,140	5,165	5,255	5,265	5,395	5,455	5,700	6,030
Royal City	1,823	1,825	1,800	1,815	1,815	1,870	1,875	1,885	1,900	1,865
Soap Lake	1,733	1,730	1,720	1,730	1,735	1,735	1,740	1,750	1,765	1,790
Warden	2,544	2,565	2,555	2,540	2,540	2,575	2,575	2,575	2,600	2,605
Wilson Creek	242 *	244 *	240	240	245	240	240	245	250	250

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Evaluate growth by looking at the growth between the last census and most current estimate.

County Municipality	Census	Estimate								
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Grays Harbor	67,194	68,500	68,400	68,800	69,200	69,800	70,400	70,800	70,900	71,200
Unincorporated	25,548 \$	26,770 \$	26,995 \$	27,265 \$	27,295	27,505	27,620	27,860	27,870	28,205
Incorporated	41,646 \$	41,730 \$	41,405 \$	41,535 \$	41,905	42,295	42,780	42,940	43,030	42,995
Aberdeen	16,461	16,490	16,250	16,320	16,410	16,450	16,470	16,450	16,460	16,440
Cosmopolis	1,595	1,595	1,565	1,630	1,590	1,600	1,635	1,645	1,650	1,640
Elma	3,049	3,050	3,175	3,060	3,085	3,105	3,100	3,140	3,125	3,110
Hoquiam	9,097	9,035	8,945	8,855	8,885	8,875	8,845	8,845	8,795	8,765
McCleary	1,484 \$	1,475 \$	1,440 \$	1,450 \$	1,455	1,475	1,540	1,555	1,555	1,555
Montesano	3,312	3,325	3,325	3,345	3,375	3,420	3,550	3,550	3,565	3,565
Oakville	675	680	670	680	675	680	710	715	720	715
Ocean Shores	3,836	3,930	3,930	4,065	4,240	4,385	4,605	4,705	4,805	4,860
Westport	2,137	2,150	2,105	2,130	2,190	2,305	2,325	2,335	2,355	2,345
Island	71,558	72,400	73,100	74,000	74,800	76,000	77,200	78,400	79,300	80,300
Unincorporated	49,081	49,635	50,494	50,680	51,085	51,450	52,035	52,795	53,325	53,930
Incorporated	22,477	22,765	22,606	23,320	23,715	24,550	25,165	25,605	25,975	26,370
Coupeville	1,723	1,735	1,730	1,745	1,745	1,785	1,820	1,855	1,915	1,910
Langley	959	970	996 *	1,005	1,030	1,045	1,055	1,060	1,080	1,100
Oak Harbor	19,795	20,060	19,880	20,570	20,940	21,720	22,290	22,690	22,980	23,360
Jefferson	26,299 \$	26,446 \$	26,600	26,700	27,000	27,600	28,200	28,600	28,800	29,000
Unincorporated	17,965 \$	18,016 \$	18,145	18,270	18,465	18,855	19,380	19,735	19,875	20,105
Incorporated	8,334	8,430	8,455	8,430	8,535	8,745	8,820	8,865	8,925	8,895
Port Townsend	8,334	8,430	8,455	8,430	8,535	8,745	8,820	8,865	8,925	8,895
King	1,737,046 \$	1,758,312 \$	1,774,312 \$	1,779,300	1,788,300	1,808,300	1,835,300	1,861,300	1,884,200	1,909,300
Unincorporated	349,234 \$	353,040 \$	351,136 \$	351,843	356,795	364,498	367,070	368,255	341,150	343,180
Incorporated	1,387,812 \$	1,405,272 \$	1,423,176 \$	1,427,457	1,431,505	1,443,802	1,468,230	1,493,045	1,543,050	1,566,120
Algona	2,460	2,500	2,525	2,590	2,605	2,660	2,695	2,725	2,740	2,760
Auburn part	42,901	43,420	43,970	43,890	43,670	43,540	43,820	44,300	60,400	60,820
Beaux Arts Village	307	310	295	302	300	297	300	310	310	315
Bellevue	109,827	111,500	117,000	116,400	116,500	115,500	117,000	118,100	119,200	120,600
Black Diamond	3,970	4,015	4,015	3,995	4,000	4,080	4,085	4,120	4,155	4,180
Bothell part	16,119 \$	16,244 \$	16,264 \$	16,250	16,250	16,250	16,600	16,950	17,130	17,260
Burien	31,881	31,830	31,810	31,480	31,130	31,040	31,080	31,410	31,540	31,890
Carnation	1,893	1,920	1,905	1,905	1,895	1,900	1,900	1,900	1,905	1,910
Clyde Hill	2,890	2,900	2,895	2,830	2,790	2,780	2,795	2,810	2,805	2,815
Covington	13,783	13,840	14,395	14,850	15,190	16,610	17,240	17,190	17,360	17,530
Des Moines	29,267	29,600	29,510	29,120	29,020	28,960	29,020	29,090	29,180	29,270
Duvall	4,616	4,860	5,190	5,460	5,545	5,595	5,735	5,845	5,925	5,980
Enumclaw part	11,116	11,180	11,195	11,140	11,160	11,190	11,220	11,320	11,470	11,460
Federal Way	83,259	83,890	83,850	83,500	83,590	85,800	86,530	87,390	88,040	88,580
Hunts Point	443	455	455	445	450	450	480	480	475	465
Issaquah	11,212	12,950	13,790	15,110	15,510	17,060	19,570	24,710	26,320	26,890
Kenmore	18,678	18,790	19,180	19,200	19,170	19,290	19,680	19,940	20,220	20,450
Kent	79,524	81,900	84,275	84,210	84,560	84,920	85,650	86,660	86,980	88,380
Kirkland	45,054	45,770	45,790	45,630	45,800	45,740	47,180	47,890	48,410	49,010
Lake Forest Park	12,871 \$	12,889 \$	12,860	12,750	12,770	12,730	12,770	12,770	12,810	12,820
Maple Valley	14,209	14,590	15,040	15,730	16,280	17,870	19,140	20,020	20,480	20,840
Medina	3,011	2,990	3,010	2,970	2,955	2,930	2,945	2,950	2,955	2,970
Mercer Island	22,036	21,970	21,955	21,840	21,830	21,710	21,860	22,380	22,650	22,720
Milton part	814	815	815	820	800	815	825	825	825	830
Newcastle	7,737	7,815	8,205	8,320	8,375	8,890	9,175	9,550	9,720	9,925
Normandy Park	6,392	6,405	6,395	6,345	6,400	6,385	6,415	6,435	6,425	6,485
North Bend	4,746	4,755	4,735	4,680	4,660	4,685	4,690	4,705	4,710	4,760

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County Municipality	Census 2000	Estimate								
		2001	2002	2003	2004	2005	2006	2007	2008	2009
King <i>continued</i>										
Pacific part	5,373	5,380	5,405	5,525	5,545	5,640	5,815	5,945	6,120	6,200
Redmond	45,256	45,490	46,040	46,480	46,900	47,600	49,890	50,680	51,320	51,890
Renton	50,052	51,140	53,840	54,900	55,360	56,840	58,360	60,290	78,780	83,650
Sammamish	34,104	34,560	34,660	35,930	36,560	38,640	39,730	40,260	40,550	40,670
SeaTac	25,496	25,380	25,320	25,100	25,130	25,140	25,230	25,530	25,720	25,730
Seattle	563,376 \$	568,102 \$	570,802 \$	571,900	572,600	573,000	578,700	586,200	592,800	602,000
Shoreline	53,296 \$	53,421 \$	53,250	52,730	52,740	52,500	52,830	53,190	53,440	54,320
Skykomish	214	215	215	210	210	210	210	210	210	210
Snoqualmie	1,631	3,416 *	4,210	4,785	5,110	6,345	7,815 *	8,600	9,360	9,730
Tukwila	17,181	17,230	17,270	17,230	17,240	17,110	17,930	18,000	18,080	18,170
Woodinville	9,809 \$	9,825 \$	9,830 \$	9,905	9,915	10,140	10,350	10,390	10,560	10,670
Yarrow Point	1,008	1,010	1,010	1,000	990	960	970	975	970	965
Kitsap	231,969	233,400	234,700	237,000	239,500	240,400	243,400	244,800	246,800	247,600
Unincorporated	159,896	160,625	161,345	162,000	164,960	167,920	169,090	170,000	170,500	170,395
Incorporated	72,073	72,775	73,355	75,000	74,540	72,480	74,310	74,800	76,300	77,205
Bainbridge Island	20,308	20,740	20,920	21,350	21,760	22,200	22,600	23,080	23,180	23,290
Bremerton	37,259	37,260	37,530	38,730	37,520	34,580	35,910	35,810	36,860	36,620
Port Orchard	7,693	7,810	7,900	7,910	8,060	8,250	8,310	8,350	8,420	8,440
Poulsbo	6,813	6,965	7,005	7,010	7,200	7,450	7,490	7,560	7,840	8,855
Kittitas	33,362	34,000	34,800	35,200	35,800	36,600	37,400	38,300	39,400	39,900
Unincorporated	13,614	14,120	14,520	14,785	14,910	15,375	15,780	16,510	17,465	18,060
Incorporated	19,748	19,880	20,280	20,415	20,890	21,225	21,620	21,790	21,935	21,840
Cle Elum	1,755	1,755	1,775	1,775	1,785	1,800	1,810	1,835	1,865	1,870
Ellensburg	15,414	15,460	15,830	15,940	16,390	16,700	17,080	17,220	17,330	17,230
Kittitas	1,105	1,105	1,100	1,120	1,130	1,135	1,135	1,135	1,145	1,150
Roslyn	1,017	1,017	1,020	1,020	1,020	1,020	1,020	1,020	1,015	1,015
South Cle Elum	457	543 *	555	560	565	570	575	580	580	575
Klickitat	19,161	19,300	19,300	19,300	19,300	19,500	19,800	19,900	20,100	20,200
Unincorporated	12,536	12,665	12,720	12,775	12,765	12,960	13,160	13,310	13,490	13,550
Incorporated	6,625	6,635	6,580	6,525	6,535	6,540	6,640	6,590	6,610	6,650
Bingen	672	675	670	655	645	655	680	680	680	685
Goldendale	3,760	3,745	3,720	3,650	3,690	3,650	3,715	3,715	3,725	3,745
White Salmon	2,193	2,215	2,190	2,220	2,200	2,235	2,245	2,195	2,205	2,220
Lewis	68,600	69,500	70,200	70,400	70,700	71,600	72,900	74,100	74,700	75,200
Unincorporated	40,821	41,367	41,920	42,145	42,415	43,213	44,117	45,073	45,365	45,555
Incorporated	27,779	28,133	28,280	28,255	28,285	28,387	28,783	29,027	29,335	29,645
Centralia	14,742	14,950	15,040	15,110	15,200	15,340	15,430	15,520	15,540	15,570
Chehalis	7,057	7,015	7,055	7,010	6,980	6,990	7,025	7,045	7,215	7,185
Morton	1,045	1,040	1,050	1,025	1,015	1,025	1,127 *	1,140	1,140	1,140
Mossyrock	486	490	490	485	480	480	485	485	485	695
Napavine	1,383	1,352 *	1,360	1,330	1,330	1,328 +	1,400	1,492	1,610 *	1,690
Pe Ell	657	660	660	660	660	599 *	666 *	670	670	670
Toledo	653	684 *	685	685	685	685	685	685	690	695
Vader	590	605	605	610	595	600	615	620	625	630
Winlock	1,166	1,337 *	1,335	1,340	1,340	1,340	1,350	1,370	1,360	1,370
Lincoln	10,184	10,200	10,200	10,100	10,200	10,100	10,200	10,300	10,400	10,450
Unincorporated	4,520	4,494	4,563	4,561	4,572	4,470	4,540	4,615	4,720	4,770
Incorporated	5,664	5,706	5,637	5,539	5,628	5,630	5,660	5,685	5,680	5,680
Almira	302	300	295	295	270	275	280	285	285	285
Creston	232	251 +	243	225	253 *	255	255	255	250	250

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		2001	2002	2003	2004	2005	2006	2007	2008	2009
Lincoln continued										
Davenport	1,730	1,735	1,720	1,690	1,730	1,730	1,745	1,745	1,745	1,740
Harrington	431 *	425	429	434	430	420	420	420	420	425
Odessa	957	960	950	930	950	950	950	955	960	960
Reardan	608	610	605	595	610	610	620	630	630	630
Sprague	490	505	490	490	490	495	495	495	490	495
Wilbur	914	920	905	880	895	895	895	900	900	895
Mason	49,405	49,600	49,800	50,200	50,800	51,900	53,100	54,600	56,300	56,800
Unincorporated	40,963	41,130	41,305	41,655	42,105	43,165	44,295	45,705	47,320	47,835
Incorporated	8,442	8,470	8,495	8,545	8,695	8,735	8,805	8,895	8,980	8,965
Shelton	8,442	8,470	8,495	8,545	8,695	8,735	8,805	8,895	8,980	8,965
Okanogan	39,564	39,700	39,800	39,600	39,600	39,600	39,800	39,800	40,100	40,500
Unincorporated	23,647	23,745	23,938	23,810	23,830	23,870	23,949	23,939	24,145	24,385
Incorporated	15,917	15,955	15,862	15,790	15,770	15,730	15,851	15,861	15,955	16,115
Brewster	2,189	2,205	2,200	2,200	2,195	2,190	2,200	2,195	2,195	2,205
Conconully	185	190	193 *	190	190	190	190	190	200	210
Coulee Dam part	915	915	854 *	840	850	850	850	850	850	850
Elmer City	267	270	265	265	265	265	241 *	241	240	240
Nespelem	212	210	210	210	210	205	210	205	205	205
Okanogan	2,484	2,480	2,455	2,450	2,435	2,435	2,485	2,445	2,470	2,495
Omak	4,721	4,730	4,740	4,705	4,700	4,685	4,705	4,735	4,750	4,780
Oroville	1,653	1,670	1,665	1,675	1,670	1,660	1,665	1,710	1,715	1,750
Pateros	643	640	640	615	610	610	625	620	620	630
Riverside	348	330	325	320	320	320	320	320	325	330
Tonasket	1,013 *	1,010	1,020	1,005	1,005	1,000	1,000	990	1,000	1,010
Twisp	938	955	945	955	960	965	990	980	985	985
Winthrop	349	350	350	360	360	355	370	380	400	425
Pacific	20,984	21,000	21,000	20,900	21,000	21,300	21,500	21,600	21,800	21,800
Unincorporated	13,969	13,885	13,940	13,880	13,955	14,200	14,255	14,325	14,445	14,415
Incorporated	7,015	7,115	7,060	7,020	7,045	7,100	7,245	7,275	7,355	7,385
Ilwaco	950	950	945	940	955	975	1,015	1,040	1,070	1,070
Long Beach	1,283	1,385	1,340	1,345	1,360	1,395	1,455	1,460	1,510	1,535
Raymond	2,975	2,975	2,985	2,960	2,970	2,975	3,005	3,005	3,005	3,010
South Bend	1,807	1,805	1,790	1,775	1,760	1,755	1,770	1,770	1,770	1,770
Pend Oreille	11,732	11,800	11,800	11,800	11,900	12,200	12,300	12,600	12,800	12,900
Unincorporated	8,735	8,710	8,735	8,810	8,920	9,210	9,300	9,529	9,700	9,805
Incorporated	2,997	3,090	3,065	2,990	2,980	2,990	3,000	3,071	3,100	3,095
Cusick	212	210	210	205	210	210	205	210	205	195
Ione	479	475	465	440	425	425	420	420	425	440
Metaline	162	160	160	160	160	160	165	165	170	165
Metaline Falls	223	225	225	220	220	220	225	286 *	285	275
Newport	1,921	2,020	2,005	1,965	1,965	1,975	1,985	1,990	2,015	2,020
Pierce	700,818 \$	713,398 \$	724,998 \$	733,700	744,000	755,900	773,500	790,500	805,400	813,600
Unincorporated	315,359 \$	323,741 \$	329,124 \$	332,980	339,477	345,940	355,089	365,910	377,660	382,115
Incorporated	385,459 \$	389,657 \$	395,874 \$	400,720	404,523	409,960	418,411	424,590	427,740	431,485
Auburn part	146	565	1,040	1,465	2,465	3,930	5,135	6,170	6,605	6,665
Bonney Lake	9,687	9,980	12,360	12,950	13,740	14,370	15,230	15,740	16,220	16,500
Buckley	4,145	4,330	4,410	4,505	4,510	4,515	4,535	4,555	4,560	4,635
Carbonado	621	650 *	647	655 +	658 +	645 +	666 +	655	655	650
DuPont	2,452	2,855	3,295	3,685	4,425	5,410	6,610	7,045	7,390	7,650
Eatonville	2,012	2,040	2,070	2,095	2,165	2,330	2,385	2,380	2,375	2,405

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Evaluate growth by looking at the growth between the last census and most current estimate.**

County Municipality	Census 2000	Estimate								
		2001	2002	2003	2004	2005	2006	2007	2008	2009
Pierce <i>continued</i>										
Edgewood	9,089	9,220	9,320	9,405	9,440	9,460	9,510	9,560	9,595	9,615
Enumclaw <i>part</i>	0	0	0	0	0	0	0	0	0	0
Fife	4,784	4,820	4,815	4,905	4,885	4,855	6,135	7,180	7,525	7,610
Fircrest	5,868	5,890	5,925	5,935	5,995	6,080	6,260	6,270	6,315	6,325
Gig Harbor	6,465	6,485	6,540	6,655	6,680	6,765	6,765	6,780	6,910	7,165
Lakewood	58,293 \$	58,272 \$	58,662 \$	58,940	59,010	58,850	59,000	58,950	58,780	58,840
Milton <i>part</i>	4,981	5,005	5,180	5,205	5,225	5,285	5,665	5,695	5,710	5,705
Orting	3,931 \$	4,186 \$	4,060	4,295	4,440	4,820	5,560	5,940	6,075	6,135
Pacific <i>part</i>	154	145	145	140	135	130	125	110	105	90
Puyallup	33,014	33,900	34,920	35,490	35,690	35,830	36,360	36,790	36,930	38,690
Roy	260	367 *	865	870	865	865	875	870	875	870
Ruston	738	740	740	745	745	745	740	750	755	765
South Prairie	382	430 *	440	440	435	440	440	440	440	440
Steilacoom	6,049	6,085	6,095	6,120	6,160	6,175	6,200	6,220	6,255	6,285
Sumner	8,504	8,585	8,670	8,780	8,835	8,940	9,025	9,035	9,060	9,085
Tacoma	193,556	194,500	194,900	196,300	196,800	198,100	199,600	201,700	202,700	203,400
University Place	29,933	30,190	30,350	30,720	30,800	30,980	31,140	31,300	31,440	31,500
Wilkeson	395	417 *	425	420	420	440	450	455	465	460
San Juan	14,077	14,400	14,600	14,800	15,100	15,500	15,700	15,900	16,100	16,300
Unincorporated	12,088 \$	12,380	12,555	12,760	13,025	13,350	13,490	13,680	13,860	14,040
Incorporated	1,989 \$	2,020	2,045	2,040	2,075	2,150	2,210	2,220	2,240	2,260
Friday Harbor	1,989 \$	2,020	2,045	2,040	2,075	2,150	2,210	2,220	2,240	2,260
Skagit	102,979	104,100	105,100	106,700	108,800	110,900	113,100	115,300	117,500	118,900
Unincorporated	44,506	44,815	45,205	45,830	46,455	47,250	47,886	48,640	49,720	49,915
Incorporated	58,473	59,285	59,895	60,870	62,345	63,650	65,214	66,660	67,780	68,985
Anacortes	14,557	14,840	14,910	15,110	15,470	15,700	16,170	16,400	16,640	16,790
Burlington	6,757	6,995	7,190	7,315	7,425	7,550	8,120	8,400	8,460	8,870
Concrete	790	790	790	780	785	815	840	845	845	835
Hamilton	309	325	340	340	340	330	330	330	325	300
La Conner	761	765	775	760	785	795	839 *	900	885	870
Lyman	409	410	415	425	440	450	450	450	445	450
Mount Vernon	26,232	26,460	26,670	27,060	27,720	28,210	28,710	29,390	30,150	30,800
Sedro-Woolley	8,658	8,700	8,805	9,080	9,380	9,800	9,755	9,945	10,030	10,070
Skamania	9,872	9,900	9,900	9,900	10,100	10,300	10,600	10,700	10,700	10,800
Unincorporated	8,079	8,109	8,063	8,075	8,205	8,299	8,457	8,448	8,383	8,465
Incorporated	1,793	1,791	1,837	1,825	1,895	2,001	2,143	2,252	2,317	2,335
North Bonneville	593	586 +	627	615	685 *	741 *	828 *	882 *	877 *	880 *
Stevenson	1,200	1,205	1,210	1,210	1,210	1,260	1,315	1,370	1,440	1,455
Snohomish	606,024	618,600	628,000	637,500	644,800	655,800	671,800	686,300	696,600	704,300
Unincorporated	291,142	294,088	300,460	305,730	309,418	315,390	316,365	318,685	324,320	328,285
Incorporated	314,882	324,512	327,540	331,770	335,382	340,410	355,435	367,615	372,280	376,015
Arlington	11,927	12,770	13,280	14,330	14,700	14,980	15,430	16,720	17,050	17,150
Bothell <i>part</i>	13,965	14,160	14,490	14,660	14,680	14,750	15,090	15,450	15,730	15,980
Brier	6,383	6,440	6,445	6,450	6,460	6,475	6,480	6,480	6,485	6,490
Darrington	1,136	1,307 *	1,335	1,385	1,405	1,435	1,465	1,485	1,500	1,505
Edmonds	39,544	39,590	39,460	39,580	39,620	39,860	40,360	40,560	40,760	40,900
Everett	91,488	95,990	96,070	95,470	96,840	97,500	101,100	101,800	102,300	103,500
Gold Bar	2,014	2,035	2,055	2,075	2,075	2,085	2,125	2,175	2,210	2,150
Granite Falls	2,347	2,540	2,760	2,915	3,010	3,060	3,095	3,195	3,290	3,375
Index	157	160	160	160	157	155	155	160	160	155

**April 1 Population of Cities, Towns, and Counties
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State of Washington**

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Evaluate growth by looking at the growth between the last census and most current estimate.

County Municipality	Census 2000	Estimate								
		2001	2002	2003	2004	2005	2006	2007	2008	2009
Snohomish continued										
Lake Stevens	6,361	6,590	6,640	6,910	7,135	7,185	9,650	13,350	14,560	14,800
Lynnwood	33,847	34,010	33,990	34,500	34,540	34,830	35,230	35,490	35,680	35,740
Marysville	25,315	26,770	27,580	28,370	28,800	29,460	32,150	36,210	37,060	37,530
Mill Creek	11,525	11,970	12,055	12,260	12,760	14,320	17,460	17,620	17,770	18,480
Monroe	13,795	14,210	14,670	15,160	15,480	15,920	16,170	16,290	16,550	16,710
Mountlake Terrace	20,362	20,370	20,470	20,380	20,390	20,390	20,390	20,810	20,930	20,960
Mukilteo	18,019	18,340	18,520	19,190	19,220	19,360	19,620	19,940	20,050	20,110
Snohomish	8,494	8,565	8,575	8,640	8,585	8,700	8,920	8,970	9,020	9,145
Stanwood	3,923	3,975	4,085	4,190	4,315	4,580	4,940	5,200	5,445	5,590
Sultan	3,344	3,775	3,910	4,095	4,135	4,225	4,440	4,530	4,550	4,555
Woodway	936	945	990	1,050	1,075	1,140	1,165	1,180	1,180	1,190
Spokane	417,939	422,400	425,600	428,600	432,000	436,300	443,800	451,200	459,000	465,000
Unincorporated	199,019 \$	202,710 \$	201,453	119,844	120,726	121,848	123,411	126,887	131,762	135,104
Incorporated	218,920 \$	219,690 \$	224,147	308,756	311,274	314,452	320,389	324,313	327,238	329,896
Airway Heights	4,500	4,490	4,565	4,590	4,590	4,640	4,840	5,030	5,240	5,515
Cheney	8,832	9,200	9,305	9,470	9,855	10,070	10,130	10,210	10,180	10,550
Deer Park	3,017	3,035	3,045	3,055	3,045	3,100	3,135	3,235	3,345	3,450
Fairfield	494	591 *	590	586 +	576 +	589 +	629 +	627 +	603 +	590
Latah	202 *	205	200 *	194 *	204 *	212 *	207 *	192 *	194 *	189 *
Liberty Lake	—	—	4,480 @	4,640	4,950	5,255	5,805	6,580	6,980	7,270
Medical Lake	3,815 \$	3,877 \$	3,885	4,215	4,120	4,350	4,510	4,695	4,810	4,845
Millwood	1,649	1,650	1,655	1,655	1,645	1,645	1,645	1,665	1,665	1,660
Rockford	413	509 *	500	533 +	511 +	484 +	488 +	504 +	499 +	493 +
Spangle	240	295 *	290	275 +	297 +	269 +	275	275	275	275
Spokane	195,629	195,700	195,500	197,400	197,400	198,700	201,600	202,900	204,400	205,500
Spokane Valley	—	—	—	82,005 @	83,950	85,010	87,000	88,280	88,920	89,440
Waverly	129 *	138 *	132 *	138 *	131 *	128 *	125 *	120 *	127 *	119 *
Stevens	40,066	40,300	40,400	40,600	40,700	41,200	42,100	43,000	43,700	44,000
Unincorporated	30,585	30,787	30,978	31,131	31,218	31,621	32,482	33,280	33,848	34,125
Incorporated	9,481	9,513	9,422	9,469	9,482	9,579	9,618	9,720	9,852	9,875
Chewelah	2,186	2,200	2,220	2,250	2,260	2,305	2,315	2,350	2,420	2,420
Colville	4,988	5,010	4,970	4,965	4,965	4,980	4,990	5,020	5,040	5,040
Kettle Falls	1,527	1,550	1,520	1,535	1,535	1,565	1,600	1,610	1,640	1,655
Marcus	161 *	156 *	154 *	169 *	177 *	179 *	168 *	175 *	167 *	170
Northport	336	312 *	273 *	270	270	275	275	290 *	310	310
Springdale	283	285	285	280	275	275	270	275	275	280
Thurston	207,355	210,200	212,300	214,800	218,500	224,100	231,100	238,000	245,300	249,800
Unincorporated	114,061	116,300	117,935	119,475	122,265	126,450	131,805	135,605	139,605	139,010
Incorporated	93,294	93,900	94,365	95,325	96,235	97,650	99,295	102,395	105,695	110,790
Bucoda	628	635	640	645	645	650	650	655	660	665
Lacey	31,226	31,600	31,860	32,240	32,530	33,180	34,060	35,870	38,040	39,250
Olympia	42,514	42,530	42,690	42,860	43,040	43,330	43,740	44,460	44,800	45,250
Rainier	1,492	1,485	1,490	1,515	1,540	1,585	1,665	1,705	1,740	1,755
Tenino	1,447	1,460	1,470	1,495	1,480	1,500	1,515	1,520	1,525	1,535
Tumwater	12,698	12,770	12,730	12,740	12,850	12,950	13,100	13,340	13,780	16,710
Yelm	3,289	3,420	3,485	3,830	4,150	4,455	4,565	4,845	5,150	5,625
Wahklakum	3,824	3,800	3,800	3,800	3,800	3,900	3,900	4,000	4,100	4,100
Unincorporated	3,259	3,240	3,240	3,240	3,250	3,350	3,345	3,440	3,530	3,525
Incorporated	565	560	560	560	550	550	555	560	570	575
Cathlamet	565	560	560	560	550	550	555	560	570	575

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County Municipality	Census 2000	Estimate								
		2001	2002	2003	2004	2005	2006	2007	2008	2009
Walla Walla	55,180	55,200	55,400	55,800	56,700	57,500	57,900	58,300	58,600	59,200
Unincorporated	16,150	16,235	16,290	16,405	16,115	16,635	16,925	16,995	16,770	16,990
Incorporated	39,030	38,965	39,110	39,395	40,585	40,865	40,975	41,305	41,830	42,210
College Place	7,818	7,945	8,035	8,165	8,560	8,690	8,770	8,860	8,935	9,035
Prescott	314	315	315	310	315	315	315	315	315	320
Waitsburg	1,212	1,205	1,210	1,210	1,210	1,230	1,230	1,230	1,230	1,245
Walla Walla	29,686	29,500	29,550	29,710	30,500	30,630	30,660	30,900	31,350	31,610
Whatcom	166,826 \$	170,600	172,200	174,500	177,300	180,800	184,300	188,300	191,000	193,100
Unincorporated	74,231	75,682	76,718	77,796	78,746	79,848	81,066	82,309	83,911	84,686
Incorporated	92,595 \$	94,918	95,482	96,704	98,554	100,952	103,234	105,991	107,089	108,414
Bellingham	67,171	68,890	69,260	69,850	71,080	72,320	73,460	75,220	75,750	76,130
Blaine	3,770	3,855	3,975	4,025	4,115	4,240	4,480	4,650	4,665	4,740
Everson	2,035	2,050	2,015	2,030	2,055	2,080	2,135	2,165	2,170	2,285
Ferndale	8,758	8,925	8,925	9,155	9,305	9,750	10,280	10,540	10,800	11,080
Lynden	9,020	9,285	9,380	9,740	10,010	10,480	10,750	11,150	11,350	11,690
Nooksack	863 \$	918 *	920	902 *	910	970 *	1,004 *	1,075	1,090	1,163 *
Sumas	978 *	995 *	1,007 *	1,002 *	1,079 *	1,112 *	1,125 *	1,191 *	1,264 *	1,326 *
Whitman	40,740	40,300	40,600	41,000	41,700	42,400	42,800	42,700	43,000	43,300
Unincorporated	6,298 \$	6,305	6,348	6,317	6,327	6,360	6,303	6,295	6,312	6,285
Incorporated	34,442 \$	33,995	34,252	34,683	35,373	36,040	36,497	36,405	36,688	37,015
Albion	616	625	610	620	620	620	620	625	625	610
Colfax	2,844	2,835	2,820	2,825	2,845	2,875	2,895	2,905	2,905	2,910
Colton	386	390	385	395	395	400	415	420	420	420
Endicott	355 *	342 +	350	355	360	345	335	331 +	329	305
Farmington	153	150	150	145	145	145	145	145	140	135
Garfield	641	640	625	610	640	630	630	630	630	630
LaCrosse	380	380	370	370	375	350	340	350	350	345
Lamont	106	105	105	105	105	95	95	90	90	95
Malden	215	215	215	210	215	210	210	215	215	200
Oakesdale	420	420	420	415	420	420	420	420	420	420
Palouse	1,011	1,015	1,005	1,010	1,015	1,010	1,015	1,020	1,025	1,010
Pullman	24,948 \$	24,540	24,910	25,300	25,905	26,590	27,030	26,860	27,150	27,600
Rosalia	648	660	645	650	650	650	650	650	650	640
St. John	548	513 *	497 *	518 *	523 *	510 *	517 *	564 *	554 *	530 *
Tekoa	826	825	820	820	820	845	835	835	840	830
Uniontown	345	340	325	335	340	345	345	345	345	335
Yakima	222,581	224,500	225,000	226,000	227,500	229,300	231,800	234,200	235,900	238,400
Unincorporated	93,192	93,171	87,674	87,740	88,317	89,060	88,264	88,305	87,664	89,130
Incorporated	129,389	131,329	137,326	138,260	139,183	140,240	143,536	145,895	148,236	149,270
Grandview	8,377	8,410	8,415	8,475	8,540	8,705	8,840	9,150	9,335	9,405
Granger	2,530	2,575	2,645	2,710	2,760	2,835	2,880	2,955	3,050	3,065
Harrah	566 *	614 *	621 *	620	630	630	630	630	630	595
Mabton	1,891	1,905	1,885	2,045	2,065	2,065	2,075	2,080	2,085	2,100
Moxee	821	835	835	850	895	1,310	1,800	2,065	2,415	2,525
Naches	643	703 *	705	730 +	758 +	755 +	761 +	805	756 *	765
Selah	6,310	6,405	6,370	6,500	6,625	6,740	6,840	6,935	7,100	7,185
Sunnyside	13,905	14,010	13,970	14,300	14,520	14,710	14,930	15,130	15,210	15,340
Tieton	1,154	1,175	1,185	1,185	1,185	1,185	1,195	1,200	1,195	1,195
Toppenish	8,946	8,975	8,975	8,940	9,000	9,000	9,015	9,105	9,140	9,090
Union Gap	5,621	5,655	5,650	5,665	5,675	5,695	5,685	5,700	5,745	5,830
Wapato	4,582	4,555	4,500	4,525	4,525	4,535	4,540	4,540	4,555	4,555
Yakima	71,845	73,040	79,120	79,220	79,480	79,480	81,710	82,940	84,300	84,850
Zillah	2,198	2,472 *	2,450	2,495	2,525	2,595	2,635	2,660	2,720	2,770

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County Municipality	Census	Estimate								
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Washington State	5,894,143	\$ 5,974,910	\$ 6,041,710	\$ 6,098,300	6,167,800	6,256,400	6,375,600	6,488,000	6,587,600	6,668,200
Unincorporated	2,374,593	\$ 2,407,904	\$ 2,423,073	\$ 2,361,802	2,395,226	2,438,882	2,473,714	2,513,805	2,527,130	2,552,500
Incorporated	3,519,550	\$ 3,567,006	\$ 3,618,637	\$ 3,736,498	3,772,574	3,817,518	3,901,886	3,974,195	4,060,470	4,115,700

Liberty Lake, Spokane County, incorporated on August 31, 2001. Spokane Valley, Spokane County, incorporated on March 31, 2003.

The county and municipal populations shown for 2000 are, with a few exceptions, the 2000 federal census Public Law 94-171 counts. Some 2000 counts may differ from the federal census.

* - State Certified Special Census.

+ - Informal population count. Does not meet criteria for a special census.

\$ - Indicates a correction to the federal 2000 census count and/or a revised state estimate.

@ - Incorporation Base. First Office of Financial Management April 1 estimate after incorporation.

Office of Financial Management, Forecasting Division
June 29, 2009

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JUN 17 2009

CITY OF BURIEEN

June 9, 2009

Mayor Joan McGilton
City of Burien
15811 Ambaum Blvd, SW, #C
Burien WA 98166

Dear Mayor McGilton

Our cities are facing a crisis. It's a quiet crisis, and it may be unnoticed for years, but by 2025, almost one in four residents in King County will be seniors. Our seniors will face difficult challenges, including high rates of disability, increased medical costs and depleted retirement savings. In addition, many will find themselves unable to afford housing or be unable to live independently.

It is critical that the region begins to address this problem now. That's why Aging and Disability Services, the King County Housing Authority and our partner agencies have commissioned the enclosed assessment, "Quiet Crisis: Age Wave Maxes Out Affordable Housing, King County 2008 – 2025." This past year, we have been working collectively to quantify the scope of this growing problem and to identify effective strategies.

What we found is striking: by 2025, more than 50,000 seniors in King County will have incomes below 150% of the federal poverty level ; today, that is approximately \$19,000 annually for a two-person household with a senior householder. Right now, subsidized housing is available to only 53% of those in need. In addition to preserving existing affordable housing, including keeping seniors in their own homes, 936 additional affordable units will need to be made available each year through 2025 just to maintain the current ratio of affordable homes to seniors in poverty.

We also found hope. Through smart neighborhood planning, preventative measures to promote healthy aging, coordinated services and targeted investments, we can help seniors as they age. In addition, the need for senior housing should be an important planning element as cities develop and revitalize their urban centers. Seniors need easy access to the shopping, transportation and social activities that denser neighborhoods provide. In return, seniors are a vigilant presence that can help keep neighborhoods safe and subsidize local businesses.

--continued--



City of Seattle
Human Services Department

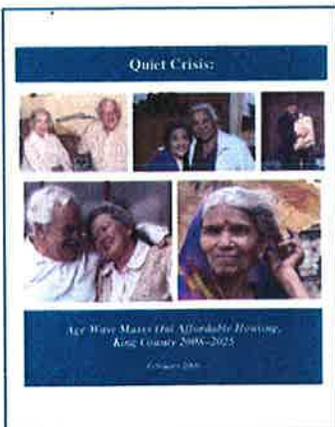
Aging and Disability Services
Area Agency on Aging for
Seattle and King County

City of Seattle
Office of Housing

King County Department of
Community and Human
Services

King County Housing
Authority

Seattle Housing Authority



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June 9, 2009

We hope you find this report useful. We would be very pleased to present these findings and discuss the implications for the city of Algona with you and your staff. You can reach our primary contact, Pamela Piering, by phone at (206) 684-0104 or by e-mail at Pamela.Piering@seattle.gov.

Thank you for your time and consideration. Together, we can help our seniors age with health and dignity.

Sincerely,



Stephen J. Norman
Executive Director

King County Housing Authority
600 Andover Park W.
Tukwila, WA 98188



Pamela Piering
Executive Director

Area Agency on Aging for Seattle & King County
P.O. Box 34215
Seattle, WA 98124-4215

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JUN 17 2009

CITY OF BURIEN



HIGHLINE SCHOOLS FOUNDATION
FOR EXCELLENCE

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Highline School Board

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June 11, 2009

Joan McGilton
City of Burien
15811 Ambaum Blvd. SW Ste. C
Burien, WA 98166

Dear Ms. Joan McGilton:

On behalf of the Board of Trustees of the Highline Schools Foundation, thank you for your sponsorship of our 2009 Gold Star Awards Luncheon. Your contribution helped make this a very successful event, raising \$65,500 towards student learning in Highline Public Schools.

Since 2001, the Foundation has been working to provide community resources to help Highline Public Schools succeed. Last year, more than \$97,000 was distributed to support academic achievement, classroom grants, college and career readiness, community programs and the arts in Highline's 35 schools. Every year, thanks to your generous support, we're able to expand our impact in these areas.

You are helping to make a positive difference in our community and we are grateful for your support!

Sincerely,

Don Foy
President



Air Mail

Published by the Port of Seattle for the neighbors of Seattle-Tacoma International Airport

Summer 2009

Empty Lora Lake Apartment buildings to be removed

Agreement to guide site cleanup

The Port of Seattle expects to complete demolition of the buildings on the former Lora Lake Apartments site, 15001 Des Moines Memorial Drive, in Burien, by the end of summer.

The Port bought the site in 1998 because a portion of the apartment complex was located within the Runway Protection Zone (RPZ) of the third runway, and the Port was required to demolish all structures within this zone. The portion of the site not in the RPZ is slated to be redeveloped. Burien and the Port are working together on a long-term redevelopment strategy that includes this property.

Environmental testing on the apartment property has revealed soil contamination consistent with industrial uses that occurred at the site prior to construction of the apartments. Cleanup is required by state law and is necessary for the future redevelopment.

Agreed Order

While planning for demolition, the Port entered into a legal agreement called an Agreed Order with the Washington Department of Ecology (Ecology), which will guide the steps leading to clean up of the property. The agreement requires the Port to prevent contaminants from migrating during demolition, to issue a public involvement plan, and to perform further investigations of the contamination and evaluation of appropriate cleanup methods.

Ecology scheduled a public comment period for the Agreed Order to begin July 10. It is being announced in newspapers, by direct mail and Ecology's Web site, and will continue through Aug. 10. Documents are available for public review at the new Burien Library,

400 S.W. 152nd St., Burien, and at the Department of Ecology, 3190 160th Ave. S.E. Bellevue—call (425) 649-7190 for an appointment. Information also is posted at www.ecy.wa.gov/programs/tcp/sites/loraLakesAps/loraLakesAps_hp.html. Or, contact David South, Ecology's site manager, at (425) 649-7200 or dsou461@ecy.wa.gov.

Public Meeting

You will have an opportunity to ask questions and comment about the Agreed Order at a public meeting scheduled for July 23 from 7 to 9 p.m. at the Highline School District's Educational Resource and Administration Center, 15675 Ambaum Blvd. S.W., Burien.

Ecology and the Port agreed to move forward on the demolition this summer because the empty apartment buildings are a public safety hazard. The demolition project will include steps to prevent soil disturbance, safeguard workers and collect construction storm water for appropriate treatment and discharge.

By the time the demolition is complete, the Port will start investigating the contamination and evaluating the steps needed to clean up the site. Once that work is complete, the Port will develop a cleanup action plan, which will be available for public comment before it is finalized and work begins on the cleanup.

To comment or ask questions about demolition activities, call (206) 439-7777.



Neighbors can expect to see demolition activity this summer at the Lora Lake Apartments location, near the north end of Sea-Tac Airport's third runway.

Air Mail is a publication about Seattle-Tacoma International Airport for neighbors and others interested in airport activities. If you have questions or comments about the publication, call Public Affairs, (206) 433-4604, write to Editor, *Air Mail*/Public Affairs, Seattle-Tacoma International Airport, P.O. Box 68727, Seattle, WA 98168-0727, or send e-mail to st.laurent.m@portseattle.org.

Following are ways to contact us for details on programs or projects:

Acquisition and Relocation Office:
(206) 444-6767

Noise Information Line: (206) 433-5393
or 1-800-826-1147

Noise Remedy Office (sound insulation): (206) 431-5913

Construction Information Line:
(206) 439-7777 or 1-800-408-9886

Sea-Tac Airport Web Site:
www.portseattle.org/seatac/

In this issue

- ✪ Meeting set for July 23
- ✪ Upcoming noise study
- ✪ Support for students
- ✪ Quietest airlines

Kids are 'dressed for success'

in more than one way

From dresses, scholarships and environmental curriculum were ways Port of Seattle employees were able to contribute this spring to students who live and learn in the Sea-Tac Airport area.

Highline Schools Foundation for Excellence recently announced that Seattle-Tacoma International Airport Scholarships are going to the following graduating seniors from Highline School District:

- Ahn Le, Mount Rainer High School, and Diana Nguyen, Health and Human Services High School, each will receive \$12,000 (\$6,000 a year for two years). Both plan to attend the University of Washington.

- Christopher Sheridan-Draper, Highline High School/Puget Sound Skills Center, will receive \$6,000 (\$3,000 a year for two years) for studies at the University of Honolulu.

Sea-Tac Airport concessionaire HMSHost and Port employees host the Sea-Tac Airport Scholarship Golf Tournament each year, under the sponsorship of airport tenants and consultants. Tournament proceeds go into a scholarship fund, and the Foundation awards the scholarships. A total of 24 seniors have been awarded \$204,000 in scholarship money since 2002.

And, just in time for prom, employees donated 30 gowns to Project PROMise, which collected a total of 200 dresses for girls whose families were unable to buy prom gowns this year. Highline Schools Foundation partnered with community organizations for this cause.

In addition, employees developed and taught a week of curriculum for the sophomore class at Aviation High School designed to introduce students to airport environmental issues and spur interest in environmental careers. The curriculum became the basis for the students' end-of-the year project, and culminated with the students presenting their initiatives before a panel of aviation experts. This was the second year for this program, which covered noise abatement, storm water management, climate change, wetland and creek mitigation, and environmental finance.



Students from Aviation High School visit an area along Miller Creek where native vegetation has been restored. About 100 sophomores toured Sea-Tac Airport environmental facilities and restoration areas as part of Airports and the Environment studies.

Study to evaluate noise

The long days and good weather of summer are here, beckoning residents to be outside and have their windows and doors open. For neighbors of Sea-Tac Airport, the arrival of the season also means that aircraft noise becomes a bigger issue, and even more of a challenge this particular summer with the eastern runway closed through September, and all aircraft using the center runway and new third runway.

Staff at the Port of Seattle Noise Office encourages you to track flights on the Sea-Tac Airport Web site at www.portseattle.org/community/environment/noise.shtml, and call the Noise Information Line at (206) 433-5393 to comment, register a complaint or ask a question. Your feedback will help identify community concerns that need to be included in the Part 150 Noise and Land-Use Compatibility Study, which will start later this year.

Part 150 is the main avenue the Port uses to work with the community in creating its package of noise reduction programs. The study will compare earlier assumptions with actual noise conditions, including the third runway. Details will be announced in late 2009.

Keeping it quieter

For the fifth year in a row, the Port of Seattle recently recognized airlines at Sea-Tac Airport for their continuing efforts to minimize aircraft noise for airport communities.

Two airlines received the 2009 Fly Quiet Awards for their efforts in 2008. Virgin America, one of Sea-Tac's newest carriers, was the quietest among passenger airlines. Federal Express was acknowledged as the quietest cargo carrier for the fourth time in the history of this award program. Air Canada Jazz earned honorable mention in the passenger category.

Asistencia en Español

Para ayuda en español, por favor deje un mensaje al (206) 835-7513 con su nombre y número de teléfono y le regresaremos su llamada.

Gracias.

Port of Seattle Commissioners

Bill Bryant
John Creighton
Patricia Davis
Lloyd Hara
Gael Tarleton

Chief Executive Officer
Tay Yoshitani

Airport Managing Director
Mark M. Reis

Aviation Community Development
Director, Diane Summerhays

Public Affairs
Director, Jane Kilburn
Assistant Director, Terri-Ann Betancourt
Editor, Marlys St. Laurent



Where a sustainable world is headed.

The Port of Seattle operates under the State of Washington's Public Disclosure Act. To obtain public records, please direct specific requests in writing to: Vanessa Ressler, commission-public-records@portseattle.org, phone (206) 728-3094, fax (206) 728-3205.

Printed on recycled paper with vegetable-based inks.

Air Mail
Port of Seattle
Public Affairs
Seattle-Tacoma International Airport
P.O. Box 88727
Seattle, WA 98168-0727

Major Projects Status

Project

	Highline Christian Church	Date	Status (BLD 05-0078 & BLD 06-0676)
Address	114 SW 150th Street	25-Jun	Education wing interior work underway
Zone	CR	25-Jul	No Status Change
Site Size	1.45 Acres	25-Aug	No Status Change
Project Lead	KG	25-Sep	No Status Change
Building Sq Ft	63,000	25-Oct	Education wing 1st floor final approved
Building Stories	2	25-Nov	2nd floor finish work underway
		25-Dec	No Status Change
		25-Jan	No Status Change
		25-Feb	Limited occupancy granted for Ed wing
		25-Mar	No Status Change
		25-Apr	No Status Change
		25-May	No Status Change
		25-Jun	No Status Change
	Town Square Parcel 1	Date	Status (BLD 06-1750)
Address	460 SW 152nd Street	25-Jun	Framing levels 3 and 4
Zone	DC	25-Jul	Framing levels 4 and 5
Site Size	4.46 Acres	25-Aug	Framing levels 5 and 6
Project Lead	JV/DJ	25-Sep	Framing level 6 and interior work underway
Building Sq Ft	255,481	25-Oct	Interior work continuing
Building Stories	6	25-Nov	No Status Change
		25-Dec	No Status Change
		25-Jan	Interior work continuing/decks and awning installation underway
		25-Feb	No Status Change
		25-Mar	Completing final punch list items
		25-Apr	No Status Change
		25-May	Partial Final granted on 5/12
		25-Jun	No Status Change
	Nugyen Townhomes	Date	Status (BLD 05-1387-1391)
Address	10XX SW 130th Street	25-Jun	#1 bldg interior work underway, 2 & 3 footing work continuing
Zone	RM-24	25-Jul	No Status Change
Site Size	14,337 sq. ft. (0.33 Acres)	25-Aug	No Status Change
Project Lead	SB/CD	25-Sep	No Status Change
Units	8	25-Oct	Building 1 (Units 7 & 8) final occupancy approved
Building Stories	3	25-Nov	Buildings 2 & 3 foundation work complete
		25-Dec	No Status Change
		25-Jan	No Status Change (Extensions granted for units 1-6)
		25-Feb	No Status Change
		25-Mar	No Status Change
		25-Apr	No Status Change
		25-May	No Status Change
		25-Jun	No Status Change
	Shorewood Subdivision (19-lots)	Date	Status (BLD 05-1683 & PLA 04-0228)
Address	Vacant Lot 15XX SW 124th Street	25-Jun	12 permits issued, 3 finalized
Zone	RS-12,000	25-Jul	12 permits issued, 4 finalized
Site Size	7.07 Acres	25-Aug	No Status Change
Project Lead	SB/CD	25-Sep	12 permits issued, 5 finalized
Lots	19	25-Oct	12 permits issued, 6 finalized
		25-Nov	12 permits issued, 7 finalized
		25-Dec	12 permits issued, 8 finalized
		25-Jan	12 permits issued, 8 finalized
		25-Feb	No Status Change
		25-Mar	No Status Change
		25-Apr	No Status Change
		25-May	No Status Change
		25-Jun	No Status Change

	Burien Transit Center	Date	Status (BLD 07-1028)
Address	209 SW 148th Street	25-Jun	Permit issued on 2/13/08, No site work activity to date
Zone	DC	25-Jul	Demolition and site work underway
Site Size	38,768 sq. ft. (0.89 Acres)	25-Aug	Retaining wall work underway
Project Lead	KG/DJ	25-Sep	Foundation forming and site grading underway
Units	n/a	25-Oct	Shelter framing nearing completion
Building Stories	1	25-Nov	Bus circulation area concrete pours nearing completion
		25-Dec	Framing of shelter complete
		25-Jan	On-site sidewalk work cont. and finishing transit shelter
		25-Feb	No Status Change
		25-Mar	Landscaping installed, work on parking lot underway
		25-Apr	West parking lot work continuing
		25-May	Artwork installed, working on final punch list items
		25-Jun	Project complete

	Sunset Townhomes	Date	Status (BLD 08-0362 & 0363)
Address	148 & S 152nd Street	25-Jun	Framing work underway
Zone	RM-24	25-Jul	Framing work continuing
Site Size	15,077 sq. ft. (0.35 Acres)	25-Aug	Exterior finishes being installed
Project Lead	KG/SJ	25-Sep	Interior work underway
Units	6	25-Oct	Interior work continuing
		25-Nov	No Status Change
		25-Dec	No Status Change
		25-Jan	SW 152nd Street sidewalks poured
		25-Feb	Interior finish work underway
		25-Mar	No Status Change
		25-Apr	Landscaping installed
		25-May	Interior work continuing
		25-Jun	No Status Change

	Moen Townhomes (Powell Homes)	Date	Status (BLD 07-2328 & 2329)
Address	213 SW 154th Street	5-Mar	Permit read to issue
Zone	RM-24	25-Jun	Permit extension granted
Site Size	15,000 sq. ft. (0.34 Acres)	25-Nov	Permit extension granted
Project Lead	KG/SJ	25-Apr	No activity to date
Units	6	25-May	No activity to date
Building Stories	3	25-Jun	No activity to date

	Highline Medical Center (Birch Wing)	Date	Status (BLD 08-0690 & 0695)
Address	16251 Sylvester Rd SW	25-Jul	Demolition and site prep work underway
Zone	O	25-Aug	Shoring and foundation work underway
Site Size	5.62 Acres	25-Sep	Foundation work underway
Project Lead	KG/DJ	25-Oct	Foundation work continuing
Building Sq Ft	79,607 sq. ft.	25-Nov	No Status Change
Building Stories	3	25-Dec	Floor construction underway
		25-Jan	Pouring 3rd story floor
		25-Feb	Roof framed, interior framing underway
		25-Mar	Interior framing continuing
		25-Apr	Interior work underway
		25-May	No Status Change
		25-Jun	Exterior finishes nearing completion, interior work cont.

	Navos Apartments	Date	Status (BLD 08-1623)
Address	1115 SW 134th Street	25-Dec	Permit issued 11/26/08, foundation work nearing completion
Zone	RM-24	25-Jan	Framing underway
Site Size	27,958 sq. ft. (0.64 Acres)	25-Feb	Framing complete
Project Lead	KG/SJ	25-Mar	Interior work underway
Units	15	25-Apr	Interior work continuing
Building Stories	2	25-May	Interior work continuing
		25-Jun	No status change

	Environmental Learning Center	Date	Status (BLD 08-1969)
Address	1600 SW Seahurst Park Road	25-May	Permit ready to issue on 5/20/09
Zone	RS-12,000	25-Jun	Permit issued 6/2/09
Site Size	75.82 Acres		
Project Lead	KG/SJ		
Building Sq Ft	2,105 sq. ft.		
Building Stories	2		

	Miller Creek Junction	Date	Status (BLD 08-0857 - 0871)
Address	215 S 160th Street	25-May	Site grading underway
Zone	CC-2	25-Jun	Foundation & framing work underway on 27 of 46 units
Site Size	3.16 Acres		
Project Lead	SB/CD		
Units/Commercial	46 units & 16,651 s.f. commercial		
Building Stories	2		

CITY OF BURIEN, WASHINGTON
Parks and Recreation Advisory Board
MEETING MINUTES
Date – May 13, 2009
Time - 7:00 PM

BOARD MEMBERS PRESENT

Ted Fosberg Jean Spohn

Chris Ndifon Ed Dacy

BOARD MEMBERS ABSENT

Sheryl Knowles Larry Moormeier

STAFF PRESENT

Steve Roemer, Parks Development and Operations Manager
Debbie Zemke, Recreation Manager

GUESTS PRESENT

Councilmember Rose Clark
Gordon Wilson, FCS Group

Chris Ndifon called the meeting to order at approximately 7:00 PM.

CITIZEN COMMENT

None

ADDITIONS TO AGENDA & AGENDA REVIEW

The Board added item regarding Urban Art to be presented by Councilmember Clark, approved 4/0/0.

MEETING MINUTES

The minutes from the March 11, 2009 meeting were approved 4/0/0.

AGENDA AND ACTION ITEMS

URBAN ART

- Councilmember Clark informed the Board of upcoming discussions regarding Urban Art in Burien and invited members to attend and meet with Thomas Sieberts on July 2, 2009, invitations to follow.

PRESENTATION

- Debbie Zemke and Gordan Wilson updated the Board on the Recreation Fee Policy proposal and provided materials for further review.

In November 2008, the Parks, Recreation and Cultural Services Department consulted with FCS Group to prepare a cost of service study and recommend a fee policy for the City's recreation programs and facility rentals.

Although parks and recreation services are an integral function of municipal government and supported by taxpayer resources, charging fees for services that generate a greater benefit for an individual or specialized group has been a long-standing practice in the parks and recreation field. Parks and Recreation Departments have also depended on fees to supplement the Department's regular budget that is allocated through the City's General Fund.

In multiple jurisdictions across the country, tax allocations from City budgets simply cannot sustain current services. The result is that many services either need to be more self-sustaining or eliminated. Parks and recreation services acknowledge the increasing need to become even more revenue-dependent.

This fee policy provides recommendations for the creation of a coherent rationale that could guide the management and pricing of recreation programs and rentals.

ACTION ITEM

- Approval of Linde Hill Park Name
 - The Board approved for recommendation to City Council, the name Linde Hill Park for the newly developed park and stormwater pond located on 141st St. Approved 4/0/0.

DISCUSSION

- The Annual Park and Recreation Board Report to City Council was reviewed and discussed. Staff will send revised drafts to the Board for final review prior to Council presentation on June 1, 2009. Board Chair Christopher Ndifon will present to Council.

FUTURE AGENDA ITEMS AND/OR QUESTIONS

- Discussion: June 10 Pea Patch Development and Operations; invite Sustainable Burien
- Parks Tour for second half of the June 10 meeting.

FOR THE GOOD OF THE ORDER

- The Puget Sound Partnership visited and toured the Environmental Science Center.
- Volunteers from the Shorewood Park community will be pursuing grant funding through Starbucks to assist the volunteer work done at Shorewood Park.
- A donor has requested the planting, as a memorial, of a few native plants at the entrance to Shorewood Park. The agreement to plant will require a one-year maintenance commitment by the donor.
- The meeting was adjourned at 9:10PM.

Respectfully submitted by Steve Roemer, Parks Manager , Parks, Recreation & Cultural Services

**BURIEN BUSINESS AND
ECONOMIC DEVELOPMENT PARTNERSHIP (BEDP)
STUDY SESSION**

Date: May 8, 2009

Time: 7:00 -- 9:00 a.m.

Members Present: Alice Madsen, Jim Hughes, Dave Elliott, Michael Goldsmith, Doug Moreland, Nancy Hinthorne, Geri Fain, Jane Voget, Bob Ewing, Renée Klein, Carmen Moore

Excused Absentees: Kevin Fitz, Mark Minium, Judy Coover

Staff: Mike Martin, City Manager; Dick Loman, Economic Development Manager; Janet Stallman, Department Assistant

Guests: Mayor Joan McGilton, Councilmember Kathy Keene, Patty Sader, Executive Director, Discover Burien

Call to Order: Meeting opened at 7:00 a.m. by Michael Goldsmith, Chair

Approval of minutes from April 24, 2009

Chair's Report

Michael reported that Judy Coover is "on-board" with being Vice Chair. Given our new schedule, are we going to map out where we want to go for the rest of the year. Some of the topics include:

- Microenterprise
- 2050 project
- Schools Report (Students in Highline District – who they are; how they're doing.)
- Development project – hard hat tour; at Hospital
- Sustainability – what's a green business? How can building permits be part of the program of sustainability.
- Dave suggested having a "seniors in schools" volunteer program.

City Manager Report

Mike Martin gave a brief report which included an update on annexation. He mentioned the grand opening event on June 13th and invited everyone to attend. Mike gave a brief update on the current budget shortfall. Budget cuts will be made in mid-2009. The full directional interchange at Des Moines Memorial Drive is looking very favorable. A discussion on the sign code ensued in connection with a specific business. And, Mike mentioned a few ways that the City was looking at trying to be helpful through these tough economic times.

Economic Development Report

Dick gave a brief update on the status of the TOD; the early response to the presentation by the PSRC was that it was well received based on the questions that followed. By the end of next week, we expect to see a preliminary listing of the competition.

Discover Burien

- The Farmer's Market opened yesterday. Patty will have a full report next meeting.
- The Social networking series was rescheduled to June 3rd at Cox Financial.
- Discover Burien is working with the City on the June 13th Grand Opening Event.
- The Discover Burien annual retreat is next Monday night.
- The Father's Day Car show is coming up, as is the Strawberry Festival, June 21st.
- The Spring Stroll & Plant Sale will be in Old Burien this weekend (not a DB event).

July 2nd – “Where We Live Now” Event

“Where we Live Now” Transition Zone (Not an inner city; not a suburb)

Mayor McGilton explained why Thomas Sieverts is coming to Seattle/Burien, and invited BEDP members to attend the event. More information will be provided as the date gets closer. Bob Ewing volunteered to go on the walking tour of the City with the group. He feels like the BEDP should take advantage of the event to see how others view Burien.

153rd Street

It is time to start thinking about how we integrate 153rd Street into the downtown. Some comments made by members included:

- It is not pedestrian friendly and has no intentional connections.
- At a minimum, trees would make it palatable to walk on it. There's a lot you can do to make it more pedestrian friendly, without having to redo the whole thing.
- What do we want 153rd to feel like?
- I think First Ave. S. would be more important to improve than 153rd Street.
- This could be incorporated into the Visioning Committee.

Carmen Moore gave a brief overview of Microenterprise (Microloans) and wondered whether it would be something we would like to encourage in Burien? They provide loans up to \$35,000. In Seattle, they have incubator space, where businesses share office space to help businesses get started.

Round the Table

- Nancy Hinthorne mentioned that Congressman Adam Smith is speaking at the Chamber's Member Lunch today.
- Patty mentioned that the after-hours (6-8 pm networking event) will be at Cox Financial – Wednesday.



CITY SEEKS COMMITTEE MEMBERS FOR TRANSPORTATION BENEFIT DISTRICT BALLOT MEASURE

Members are being sought for Pro and Con Committees for the proposed Transportation Benefit District (TBD) measure that will be on the November 3, 2009, General Election ballot. Information about the proposed TBD ballot measure is available by contacting Jenn Ramirez Robson, Management Analyst, at (206) 439-3165 or jenniferr@burienwa.gov.

Committee member appointments will be made during the open, public meeting of the Burien City Council on July 20, sometime after 7:00 p.m. Candidates need not be present to be appointed.

To be considered for appointment to one of the committees, candidates must submit their name and contact information no later than Friday, July 10 at 5 p.m. to Ms. Ramirez Robson.

###

Published in The Highline Times: June 24, 2009
The Seattle Times: June 28, 2009

cc: Burien City Council
Burien Staff
Discover Burien
B-Town Blog

Highline Times
King County/Burien Public Library
Web site: www.burienwa.gov
White Center Now



Burien

Washington, USA

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

DATE: June 29, 2009
FOR RELEASE: Immediately
CONTACT: City Clerk's Office, 248-5517

**CITY OF BURIEN
BUSINESS AND ECONOMIC DEVELOPMENT PARTNERSHIP
VISIONING SUB-COMMITTEE
MEETING NOTICE**

The City of Burien's Business and Economic Development Partnership Visioning Sub-Committee will meet for the purpose of discussing their recommendations on changes to the Economic Element of the Burien Comprehensive Plan following the regularly scheduled meeting on Friday, July 10, 2009 at approximately 9:00 a.m. at the Burien City Hall, 400 SW 152nd Street, Suite 300.

###

The City of Burien strives to provide alternate communication opportunities. Please contact the City Clerk's office, 206/248-5517, twenty-four hours prior to the meeting, for assistance.

cc: Burien City Council	Highline Times
Burien Staff	King County/Burien Public Library
Discover Burien	Web site: www.burienwa.gov
B-Town Blog	White Center Now

*** PLEASE PUT ON COMMUNITY CALENDAR BULLETIN BOARD**

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Review of Hearing Examiner's Findings, Conclusions and Recommendation on the Proposed Navos Mental Health Facility Type 3 Land Use Review (1210 SW 136 th Street)		Meeting Date: July 6, 2009
Department: Community Development	Attachments: 1. Proposed Resolution No. 294 with Exhibit A - Hearing Examiner's Findings, Conclusions and Recommendation 2. Letter from Mitch Yockey, AIA, Navos representative	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Stephanie Jewett, AICP Planner		
Telephone: (206) 439-3152		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Work Plan Item Description: N/A	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to review the Hearing Examiner's Findings, Conclusions and Recommendation on the Navos Mental Health Facility Type 3 Land Use Review and consider adopting a resolution granting approval of the Type 3 Land Use Review.		
BACKGROUND (Include prior Council action & discussion): The proposal is for the demolition of existing structures and the construction of a 3-story 46,000 SF mental health center and associated 1-story 4,000 SF activity building with 125 surface parking spaces and landscaping. Stormwater improvements are also proposed, including low impact development methods such as a biofiltration swale located along the eastern boundary of the site and rain gardens located within the parking lot area. The Hearing Examiner conducted an open record public hearing on May 21, 2009. On June 10, 2009, the Hearing Examiner issued findings, conclusions, and a recommendation to the City Council to approve the Type 3 Land Use Review with conditions (see Exhibit A of proposed Resolution No. 294). In response to condition # 8 of the Hearing Examiner's Recommendation, Navos submitted a letter indicating that Navos and Westmark Emerald Point LLC are currently collaborating on designing and providing a joint access entrance within the SW 136 th Street right-of-way. Specific engineered plans for a joint access entrance will be reviewed through the City's right-of-way use permit process. The Council's role in all Type 3 decisions is to review and take action on the Hearing Examiner's recommendation. The City Council's decision on a Type 3 Land Use Review application must be based on the record developed by the Hearing Examiner, which includes his recommendation. By passing proposed Resolution No. 294, the City Council will grant approval of the Navos Mental Health Facility Type 3 Land Use Review with recommended conditions. The resolution will also adopt the findings of fact and conclusions as set forth by the Hearing Examiner.		
OPTIONS (Including fiscal impacts): 1. Approve the application (Adopt proposed Resolution No. 294). 2. Approve the application with modifications (Adopt proposed Resolution No. 294 with modifications). 3. Deny the application 4. Remand the application to the Hearing Examiner for an additional hearing on specific issues. For options 2 or 3, the council must also adopt written findings of fact and conclusions that support its decision.		
Administrative Recommendation: Adopt proposed Resolution No. 294, entering findings of fact and conclusions of law and granting approval of the Navos Mental Health Facility Type 3 Land Use Review.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to adopt Resolution No. 294, granting Approval of the Navos Mental Health Facility Type 3 Land Use Review, and Adopting Findings of Fact, Conclusions and Conditions as Set Forth by the Hearing Examiner.		
Submitted by: Stephanie Jewett, AICP, Planner		
Administration 	City Manager 	
Today's Date: June 30, 2009	File Code: R:\CC\Agendabill2009\070609cd-2 Navos Mental Health Facility Type 3 Land Use Review.doc	



RESOLUTION NO. 294

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
ENTERING FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING APPROVAL OF THE NAVOS MENTAL HEALTH
FACILITY TYPE 3 LAND USE REVIEW**

WHEREAS, the City of Burien Hearing Examiner conducted an open record public hearing on May 21, 2009 at which testimony from city staff, the applicant and public was heard regarding the Navos Mental Health Facility Type 3 Land Use Review; and,

WHEREAS, on June 10, 2009 the Hearing Examiner made a recommendation to the City Council;

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

Section 1. The City Council, having considered the Navos Mental Health Facility Type 3 Land Use Review application and the Hearing Examiner's recommendation, conditionally approves the Navos Mental Health Facility Type 3 Land Use Review and adopts the Hearing Examiner's findings and conclusions attached as Exhibit "A", as fully incorporated herein as if fully set forth.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ___th DAY OF JULY, 2009.

CITY OF BURIEN, WASHINGTON

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk: June 30, 2009
Passed by the City Council: July __, 2009
Resolution No.: 294

**CITY OF BURIEN
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Mitch Yockey, Donald King Architects for Navos

CASE NO.: PLA 09-100

LOCATION: 1210 SW 136th Street (see Exhibit A, Attachment 1)

APPLICATION: Request to allow construction of a three story, 46,000 square foot Mental Health Facility, along with a 4,000 square foot activity building (see Exhibit A, Attachment 2).

REVIEW PROCESS: Hearing Examiner conducts an open record hearing and makes a recommendation to the City Council, who then makes the final decision.

SUMMARY OF RECOMMENDATIONS

Staff Recommendation: Approve with conditions
Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING

After reviewing the official file, which included the Staff Recommendation; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Navos application was opened at 9:00 a.m., May 21, 2009, in City Hall, Burien, Washington, and closed at 9:40 a.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Community Development Department.

Hearing Comments:

The following is a summary of the comments offered at the public hearing.

From the City

Stephanie Jewett, Project Planner
Ramesh Davad, Public Works

From the Applicant

Mitch Yockey
Bill Taylor

The applicants were in general agreement with staff analysis and briefly described the components of the project.

From the Community

Robert Thorpe
Nizar Sayani

Mr. Sayani and Mr. Thorpe were both representing Westmark Emerald Pointe, LLC who are in the permit process for approval of the Emerald Pointe residential development. Emerald Pointe, when approved, will likely take site access via extension of 136th Street roadway improvements. They expressed support for the project. They were requesting that Novas be required to move a proposed bulb-out/sidewalks north out of the 136th Street right-of-way so as not to impede future extension of 136th. In addition, they argued that Novas should complete 136th Street improvements along the entire south boundary of the Novas site, rather than just up to the mid-site access driveway. The applicants argued that other projects have been required to complete street improvements along the length of their properties, and requested the hearing record be held open so they could provide examples. The request was granted.

Marvin Jahnke
Chestine Edgar

Mr. Jehnke expressed support of the application and appreciated the care being given to the sensitive slope in the design of the project. Ms. Edgar was also generally supportive, but primarily had questions regarding the proposed Emerald Pointe project that is adjacent to the west boundary of the Novas property.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on page 4 in Exhibit A, Staff Recommendation, May 5, 2009, accurately reflects the site circumstances, zoning requirements and surrounding land uses, and are hereby adopted by reference.
2. The Facts and Conclusions regarding compliance with the Approval Criteria on pages 4 and 5 in Exhibit A, Staff Recommendation, May 5, 2009, are accurate and hereby adopted by reference.
3. The Facts and Conclusion regarding compliance with Development Regulations on pages 5 through 17 in Exhibit A, Staff Recommendation, May 5, 2009, are accurate and are hereby adopted by reference. In particular, they include the following:

General Compliance	pages 5 and 6
Zoning Code Use Chart Compliance	page 6
SEPA	page 6
Significant Tree Retention	page 7

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Landscaping Requirements	pages 7 and 8
Parking	pages 8 and 9
Pedestrian Access and Circulation	pages 9 and 10
Critical Areas – Geologically Hazardous Areas	pages 10 through 15
Frontage and Access Improvements	pages 15 and 16
Surface Water Management	pages 16 and 17
Utilities	page 17

4. The Facts and Conclusions regarding compliance with the City's Comprehensive Plan on page 18 in Exhibit A, Staff Recommendation, May 5, 2009, are accurate and are hereby adopted by reference.
5. SW 136th Street is a platted and dedicated right-of-way, extending west from Ambaum Blvd. to the Westmark property. As platted, it has full right-of-way width from Ambaum to approximately the proposed mid-site access driveway for the Novas property, and then half-width west to the Westmark site. As noted in Exhibit B, there is currently pedestrian use of this undeveloped stretch of the right-of-way.

SW 136th Street is improved from Ambaum to the Novas property where it begins a curve to the south and becomes 12th Avenue SW, which then proceeds south approximately 900 feet where it curves east and connects back to Ambaum Blvd. As noted by City staff in Exhibit C, the curve at SW 136th Street/ 12th Avenue SW creates an awkward 'Y' configuration relative to the extension of SW 136th Street (see Exhibit A, Attachment 2, Sheet C2.1).

6. Novas has proposed SW 136th Street improvements that follow the existing roadway as it curves south, consisting of a bulb-out for extension of their driveway to 136th along with sidewalks. In this configuration, the proposed improvements extend into the right-of-way. Westmark representatives at the hearing and in Exhibit B are requesting that these improvements be moved north out of the right-of-way, since they would complicate future extension of SW 136th Street to the west. Staff concurs and has recommended this as a condition of approval, but also notes in Exhibit C that this will create an awkward 'Y' that may require Westmark to redevelop the roadway to assure access to all adjoining properties, such as the apartment complex to the south of SW 136th.

A desire to engage in cooperative planning has been expressed by all parties involved. Staff has suggested that a shared driveway developed off the existing street may be an option to provide both Novas and Westmark reasonable access to their properties. There appears to be sufficient room within the full-width portion of the right-of-way to develop some form of shared access/entrance/driveway for the two properties. City staff has indicated that this would likely require a street use permit. As such, there is an opportunity for the City, Novas and Westmark to combine their expertise to find an acceptable access solution.

Further, it appears to this Examiner that a joint access can be devised such that SW 136th Street could be extended without the need of tearing up any preceding improvements. As a practical matter relative to sidewalks, connecting from the south side of 136th to the north could be achieved (as an example) via a slightly raised pedestrian crossing, acting

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as a broad flat speed-bump. This could be done instead of a sidewalk and would not require removal in the future.

7. Westmark representatives have also requested that Novas provide frontage improvements for the entire length of the applicants' property. Exhibit B provides a reiteration of the concerns and requests made by Westmark at the hearing, along with one example where a project is being required to provide frontage improvements along the length of the property. The Examiner has also reviewed past cases he has been involved with.

At the hearing and in Exhibit C, City staff have maintained that the requirement to provide SW 136th Street frontage improvements to the point of the mid-site access is commensurate with the project's impacts: i.e. access to the site via 136th. Since there would be no traffic on 136th beyond the mid-site driveway, then there is no nexus to require Novas to provide frontage improvements beyond that point.

The Examiner concurs with staff's analysis and interpretation. It is acknowledged that there are a number of examples where the City has required frontage improvements along the full length of a project property. In fact, there have been occasions where traffic improvements have been required off-site, such as installation of traffic signals or signs at impacted intersections. It should be noted, however, that such requirements have typically occurred where there is an extensive and interconnected surrounding street network, such that site access could be achieved from several directions. In this case there is only one route to the site. This is because surrounding existing land uses have been developed with cul-de-sacs and the presence of critical slopes has prevented the street network connecting to the west. Consequently, providing 136th frontage improvements west beyond the point of the mid-site access would benefit only Westmark and does not mitigate any project impacts.

A caveat on this conclusion would be that if Novas and Westmark can agree on a shared access solution with the right-of-way, then frontage improvements may be required for some distance west of the mid-site driveway. Note that street frontage improvement plans show an extension of a sidewalk south past the proposed driveway. That distance is roughly equivalent to the distance past the driveway where the right-of-way has full width, and would be logical point of extended frontage improvement mitigation.

8. Finally, the request by Westmark representatives to require frontage improvements along the whole length of the Novas property has the effect of requiring improvements of one applicant to the benefit of another applicant whose project has not yet been permitted.

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RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for development of a medical facility on the subject site be approved, subject to the following conditions:

1. The applicant is responsible for ensuring compliance with all provisions contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2005 King County Surface Water Design Manual and the 2008 Burien Road Standards. See Exhibit A, Attachment 3 for a summary of the City's development standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents.
2. All site development plans submitted for the project shall indicate those significant trees to be preserved and shall include all tree protective measures as outline in BMC 19.
3. Prior to final inspection and issuance of an occupancy permit, the Applicant shall provide the Community Development Department with a manual irrigation plan and security to insure landscaping survival for a period of 2 years.
4. Prior to Building Permit submittal consider adding a pedestrian connection from the north eastern entrance of the Mental Health Facility to the Main Entrance in order to provide a comprehensive system of walkways throughout the campus.
5. All design, grading and construction shall follow the recommendations of the "Geological/Geotechnical Assessment" prepared by Gary Flowers, Geological and Geotechnical Consulting, dated January 21, 2009.
6. Prior to Building Permit approval address the comments in the City Geotechnical Engineer's review memo dated April 10, 2009 to reduce risks of erosion.
7. Prior to Building Permit approval, submit detailed access and frontage improvement plans for the project, including curb, gutter and sidewalks for review and approval by the City's Public Works Department. The plans shall be in accordance with the 2008 Burien Road Standards and address the issues expressed in the City's Development Review Engineer's memorandum dated April 8, 2009.
8. At a minimum, the proposed western (i.e. mid-site) driveway entry and associated landscaping shall be relocated north to align with existing frontage improvements and to allow for the logical extension of SW 136th Street frontage improvements. In addition, Novas, Westmark and City staff are asked to collaborate on a joint access/driveway/entrance within the SW 136th Street right-of-way prior to City Council review. Should an acceptable plan/configuration be reached, then Novas should provide SW 136th Street frontage improvements along their property for the distance equal to where there is full right-of-way width.

Appendix 1

The first part of the report deals with the general situation in the country and the second part with the specific situation in the various regions. The third part contains the conclusions and recommendations.

The general situation in the country is characterized by a high level of unemployment and a low level of economic activity. The specific situation in the various regions is also characterized by a high level of unemployment and a low level of economic activity.

The conclusions and recommendations are as follows: (1) The government should take measures to reduce unemployment and increase economic activity. (2) The government should take measures to improve the living conditions of the population. (3) The government should take measures to improve the education and training of the population.

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9. Prior to any work within the SW 136th Street or Ambaum Boulevard SW right-of-ways, the Applicant shall apply for a right-of-way use permit.
10. A National Pollutant Discharge Elimination System (NPDES) construction stormwater permit from the Washington State Department of Ecology is required prior to issuance of any development permits.
11. Prior to Building Permit approval, submit detailed stormwater improvement plans designed in accordance with the 2005 King County Surface Water Design Manual as adopted by the City, for review and approval by the City Public Works Department.
12. Prior to Building Permit approval, the Fire Marshal must approve the plans to ensure adequate fire flow has been provided.

Entered this 10th day of June, 2009.



Donald B. Lergen, AICP
Hearing Examiner

CITY COUNCIL REVIEW AND DECISION

The City Council will take final action on this application in accordance with the provisions of BMC 19.65.075.

JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for judicial review.

BMC 19.65.060 allows the city's final decision to be appealed by filing a land use petition in King County Superior Court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C. Requirements for fully exhausting City administrative appeal opportunities must first be fulfilled.

EXHIBITS

The following exhibits were offered and entered into the record:

- A. Staff Recommendation to the Hearing Examiner with attachments dated May 5, 2009.
- B. Comment letter from Groen, Stephens & Kinge, LLP dated May 29, 2009.
- C. Response letter from City Attorney dated June 3, 2009.

PARTIES OF RECORD

Mitch Yockey, AIA
DKA
106 Lenora Street
Seattle, WA 98121

Community Development Department
Public Works

Nizar Sayani, Manager
Westmark Emerald Pointe LLC
32124 25th Avenue South
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Burien, WA 98146

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Burien, WA 98166

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CITY OF BURIEN, WASHINGTON

Department of Community Development
 15811 Ambaum Blvd. SW, Suite C, Burien, Washington 98166
 Phone: (206) 241-4647 Fax: (206) 248-5539

TYPE III LAND USE REVIEW STAFF RECOMMENDATION TO THE HEARING EXAMINER Navos Mental Health Facility

DATE: May 5, 2009

FILE NO.: PLA 09-0100

APPLICANT: Mitch Yockey, AIA, with Donald King Architects for Navos

REQUEST: Demolish existing structures and construct a 3-story 46,000 SF mental health center and associated 1-story 4,000 SF activity building with 125 surface parking spaces, landscaping and stormwater improvements in the RS-12,000 zone.

LOCATION: 1210 SW 136th Street, Burien, WA (see Attachment 1)

PARCELS: 7835800311, 7835800412

<u>APPLICATION</u>	<u>APPLICATION</u>
<u>SUBMITTED:</u> January 22, 2009	<u>COMPLETE:</u> February 18, 2009

REVIEW
PLANNER: Stephanie Jewett, AICP

DECISION
MAKER: City Council

RECOMMENDATION: **Approve subject to the following conditions:**

1. The applicant is responsible for ensuring compliance with all provisions contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2005 King County Surface Water Design Manual and the 2008 Burien Road Standards. See Attachment 3 for a summary of the City's development standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents (see Conclusion E.1).

EXHIBIT A

2. All site development plans submitted for the project shall indicate those significant trees to be preserved and shall include all tree protective measures as outline in BMC 19.25 (see Conclusion E.4)
3. Prior to final inspection and issuance of an occupancy permit, the Applicant shall provide the Community Development Department with a manual irrigation plan and security to insure landscaping survival for a period of 2 years (see Conclusion E.5).
4. Prior to Building Permit submittal consider adding a pedestrian connection from the north eastern entrance of the Mental Health Facility to the Main Entrance in order to provide a comprehensive system of walkways throughout the campus (see Conclusion E.7).
5. All design, grading and construction shall follow the recommendations of the “Geological/Geotechnical Assessment” prepared by Gary Flowers, Geological and Geotechnical Consulting, dated January 21, 2009 (see Conclusion E.8).
6. Prior to Building Permit approval address the comments in the City Geotechnical Engineer’s review memo dated April 10, 2009 to reduce risks of erosion (see Conclusion E.8).
7. Prior to Building Permit approval, submit detailed access and frontage improvement plans for the project, including curb, gutter and sidewalks for review and approval by the City’s Public Works Department. The plans shall be in accordance with the 2008 Burien Road Standards and address the issues expressed in the City’s Development Review Engineer’s memorandum dated April 8, 2009 (see Conclusion E.9)
8. The proposed western driveway bulb and associated landscaping shall be relocated further north so that they align with the existing sidewalk on SW 136th Street and will not interfere with the future travel way of SW 136th Street (see Conclusion E.9)
9. Prior to any work within the SW 136th Street or Ambaum Boulevard SW right-of-ways, the Applicant shall apply for a right-of-way use permit (see Conclusion E.9).
10. A National Pollutant Discharge Elimination System (NPDES) construction stormwater permit from the Washington State Department of Ecology is required prior to issuance of any development permits (see Conclusion E.10)
11. Prior to Building Permit approval, submit detailed stormwater improvement plans designed in accordance with the 2005 King County Surface Water Design Manual as adopted by the City, for review and approval by the City Public Works Department (see Conclusion E.10).
12. Prior to Building Permit approval, the Fire Marshal must approve the plans to ensure adequate fire flow has been provided (see Conclusion E.11).

FINDINGS OF FACT & CONCLUSIONS

A. SITE DESCRIPTION

Location: 1210 SW 136th Street, Burien, WA (see Attachment 1)

Zoning: RS-12,000 Single-family residential

Critical Areas on or within 100 feet of site:

Landslide Hazard Area Seismic Hazard Area Wetland Stream
 Frequently Flooded Area

Lot area: 156,131 SF (3.58 acres)

Current land use: 2 existing vacant buildings and associated exterior concrete slabs and asphalt covered parking areas previously used as a senior center and originally designed for use as an elementary school.

Site characteristics: Topographically the subject site slopes gently eastward and westward from a centrally located topographic break. Elevation differential from the topographic break is about 10 feet extending towards the southeast corner of the site and about 2 to 3 feet extending westward towards the top of the steep slope area located on the western portion of the site. The top of the slope area is indicated by a sharp downward break toward the west. The upper portion of the break is approximately 12 to 15 feet tall with a 70% slope. The slope then shallows to about 5 to 10% to the edge of the property. Continuing west, beyond the site, the slope continues for many hundreds of feet down where it reaches the Puget Sound shoreline.

The western portion of the property beyond the top of the steep slope area is heavily vegetated with blackberry bushes, native trees and bushes. Vegetation on the rest of the site mainly consists of a row of Douglas Fir trees along the eastern portion of the northern boundary line.

Neighborhood characteristics: The western boundary of the parcel is adjacent to an undeveloped privately owned parcel. The northern boundary is adjacent to another vacant privately owned parcel and an apartment complex owned by Navos and zoned RM-24 (Residential Multi-Family). The eastern boundary is adjacent to a gas station and mixed-use office/apartment building. Both properties are zoned CI (Intersection Commercial) and front onto Ambaum Boulevard SW. The southern boundary of the site fronts onto SW 136th Street and an apartment complex, zoned RM-18 (Residential Multi-family) and commercial retail building, zoned CI (Intersection-Commercial), are located on the southern side of the street.

B. SUMMARY OF PROPOSAL (see Attachment 2 for plans)

The proposal is to construct a 3-story Mental Health Facility of approximately 46,000 square feet and an associated 1 story 4,000 square foot activity building. Other site development includes surface parking for approximately 125 vehicles, landscaping, and stormwater improvements. Primary vehicle access is proposed via two driveways from SW 136th Street

C. PUBLIC NOTICE AND COMMENTS

Notice of the application was posted on the property, mailed to property owners within 500 feet of the site, and published in the Seattle Times on March 4, 2009. The 21-day comment period ended March 25, 2009. The City received one comment letter during the 21-day comment period. This letter has been summarized and addressed below.

Nizar Sayani, Westmark Emerald Pointe, LLC (Attachment 5)

Requests that the Applicant extend frontage improvements along the entire southern boundary of the site, including the non-improved portion of SW 136th Street. Also notes that proposed frontage improvements and landscaping located east of the western driveway along SW 136th Street appear to be located within the existing SW 136th Street right-of-way.

City Response: Frontage improvements along the non-improved portion of SW 136th Street are not required given the project will not impact this unimproved portion of SW 136th Street. The Applicant will be required to relocate the proposed western driveway bulb and associated landscaping further north so that it aligns with the existing sidewalk on SW 136th Street (see Section for D.9 for more details on frontage & access improvement requirements for the project).

D. APPROVAL CRITERIA

- 1. Facts:** Burien Municipal Code Section 19.65.075 (7) C sets forth the decision criteria for a Type III decision. The City Council may only approve the application if all of the following criteria (in *italics*) are met:

- a. The application must be consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan.*

Staff Response: As conditioned, the proposed development addresses all of the required development standards. See Section E of this report for a detailed review of applicable development regulations.

- b. The application must be consistent with the purpose and intent of the zone in which the site is located.*

Staff Response: The purpose and intent of the Single-Family Residential zone is stated in BMC 19.15.010 as follows:

The Single-family residential zones implement the Low and Medium Density Single-Family Neighborhood Comprehensive Plan designations. The purpose of these zones is to establish areas in which a wide range of single-family housing opportunities can be provided, while preserving the character of the surrounding neighborhood and protecting environmentally sensitive areas. The intent is to provide a variety of attractive, well-designed housing choices that meet the needs of existing and future City residents.

The use zone chart for the RS zones (BMC 19.15.005) lists those uses which are considered to be consistent with the purpose and intent of the RS zone. BMC 19.15.005 lists "Community Facility" as a permitted use following a Type 3 land use review. "Community Facility" is defined in BMC 19.10.060 as a use which serves the public and is generally of a public service, non-profit nature, including, but not limited to: food and clothing banks and other non-profit social service organizations. The proposed development addresses the purpose and intent of the Single-Family Residential zone.

c. *The application must be consistent with the public health, safety and welfare.*

Staff Response: The public health, safety and welfare are protected by adhering to and enforcing the City's development regulations. As conditioned, the proposed development addresses all of the City's required development regulations. See Section E of this report for a detailed review of applicable development regulations.

2. **Conclusions:** With the required conditions of approval, the proposal complies with Zoning Code section 19.65.075 (7) C.

- a. The proposal, as conditioned, is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan.
- b. The proposal is consistent with the purpose and intent of the zone in which it is located.
- c. The proposal, as conditioned, is sufficient to protect the public health, safety and welfare.

E. DEVELOPMENT REGULATIONS

1. General Compliance

- a. **Facts:** This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2005 King County Surface Water Design Manual as adopted by the City of Burien and the 2008 City of Burien Road Standards. Except as noted in the following

sections, the proposal complies with the applicable requirements contained in the documents referenced above.

- b. **Conclusion:** It is the responsibility of the applicant to ensure compliance with the various provisions contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2005 King County Surface Water Design Manual as adopted by the City of Burien and the 2008 City of Burien Road Standards. Attachment 3, Development Standards, is provided to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements. When a condition of approval conflicts with a development requirement in Attachment 3, the condition of approval shall be followed.

2. Zoning Code Use Chart Compliance (BMC 19.15.005.13)

- a. **Facts:**

Regulation	Requirement	Proposal	Complies?
Front Setback	30 feet	30	Yes
Interior setbacks	30 feet	30-100 feet	Yes
Building Coverage	35 %	14.67 %	Yes
Impervious Surface Coverage	45 %	44.78 %	Yes
Height	35 feet	35 feet	Yes

Note: compliance with specific code height, bulk, and scale provisions related to the development will also be reviewed at the time of building permit application.

- b. **Conclusion:** The proposed project complies with the height, bulk and scale requirements for “Community Facilities” in the RS-12,000 zone found in BMC 19.15.005.13.

3. State Environmental Policy Act

- a. **Facts:** A Determination of Nonsignificance (DNS) was issued for this project on May 5, 2009. Per BMC 19.65.075.2, if the Director’s recommendation to the Hearing Examiner is consolidated with a threshold determination of non-significance under the State Environmental Protection Act for which a comment period pursuant to WAC 197-11-340 must be provided, the appeal period for the DNS shall be 14 days. The Environmental Review Report, Environmental Checklist, Designation Letter and Determination of Nonsignificance are included as Attachments 6, 7 and 8.
- b. **Conclusions:** The Applicant and City of Burien have complied with the requirements of the State Environmental Policy Act.

4. Significant Tree Retention

- a. Facts: The site is required to retain 5 percent of the significant trees located on the site, excluding critical areas or their buffers (BMC 19.25.120). Significant trees are defined as an existing healthy tree which, when measured four feet above grade, has a minimum diameter of eight inches for evergreen trees or twelve inches for deciduous trees (BMC 19.10.493).

Excluding the steep slope critical area buffer in the western portion of the site, there are 18 existing significant trees on the site located along the northern property line. The Applicant proposes to retain 12 (or 67%) of the existing significant trees. There is also one significant tree located in the steep slope buffer area that is proposed to be retained.

- b. Conclusions: The significant tree retention plan meets the City's significant tree retention requirements. All site development plans submitted for the project shall indicate those significant trees to be preserved and shall include all tree protection necessary as outlined in BMC 19.25.

5. Landscaping Requirements

- a. Facts:

- (1) BMC section 19.15.005 (13) requires the proposal to comply with landscape Category C.
- (2) Category C landscaping requires 10 ft of Type III landscaping along property lines abutting a public right-of-way. Type III landscaping is intended to function as a "see-through-screen" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. The Applicant's submitted Landscape Planting Plan (Attachment 2, Sheet L1.0 & 1.1) indicates that plantings of 10 ft or greater of Type III landscaping will be installed along the property line abutting SW 136th Street.
- (3) Category C landscaping requires 5 feet of Type IV landscaping along building facades greater than 50 ft. wide. Type IV landscaping is intended to provide visual relief. The planting plan (Attachment 2, Sheet L1.0 & 1.1) indicates that plantings of 5 ft or greater of Type IV landscaping will be installed along most of the facades of the two buildings. The Planting plan does not propose landscaping directly adjacent to the north facade of the Activity Center or to the southwest facade of the Mental Health Center. Instead, this area is proposed as a paved courtyard with seating and for access between the two buildings. Consistent with BMC 19.25.090, this request complies with the City of Burien's landscaping requirements given that additional landscaping is proposed along the southeast and northeast facades of the Mental Health center building (see Attachment 2, Sheets L1.0 & 1.1).

- (4) Category C landscaping requires a 5-foot wide Type IV landscape strip along the perimeter of parking areas. Type IV landscaping is intended to provide shade and visual relief while maintaining clear sight lines within parking areas. The planting plan (Attachment 2, Sheet L1.0 & 1.1) indicates that between 10 and 15 feet of Type IV landscaping will be located along the perimeter of the parking area.
 - (5) Category C landscaping requires interior landscaping in parking lots at a rate of twenty-five square feet per parking stall. Given the proposed 124 parking stalls, 3,100 square feet of interior landscaping is required. The planting plan (Attachment 2, Sheet L1.0 & 1.1) indicates that approximately 4,200 square feet of interior landscaping will be located in the parking area.
 - (6) BMC 19.25.100 requires installation of irrigation systems within all required landscaped areas. However, the Applicant may request and the Director may approve a manual irrigation plan and schedule in lieu of automatic irrigation. The Planting Plan (Attachment 2, Sheet L1.0 & 1.1) indicates that plants will be irrigated by hand watering.
 - (7) BMC 19.25.180 requires a performance bond or other appropriate security for the planting of required landscaping to insure proper installation, establishment and maintenance for a period of two years.
- b. Conclusion: The proposed preliminary landscaping plan meets the City's requirements. Prior to final inspection and issuance of Certificate of Occupancy, the Applicant shall submit a manual irrigation plan and schedule in lieu of automatic irrigation for review and approval by the Community Development Department. Prior to a Certificate of Occupancy, a security shall be required to insure proper establishment and maintenance of the required landscaping for a period of two years.

6. Parking

- a. Facts: BMC 19.15.005.13 requires the development to comply with BMC 19.20.030 (2) which states that when specific parking ratios are not provided the Director shall establish a minimum parking requirement based on a study of anticipated parking demand. The Applicant has prepared a Traffic Impact Analysis that includes an analysis of parking demand (see Attachment 9) consistent with City requirements. This study estimates a demand for 124 parking spaces on site to accommodate staff and clients based on data collected related to current parking demands at the existing Navos Mental Health Clinic site located on South 146th Street in Burien. The submitted Site Plan (see Attachment 2, Sheet A 0.0) proposes a total of 124 on-site parking spaces located in the eastern portion of the site.

BMC 19.20.100 (5) sets forth the minimum dimensional requirements for parking spaces and parking lot aisles. The submitted plans (see Attachment 2 Sheet A 0.0) propose

standard and compact parking spaces. The parking stall and aisle dimensions have been reviewed and comply with the City's requirements.

BMC 19.20.100 (8) requires that any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. This specific dimensional requirement will be reviewed at time of building permit application.

BMC 19.20.040 (5) requires 1 bicycle parking slot for every 12 required motor vehicle stalls. With 124 proposed parking stalls, 11 bicycle parking slots are required. The submitted plans (see Attachment 2 Sheet A 0.0) indicate that 11 slots on three racks of bicycle parking will be provided for on site. Bicycle parking facilities are required to be located within 100 feet of a building entrance and be located in a safe, visible area that does not impede pedestrian or vehicle traffic flow. The submitted Landscape Plan (Attachment 2, Sheet L 1.0) indicates that two separate bike rack locations, one next to the Activity Building and one next to the main entrance of the Mental Health Facility will meet these requirements.

BMC 19.20.040 (6) requires off-street parking and access for physically handicapped persons to be provided. The plans submitted propose 2 handicapped stalls.

BMC 19.20.100 (12) states that parking area lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be designed to minimize direct illumination of abutting properties and adjacent streets. In the SEPA checklist (see Attachment 6) the Applicant proposes to minimize the direct illumination of abutting properties and adjacent streets by providing parking lighting designed to prevent light from impacting any offsite property. The Applicant has not submitted a proposed lighting plan for the site. Lighting plans will be reviewed at the time of building permit application.

- b. Conclusions: In general, the parking as proposed meets the City's parking requirements. Parking lot lighting requirements will be reviewed at the time of building permit review.

7. Pedestrian Circulation & Access

- a. Facts: All uses, except single detached dwelling units, are required to provide pedestrian access onto the site from all pedestrian arrival points, including streets, crosswalks, adjacent properties, and transit stops (BMC 19.20.090.1).

Pedestrian walkways are required that form a system of on-site pedestrian circulation that minimizes conflicts with vehicles (BMC 19.20.090.2).

Pedestrian walkways are to be designed according to the City's development standards. Crosswalks are required where walkways cross a driveway or parking area (BMC 19.20.090.3).

The submitted plans (Attachment 2, Sheet A 0.0 & L 1.0) show that pedestrian access to the site from SW 136th Street will be routed through the western driveway entrance where a marked pedestrian walkway will lead from the sidewalk on SW 136th Street to the front entrance of the New Mental Health Center. Access between the Mental Health Facility and the Activity Center is planned through the paved courtyard area between the two buildings as well as along the paved walkway along the front of the buildings. Additionally, pedestrian access from the Navos apartments located to the north of the site are shown to gain access to the site from a walkway leading to the northeastern entrance to the building. No pedestrian access from the northeastern entrance of the Mental Health Facility to the main entrance has been proposed. This additional pedestrian connection would provide a comprehensive system of walkways throughout the campus, connecting all building entrances to the two points of pedestrian entry onto the site.

- b. **Conclusions:** The Mental Health Facility Campus is required to provide an on-site system of pedestrian walkways in compliance with BMC 19.20.090. The Applicant should consider adding an additional pedestrian connection from the northeastern entrance of the Mental Health Facility to the main entrance in order to provide a comprehensive system of walkways throughout the campus, connecting all building entrances to the two points of entry onto the site. Pedestrian walkways should be well-lit; physically separated from driveways and parking areas by landscaping, berms, or other means; they are to be at least 5 feet wide; meet City paving standards; and be usable by those with disabilities.

8. Critical Areas – Geologically Hazardous Areas

- a. **Facts:** The Applicant submitted a Geological/Geotechnical Assessment and letter addressing the Critical Area Review Application (Attachment 10).

As noted in the submitted Geological/Geotechnical Assessment (Attachment 10), the western portion of the site contains a steep slope area. The top of the slope area is indicated by a sharp downward break toward the west. The upper portion of the break is on the order of 12 to 15 feet tall with a 70% slope. The slope then shallows to about 10% to the edge of the property. From there the slope continues for many hundreds of feet down to the actual bottom near Puget Sound. These characteristics are consistent with the City's defined geologically hazardous areas and as such require a minimum fifty-foot buffer from the top and toe of the slope. The top of the slope and a 50 foot buffer located in the western portion of the site has been identified on the submitted survey (see Attachment 2, Sheet C 0.2). Currently, two vacant buildings and associated asphalted areas are located within the 50 ft. buffer area.

As currently proposed, runoff from roof area located in the west basin of the site will be discharged onto four splash blocks located between the proposed buildings and the top of the slope. Compared to pre-development conditions, there will be a net reduction of approximately 18 % of impermeable surface drainage to the slope on-site. Surface water generated in the east basin will be collected and tied into the public storm drain system located east of the site along Ambaum Boulevard. Collection of stormwater in this area is proposed to include low impact development methods such as a biofiltration swale

located along the eastern boundary of the site and rain gardens located within the parking lot area.

The City of Burien's Geotechnical Engineer (Siew L Tan, P.E., Principal Geotechnical Engineer, PanGEO, Inc.), reviewed the submitted Geotechnical Assessment (Attachment 10) with the primary objective of evaluating the potential impacts of the proposed site storm drainage system to the stability of the slope located west of the proposed development area and issued a review letter on April 10, 2009 (Attachment 11) with the following recommended measures for consideration by the Applicant to reduce the risks of erosion:

- In lieu of splash blocks the use of dispersion trenches should be considered. The intent of using dispersion trenches is to distribute the flow over a larger area, instead of concentrating in four locations where the splash blocks are located. The layout of the dispersion trenches should be determined by the civil and geotechnical engineers of record, but should not be located within 25 feet of the steep slope.
- The dispersion trenches should be located sufficiently away from the area of deep fill to prevent the fill from saturation. If parts of the trenches will be located near the area of deep fill, the geotechnical engineer should evaluate the potential impacts of the fill and, if needed, provide appropriate mitigation measures.

The Applicant has requested that the standard 50-foot steep slope buffer be reduced to a 25-foot buffer with a 15-foot building setback in order to demolish existing structures, conduct minor grading to a more natural condition, provide vegetative enhancements, accommodate small portions of both buildings, and install a play area and rockeries of approximately 4 feet in height. Listed below in italics are the applicable criteria for review and approval of buffer reductions (BMC 19.40.290 (3)(B)) followed by staff's response.

- (1) *The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of Chapter 19.40 Critical Areas and the public interest.*

Staff Response: The Applicant's submitted geotechnical report (Attachment 10) indicates that based on the review of subsurface conditions, the proposed development will not adversely affect the site or surrounding properties provided the recommendations contained in the geotechnical report are followed, including specific recommendations for site grading, foundations and drainage.

The proposed new buildings will be located more than 40 feet from the top of the steep slope area and impervious surface drainage from the site development towards the steep slope will be decreased by approximately 18%.

- (2) *There is no feasible alternative with less impact on the critical area.*

Staff Response: The Applicant has indicated that alternative building placements were analyzed in order to stay outside the standard 50 ft. steep slope buffer area

located in the western portion of the site as well as ensure that the buildings and associated parking areas fit into the neighborhood development pattern; however, the Applicant was not able to meet the square footage needs of the Applicant, provide required parking and ensure that on-site landscaping buffered the site from existing development and maintain the standard 50 ft. steep slope buffer. By reducing the standard critical area buffer, the Applicant will be able to place the buildings, parking and landscape buffer areas in a way that will better fit into the neighborhood development pattern.

(3) *Discuss and support the requested buffer reduction, including:*

a. The ability to maintain long-term stability of the landslide hazard areas.

Staff Response: As noted in the Applicant's submitted geotechnical report (Attachment 10), the existing dense to very dense glacial deposits will provide excellent support for the proposed Mental Health Center and associated parking areas. The report also notes that visual observations of the steep slopes to the west do not suggest recent slope movement. The report also notes that since the buffer area was previously developed and currently contains buildings and pavement it is appropriate to allow removal of these structures, regrade to more natural conditions, and provide vegetative enhancements. Additionally there will be a decrease of approximately 18% of impermeable surface drainage to the west towards the steep slope hazard. Consequently, the proposed buffer reduction and site plan for the project will not impact negatively the long-term stability of the steep slope area to the west.

b. Any appropriate mitigating measures needed to mitigate impacts of the buffer reduction.

Staff Response: The submitted Geological/Geotechnical Assessment (Attachment 10) includes recommendations for site grading, foundations, floor support, drainage, and erosion protection during construction. Additionally, the City of Burien's Geotechnical Engineer (Siew L Tan, P.E., Principal Geotechnical Engineer, PanGEO, Inc.), reviewed the submitted Geotechnical Assessment (Attachment 10) with the primary objective of evaluating the potential impacts of the proposed site storm drainage system to the stability of the slope located west of the proposed development area and issued a review letter on April 10, 2009 (Attachment 11) with the following recommended measures for consideration by the Applicant to reduce the risks of erosion:

- In lieu of splash blocks the use of dispersion trenches should be considered. The intent of using dispersion trenches is to distribute the flow over a larger area, instead of concentrating in four locations where the splash blocks are located. The layout of the dispersion trenches should be determined by the civil and geotechnical engineers of record, but should not be located within 25 feet of steep slope.

- The dispersion trenches should be located sufficiently away from the area of deep fill to prevent the fill from saturation. If parts of the trenches will be located near the area of deep fill, the geotechnical engineer should evaluate the potential impacts of the fill and, if needed, provide appropriate mitigation measures.

c. An assessment of any increased risk that could result from the buffer reduction.

Staff Response: Provided that the recommendations in the submitted geotechnical reports (Attachments 10 & 11) are incorporated into the project design and construction, increased risk is not expected to result from the proposed buffer reduction. New building structures will remain more than 40 feet from the top of the slopes and compared to pre-development conditions, there will be a net reduction of approximately 18 % of impermeable surface drainage to the slope on-site.

The Applicant has also requested that some alterations be permitted in the 25 ft. buffer area, including the removal of existing structures and pavement on the site, grading to a more natural state and enhancement of vegetative cover. Listed below in italics are the applicable criteria for review and approval of disturbances and alterations within steep slope buffer areas (BMC 19.40.290 (3)(D)) followed by staff's discussion.

- (1) *All proposed alterations shall be limited to the minimum necessary to accomplish the applicant's objectives and engineering design.*

Staff Response: The proposed alterations within the 25 ft. buffer (the removal of existing structures and pavement, grading to a more natural state and enhancement of vegetative cover) are the minimum alterations necessary to return the area to a more natural buffer state consistent with the City's Critical Area Regulations which require that buffers be maintained in native vegetation to provide additional soil stability and erosion control (BMC 19.40.290).

- (2) *The face of cuts and fills shall be prepared and maintained to control against erosion and instability. Bluffs shall be protected from surface erosion.*

Staff Response: the proposed alterations in the 25 ft. buffer (the removal of existing structures and pavement, grading to a more natural state and enhancement of vegetative cover) are above the slope face and will not require the removal of existing vegetation on the slope. At the time of building permit review the Applicant will be required to submit a clearing and grading plan indicating how erosion will be controlled during construction.

- (3) *The proposal shall not increase the rate of surface water runoff, erosion or sedimentation, shall not increase geologic hazards for any property, and shall reduce ponding and infiltration of storm drainage.*

Staff Response: as noted in the submitted Geotechnical Report (Attachment 10), the proposed alterations in the 25 ft. buffer area (the removal of existing structures and pavement, grading to a more natural state and enhancement of vegetative cover) will decrease the current rate of surface water runoff from the western basin of the site due to the removal of existing impervious surfaces within the 25 ft. buffer area on site. Additionally, regrading to a more natural state and the enhancement of vegetative cover should not increase geologic hazards for the site or any surrounding properties.

- (4) *Development must be located and designed to minimize slope disturbance, minimize removal of vegetation, and retain open space.*

Staff Response: Development within the 25 ft. buffer will be required to adhere to the erosion protection recommendations found in the submitted geotechnical report (Attachment 10) and planned vegetation must be established as soon as possible.

- (5) *Shared access drives and utility corridors are required where feasible. Vehicular access shall be in the least sensitive area of the site.*

Staff Response: Access to the site is proposed on the eastern portion of the site outside the proposed 25 ft. buffer area and 15 ft. building setback.

- (6) *Foundations should be tiered where possible to conform to the existing topography of the site. Roads, walkways, driveways and parking areas should be designed to parallel the natural contours.*

Staff Response: Foundations are not proposed within the 25 ft. buffer area and 15 ft. building setback.

- (7) *All development shall be designed to minimize impervious surface coverage and where feasible should incorporate under-structure parking and multi-level structures.*

Staff Response: The Applicant has proposed to remove the existing structures and asphalt areas located in the 25 ft. buffer area and return the area to natural vegetation. No new parking areas or structures are proposed within the 25 ft. buffer.

- (8) *Construction techniques must minimize disruption of existing topography and existing vegetation. Any disturbed vegetation shall be restored as soon as feasible.*

Staff Response: The existing topography within the top of the slope buffer area is relatively flat. Proposed improvements above the slope are not expected to require significant grading, nor are native trees or brush expected to be removed as part of the improvements.

- (9) *The applicant shall submit a detailed site plan prepared by a licensed engineer showing all proposed clearing, grading, drainage and utilities. The Director may*

require that all proposed clearing, grading, drainage and utility locations be marked in the field by a licensed land surveyor, based on the engineer-prepared site plan.

Staff Response: A preliminary grading plan has been prepared by the Applicant's civil engineer, William N. Taylor, and a finalized grading plan will be reviewed at the time of building permit review for this project.

- b. Conclusions: Provided the recommendations found in the submitted Geological/Geotechnical Assessment (Attachment 10) are followed, the proposed steep slope buffer reduction from 50 ft. to 25 ft. with a 15 ft. building setback with disturbance within the 25 ft. buffer consisting of removing existing structures and pavement and enhanced vegetative cover, meets the City's requirements. In addition, the Applicant shall consider those recommendations outlined in the City's retained Geotechnical Engineer's Geotechnical Review dated April 10, 2009 (Attachment 11).

9. Frontage & Access Improvements:

- a. Facts: The City of Burien has adopted the 2008 Burien Road Standards. The Development Review Engineer reviewed the proposed project for conformance with these standards and issued a set of comments (see Attachment 4), including, but not limited to, the following comments related to access improvement requirements:
- (1) The proposed development shall improve the frontage up to the western access to the site from SW 136th Street in accordance with Burien Road Standards section 1.05. Frontage improvements west of the western access to the site from SW 136th Street are not required given the project will not impact this unimproved portion of SW 136th Street.
 - (2) Frontage improvements shall consist of pavement widening, curb, gutter, storm drainage system, and sidewalk. The improvements shall be designed in accordance with the 2008 Burien Road Standards 1.05A and B. The new sidewalk should match the existing sidewalk width. The existing pavement should be sawcut at minimum 1 ft. from edge in a straight line parallel to roadway centerline.
 - (3) The Applicant should relocate proposed landscaping and driveway bulb further north to align with existing sidewalk on SW 136th Street so that it will not be in the future travel road.
 - (4) The proposed driveway width should be minimum 25 feet and maximum 35 feet in accordance with 2008 Burien Road Standards, Section 3.01.E.
 - (5) The existing power pole may be required to be relocated because of conflict with frontage improvements.
 - (6) ADA ramps shall be required on-site and proposed second access along SW 136th Street.

- (7) BMC 12.11 and 12.18 requires a Right-of-Way use permit from the City of Burien for any work proposed in the SW 136th Street right-of-way or in Ambaum Boulevard SW.
- b. Conclusions: Access and frontage improvements for the project, including curb, gutter, and sidewalks shall be designed in accordance with the 2008 Burien Road Standards, subject to final review and approval by the City Public Works Department prior to building permit issuance. The Applicant shall relocate the proposed western driveway bulb and associated landscaping further north so that it aligns with the existing sidewalk on SW 136th Street and will not be located within the future travel way of SW 136th Street. Prior to any work within SW 136th Street or Ambaum Boulevard SW, the Applicant shall apply for a Right-of-Way use permit, as required by BMC 12.11 and 12.18.

10. Surface Water Management

- a. Facts: BMC 13.10.020 and 13.20.025 adopt the 2005 King County Surface Water Design Manual (KCSWDM) as the City of Burien's drainage control regulation. The Development Review Engineer reviewed the proposed project, including the submitted preliminary Technical Information Report prepared by Taylor Engineering Consultants (see Attachment 12), for conformance with the KCSWDM and issued a set of comments (see Attachment 4), including, but not limited to the following comments related to surface water requirements:
- (1) The full Technical Information Report shall be a comprehensive report containing all technical information including core requirements 1-7 and special core requirements 1-5 in accordance with the 2005 King County Surface Water Design Manual (KCSWDM), section 1.2 and 1.3 water quality treatment facility in accordance with 2005 KCSWDM, Core requirement #8, section 1.2.8 and 6.2.1.
 - (2) The proposed biofiltration swale system shall be revised in order to account for the 60% of the developed two-year peak flow rate, as determined using the KCRTS model with 15-minute time steps calibrated to site conditions, section 6.2.1 and 6.3.1, 2005 King County Surface Water Design Manual. The Technical Information Report needs to be revised to include water quality in accordance with 2005 King County Surface Water Design Manual (KCSWDM).
 - (3) On site road and drainage improvements must be inspected according to the required inspections as listed in the 2008 Burien Road Standards Chapter 9. A special inspection of the drainage facilities will be required by the engineer of record. Final as-built drawings will be required to submit to the City of Burien prior to release of the performance bond.
 - (4) Certified Erosion and Sediment Control Lead: The project proponent designates at least one person as the responsible representative in charge of erosion and sediment

control (ESC), and water quality protection. The designated person shall be the Certified Erosion and Sediment Control Lead (CESCL) who is responsible for ensuring compliance with all local, state, and federal erosion and sediment control and water quality requirements.

- (5) Proposed project discharge requirements on northwest area of building shall be in accordance with core requirement # 1, Section 1.2.1, 2005 King County Surface Water Design Manual.
 - (6) The Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit from the Washington State Department of Ecology prior to issuance of any development permits.
- b. Conclusions: Storm water improvements for the project shall be designed in accordance with the 2005 King County Surface Water Design Manual as adopted by the City, subject to final review and approval by the City Public Works Department prior to building permit issuance. A National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit from the Washington State Department of Ecology is required prior to issuance of any development permits.

11. Utilities

a. Facts:

- (1) Fire District # 2 approved hydrant spacing and access requirements with the condition that a marked fire lane will be required. Water flow (gallons per minute required) was not approved; however, it was noted that fireflow may be adequate with a reduced building size or compartmented building (see Attachment 13).
 - (2) Seattle Public Utilities issued a "Water Availability Inquiry" that states an existing 12 inch Water Main located in Ambaum Boulevard SW is available to serve the development (see Attachment 14).
 - (3) SW Suburban Sewer District approved the development for public sewer service based on a finding that the Sanitary Sewer System has the capacity to serve the proposed use (see Attachment 15).
- b. Conclusion: Sewer and Water Services will adequately serve the proposed development. Fire Services may adequately serve the proposed development provided the building is designed as a compartmented building or the size is reduced. Prior to building permit approval the Applicant shall ensure adequate fire flow and have the Fire Marshal sign off on any development plans.

E. COMPREHENSIVE PLAN

- a. Facts: The subject property is designated as "*Parks, Schools, Recreation and Open Space*" on the City's Comprehensive Plan map. Burien Comprehensive Plan Policy PO 1.1 indicates that the "*Parks, Schools, Recreation and Open Space*" designation encompasses quasi-public facilities that are not intended for unrestricted public use but provide limited public access to the community. Considering that the proposed Mental Health Center is a quasi-public facility and the proposed development will maintain the existing steep slope area as open space, the proposed development is consistent with the land use designation.
- b. Conclusion: The proposed development is consistent with the land use designation and therefore complies with the Comprehensive Plan.

APPEALS

BMC 19.65.060 allows the City's final decision to be appealed by filing a land use petition in King County Superior Court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C.

ATTACHMENTS

1. Vicinity map
2. Proposed plans
3. City of Burien Development Standards
4. Comment Memo from Ramesh Davad, City of Burien Development Review Engineer, dated April 8, 2009
5. Public comment letter (Nizar Sayani, Westmark Emerald Pointe, LLC)
6. SEPA checklist
7. Environmental Review Report
8. Determination of Nonsignificance
9. Traffic Impact Analysis, Navos Mental Health Clinic, Transportation Consulting Northwest, dated January 6, 2009 & clarification email from Mitch Yockey, dated April 13, 2009
10. Geological/Geotechnical Assessment, Gary A. Flowers, PLLC, Geological & Geotechnical Consulting, dated January 21, 2009
11. Geotechnical Review, Siew L Tan, Principal Geotechnical Engineer, PanGEO, Inc., dated April 10, 2009
12. Technical Information Report, Taylor Engineering Consultants, dated January 20, 2009
13. Certificate of Fire Hydrant Availability (King County Fire District #2, January 21, 2009)
14. Certificate of Water Availability (Seattle Public Utilities, January 20, 2009)
15. Certificate of Sewer Availability (Southwest Suburban Sewer District, January 21, 2009)

PARTIES OF RECORD

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Dated this 5th day of May, 2009.



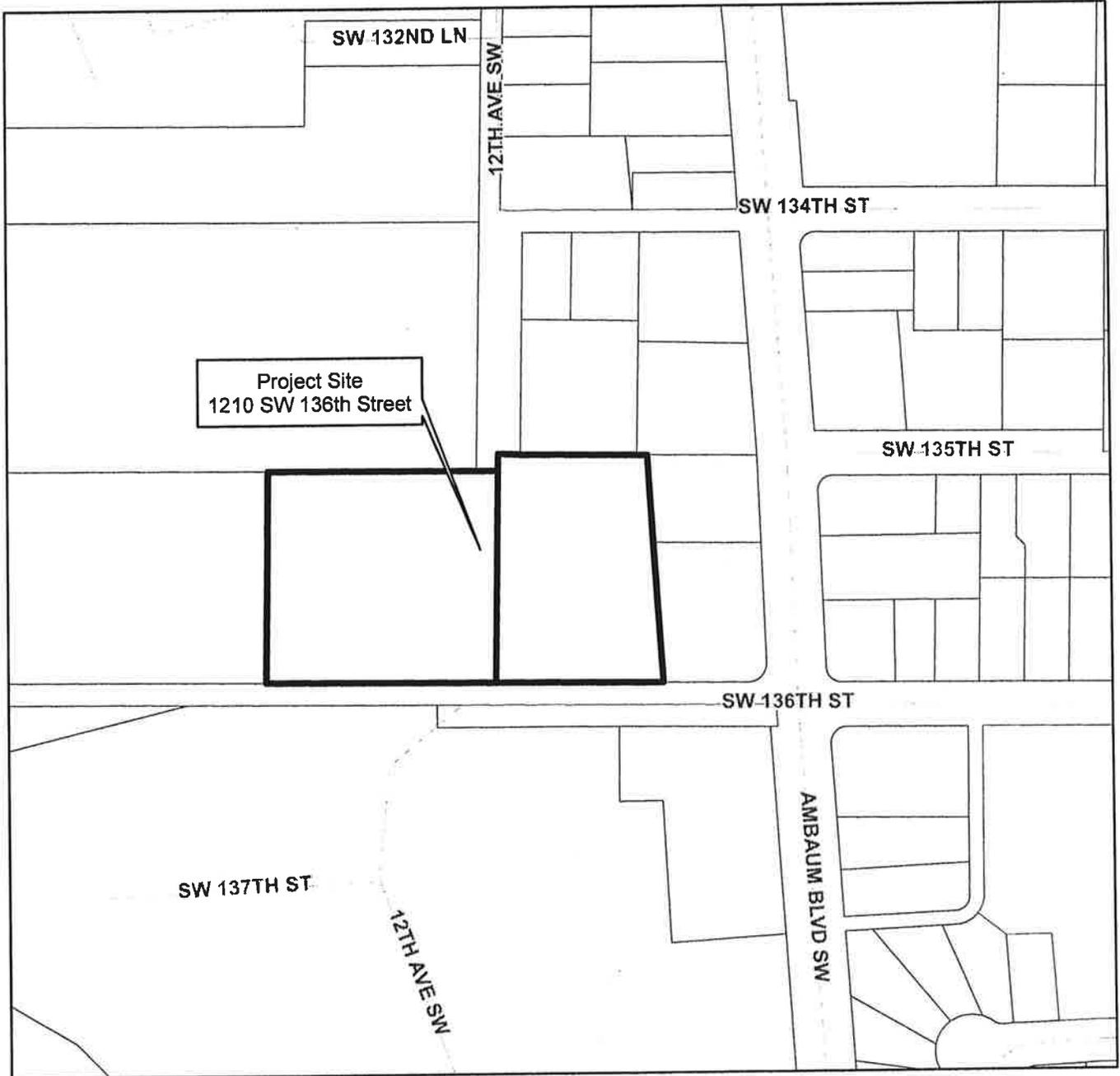
Scott Greenberg, AICP
Director of Community Development



Vicinity Map

File # PLA 09-0100

Navos Mental Health Clinic

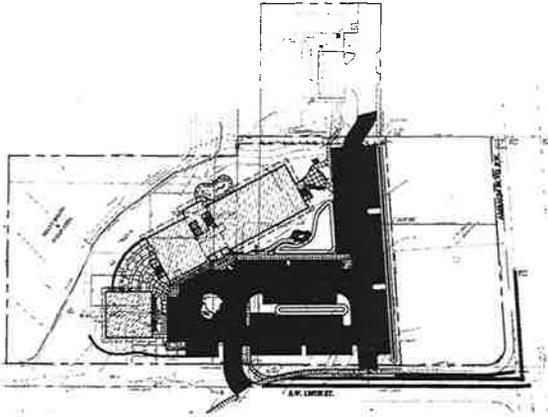


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NAVOS MENTAL HEALTH CLINIC

NW 1/4, SEC. 18, TWP. 23, RGE. 4, W.M.



PROJECT LAYOUT

SCALE: 1"=80'



PROJECT DATA:

LEGAL DESCRIPTION:
SEE SHEET C02 FOR LEGAL DESCRIPTION

VERTICAL CONTROL:

VERTICAL DATUM: ASSUMED



DRAINAGE IMPERVIOUS SURFACES:

NOTE: THESE AREAS ARE FOR DRAINAGE CONSIDERATIONS ONLY. THEY ARE NOT THE SAME AS "LOT COVERAGE" AREAS WHICH ARE PRESENTED ON THE ARCHITECTURAL COVER SHEET.

	WEST	EAST	TOTAL
EXISTING IMPERVIOUS SURFACE AREA =	22,888 S.F.	41,885 S.F.	64,773 S.F.
PROPOSED IMPERVIOUS SURFACE AREA =	18,000 S.F.	81,817 S.F.	99,817 S.F.
NET INCREASE IMPERVIOUS SURFACE AREA =	-4,888 S.F.	40,932 S.F.	36,044 S.F.

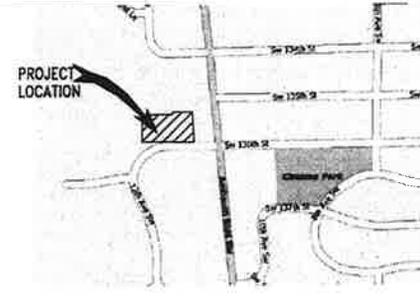
EARTHWORK QUANTITIES:

NOTE: THE EARTHWORK QUANTITIES LISTED HERE ARE APPROXIMATE QUANTITIES FOR ROUGH GRADING (ESTIMATED FOR PERMIT REVIEW ONLY), AS SUCH, THEY DO NOT INCLUDE QUANTITIES FOR STREET TRENCHING OR BUILDING FOUNDATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR INDEPENDENTLY DETERMINING ALL QUANTITIES FOR BIDDING AND CONSTRUCTION.

CUT	PENDING C.Y.
FILL	PENDING C.Y.

GENERAL NOTES:

- BEFORE ANY CONSTRUCTION OR DEVELOPMENT ACTIVITY, A PRECONSTRUCTION MEETING MUST BE HELD BETWEEN THE CITY OF BURDEN, THE APPLICANT, AND THE APPLICANT'S CONSTRUCTION REPRESENTATIVE.
- A COPY OF THESE APPROVED PLANS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.
- CONSTRUCTION NOISE SHALL BE LIMITED IN ACCORDANCE WITH KING COUNTY CODE SECTION 12.080. NORMALLY, THIS IS 7 A.M. TO 7 P.M. ON WEDNESDAYS AND 8 A.M. TO 5 P.M. ON WEEKENDS.
- IT SHALL BE THE APPLICANT'S/CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL CONSTRUCTION EASEMENTS NECESSARY BEFORE INITIATING OFFSITE WORK WITHIN THE ROAD RIGHT-OF-WAY.
- COORDINATED SYSTEM CONSTRUCTION SHALL BE WITHIN A RIGHT-OF-WAY OR APPROPRIATE DRAINAGE EASEMENT, BUT NOT UNDERNEATH THE ROADWAY SECTION. ALL DRAINAGE SYSTEMS MUST BE CONSTRUCTED IN ACCORDANCE WITH SECTION 813.02 OF THE APWA STANDARD SPECIFICATIONS AND DISTRICT 48 DEVELOPER EXTENSION MANUAL.
- ALL UTILITY TRENCHES SHALL BE BACKFILLED AND COMPACTED TO 95 PERCENT DENSITY.
- ALL ROADWAY SUBGRADE SHALL BE BACKFILLED AND COMPACTED TO 95 PERCENT DENSITY (MSDOT 2-04.3).
- OPEN CUTTING OF EXISTING ROADWAYS IS NOT ALLOWED UNLESS SPECIFICALLY APPROVED BY CITY OF BURDEN AND NOTED ON THESE APPROVED PLANS. ANY OPEN CUT SHALL BE RESTORED IN ACCORDANCE WITH KDCS 8.03(3).
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ADEQUATE SAFEGUARDS, SAFETY DEVICES, PROTECTIVE EQUIPMENT, FLAGGERS, AND ANY OTHER NEEDED ACTIONS TO PROTECT THE LIFE, HEALTH, AND SAFETY OF THE PUBLIC, AND TO PROTECT PROPERTY IN CONNECTION WITH THE PERFORMANCE OF WORK COVERED BY THE CONTRACTOR. ANY WORK WITHIN THE TRAVELLED RIGHT-OF-WAY THAT MAY INTERRUPT NORMAL TRAFFIC FLOW SHALL REQUIRE AT LEAST ONE FLAGGER FOR EACH LANE OF TRAFFIC AFFECTED. SECTION 1-10.23, "TRAFFIC CONTROL," OF THE MOST STANDARD SPECIFICATIONS SHALL APPLY IN ITS ENTIRETY.



VICINITY MAP

SCALE: 1"=400'



CIVIL SHEET LIST:

- C01 COVER SHEET AND GENERAL NOTES
- C02 EXISTING TOPOGRAPHIC SURVEY (BY OTHERS)
- C03 PRELIMINARY GRADING PLAN
- C04 PRELIMINARY DRAINAGE AND UTILITIES PLAN
- C05 SW 128TH STREET IMPROVEMENTS PLAN

LEGEND:

- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- DITCH OR SIBLE FLOW LINE
- AREA DRAIN
- CATCH BASIN TYPE 1
- CLEANOUT
- ROOF DRAIN
- FOOT DRAIN
- STORM DRAINAGE LINE (SD)
- FIRE HYDRANT
- THRUST BLOCK
- VALVE
- BEND FITTING
- WATER METER

ABBREVIATIONS:

AD	AREA DRAIN	LF	LINEAL FOOT
APWA	AMERICAN PUBLIC WORKS ASSOCIATION	LS	LANDSCAPE DESIGN
CB	CATCH BASIN	MAX	MAXIMUM
CO	CLEANOUT	MIN	MINIMUM
CDC	CITY OF BURDEN	MJ	MECHANICAL JOINT
CSBC	CRUSHED SURFACING BASE COURSE	N	NORTH
CSTC	CRUSHED SURFACING TOP COURSE	NTS	NOT TO SCALE
DEV	DEVELOPMENT	OC	ON-CORNER
DSP	DISPERSSION	PLS	PROFESSIONAL LAND SURVEYOR
E	EAST	RD	ROOF DRAIN
EC	EROSION AND SEDIMENT CONTROL	R/W	RIGHT-OF-WAY
EX	EXISTING	S	SOUTH
FD	FOOTING DRAIN	SD	STORM DRAIN
FDC	FIRE DEPARTMENT CONNECTION	STD	STANDARD
FF	FRESH FLOOR	STE	STEEL
FN	FIRE HYDRANT	TRF	TYPICAL
GV	GATE VALVE	W	WATER
HYD	HYDRANT	WSDOT	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
KC	KING COUNTY		
KDCS	KING COUNTY ROAD STANDARDS		
KDCSM	KING COUNTY SURFACE WATER DESIGN MANUAL		

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NAVOS MENTAL HEALTH CLINIC

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BURIEN, WA 98146



LAND USE / CRITICAL AREA REVIEW 1/22/09

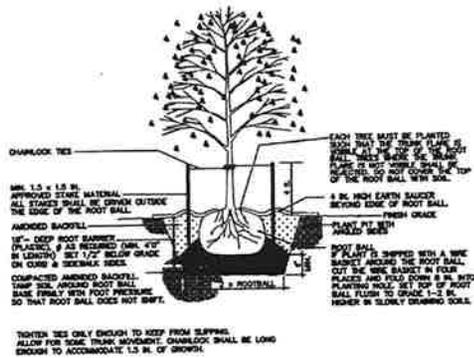
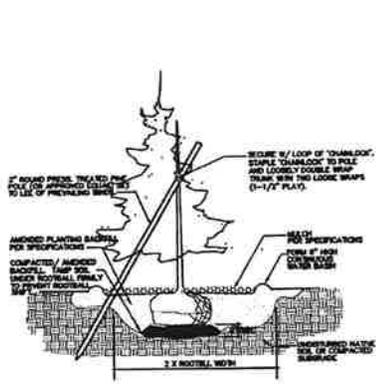
NO.	DATE	DESCRIPTION

COVER SHEET AND GENERAL NOTES

JOB NO.:	
CHECKED BY:	
PROJECT NO.:	488-DKA

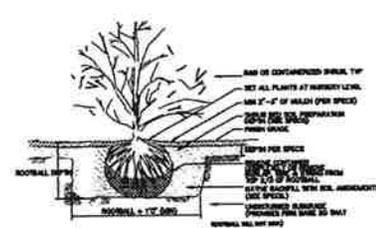
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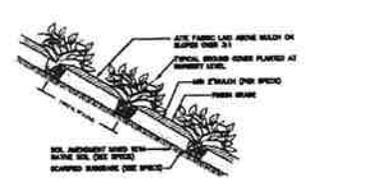


2 CONIFEROUS TREE PLANTING
NOT TO SCALE

1 DECIDUOUS TREE PLANTING
NOT TO SCALE



3 SHRUB PLANTING
NOT TO SCALE



4 GROUNDCOVER PLANTING
NOT TO SCALE

PLANTING NOTES

- Planting soil for shrubs/groundcovers shall be deemed as new topsoil/compost cultivated into existing prepared subgrade. Trees shall be pit planted with prepared planting holes being a minimum twice as wide as the rootball and at least nine inches (9") deeper.
- Soil Preparation: Planting Beds: Determine/allow shrub bed subgrade and muffle to a minimum depth of ten inches (10"). Clear/remove all rocks, roots, debris over two inches in diameter. Lay a two inch (2") depth of Compost over entire bed and till again to a minimum depth of ten inches (10") to incorporate Compost thoroughly into grade. Then lay a two inch lift of Compost and till again.
- Fertilize all installed plants during backfill operations with 4-2-2 Agro Transplanter as recommended by Manufacturer.
- Substitutions or changes in materials and placement shall be made only on the written change orders as agreed between Contractor, Landscape Architect and Owner.
- Mulch all beds with a minimum 2 inch (2") depth of approved "mulch". Finish grade of mulch shall be 1" below adjacent hard surfaces.
- Stake trees per details & as directed by Landscape Architect.
- The Landscape Architect retains the right to inspect trees, shrubs and groundcover for compliance with requirements for plant size and quality at any time. This includes but is not limited to size and condition of rootballs, root systems, insects, latent injuries and defects. Remove rejected material immediately from project site.
- Substitutions or changes in materials and placement shall be made only on the written change orders as agreed between Contractor, Landscape Architect and Owner.
- Maintenance: Provide landscape maintenance immediately after planting and pruning, reattaching of plants, restoring eroded areas, adjustments to staking and removal of weeds/debris as required for healthy growth of plants. Maintain until Final Acceptance, but in no case less than 30 days.
- Upon completion of the inspection, the Landscape Architect shall amend the Contractor's list of Items to be completed or corrected (Punch List) and indicate the time period for their completion or correction. This shall constitute Substantial Completion and Provisional Acceptance shall be granted at this time. The Landscape Architect will make an inspection for Final Acceptance of the Work upon request by the Contractor. If all of the Items of the Punch List have not been completed to the satisfaction of the Landscape Architect, additional inspections will be scheduled at the request of the Contractor. Final Acceptance shall not be granted until all of the Items of the Punch List have been completed to the satisfaction of the Landscape Architect. At this time the Landscape Architect shall certify in writing the Final Acceptance of the Work.
- Replacement of Plantings: Remove from site and replace with new planting, at Contractor's expense, any plant that is either dead or in unsatisfactory condition, as determined by Landscape Architect as soon as conditions permit within normal planting season. All replacement plantings are then to be under reinstated guarantee period, as specified. Identify these replacements and take whatever necessary steps to prevent similar demise of plant materials.

PLANT LEGEND

Qty	Symbol	Botanical/Common Name	Size/Remarks
TREES			
	○	Acer circinatum / VINE MAPLE	min. 2" cal.
	○	Acer rubrum 'Armstrong' / RED MAPLE	min. 2-1/2" cal., street tree form
	○	Pinus contorta / SHORE PINE	min. 8'0" hgt.
	○	Quercus palustris 'Sovereign' / PIN OAK	min. 3" cal., street tree form
	○	Cercis canadensis / EASTERN REDBUD	min. 1-1/2" cal.
	○	Magnolia g. 'St. Mary' / EVERGREEN MAGNOLIA	min. 2" cal.
	○	Magnolia virginiana / SWAMP MAGNOLIA	min. 2" cal. / single trunk
SHRUBS AND GROUNDCOVERS			
166	+	Carex buchanani / LEATHER LEAF SEDGE	one gal.
170	+	Carex sp. 'Moonbeam' / TICKSEED	one gal.
23	⊕	Cistus 'Doris Hibberson' / ROCKROSE	one gal.
18	⊕	Cornus a. 'Argenteomarginata' / TATARIAN DOGWOOD	min. 30" hgt./ spr.
322	⊕	Epimedium s. 'vera' 'Sulphureum' / BISHOPS CAP	one gal.
13	○	Garrya elliptica / SILK TASSEL BUSH	min. 36" hgt./ spr.
08 needed	○	Gaultheria shallon / SALAL	1 gal. @ 30" O.C.
08 needed	○	Hemerocallis 'Hyperion' / DAYLILY	one gal.
154	○	Ilex c. 'Comosa' / JAPAN HOLLY	min. 15" spr./compact
08 needed	○	Impatiens c. 'Red Baron' / JAPAN. BLOOD GRASS	1 gal. @ 24" O.C.
153	○	Iris ensata / JAPANESE IRIS	one gal.
3	⊕	Juniperus chinensis 'Torulosa' / HOLLYWOOD JUNIPER	min. 42" hgt.
98	⊕	Juniperus s. 'Moore-Dense' / JUNIPER	2 gal.
118	⊕	Mahonia aquifolium 'Compacta'	min. 21" hgt.
08 needed	⊕	Mahonia repens / CREEPING MAHONIA	one gal.
48	⊕	Myrica californica / PACIFIC WAX MYRTLE	min. 42" hgt.
31	⊕	Nandina d. 'Sienna Sunrise' / HEAVENLY BAMBOO	min. 24" hgt.
08 needed	⊕	Pennisetum a. 'Hornet' / DWARF FOUNTAIN GRASS	1 gal. @ 30" O.C.
33	○	Pinus m. 'Pumila' / MUGHO PINE	min. 21" spr., non-sheared.
56	⊕	Polystichum polyblepharum / TASSEL FERN	2 gal. cgsn./ min. 5 fronds @ 12"
152	⊕	Potentilla f. 'Kobold' / SHRUBBY CINQUEFOIL	min. 15" spr., compact
64	⊕	Ribes s. King Ed. W. / FLWG. CURRANT	min. 24" hgt.
36	⊕	Sarcococca humilis / NGN	min. 12" spr./compact
08 needed	⊕	Scirpus microcarpus / SMALL FRUITED BULRUSH	bare root/ 2 seedlings per hole @ 12" o.c.
204	⊕	Sedum 'Autumn Joy' / SEDUM	one gal.
53	⊕	Spiraea n. t. 'Snowmound' / SPIREA	min. 18" spr.
112	⊕	Symphoricarpos albus / SNOWBERRY	min. 18" spr.
137	○	Vaccinium ovatum / EVERGREEN HUCKLEBERRY	min. 18" hgt.

* Plant sizes are specified per the American Standard for Nursery Stock, Publication-May 2, 1966 sponsored by the American Association of Nurserymen, Inc.
* If quantity of plant material shown on schedule does not match the quantity represented by symbol on plan, the quantity shown as symbol shall be used.

12. Warranty: This Warranty shall include replacing and planting same size and species of plant material shown on Drawings that is designated to be replaced by the Landscape Architect. Except for loss due to excessively severe climatological conditions (20 year weather charts), installed plant materials are required to be guaranteed until the end of one growing season against defects and unsatisfactory growth, except for cases of neglect/abuse by Owners/others. All plants replaced shall be reinstated under plant guaranty conditions.

GENERAL NOTES:

- Coordinate work with other trades as required. Determine location of underground utilities and perform work in a manner which will avoid possible damage. Coordinate with UTILITIES UNDERGROUND LOCATION CENTER and Owner for locations of existing underground utilities, etc. servicing or routed through the site.
- Provide protection of all property, persons, work in progress, structures, utilities, walls, walks, curbs and paved surfaces from damages incurred arising from this work. The Contractor shall pay for any such damage at no additional cost to the Owner.
- During construction, keep pavements, building clean. Protect site and adjacent properties from damage due to construction operations, operations by other Contractors/Trades and trespassers. Unfinished and completed work shall be protected from damage by erosion or trespassing, and proper safeguards shall be erected to protect the Public.
- Staking and Layout: Immediately notify Landscape Architect in writing of any variance between plans and actual site. Landscape Architect has the right to adjust the location of elements. Verify layout with Landscape Architect prior to any installation work.
- Verify installation conditions as satisfactory to receive work. Do not install any site elements until any unsatisfactory conditions are corrected. Beginning of work constitutes acceptance of conditions as satisfactory. When conditions detrimental to plant growth/constructed elements are encountered such as rubble fill, adverse conditions, or obstructions, notify Landscape Architect.
- NOTE: IRRIGATION OF PLANTINGS WILL BE HAND WATERING FOR INITIAL PLANT ESTABLISHMENT.

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LANDSCAPE NOTES & DETAILS

LAND USE PERMIT
1.22.09

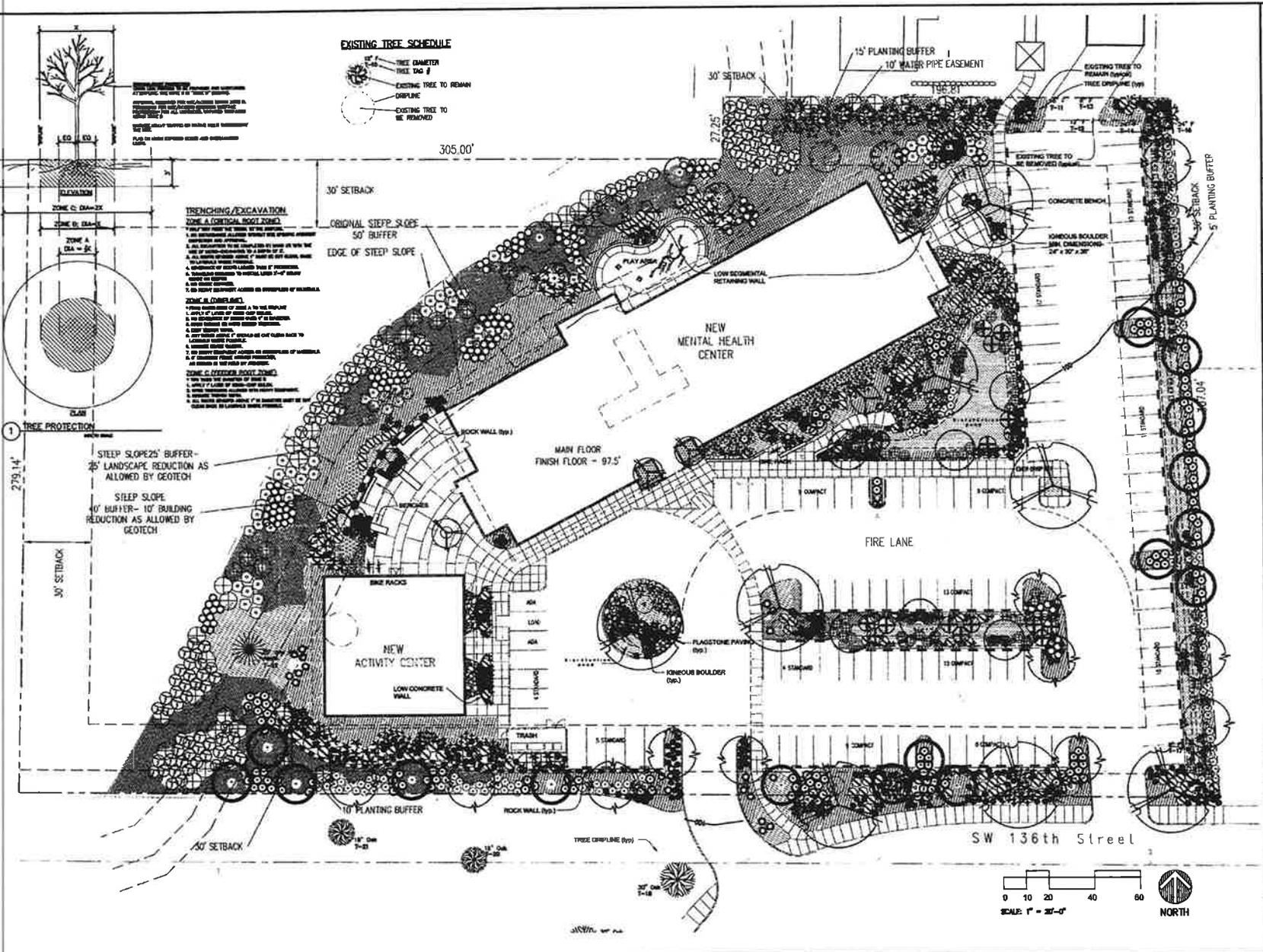
REVISIONS

NO.	DATE	DESCRIPTION

S H E E T

L 1.1

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 FAX: 206.835.1112

LANDSCAPE PLANTING

LAND USE PERMIT
 1.22.09

L 1.0
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PROJECT INFORMATION

PROPERTY LOCATION
 1210 SW 136TH ST
 BURien, WA 98148
 ZONING: R5-12000 (SINGLE-FAMILY RESIDENTIAL ZONE)

ASSESSMENT MAPS / ZONING DESCRIPTION
 TENSICONTIN 015500012

LOT 20, HUSBANDS V. AGRIC. TRACT, PORTION NESTERLY OF AMBAUM AND LESS EASTERLY 150 FT. AND PORTION VACANT STREET ADJACENT, CITY OF BURien KING COUNTY, WA.

SCOPE OF WORK
 CONSTRUCTION OF A NEW 3-STORY MENTAL HEALTH COMMUNITY FACILITY WITH ADJACENT 1-STORY ACTIVITY CENTER INCLUDING SURFACE PARKING FOR 124

BUILDING AREA (S.F.)

GENERAL HEALTH FACILITY	15,300 SF
1ST FLOOR	15,300 SF
2ND FLOOR	15,300 SF
3RD FLOOR	15,300 SF
50% OFF	15,300 SF
ACTIVITY CENTER	1,500 SF
1ST FLOOR	1,500 SF
TOTAL	44,100 SF

LOCAL GOVERNMENT INFORMATION
 BK 11 MUNICIPAL CODE 2006
 LAND REVIEW PROCESS- TYPE 3
 LANDSCAPE CATEGORY- L

INTERVIEWS/STORAGE COVERAGE
 MAXIMUM INTERVIEWS ALLOWED IN R5-12000 = 45%
 TOTAL SITE AREA 156,318 SF (3.58 acres)
 INTERVIEW AREA 69,810 SF
 PERCENT INTERVIEW AREA 44.66%

BUILDING COVERAGE
 MAXIMUM BUILDING COVERAGE ALLOWED IN R5-12000 = 35%
 TOTAL SITE AREA 156,318 SF (3.58 acres)
 TOTAL BUILDING FOOTPRINT 32,600 SF
 PERCENT OF COVERAGE AREA 20.85%

SETBACK PROJECTIONS ALLOWED
 PER SECTION 19.17.230
 4. EAVES MAY NOT PROJECT MORE THAN
 B TWENTY-FOUR INCHES INTO A FRONT SETBACK

PARKING AND CIRCULATION
 REQUIRED 124 (PER TRAFFIC STUDY)
 PER BMC (19.20.100 SECTION 6), UP TO 50% OF THE TOTAL NUMBER OF REQUIRED PARKING SPACES MAY BE SIZED TO ACCOMMODATE COMPACT CARS.

PROVIDED STANDARD SPACES*

STANDARD SPACES*	81
COMPACT**	60
ADA	2
LOAD	1
TOTAL	124

* (TYPICAL 8'5" X 18')
 REDUCTION IN LENGTH ALLOWED PER BMC (19.20.100 ITEM 4)
 ** (TYPICAL 7'5" X 15')

REDUCTION IN LENGTH ALLOWED PER BMC (19.25.070 ITEM II)
 BICYCLE PARKING REQUIRED = 1 SLOT PER 13 PARKING
 = 124 / 13 = 10.33 = 11 SLOTS

PROPOSED = 5 RACKS TO ACCOMMODATE A MIN. OF 11 BICYCLES

LANDSCAPING AND TREE RETENTION

- LANDSCAPE CATEGORY C
- 10' - PROPERTY LINE ADJUTING A PUBLIC ROW (SM 126)
 TYPE III LANDSCAPING- "SEE THROUGH SCREEN"
 - 5' - ALONG BUILDING FACADES GREATER THAN 50 FT
 TYPE IV LANDSCAPING- "VISUAL RELIEF"
 - 5' - PERIMETER OF PARKING AREA
 TYPE IV LANDSCAPING- "VISUAL RELIEF"

18 EXISTING TREES
 5 TO BE REMOVED
 SEE SHEET LI 0 FOR TREE LOCATIONS

BUILDING HEIGHT
 MAXIMUM ALLOWED = 35'
 PROPOSED = 39' (SEE SHEET A100)

SECTION 19.17.120 BUILDING HEIGHT MEASUREMENT METHODS:

1. BUILDING HEIGHT SHALL BE MEASURED FROM THE AVERAGE NATURAL GRADE TO THE HIGHEST POINT OF THE STRUCTURE

1B. THE AVERAGE NATURAL GRADE IS MEASURED BY DELINEATING THE SMALLEST SQUARE OR RECTANGLE WHICH CAN ENCLOSE THE BUILDING FOOTPRINT AND THEN AVERAGING THE ELEVATIONS TAKEN AT THE MIDPOINT OF EACH SIDE OF THE SQUARE OR RECTANGLE

SECTION 19.17.130 HEIGHT - EXCEPTIONS TO LIMITS

THE FOLLOWING STRUCTURES MAY BE ERECTED ABOVE THE HEIGHT LIMITS OF BMC 19.15

1. ROOF STRUCTURES HOUSING OR SCREENING ELEVATORS, STAIRWAYS, TANKS, VENTILATING FANS OR SIMILAR EQUIPMENT REQUIRED FOR BUILDING OPERATION AND MAINTENANCE

2. FIRE OR PARAPET WALLS

CRITICAL AREAS

50 FOOT BUFFER- SEE SITE PLAN AND ASSOCIATED GEOTECHNICAL REPORT FOR ALLOWABLE BUFFER REDUCTION

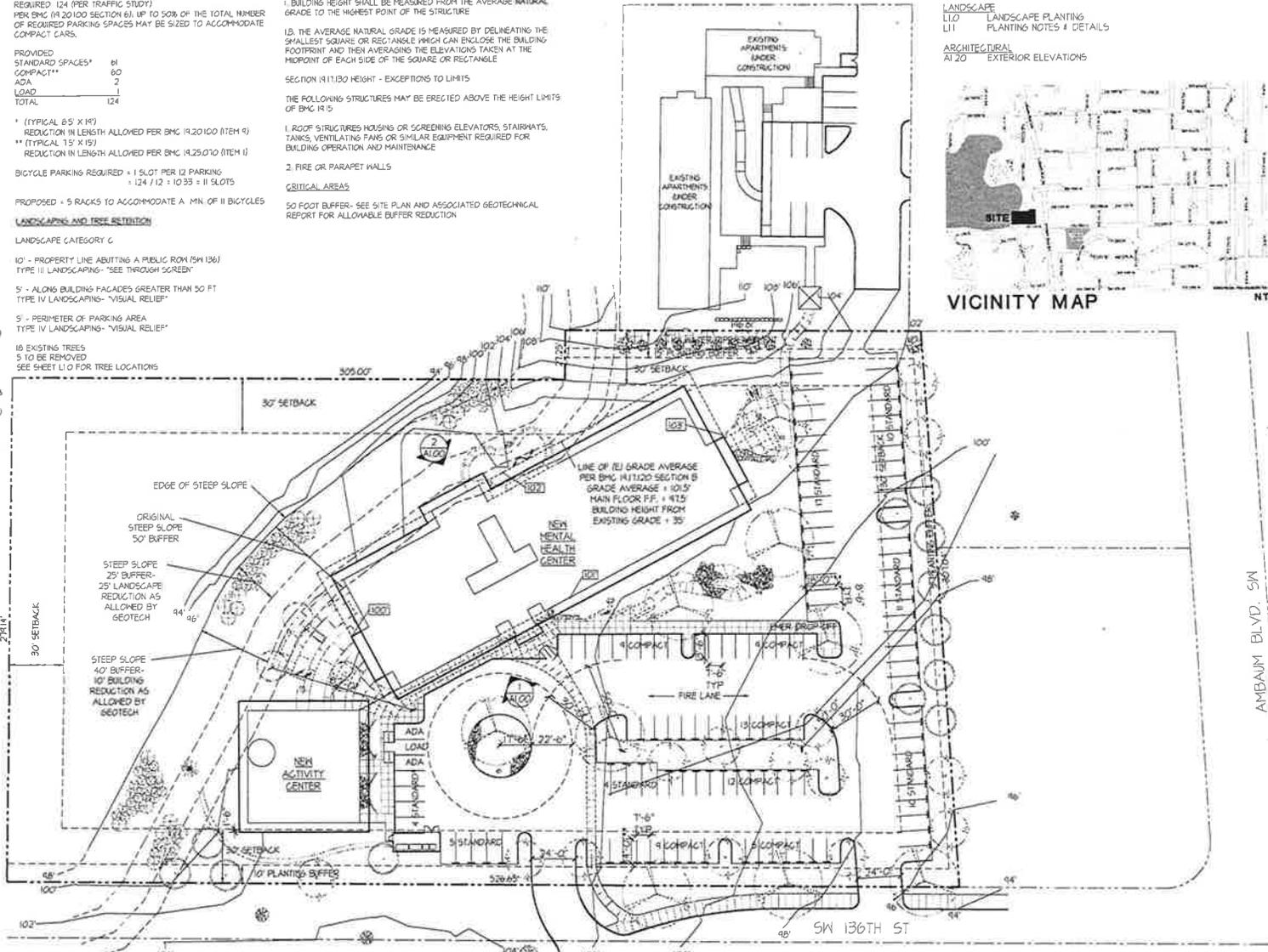
SHEET INDEX

A0.00 PROJECT INFORMATION, SITE PLAN, SITE INFORMATION

CIVIL
 C01 COVER SHEET AND GENERAL NOTES
 C02 EXISTING TOPOGRAPHIC SURVEY (BY OTHERS)
 C11 GRADING PLAN
 C12 DRAINAGE AND UTILITIES PLAN
 C21 SW 136TH IMPROVEMENTS

LANDSCAPE
 L10 LANDSCAPE PLANTING
 L11 PLANTING NOTES & DETAILS

ARCHITECTURAL
 A10 EXTERIOR ELEVATIONS



SITE PLAN SCALE: 1"=30'-0"

LAND USE PERMIT

01/22/2009

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT INFO
 SITE PLAN
 SITE INFO

DRAWN BY:
 CHECKED BY:
 PROJECT NO. 2009-017
 S H E E T

A0.00

HEAVY BRUSH & STEEP AREA

TRACT 18

TRACT 20
V. HUGO SMITH'S
FIVE ACRE TRACTS

PROPERTY DESCRIPTION
THAT PORTION OF TRACT 20, V. HUGO SMITH'S 5 ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 22, UNDER HISTORY OF AMALUUM ROAD,
EXCEPT EASTERLY 150 FEET IN WIDTH THEREOF.
THE EAST 275 FEET OF TRACT 18, V. HUGO SMITH'S 5 ACRE TRACTS, AS RECORDED IN VOLUME 5 OF PLATS, PAGE 22, RECORDS OF PLATS OF KING COUNTY, WASHINGTON.

WASHINGTON TITLE CO. REPORT NO. 475478, 88904
COVERS THE PORTION OF SAID PROPERTY WITHIN TRACT 20, ONLY.
ALL EASEMENTS OF RECORD THAT AFFECTS SAID SUBDIVIDED PROPERTY, THAT ARE NOT SHOWN, ARE UNKNOWN TO CONTINENTAL SURVEYING CO.

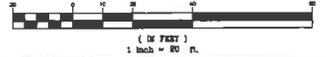
LEGEND:
X DENOTES FOUND EXISTING TACK IN LEAD
O DENOTES FOUND EXISTING REBAR
D DENOTES FM TREE

ELEVATIONS
REFER TO ASSUMED DATUM:
ELEV. = 100.00 FEET
CONTOUR INTERVAL = 2 FEET

REFERENCES:
R.O.S. #810309008 IN VOL. 26, PG. 330
IN KING COUNTY, WASHINGTON.
R.O.S. #800629017 IN VOL. 24, PG. 80
IN KING COUNTY, WASHINGTON.
CITY OF BUREN SHORT PLAT #898-03 RECORDED
UNDER KING COUNTY REC. #19800290001 IN
VOL. 132, PG. 181.
R.O.S. #810309003 IN VOL. 76, PG. 288
IN KING COUNTY, WASHINGTON.
PLAT OF V. HUGO SMITH'S FIVE ACRE TRACTS
IN VOL. 5, PG. 22 IN KING COUNTY,
WASHINGTON.



GRAPHIC SCALE



NOTE:
THE UTILITY LINES SHOWN ON THIS SURVEY ARE BASED ON ASHLIN, LOCATION OF MANHOLES, VALVES, VALVES, ETC. AND BY UTILITY RECORDS OF THE CITY OF SEATTLE.

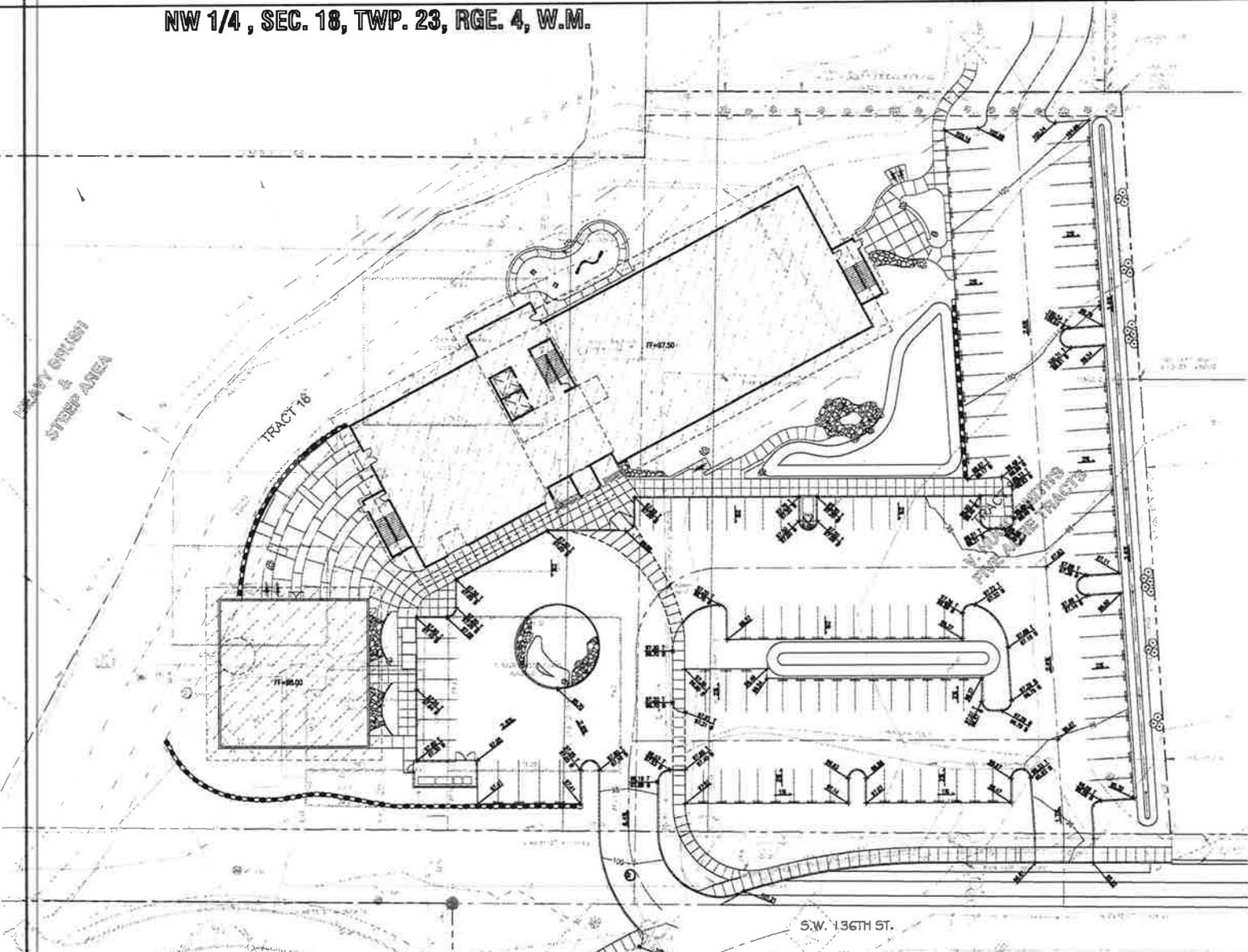
NOTE: WE HAVE SURVEYED THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION FURNISHED BY CLIENT. WE HAVE NOT EXAMINED THE TITLE TO THE PROPERTY SURVEYED OR ITS ACCURACY.

THIS MAP REPRESENTS AN ELECTRONIC DATA FILE DEVELOPED BY CONTINENTAL SURVEYING CO. CONTINENTAL HOLDS A HARD COPY REPRESENTATION OF THIS FILE AND THAT HARD COPY IS THE ORIGINAL. ANY CHANGE TO THE DATA CONTAINED IN THIS FILE IS CONSIDERED UNAUTHORIZED, UNLESS REVIEWED BY THE UNDERSIGNED SURVEYOR. THIS FILE OR ADAPTATION OF THIS FILE IS AT THE USER'S RISK, UNLESS COVERED BY THE UNDERGROUND SURVEYOR FOR SUITABILITY.

CO.2

CONTINENTAL SURVEYING CO. 10007 GREENWOOD AVE N. P.O. BOX 33725 SEATTLE, WA 98133 (206) 783-7177 FAX (206) 789-5568 EMAIL: londsurveyors@comcast.net		PREPARED FOR HIGHLINE WEST SEATTLE MENTAL HEALTH	
DATE: 8-30-06	REVISED: 06-02-06	JOB NO.: 06148	
SCALE: 1" = 20'			SHEET 3 OF 8

NW 1/4, SEC. 18, TWP. 23, RGE. 4, W.M.



PRELIMINARY GRADING PLAN
SCALE: 1"=20'



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**LAND USE/CRITICAL AREAS
REVIEW
1/22/09**

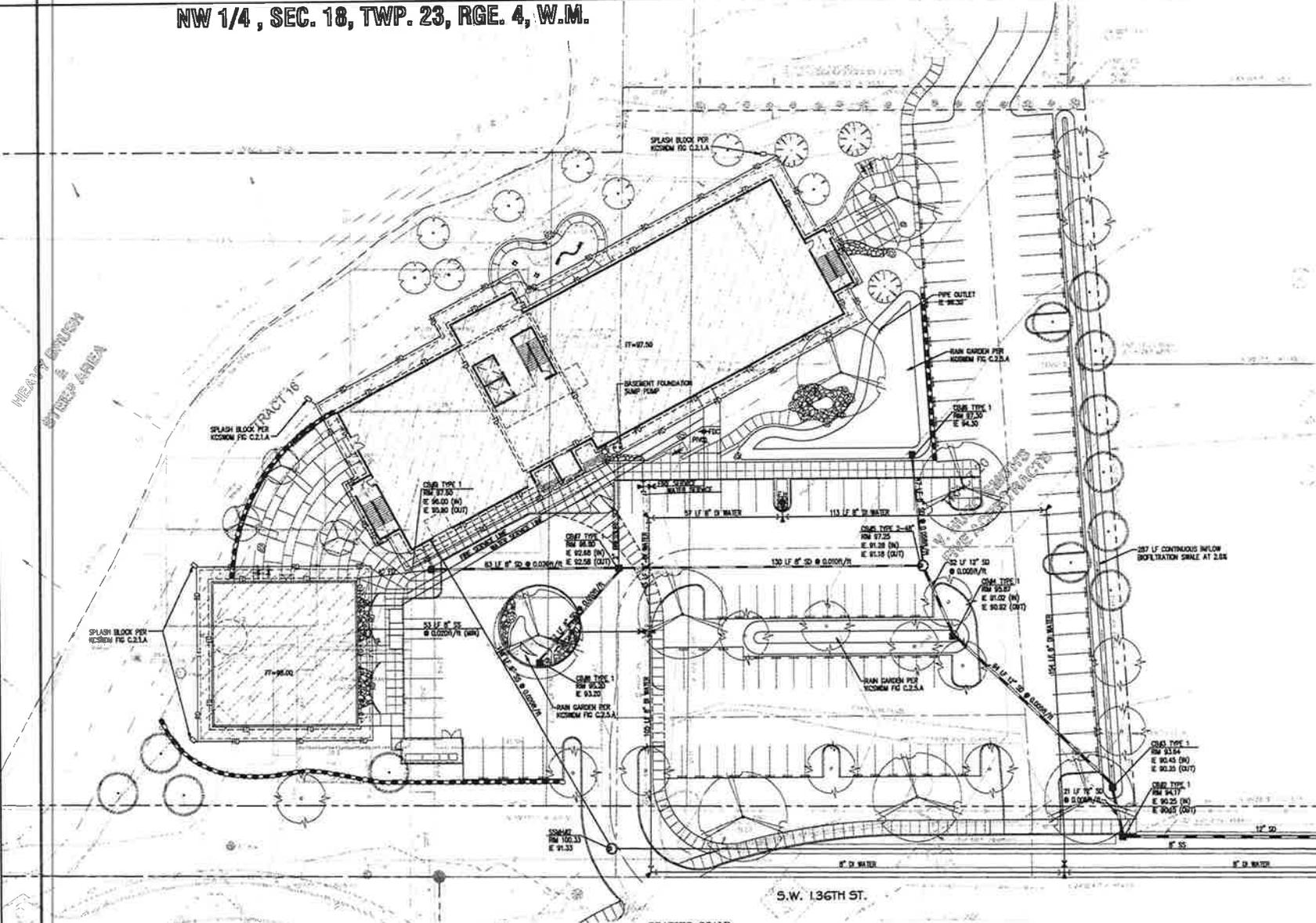
REVISIONS		
NO.	DATE	DESCRIPTION

**PRELIMINARY
GRADING PLAN**

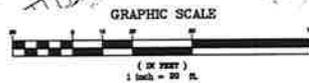
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CHECKED BY:
PROJECT NO.: 499-06A
S H E E T

C1.1

NW 1/4, SEC. 18, TWP. 23, RGE. 4, W.M.



UTILITIES PLAN
SCALE: 1"=20'



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LAND USE/CRITICAL AREAS
REVIEW
1/22/09

REVISIONS

NO.	DATE	DESCRIPTION

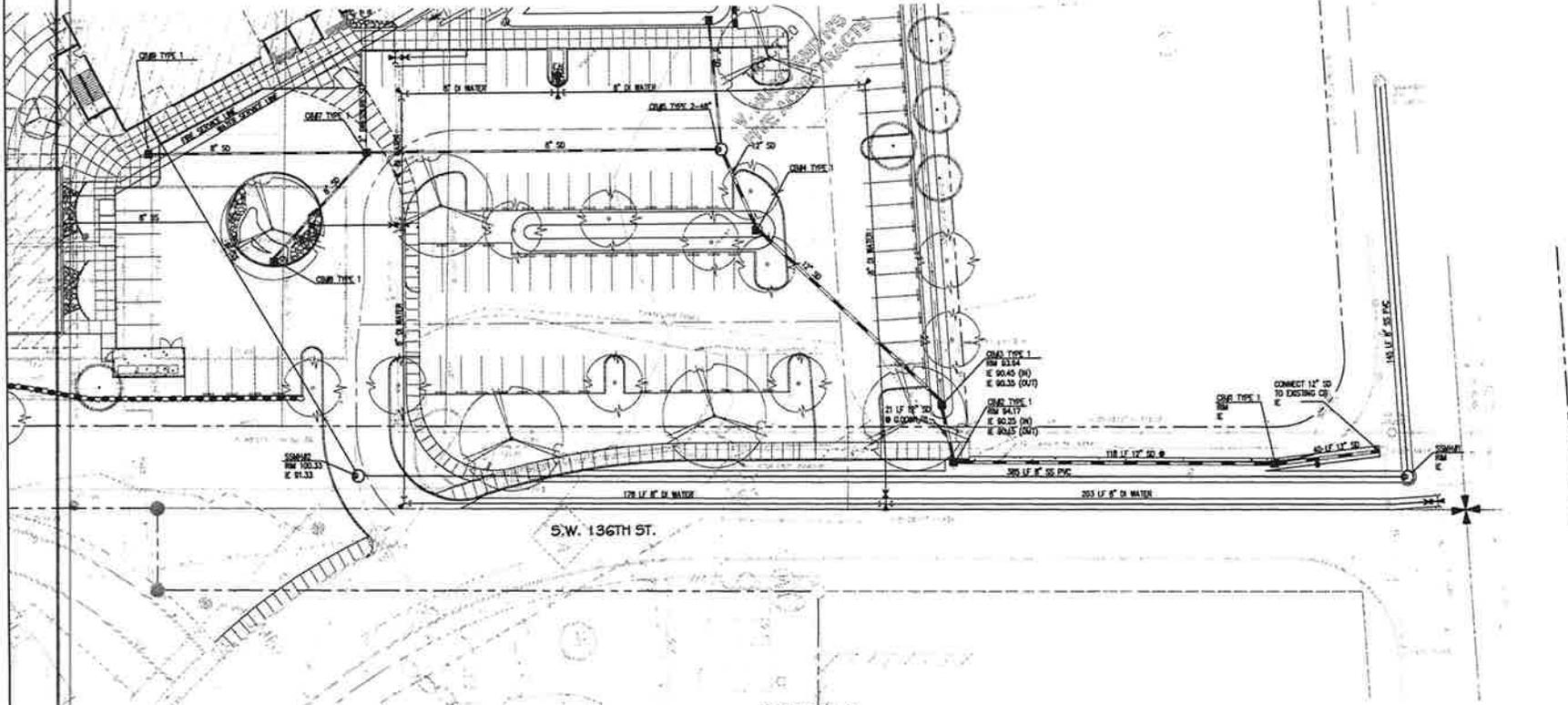
PRELIMINARY DRAINAGE
AND UTILITIES PLAN

DRAWN BY:
CHECKED BY:
PROJECT NO.: 489-DKA

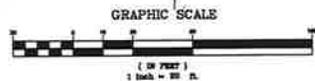
S H E E T

C1.2

NW 1/4, SEC. 18, TWP. 23, RGE. 4, W.M.



SW 136TH ST PLAN
SCALE: 1"=20'



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BUREN, WA 98146



**LAND USE/CRITICAL AREAS
REVIEW
1/22/09**

REVISIONS

NO.	DATE	DESCRIPTION

**SW 136TH STREET
IMPROVEMENTS**

DRAWN BY: _____
CHECKED BY: _____
PROJECT NO.: 489-DIA

S H E E T

C2.1

DEVELOPMENT REQUIREMENTS

Navos Mental Health Clinic

File No. PLA 09-0100

Regulatory Requirements

It will be necessary to further analyze certain aspects of the proposal to determine if the project complies with all applicable City and State codes and policies. That analysis is most appropriately addressed during building permit review. At a minimum, the following Burien Municipal Code Chapters and State laws will be analyzed during building permit review.

RCW 70.94 Addressing dust mitigation during construction

BMC 12.05 Addressing road standards and referencing the Burien Road Design and Construction Standards.

BMC 12.17 and 12.18 A right-of-way permit will be required for work in the right of way.

BMC 12.40 Undergrounding of Utilities Addressing requirement that all utility lines on a site must be undergrounded. All existing overhead utility lines in the right-of-way adjacent to the site must be undergrounded unless the Public Works Director determines that this is infeasible. If this is infeasible, the property owner must sign a concomitant agreement for future undergrounding.

BMC 13.10.020 and 13.10.025 Addressing surface water design standards and referencing the 2005 King County Surface Water Design Manual.

BMC 15 Addressing building and construction

Zoning Code

BMC 18.35.240 Addressing recycling storage and collection

BMC 18.35.250(1) Fences

Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located.

BMC 18.70.030 Adequate sewage disposal

All new development shall be served by an adequate public or private sewer disposal system.

BMC 18.70.040 Adequate water supply

All new development shall be served by an adequate public or private water supply system.

BMC 18.70.050 Surface water management

All new development shall be served by an adequate surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the 2005 King County Surface Water Design Manual and KCC Title 9.

BMC 18.70.120 Adequate vehicular access

All new development shall be served by adequate vehicular access including direct access to a public or private street that meets city road standards or an alternative acceptable to the city engineer. Access locations shall intersect with existing and anticipated streets at safe and convenient locations as determined by the City.

BMC 19.15.005 Addressing allowable setbacks, height limits, building coverage and impervious surface coverage.

BMC 19.17.240 Sight distance requirements.

A sight distance triangle area, as determined by the code, shall contain no fence, berm, vegetation, on-site parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade. The sight distance provisions shall apply to all intersections and site access points.

BMC 19.20 Parking and Circulation

BMC 19.20.040.6 Off-street parking and access for physically handicapped persons shall be provided in accordance with the Uniform Building Code, Vol. 1, Chapter 11 Accessibility, also known as the Washington State Regulations for Barrier Free Facilities.

BMC 19.20.090.3 Pedestrian walkways shall comply with City of Burien development standards and meet the following minimum design standards:

- Access and walkways shall be a minimum of 5-feet of unobstructed width and meet City standards for surfacing of walkways.

BMC 19.20.110 Off-street parking construction standards**BMC 19.25.080 Landscaping-general requirements**

General requirements pertaining to specie size, specie type, fence location, cast in place concrete curbs required, soil augmentation and mulch coverage.

BMC 19.25.110 Landscaping-installation

Landscaping shall be installed prior to issuance of a final occupancy permit.

BMC 19.25.120 Significant trees – Retention required

Five percent of all significant trees located on the site shall be retained under Landscape category C, excluding critical areas or their buffer.

19.35 Transportation Impact Fees

19.35.060 Imposition of transportation impact fees

Any person who receives a building permit or other construction permit for any development activity or who undertakes any development activity within the city's corporate limits for which a building permit, or other construction permit if a building permit is not required, shall pay the transportation impact fees as set forth in this chapter to the city. The impact fees shall be paid at the time of issuance of the permit.

BMC 19.40 Critical Areas

19.40.190 Vegetation Management Plan. Prior to issuance of any development permits, the applicant shall submit a vegetation management plan for City review and approval. The vegetation management plan shall incorporate all City requirements relating to protection, maintenance and planting of vegetation and shall identify the proposed clearing limits for the project and any areas where vegetation in a *critical area* or its *buffer* is proposed to be disturbed. The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required. Vegetation within critical areas and their buffers may be trimmed, pruned or removed only upon prior written approval by the Director. Where alteration of the critical area or buffer has occurred during construction, revegetation with native vegetation will be required unless the Director approves a substitute vegetation with the same or better functions than the original buffer area.

19.40.200 Critical Area Markers and Signs. The outer edge of any required critical area buffer, tract or protective easement shall be clearly staked using permanent survey markers installed by a licensed surveyor.

19.40.210 Notice on Title. Prior to issuance of any development permits, the property owner shall submit to the City, a signed notice approved by the *Director* for recording with the King County. The notice shall inform the public of the presence of *critical areas* or *buffers* on the *site*, of the application of this chapter to the property, of the requirement for engineered structure design (if applicable), and that limitations on actions in or affecting such *critical areas* or *buffers* may exist. The notice shall run with the land.

19.40.220 Permanent protection of critical areas and buffers. Critical areas and their buffers shall be permanently protected from alteration by tracts or easements.

19.40.290.3.C Erosion Control. Prior to issuance of any development permits or site alterations, the applicant shall submit an *erosion* control plan to the *Director* for review and approval.

19.40.290.3.E Landscaping. The disturbed area of a site shall be landscaped to provide erosion control and to enhance wildlife habitat. Landscape plantings should include trees and shrubs with a mix of shade, flowering, and coniferous and broad-leaf evergreens that are either native to the Puget Sound area or are valuable to western Washington birds and wildlife as listed by the Department of Fish and Wildlife.

19.40.290.3.F Vegetation Maintenance. Limited trimming and pruning of vegetation for the creation and maintenance of views is allowed in accordance with the pruning

standards of the International Society of Arboriculture; provided, that the soils are not disturbed and the activity will not increase the risk of landslide or erosion.

19.40.290 (4) H & I. Geotechnical review of building plans and construction. The applicant's geotechnical engineer or geologist shall review the project plans and specifications prior to issuance of any permits and monitor project construction and provide written confirmation that the project has been constructed in accordance with their recommendations and design criteria. Changes to the recommended designs for excavation and construction which are based on new information shall be reviewed and approved by the City prior to proceeding with the development activity.

City of Burien

MEMORANDUM

Date: April 8, 2009
To: Stephanie Jewett, City of Burien Planner
From: Ramesh Davad, Development Review Engineer
Re: PROJECT REVIEW FOR FILE # PLA 09-0100
Public Works Recommended Conditions of Land Use Approval

I have completed a review of the above mentioned land use application. This included review of the following documents:

- Technical Information Report prepared by Taylor Engineering Consultants, dated 01/20/2009, sealed by Lorna A. Taylor, P.E.
- Preliminary Site Plans prepared by Taylor Engineering Consultants, 01/21/2009, sealed by William N. Taylor, P.E.
- Traffic Impact Analysis, Navos Mental Health Clinic, Transportation Consulting Northwest, Timothy Miller, P.E., dated 1/6/09

It is noted that we did not review construction plans for water, sanitary sewer, or utilities (gas, phone, power, cable), which are reviewed and permitted by local purveyors. Based on review of the documents and close coordination with City staff, approval of the proposed land use application is recommended subject to the following Public Works conditions.

General

1. The applicant shall obtain an NPDES Permit for construction activities from Ecology prior to issuance of construction permits.
2. The applicant shall submit an illumination plan for on-site, for review prior to issuance of construction permits.
3. The applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.
4. The applicant shall obtain a Right-of-Way use permit from the City of Burien regarding frontage improvements along Amb Blvd SW and SW 136th Street.

Streets

1. The applicant shall design and construct all street improvements within the City of Burien, in accordance with the 2008 Burien Road Standards (Standards), as adopted by the City of Burien.
2. The proposed development abutting and using existing road shall improve the frontage only upto west turning point on SW 136th Street in accordance with Burien Road Standards section 1.05. The City will require frontage improvement upto West turning point on SW 136th Street because further west there is not direct access and impact on unimproved SW 136th Street from the proposed project.
3. Frontage improvements shall consist of pavement widening, curb, gutter, storm drainage system, and sidewalk will be required along frontage of project upto west turning point on SW 136th Street. The street improvements shall be designed in accordance with the 2008 Burien Road Standards (BRS) 1.05 A and B as adopted by the City of Burien. The new sidewalk should be match existing width of sidewalk. The existing pavement should be sawcut at minimum 1' from edge in a straight line parallel to roadway centerline.
4. The applicant should relocate proposed landscaping and driveway bulb further north alignment with existing sidewalk on SW 136th Street so that it will not be in future travel road.
5. The proposed driveway width should be minimum 25 feet and maximum 35 feet in accordance with 2008 Burien Road Standards, Section 3.01.E.
6. The existing power pole may be required to relocate because of conflict with frontage improvements.
7. ADA ramps shall be required on-site and proposed second access along SW 136th Street.

Storm Drainage

1. Storm water improvements for the project shall be in accordance with the 2005 King County Surface Water Design Manual (KCSWDM) as adopted by the City of Burien (ref. BMC § 13.10.020 and 13.10.025).
2. The full Technical Information Report shall be comprehensive report containing all technical information including core requirements 1-7 and special core requirements 1-5 in accordance with 2005 King County Surface Water Design Manual (KCSWDM), Section 1.2 and 1.3. Provide water quality treatment facility in accordance with 2005 KCSWDM, Core requirement # 8, Section 1.2.8 and 6.2.1.

3. The proposed biofiltration swale system shall be revised in order to account for the 60% of the developed two-year peak flow rate, as determined using the KCRS model with 15-minute time steps calibrated to site conditions, section 6.2.1 and 6.3.1, 2005 King County Surface Water Design Manual. The Technical Information Report needs to be revised including water quality in accordance with 2005 King County Surface Water Design Manual (KCSWDM).
4. On site road and drainage improvements must be inspected according to the required inspections as listed in the 2008 Burien Road Standards Chapter 9. A special inspection of the drainage facilities will be required by the engineer of record. Final as-built drawings will be required to submit to the City of Burien prior to release of the performance bond.
5. Certified Erosion and Sediment Control Lead: The project proponent designates at least one person as the responsible representative in charge of erosion and sediment control (ESC), and water quality protection. The designated person shall be the Certified Erosion and Sediment Control Lead (CESCL) who is responsible for ensuring compliance with all local, state, and federal erosion and sediment control and water quality requirements.
6. Proposed project discharge requirements on northwest area of building shall be in accordance with core requirement # 1, Section 1.2.1, 2005 King County Surface Water Design Manual.

Other

1. All utilities serving the site shall be placed underground as required by BMC 12.40.070.
2. A Right of Way Use Permit will be required for all work performed in the Right of Way, as required by BMC 12.17 and 12.18.
3. Restoration, Performance and maintenance security, in forms acceptable to the City, must be posted for required site and right of way improvements. BMC §17.35.130 (1) (e), and per Section 1.2.7 KCSWDM, KCC title 9, KCC title 27A.
4. The plans must be signed and stamped by the responsible professional engineer prior to the submittal to the City of Burien.

General Requirements:

1. Provide the following on the drawings (on cover sheet): table of contents, names and phone number of utility field contacts, name and phone of Owner/Agent.
2. Provide the following on the cover sheet with names and phone number of water, sewer, gas, phone, and electric utility contacts. Also provide the mailbox location approved by the US Postal Service and the one-call number.
3. Provide Construction Sequence per KCSWDM.
4. Provide General notes per KCSWDM.

5. Provide T.E.S.C notes and drawings as per KCSWDM.

Site Improvement Plan:

1. Show the location of sewer, water, power and communication utilities.
2. Provide typical pavement section for required alongside the new curb, gutter and sidewalk at Northwest corner of Ambm Blvd SW and SW 136th Street. The pavement section shall be in accordance with BRS.
3. Asphalt called out as class "B" should be revised to HMA CL1/2 to comply with current specifications.
4. Provide road and storm profile for proposed Street.
5. Show bottom and top elevation of proposed bio-filtration swale, rain gardens construction of interior side slopes.
6. Provide all curve data.
7. Provide mailbox location approval by U.S. Postal Service.
8. Show existing trees to remain and provide detail of tree protection.

Westmark Emerald Pointe LLC.,

32124 25th Avenue South
Federal Way, WA 98003

Phone: (206) 484-3202

Fax: (253) 272-5919

BY CERTIFIED MAIL AND HAND DELIVERY

March 23, 2009

Ms. Stephanie Jewett, AICP
Department of Community Development
City of Burien
15811 Ambaum Blvd. SW (Suite C)
Burien, Washington 98166

Reference: Highline West Seattle Mental Health Clinic at 1210 SW 136th Street
File No: PLA-09-0100

Dear Ms. Jewett,

I am writing this letter on behalf of Westmark Emerald Pointe LLC., ("Westmark") which is an applicant for the development of Emerald Pointe on the Sound Project No: PLA-06-0365 to comment on the subject Application to develop Mental Health Facility at 1210 SW 136th Street, Burien.

The Notice of Application from the City dated March 4, 2009 indicates that the subject Applicant is not completing the improvement of SW 136th Street along its property line all the way to the west boundary line of the subject property presently owned by Highline School District. In fact, this Applicant is using up the right of way for landscaping and closing off the proposed access to Westmark's project. As you are aware, the City of Burien recently completed a full Environmental Impact Study ("EIS") for the proposed Emerald Pointe on the Sound Project indicating clearly that SW 136th Street is the access road to this Project and the current improvements on SW 136th Street will be continued West beyond the present turning into Vintage Park Apartments. Thus, Westmark recommends that you take into consideration the future development of Westmark property before approving the subject application.

I am also aware that the City of Burien required another developer constructing GJMC Apartments at 12230 Ambaum Blvd. SW to complete all improvements along all the adjoining public right of ways to that site, including a redesign and new development along the existing roadways. Based on this requirement under the City's Codes, Westmark believes that the City should require Highline Medical Health Clinic Applicant also to complete all improvements along its entire frontage on the SW 136th Street right of way.

Please contact the undersigned if you have any questions regarding this matter.

Sincerely,

Nizar Sayani, Manager
Westmark Emerald Pointe LLC.,

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MAR 23 2009
CITY OF BURIEN

ATTACHMENT 5



**ENVIRONMENTAL CHECKLIST
PREPARED FOR
NAVOS MENTAL HEALTH CLINIC**

JANUARY 22, 2009

A. BACKGROUND

1. Name of proposed project, if applicable:

Navos Mental Health Center
1210 SW 136th Street
Burien, WA 98166

2. Name of applicant:

Mitch Yockey – DKA

3. Address and phone number of applicant and contact person:

DKA
106 Lenora St.
Seattle, WA 98121
206 443.9939

4. Date checklist prepared:

January 12, 2009

5. Agency requesting checklist:

City of Burien – Department of Community Development

6. Proposed timing or schedule (including phasing, if applicable):

Construction of the Navos Mental Health Center is anticipated to take place in 2009- 2012.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

See attached Traffic Impact Analysis prepared by Transportation Consulting Northwest dated 6 January 2008.

See attached Geotechnical Report prepared by Gary Flowers, P.G., P.E.G.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

10. List any government approvals or permits that will be needed for your proposal, if known.

Type III Zoning Permit from the City of Burien.

Demolition Permit for 2 wood frame structures currently on the site from the City of Burien.

Critical Area Review since the site contains a Critical Area / Steep Slope from the City of Burien.

Building Permit from the City of Burien.

3 of 5

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CITY OF BURIEN

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The project will include demolition of 2 existing wood frame buildings, the construction of a 3 story, 42,000 46,000 s.f. s.f. building and a 1 story, 3,000 s.f. building, both of which will serve mentally ill patients as outpatients. The 4,000 s.f. site will be developed to include approximately 125 surface parking stalls and associated driveways, walkways and loading areas.

The Critical Area / Steep Slope portion of the site will not be developed. There will be incidental development / improvement within the Critical Area Buffer to upgrade landscaping to native plants and to provide outdoor areas for building users.

The project will be designed to achieve a LEED Silver Rating from the USGBC.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

The eastern half of the site is relatively flat with a gradual 8' rise from the southeast corner to the center of the site that is currently covered with asphalt from the prior elementary school parking and playground areas.

From the center of the site moving westward there is a gradual slope down to the top of the Critical Area / Steep slope. The 2 existing buildings are within this portion of the site.

The northwest corner of the site is a Critical Area / Steep Slope, down which is wooded and has thick underbrush.

b. What is the steepest slope on the site (approximate percent slope)?

The steepest slope is approximately 40%. 70%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Silty sand with gravel (glacial till) and man placed till fill – no agricultural soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

The steep slope area to the west of the site appears to be an historic landslide. The age of the landslide is indeterminate but is not recent and is likely 100's if not 1000's of years old. The steep slope buffer recommended in the soils report for the site has accounted for this historic landslide location.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

The fill material required to establish design subgrade (as required) will be clean pit-run soil material. In wet weather conditions it will be limited to material with less than 5% fines. The source of any required fill material is not yet determined, but to the extent that adequate fill materials are not available from project cuts, it may come from a neighboring job site with surplus soil materials or a local materials pit.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion is not likely to occur as a result of project clearing, construction, or use. The eastern half of the site drains to the east on very gradual slopes, and is not likely to be an area of erosion. The western half of the

site, drains to the west and over a steep slope in that direction. The erosion sensitive soils on the steep slopes will not be impacted by any heavy construction due to the buffer restrictions. Additionally the area tributary to the western slopes has about a 25% reduction in impervious area compared to the existing condition.

Site will be graded such that no storm water will be allowed to discharge over the top of the Critical Area / Steep Slope hazard area. The on-site soils are sensitive to erosion by both channelized water and sheet flow once they have been disturbed. However, the site is nearly flat and standard erosion control practices will effectively mitigate the hazard of erosion.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

45%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The construction process will include a typical erosion control plan, designed to prevent any transport of sediment from leaving the site, and to prevent any release of runoff waters in volumes that could be erosive. Standard Best Management Practices (BMPs) will be utilized such as silt fencing and sediment traps. Disturbed soils will be protected with mulch or sheet plastic if left for a period of time determined by the time of year and related likelihood of significant rainfall events.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

There will be incidental emission from construction vehicle and equipment during construction.

Vehicle traffic and Kitchen exhaust are the only anticipated emissions at project completion, and these amounts should be minimal.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

The project not withdraw or divert surface waters.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
No.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
Not applicable.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

All anticipated runoff from the site will be from rainfall. The runoff from rainfall will be collected in roof drain systems, and catchbasin/inlets for runoff from paved and/or most of the landscaped areas. A small portion of the western half of the site will not be collected, and will sheet flow over landscaped surfaces to the slope on the west side. The runoff from the roof areas in the western basin will be discharged to splash blocks at the back of the buildings and is then expected to dissipate in the forest duff on the western side of the site. All runoff from the eastern basin will be to bioretention facilities and/or a bioswale before collection in catchbasins and piping to a point of connection with the public storm drain system in Ambaum Boulevard SW at the intersection with SW 136th Street.

2) Could waste materials enter ground or surface waters? If so, generally describe.

It is possible that trace amounts of hydrocarbon and vehicle contaminants could enter the surface and shallow surface ground waters. However, the use of bioretention and bioswale features for all pollution generating surfaces should minimize this risk.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The impervious areas in the western basin are reduced from the existing condition. This should reduce the runoff water impacts in that direction. The eastern basin runoff is routed through bioretention and bioswale features which are configured to remove pollutants and mitigate runoff flows.

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain

- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Grasses and blackberries will be removed. 7 of the 19 Significant Douglas Fir Trees will be removed. No vegetation located within the Critical Area / Steep Slope area or the associated Buffer area will be removed.

c. List threatened or endangered species known to be on or near the site.

None noted.

6 of the 19 Significant trees proposed to be removed

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Buffer of Critical Area / Steep Slope will be treated as a restorative planting area using native plants. Native and drought tolerant plants will be selected for the balance of the required landscaping and ornamental plantings.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None known.

c. Is the site part of a migration route? If so, explain.

Not known.

d. Proposed measures to preserve or enhance wildlife, if any:

The buffer of the Critical Area / Steep Slope will be restored with native plant species to reduce irrigation requirements and to encourage / enhance all forms of native wildlife.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Natural Gas for heating and incidental cooking.
 Electricity for cooling.

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

As a LEED Silver Project, the building will be designed to have an enhanced thermal envelope, and an efficient mechanical system that will make use of hourly settings and economizer cycles to reduce energy consumption. The building will also have solar shading on the southeast and northwest facades to reduce solar gain.

7. Environmental health

- 182 a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

No.

1) Describe special emergency services that might be required.

Emergency Vehicles are anticipated to bring unstable mentally ill patients to the facility for emergency situations for treatment by facility staff during normal business hours. These events are infrequent and are not scheduled.

2) Proposed measures to reduce or control environmental health hazards, if any:

None.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

- Traffic noise from vehicle traffic on Ambaum Blvd (east of site)
- Airplane noise from SeaTac Airport

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

- Construction Vehicle and Equipment noise will occur at various levels during construction.
- Vehicle noise will be generated by client and staff access to the site during business hours and during evening meetings.

3) Proposed measures to reduce or control noise impacts, if any:

- Construction Activity will be limited to hours allowed by the City of Burien.
- The buildings will be designed to meet the requirements of the Airport Noise Reduction for Type 2 Zone.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

Existing Site contains 2 vacant elementary school buildings and associated walks, canopies, etc.
North of site – Multi-family structure currently under construction.
East of site – Commercial structures (Gas / Service Station; Multi-family structure; Glass replacement facility).
South of site – Multi-family structures; Retail center
West of site – vacant property

b. Has the site been used for agriculture? If so, describe.

No.

c. Describe any structures on the site.

Two 1 story wood frame structures previously used as elementary school buildings. These buildings have been abated to remove hazardous materials.

d. Will any structures be demolished? If so, what?

Yes. All existing structures will be demolished.

e. What is the current zoning classification of the site?

Zone RS 12000

f. What is the current comprehensive plan designation of the site?

Public Park/Schools/Recreation/Open Space

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Yes. The northwest corner of the site is a Critical Area / Steep Slope.

i. Approximately how many people would reside or work in the completed project?

137

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed use is allowed in current zone. The project is designed to meet current zoning requirements.

9. Housing**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

Not applicable.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable.

c. Proposed measures to reduce or control housing impacts, if any:

Not applicable.

10. Aesthetics**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

35' above average existing grade.

b. What views in the immediate vicinity would be altered or obstructed?

Views from the existing multi-family project to the east may lose some westerly view potential.

c. Proposed measures to reduce or control aesthetic impacts, if any:

The building is rotated to follow the line of the Steep Slope, which sets the building back as much as possible from adjacent streets and developed properties.

The building is designed to be an aesthetic palette of simple materials and colors.

11. Light and glare**a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Glare could occur as vehicles enter / leave the site during operating hours.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Possibly.

c. What existing off-site sources of light or glare may affect your proposal?

Glare could affect the project from the adjacent Gas / Service Station, from vehicle traffic on SW 136th Street, and from vehicles entering / leaving the multi-family project to the south.

d. Proposed measures to reduce or control light and glare impacts, if any:

Parking Lot Lighting will be designed to prevent light from impacting any offsite property.

Landscape buffers will be provided at the perimeter of the parking areas to glare from vehicle headlights entering or leaving the site.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

There are two public parks in the vicinity of the project – Seahurst Park and Chelsea Park.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None known.

c. Proposed measures to reduce or control impacts, if any:

The existing buildings have been documented with photographs and descriptions provided to the State of Washington Department of Archaeology and Historic Preservation for the purposes of providing archive information.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The site is immediately served by SW 136th Street which intersects with Ambaum Blvd to the east of the site.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes. There are 3 King County Metro Bus Routes that run on Ambaum Blvd, which is approximately 200' east of the project site.

c. How many parking spaces would the completed project have? How many would the project eliminate?

The project will provide approximately 125 on site parking stalls. There are approximately 40 parking stalls on the existing site that are currently not being used because the project is vacant.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

The project may be required to include improvements within the SW 136th Street Public Right of Way, if determined necessary by the City of Burien. No new roads or streets are required.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

See attached traffic study.

g. Proposed measures to reduce or control transportation impacts, if any:

The project staff and clients will be encouraged to make use of public transportation.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

The existing site has contained vacant structures which have been inhabited by vagrants. The new project will remove those existing structures, and as part of the operation of the new facility, on site staff will monitor the use of the site during and after business hours, which should reduce the opportunity for accidental fire events and injury to unauthorized inhabitants / vagrants.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

The following utilities are available at the site but not currently in use:

- Electricity
- Water
- Sanitary Sewer
- Storm Sewer
- Telephone
- Refuse Service

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

- Gas – PSE – underground utility installation
- Electricity – Seattle City Light – underground utility installation
- Water – Highline Water District 20 / Seattle Public Utilities – underground utility installation
- Sanitary Sewer – SW Suburban Sewer District – underground utility installation
- Storm Sewer – City of Burien – underground utility installation
- Telephone – Qwest – underground utility installation
- Cable – Comcast – underground utility installation
- Refuse Service

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  DKA

Date Submitted: 1.22.09

ENVIRONMENTAL REVIEW REPORT

Navos Mental Health Clinic

- DATE:** May 5, 2009
- FILE NO.:** PLA 09-0100
- APPLICANT:** Mitch Yockey AIA, with Donald King Architects for Navos
- REQUEST:** Demolish existing structures and construct a 3-story Mental Health Clinic of approximately 46,000 SF and associated 1-story Activity Building of approximately 4,000 SF with surface parking, landscaping and stormwater improvements.
- LOCATION:** 1210 SW 136th Street, Burien, WA
- PARCELS:** 7835800311 and 7835800412
- DECISION:** **Determination of Nonsignificance**

Summary Recommendation

After review of the environmental checklist and supporting information a Determination of Nonsignificance is issued for the project.

Project Description

The proposal is to construct a 3-story Mental Health Facility of approximately 46,000 square feet and an associated 1-story activity building of approximately 4,000 square feet. Other site development includes surface parking for approximately 125 vehicles, landscaping, and stormwater improvements. Primary vehicle access is proposed via two driveways from SW 136th Street.

Consistent with BMC 14.05, KCC 20.44 and WAC 197-11-800, environmental review of this project is required since the request will result in construction of more than 12,000 SF of office space (BMC 14.05).

Regulatory Requirements

The State Environmental Policy Act (SEPA) specifies that this environmental review is to focus only on potential significant impacts to the environment that could not be adequately mitigated through the City of Burien's regulations and policies (RCW 43.21C.240). At a minimum, the following Burien Municipal Code (BMC) chapters will be analyzed during permit review:

- BMC 12.05: addressing the City of Burien Road Design and Construction Standards
- BMC 13.10: addressing storm water standards and referencing the King County Surface Water Design Manual, 2005
- BMC 15: addressing building and construction
- BMC 19.40: addressing critical areas, including geologically hazardous areas
- BMC 19.15.005: addressing allowable setbacks, height limits, building coverage, and impervious surface coverage
- BMC 19.20: addressing parking and circulation
- BMC 19.25: addressing tree retention and landscaping

It will be necessary to further analyze the proposal to determine if the project complies with all the applicable City codes and policies. That analysis is most appropriately addressed within the staff advisory report, titled "*Type 3 Land Use Review Staff Recommendation to the Hearing Examiner*", which will be presented at the public hearing on this project. The staff advisory report will also be available at City Hall for review at the time public notice of the hearing is circulated.

Findings and Conclusions

The following is an analysis of probable significant adverse environmental impacts which allows the City of Burien to issue a Determination of Non-Significance for the proposal. Only those elements of the environment that could be impacted by the proposal are analyzed.

Earth

The Applicant submitted a Geological/Geotechnical Assessment and letter addressing the Critical Area Review Application prepared by Geological and Geotechnical Consulting dated January 21, 2009.

The western portion of the site contains a steep slope area. The top of the slope area is indicated by a sharp downward break toward the west. The upper portion of the break is on the order of 12 to 15 feet tall with a 70% slope. The slope then shallows to about 10% to the edge of the property. From there the slope continues for many hundreds of feet down to the actual bottom near Puget Sound. These characteristics are consistent with the City's defined geologically hazardous areas and as such require a minimum fifty-foot

buffer from the top and toe of the slope. Currently, two vacant buildings and associated asphalted areas are located within the 50 ft. buffer area.

As currently proposed, runoff from roof area located in the west basin of the site will be discharged onto four splash blocks located between the proposed buildings and the top of the slope. Compared to pre-development conditions, there will be a net reduction of approximately 18 % of impermeable surface drainage towards the slope. Surface water generated in the east basin will be collected and tied into the public storm drain system located east of the site along Ambaum Boulevard. Collection of stormwater in this area is proposed to include low impact development methods such as a biofiltration swale located along the eastern boundary of the site and rain gardens located within the parking lot area.

The Applicant requests to reduce the steep slope standard 50-foot buffer to a 25-foot buffer with a 15-foot building setback in order to demolish existing structures, conduct minor grading to a more natural condition, provide vegetative enhancements, accommodate small portions of both buildings, and install a play area and rockeries of approximately 4 feet in height. BMC 19.40.290 requires requests for a buffer reduction to proceed through a Critical Area Review.

The required Critical Area Review is included in the staff advisory report and provides a detailed analysis of potential impacts to geologically hazardous areas on site and recommended mitigation measures. Grading will be necessary to prepare the site for construction of a new building, access, parking and areas for landscaping. A grading plan for the project will be reviewed by the City of Burien as part of the land use review and subsequent building permits under BMC 15 and BMC 19.

Air

Short term impacts caused by construction of the project include dust associated with construction activities and exhaust emissions from heavy equipment. To mitigate any impacts of dust during construction the applicant will be required to use measures such as watering and spraying. All construction equipment will be required to meet class regulatory standards for vehicle emissions.

Water

As currently proposed, runoff from roof area located in the west basin of the site will be discharged onto four splash blocks located between the proposed buildings and the top of the slope. Compared to pre-development conditions, there will be a net reduction of approximately 18 % of impermeable surface drainage towards the slope. Surface water generated in the east basin will be collected and tied into the public storm drain system located east of the site along Ambaum Boulevard. Collection of stormwater in this area is proposed to include low impact development methods such as a biofiltration swale located along the eastern boundary of the site and rain gardens located within the parking lot area.

The City of Burien requires that storm water facilities for the project be designed in accordance with the 2005 King County Surface Water Design Manual. A more detailed

review of the project as it conforms to the 2005 King County Surface Water Design Manual is included in the Staff Advisory Report.

Temporary erosion and sediment control plans required to direct potential storm water runoff during construction away from adjacent properties will be reviewed at the time of building permit submittal.

Plants

The checklist states that a variety of deciduous and evergreen trees, shrubs, grass, wet soil plants and blackberry bushes exist on the site. Grasses and blackberries will be removed and 6 of the 18 significant Douglas Fir Trees will be removed. No vegetation located in the steep slope area will be removed. The buffer area of the steep slope will be treated as a restorative planting area using native plants. Native and drought tolerant plants are proposed for the balance of the required landscaping proposed on site.

Energy and Natural Resources

As a LEED Silver Rating Project (from the U.S. Green Building Council), the building will be designed to have an enhanced thermal envelope, and an efficient mechanical system that will make use of hourly settings and economizer cycles to reduce energy consumption.

Noise

The proposal will generate noise during the construction process and the applicant has indicated that construction will be limited to hours specified by the City of Burien to help mitigate this impact.

Light and Glare

The checklist indicates that glare from vehicles entering and leaving the site could occur during operating hours and indirect lighting from the parking lot lighting may be visible off-site. The Applicant proposes to provide parking lot lighting that is designed to prevent light from impacting surrounding properties and landscape buffers will be provided at the perimeter of the parking areas to decrease glare from vehicle headlights entering or leaving the site.

Transportation

Access to the development will be gained from two driveways off of SW 136th Street. The applicant has submitted a Traffic Impact Analysis, prepared by Transportation Consulting Northwest, which estimates future level of service conditions of the surrounding roadways and intersections, parking needs, traffic impact fee determination and outlines appropriate mitigation measures which will be undertaken as part of the project.

Comment letters

One comment letter was received during the required 21-day public comment period regarding the proposal. The letter has been included and addressed in the staff advisory report titled “*Type III Land Use Review Staff Recommendation to the Hearing Examiner*”.

Supporting Documents

Supporting documents for the recommendation include the following:

Burien Municipal Code

Burien Zoning Code (Title 18 and Chapter 19)

Burien Comprehensive Plan

King County Surface Water Design Manual, 2005

City of Burien Road Standards, 2008

Traffic Impact Analysis, Navos Mental Health Clinic, Transportation Consulting Northwest, January 6, 2009

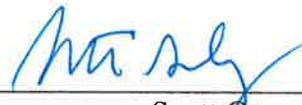
Geological/Geotechnical Assessment, Gary A. Flowers, PLLC, Geological & Geotechnical Consulting, January 21, 2009

Technical Information Report, Taylor Engineering Consultants, January 20, 2009

SEPA Checklist, dated January 22, 2009

Site plan, building elevations, survey, grading, drainage and utilities plan, SW 136th Street improvements, landscaping plan and elevations

Dated this 5th day of May, 2009



Scott Greenberg, AICP
Director of Community Development



SEPA Determination of Nonsignificance (DNS) WAC 197-11-970

City of Burien 15811 Ambaum Blvd. SW (Suite C) Burien, Washington 98166-3066

Date	May 5, 2009
Applicant	Mitch Yockey, AIA, with Donald King Architects for Navos
Proposal	Construct a 3-story 46,000 SF mental health center and associated 1-story 4,000 SF activity building with 125 surface parking spaces and landscaping in the RS-12,000 zone.
File No.	PLA 09-0100 File is available for viewing at Burien City Hall during regular business hours.
Location	1210 SW 136 th Street, Burien, Washington
Tax Parcel No.	7835800311, 7835800412
Lead Agency	City of Burien
Environmental Determination	<p>The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency.</p> <p>This Determination of Nonsignificance (DNS) is issued after using the optional DNS process WAC 197-11-355. There is no further comment period on the DNS. This DNS is specifically conditioned on compliance with the applicable regulations set forth in the Burien Municipal Code.</p> <p>All information relating to this proposal is available to the public upon request.</p>
Public Comment and Appeal Process	<p>This DNS is issued under 197-11-355. There is a 14-day appeal period on this agency decision. An appeal of the decision requires that a Notice of Appeal form and a \$287.80 fee be submitted by May 19, 2009. Appeal forms are available at the Department of Community Development or the city's website www.burienwa.gov. Questions regarding procedures for appealing this agency decision may be directed to Stephanie Jewett, Project Planner at (206) 439-3152 or stephaniej@burienwa.gov.</p>
SEPA Responsible Official	<p>Scott Greenberg, AICP Community Development Director City of Burien 15811 Ambaum Blvd. SW (Suite C) Burien, WA 98166</p> <p>Signature: </p>

For attachments 9-15
contact Stephanie Jewett, Project Planner
at 206-439-3152 or stephaniej@burienwa.gov



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May 29, 2009

Via E-mail and U.S. Mail

Donald Largen, AICP
City of Burien Hearing Examiner
841 NE 59th Street
Seattle, WA 98105

**Re: Navos Mental Health Facility, 1210 SW 136th Street
File No. PLA-09-0100**

Dear Mr. Largen:

We are writing this letter on behalf of our client, Westmark Emerald Pointe LLC, to provide additional comments on the Type III Land Use Review for the above-numbered project. This letter is a follow up to the letter by Westmark's Manager Nizar Sayani dated March 23, 2009, and the comments by Mr. Sayani and planner Robert Thorpe at the hearing.

Background. The Navos property is located at 1210 SW 136th Street, just west of Ambaum Boulevard SW. Westmark owns the property that abuts the Navos property to the west and north. Westmark is continuing in an active permitting process for its own project designed as a 178-200 unit residential project called Emerald Pointe on the Sound. Under the City-approved final EIS, access for Emerald Pointe is to be taken from the SW 136th Street—the same road from which the Navos project will take access. As noted on the Westmark plan provided with Mr. Sayani's letter, Westmark is also planning to re-create pedestrian access through its project to ensure the continued access to the trails in Seahurst Park, including pedestrians that now utilize the SW 136th Street unopened right-of-way. As a result, Westmark is clearly very interested in the cooperative planning for these two adjacent project sites.

Westmark is generally supportive of the Navos Clinic project, but Westmark does want to express its concerns on a couple of issues. In particular, we are writing to urge the City to require Navos to improve the entirety of its frontage along SW 136th Street as seemingly required by the Burien Municipal Code (BMC) and the City's Road Design and Construction Standards. It also needs to be made clear that the Navos project cannot be constructed in a manner that cuts off access to Westmark's property from SW 136th Street. There is also some question as to whether this is an appropriate use under the zoning for a "community facility" even though the project would have a substantial community benefit as recognized by Westmark and hopefully the entire community. In any event, the main point is to ensure that the City properly considers the frontage requirements along SW 136th Street for the Navos project.

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The specific facts are that SW 136th Street runs west from Ambaum Boulevard and abuts the Navos property to the south. The street is currently an open road along the southeastern edge of the Navos property. Toward the center of the Navos property, the road curves away to the south and becomes 12th Avenue SW. However, an unopened right-of-way of SW 136th Street extends west along the remainder of the southern edge of the Navos property and beyond to the south of the Westmark property. Pedestrians currently use this right-of-way to access trails leading to Seahurst Park and Navos is proposing to dispose of some of its storm water to the west via the right-of-way. Navos also plans to take access from SW 136th Street both at the southeastern corner of its property, and at the south-central portion of its property where the street begins to curve into 12th Avenue SW. The proposed western entrance includes a “driveway bulb” that extends into the road portion of the South 136th Street right-of-way.

Analysis. Given the above, SW 136th Street will be an open street of some significance in the near future to serve both the Navos project and the Westmark Emerald Pointe project. Accordingly, and contrary to the Staff Recommendation, Navos should be required to improve the entirety of its frontage along the SW 136th right-of-way. The City’s Road Design and Construction Standards (RCDS) apply “to all newly constructed road and right-of-way facilities,” RCDS 1.02, in order to ensure that “motoring, bicycling, equestrian, and pedestrian public safety needs are met.” RCDS Purpose Statement. To meet this purpose, the RCDS require roads, curbs, and sidewalks to be installed when a property is improved or developed, as is occurring with the Navos property here. RCDS 1.05, 2.01, 3.02. Moreover, the City code requires “pedestrian access onto the site” from “all pedestrian arrival points to the development including the property edges [and] adjacent lots,” and mandates coordination between developments so as to “provide circulation patterns between developments.” BMC 19.20.090.1.

Navos’s current plan provides no vehicle or pedestrian access from or along the southwestern edge of its property, and such access is particularly vital in this situation where the Westmark project is planned to the west and substantial pedestrian traffic uses SW 136th Street in order to access the trails leading to Seahurst Park. Staff’s conclusion that frontage improvements along the unimproved portion of SW 136th Street are not required is accordingly inaccurate. Moreover, Staff’s conclusion appears to be inconsistent with the City’s actions regarding other developments as pointed out in Mr. Sayani’s letter. The City apparently required the developer of the GJMC Apartments at 12230 Ambaum Boulevard SW to complete frontage improvements along all adjoining public rights-of-way. The same should be required here or, at a minimum, the City should require construction of a half street with curb, gutter, and sidewalk.

In the alternative, the City should also ensure that Navos does not construct access to its property in a manner that will interfere with access to Westmark’s Emerald Pointe project. As noted above, the Emerald Pointe project will take access from the westward extension of SW 136th Street. Navos’s current plans indicate that it will install landscaping and sidewalks in the road portion of the right-of-way, and will not provide any road connection to the Westmark property. Cutting off access to Westmark’s property in this manner is strictly prohibited under state law. *Walker v. State*, 48 Wn.2d 587, 589-90 (1956). The City’s Staff Recommendation appears to recognize this, at least in part, and states that Navos’s “proposed western driveway bulb and

associated landscaping shall be moved north” so that it is not “within the future travel way of SW 136th Street.” Staff Findings & Conclusion E.9.b. However, this says nothing about the sidewalks that Navos proposes across the future travel way that will also cut off access to the Emerald Pointe site. If the City is not going to require extension of the road, then the City should clarify that no improvements may be built that will interfere with access to the Emerald Pointe site or the future travel way on SW 136th Street.

Conclusion. Consistent with the City code’s admonition that adjacent developments should coordinate their activities, Westmark wishes to cooperate with Navos in the construction of the needed frontage improvements so as to ensure that vehicle traffic, pedestrian traffic, landscaping and storm water are handled in a rational, efficient manner. To that end, if it is determined that Navos is not fully responsible for the frontage improvements, then Westmark would agree to share the cost of the improvements with Navos. But this can only happen if the City places the required conditions of approval on Navos to construct frontage improvements for the entire SW 136th Street right-of-way, and to refrain from interfering in any way with the future travel way of SW 136th Street.

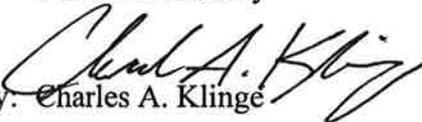
Again, Westmark supports the Navos Clinic project and wants to cooperate with the City and Navos to ensure an integration of these neighboring projects, and to that end, Westmark respectfully requests the Examiner to carefully consider these concerns. Please contact the undersigned if you have any questions regarding this matter.

Sincerely,

GROEN STEPHENS & KLINGE LLP

Charles A. Klinge

Brian D. Amsbary

By:  Charles A. Klinge

cc: Scott Greenberg and [✓]Stephanie Jewett, City of Burien
Parties of Record (per Staff Report)



Burien

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June 3, 2009

Donald Largen, AICP
City of Burien Hearing Examiner
841 NE 59th Street
Seattle, WA 98105

RE: Navos Mental Health Facility- Type 3 Land Use Review, Project # PLA 09-0100

Dear Hearing Examiner Largen:

The intent of this letter is to respond to the comments submitted by Charles A. Klinge and Brian D. Amsbary of Groen, Stephens & Klinge LLP on behalf of their client, Westmark Emerald Pointe LLC, in a letter to the Hearing Examiner dated May 29, 2009. The comments in this letter have been summarized in italics below followed by City Staff's responses.

1. *Westmark is continuing in an active permitting process for its own project designed as a 178-200 unit residential project called Emerald Pointe on the Sound. Under the City-approved final EIS, access for Emerald Pointe is to be taken from the SW 136th Street.*

The Final EIS shows access to Emerald Pointe from an extension of SW 136th Street to the west of its current terminus, heading north across the western portion of the Highline School District site proposed for the Navos project, into the Emerald Pointe site. After issuance of the FEIS, Westmark withdrew its request for an easement across the property. Westmark has been discussing an alternative access point from SW 136th Street with City staff, but the proposed alternate has not yet been approved.

The next step in review of this alternate access is the City's determination of what SEPA compliance is required, followed by applicant submittal of detailed construction plans showing the revised access.

2. *Navos should be required to improve the entirety of its frontage along the SW 136th right-of-way.*

The 2008 Burien Road Standards, Section 1.05B states "Any land development abutting and using existing roads shall improve the frontage of those roads in accordance with these Standards. The extent of improvements shall be based on an

EXHIBIT C

A reasonable reading of the first sentence (“abuts and uses”) implies, that if a project abuts an unimproved right-of-way, and has access from another road, then improvements are not required. The second sentence clearly states that the extent of the improvements is based on the project’s impacts. An extension of frontage improvements to the west would serve only one purpose – to provide access to the Westmark property, therefore the burden of constructing such an extension should rest solely with Westmark, as Navos would receive no benefit from this section of roadway, nor have impacts to it. This conclusion is supported by decisions of the Washington Courts.

For example, in *Unlimited v. Kitsap County*, 50 Wn. App. 723 (1988), the Washington Court of Appeals was asked to consider whether or not Kitsap County could require a property owner to dedicate right of way to provide access to an abutting property. The Court held that even if the abutting property was concurrently being developed, the requirement for a dedication for such an extension “serves no public purpose, let alone a reasonable one.” *Id.* at 725. The court found, therefore, that such a requirement would constitute an unconstitutional taking. In another case, the Washington Supreme Court found that street improvements could not be required as a condition of development unless there was substantial evidence that the expenditure for street improvements was directly related to traffic generated by the development. *Benchmark Land Co. v. City of Battle Ground*, 146 Wn.2d 685, 695 (2002). Further, any such determination must be made based upon an individualized analysis, and not, as suggested in the letter, by comparison to other developments. *Sparks v Douglas County*, 127 Wn.2d 901, 915 (1995). For example, in *Sparks* the court found that the County had met its burden by conducting an individualized analysis and showing that the proposed developments would likely generate increased traffic on adjacent roads that are inadequate for safe access. *Sparks*, 127 Wn. 2d at 917. In this case, there is no evidence showing a nexus between development impacts and the need for the frontage improvements requested in the letter.

3. *Staff’s Conclusion appears to be inconsistent with the City’s actions regarding other developments as pointed out in Mr. Sayani’s letter. The City apparently required the developer of the GJMC Apartments at 12230 Ambaum Boulevard SW to complete frontage improvements along all adjoining public rights-of-way. The same should be required here or, at a minimum, the City should require construction of a half street with curb, gutter, and sidewalk.*

Representatives for the GJMC Apartment development located at 12230 Ambaum Boulevard SW attended a pre-application meeting at the City of Burien on January 8, 2009. At that meeting the GJMC Apartment development and the City of Burien representatives discussed development regulations that would apply to the location of a 28 unit apartment at that site. The City of Burien understood that the apartment would have frontage on and access to Ambaum Boulevard, a fully developed right-of-way and that the 28-unit apartment would be located in King County but gain access via the right-of-way (Ambaum Boulevard) located within the City of Burien’s jurisdiction. The GJMC Apartment development representatives were provided with a memo from the City’s Development Review Engineer including the comment that all broken sidewalk, curb, and gutters should be replaced in the already developed right-of-way

(see attached). To date the City has not received a formal right-of-way use permit application for this project.

It should be noted that, although the City strives to achieve consistency, the City is required to engage in an individualized assessment of the impacts of each development and that each development has unique characteristics which make comparisons challenging at best.

4. *The City should clarify that no improvements may be built that will interfere with access to the Emerald Pointe site or the future travel way on SW 136th Street.*

The proposed improvements on 136th Street SW amount to a completion of the curb, gutter, and sidewalks that are present on the curve of the existing street. These improvements will essentially construct a driveway access point into the Navos site off of the existing street. Legal access to the Westmark property is not cut off. However, it would require Westmark to re-construct some of the improvements.

In order to finish with an access that meets the needs of the traveling public and both properties cooperative planning is required. If Navos were to construct frontage improvements without the “bulb”, landscaping, and sidewalks in the right-of-way, then a very awkward “Y” would result. Westmark would then have to re-construct the street to provide appropriate access to all of the adjacent properties. We see two possible solutions: A) a shared driveway constructed off the existing street, or B) a re-construction of 136th Street SW (on both sides of the right-of-way), resulting in a configuration that eliminates the aforementioned “Y” and provides access to the apartments.

The designers of the two projects should work cooperatively to design a shared access driveway or a new configuration for 136th Street SW that includes re-construction of the existing street and access for the existing apartment complex.

Submitted by,



Chris Bacha
City Attorney

Enclosure.

MEMORANDUM

Date: January 8, 2009
To: Chip Davis and Stephanie Jewett, Project Planners
From: Ramesh Davad, Development Review Engineer
Re: Pre-Application Meetings for January 8, 2009
Public Works and Community Development Review

Listed below are the Public Works recommendations regarding street right of way, drainage and utilities for the Pre-Application meetings that will be reviewed on Thursday January 8, 2009. The following information has been prepared to assist you with your development proposal. This is an outline of items that you should be investigating and address as part of your land development application. Please keep in mind this is a preliminary review and does not replace the application and review process.

9:00 PLA 08-2170: Jeremy Rene with Rene/Architecture, construction of 28-Unit Apartment, Right of Way in Burien, 12230/12308 Ambaum Blv SW.

Note: Site improvement shall be based primarily on provisions stated in the 2008 Burien Road Standards (BRS), and the 2005 King County Surface Water Design Manual (KCSWDM). Comments below reflect guidance from these documents and are based on the cities' current understanding of the development proposal. Actual survey data and more specific proposal information are required for more concise city comments and further review.

1. Traffic Impact Analysis (King County format) will be required for the project and shall address such issues as traffic volumes, Channelization, operations, driveway location, and classification of existing street, curb radius, on and off street parking, vehicle turning movements, pedestrian facilities on and off site, in accordance with AASHTO, and 2008 Burien Road Standards. A Traffic Impact Analysis (project impacts including traffic volume, operation impacts, trip generation, distribution and assignment) impacts checklist is attached to assist you in preparing the traffic analysis. The traffic Engineer or Applicant should coordinate with Public Works to assist the Design Engineer in preparing the traffic report.
2. Frontage improvements shall consist of curb, gutter, sidewalk, and drainage system along frontage if project on Ambaum Blvd. SW in accordance with the BRS. All broken sidewalk, curb, and gutter shall be replaced.
3. 3.01 Driveways, the City of Burien uses the 2008 BRS for driveway design. The proposed access driveway shall be as specified in the BRS with 25 foot minimum width and 35 foot maximum width in accordance with BRS figures 3.5 to 3.8.

4. Storm water quantity control (retention/detention) and water quality treatment facilities for the project shall be in accordance with the 2005 King County Surface Water Design Manual (KCSWDM) as adopted by the City of Burien (ref. BMC § 13.10.020 and 13.10.025). A full drainage review (per the Manual) will be required. Note that “existing conditions” (as defined in the Manual) are to be used in determining the required detention volume level. As, proposed it appears a Full Drainage Review will be required as specified in section 1.1.2.3 of the KCSWDM. Include in the report specific recommendations for collection and discharge of storm water runoff from the developed site in order to meet the KCSWDM requirements and prevent any adverse impacts to downstream properties. As part of the full drainage review, the project Geotechnical Engineer should evaluate the existing soil condition, seepage, water table, drainage system and include in the report specific recommendations for collection and discharge of storm water runoff from the developed site in order to meet the KCSWDM requirements.
5. Access to the proposed site shall be as specified in Section 3.01 B and C of the 2008 BRS.
6. All required utilities, drainage and street improvement plans shall be designed by a Washington State Licensed Engineer in accordance with City of Burien standards, 2008 BRS and 2005 KCSWDM.
7. All utilities serving the property shall be placed underground unless exempt per BMC § 12.40. All new electrical, phone, water, sewer and cable services to the site must be underground. Construction of these facilities must be inspected and approved by the City of Burien Public Works Inspector.
8. The applicant shall coordinate with various underground utilities serving or proposed to serve the site. Prior to issue clear & grade permit, the applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.
9. A Right of Way Use Permit will be required for any construction or utility work within the street right of way or proposed ROW street (ref. BMC § 12.17 and 12.18).
10. Restoration, performance, and maintenance security bonds, in forms acceptable to the City, must be posted for required site and right of way improvements. (ref. BMC § 17.35.130(1)(e), and per Section 1.2.7 KCSWDM, KCC Title 9, KCC Title 27A).



Architecture | Planning
Interior Design
Project Management

30 June, 2009

Stephanie Jewett, AICP – Planner
City of Burien Building Department
400 SW 152nd Street, Suite 300
Burien, Washington 98166

RE: Navos Mental Health Facility – PLA 09-100

Dear Stephanie,

I would like to respond to Donald Largen's (hearing examiner) request in his June 10, 2009 "Hearing Examiner Recommendation" (File No. PLA 09-100) that Navos, Westmark and the City Staff collaborate on a joint access / driveway / entrance within the SW 136th Street Right of Way.

In follow up to this request, on behalf of Navos I met with Mr. Sayani of Westmark and Mr. Thorpe of R.W. Thorpe on June 17, 2009 to discuss this request. In the meeting it was agreed that DKA and TEC Civil Engineers on behalf of Navos will work with Westmark, R.W. Thorpe, and Westmark's Civil Engineer to this end, and together we will work with the City of Burien to design and subsequently construct the Right of Way Improvements as requested by Mr. Largen.

As we work through the design considerations of this area of work we will be in contact with you and Mr. Davad to understand and implement any development requirements related to this work from the City of Burien's perspective. Our goal regarding this additional area of work is to include the construction of these improvements in the scope of work to be constructed this year, pending the approval of necessary permits.

Please let me know if you have any questions, comments or concerns regarding this area of work.

Thank you,

A handwritten signature in black ink, appearing to read 'Mitch Yockey'. The signature is fluid and somewhat abstract, with a large loop at the end.

Mitch Yockey, AIA, LEED ap
DKA

cc. David Johnson – Navos
Thom McKeon – Navos
Nizar Sayani – Westmark Emerald Point, LLC
Robert Thorpe – R.W. Thorpe & Associates
Bill Taylor – TEC

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Resolution No. 299, Setting a Public Hearing for the Establishment of a Transportation Benefit District.		Meeting Date: July 6, 2009
Department: City Manager	Attachments: 1. Proposed Resolution No. 299	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Jenn Ramirez Robson, Management Analyst		
Telephone: (206) 439-3165		
Adopted Initiative: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Initiative Description: Prioritize and advance specific high priority projects identified in the Pedestrian and Bicycle Facilities Plan.	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the City Council to consider proposed Resolution No. 299, setting a public hearing for the establishment of a Transportation Benefit District as presented in proposed Ordinance No. 516.		
BACKGROUND (Include prior Council action & discussion): Pursuant to RCW 36.73.050, the legislative authorities proposing to establish a district, or to modify the boundaries of an existing district, or to dissolve an existing district shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days before the hearing, in a newspaper of general circulation within the proposed district. The proposed Resolution No. 299 establishes Monday, July 20, 2009, at 7:00 p.m. or shortly thereafter, as the date and time for the public hearing.		
OPTIONS (including fiscal impacts): 1. Adopt Resolution No. 299 as presented. 2. Do not adopt Resolution No.299 as presented.		
Administrative Recommendation: Adopt Resolution No. 299 as presented.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to adopt Resolution No. 299, Setting a Public Hearing for the Establishment of a Transportation Benefit District.		
Submitted by: Jenn Ramirez Robson Administration 		Mike Martin City Manager 
Today's Date: June 30, 2009		File Code: \\File01\records\CC\Agenda Bill 2009\070609cm-3 TBD PH.docx

CITY OF BURIEN, WASHINGTON



RESOLUTION NO. 299

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
SETTING A PUBLIC HEARING TO TAKE TESTIMONY
REGARDING THE FORMATION OF A TRANSPORTATION
BENEFIT DISTRICT TO FUND TRANSPORTATION
IMPROVEMENT PROJECTS**

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and for the levying of additional revenue sources for transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels, and

WHEREAS, prior to establishing a Transportation Benefit District, the City is required to conduct a public hearing after giving proper notice describing the projects and activities to be funded by the Transportation Benefit District to be created, and

WHEREAS, the City Council of the City of Burien finds it to be in the best interests of the City to establish a citywide Transportation Benefit District for the funding and implementation of the transportation improvements described in attached Exhibit A, to be funded through a \$25.00 vehicle license fee in the amount of twenty-five dollars (\$25) on qualifying vehicles, and desires to give notice of a public hearing in accordance with the requirements of RCW 36.73.050;

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

Section 1. Public Hearing. A public hearing is hereby scheduled to be held during the City Council meeting of July 20, 2009 at the City Council Chambers located at Burien City Hall, for the purpose of taking public testimony, including any objections of those persons affected, regarding the proposed formation of a Transportation Benefit District to fund those projects described in Exhibit A, attached hereto.

Section 2. Notice of Public Hearing. The City Clerk is hereby directed to publish notice of the hearing in accordance with the requirements of RCW 36.73.050 with said notice to describe the District boundaries, the transportation improvements projects set forth in Exhibit A, and the funding authority to be granted to the District.

Section 3. Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT
A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 299

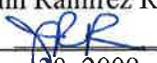
EXHIBIT A

(Description of Transportation Improvements)

1. **8th Avenue South (S 128th Street to S. 136th Street)** - Construct a minimum 8-foot wide multi-purpose facility on one side of 8th Avenue South to provide safe access to Cedarhurst Elementary School.
2. **SW and S 136th Street (from Ambaum Boulevard to 1st Ave S and 1st Ave S to Des Moines Memorial Drive)** - Enhance east-west connectivity and mobility by filling in missing gaps, repair damaged sidewalk, and installing ADA improvements.

**CITY OF BURIEN
AGENDA BILL**

221

Agenda Subject: Discussion on Proposed Ordinance No. 516, Approving the Formation of a Transportation Benefit District and Proposed Resolution No. 298, Approving an Interlocal Agreement Between the City of Burien, Washington ("Burien"), and the Burien Transportation Benefit District ("TBD No. 1").		Meeting Date: July 6, 2009
Department: City Manager	Attachments: 1. Proposed Ordinance No. 516 2. Proposed Resolution No. 298 3. Interlocal agreement between the City of Burien and the Burien Transportation Benefit District	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Jenn Ramirez Robson, Management Analyst		
Telephone: (206) 439-3165		
Adopted Initiative: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Initiative Description: Prioritize and advance specific high priority projects identified in the Pedestrian and Bicycle Facilities Plan.	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss the draft ordinance that would establish the Burien Transportation Benefit District (TBD No. 1) and the proposed interlocal agreement between the City of Burien and the Burien Transportation Benefit District (TBD No. 1). The interlocal agreement defines the process for coordination of efforts between the City of Burien and TBD No. 1 in order to complete the transportation improvements as defined in the TBD Ordinance.		
BACKGROUND (Include prior Council action & discussion): On June 15, 2009 Council received an update on the proposed timeline for the establishment of a TBD and creation of a subsequent measure for the November 3, 2009 ballot that would create a \$25 car tab fee in order to fund two high-priority projects from the Burien Pedestrian and Bicycle Facilities Plan. Council directed staff to continue with the plan for establishing a TBD and to bring back the proposed ordinance and supporting documents at the July 6, 2009 Council meeting. Establishment of a Burien TBD is consistent with state and regional transportation plans as well as the Burien Comprehensive Plan. The Burien Economic Development Partnership (BEDP) has expressed their support of the TBD concept as presented here. Establishment of a Burien TBD is also in alignment with the City of Burien vision that sees <i>...a community with a local and regional transportation system that integrates cars, pedestrians, bicycles and transit."</i>		
OPTIONS (including fiscal impacts): 1. Accept the ordinance and resolution as drafted and place on a future Business Agenda. 2. Decline to place the proposed ordinance and resolution on a future Business Agenda.		
Administrative Recommendation: Recommend placing the ordinance and resolution on the July 20, 2009 Agenda for consideration.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Jenn Ramirez Robson Administration 		Mike Martin City Manager 
Today's Date: June 30, 2009		File Code: \\File01\records\CC\Agenda Bill 2009\070609cm-2 TBD Ord.docx

CITY OF BURIEN, WASHINGTON**ORDINANCE NO. 516**

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED BY THE DISTRICT; AUTHORIZING THE TRANSPORTATION BENEFIT DISTRICT BOARD TO ESTABLISH AN ANNUAL VEHICLE LICENSE FEE SUBJECT TO VOTER APPROVAL; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Burien has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW, and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and for the levying of additional revenue sources for transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels, and

WHEREAS, transportation improvements include, among other things, transportation programs of regional or statewide significance including transportation demand management; and

WHEREAS, transportation demand management is a general term for various strategies that increase transportation system efficiency emphasizing the movement of people and goods, rather than motor vehicles, and giving priority to more efficient modes (such as walking and cycling), particularly under congested conditions; and

WHEREAS, one of the key findings of the "Washington Transportation Plan for 2007-2026" adopted by the Washington Transportation Commission was that the mobility of people and goods is fundamental to the functioning of society and that investment must shift from moving vehicles to moving people and products, and

WHEREAS, the Puget Sound Regional Council ("PSRC"), a regional planning agency, has adopted its PSRC long-range strategy (VISION 2040) and its Metropolitan transportation plan (Destination 2030), both of which call for the development of a transportation system that includes bicycle and pedestrian transportation improvements, and

WHEREAS, Destination 2030 calls for creating a regionally integrated network of non-motorized facilities linking bicycle and pedestrian infrastructure within urban places, and connecting these facilities to regional transit services, and

WHEREAS, VISION 2020, the region's long-range growth management, economic and transportation strategy, and Destination 2030 call for the development of a transportation system that creates more travel choices while preserving environmental quality and open space with bicycle and pedestrian transportation playing an important role in achieving this goal, and

WHEREAS, although Destination 2030 focuses on identifying a regional bicycle and pedestrian system, it identifies the backbone of the regional system as the network of facilities on local streets and arterials and recognizes that regional and local systems are inextricably linked and mutually depend upon one another; thus, the Destination 2030 Implementation Strategy for the Long-Range Plan for bicycle and pedestrian transportation focuses on implementing both regional and local networks since both are integral to achieving regional goals, and

WHEREAS, the City has identified two local mobility improvement projects that fit within and are consistent with transportation demand management and the regional plan and program for bicycle and pedestrian transportation, and are necessitated by existing and reasonably foreseeable congestion levels, which projects are described in attached Exhibit "A", and

WHEREAS, the City Council finds that the projects described in Exhibit A are projects within the meaning of RCW, and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a Transportation Benefit District subject to the provisions of Chapter 36.73 RCW, and

WHEREAS, the City desires to form a Transportation Benefit District which includes the entire City of Burien, as the boundaries exist at the time of the effective date hereof, for the purpose of funding the transportation improvements described herein through imposition of a vehicle fee in accordance with Chapter 36.73 RCW and RCW 82.80.140, and

WHEREAS, prior to establishing a Transportation Benefit District, in accordance with RCW 36.73.050, the City conducted a public hearing after giving proper notice describing the projects and activities to be funded by the Transportation Benefit District to be created, and

WHEREAS, the City Council of the City of Burien finds it to be in the best interests of the City to establish a citywide Transportation Benefit District for the funding and implementation of the transportation improvements described herein, consistent with Chapter 36.73 RCW, and

WHEREAS, the City Council of the City of Burien shall establish a governing body for the Transportation Benefit District comprised of the City Council acting in an *ex officio* and independent capacity;

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

Sec. 1. Purpose. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to and consistent with RCW 35.21.225 and Chapter 36.73 RCW, as the City Council finds it is in the public interest to provide adequate levels of funding for the purposes of implementing and funding the transportation improvement(s) described in attached Exhibit "A" which exhibit is incorporated as though fully set forth herein.

Sec. 2. Formation of a Transportation Benefit District. The City of Burien, pursuant to RCW 35.21.225 and Chapter 36.73 RCW, hereby establishes and creates a Transportation Benefit District to be known and referred to as TBD No. 1, subject to the following:

(1) **Establishing Transportation Benefit District.** There is created TBD No. 1 with geographical boundaries comprised of the corporate limits of the City, as they exist upon the effective date of this ordinance. Future annexations shall not affect the corporate boundaries of TBD No. 1.

(2) **Governing Board.**

(a) The governing board of the Transportation Benefit District shall be the Burien City Council acting in an *ex officio* and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

(b) The treasurer of the Transportation Benefit District shall be the City Finance Director.

(c) The Board shall develop material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

(d) The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

(e) Meetings of the Board shall be governed by the procedural rules applicable to meetings of the Burien City Council, as the same may be amended from time to time.

(f) The first action of the Board shall be to nominate and elect a chair who shall preside over all meetings of the Board.

(3) **Powers of the TBD No. 1:** TBD No.1 shall possess all of the powers of a transportation benefit district authorized pursuant to Ch. 36.73 RCW, including the authority to issue general obligation bonds and revenue bonds; provided that, the TBD No. 1 shall have no authority to impose taxes, fees, charges, or tolls except as provided herein.

(4) **Transportation Improvements Funded.** The funds generated by the Transportation Benefit District shall be used for transportation improvements that are described in Section 1 of this Ordinance or as may be otherwise expanded in accordance with Ch. 36.73 RCW.

(5) **Establishment of Vehicle Fee Revenue Source.** The Board shall, upon approval of the majority of the voters of the district voting on a proposition at a general or special election, have the authority to impose an annual vehicle license fee in the amount of twenty-five dollars (\$25), consistent with RCW 36.73.065, to be collected by the Washington Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140 and Chapters 36.73 and 46.16 RCW.

(6) **Dissolution of District.** TBD No. 1 shall be dissolved when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied.

Sec. 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Burien Municipal Code, this ordinance is deemed to control.

Sec. 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after approval and publication in accordance with law,

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Chris D. Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 516
Date of Publication:

EXHIBIT A
(Description of Transportation Improvements)

1. **8th Avenue South (S 128th Street to S. 136th Street)** - Construct a minimum 8-foot wide multi-purpose facility on one side of 8th Avenue South to provide safe access to Cedarhurst Elementary School.
2. **SW and S 136th Street (from Ambaum Boulevard to 1st Ave S and 1st Ave S to Des Moines Memorial Drive)** - Enhance east-west connectivity and mobility by filling in missing gaps, repair damaged sidewalk, and installing ADA improvements.

DRAFT

**CITY OF BURIEN, WASHINGTON
RESOLUTION NO. 298**

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON
AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL
AGREEMENT WITH THE TRANSPORTATION BENEFIT DISTRICT
TO MANAGE AND FUND TRANSPORTATION IMPROVEMENTS
DESCRIBED IN CITY ORDINANCE NO. 516**

WHEREAS, Chapter 39.34 RCW (Interlocal Cooperation Act) permits local governmental units to make the most efficient use of their powers by enabling them to cooperate on the basis of mutual advantage; and

WHEREAS, Burien is empowered to operate, maintain, construct, and reconstruct, public street infrastructure within its city limits in accordance with the powers granted pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, pursuant to Ordinance No. 516 a transportation benefit district was created to provide adequate funding for transportation improvements described therein; and

WHEREAS, Burien and TBD No. 1 desire to better coordinate their efforts in order to pursue their individual, joint and mutual rights and obligations to construct such transportation improvements;

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

Section 1. Execution of Interlocal Agreement. The Mayor is hereby authorized to execute the Interlocal agreement with TBD No.1 in substantially the form of Exhibit "A" attached hereto.

Section 2. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____TH DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 298

**AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BURIEN,
WASHINGTON, AND THE BURIEN TRANSPORTATION BENEFIT DISTRICT**

This agreement between the City of Burien, Washington ("Burien"), and the Burien Transportation Benefit District ("TBD No. 1"), each of whom is organized as A Municipal Corporation under the laws of the state of Washington, is dated this ____ day of ____, 2009

WHEREAS, Chapter 39.34 RCW (Interlocal Cooperation Act) permits local governmental units to make the most efficient use of their powers by enabling them to cooperate on the basis of mutual advantage; and

WHEREAS, Burien is empowered to operate, maintain, construct, and reconstruct, public street infrastructure within its city limits in accordance with the powers granted pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, pursuant to Ordinance No. 516 (the "Enabling Ordinance") TBD No. 1 was created to provide adequate funding for transportation improvements described therein; and

WHEREAS, Burien and TBD No. 1 desire to better coordinate their efforts in order to pursue their individual, joint and mutual rights and obligations to construct such transportation improvements;

NOW THEREFORE, the parties have entered into this agreement in consideration of the mutual benefits to be derived and to coordinate their efforts through the structure provided by the Interlocal Cooperation Act.

1. Purpose and Interpretation. The City of Burien is empowered by Title 35A to construct, reconstruct, maintain and preserve City streets and other related public infrastructure either by contract or through the use of City forces. TBD No. 1 has been constituted in accordance with state law to provide a source of funding for the implementation of transportations improvements described in the Enabling Ordinance. TBD No. 1 has no employees and its officers are either City Council Members serving in an ex officio capacity or are City employees designated to serve under the provisions of state law. In order to make the most efficient use of public monies, to avoid duplication of effort and to coordinate their efforts, the parties have entered into this agreement. In the event of ambiguity or the need for guidance arises, this agreement shall be interpreted in accordance with the provisions of the Enabling Ordinance, Chapter 36.73 RCW, RCW 82.80.140, the provisions of the Governmental Accounting Act, and RCW 43.09.210, as the same exist or shall hereafter be amended. In the event that any provision of this agreement is held to be in conflict with existing state statute or any future amendment

thereof, such provisions shall be severable, and the remaining provisions of this agreement shall remain in full force and effect.

2. Obligations of TBD No. 1. In accordance with the requirements of Chapter 36.73 RCW and the Enabling Ordinance, the Transportation Benefit District agrees to:

2.1 Do all things necessary to place on the ballot at the next general election, a proposition for approval by the voters, of an annual vehicle license fee in the amount of twenty-five dollars (\$25), to be imposed by TBD No. 1 for the transportation improvement projects described in the Enabling Ordinance, in the manner set forth in RCW 82.80.140 and Chapters 36.73 and 46.16 RCW.

2.2 Provide to the City of Burien all funding received from any and all lawful sources, net administrative expenses, which TBD No. 1 may impose for the purposes described in the Enabling Ordinance.

2.3 Develop an annual work plan.

2.4 Pursuant to a material change policy adopted pursuant to the requirements of RCW 36.73.160(1), TBD No. 1 shall consider at a minimum the impacts and appropriate remedies if transportation improvements contained in its annual plan exceed its original cost by more than 20%. TBD No. 1 shall consider the input from public hearings and other sources as it determines how such cost changes should be resolved. The obligations of this agreement shall be interpreted and applied in a manner consistent with this adopted policy.

3. Undertakings of Burien. Burien shall:

3.1 Provide all staff and necessary related support to TBD No. 1. The costs of such support shall be accounted for as a part of the City's annual report to the District. TBD funding shall first be applied to the reasonable charges incurred in establishing and staffing TBD No. 1. Annual services provided may include the services provided by the City Attorney, or designee, the City Clerk, or designee, when serving as the Clerk of TBD No. 1, the City's Finance Director, or designee, when serving as its Treasurer, the Public Works Director, or designee, when managing and/or administering a transportation improvement, and any associated costs, including but not limited to the preparation of an annual work plan, reporting, advertising, design, contracting, construction management and administration, accounting, and any and all other actual charges associated with the proper application of TBD No. 1 funding to the transportation improvements set forth in the Enabling Ordinance. In consideration of the benefits derived by Burien, overhead charges such as utilities, information technology, office supplies and equipment shall be a contribution of Burien to the parties' joint goals and objectives and need not be directly charged to TBD No. 1.

3.2 Maintain for the period established by the State Archivist retention schedule, financial records, kept in accordance with generally accepted accounting

practice and governmental accounting requirements, as necessary to document that any and all funding received through TBD No. 1 is used only for the maintenance and preservation of City streets and infrastructure in accordance with law and ordinance.

3.3 Utilize all funding provided, for the transportation improvements described in the Enabling Ordinance.

4. Ownership. Streets and related transportation infrastructure constructed and installed with TBD No. 1 funds are and shall remain the property of the City of Burien. No joint property ownership is contemplated under the terms of this agreement.

5. No Joint Board. No provision is made for a joint board. TBD No. 1 shall exercise its function in accordance with the applicable statutes, using staff as provided by the City of Burien, pursuant to this agreement.

6. No Indemnity. No indemnification is provided by this agreement. The parties agree to bear their respective liability for any acts or omissions resulting under this agreement as the same shall be determined under the laws of the state of Washington or any mutually approved settlement agreement.

7. Termination. This agreement shall terminate or expire as follows:

7.1 This agreement may be terminated by either party upon the provision of one-hundred and eighty (180) calendar days notice. A final reconciliation of costs, payment and a current report of completed activities shall be completed by Burien within such period following the notice by either party.

7.2 Unless sooner terminated by either party, this agreement shall expire on the date when the District is automatically dissolved in accordance with provisions of the Enabling Ordinance, as the same exists or is hereafter amended; provided that, a final reconciliation of costs, payment and a current report of completed activities shall be completed by Burien and TBD No. 1 prior to dissolution.

8. Effective Date. This agreement shall take effect and be in full force five (5) days after approval and publication in accordance with law,

IN WITNESS WHEREOF, the City of Burien and Burien Transportation Benefit District have executed this agreement effective as of the date set forth above.

CITY OF BURIEN

BURIEN TRANSPORTATION BENEFIT DISTRICT

Joan McGilton, Mayor

Chair

ATTEST/AUTHENTICATED:

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Approved as to form:

Chris D. Bacha
Kenyon Disend, PLLC
Interim City Attorney

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on Motion to Adopt Resolution No. 295, Establishing the 2009 Comprehensive Plan Amendment Docket.		Meeting Date: July 6, 2009
Department: Community Development	Attachments: 1. <u>BMC 19.65.095</u> 2. <u>Draft Res. No. 295</u> 3. <u>Planning Commission (PC) and Staff Recommendations</u>	Fund Source: N/A
Contact: David Johanson, AICP, Senior Planner		Activity Cost: N/A
Telephone: (206) 248-5522		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: 2009 Comprehensive Plan Amendments	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to receive a presentation and hold a discussion regarding the Planning Commission and staff recommendations on the establishment of the 2009 Comprehensive Plan Docket. No formal motion is required.</p> <p>BACKGROUND (Include prior Council action & discussion): Under State law, the Comprehensive Plan can be amended no more than once per year (with certain exceptions). The process for amending the Comprehensive Plan is contained in Zoning Code section 19.65.095 (Attachment 1). By August 1, the City Council is required to establish a list of amendments to be considered ("the docket").</p> <p>The amendment process has several distinct steps. The first step was to solicit requests for amendments. A notice was published in The Seattle Times, placed on the City's Web site and posted at City Hall, notifying citizens that the City would accept requests until June 1, 2009.</p> <p>The Planning Commission held the required public meeting and considered the preliminary docket list on June 8, 2009. At that meeting the Planning Commission unanimously agreed with staff recommendations to include all proposed amendment requests on the docket (Attachment 3).</p> <p>The final steps in establishing the docket are for the Council to hold a discussion of the proposed docket at your July 6, 2009 meeting and on July 20, 2009 consider adoption of the proposed Resolution No. 295(Attachment 2), establishing the 2009 comprehensive plan docket. We are requesting that adoption of the resolution establishing the docket be placed on your consent agenda for July 20, 2009.</p> <p>OPTIONS (Including fiscal impacts): N/A</p> <p>Administrative Recommendation: Hold discussion on the 2009 Comprehensive Plan docket and direct staff to schedule adoption of Resolution 295 establishing the docket on the July 20, 2009 consent agenda.</p> <p>Committee Recommendation: N/A</p> <p>Advisory Board Recommendation: See Planning Commission recommendation attached.</p> <p>Suggested Motion: None required.</p>		
Submitted by: David Johanson, AICP Administration 		City Manager 
Today's Date: June 30, 2009		File Code: R:\CCA\Agenda Bill 2009\070609cd-1 Comp Plan Amend Docket09.doc

- A. The rezone is consistent with the Comprehensive Plan; and
 - B. The rezone bears a substantial relation to the public health, safety, or welfare; and
 - C. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the property; and
 - D. The rezone has merit and value for the community as a whole.
4. Map change. Following approval of a rezone, the City shall amend the zoning map to reflect the change in zoning designation. The City shall also indicate on the zoning map the number of the ordinance adopting the rezone.
5. Repealed. [Ord. 479 §1, 2007, Ord. 396 §1, 2003]



19.65.095 Comprehensive Plan Amendments.

1. Purpose. The purpose of this section is to provide for plan amendments pursuant to the requirements of Growth Management Act (GMA) (RCW 36.70A.130(1)). Comprehensive plan amendments may be proposed to any element including goals, policies, or plan maps. Amendments to the plan may require and include amendments to supporting plans or ordinances.
2. Process. Amendments to the comprehensive plan may be considered by the City once every calendar year, using the Type 4 review process (BMC 19.65.080) and the timing indicated below. More frequent amendments may be allowed if the amendment complies with RCW 36.70A.130.
 - A. By May 1, property owners and other interested parties will be notified of the annual Comprehensive Plan amendment request deadline. The amendment request deadline is June 1.
 - B. The *Director* will create the list of eligible amendments submitted by the public, the City Council, the Planning Commission, and City staff. By July 1, the Planning Commission shall hold at least one public meeting 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. By August 1, the City Council shall consider the recommendations of the Planning Commission, and establish by resolution a docket of Comprehensive Plan amendments for consideration. The final docket shall be kept on file for public review during the public meeting/hearing process.
 - D. Once the docket is established by the City Council, the Planning Commission shall hold public meeting(s) and/or hearing(s) to solicit public comment on the docket.
 - E. The *Director* shall provide written recommendations concerning all amendment requests to the Planning Commission.
 - F. The proposed amendment(s) shall be accompanied by the necessary documents for compliance with the State Environmental Policy Act by the time the Planning Commission makes a recommendation to the City Council.

AGENDA BILL ATTACHMENT 1

G. The Planning Commission shall make a recommendation to the City Council on all proposed amendments pursuant to a schedule established by the City Council.

H. The City Council shall consider the recommendations of the Planning Commission at a public meeting. Adoption of the Comprehensive Plan amendment(s) may occur at the public meeting or at a subsequent meeting. Those items that require funding in the City budget shall receive final consideration concurrent with final budget consideration.

I. Participation in Public Meeting(s) and Hearing(s). Any person may participate in the Public Meeting(s) or Hearing(s) by submitting written comments to the *Director* prior to the meeting/hearing or by submitting written or oral comments at the meeting/hearing.

J. Hearing Record. The Planning Commission or City Council shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing. [Ord. 397 §4, 2003]

3. Concurrent review. A proposed Comprehensive Plan amendment that also requires a rezone shall be considered concurrently, and all public notice must reflect the dual nature of the request.

4. Criteria. The City may approve or approve with modifications a Comprehensive Plan amendment if:

A. The request has been filed in a timely manner; and

B. There is a public need for the proposed amendment; and

C. The proposed amendment is the best means for meeting the identified public need; and

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies; and

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

F. The revised Comprehensive Plan will be internally consistent; and

G. The capability of the land can support the projected land use; and

H. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency; and

I. The proposed amendment will be compatible with nearby uses; and

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing; and

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,

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

5. Comprehensive plan and map change. Following approval of a Comprehensive Plan amendment, the City shall amend the Comprehensive Plan text and map, as applicable, to reflect the change in text or plan designation.

19.65.100 Zoning Code Amendments.

1. Purpose. The purpose of this section is to establish the process and criteria for amendment of this Code.

2. Process. Zoning Code amendments shall be considered using the Type 4 review process.

3. Initiation of zoning code amendment request. A zoning code amendment request may be initiated by the City Council, Planning Commission, or any City department.

4. Criteria. The City may approve or approve with modifications a proposal to amend the text of this Code if:

A. The amendment is consistent with the Comprehensive Plan; and

B. The amendment bears a substantial relation to the public health, safety, or welfare; and

C. The amendment is in the best interest of the community as a whole.

5. Code change. Following approval of an amendment, the City shall amend this Code to reflect the change.

19.65.105 Administrative Design Review.

1. Purpose. The purpose of this section is to establish the process and criteria for administrative design review (ADR). [Ord. 273 § 1, 1999]

2. Applicability.

A. *Major new construction or modification* in the DC and SPA-1 zones is subject to the provisions of BMC 19.47, 19.49 and the procedures for ADR contained in this section. [Ord. 441 § 12, 2005]

B. All other changes to existing *structures* and *sites* in the DC and SPA-1 zones do not require ADR approval, unless a design departure is requested. However, the portion of the *structure* or *site* being changed must comply with the applicable design objectives and standards in BMC 19.47 and BMC 19.49. This includes, but is not limited to exterior modifications, including paint, material, roof or *façade* changes; parking area restriping or redesign; and landscaping. [Ord. 273 § 1, 1999, Ord. 441 § 12, 2005]

3. Process. The *Director* shall review applications for ADR according to the procedures established for a Type 1 review (BMC 19.65.065). BMC 19.65.040 (Notice of Application) does not apply, unless SEPA review is required. For large or complex projects, the *Director* may retain design professionals at the *applicant's* expense to review ADR applications submitted by the *applicant*.



**CITY OF BURIEN, WASHINGTON
RESOLUTION NO. 295**

**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 2009
COMPREHENSIVE PLAN AMENDMENT DOCKET AND WORK
PROGRAM**

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

WHEREAS, the Growth Management Act authorizes the City to amend the Comprehensive Plan on an annual basis; and

WHEREAS, in accordance with Section 19.65.095 of the Burien Zoning Code, the Planning Commission and City Council held public meetings to consider requests for amending the Comprehensive Plan; and

WHEREAS, the City of Burien last amended its Comprehensive Plan in December of 2008.

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

Section 1. 2009 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 Work Program shown on Exhibit A attached hereto.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 20th DAY OF JULY 2009.

**AGENDA BILL
ATTACHMENT 2**



CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha, Interim City Attorney

Filed with the City Clerk: July 15, 2009
Resolution Passed: July ____, 2009
Resolution No. 295

**RESOLUTION 295—EXHIBIT A
WORK PROGRAM
2009 COMPREHENSIVE PLAN AMENDMENTS
July 20, 2009**

Ref. No.	PROPOSED AMENDMENTS	Proposed By
2009-1	Economic Development Element Goal and/or Policy Amendments <i>(Placeholder)</i>	BEDP
2009-2	Sustainability Goal and/or Policy Amendments <i>(Placeholder)</i>	Staff
2009-3	Northeast Redevelopment Area Policy and/or map amendments <i>(Placeholder)</i>	Staff
2009-4	Capital Improvement Program policy and project list updates	Staff
2009-5	Comprehensive Plan Map Amendment/Rezone Request Parcel No. 433140-0215 Address: 14001 Ambaum Blvd SW File No. PLA 09-0720 Request: Comprehensive Plan change from Office to High Density Multi-Family Neighborhood. Rezone request from Office to RM-18.	Property Owner
2009-6	Comprehensive Plan Map Amendment/Rezone Request Parcel No. 202304-9139 Address: 640 SW 160 th Street File No. PLA 09-0763 Request: Comprehensive Plan map change from Moderate Density Residential Neighborhood to Intersection Commercial. Rezone request from RS-7,200 to Intersection Commercial.	Property Owner

Staff Recommendations 2009 Comprehensive Plan Amendment Docket

Ref. No.	PROPOSED AMENDMENT	PROPOSED BY
2009-1	Economic Development Element Goal and/or Policy Amendments <i>(Placeholder)</i>	BEDP

Planning Commission and Staff Recommendation

Keep on docket

Rational

- 1) The BMC states that the BEDP should annually review the economic development element of the comprehensive plan to ensure it is consistent with the economic development vision of the City. This is consistent with BMC 2.50.040(1), which reads as follows;

“Make recommendations annually for changes to the Burien comprehensive plan that promote and enhance economic development.”

Projected Resources/Work Program Impacts

Low to moderate impact on available resources.

Ref. No.	PROPOSED AMENDMENT	PROPOSED BY
2009-2	Sustainability Policy Amendments Goal and/or Policy Amendments	Staff

Planning Commission and Staff Recommendation

Keep on docket

Rational

- 1) The issue of sustainability is on the City adopted 2009 work program.
- 2) The Planning Commission has been diligently working on sustainability issues and may be ready to adopt goals and/or policies into the comprehensive plan.

Projected Resources/Work Program Impacts

Moderate to low level of impact on available resources.

Ref. No.	PROPOSED AMENDMENT	PROPOSED BY
2009-3	Northeast Redevelopment Area Goals and Policies. <i>(Placeholder)</i>	Staff

Planning Commission and Staff Recommendation

Keep on docket

Rational

- 1) Placeholder for any future policy changes relating to the Northeast Redevelopment Area.
- 2) Moderate impact development is on the City adopted work program as it relates to comprehensive plan amendments. There will most likely be some amendments to the zoning code following possible comprehensive plan amendments.

Projected Resources/Work Program Impacts

Moderate level of impact on available resources

Status

The City has hired a consultant to help with planning of the NERA in coordination with the Port of Seattle. The study may have policy recommendations that could be inserted into the Comprehensive Plan.

Ref. No.	PROPOSED AMENDMENT	PROPOSED BY
2009-4	Capital Improvement Program Map and project list updates.	Staff

Planning Commission and Staff Recommendation

Keep on docket

Rational

- 1) The capital improvement program portions of the comprehensive plan should be annually updated to more accurately reflect the anticipated projects and remove those projects that have been completed.

Projected Resources/Work Program Impacts

Low to Moderate level of impact on available resources

Ref. No.	PROPOSED AMENDMENT	PROPOSED BY	247
2009-5	Comprehensive Plan Map Amendment/Rezone Request Parcel No. 433140-0215 Address: 14001 Ambaum Blvd SW, Burien, WA 98166 File No. PLA 09-0720 Request: Comprehensive Plan change from Office to High Density Multi-Family Neighborhood and Rezone from O (Office) to RM-18.	Property Owner	

Planning Commission and Staff Recommendation

Include in docket.

Rational

- 1) The rezone request included sufficient rational addressing comprehensive plan amendment and rezone criteria. The application should be evaluated in more detail.
- 2) The proposal is requesting a comprehensive plan and zoning change that warrants additional analysis and consideration given the multi-family zoning designation adjacent to the subject parcel (see Vicinity Map attached). There are parcels adjacent to the subject property with the same zoning designation (RM-18) as requested by the applicant
- 3) The use, configuration and location of the subject parcel requesting the change is unique.
- 4) The comprehensive plan amendment and request is related to a recent redevelopment proposal for the site.

Projected Resources/Work Program Impacts

The requested comprehensive plan amendment and rezone review would be considered a low impact on available staff resources.

Attachments

- 1) Vicinity Map
- 2) Comprehensive Plan Amendment Request, prepared by Broderick Architects.
 - a. Application form
 - b. Responses to comprehensive plan amendment and rezone request criteria
 - c. Development site plan
(Note: the complete application packet was not included)

Ref. No.	PROPOSED AMENDMENT	PROPOSED BY
2009-6	<p>Comprehensive Plan Map Amendment/Rezone Request</p> <p>Parcel No. 202304-9139</p> <p>Address: 640 SW 160th Street, Burien, WA 98166</p> <p>File No. PLA 09-0763</p> <p>Request: Comprehensive Plan change from Moderate Density Single-Family Neighborhood to Intersection Commercial. Rezone from RS-7,200 to CI (Intersection Commercial).</p>	Cramer Northwest Inc. for Larry Ort (owner)

Planning Commission and Staff Recommendation

Include in docket.

Rational

- 1) The rezone request included sufficient rational addressing comprehensive plan amendment and rezone criteria. The application should be evaluated in more detail.
- 2) The proposal is requesting a comprehensive plan and zoning change that warrants additional analysis and consideration given the intersection commercial zoning designations adjacent to the subject parcel (see Vicinity Map attached).
- 3) The use, configuration and location of the subject parcel requesting the change is unique.

Projected Resources/Work Program Impacts

The requested comprehensive plan amendment and rezone review would be considered a low impact on available staff resources.

Attachments

- 1) Vicinity Map
- 2) Comprehensive Plan Amendment Request, prepared by Cramer Northwest.
 - a. Application form
 - b. Responses to comprehensive plan amendment and rezone criteria

(Note: the complete application packet was not included)

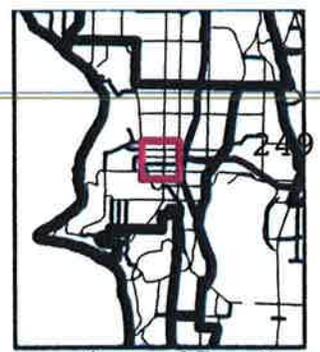


Burien

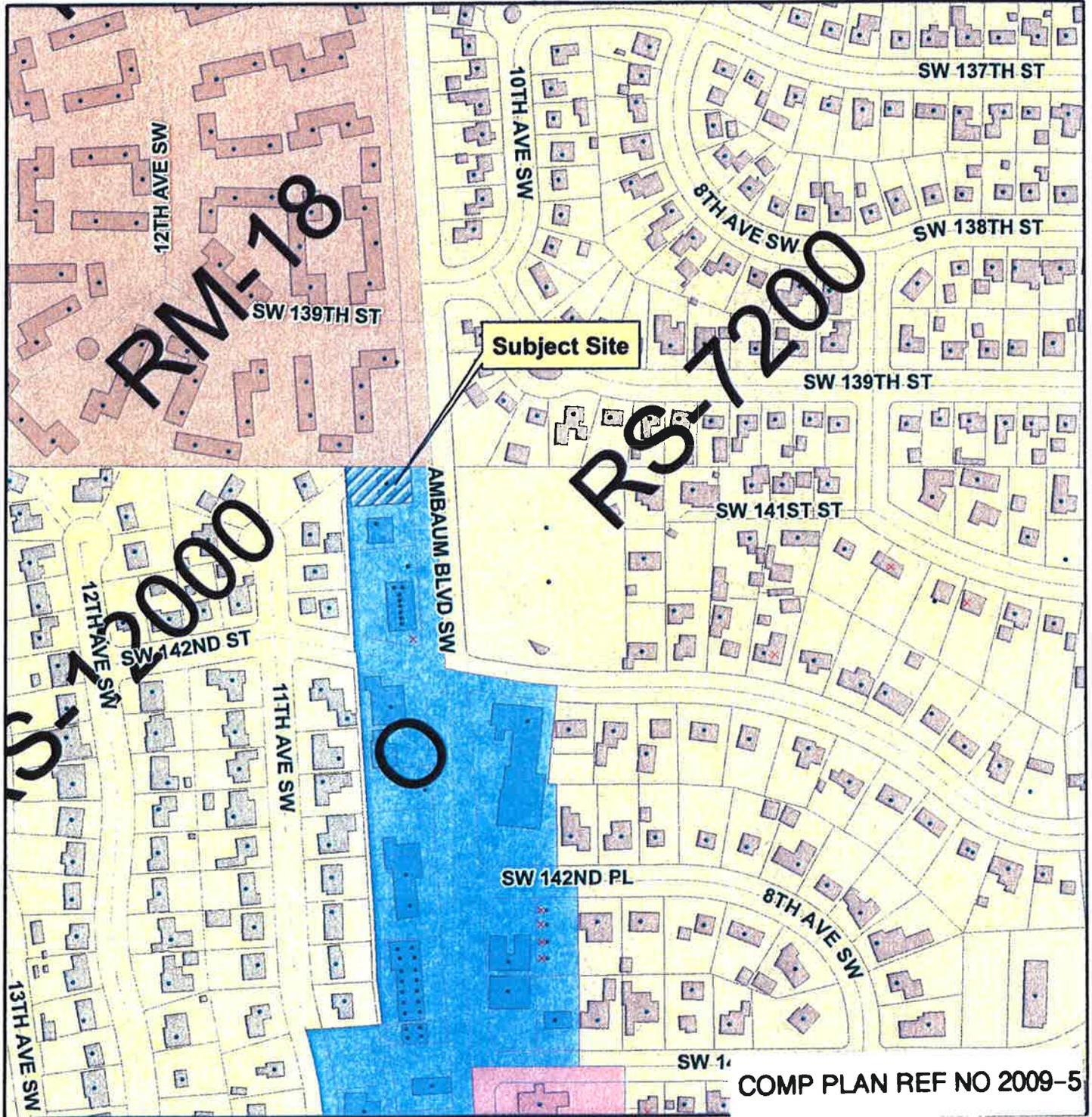
Washington, USA

Vicinity Map

Ref. No. 2009-5
Ambaum Partners, LLC
Rezone Request
From O to RM-18



Area of Detail





Burien

Washington, USA

Comprehensive Plan²⁵¹ Amendment Request (Includes rezones)

15811 Ambaum Blvd. SW Suite C, Burien, WA 98166
Phone: (206) 241-4647 • FAX: (206) 248-5539
www.burienwa.gov

Amendment Type	Reference Number (staff will assign)
<input checked="" type="checkbox"/> Map amendment	PLA 09-0720
<input type="checkbox"/> Text amendment	
<input checked="" type="checkbox"/> Quasi-Judicial Rezone	

APPLICANT INFORMATION		
Name: <i>Geneviève Theriault</i>	Company: <i>Broderick Architects</i>	Daytime Phone: <i>206.682.7525</i>
Mailing Address: <i>55 S. Atlantic St. #301 Seattle, WA 98134</i>		Fax Number: <i>206.682.7529</i>
Contact person (if different):		Daytime Phone:
Property owner (if different): <i>Ambaum Partners, LLC</i>		Daytime Phone: <i>206.228.9708</i>
Mailing Address: <i>1101 SW 139th St. Burien, WA 98166</i>		Fax Number: <i>(Sam Spencer)</i>

SITE INFORMATION (if applicable)		
Site Address: <i>14001 Ambaum Blvd. SW</i>	Parcel Number: <i>4331400215</i>	
Existing Zoning District: <i>office</i>	Existing Comprehensive Plan designation: <i>office</i>	
Requested Zoning: <i>RM-18</i>	Requested Plan designation: <i>high density multi-</i>	
Number of Acres: <i>0.21</i>	Current Land Use: <i>hair salon family neighborhood</i>	
Critical areas present: <input 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): <i>See attached letter.</i>		

RECEIVED
MAY 28 2009
CITY OF BURIEN

SIGNATURE

I, *I. Sam Spencer*, 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 *Broderick Architects* 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: *5-28-09*

Signature: *I. Sam Spencer*
(Owner's Representative)

COMP PLAN REF NO 2009-5

ATTACHMENT 2.A.

28 May 2009

Stephanie Jewett, Planner
City of Burien - Community Development Department
400 SW 152nd Street, Suite 300
Burien, WA 98166

RE: Request for a Comprehensive Plan Amendment and Rezone of a site from Office to High Density Multi-Family Neighborhood / RM-18
Address: 14001 Ambaum Blvd SW Burien, WA 98166
Parcel #: 4331400215
Owner: Ambaum Partners, LLC

Dear Stephanie,

I am writing to request a Comprehensive Plan Amendment and Rezone, as outlined in the Burien Municipal Code section 19.65 "Procedures". The site is located at 14001 Ambaum Boulevard SW and is 9,359 square feet. The zone (and Comprehensive Plan designation) for the site is Office and currently there is a 1,471 sq ft hair salon on the site. To the north of the site is a lot zoned RM-18, to the east is a lot zoned RS-7,200, to the south is a lot zoned Office, and to the west is a lot zoned RS-12,000. We have submitted plans for permit review to construct a 3,792 sq ft Leasing Center (1,896 sq ft on each of the 2 levels) at 14001 Ambaum Boulevard SW. The Leasing Center is for the adjacent The Heights at Burien apartment complex, which is owned and operated by Laramar Group, LLC. The Leasing Center is considered an office use and is therefore allowed in the Office zone. However, there are some amenities we would like to locate in the Leasing Center, which are not currently allowed uses in the Office zone (ie: fitness room). We would like to rezone the site to RM-18 to match the zoning of The Heights at Burien apartment complex. If the rezone were approved, the Leasing Center could become an accessory use to The Heights at Burien apartment complex. The rezone would also give the site the same development regulations as the apartment complex.

[Note: Parcel 4331400215 at 14001 Ambaum Boulevard SW will herein be referred to as "the site".]

The requirements for a Comprehensive Plan amendment are outlined in the Burien Municipal Code, section 19.65.095.4. They are listed below along with an explanation as to why the proposed Comprehensive Plan amendment fulfills the requirement.

A. *The request has been filed in a timely manner.*

This request is being filed on May 28, 2009, before the June 1, 2009 deadline, as required in BMC 19.65.095.

**COMP PLAN REF NO 2009-5
ATTACHMENT 2. B,**

25B. There is a public need for the proposed amendment.

The proposed amenities for the Leasing Center include a 165 sq ft fitness room, which is currently not allowed in an Office designation. Currently, there is not an easily accessible fitness facility for The Heights at Burien residents to use. The closest fitness facility is not within walking distance, which requires driving (some residents do not own cars) or taking the bus. This gym also charges a membership fee, whereas the Leasing Center would not charge a fee. With 543 apartments at The Heights at Burien, there is a definitely a need for the proposed amendment.

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

Laramar Group feels that it is very important to provide amenities and services to their residents at The Heights at Burien. One of their standard amenities is a fitness room. At this time, there are no variances for allowing uses not outright allowed in a specific designation. Therefore a Comprehensive Plan amendment / rezone is the best course of action for allowing the proposed amenities in the Leasing Center. This process was recommended by David Johanson during a September 9, 2008 meeting and in a letter dated September 29, 2008 (attached).

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies.

The Growth Management Act addresses the issue of "uncoordinated and unplanned growth" and its effect on the "environment, economic development, and the health, safety and quality of life in Washington State". The Growth Management Act requires the City's Comprehensive Plan to specifically plan "for the additional needs of future populations without incurring heavy costs for public services and facilities, or destroying the state's agricultural, forest, and open space resources". The Countywide Planning Policies address similar issues as the Growth Management Act, but are specific to [King] County. The amendment will not deter from the City's plans for future growth, nor will it destroy the state's forests or parks. However, the amendment will allow a residential community to engage in safe and productive activities that will benefit their well-being. The amendment will provide a public service and facility, without a cost to the City. The change of the site from Office to High Density Multi-Family Neighborhood is fully consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, the Growth Management Act, and the Countywide Planning Policies.

As stated in the Burien Comprehensive Plan, the intent of the High Density Multi-Family Neighborhood designation is to "provide for the location of stable and attractive multi-family development near transit, employment, shopping, and recreation facilities". The Leasing Center will provide an attractive facility accessory to the adjacent multi-family apartment complex and is located close to employment (many adjacent businesses), shopping (many nearby stores along Ambaum Boulevard SW), and recreation facilities (many nearby parks).

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Land Use Element:

Pol. RE 1.7 The High Density Multi-Family Neighborhood designation permits multiple family housing, accessory uses associated with residences, and public and semi-public uses. Such areas may also function as a transition between higher intensity business uses and lower density multi-family housing and single-family residential neighborhoods. Properties designated for High Density Multi-Family Neighborhood uses shall reflect all of the following criteria [designation criteria]:

1. The area is already primarily characterized by multi-family residential uses at 12 to 24, or more units per acre.

The property to the north has a High Density Multi-Family Neighborhood designation. There are 543 dwelling units on the 25 acres, which give a density of 22 units per acre. The other immediately adjacent properties are not multi-family, but there are quite a few multi-family developments in the area.

2. The multi-family development is designed for compatibility with the surrounding development in a manner that is consistent with the City's design guidelines.

The proposed Leasing Center was submitted for permit review on May 7, 2009. Since the Leasing Center is an allowed use in the Office zone, the drawings were submitted for permit while the site was still zoned Office. However, the building was designed using the more restrictive RM-18 development regulations in the Burien Municipal Code (rather than using the Office regulations) in preparation for applying for a Comprehensive Plan amendment / rezone. The landscaping was also designed to provide a dense landscape buffer for the adjacent Low Density Residential Neighborhood. (Note: The reduced landscape buffer was approved in a Type 1 Land Use Review on May 5, 2009.) Regardless of the rezone approval, the Leasing Center will be constructed on the site, but will not include many of the amenities important to Laramar Group, nor will it be able to be connected to The Heights at Burien site (in a legal manner).

3. The existing or planned public facilities are adequate to support residential development at this density.

There are currently adequate public facilities (sewer, water, power) at the site. This was confirmed during the Type 1 Land Use Review process when sewer, water, and fire hydrant availability documents were obtained. The power requirement was confirmed by the owner's representative, Sam Spencer, during the design development phase of the project.

4. The area does not have significant amounts of critical areas.

According to the City's Critical Areas Map, there are no critical areas on the site.

5. The area was designated for multi-family development in the City's interim comprehensive plan.

The site was designated Office on the City's interim Comprehensive Plan. However, as this request demonstrates, a multi-family designation is more conducive for providing support to the adjacent apartment complex and, therefore, is a more suitable designation for the site.

6. The area is being served by adequate recreational facilities.

There are many nearby parks and recreational facilities, including Chelsea Park (0.3 miles), Lake Burien School Park (0.8 miles), and Seahurst Park (1.2 miles). The Burien Community Center is located 0.6 miles from the site and provides a basketball court, skate park, and many other activities.

Community Character Element:

Pol. NQ 1.5 Pedestrian movement in neighborhoods should be enhanced by encouraging the development of a system of paths and trails linking neighborhoods with each other's open spaces, parks, activity centers, shopping and employment centers.

The Leasing Center will be connected to the adjacent The Heights at Burien apartment complex by a 10 ft walkway into a new courtyard. The Leasing Center will provide many activities, within walking distance, for the residents of The Heights at Burien.

Housing Element:

Pol. HS 1.6 Neighborhood design considerations should be included in City land use policies and regulations, such as site standards, landscaping requirements and building design guidelines.

In preparation for this Comprehensive Plan amendment / rezone request, the proposed Leasing Center was designed using the more restrictive High Density Multi-Family Neighborhood / RM-18 development regulations in the Burien Municipal Code.

Transportation Element:

Pol. TR 9.1.1 The City should require that property owners be responsible for providing adequate parking and for managing parking demand on-site to avoid spillover parking on neighboring properties or streets.

The proposed development allows for eight on-site parking spaces, as well as providing a pedestrian connection to the adjacent multi-family apartment complex via a walkway and courtyard. Visitors can also arrive at the site via the nearby bus stop.

Economic Development Element:

Pol. ED 7.4 Develop and promote pre- and after-school programs for children and working parents.

The existing leasing offices for The Heights at Burien are located in the daylight basement of building 17 on The Heights at Burien property. Once the new Leasing Center is constructed, the old leasing offices will be used for the New Futures program, which provides educational programs and support services for low-income families at The Heights at Burien apartment complex. Conceivably these programs could be expanded once the existing leasing offices are vacated. The new Leasing Center (with or without the fitness room) will be available, on a limited basis, for the New Futures program to use.

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

The proposed amendment would change the site designation from Office to High Density Multi-Family Neighborhood. This change would allow more uses in the Leasing Center. For example, a fitness room is not an allowed use in the Office designation, but it is an allowed use in the High Density Multi-Family Neighborhood designation. A fitness room and other amenities would be great benefits to the community at The Heights at Burien. Also, there would be a substantial increase in tax revenue from the development of this property (from the increase of property value), which will benefit the City and the community.

F. The revised Comprehensive Plan will be internally consistent.

We are proposing a Comprehensive Plan amendment of the site from Office to High Density Multi-Family Neighborhood. This will affect the Comprehensive Plan Land Use Map and the Zoning Map. The written content of the Comprehensive Plan will not be revised; therefore the Comprehensive Plan will still be internally consistent. The revised Comprehensive Plan Land Use Map will be internally consistent because it will be allowing a use that is consistent and compatible with adjacent uses, both residential and commercial. Also, designating the site High Density Multi-Family Neighborhood is consistent with the high intensity area shown on the Planned Land Use Intensity map from the Comprehensive Plan (Figure 2LU-2, attached).

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

The projected land use is a 3,792 sq ft Leasing Center for The Heights at Burien apartment complex. This type of office use is allowed in both the Office designation and the High Density Multi-Family Neighborhood designation. The site is capable of supporting this use, regardless of the site's Office designation or High Density Multi-Family Neighborhood designation.

H. 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 of other public agency.

There is currently adequate public facility capacity to support the projected land use (ie: water, sewer, power) at the site. The proposed Comprehensive Plan amendment from an Office designation to a High Density Multi-Family Neighborhood designation will allow a 165 sq ft fitness room to be located in the Leasing Center. The conversion of interior space into a fitness room will not create an increase in the need for public facilities. The Leasing Center and proposed amenities will be used by the residents of the Heights at Burien apartment complex, so there will be primarily foot traffic to the site. Street parking will not be required, since there are eight on-site parking spaces.

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

The proposed amendment would change the designation of the site from Office to High Density Multi-Family Neighborhood. The property to the north has a High Density Multi-Family Neighborhood designation and is currently being occupied by a multi-family apartment complex. The two properties to the west have a Low Density Residential Neighborhood designation and are being occupied by single-family residences. The property to the east has a Moderate Density Residential Neighborhood designation and is being occupied by a 24,542 sq ft church. The Comprehensive Plan amendment of the site from Office to High Density Multi-Family Neighborhood would actually make the site more compatible with four out of 5 of the adjacent properties, because the Neighborhood designations (Low Density Residential, Moderate Density Residential, and High Density Multi-Family) have similar designation criteria (in the Comprehensive Plan) and similar development regulations (in the Burien Municipal Code) [than the Office designation]. If the Comprehensive Plan amendment was approved, the only adjacent property to not have a Neighborhood designation is the site to the south, which has an Office designation.

The High Density Multi-Family Neighborhood designation is also more suitable for the site, because the development regulations (in the Burien Municipal Code) are more restrictive for the High Density Multi-Family Neighborhood designation than they are for the Office designation. Therefore, development on the site [as High Density Multi-Family Neighborhood] would be more compatible with the adjacent Low Density Residential Neighborhood than development of the site using the Office development regulations. Designating the site as High Density Multi-Family Neighborhood would also make the site more compatible

with the property to the north in regards to the services that will be provided at the site. An increased landscape density and existing topographical conditions will provide adequate separation between the site and the adjacent Low Density Residential Neighborhood properties to the west.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

The proposed amendment would not result in a loss of housing capacity, because housing uses are not allowed in the current Office designation. The site currently has an Office designation, which allows office, funeral home, and hospital uses, which the High Density Multi-Family Neighborhood designation does not (per BMC 19.15). If the Comprehensive Plan amendment was approved, it would allow townhouse dwelling units, apartment dwelling units, single detached dwelling units, and essential public facility uses, which an Office designation does not (per BMC 19.15). The proposed amendment would not result in the loss of capacity to meet needed land uses, such as housing, since the amendment would actually allow housing uses at the site. (However, it is the intent of the owner to use the site for a Leasing Center for The Heights at Burien apartment complex.)

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met: i. Conditions have been so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate OR ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.

i. When the site was given its current Comprehensive Plan designation, the site was being used for a retail store (ie: hair salon). This use is not outright allowed in the Office designation, but may have been "grandfathered" because it has been on the site since 1953. However, the site will now be used for a Leasing Center for The Heights at Burien apartment complex. In order for all of the uses associated with the Leasing Center to be allowed, a Comprehensive Plan amendment would need to be approved. Therefore, the condition of the site has changed quite drastically since it was given its current Comprehensive Plan designation and should be modified accordingly.

Furthermore, there is no chance that [in the future] the Leasing Center would be converted to a traditional office building, making it more appropriate for an Office designation. If the Comprehensive Plan amendment is approved, the owner would like to follow the lot line adjustment procedures to combine the site with The Heights at Burien property to the north. If the property is sold in the future, it will be as a Leasing Center accessory to the apartment complex and as part of the same property.

The requirements for a rezone are outlined in the Burien Municipal Code, section 19.65.090.3. They are listed below along with an explanation as to why the proposed rezone fulfills the requirement.

A. The rezone is consistent with the Comprehensive Plan.

We are proposing a rezone of the site from an Office zone to a RM-18 zone. The Land Use policy of the Comprehensive Plan establishes the type of land use and development standards for different Comprehensive Plan designations. For example, a site designated by the Comprehensive Plan as Low Density Residential Neighborhood is going to have very different allowed uses and development standards than a Downtown Commercial designation. However, the Office and the High Density Multi-Family Neighborhood (RM-18) designations have similar allowed uses and development regulations. The Leasing Center that will be constructed on the site is an allowed use in both the Office zone and the RM-18 zone (as well as the Office and High Density Multi-Family Neighborhood designations of the Comprehensive Plan). The land use zone charts of the Burien Municipal Code (section 19.15) outline similar development

regulations of a Leasing Center in the Office and RM-18 zones. Given the residential nature of the RM-18 zone, some of the development standards are more restrictive than the Office zone. However, the Leasing Center was designed on the site with the intent to pursue a rezone; the stricter RM-18 development standards were followed so that the design could adhere to both the RM-18 and Office design standards (ie: building coverage, impervious surface coverage, building height, landscape category, etc.).

The rezone of the site to RM-18 is consistent with the Comprehensive Plan, which assigns specific designations so that a site "is compatible with the character of the surrounding development." Changing the zone of the site to RM-18 is consistent with this idea because the site to the north is zoned RM-18 and is similarly surrounded by single-family residential zones. Therefore, the site will be similarly compatible with the surrounding developments as the RM-18 property to the north.

The Comprehensive Plan outlines the allowed uses within the High Density Multi-Family Neighborhood designation (Pol RE 1.7). One of these uses is "accessory uses associated with residences". The Leasing Center is an accessory use for The Heights at Burien apartment complex. Therefore, the High Density Multi-Family Neighborhood designation is more suitable for the site than the Office designation.

The Leasing Center will be located between The Heights at Burien apartment complex to the north and an Office designation to the south. The Comprehensive Plan states that the High Density Multi-Family Neighborhood designation can serve "as a transition between higher intensity business uses and lower density multi-family housing". The Leasing Center will serve as a good transition between the two zones because it is both an office and an apartment accessory use. The site also fulfills the minimum required size for an "apartment dwelling unit" lot in a RM-18 zone; the site is 9,359 sq ft (5,000 sq ft minimum).

B. The rezone bears a substantial relation to the public health, safety, or welfare.

The rezone would allow a 165 sq ft fitness room to occupy a portion of the Leasing Center. Studies show that exercising regularly can impact a person's health in a positive manner. By providing a free and convenient location to exercise, the health of the apartment residents could be greatly improved. Also, rezoning the site from Office to RM-18 would allow the Leasing Center to occasionally be used by the New Futures program for special events. (They are currently using 5 apartments at The Heights at Burien apartment complex.) Their existing space is not ideal, and having an alternate location for meetings and group parties would be very beneficial to the program. For these reasons, the rezone would contribute to the City's public health, safety, and welfare.

By approving the rezone, the City would be encouraging a use that is more suitable for the site. Also, the increased tax revenue (from the increase in property value) will allow the City to continue their efforts in providing needed services to the community.

C. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the property.

The proposed amendment would change the zone of the site from Office to RM-18. The property to the north is zoned RM-18 and is currently being occupied by The Heights at Burien apartment complex. The two properties to the west are zoned RS-12,000 and are being occupied by single-family residences. The property to the east is zoned RS-7,200 and is being occupied by a 24,542 sq ft church. The property to the south is zoned Office. The rezone will not be detrimental to the adjacent properties or uses. The proposed Leasing Center is allowed in both the Office zone (existing) and the RM-18 zone (proposed). The rezone would allow uses that are currently not allowed in the Office zone (ie: a fitness room), but would not have a substantial impact on the adjacent properties or uses. For example, the traffic level would not increase, the occupant level would not increase, and the hours of operation would not increase.

260D. The rezone has merit and value for the community as a whole.

While the Leasing Center and proposed amenities will be used primarily by residents of The Heights at Burien apartment complex, the rezone will benefit the Burien community as a whole. By providing the residents with a space to do productive and healthy activities, they are less likely to engage in activities that are considered a public nuisance (ie: loitering, gang activity, etc). Having residents use their free time to engage in activities at the Leasing Center will benefit the Burien community as a whole, as well as the residential community of The Heights at Burien.

I believe the above information has adequately shown that the Comprehensive Plan Amendment and Rezone of the site is consistent with the purpose and intent of the Comprehensive Plan and the Burien Municipal Code.

Thank you for your time in addressing this matter. Please let me know if there is any additional information you require at this time.

Sincerely,

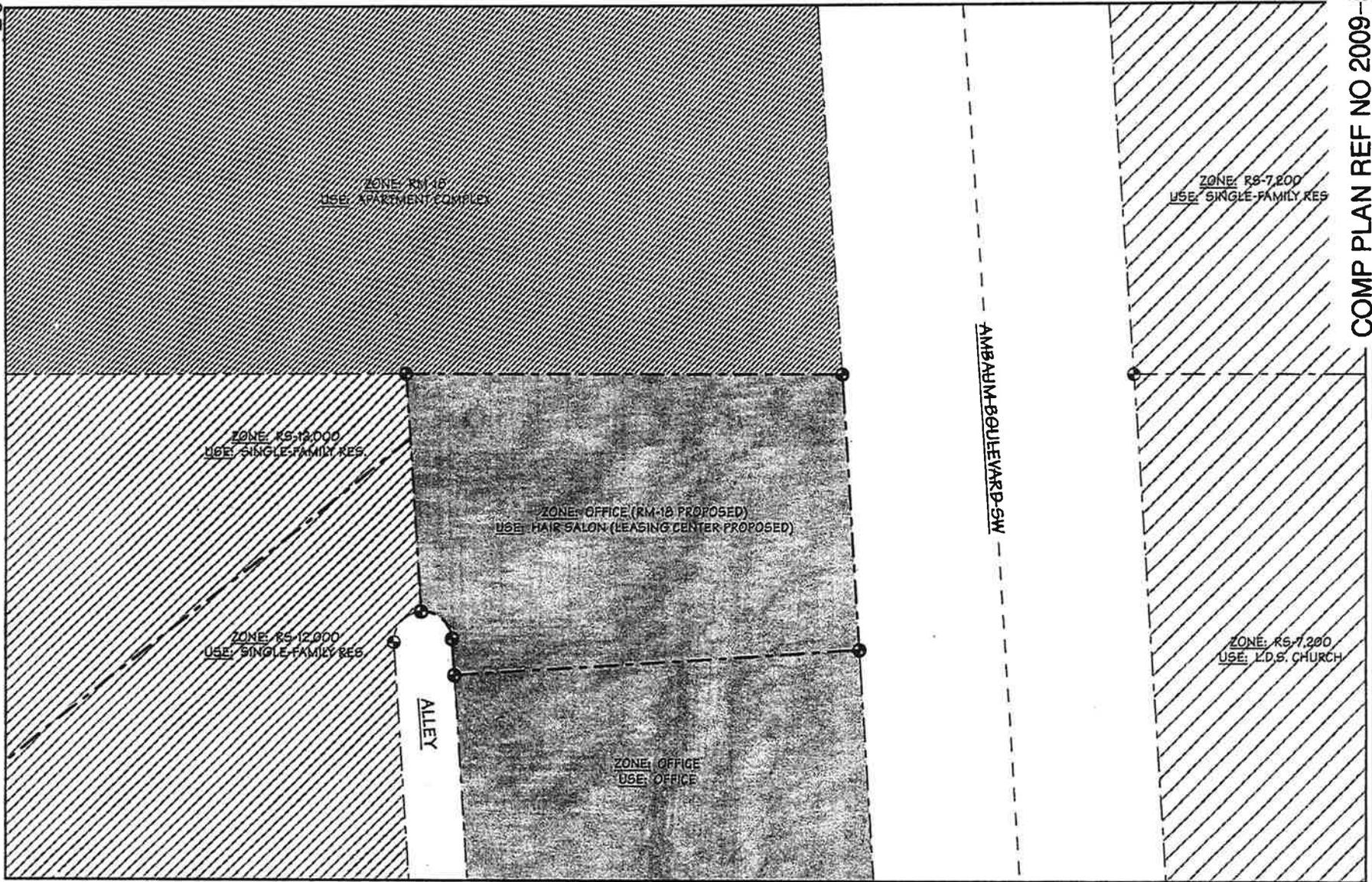
 5.28.2009

Genevieve Theriault,

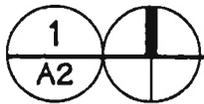
Broderick Architects

- Attachments:**
- 1) *Comprehensive Plan Amendment and Rezone Application*
 - 2) *Letter - Allowed Uses Clarification dated September 29, 2008*
 - 3) *Figure 2LU-2: Planned Land Use Intensity*
 - 4) *Recreation Map*
 - 5) *Vicinity Map*
 - 6) *Site Plan*
 - 7) *ALTA Survey dated October 15, 2008*
 - 8) *Development Survey dated April 30, 2009*

261



COMP PLAN REF NO 2009-5
ATTACHMENT 2C



VICINITY MAP

1" = 40'

08-065

BRODERICK ARCHITECTS

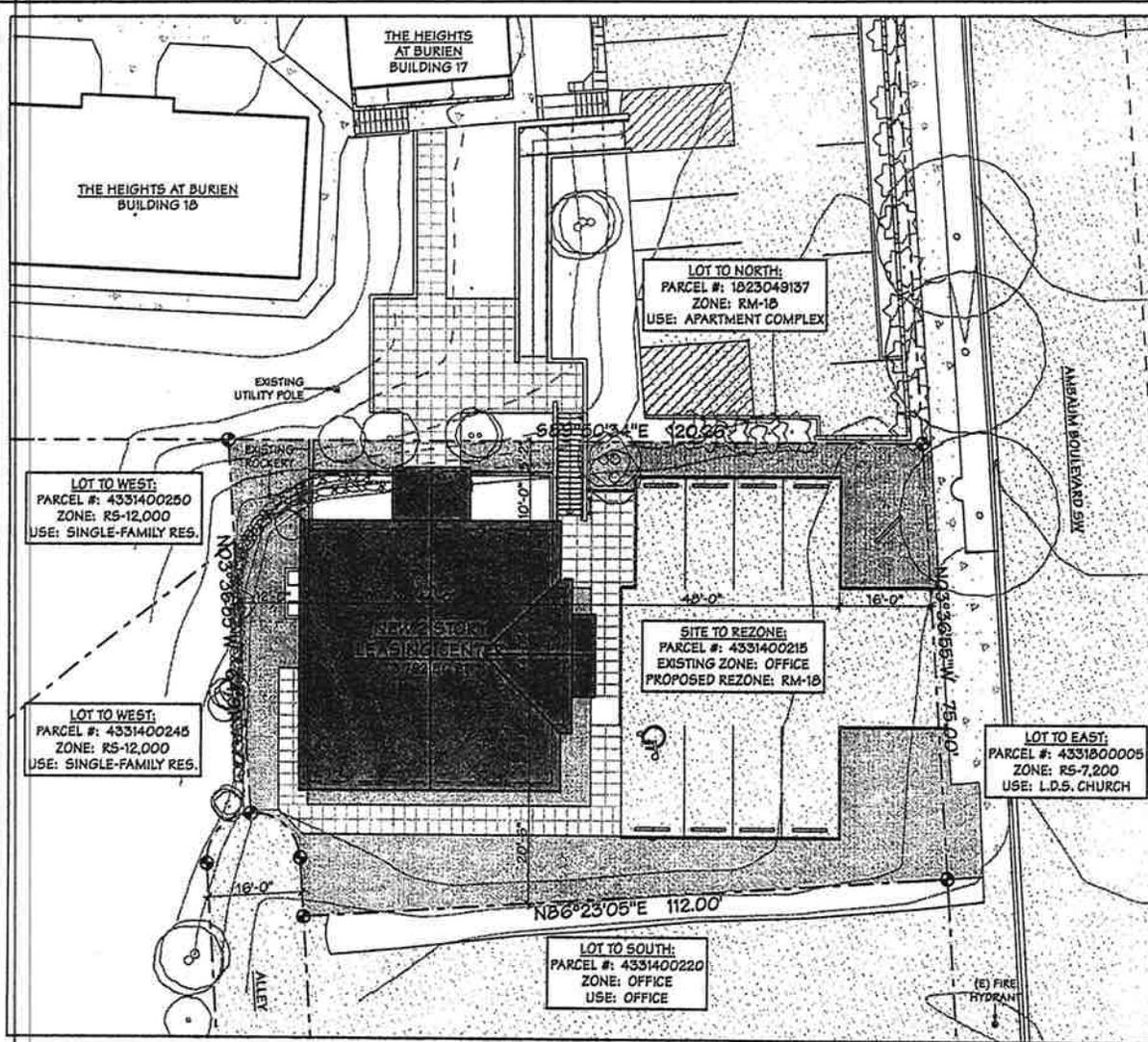
55 SOUTH ATLANTIC STREET, SUITE 301
SEATTLE, WASHINGTON 98134 (206) 682-7525

THE HEIGHTS AT BURIEN: LEASING CENTER

14001 AMBAUM BOULEVARD SW • BURIEN, WA 98166

A2

5/28/09



ADDRESS:	14001 AMBAUM BOULEVARD SW BURIEN, WA 98166
OWNER:	AMBAUM PARTNERS, LLC 1101 SW 139TH STREET SW BURIEN, WA 98166
OWNER'S CONTACT:	SAM SPENCER 206-228-9708
PARCEL NUMBER:	4331400215
LEGAL DESCRIPT:	LINDE & HILL PARK # 3, BLOCK 16, LOT 1
TOTAL SITE AREA:	9,359 SQUARE FEET
EXISTING ZONING:	OFFICE
PROPOSED REZONE:	RM-1B
EXISTING USE:	VACANT (FORMER HAIR SALON BUILDING ON-SITE)
PROPOSED USE:	LEASING CENTER (FOR THE HEIGHTS AT BURIEN)
EXISTING IMPERV. SURFACE COVERAGE:	7,928 SQUARE FEET (85%)
PROPOSED IMPERV. SURFACE COVERAGE:	6,122 SQUARE FEET (65%) (85% ALLOWED IN RM-1B)
PROPOSED BUILDING COVERAGE:	2,593 SQUARE FEET (28%) (60% ALLOWED IN RM-1B)
PROPOSED BUILDING HEIGHT:	28'-4" (35'-0" ALLOWED IN RM-1B)
BUILDING SUMMARY:	3,792 SQ FT (1,896 SQ FT ON EACH FLOOR)

**THE HEIGHTS AT BURIEN:
LEASING CENTER**
14001 AMBAUM BOULEVARD SW • BURIEN, WA 98166

BRODERICK ARCHITECTS
55 SOUTH ATLANTIC STREET, SUITE 301
SEATTLE, WASHINGTON 98134 (206) 682-7525

1
A3 **BASIC SITE PLAN**
1" = 20'

A3

5/28/09



Burien

Washington, USA

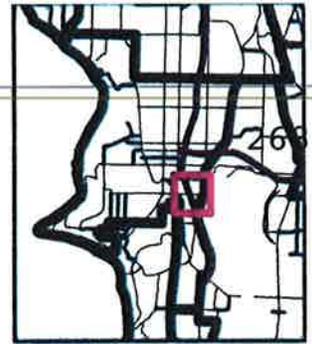
Vicinity Map

Ref. No. 2009-6

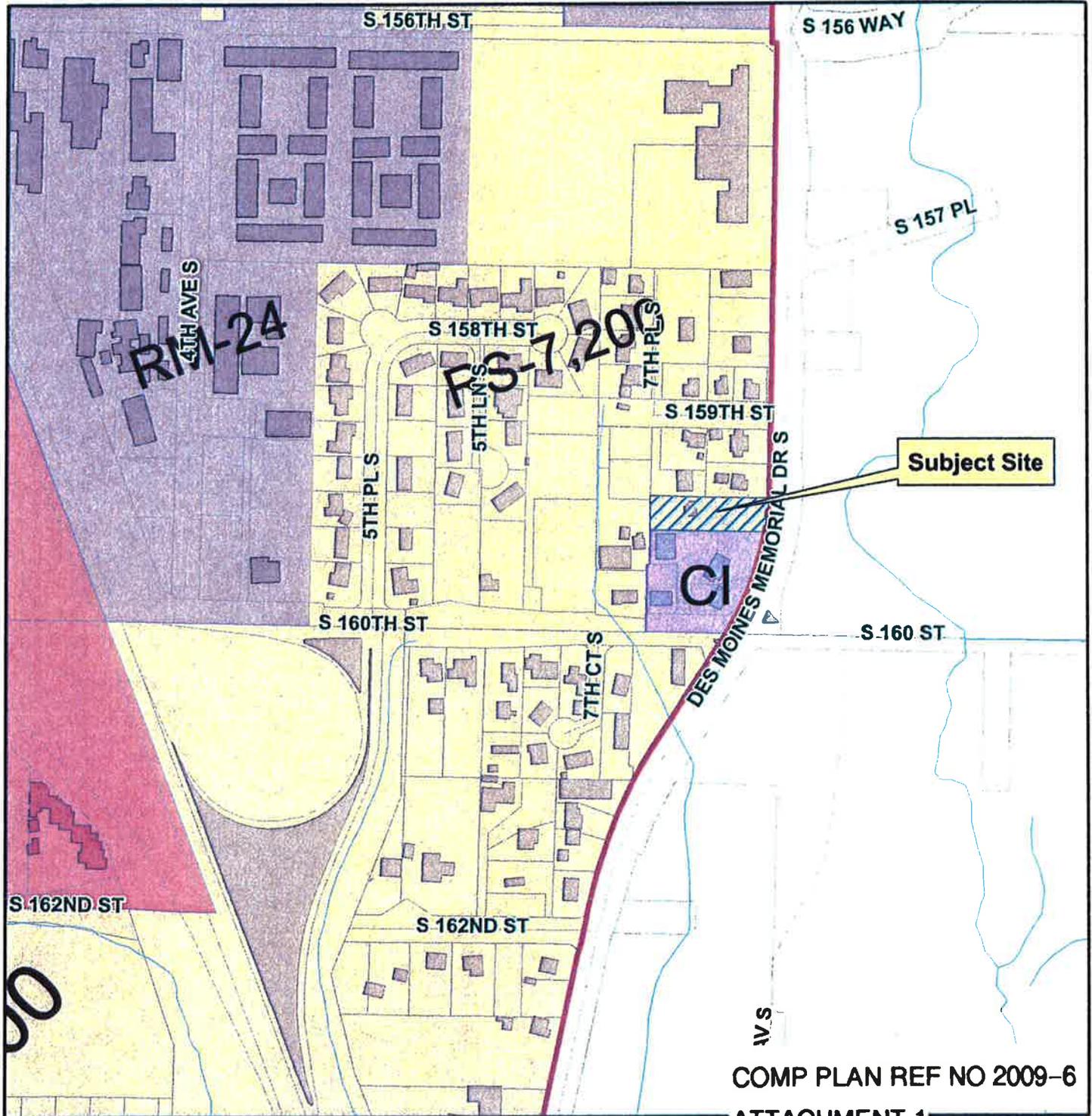
Larry Ort

Rezone Request

From RS-7,200 to CI



Area of Detail



COMP PLAN REF NO 2009-6

ATTACHMENT 1



Burien

Washington, USA

Comprehensive Plan²⁶⁵ Amendment Request (Includes rezones)

15811 Ambaum Blvd. SW Suite C, Burien, WA 98166
Phone: (206) 241-4647 • FAX: (206) 248-5539
www.burienwa.gov

Amendment Type	Reference Number (staff will assign)
<input checked="" type="checkbox"/> Map amendment	PLA 09-0703
<input type="checkbox"/> Text amendment	
<input checked="" type="checkbox"/> Quasi-Judicial Rezone	

APPLICANT INFORMATION		
Name: <u>JERRY WILSON</u>	Company: <u>CRAMER, NW</u>	Daytime Phone: <u>253-852-4880</u>
Mailing Address: <u>945 N CENTRAL AVE KENT 98082</u>		Fax Number: <u>253-852-4955</u>
Contact person (if different):		Daytime Phone:
Property owner (if different): <u>LARRY OHRT</u>		Daytime Phone: <u>206-261-0785</u>
Mailing Address: <u>P O BOX 437 SEANWEST, WA. 98062</u>		Fax Number:

SITE INFORMATION (if applicable)		
Site Address: <u>640 S 160</u>	Parcel Number: <u>202304-9139</u>	
Existing Zoning District: <u>RS 7,200</u>	Existing Comprehensive Plan designation: <u>MED DENS RESIDENTIAL</u>	
Requested Zoning: <u>C1</u>	Requested Plan designation: <u>INTERSECTION COMMERCIAL</u>	
Number of Acres: <u>44</u>	Current Land Use: <u>SING. FAMIL RES.</u>	
Critical areas present: <input 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): <u>PROPOSAL OF A REZONE FOR THE ABOVE LISTED PARCEL FROM MODERATE DENSITY RES. TO INTERSECTION COMMERCIAL, AS ARE THE 3 PARCELS TO THE SOUTH OF SUBJECT SITE, AS WELL AS A COMP. PLAN AMENDMENT CHANGE.</u>		

RECEIVED
JUN 01 2009
CITY OF BURIEN

SIGNATURE

I, LARRY OHRT, 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 CRAMER NW/T. WILSON 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: May 20-2009

Signature: [Handwritten Signature]



June 1, 2009

City of Burien
Department of Community Development
400 SW 152nd Street Suite 300
Burien, Washington 98166

**RE: 640 South 160th Street
Comprehensive Plan Amendment from Moderate Density Residential to
Intersection Commercial; and,
Rezone from RS 7200 (Residential Single Family) to Intersection
Commercial (CI)**

Dear Planning Staff:

On behalf of the property owners, Larry and Karla Ohrt, we hereby request your consideration of our proposal for a Comprehensive Plan Amendment and Rezone of the property located at 640 South 160th Street. The property consists of 18,954 square feet and its Assessor's Tax Parcel Number is 202304-9139. Currently, the Comprehensive Plan designation for the property is Moderate Density Residential and the current Zoning is Residential Single Family, RS 7200. Based upon the City of Burien Municipal Code (BMC) Criteria for Comprehensive Plan Amendments and Rezones, we believe the City's Amendment and Rezone of the property to Intersection Commercial satisfies the goals and policies in the Comprehensive Plan and meets the requirements in the BMC. The following discussion outlines the necessary details to aid you with your consideration of our request.

Section 19.65.095(4) of the BMC sets forth the criteria that must be met for review of a Comprehensive Plan Amendment. The proceeding responses are provided in an effort to address each of the criteria.

A. *The request has been filed in a timely manner.*

The request is hereby timely submitted prior to the close of business on June 1, 2009.

B. *There is a public need for the proposed Amendment.*

The stated purpose and intent under the BMC section 19.15.020 for the Intersection Commercial Zone is to establish areas, in otherwise residential areas, for low to moderate intensity convenience commercial uses to serve customers traveling to and from their nearby homes. The property is located immediately adjacent to the north of a parcel under the same ownership



which is already currently zoned Intersection Commercial. The site also sits directly across the street from an area under the jurisdiction of the City of SeaTac which is zoned Aviation Commercial and Community Business. It is unlikely that the property could be reasonably developed as single family residential in light of the deterrent results of the 3rd Runway addition to the SeaTac Airport just east of the site and the surrounding Aviation Commercial and Business and Commercial Zones to the south, east, and northeast of the property. The public need would therefore better be met by the change in the Comprehensive Plan and Zoning to allow the development of the site for any number of the convenience commercial uses outlined in the BMC.

C. *The proposed Amendment is the best means for meeting the identified public need.*

The proposed Amendment is the best means to meet the needs of the public to allow for the low to moderate intensity convenience commercial uses to serve customers traveling to and from their nearby homes.

D. *The proposed Amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act, and Countywide Planning Policies.*

As stated in the Burien Comprehensive Plan, Policy BU 1.4, the Intersection Commercial Category provides for a variety of commercial uses of low to moderate density or intensity, located at major roadway intersections in close proximity to higher density uses, such as multifamily developments. The land uses under this category serve multiple residential areas with a diverse mix of uses, including commercial, retail, services, professional offices, recreational and community facilities. The Intersection Commercial land use should reflect the following criteria:

- 1) *The intersection of two arterials should be the preferred location for the designation.*

The subject property abuts Des Moines Memorial Drive to the east, a Minor Arterial under the jurisdiction of the City of Sea Tac, and the primary perimeter arterial west of the Sea Tac Airport. It also is situated only 185 approximate feet north of the intersection of Des Moines Memorial Drive and South 160th Street, which is also classified as a Minor Arterial by the City of Burien. Should the site be developed in conjunction with the parcel under the same ownership to the south, access could be provided by either or both of the Minor Arterials and therefore clearly meets the preference under this section.



- 2) *The design and capacity of the intersection are able to support the planned uses.*

The intersection already satisfactorily serves the parcels immediately to the south of the subject parcel which are already designated and zoned as Intersection Commercial. The design and capacity of the intersection would continue to more than adequately support the planned uses.

- 3) *The existing or planned public facilities are adequate to support the proposed development.*

The existing public facilities are adequate to support the various development uses that would be allowed for the property. Additionally, the development of the site would require full compliance with the City of Burien's applicable Codes and Conditions that would be imposed upon any application for the various permitted uses.

- 4) *The area is served or planned to be served by transit.*

The area is currently served by transit.

E. *The proposed Amendment will result in a net benefit to the community.*

Commercial Development of the parcel would result in the generation of additional tax revenue for the City for the use and benefit of the community. Additionally, due to the improbability of development of the site as Single Family Residential, the proposed Amendment increases the likelihood that the property would be able to be developed into a use convenient for the area. For these reasons, the Amendment serves to benefit not only the residential properties in the immediate vicinity, but also the community as a whole.

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

The revised Comprehensive Plan will be internally consistent and compatible with the already existing balance of Intersection Commercial and Moderate Density Residential designations for the area.



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

The land is capable of supporting the projected land use. It could be developed as a stand alone parcel or it could be combined with the parcel immediately adjacent to the south which is under the same ownership and is already designated and zoned as Intersection Commercial in the current Comprehensive Plan and Zoning Code.

H. *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.*

All public facility capacity issues to support the projected land use already exist. As detailed previously, the site immediately adjacent to the south is already designated and used as Intersection Commercial. There are no known sensitive areas on or adjacent to the site, and all utilities and access infrastructure are already provided to the site. Public facility capacity is satisfied whether the site is developed as a stand alone parcel or if it is combined with the property immediately adjacent to the south under the same ownership and already designated and zoned as Intersection Commercial in the current Comprehensive Plan and Zoning Code.

I. *The proposed Amendment will be compatible with nearby uses.*

The proposal will be compatible with nearby uses. The parcels immediately abutting to the south are already designated and zoned Intersection Commercial. All parcels on the east side of Des Moines Memorial Drive are zoned Aviation Commercial and Community Business. The various permitted uses that would be allowed under the proposed designation and zone would provide a convenient and compatible accessory to the nearby residential land uses as is the stated preference under the City of Burien's Land Use Policies enumerated under the Comprehensive Plan.

J. *The proposed Amendment would not result in the loss of capacity to meet other needed land uses, such as housing.*

As stated above under Section B, the building and increased usage of the 3rd runway to the east of the property at SeaTac Airport, together with the City of SeaTac's Commercial Zoning across the street along Des Moines Memorial Drive, deters the property from being developed as Residential. Therefore, it is unlikely the Amendment would result in any loss of capacity to meet other needed land uses.



K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

- i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,**
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.**

Either subsection under this criteria is satisfied. The conditions as enumerated above in Sections B and J demonstrate that the present Comprehensive Plan designation is no longer appropriate or was inappropriate when established. The site abuts property to the south under the same ownership already designated and zoned Intersection Commercial and in fact currently gains its access through said adjacent Commercial property. The City of SeaTac's Aviation Commercial and Community Business Zoning directly across the street, together with the addition of the 3rd runway to the east, result in the unlikely development of the property under its current Residential designation and zone. For these reasons, along with the site's proximity to the corner of two arterials, Des Moines Memorial Drive, and South 160th Street, the evidence suggests that the current designation is no longer applicable or was inappropriate when established.

Upon successful adoption of the proposed Comprehensive Plan Amendment, we additionally request the City to consider the concomitant Rezone of the property to Intersection Commercial. BMC section 19.65.100(4) establishes the criteria for amending the Zoning Code. The following responses address the criteria provided therein.

A. The Amendment is consistent with the Comprehensive Plan.

The proposal shall be consistent with the Comprehensive Plan once the proposed Comprehensive Plan Amendment has been approved.

B. The Amendment bears a substantial relation to the public health, safety, or welfare.

The proposal and subsequent development of the property under the various permitted uses under the Zone will result in additional employment opportunities, added tax revenue to the City, and provide convenient commercial uses to serve customers traveling to and from their nearby homes. The proposal also allows for a more compatible and appropriate use for the property than its current Zone.



C. The Amendment is in the best interest of the community as a whole.

As stated above in Section B, the proposal will encourage development of the parcel that would result in the generation of employment opportunities as well as additional tax revenue for the City for the use and benefit of the community. Additionally, due to the improbability of development of the site as Single Family Residential, the proposed Amendment increases the likelihood that the property would be able to be developed into a use convenient for the area. For these reasons, the Amendment serves to benefit not only the residential properties in the immediate vicinity, but also the community as a whole.

Thank you for your consideration of these matters. Please contact our office with any questions or if you need any further clarification.

Best regards,

Terry Wilson
Owner/Operations Manager

**CITY OF BURIEN
AGENDA BILL**

273

Agenda Subject: Discussion on a Parks Board Recommendation to Name the 141 st Street Stormwater Pond Park		Meeting Date: July 6, 2009
Department: Parks, Recreation and Cultural Services	Attachments: 1. <u>Linde and Hill #4 Development Plat</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Steve Roemer, Parks Operations & Development Manager		
Telephone: (206) 248-5513		
Adopted Initiative: Yes No X	Initiative Description: N/A	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss the Park and Recreation Board's recommendation to name the park located on SW 141st Street as "Linde Hill Park." Per policy, the City Council's approval of park naming proposals is required.</p> <p>BACKGROUND: Following public notification of a naming opportunity for the newly developed park and stormwater pond located on SW 141st Street, the Parks Board reviewed several name submissions and recommended the name Linde Hill Park at their January 14, 2009 meeting. The Board selected the name as a result of its geographic and historic reference to the subdivision surrounding the park and developed in the 1940s (see Attachment #1). O.R. Linde was a land developer and the owner of the South Seattle Land Company, and Clark Hill was the sales manager who helped plat and develop portions of Burien. Linde and Hill developed "hobby homes" or affordable houses for returning veterans and others in the 1940's.</p> <p>Following the Board's recommendation in January the name suggestion was publically noticed in the local media for a period of 60 days for public comment. Staff received several comments through e-mail. Of the five public responses, four were from past friends or family members who were very excited and supportive of the naming suggestion. One response from a past neighbor of O.R. Linde who did not support naming the park after Mr. Linde, but did support naming in honor of his wife Mrs. Maureen Linde.</p> <p>The Board's recommendation of Linde Hill Park is not intended to honor an individual or individuals, but rather a geographic area and therefore the Board recommends to the City Council for discussion the name Linde Hill Park.</p> <p>OPTIONS : N/A</p>		
Administrative Recommendation: Hold discussion and consider placing on the July 20, 2009, Consent Agenda for approval.		
Committee Recommendation: N/A		
Advisory Board Recommendation: The Parks Board recommends naming the park located on SW 141 st Street as "Linde Hill Park."		
Suggested Motion: None required.		
Submitted by: Steve Roemer Administration <i>SR/ma</i>	Mike Martin City Manager <i>MM</i>	
Today's Date: June 30, 2009	File Code: r:\cc\agenda bill 2009\070609pks-1 linde hill park naming.doc	

LINDE AND HILL PARK NO. 4

(PORTIONS OF S.E. 1/4 OF S.W. 1/4 & S.W. 1/4 OF S.E. 1/4 OF SECTION 18, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M.)

SCALE: 1 INCH = 100 FEET

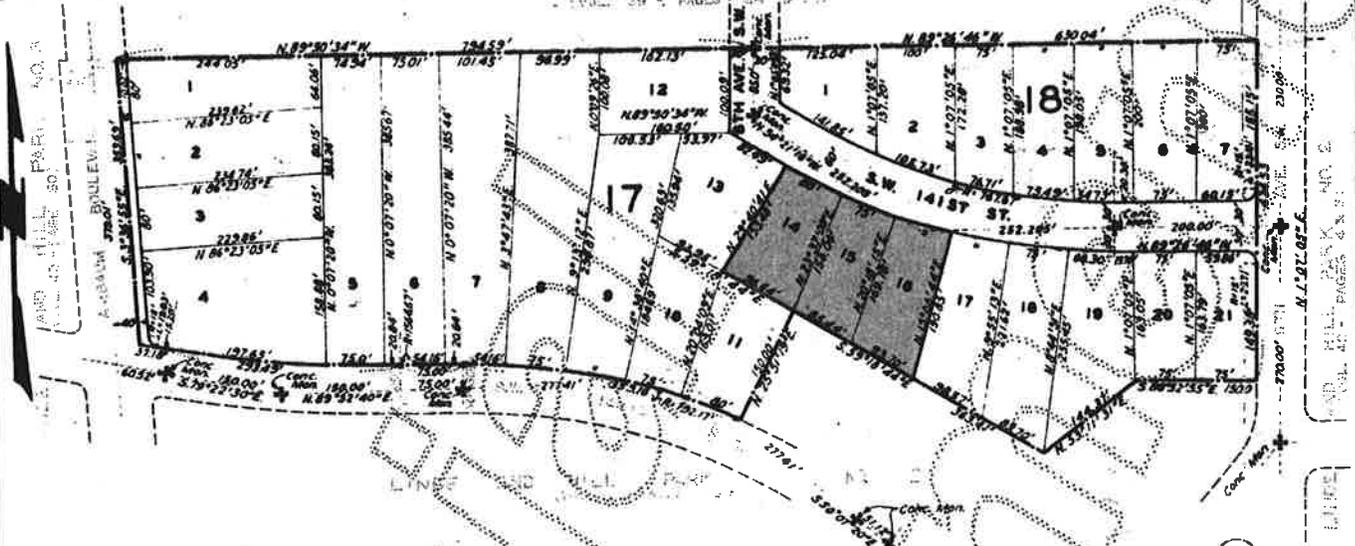
DECEMBER, 1948

LINDE

TERRACE

NO. 4

H.W. RUTHERFORD
ENGINEER



DESCRIPTION

This plat of "LINDE AND HILL PARK NO. 4" embraces all of the unplatted portions of the Southeast quarter of the Southwest quarter (S.E. 1/4 of S.W. 1/4) and of the Southwest quarter of the Southeast quarter (S.W. 1/4 of S.E. 1/4) of Section Eighteen (18), Township Twenty Three (23) North, Range Four (4) East, W.M., being these portions of said subdivisions lying northerly and westerly of Linde and Hill Park No. 2, as said plat is recorded in Volume 42 of Plats, Pages 4 and 5, Records of King County, Washington, and lying easterly of Ambaum Boulevard.

All courses and dimensions are as shown upon the face of the plat.

CERTIFICATE

I hereby certify that the plat of "LINDE AND HILL PARK NO. 4" is based upon an actual survey and subdivision of Section 18, Township 23 North, Range 4 East, W.M., that the distances and courses are shown correctly, that the monuments have been set and lot and block corners are staked correctly on the ground, that it has fully complied with the provisions of the statutes and the regulations governing platting.

H. W. Rutherford
 Certificate No. 878; Renewal No. E1764
 Date: January 18, 1949.



DEDICATION

Know All Men By These Presents, that South Seattle Land Company, a corporation organized and existing under the laws of the State of Washington, under its initials of the land hereby platted, hereby declares this plat and dedicates to the use of the public forever the street, avenue and boulevard shown thereon, and the use thereof for any and all public purposes not inconsistent with the use thereof for public highway purposes, also the right to make all necessary slopes for cuts or fills upon the lots and blocks shown thereon in the reasonable original grading of the street, avenue and boulevard shown hereon.

In Witness Whereof, the said corporation has caused its corporate name to be hereunto subscribed by its President and Secretary and its corporate seal to be hereunto affixed this 7th day of February, A.D. 1949.

South Seattle Land Company
 By: [Signature]
 Its President

Attest:
[Signature]
 Its Secretary



RESTRICTIONS

No lot or a portion of a lot in this plat shall be divided and sold, or resold, or ownership changed or transferred, whether the ownership of any portion of this plat shall be less than the area required for the use district stated on this plat, namely, 6,000 square feet for residential R-1 use. All lots in this plat are restricted to residential R-1 use with a minimum width of sixty (60) feet, governed by restrictions, rules and regulations of County Resolution No. 6499 and any subsequent changes made therein by official county resolution.

Examined and approved by me this 20 day of April, A.D. 1949.
[Signature]
 King County Road Engineer.

Examined and approved this 25th day of April, A.D. 1949.
[Signature]
 Chairman, Board of King County Commissioners.
 Attest: [Signature]
 Clerk, Board of King County Commissioners.



ACKNOWLEDGMENT

State of Washington
 County of King

This is to certify that on this 7th day of February, A.D. 1949, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared S. R. Linde and H. Maurice Linde, President and Secretary respectively, of South Seattle Land Company, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on each stated that they were authorized to execute the said instrument and that the said affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[Signature]
 Notary Public in and for the State of Washington, residing at Seattle.



I hereby certify that the within plat of "LINDE AND HILL PARK NO. 4" is duly approved by King County Planning Commission on this 22 day of April, A.D. 1949.

[Signature]
 Chairman
[Signature]
 Secretary
[Signature]
 Planning Officer

3898588
 Filed for record at the request of King County Planning Commission, this 22 day of April, A.D. 1949, at 10 minutes past 3 P.M., and recorded in Volume 41 of Plats, Page 11, Records of King County, Washington.
[Signature]
 King County Recorder
 By: [Signature]
 Deputy County Auditor.

Agenda Subject: Discussion on proposed Ordinance No. 515 and Resolution No. 297, Amending the Fee Schedule for Permit Fees and Other Community Development and Land Use Fees		Meeting Date: July 6, 2009
Department: Public Works & Finance	Draft Attachments: 1. <u>Resolution No. 297</u> 2. <u>Ordinance No.515</u>	Fund Source: General Fund
Contact: Douglas Lamothe & Tabatha Miller		Activity Cost: N/A
Telephone: (206) 439-3156 (206) 439-3150		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Work Plan Priority: Yes No X	Work Plan Item Description: N/A	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss proposed Ordinance No. 515 and Resolution No. 297 that would amend the City's schedule of permit fees by consolidating Land Use Fees and Building Permit Fees with Public Works Development Review Fees.</p> <p>BACKGROUND (Include prior Council action & discussion): In 2000, City Council adopted Ordinance No. 320, establishing a fee schedule for community development permits and other fees to be set by resolution. On May 5, 2008 City Council passed Resolution 277 which amended the Land Use Fee Schedule to include fees for Site Development and NPDES Inspections with an effective date of May 6, 2008. On December 29, 2008, City Council passed Resolution 285 which consolidates Building, Mechanical, Electrical Permit fees and other Community Development and Land Use Fees into a single resolution. The Land Use and Building permit fees were adopted into a single resolution in 2008, but Ordinance 320 and Resolution 285 do not allow deposit or fees to be collected for Public Works staff time spent on Development Review. The prior legislation only allowed for reimbursement of development review if performed by an outside consultant. Therefore, Ordinance 515 and Resolution 297 provides for collection of deposits and fees to reimburse for the Public Works staff time performing Development Review; to consolidate all Permit Fees and Other Community Development and Land Use Fees into a single resolution, ordinance and schedule; and, to include fees in the resolution and ordinance which reflect prior City practice.</p> <p>OPTIONS (Including fiscal impacts): N/A</p> <p>Administrative Recommendation: Discuss Ordinance No. 515 and Resolution 297 and consider placement on the July 20th Consent Agenda for approval.</p> <p>Committee Recommendation: N/A</p> <p>Advisory Board Recommendation: N/A</p> <p>Suggested Motion: None required</p> <p>Submitted by:  Administration</p> <p style="text-align: right;">City Manager </p> <p>Today's Date: June 29, 2009 File Code: R:\CC\Agenda Bill 2009\0706pw-1 - Ord 515 & Res 297 - fees.docx</p>		

**CITY OF BURIEN, WASHINGTON
RESOLUTION NO. 297**



**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON
REPLACING AND SUPERSEDING EXHIBIT A OF RESOLUTION
NO. 285 TO INCLUDE A SCHEDULE OF DEPOSITS FOR
ENGINEERING AND CONSULTANT SERVICES; AUTHORIZING
ANNUAL ADJUSTMENTS; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the Burien City Council adopted Ordinance No. 320 on December 11, 2000, establishing that the fee schedule for community development permits and other fees will be set by resolution; and

WHEREAS, the Burien City Council passed resolution No. 285 on December 29, 2008 with an effective date of January 1, 2009, which resolution set forth in Exhibit A thereto, the fee schedule for community development permits and other fees in accordance with Ordinance No. 320; and

WHEREAS, the City staff have reviewed Exhibit A of resolution No. 285 and determined that Exhibit A should be amended to include the schedule of deposit requirements for Engineering review associated with issuance of land use permit and building permit review fees;

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

Section 1. Fee Schedule. The Fee Schedule for Permit fees attached hereto as Exhibit "A" shall apply to all applications to which these fees apply, that are filed on or after the effective date hereof.

Section 2. Amendment of Schedule. The Finance Director is authorized to amend the adopted Fee Schedule set forth in Exhibit A on January 1 of each year to reflect the immediately preceding July CPI-W for the Seattle-Tacoma region. Section 2 of resolution 285 is hereby superseded.

Section 3. Effective Date. This resolution shall take effect on July 30, 2009.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 297

EXHIBIT A

Fee Schedule for Permit Fees and other Community Development and Land Use Fees.

Effective July 30, 2009

LAND USE PERMIT FEE SCHEDULE	
Permit	Fee
Appeal to City Council or Hearing Examiner	\$ 287.80
Binding Site Plan, Minor	\$ 1,550.52 + Costs
Binding Site Plan, Major	\$ 5,169.82 + Costs
Building Permit--Planning Review	\$ 138.06 + Costs
Comprehensive Plan Map Amendment	\$ 1,723.63 + Costs
Comprehensive Plan Text Amendment	\$ 1,149.08 + Costs
Critical Area Reviews	
• Administrative Review Process	\$ 138.06 + Costs
• Type 1 Review Process	\$ 2,240.82 + Costs
• Additional Fee For Flood Hazard Area	\$ 1,149.08 + Costs
Director Approvals	\$ 172.04+ Costs
Land Use Review, Type 1	\$ 2,240.82 + Costs
Land Use Review, Type 2	\$ 3,791.34 + Costs
Land Use Review, Type 3	\$ 4,767.32 + Costs
Lot Line Adjustment	\$ 574.54 + Costs
Master Sign Plan	\$ 316.48+ Costs
Multi-Family Tax Exemption (DC Zone):	
• Application	\$ 574.54 + \$ 28.67/unit (maximum \$ 1,607.87 total)
• Contract Amendment	\$ 402.50
• Extension of Conditional Certificate	\$ 287.80
• County Recording and Processing Fees	Fees are established by County
Park /Open Space Mitigation Fees (For Subdivisions/Multi-Family Developments)	Determined on a project-by-project basis.
Pre-application meeting	\$ 287.80 (will be credited toward application fee if application filed within 6 months)
Quasi-Judicial Rezone	\$ 4,767.32 + Costs
Road Standards Variance	+ Costs only (Review Time)
Road Vacations	\$ 1,867.00 + Costs
Shoreline, Substantial Devel. Permit, Conditional Use or Variance	\$ 1,120.41 + Costs
Shoreline, Exemption	\$ 143.37 + Costs
Short Plats, Preliminary	\$ 2,240.82 + Costs
Short Plats, Final	\$ 1,550.52 + Costs
Sign Permit—Planning Review	\$ 69.03
Site Development and NPDES Inspection	\$ 446.04 + Cost
Special Event Sign Permit	\$ 33.98, except schools, public uses and non-profit organizations,
Subdivision, Alteration/Vacation—Type 1 Review Process	\$ 2,240.82 + Costs

Subdivision, Alteration/Vacation—Type 3 Review Process	\$ 4,767.32 + Costs
Subdivision, Preliminary	\$ 5,169.82 + Costs
Subdivision, Final	\$ 1,550.52 + Costs
Temporary Use Permit	\$ 287.80 + Costs
Vegetation Management Plan Review	\$ 200.72+ Costs
Zoning Compliance Letter	\$ 69.03

LEGEND

1. + Costs: The Land Use Permit Fee Schedule includes within the application base fee the ordinary costs associated with project review by Community Development Department Staff. In addition to the application fee, the applicant shall deposit the minimum amounts required for engineering review in accordance with the schedule set forth. The City may draw upon such deposits at the rate of \$75.00 for each hour of engineering review. The applicant shall replenish such deposits when the reimbursable costs for engineering review meet or exceed the amount deposited.

In addition to the application base fee and engineering fees, the applicant shall, by mutual agreement, reimburse the City for the costs of professional engineers and other consultants hired by the city to review and inspect the applicant's proposal when the City is unable to do so with existing in-house staff. These professional services may include, but are not limited to: engineering, traffic engineering, legal, planning, hearing examiner, environmental review, financial, accounting, soils, mechanical and structural engineering. The City may require the applicant to deposit an amount with the City to cover anticipated costs of retaining professional consultants.

In the event that a project requires special staff analysis beyond that which is included in the base fee, the applicant shall reimburse the City at a rate of \$ 75.00 per hour for this extra staff time. The City may require the applicant to deposit an amount with the City to cover anticipated costs of performing special staff analysis.

2. For Site Development Inspections, including inspections required by NPDES Phase 2 permit, the applicant shall provide a \$ 446.04 base fee plus the applicant shall reimburse the City at the rate of \$ 75.00 per hours for additional inspection time beyond the 6 hours included in the \$446.04 base fee.

ENGINEERING REVIEW DEPOSITS FOR PUBLIC WORKS	
Item	Engineering Review Deposit
Short plats	\$ 1,500.00
Critical Area Review	\$ 2,000.00
Plats 10 lots or less	\$ 2,500.00
Plats more than 10 lots	\$ 4,000.00
Multifamily & Commercial Project less than 4,000.00 square feet building area	\$ 2,000.00
Multifamily & Commercial Project more than 4,000.00 square feet building area	\$ 3,000.00

1. These amounts are the minimum deposit required.
2. Actual engineering review costs may differ from the deposits required above. If the actual engineering review costs are less, the balance of the engineering deposit will be returned. Additional deposits and/or full payment will be required if actual engineering review costs exceed the deposit.

BUILDING PERMIT FEE SCHEDULE

Permit fees are computed on the basis of project valuation plus Review Fees.

Project Valuation	Fee Amount
\$1 - \$ 2,000	\$ 75.00
\$2,001 - \$25,000	\$ 73.55 for the first \$2,000 + \$ 14.87 for each additional \$1000 or fraction thereof, to and including \$25,000
\$25,001 - \$50,000	\$ 415.56 for the first \$25,000 + \$ 10.75 for each additional \$1000 or fraction thereof, to and including \$50,000
\$50,001 - \$100,000	\$ 684.31 for the first \$50,000 + \$ 7.40 for each additional \$1000 or fraction thereof, to and including \$100,000
\$100,001 - \$500,000	\$ 1054.30 for the first \$100,000 + \$ 5.95 for each additional \$1000 or fraction thereof, to and including \$500,000
\$500,001 - \$1,000,000	\$ 3434.30 for the first \$500,000 + \$ 5.04 for each additional \$1000 or fraction thereof, to and including \$1,000,000
\$1,000,001 & up	\$ 5956.49 for the first \$1,000,000 + \$ 3.88 for each additional \$1000 or fraction thereof.
<i>Plan Review Fee</i>	65% of the Permit Fee – minimum \$75
<i>Plan Review for revisions / Modifications / Deferred Submittals</i>	\$ 75 per hour review fee
<i>Public Works engineering Plan review</i>	\$ 75.00 per hour review fee

MECHANICAL PERMIT FEE SCHEDULE - Single-Family Dwellings

New single-family dwelling*	\$ 170.00
New installation* (existing dwelling with no existing ducting or venting)	\$ 170.00
Additions and Remodels	
Each new or replaced appliance*	\$ 58.50
More than two new or replaced appliances*	\$ 170.00
Gas piping (no equipment or appliances)	\$ 48.00
<i>Plan Review Fee</i>	65% of the Permit Fee – Minimum \$75.00
<i>Plan Review for revisions / Modifications</i>	\$ 75.00 per hour review fee
<i>Inspection, re-inspection or plan review not otherwise included or specified</i>	\$ 75.00 per hour

(*Gas piping included)

MECHANICAL PERMIT FEE SCHEDULE – Multi-Family and Commercial	
<i>Permit fees are computed on the basis of project valuation.</i>	
Project Valuation	Fee Amount
\$1 - \$ 2,000	\$ 75.00
\$2,001 - \$25,000	\$ 73.55 for the first \$2,000 + \$ 14.87 for each additional \$1000 or fraction thereof, to and including \$25,000
\$25,001 - \$50,000	\$ 415.56 for the first \$25,000 + \$ 10.75 for each additional \$1000 or fraction thereof, to and including \$50,000
\$50,001 - \$100,000	\$684.31 for the first \$50,000 + \$7.40 for each additional \$1000 or fraction thereof, to and including \$100,000
\$100,001 - \$500,000	\$ 1054.30 for the first \$100,000 + \$ 5.95 for each additional \$1000 or fraction thereof, to and including \$500,000
\$500,001 - \$1,000,000	\$ 3434.30 for the first \$500,000 + \$ 5.04 for each additional \$1000 or fraction thereof, to and including \$1,000,000
\$1,000,001 & up	\$ 5956.49 for the first \$1,000,000 + \$ 3.88 for each additional \$1000 or fraction thereof.
<i>Plan Review Fee</i>	65% of the Permit Fee – Minimum \$75
<i>Plan Review for revisions / Modifications</i>	\$ 75.00 per hour review fee
<i>Inspection or plan review not otherwise included or specified</i>	\$ 75.00 Per hour
<i>Reinspection</i>	\$ 75.00 Per hour

PLUMBING PERMIT FEE SCHEDULE - Single-Family Dwellings	
New single-family dwelling	\$ 170.00
Additions and Remodels	
Each new or replaced fixture	\$ 58.50
More than two new or replaced fixtures	\$ 170.00
<i>Plan Review Fee</i>	65% of the Permit Fee– Minimum \$75
<i>Plan Review for revisions / Modifications</i>	\$ 75.00 per hour review fee
<i>Inspection or plan review not otherwise included or specified</i>	\$ 75.00. per hour
<i>Reinspection</i>	\$ 75.00 Per hour

PLUMBING PERMIT FEES – Multi-Family and Commercial*Permit fees are computed on the basis of project valuation.*

Project Valuation	Fee Amount
\$1 - \$ 2,000	\$ 75.00
\$2,001 - \$25,000	\$ 73.55 for the first \$2,000 + \$ 14.87 for each additional \$1000 or fraction thereof, to and including \$25,000
\$25,001 - \$50,000	\$ 415.56 for the first \$25,000 + \$ 10.75 for each additional \$1000 or fraction thereof, to and including \$50,000
\$50,001 - \$100,000	\$ 684.31 for the first \$50,000 + \$ 7.40 for each additional \$1000 or fraction thereof, to and including \$100,000
\$100,001 - \$500,000	\$ 1054.30 for the first \$100,000 + \$ 5.95 for each additional \$1000 or fraction thereof, to and including \$500,000
\$500,001 - \$1,000,000	\$ 3434.30 for the first \$500,000 + \$ 5.04 for each additional \$1000 or fraction thereof, to and including \$1,000,000
\$1,000,001 & up	\$5956.49 for the first \$1,000,000 + \$ 3.88 for each additional \$1000 or fraction thereof.
<i>Plan Review Fee</i>	65% of the Permit Fee– Minimum \$75
<i>Plan Review for revisions / Modifications</i>	\$ 75.00 per hour review fee
<i>Inspection, re-inspection or plan review not otherwise included or specified</i>	\$ 75.00. per hour

ELECTRICAL PERMIT FEES - Single-Family Dwellings

New single-family dwelling	\$ 112.00
Garages, Pools, Spas, and Outbuildings	\$ 80.00
Low Voltage Systems	\$ 72.00
Single Family Remodel and Service Changes	
Adding or extending 0-5 circuits	\$ 80.00
Adding or extending 6 or more circuits	\$ 112.00
<i>Plan Review Fee</i>	25% of the Permit Fee– Minimum \$75
<i>Plan Review for revisions / Modifications</i>	\$ 75.00 per hour review fee
<i>Inspection, re-inspection or plan review not otherwise included or specified</i>	\$ 75.00. per hour

ELECTRICAL & LOW VOLTAGE PERMIT FEES – Multi-Family and Commercial	
<i>Permit fees are computed on the basis of project valuation.</i>	
Project Valuation	Fee Amount
\$ 1 - \$1,000	\$ 75
\$251 - \$1,000	\$75
\$1,001 - \$5,000	\$79.68 plus 1.591% of the cost over \$1,000
\$5,001 - \$50,000	\$143.32 plus 1.487% of the cost over \$5,000
\$50,001 - \$250,000	\$812.47 plus 1.062% of the cost over \$50,000
\$250,001 - \$1,000,000	\$2936.47 plus .85% of the cost over \$250,000
\$1,000,001 & up	\$9311.47 plus .425% of the cost over \$1,000,000
<i>Plan Review Fee</i>	25% of the Permit Fee – minimum \$75
<i>Plan Review for revisions / Modifications</i>	\$ 75 submittal fee plus \$75. per hour review fee
<i>Inspection, re-inspection or plan review not otherwise included or specified</i>	\$ 75 per hour
<i>Temporary Service</i>	\$53.10
<i>Electrical Safety Inspection</i>	\$122.13
<i>Mobile Home Service</i>	\$53.10
<i>Carnivals</i>	
Base Fee	\$69.03
Each Concession	\$10.62

FIRE PERMIT FEE SCHEDULE	
Administration Fee	15% of the value of the Permit Fee based on the Building Valuation Table
Permit Fee	85% of the value of the Permit Fee based on the Building Valuation Table
Plan Review Fee	65% of the Permit Fee

1. If a permit category is not listed, then the City Manager of his/her designee shall determine the fee schedule for that category subject to City Council approval.
2. In the event of unique and unusual circumstances or economic hardship, the city manager may waive or reduce a fee. The city manager will notify the full city council of any waivers or reductions, and will rescind any changes deemed inappropriate by the city council.

CITY OF BURIEN, WASHINGTON**ORDINANCE NO. 515**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON RELATING TO PERMIT FEES AND OTHER COMMUNITY DEVELOPMENT AND LAND USE FEES, AMENDING BURIEN MUNICIPAL CODE (BMC) 3.05.010, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, BMC 3.05.020 authorizes permit fees and other community development and land use related fees to be established by resolution of the City Council, and

WHEREAS, the City desires to clarify that such fees include deposits for work to be performed by the City or its consultants that is associated with a permit application;

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

Section 1: Amendment of BMC 3.05.010 (Permit Fees). Burien Municipal Code 3.05.010 is hereby amended to read as follows:

Permit Fees

Permit fees, deposit requirements and other community development and land use related fees will be established by resolution of the City Council.

Section 2: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

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

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

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS
DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.: 515
Date of Publication:

Agenda Subject: Update on Compliance with National Pollution Discharge Elimination System Permit issued January 15, 2007		Meeting Date: July 6, 2009
Department: Public Works	Attachments: <u>Draft Ordinance amendment Surface Water Management Code</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Doug Lamothe, Interim Director		
Telephone: (206) 439-3156		
Adopted Work Plan Priority: Yes No X	Work Plan Item Description:	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to receive copies of proposed amendments to the Surface Water Management Code for discussion at the Council meeting of July 20.</p> <p>BACKGROUND (Include prior Council action & discussion): In January of 2007, the State Department of Ecology issued the first National Pollution Discharge Elimination System (NPDES) permit for Phase II communities in Western Washington. The Phase II NPDES permit is intended to implement the Clean Water Act. Certain provisions of the permit must be implemented by the City in August of this year. Although the City already has certain regulations in place that comply with many of the requirements of the Phase II NPDES permit, City staff are updating those regulations to ensure full compliance with the Permit. The draft ordinance is intended to update the provisions of Chapter 13.10 BMC ("Surface Water Management Code") relating to illicit discharge and detection and will provide for adoption of the King County Stormwater Pollution Prevention Manual ("SPPM").</p> <p>A draft ordinance and the SPPM have been prepared for review by the City Council. Discussion of the draft ordinance and SPPM will be scheduled the second Council meeting in July. In order to meet the deadline for compliance, the ordinance must be effective by no later than August 16, 2009.</p> <p>Recently the Department of Ecology amended the Phase II permit. This amendment extends the time for the City's adoption of its revised Storm Water Design Manual, and related amendments to the Surface Water Management Code, until February of 2010. The current proposed revisions to the Code, therefore, no longer include amendments related to the adoption of the Storm Water Design Manual. Staff will separately present to the City Council the Storm Water Design Manual related amendments to the Surface Water Management Code at the end of 2009 for adoption at the first City Council meeting in February of 2009.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Receive copy of draft ordinance.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Doug Lamothe Administration 		Mike Martin City Manager 
Today's Date: June 30, 2009		File Code: R:/CC/Agenda Bill 2009/070609pw-1 illicit dischg NPDES permit compliance

CITY OF BURIEN, WASHINGTON
ORDINANCE NO. 489

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO SURFACE WATER MANAGEMENT; AMENDING CHAPTER 13.10 OF THE BURIEN MUNICIPAL CODE TO CONFORM TO THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT FOR PHASE II COMMUNITIES; AMENDING THE ENFORCEMENT AND PENALTY PROVISIONS THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has adopted certain provisions codified at Chapter 13.10 of the Burien Municipal Code (“BMC”) that provide for a surface water management program within the City of Burien ~~primarily through incorporation of provisions of the King County Code~~; and

WHEREAS, in January of 2007, the State Department of Ecology issued the first National Pollution Discharge Elimination System (NPDES) permit for Phase II communities in Western Washington which permit is intended to implement the Clean Water Act; and

WHEREAS, although the City already has certain regulations in place that comply with many of the requirements of the Phase II NPDES permit, certain amendments, such as the adoption of best management practices set forth in the King County Pollutions Prevention Manual, are necessary in order to ensure that the City is in compliance with provisions of the permit that must be implemented by the City in August of this year; and

~~WHEREAS the City has a need to re-organize and adopt more comprehensive provisions for the surface water management program; and~~

~~WHEREAS, the City would be better served by adopted regulations that are specific to the City and its unique needs; and~~

WHEREAS, the proposed ~~rules and regulations~~amendments to Chapter 13.10 of the Burien Municipal Code are consistent in scope and subject matter with the surface water management programs of other jurisdictions; and

WHEREAS, this ordinance is enacted as an exercise of the authority of the City of Burien to protect and preserve the public health and welfare;

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

Section 1. Amendment of Section 13.10.010 BMC (Definitions). Section 13.10.010 of the Burien Municipal Code is hereby repealed in its entirety and replaced with the following:

13.10.010 Definitions.

The definitions in this section shall apply in the interpretation and enforcement of this chapter unless the context clearly requires otherwise.

(1) AKART – All Known, Available, and Reasonable methods of prevention, control, and Treatment. See also the State Water Pollution Control Act, sections 90.48.010 RCW and 90.48.520 RCW. 2. “Best management

~~(1)~~(2) "Adjustment" means a Department-approved variation in the application of the requirements of BMC 13.10.140 and the Surface Water Design Manual to a particular project in accordance with BMC 13.10.140(3). "Adjustment" replaces "variance," which was used in prior editions of the Surface Water Design Manual.

~~(2)~~(3) "Applicant" means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

~~(3)~~(4) "Basin" means a geographic area that contains and drains to Miller Creek, Salmon Creek, or Walker Creek, or a geographic area that drains to Lake Burien or Puget Sound.

(5) "Basin plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management adopted by ordinance for managing surface and surface water within the basin or within individual sub-basins.

~~(4)~~(6) "Best management practices (BMPs)" mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. 3. "Clean Water Act" means the

(7) "City" means City of Burien.

~~(5)~~(8) "Clean Water Act" means 33 U.S.C. 1251 et. seq., as amended.

~~(6)~~(9) "Closed depression" means an area greater than 5,000 square feet at overflow elevation that is low-lying and that has no or such a limited surface water outlet that the area acts as a surface water retention facility.

~~(7)~~(10) "Construct or modify" means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch, for purposes other than maintenance, that either serves to concentrate previously unconcentrated surface and surface water run-off or serves to increase, decrease or redirect the conveyance of surface and surface water run-off. "Construct or modify" does not include installation or maintenance of a driveway culvert installed as part of a single-family residential building permit.

~~(8)~~(11) "Conveyance system" means the drainage facilities and features, both natural and constructed, that collect, contain and provide for the flow of storm and surface water from the highest points on the land down to a receiving area. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels and most flow control and water quality treatment facilities.

~~(9)~~(12) "Department" means the Department of Public Works.

(10)(13) _____ "Developed parcel" means any parcel altered from the natural state by the construction, creation or addition of impervious surfaces.

(11)(14) _____ "Development" means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance, subdivision, short subdivision, urban planned development, binding site plan, development permit or right-of-way use permit.

(15) _____ "Director" means the Director of Public Works, or any duly authorized representative of the Director.

(12)(16) _____ "Discharge" means throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.

(13)(17) _____ "Drainage" means the collection, conveyance, containment or discharge, or any combination thereof, of surface and surface water run-off.

(14)(18) _____ "Drainage facility" or "Stormwater facility" means a constructed or engineered feature that collects, conveys, stores or treats storm and surface water run-off. "Drainage facility" includes, but is not limited to, a **constructed or engineered stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility, erosion and sediment control facility** and other structure and appurtenance that provides for drainage.

(15)(19) _____ "Drainage review" means an evaluation by City staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.

(16)(20) _____ "**Effective impervious area**" means the portion of actual impervious area that is connected, or has the effect of being connected as defined in the King County Surface Water Design Manual, directly to the surface water drainage system via surface flow or discrete conveyances such as pipes, gutters or ditches.

(17)(21) _____ "Erosion and sediment control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site or enter into wetlands or aquatic areas.

(18)(22) _____ "Financial guarantee" means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the Burien Municipal Code; or provide secured warranty of materials, workmanship of improvements and design. "**Financial guarantees**" include assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the Director. "Performance guarantee," "**maintenance guarantee**" and "defect guarantee" are considered sub categories of financial guarantee.

(19)(23) _____ "**Flood hazard reduction plan**" means a plan and all implementing programs, regulations and procedures including, but not limited to, capital projects, public education activities and enforcement programs for reduction of flood hazards and prepared by King County in accordance with RCW 86.12.200.

(20) _____ "Flow control best management practice" means a method or design for dispersing, infiltrating or otherwise reducing or preventing development-related increases in surface and surface water run-off at, or near, the sources of those increases. "Flow control best management practice" includes the methods and designs specified in the Surface Water Design Manual.

(24) _____

(21)(25) _____ "

"Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and surface water run-off generated by site development in accordance with the drainage requirements in this chapter. A "flow control facility" is designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration or infiltration into the ground or to hold run-off for a short period of time and then release it to the conveyance system.

~~(22)~~(26) "Full drainage review" means the evaluation required by the City for any proposed project that:

(a) Would result in 2,000 square feet or more of new impervious surface, replaced impervious surface, and/or new plus replaced impervious surface, but is not subject to Small Project Drainage Review;

(b) Would result in ~~357,000~~ square feet or more of land disturbing activity, but is not subject to Small Project Drainage Review-new pervious surface-; or

(c) Is a redevelopment project on one or more parcels where the total of new plus and replaced impervious surface is 5,000 square feet or more and when the valuation of proposed improvements exceeds 50 percent of the assessed value of the existing site improvements, including interior improvements and excluding required mitigation and frontage improvements.

~~(23)~~(27) "High-use site" means a commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. "High use site" includes:

(a) A commercial or industrial site subject to:

(i) an expected daily traffic count greater than 100 vehicles per 1,000 square feet of gross building area;

(ii) petroleum storage or transfer in excess of 1,000 gallons per year, not including routine fuel oil storage or transfer; or

(iii) use, storage or maintenance of a fleet of 25 or more diesel vehicles each weighing over ten tons; or

(b) A road intersection with average daily traffic counts of 25,000 vehicles or more on the main roadway and 15,000 or more vehicles on any intersecting roadway, excluding pedestrian or bicycle use improvement projects.

(28) "Historic site conditions" means those that existed on the site prior to any development in the Puget Sound region. For lands not currently submerged (i.e., outside the ordinary high water mark of a lake, wetland, or stream), historic site conditions shall be assumed to be forest cover unless reasonable, historic, site-specific information is provided to demonstrate a different vegetation cover.

(29) "Hydraulically connected" means connected through surface flow or water features such as wetlands or lakes.

(30) "Illicit discharge" means any direct or indirect non-stormwater discharge to the city's storm drain system, except as expressly allowed by this chapter.

(31) "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

~~(24)~~—

~~(25)~~(32) "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions before development or that causes

water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or other surfaces that similarly impede the natural infiltration of surface and surface water. An open uncovered flow control or water quality treatment facility is not an "impervious surface".

~~(26)~~(33) "Improvement" means a permanent, human-made, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and landscaping.

~~(27)~~(34) "Lake management plan" means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins.

~~(28)~~(35) "Land disturbing activity" means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. "Land disturbing activity" includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. "Land disturbing activity" does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening.

~~(29)~~(36) "Land use code" means restrictions on the type of development for a specific parcel of land as identified by records maintained by the King County department of assessments as modified or supplemented by information resulting from investigation by the division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel.

~~(30)~~(37) "Large project drainage review" means the evaluation required by the City for any proposed project that:

(a) Would, at full build-out of the project site, result in 50 acres or more of new impervious surface within a drainage sub-basin or a number of sub-basins hydraulically connected across sub-basin boundaries; or

(b) Has a project site of 50 acres or more within a critical aquifer recharge area, as defined in BMC 19.10.084.

~~(31)~~(38) "Licensed civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

~~(32)~~(39) "Maintenance" means those usual activities taken to prevent a decline, lapse, or cessation in the use of currently serviceable structures, facilities, equipment, or systems, if there is no expansion of the structure, facilities, equipment, or system and there are no significant hydrologic impacts. "Maintenance" includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed.

~~(33)~~(40) "Master drainage plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and constructed drainage system, both on- and off-site.

~~(34)~~(41) "Native vegetated surface" means a surface in which the soil conditions, ground cover and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the Surface Water Design Manual.

~~(35)~~(42) "Natural discharge location" means the location where run-off leaves the project site under existing site conditions as defined in the Surface Water Design Manual.

- (36)(43) "Natural surface water drainage system" means such landscape features as rivers, streams, lakes and wetlands. This system circulates water in a complex hydrological cycle.
- (37)(44) "New impervious surface" means the creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt or gravel.
- (45) "New pervious surface" means the conversion of a native vegetated surface or other native surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and surface water run-off as defined in the Surface Water Design Manual.
- (46) "Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.
- (38)(47) "National Pollutant Discharge Elimination System" or "NPDES" means the national program for controlling pollutants from point source discharges directly into waters of the United States under the Clean Water Act. L. "
- (39)(48) "Open space" means any parcel, property or portion thereof classified for current use taxation under, or for which the development rights have been sold to the City of Burien or King County. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in the appropriate City or County code or Chapter 84.34 RCW.
- (40)(49) "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the King County assessor.
- (41)(50) "Person" means any individual, firm, company, association, corporation or governmental agency.
- (42)(51) "Pollution-generating impervious surface" means an impervious surface considered to be a significant source of pollutants in surface and surface water run-off. "Pollution-generating impervious surface includes those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if run-off from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surface unless they are treated to prevent leaching.
- (43)(52) "Pollution-generating pervious surface" means a non_impervious surface considered to be a significant source of pollutants in surface and surface water run-off. "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. "Pollution-generating pervious surface" includes, but is not limited to, the lawn and landscaped areas of a residential or commercial site, golf course, park sports field, and standard grassed modular grid pavement.
- (53) "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
- (44)(54) "Program" means the surface water management program as set forth in this chapter.
- (45)(55) "Project" means any proposed action to alter or develop a site that may also require drainage review.

- (46)(56) "Project site" means the portion of a site and any off-site areas subject to proposed project activities, alterations and improvements including those required by this chapter.
- (47)(57) "Rate category" means the classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.
- (48)(58) "Redevelopment project" means a project that proposes to add, replace or modify impervious surface for purposes other than a residential subdivision or maintenance on a site that:
- (49)(59) Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or
 - (50)(60) Has an existing impervious surface coverage of 35 percent or more.
- (51)(61) "Replaced impervious surface" means an existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance. For purposes of this definition, "removed" includes the removal of buildings down to bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic concrete pavement together with any asphalt-treated base.
- (52)(62) "Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as referring to the type of or intended use of a building or structure.
- (53)(63) "Residential parcel" means any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes.
- (54)(64) "Run-off" means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and shallow groundwater as well as on ground surfaces. For the purpose of this definition, groundwater means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.
- (55)(65) "Salmon conservation plan" means a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education activities and enforcement programs for conservation and recovery of salmon within a water resource inventory area designated by the state under WAC 173-500-040.
- (56)(66) "Service area" means the incorporated areas of the City of Burien.
- (57)(67) "Shared facility" means a drainage facility designed to meet one or more of the requirements of BMC 13.10.140 for two or more separate projects contained within a basin. Shared facilities usually include shared financial commitments for those drainage facilities.
- (68) "Site" means a single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for purposes of applying for authority from the City to carry out a proposed project. For projects located primarily within dedicated rights-of-way, "site" includes the entire width of right-of-way subject to improvements proposed by the project.

(58)(69) "Small project drainage review" means the drainage review for a proposed single-family residential project or agricultural project that:

(a) Would result in:

(i) 10,000 square feet or less of total impervious surface added on or after January 8, 2001; or

(ii) four percent or less of total impervious surface on a site as specified in the Surface Water Design Manual; and

(b) Meets the small project drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures and drainage plan submittal requirement; and

(c) Minimum drainage review requirements for all development, redevelopment or new impervious surface regardless of size, scope and nature that is subject to a City development permit or approval. Limits new pervious surface as specified in the Surface Water Design Manual.

(70) "Stormwater pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(59)(71) "Surface water compliance plan" means a plan or study and all regulations and procedures that have been adopted by the City or King County to implement the plan or study, including, but not limited to, capital projects, public education activities and enforcement programs for managing surface water quantity and quality discharged from the county's municipal separate storm sewer system in compliance with the National Pollutant Discharge Elimination System permit program under the Clean Water Act.

(60)(72) "Sub-basin" means a geographic area that:

(61)(73) Drains to a stream or water body named and noted on common maps; and

(62)(74) Is contained within the basin of the stream or water body.

(63)(75) "Surface and surface water" means water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands as well as and shallow ground water.

(64)(76) "Surface and surface water management services" means the services provided by the Department, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and surface water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

(65)(77) "Surface and surface water management system" means constructed drainage facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and surface water.

(66)(78) "Surface Water Design Manual" means the manual, and supporting documentation referenced or incorporated in the manual, describing surface and surface water design and analysis requirements, procedures and guidance that has been formally adopted by reference in this chapter.

(67)(79) "Targeted drainage review" means an abbreviated evaluation for certain types of proposed projects that are not subject to full or large project drainage review. Targeted drainage review may be required for some projects in small project drainage review.

(68)(80) "Undeveloped parcel" means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface.

(81) "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and surface water run-off. Water quality treatment facilities are the structural component of best management practices. When used singly or in combination, water quality treatment facilities reduce the potential for contamination of either surface or ground waters, or both.

Section 2. Amendment of Section 13.10.020 (Surface Water Manuals Adopted and Amended). Section 13.10.020 is hereby amended to read as follows:

13.10.020 Surface Water Manuals adopted and amended.

The 2005 King County Surface Water Design Manual, and the 2009 most recent version of the King County Stormwater Pollution Prevention Manual, and any future amendments thereto is are hereby adopted by reference as, respectively, the City of Burien Surface Water Design Manual ("SWDM") and the City of Burien Stormwater Pollution Prevention Manual ("SPPM"), with the following modifications:

Chapter 1, Paragraph 1.1.1 is hereby amended to read as follows:

1.1.1 WHEN IS DRAINAGE REVIEW REQUIRED?

All development, redevelopment or new impervious surface regardless of size, scope and nature that is subject to a City development permit or approval shall be subject to, at a minimum, a small site drainage review by the City in accordance with the provisions of this manual. Targeted, full or large site drainage review may be required based on specific project and site characteristics as described in Section 1.1.2.

If any provisions of the Surface Water Design Manual and the Stormwater Pollution Prevention Manual as adopted conflicts with any provisions of this chapter, the provisions of this chapter will control. Unless the context indicates otherwise, all references to "King County" or "County" in the SWDM and the SPPM shall mean and refer to the City of Burien; references to the King County Department of Development and Environmental Services or its acronym "DDES" shall mean and refer to the City of Burien Department of Public Works and those agencies contracting with the City of Burien to enforce Chapter 13.10 of the Burien Municipal Code; references to the Water and Land Resources Division of the King County Department of Natural Resources or its acronym "WLR" shall mean and refer to the City of Burien Department of Public Works; references to the King County Department of Natural Resources and Parks or its acronym ("DNRP") shall mean and refer to the City of Burien Department of Public Works; all references to Chapter 9.04 of the King County Code or any specific sections thereof shall mean and refer to Chapter 13.10 of the Burien Municipal Code and the equivalent sections thereof.

Terms and standards that are defined in the SWDM and SPPM by reference to Chapter 21A of the King County Code, shall mean and refer to those terms and standards as defined in Title 19 of the Burien Municipal Code; provided that, when such terms have no defined meaning in title 19 of the Burien Municipal Code, the City adopts and incorporates by reference as part of this Chapter, the definitions given in Chapter 21A of the King County Code, as now or hereafter amended.

All references in the SWDM to the Storm Water Pollution Prevention Manual shall mean and refer to the SWPPM as adopted by the City of Burien pursuant to this Chapter 13.10 of the Burien Municipal Code.

All references in the SPPM to the Storm Water Design Manual shall mean and refer to the SWDM as adopted by the City of Burien pursuant to this Chapter 13.10 of the Burien Municipal Code

The definition of Critical Drainage Area in Chapter 1 of the SWDM is amended by striking “by administrative rule under the procedures specified in KCC 2.98“

The reference in Section 1.1.2.4 of the SWDM to Urban Planned Development shall mean and refer to the equivalent such designation under the City of Burien Comprehensive Plan as determined by the City of Burien Community Development Director.

The note following the third sentence of Section 1.1.3 of the SWDM is stricken.

The last paragraph of Section 1.1.4 beginning with “Additional mitigation” is stricken.

The reference in Section 1.2.2 at paragraph 2 of the SWDM to KCC 21A.24.110 shall mean and refer to the applicable provision of Title 19 of the Burien Municipal Code.

All references to Critical Area Review in the SWDM and the SPPM shall mean and refer to Critical Area Review pursuant to Title 19 of the Burien Municipal Code.

References in the SWDM and SWWP to Chapter 16.82 of the King County Code, shall mean and refer to the clearing and grading provisions of the Burien Municipal Code.

Subsection F of section 1.2.4.3 of the SWDM is omitted.

The reference in Section 1.2.7 to King County Ordinance 12020 shall mean and refer to the financial Guarantee requirements of the applicable provisions of the Burien Municipal Code.

Section 1.4.4 of the SWDM is stricken and replaced with the following:

All variances (“Adjustments”) from Chapter 13.10 BMC, the SWDM and the SWWP shall be governed by the procedures, standards and requirements set forth at Section 19.65.085 of the Burien Municipal Code, as is now exists or may hereafter be amended. Consistent with these requirements, the general steps of

the variance review process for specific types of adjustments are presented as follows:

The reference in Section 1.4.5 of the SWDM to KCC 20.20 shall mean and refer to Section 19.65.085 BMC.

References to offices of King County shall mean and refer to the equivalent offices of the City of Burien.

Except when the context indicates otherwise, references in the SWDM and the SPPM to specific codes or sections of codes of King County, such as the King County critical areas code, shoreline management code, clearing and grading code, and road standards, shall mean and refer to the equivalent codes or sections of codes of the City of Burien.

Section 3. Amendment of Section 13.10.030 BMC (Administration). Section 13.10.030 of the Burien Municipal Code is hereby amended to read as follows:

13.10.030 Administration.

(1) Administration.

(a) The Director is authorized to promulgate and adopt administrative rules for the purpose of implementing and enforcing the provisions of this chapter. Adopted administrative rules will be made available to the public from the Department. This includes, but is not limited to, the Surface Water Design Manual and the Stormwater Pollution Prevention Manual.

(b) The Director is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land. These procedures may also be contained in the Surface Water Design Manual and the Stormwater Pollution Prevention Manual.

(2) Inspections. The Director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

(3) Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the Director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the Director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Director by this chapter; provided that, if such premises or portion thereof is occupied, the Director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

(4) Access. Proper ingress and egress shall be provided to the Director to inspect, monitor or perform any duty imposed upon the Director by this chapter. The Director shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification the Director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property.

Section 4. Amendment of Section 13.10.070 BMC (Implementation, review and revisions). Section 13.10.070 of the Burien Municipal Code is hereby amended to read as follows:

13.10.070 Implementation, review and revision.

The Department shall administer a training program for users of the Surface Water Design Manual and the Stormwater Pollution Prevention Manual. The Director shall also conduct an on-going research program to evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This research program will examine, but not be limited to, hydrologic and hydraulic analysis methods, stream geomorphologic analysis methods, water quality, best management practices and erosion and sediment control measures.

Section 5. Amendment of Section 13.10.110 BMC (Scope). Section 13.10.110 of the Burien Municipal Code is hereby amended to read as follows:

13.10.110 Scope.

Compliance with the standards in this chapter, ~~and the Surface Water Design Manual, and the Stormwater Pollution Prevention Manual~~ does not necessarily mitigate all probable and significant environmental impacts to aquatic biota. Fishery resources and other living components of aquatic systems are affected by a complex set of factors. While employing a specific flow control standard may prevent stream channel erosion or instability, other factors affecting fish and other biotic resources (such as increases in stream flow velocities) are not directly addressed by the Surface Water Design Manual and the Stormwater Pollution Prevention Manual. Thus, compliance with this manual should not be construed as mitigating all probable and significant surface water impacts, and additional mitigation may be required to protect aquatic biota in streams and wetlands.

Section 6. Amendment of Section 13.10.130 BMC (Drainage Review - When Required - Type). Section 13.10.130 of the Burien Municipal Code is hereby amended to read as follows:

13.10.130 Drainage review - when required - type.

(1) Drainage review is required, regardless of size of the development, when any proposed project is subject to a City development permit or approval and:

- (a) Would result in 2,000 square feet or more of new impervious surface;
- (b) Would involve 7,000 square feet or more of land disturbing activity;
- (c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and surface water run-off from a drainage pipe or ditch that is 12 inches or more in size or depth;
- (d) Contains or is adjacent to a flood hazard area as defined in BMC 19.10.179.2;
- (e) Is located within a critical drainage area;
- (f) Is a redevelopment project proposing \$100,000.00 or more of improvements to an existing site; or
- (g) Is a redevelopment project on a site in which the total of new plus replaced impervious surface is 5,000 square feet or more and whose valuation of proposed improvements, including interior improvements and excluding required mitigation and

frontage improvements, exceeds 50 percent of the assessed value of the existing site improvements.

(2) The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (a) of this section, the Department shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

- (a) Small project drainage review;
- (b) Targeted drainage review;
- (c) Full drainage review; or
- (d) Large project drainage review.

Section 7. Amendment of Section 13.10.140 BMC (Drainage Review - Requirements).
Section 13.10.140 of the Burien Municipal Code is hereby amended to read as follows:

13.10.140 Drainage review - requirements.

(1) Every permit or approval application with drainage review must meet each of the following core requirements which are described in detail in the Surface Water Design Manual:

(a) Core requirement 1: Discharge at the natural location. All storm and surface water run-off from a project shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which run-off is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual;

(b) Core requirement 2: Off-site analysis. The initial application submittal for proposed projects shall include an off-site analysis report that assesses potential off-site drainage impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a Level One downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall meet any applicable problem specific requirements as specified in the Surface Water Design Manual;

(c) Core Requirement 3: Flow control. Proposed projects that would result in 2,000 square feet or more of new plus replaced impervious surface or 35,000 square feet or more of new pervious surface, ~~or that are redevelopment projects that would result in a total of 5,000 square feet or more of new and replaced impervious surface,~~ shall provide flow control facilities or flow control BMPs, or both, to control surface and surface water run-off generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow control facilities shall meet the area-specific flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. Flow control BMPs shall also be applied as specified in the Surface Water Design Manual. Projects subject to area-specific flow control facility

requirements shall meet one of the flow control facility performance criteria listed in (i) through (iii) of this subsection (1)(c), as directed by the Surface Water Design Manual:

(i) Level One shall match the predeveloped site's peak discharge rates for the two-year and 10-year return periods;

(ii) Level Two shall meet Level One criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the 50 percent of the two-year peak flow through the 50-year peak flow; or

Level Three shall meet Level Two criteria and also match the predeveloped site's peak discharge rate for the 100-year return period;

(d) Core requirement 4: Conveyance system. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual;

(e) Core requirement 5: Erosion and sediment control. All proposed projects that will clear, grade or otherwise disturb the site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with the temporary erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual;

(f) Core requirement 6: Maintenance and operation. Maintenance of all drainage facilities in compliance with City maintenance standards is the responsibility of the applicant/property owner as described in the Surface Water Design Manual, except those facilities for which King County is granted an easement or covenant and assumes maintenance and operation as described in the Surface Water Design Manual;

(g) Core requirement 7: Financial guarantees and liability. All drainage facilities constructed or modified for projects, except downspout infiltration and dispersion systems for single family residential lots, must provide adequate liability requirements and financial guarantees consistent with this code;

(h) Core requirement 8: Water quality. Proposed projects that would result in 5,000 square feet or more of new pollution generating impervious surface or 35,000 square feet or more of new pollution-generating pervious surface, or that are redevelopment projects that would result in a total of 5,000 square feet or more of new and replaced pollution-generating impervious surface, shall provide water quality treatment facilities to treat polluted surface and surface water run-off generated by new or replaced pollution-generating impervious surface, new pollution-generating pervious surface and any existing pollution-generating impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. However, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if the Department approves a landscape management plan that controls pesticides and fertilizers leaving the site. Water quality treatment facilities shall meet the area-specific water quality treatment requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. The facilities specified by these requirements are

designed to reduce pollutant loads according to the applicable annual average performance goals listed in (i) through (iv) of this subsection (1)(h) for 95 percent of the annual average run-off volume:

- (i) for basic water quality: remove eighty percent of the total suspended solids;
- (ii) for enhanced basic water quality: remove fifty percent of the total zinc;
- (iii) for sensitive lake protection: remove fifty percent of the total phosphorus; and
- (iv) for sphagnum bog protection: remove 50 percent of the total phosphorus and 40 percent of the total nitrate plus nitrite. The discharge shall maintain a pH of less than 6.5 and an alkalinity of less than 10 milligrams per liter.

(2) A proposed project required to have drainage review shall meet any of the following special requirements which apply to the site and which are described in detail in the Surface Water Design Manual. The Department shall verify if a proposed project is subject to and must meet any of the following special requirements.

(a) Special Requirement 1: Other adopted area-specific requirements. If a proposed project is in a designated critical drainage area, or is in an area included in an adopted master drainage plan, basin plan, salmon conservation plan, surface water compliance plan, flood hazard reduction plan, lake management plan or shared facility plan, then the proposed project shall meet the applicable drainage requirements of the critical drainage area, master drainage plan, basin plan, salmon conservation plan, surface water compliance plan, flood hazard reduction plan, lake management plan or shared facility plan.

(b) Special Requirement 2: Floodplain/floodway delineation. If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other City regulations require study of flood hazards relating to the proposed project, the 100-year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared for as specified in the Surface Water Design Manual.

(c) Special Requirement 3: Flood protection facilities. If a proposed project contains or is adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R.

(d) Special Requirement 4: Source Control. If a proposed project requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and run-off from coming into contact with pollutants to the maximum extent practicable. Water quality source controls shall be applied in accordance with the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project.

(e) Special Requirement 5: Oil control. If a proposed project is a high-use site or is a redevelopment project proposing \$100,000.00 or more of improvements to an existing

high-use site, then oil control shall be applied to all run-off from the high-use portion of the site as specified in the Surface Water Design Manual.

- (3) (a) An adjustment to the requirements contained in this section or other requirements in the Surface Water Design Manual may be proposed. The resulting development shall be subject to all of the remaining terms and conditions of this chapter and the adjustment shall:
- (i) produce a compensating or comparable result in the public interest; and
 - (ii) meet this chapter's objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.
- (b) If complying with subsection (3)(a)(i) of this section will deny all reasonable use of a property, the best practicable alternative shall be obtained as determined by the Director according to the adjustment process defined in the Surface Water Design Manual.
- (c) Requests for adjustments that may conflict with the requirements of any other City department shall require review and concurrence with that department.
- (d) A request for an adjustment shall be processed in accordance with the procedures specified in the Surface Water Design Manual.
- (e) The City may require monitoring of experimental designs and technology or untested applications proposed by the applicant in order to determine compliance with subsection (3)(a) of this section and the approved plans and conditions.
- (f) The applicant may appeal an adjustment decision to the Hearing Examiner by following the appeal procedures as specified in Chapter 2.20 BMC.
- (4) The drainage review requirements in this section and in the Surface Water Design Manual may be modified or waived by the Director.

Section 8. Amendment of Section 13.10.230 BMC (Surface Water Contamination).

Section 13.10.230 of the Burien Municipal Code is hereby amended to read as follows:

13.10.230 Surface water contamination.

~~The City will determine if surface water pollution has occurred or is occurring by utilizing the federal Environmental Protection Agency quality criteria for freshwater bodies and the state Department of Ecology Class AA Surface Water, and Lake Class Surface Water Quality Standards.~~

~~(1) At the direction of the Director, the City shall investigate any structure or use which is apparently causing or has been a cause of surface water pollution, and if it is determined that a violation exists, the city shall have a notice of violation served upon the owner, tenant, or other person responsible for the condition may take enforcement action as authorized pursuant to Section 13.10.510 and 420 of this Chapter of the Burien Municipal Code.~~

~~(2) The notice shall be served by personal service, registered mail, or certified mail with return receipt requested addressed to the last known address of the owner, tenant, or other person responsible. The notice of violation shall be posted at a conspicuous place on the property. The notice shall state separately each violation, contain a reasonable time for compliance, describe the civil penalties imposed for failure to comply of up to \$1,000 per day, and the appeal procedures.~~

~~(3) When calculating a reasonable time for compliance and the amount of civil penalty imposed, the city shall take into consideration the following criteria:~~

- (a) ~~___ Type and degree of violation;~~
 - (b) ~~___ Intent to comply if intent has been expressed;~~
 - (c) ~~___ Procedural requirements for obtaining a permit to carry out corrective action;~~
 - (d) ~~___ Complexity of corrective action;~~
 - (e) ~~___ Any other circumstances beyond the control of the responsible party.~~
- (4) ~~___ The City may extend the date of compliance upon the receipt of a written request from the responsible person prior to the date of compliance.~~
- (5) ~~___ Any person affected by a notice of violation may file a written notice of appeal stating in what respects the notice is erroneous and the specific grounds for reversal or modification of the order. The appeal shall be filed with the city clerk within 14 calendar days from and including the date upon which the notice of violation was served. In the absence of a timely appeal, the findings of the City Engineer contained in the notice of violation shall be deemed true and final.~~
- (6) ~~___ Any such timely appeal shall be to the Hearing Examiner. The Hearing Examiner may affirm, reverse, or modify the notice of the City Engineer; provided that the notice of the City shall be prima facie proof of the alleged violation and the burden of establishing the contrary shall be upon the appellant by clear, cogent, and convincing evidence.~~
- (7) ~~___ Any appeal of the decision of the Hearing Examiner shall be as set forth in Chapter 2.20 BMC, including any subsequent amendments.~~

Section 9. Amendment of Section 13.10.240 BMC (Illicit discharges and connections).
Section 13.10.240 of the Burien Municipal Code is hereby amended to read as follows:

13.10.240 Illicit discharges and connections.

- (1) Prohibited Discharges. It is unlawful for any person to discharge any contaminants into surface and storm water or ground water. All illicit discharges, as set forth in the surface water design manual, made either directly or indirectly to a public drainage control system, are prohibited and constitute a violation of this chapter. Contaminants include, but are not limited, to the following:
- (a) Trash or debris;
 - (b) Construction materials;
 - (c) Petroleum products including but not limited to oil, gasoline, grease, fuel oil, and heating oil;
 - (d) Antifreeze and other automotive products;
 - (e) Metals in either particulate or dissolved form;
 - (f) Flammable or explosive materials;
 - (g) Radioactive material;
 - (h) Batteries;
 - (i) Acids, alkalis, or bases;
 - (j) Paints, stains, resins, lacquers or varnishes;
 - (k) Degreasers and solvents;
 - (l) Drain cleaners;
 - (m) Pesticides, herbicides or fertilizers;
 - (n) Steam cleaning wastes;
 - (o) Soaps, detergents or ammonia;
 - (p) Swimming pool backwash;

- (q) Chlorine, bromine and other disinfectants;
- (r) Heated water;
- (s) Domestic animal wastes;
- (t) Sewage;
- (u) Recreational vehicle waste;
- (v) Animal carcasses;
- (w) Food wastes;
- (x) Bark and other fibrous materials;
- (y) Collected lawn clippings, leaves, or branches;
- (z) Silt, sediment, or gravel;
- (aa) Dyes, except as stated in subsection (3)(a) of this section;
- (bb) Chemicals not normally found in uncontaminated water;
- (cc) Any hazardous material or waste, not listed above.

(2) Allowable Discharges. (2)—Certain discharges may be made directly or indirectly to a public drainage control system, or are exempt from subsection (a) of this section, as set forth in the surface water design manual. The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director determines that the type of discharge, whether singly or in combination with other discharges, is causing significant contamination of surface water or ground water

- (a) Spring water;
- (b) Diverted stream flows;
- (c) Uncontaminated water from crawl space pumps, foundation drains or footing drains;
- (d) Lawn watering with potable water or collected rainwater;
- (e) Pumped groundwater flows that are uncontaminated;
- (f) Materials placed as part of an approved habitat restoration or bank stabilization project;
- (g) Natural uncontaminated surface water or ground water;
- (h) Flows from riparian habitats and wetlands;
- (a)(i) The following discharges from boats: engine exhaust; cooling waters; effluent from sinks; showers and laundry facilities; and treated sewage from Type I and Type II marine sanitation devices;
- (b)(j) Collected rainwater that is uncontaminated;
- (e)(k) Uncontaminated groundwater that seeps into or otherwise enters stormwater conveyance systems;
- (d)(l) Air conditioning condensation;
- (e)(m) Irrigation water from agricultural sources that is commingled with 550 stormwater runoff; and
- (f)(n) Other types of discharges as determined by the director.

(2)(3) Exceptions.

- (a) Dye testing is allowable but requires verbal notification to the City of Burien Public Works Department at least one day prior to the date of test.

(b) A person does not violate subsection (1) of this section if that person has properly designed, constructed, implemented and is maintaining BMPs and is carrying out AKART as required by this chapter, but contaminants continue to enter surface and storm water or ground water; or that person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site. A person who, under of this subsection, is not in violation of subsection (1) of this section is liable for any prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs or other discharges that allow contaminants to enter surface and storm water or ground water.

(c) Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety, shall be exempt from this section. The director by public rule may specify actions that qualify for this exception in county procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence.

(3) — Any connection, identified by the Director, that could convey anything not composed entirely of surface and surface water, directly to surface, storm, or ground waters is considered an illicit connection and is prohibited with the following exceptions: connections conveying allowable discharges, connections conveying discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit as issued by the state (other than an NPDES surface water permit) or a state waste discharge permit, and connections conveying effluent from on-site sewage disposal systems to subsurface soils. Presence of prohibited connections as defined herein constitutes a violation of this chapter as set force in section 13.10.510 and 13.10.520. Water quality analysis or investigation for potential illicit connection and illicit discharge will be conducted by the city or by the state certified laboratory.

~~— The Best Management Practices (BMPs) shall be applied to any business or residential activity that might result in prohibited discharges as specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director.~~

~~— In applying the Stormwater Pollution Prevention Manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and storm water or ground water, the director may require implementation of treatment BMPs as set forth in AKART. The city will provide, upon reasonable request, available technical assistance materials and information.~~

~~— The director shall use public education and warnings as primary method of gaining compliance with this chapter and shall not use citations, notice and orders, assessment of civil penalties and fines, or other compliance actions as authorized in BMC 18.110, unless the director determines: 1. The discharge from a normal single family residential activity, whether singly or combination with other discharges, is causing a significant contribution of contaminants to surface and storm water or ground water; or 2. The discharge from a normal single family residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety~~

~~and operation of county right-of-way, utilities or other county-owned or maintained property.~~

~~Persons implementing BMPs through another federal, state or local program will not be required to implement the BMPs prescribed in the city's Stormwater Pollution Prevention Manual, unless the director determines the alternative BMPs are ineffective at reducing the discharge of contaminants. If the other program requires the development of a stormwater pollution prevention plan or other best management practices plan, the person shall make the plan available to the city upon request.~~

(4) ~~Activities that might result in prohibited discharges include but are not limited to following: potable water line flushing, lawn watering with potable water, dust control with potable water, automobile and boat washing, pavement and building washing, swimming pool and hot tub maintenance, auto repair and maintenance, building repair and maintenance, landscape maintenance;~~

Section 10. Amendment of Section 13.10.250 BMC (Best Management Practices).
Section 13.10.250 of the Burien Municipal Code is hereby amended to read as follows:

13.10.250 ~~Source control~~ ~~B~~best ~~M~~management ~~P~~practices

Any person causing or allowing discharge to a public drainage facility, natural drainage system, surface and surface water, or ground water shall control contamination in the discharge by implementing appropriate source control BMPs. Failure to implement such practices shall constitute a violation of this chapter. ~~Guidance on designing and implementing BMPs is provided in the surface water design manual and the Stormwater Pollution Prevention Manual.~~ The Best Management Practices (BMPs) shall be applied to any business or residential activity that might result in prohibited discharges as specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director.

(a) In applying the Stormwater Pollution Prevention Manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and storm water or ground water, the director may require implementation of treatment BMPs as set forth in AKART. The city will provide, upon reasonable request, available technical assistance materials and information.

(b) The director shall use public education and warnings as primary method of gaining compliance with this chapter and shall not use citations, notice and orders, assessment of civil penalties and fines, or other compliance actions as authorized in BMC 18.110, unless the director determines: 1. The discharge from a normal single family residential activity, whether singly or combination with other discharges, is causing a significant contribution of contaminants to surface and storm water or ground water; or 2. The discharge from a normal single family residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of county right-of-way, utilities or other county-owned or maintained property.

(c) Persons implementing BMPs through another federal, state or local program will not be required to implement the BMPs prescribed in the city's Stormwater Pollution Prevention Manual, unless the director determines the alternative BMPs are ineffective at reducing the discharge of contaminants. If the other program requires the development of

a stormwater pollution prevention plan or other best management practices plan, the person shall make the plan available to the city upon request.

Section 11. Amendment of Section 13.10.260 BMC (Water Quality Standards). Section 13.10.260 of the Burien Municipal Code is hereby amended to read as follows:

13.10.260 Water quality standards.

The City of Burien hereby adopts by reference the water quality standards established under the authority of Chapter 90.48 RCW and contained within Chapter 173-201A WAC as presently written or hereafter amended. Under the authority of Chapter 173-201A WAC, all the streams and all the lakes in the city are classified as Class AA and Class Lake respectively.

Section 12. Amendment of Section 13.10.270 BMC (Operation and Maintenance of Stormwater Facilities). Section 13.10.270 of the Burien Municipal Code is hereby amended to read as follows:

13.10.270 Operation and maintenance of ~~surface water~~stormwater facilities.

(1) Standards for maintenance of ~~surface water~~stormwater facilities existing on public or private property within the City are contained in the surface water design manual and the Stormwater Pollution Prevention Manual. Any maintenance agreement submitted and approved by the City through the permit process shall supersede maintenance requirements contained in the surface water design manual and the Stormwater Pollution Prevention Manual.

(2) No person shall cause or permit any drainage facility on any public or private property to be obstructed, filled, graded, or used for disposal of debris. Any such activity constitutes a violation of this chapter.

(3) Any modification of an existing drainage facility must be approved and permitted by the city. Failure to obtain permits and approvals or to violate conditions thereof for any such alteration constitutes a violation of this chapter.

(4) The City will maintain all elements of the storm drainage system beginning at the first catch-basin within the public right-of-way, and in easements or tracts dedicated to and accepted by the City. All other facilities, including, but not limited to, nonresidential ~~stormwater~~surface water facilities and roof downspout drains and driveway drains serving single-family residences, shall be maintained by the property owner.

- (5) Maintenance of Nonresidential ~~Surface-Storm~~water Facilities by Owners.
- (a) Any person or persons holding title to a nonresidential property for which ~~surface storm~~water facilities have been required by the City shall be responsible for the continual operation, maintenance, and repair of said ~~storm~~~~surface~~-water facilities in accordance with the criteria set forth in the surface water design manual the Stormwater Pollution Prevention Manual.
- (b) For nonresidential ~~storm~~~~surface~~-water facilities, failure to meet the maintenance requirements specified in the surface water design manual and the Stormwater Pollution Prevention Manual constitutes a violation of this chapter, and shall be enforced against the owner(s) of the subject property served by the ~~surface~~-~~water~~~~storm~~water facility.
- (6) City Acceptance of Existing Residential ~~Surface-water~~~~Stormwater~~ Facilities. The City may accept for maintenance those ~~surface~~-~~water~~~~storm~~water facilities serving residential developments existing prior to the effective date of the ordinance codified in this chapter that meet the following conditions:
- (a) The ~~surface~~-~~water~~~~storm~~water facilities serve more than one individual house or property;
- (b) ___An inspection by the Director has determined that the ~~surface~~-~~water~~~~storm~~water facilities are functioning as designed;
- (c) The ~~surface~~-~~water~~~~storm~~water facilities have had at least two years of satisfactory operation and maintenance, unless otherwise waived by the Director;
- (d) ___An inspection by the Director has determined that the ~~surface~~-~~water~~~~storm~~water facilities are accessible for maintenance using existing City equipment;
- (e) The person or persons holding title to the properties served by the ~~surface~~-~~water~~~~storm~~water facilities must submit a petition containing the signatures of the title holders of more than fifty percent of the lots served by the ~~surface~~-~~water~~~~storm~~water facilities requesting that the City maintain the ~~surface~~-~~water~~~~storm~~water facilities;
- (f) All easements entitling the city to properly access, operate and maintain the subject ~~surface~~-~~water~~~~storm~~water facilities have been conveyed to the city and have been recorded with the King County office of records and elections;
- (g) The person or persons holding title to the properties served by the ~~surface~~-~~water~~~~storm~~water facilities show proof of the correction of any defects in the drainage facilities, including provision of maintenance access, as required by the Director.
- (7) Disposal of waste from maintenance activities shall be conducted in accordance with the minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC; guidelines published by the Washington State Department of Ecology for disposal of waste materials from ~~surface~~-~~water~~~~storm~~water maintenance activities; and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.

Section 12. Amendment of Section 13.10.340 BMC (Policy). Section 13.10.340 of the Burien Municipal Code is hereby amended to read as follows:

13.10.340 Policy.

- (1) It is the finding of the City that developed parcels contribute to an increase in surface and surface water run-off to the surface and surface water management system. This increase in surface and surface water run-off results in the need to establish rates and charges to finance the

City's activities in surface and surface water management. Developed parcels shall be subject to the rates and charges of the Program based on their contribution to increased run-off. The factors to be used to determine the degree of increased surface and surface water run-off to the surface and surface water management system from a particular parcel shall be the percentage of impervious surface coverage on the parcel, the total acreage of the parcel and any mitigating factors as determined by the City.

(2) It is the finding of the City that undeveloped parcels do not contribute as much as developed parcels to an increase in surface and surface water run-off into the surface and surface water management system. Undeveloped properties shall be exempt from the rates and charges of the Program.

(3) It is the finding of the City that maintained drainage facilities mitigate the increased run-off contribution of developed parcels by providing on-site drainage control. Parcels served by flow control facilities which were required for development of the parcel or can be demonstrated by the property owner to provide flow control of surface and surface water to the standards in this chapter shall receive a discount as provided in the rates and charges of the Program, if the facility is maintained at the parcel owner's expense to the standard established by the Department.

(4) It is the finding of the City that improvements to the quality of surface water run-off can decrease the impact of that run-off on the environment. Parcels served by water quality treatment facilities that were required for development of the parcel or that can be demonstrated by the property owner to provide treatment of surface and surface water to the standards in this chapter shall receive a discount as provided in the rates and charges of the surface water management program, if the facility is maintained at the parcel owner's expense to the standard established by the Department.

(5) It is a finding of the City that open space properties provide a benefit to the surface and surface water management system by the retention of property in an undeveloped state. Open space properties shall receive a discount from the rates and charges to encourage the retention of property as open space.

(6) The majority of the parcels in the service area are residential. The variance between residential parcels in impervious surface coverage is found to be minor and to reflect only minor differences in increased run-off contributions. The administrative cost of calculating the service charge individually for each residential parcel and maintaining accurate information would be very high. A flat charge for residential parcels is less costly to administer than calculating a separate charge for each parcel and is equitable because of the similarities in impervious surface coverage between residential parcels. Therefore, residential parcels shall be charged a flat charge based upon an average amount of impervious surface.

(7) Very lightly developed nonresidential parcels which have an impervious surface coverage of 10 percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and surface water management system. These parcels shall be charged a flat rate which will encourage the retention of large areas of very lightly developed land.

(8) Lightly to very heavily developed nonresidential parcels which have an impervious surface coverage of more than 10 percent have a substantial impact on the surface and surface water management system. The impact of these parcels on the surface and surface water management system increases with the size of the parcels. Therefore, lightly to very heavily developed

properties shall be charged a rate determined by the percent of impervious surface coverage multiplied by the parcel acreage.

(9) The City roads and State highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the roads systems and their associated drainage facilities serve as an integral part of the surface and surface water management system. City and State road drainage systems unlike the drainage systems on other properties are continually being upgraded to increase both conveyance capacity and control. It is envisioned that the roads program will work cooperatively with the surface water management program to improve regional surface and surface water management services, as new information is available from basin plans and other sources. City roads and State highways shall not be charged a rate in recognition of the benefit to the surface water management services provided by the drainage facilities associated with the City roads and State highway programs; provided, that those drainage facilities are constructed, operated, and maintained in accordance with this chapter.

(10) Comprehensive management of surface and surface water run-off must include anticipation of future growth and development in the design and improvement of the surface and surface water management system. Service charge revenue needs shall be based upon the present and future requirements of the surface and surface water management system, and these needs shall be considered when determining the rates and charges of the Program.

(11) Basin plans are essential to establishing a comprehensive approach to a capital improvement program, maintenance of facilities and regulation of new developments. A plan should analyze the measures needed to control surface and surface water run-off which results from existing and anticipated development within the basin. The measures investigated to control run-off should include land use regulation such as setback requirements or community plan revisions which revise land use densities as well as the use of drainage facilities. A plan also should recommend the quantity and water quality run-off control measures required to further the purposes set forth in this chapter, and community goals. The institutional requirements and regulations, including but not limited to land use management, funding needs, and incentives for preserving the natural surface water drainage system should be identified in the plan. The proposed ordinances and regulations necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

(12) Areas with development related surface and surface water problems require comprehensive management of surface and surface water.

(13) Additional surface and surface water run-off problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual and the Stormwater Pollution Prevention Manual and this chapter have been adopted to mitigate the impact of land use development. Further mitigation of these impacts is based on expertise which continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The Program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The City is researching and developing methods to protect the natural drainage system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish which inhabit sensitive areas. Based upon the findings in this

subsection, and as information and methods become available, the Director, as appropriate shall draft and submit to the Council, regulations and development standards to allow protection of the surface and surface water management system including natural drainage systems.

(14) The Program will maintain long term fiscal viability and fund solvency for all of its related funds. The Program's approach to financial reporting and disclosure will be comprehensive, open and accessible.

(15) The Program shall prepare an annual, multiyear capital improvement program which encompasses all of the Program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs analysis. The Program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

Section 13. Amendment of Section 13.10.500 BMC (Inspection and Sampling). Section 13.10.500 of the Burien Municipal Code is hereby amended to read as follows:

13.10.500 Inspection and sampling.

(1) Inspections for compliance with the provisions of this chapter shall be allowed as follows:

(a) Construction and Development Inspection. The Director or designee shall have access to any site for which a permit as listed in Section 13.10.130 has been issued, during regular business hours, for the purpose of review of erosion control practices and ~~surface water~~stormwater facilities, and to insure compliance with the terms of such permit. Applicants for any such permit shall agree in writing, as a condition of issuance thereof that such access shall be permitted for such purposes. Inspection procedures shall be as outlined in Section 13.10.500(2).

(b) Inspection for Cause. Whenever there is cause to believe that a violation of this chapter has been or is being committed the Director or designee is authorized to inspect the property during regular business hours, and at any other time reasonable in the circumstances. Inspection procedures shall be as outlined in Section 13.10.500(2).

(c) Inspection for Maintenance and Source Control Best Management Practices. The Director or designee may inspect ~~stormwater~~surface water facilities in order to ensure continued functioning of the facilities for the purposes for which they were constructed, and to ensure that maintenance is being performed in accordance with the standards of this chapter and any maintenance schedule adopted during the plan review process for the property. The Director also may enter the site for the purposes of observing source control best management practices. The property owner or other person in control of the site shall allow any authorized representative of the Director or designee access during regular business hours, or at any other time reasonable in the circumstances, for the purpose of inspection, sampling, and records examination.

(2) Inspection Procedure. Prior to making any inspections, the director or designee shall present identification credentials, state the reason for the inspection and request entry of the owner or other person having charge or control of the property, if available, or as provided below.

(a) If the property or any building or structure on the property is unoccupied, the Director or his designee shall first make a reasonable effort to locate the owner or other

person(s) having charge or control of the property or portions of the property and request entry.

(b) If, after reasonable effort, the Director or his designee is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the site or of the surface water drainage system creates an imminent hazard to persons or property, the inspector may enter.

(3) Water sampling and analysis for determination of compliance with this chapter shall be allowed as follows:

(a) **Sample Collection.** When the Director has reason to believe that a violation exists or is occurring on a property, the Director shall have the authority to set up on the site such devices as are necessary to conduct sampling, inspection, compliance monitoring, or flow measuring operations.

(b) **Sample Analysis.** Analysis of samples collected during investigation of potential violations shall be analyzed by a laboratory certified by the State Department of Ecology as competent to perform the required analysis using standard practices and procedures.

(c) **Cost of Sample Collection and Analysis.** If it is determined that a violation of this chapter exists on the site, the owner of the property shall pay the City's actual costs for collecting samples and for laboratory analysis of those samples. If it is found that a violation does not exist, the City will pay such charges.

Section 14. Amendment of Section 13.10.510 BMC (Enforcement - Violations). Section 13.10.510 of the Burien Municipal Code is hereby amended to read as follows:

13.10.510 Enforcement - violations.

The provisions set forth in this section shall apply to all violations of this chapter or the surface water design manual and the Stormwater Pollution Prevention Manual. In addition to the listed enforcement options, the City may also pursue any other lawful civil, criminal or equitable remedy or relief. At the Director of Public Works' discretion, the choice of enforcement option taken and the severity of any **monetary** penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources, the public resources expended to take enforcement action and ensure compliance with this Chapter, and/or the degree of bad faith of the persons subject to the enforcement action. Enforcement options are cumulative and shall not be deemed exclusive.

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

(2) **Violation.** Any structure, condition, act or failure to act which violates any provision of this chapter shall be, and the same is declared to be, unlawful and is subject to the enforcement and penalty provisions of this Section 13.10.510 BMC and Section 13.10.520 BMC.

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

(a) **Posting and Notice.** The Director or designee shall prominently post this order at the subject location and shall make reasonable attempts to send this order on to the

property owner, the person in charge of the property, or the person causing the activity to be conducted or the improvement erected or altered.

(b) Effect. When an order to cease activity has been posted on the subject location, it is a violation **of this chapter** for any person with actual or constructive knowledge of the order to conduct the activity or do the work covered by the order until such time as the Director or designee has removed or authorized removal of the order. If an order to cease activity is violated, the Director or designee may issue a notice of civil infraction under Section 13.10.510(45).

(c) Appeal. An order to cease activity may be appealed in like manner as a notice of civil infraction under Section 13.10.510(45). If a notice of civil infraction has also been issued and appealed, the appeals shall be consolidated for hearing.

(34) Notice of Violation. If the Public Works Director or assignee determines that any structure, condition, act or failure to act exists that is in violation of this chapter, he/she may issue a notice of violation. This notice will specifically indicate:

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

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

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

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

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

(f) Notice to Property Owner and Responsible Party. The Public Works Director or designee shall:

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

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

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

(45) Notice of Civil Infraction.

(a) General. The Public Works Director or designee may cause a notice of civil infraction to be issued in either of the following circumstances:

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

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

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

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

(i) Notwithstanding the provisions of Sections 13.10.510(23) and 13.10.510(34), the Public Works Director or designee may issue a notice of civil infraction without having issued an order to cease activity or a notice of violation when a repeated violation occurs within a six-month period of time or otherwise at the director's or designee's discretion.

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

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

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

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

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

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

(v) A statement that the person to whom the notice of civil infraction was directed must complete correction of the violation and may pay the monetary penalty imposed to the city clerk or may appeal the notice of civil infraction as provided in Section 13.10.510(45)(e).

(d) Service of Notice. The Public Works Director or designee shall serve the notice of civil infraction upon the person to whom it is directed, either personally or by mailing a copy of the notice of civil infraction by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address or by posting the notice of civil infraction conspicuously on the affected property or structure. The person who effected personal service shall make proof of service at the time of service by a written declaration under penalty of perjury declaring the time and date and the manner in which service was made.

(e) Appeal to Hearing Examiner.

- (i) A person to whom a notice of civil infraction is directed may appeal the notice of civil infraction, including the determination that a violation exists, or may appeal the amount of any monetary penalty imposed to the Hearing Examiner.
- (ii) A person may appeal the notice of a civil infraction by filing a written notice of appeal with the Department of Public Works within the earlier of, seven calendar days from the date of personal service of the notice of civil infraction, and if the notice is not personally served, within ten calendar days from the date the notice was deposited in the United States mail, properly addressed and postage prepaid, and if the notice was posted, within ten calendar days from the date the notice was posted on the property.
- (iii) The monetary penalty for a continuing violation does not accrue during the pendency of the appeal; however, the Hearing Examiner may impose a daily monetary penalty from the date of service of the notice of civil infraction if ~~he~~ the hearing examiner finds that the appeal is frivolous or intended solely to delay compliance.
- (iv) The hearing before the hearing examiner shall be conducted as follows:
- i. The office of the Hearing Examiner shall give notice of the hearing before the Hearing Examiner to the appellant seventeen calendar days before such hearing.
 - ii. The Hearing Examiner shall conduct a hearing on the appeal. The City and the appellant may participate as parties in the hearing and each may call witnesses. The City shall have the burden of proof by a preponderance of the evidence that a violation has occurred.
- (f) Action of Hearing Examiner.
- (i) The Hearing Examiner shall determine whether the City has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend, or modify the amount of any monetary penalty imposed by the notice of civil infraction with or without written conditions.
 - (ii) The Hearing Examiner shall consider the following in making his/her determination:
 - i. Whether the intent of the appeal was to delay compliance; or
 - ii. Whether the appeal is frivolous; or
 - iii. Whether there was a written contract or agreement with another party which specified the securing by the other party of the applicable permit or approval from the city; or
 - iv. Whether the appellant exercised reasonable and timely effort to comply with applicable development regulations; or
 - v. Any other relevant factors.
- (g) Notice of Decision. The Hearing Examiner shall mail a copy of his or her decision to the appellant by certified mail, postage prepaid, return receipt requested.
- (h) Judicial Review. The decision of the Hearing Examiner may be reviewed pursuant to the standards set forth in Chapter 36.70C RCW in King County Superior Court. The land use petition must be filed within twenty-one calendar days of the issuance of the final land use decision by the Hearing Examiner. For more information on the judicial review process for land use decisions, see Chapter 36.70C RCW.

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

(56) Criminal. Any willful violation of the provisions of this chapter is deemed a misdemeanor unless a more exacting charge is allowed by law.

Section 15. Amendment of Section 13.10.520 BMC (Enforcement - Penalties). Section 13.10.520 of the Burien Municipal Code is hereby amended to read as follows:

13.10.520 Enforcement – penalties.

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

Monetary Penalty. The amount of the monetary penalty per day or portion thereof for each violation of this chapter is as follows:

(1) Except as may be otherwise set forth herein, the monetary penalty assessed shall not exceed \$1,000 per day for each such day that a violation occurs or continues to occur. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil infraction is directed. Any monetary penalty assessed must be paid to the City Clerk within seven calendar days from the date of service of notice of civil infraction or, if an appeal was filed pursuant to Section 13.10.510(45)(e), within seven calendar days of the Hearing Examiner's decision.

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

(3) In the event of failure to appear at a hearing provided in Section 13.10.510(45)(e), the Hearing Examiner shall assess the monetary penalty prescribed and a penalty of twenty-five dollars.

(4) In the event of a conflict between this chapter and any other provision of this code of City ordinances providing for a civil penalty, this chapter shall control.

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

Section 16. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the

validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 4617. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Chris Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

325

Agenda Subject: Discussion on Proposed Ordinance No. 514, Relating to Regulation of Firearms.		Meeting Date: July 6, 2009
Department: Legal	Attachments: <u>Draft Ordinance No. 514</u>	Fund Source: N/A
Contact: Chris Bacha		Activity Cost: N/A
Telephone: (253) 248-5531		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Work Plan Item Description:	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is for Council to discuss proposed Ordinance No. 514, relating to the regulation of firearms, amending Chapter 9.50 to conform to State law.</p>		
BACKGROUND (Include prior Council action & discussion):		
<p>The state legislature has enacted legislation fully occupying and preempting the entire field of regulation of firearms including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof. See, RCW 9.41.290. The City is therefore limited to enacting only those laws relating to firearms that are specifically authorized by and consistent with state law. Any local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law are preempted and repealed.</p>		
<p>In 1993 the City enacted Chapter 9.50 BMC regulating firearms. Both BMC 9.50.210 and 9.50.220 prohibit possession of firearms in establishments selling liquor. Thus the code is redundant. Further, BMC 9.50.210 is more restrictive than BMC 9.50.220 and state law and thus is likely preempted and unenforceable. Repeal of BMC 9.50.210 will leave in place the provisions of BMC 9.50.220(1)(d) that already generally conforms to state law. BMC 9.50.210 (e) prohibits firearms in council chambers. No such comparable provision exists in state law, thus this prohibition is more restrictive than and not authorized by state law and is therefore unenforceable. Adoption of the proposed ordinance will bring city code into conformance with state law and remove unenforceable provisions from the City Code.</p>		
OPTIONS (Including fiscal impacts):		
N/A		
Administrative Recommendation: Place on the July 20 Council Consent Agenda for approval.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Chris Bacha Administration <i>CB</i>		Mike Martin City Manager <i>MM</i>
Today's Date: June 30, 2009		File Code: R://CC/AgendaBill2009/070609cm-1 firearms



CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 514

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO THE REGULATION OF FIREARMS; AMENDING CHAPTER 9.50 OF THE BURIEN MUNICIPAL CODE TO CONFORM TO STATE LAW; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the state legislature has, pursuant to RCW 9.41.290, determined that it shall fully occupy and preempt the entire field of regulation of firearms, and

WHEREAS such preemption includes the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, and

WHEREAS, the City may enact only those laws and ordinances relating to firearms that are specifically authorized by and consistent with state law and any local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality; and

WHEREAS, the City has codified its firearms regulations at Chapter 9.50 of the Burien Municipal Code; and

WHEREAS, upon review of Chapter 9.50, several provisions have been identified that may be inconsistent with state law and therefore should be amended to conform to Chapter 9.41 RCW; and

WHEREAS it is in the best interest of the public health, safety and welfare that City firearms regulations are made to conform to state law;

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

Section 1. Repeal of 9.50.210 BMC (Weapons prohibited on liquor sale premises). Section 9.50.210 of the Burien Municipal Code is hereby repealed in its entirety.

Section 2. Amending 9.50.220 BMC (Firearms Prohibited in Certain places – Exceptions – Penalty). Section 9.50.220 of the Burien Municipal Code is hereby amended (legislative revision marks) to read as follows:

9.50.220 Firearms prohibited in certain places – Exceptions – Penalty.

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a firearm;

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person:

(i) Arrested for, charged with, or convicted of an offense;

(ii) Charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020;

(iii) Held for extradition or as a material witness; or

(iv) Otherwise confined pursuant to an order of a court, except an order under Chapter 13.32A or 13.34 RCW.

Restricted access areas do not include common areas of egress or ingress open to the general public.

Exception. This subsection does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(b) A courtroom or judge's chamber, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse.

Exception. This subsection does not apply to a judge or court employee or to any person licensed under RCW 9.41.070 who, before entering the restricted area, directly and promptly proceeds to the court administrator or the administrator's designee and obtains written permission to possess the firearm.

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state

institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted areas do not include common areas of egress and ingress open to the general public.

Exception. This subsection does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under 21 years of age.

Exception. This subsection does not apply to the proprietor of the premises or his or her employee while engaged in their employment.

~~(e) The council chambers of the city council.~~

(2) The provisions of this section do not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments while engaged in official duties;

(b) Law enforcement personnel, except that this subsection (2)(e) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties;

(3) Any person violating this section is guilty of a misdemeanor.

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

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

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha,
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk: May 27, 2009
Passed by the City Council:
Ordinance No.: 514
Date of Publication: