



CITY COUNCIL MEETING AGENDA

July 20, 2009

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of holding an Executive Session to discuss a personnel matter per RCW 42.30.110(1g)

6:30 p.m.

and

Council Meeting, 1st Floor

7:00 p.m.

Burien City Hall

400 SW 152nd Street

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. Email Dated June 18, 2009, from Michael Gale Regarding Council Request to Port of Seattle – Temporary Noise Monitoring. 3.
- b. Email Dated July 2, 2009, from Vera DeRosa Regarding Public Art with Response from Michael Lafreniere, Parks and Recreation Director. 7.
- c. Email Dated July 7, 2009, from Paul Conrath, Burien Arts Board President, Regarding Burien Arts Strawberry Shortcake Booth. 11.
- d. Email Dated July 7, 2009, from Marty Joy Regarding Art Park with Response from Michael Lafreniere, Parks and Recreation Director. 13.

VIII. PRESENTATIONS

- a. Presentation on the Urban Forestry Strategic Plan/City Parks.

IX. CONSENT AGENDA

- a. Approval of Vouchers: Numbers 22504, 22627 – 22756 in the Amount of \$674,727.72. 17.
- b. Approval of Council Meeting Minutes: July 6, 2009. 35.

COUNCILMEMBERS

Joan McGilton, Mayor
Kathy Keene

Sue Blazak, Deputy Mayor
Lucy Krakowiak

Sally Nelson

Rose Clark
Gordon Shaw

CITY COUNCIL AGENDA

July 20, 2009

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IX. CONSENT AGENDA (cont'd.)	c. Motion to Adopt Resolution No. 295, Establishing the 2009 Comprehensive Plan Amendment Docket.	39.
	d. Motion to Approve Parks Board Recommendation Naming the 141 st Street Stormwater Pond Property "Linde Hill Park."	45.
	e. Adoption of Ordinance No. 515 and Resolution No. 297, Amending the Fee Schedule for Permit Fees and Other Community Development and Land Use Fees.	49.
	f. Motion to Adopt Ordinance No. 514, Relating to Regulation of Firearms.	63.
X. PUBLIC HEARING	a. Public Hearing on Proposed Ordinance No. 516, Establishing a Transportation Benefit District.	69.
	b. Discussion on Ordinance No. 516, Establishing a Transportation Benefit District.	
XI. BUSINESS AGENDA	a. City Manager's Report.	77.
	b. Review of Council Proposed Agenda Schedule.	107.
	c. Motion to Adopt Proposed Resolution No. 300, Entering Findings of Fact and Conclusions of Law Regarding Preliminary Approval of the RPP Solutions Subdivision (634 South 150 th Street).	111.
	d. Motion to Adopt Proposed Ordinance No. 516, Establishing the Burien Transportation Benefit District (TBD No. 1).	161.
	e. Motion to Adopt Resolution No. 298, Approving an Interlocal Agreement Between the City of Burien, Washington ("Burien"), and the Burien Transportation Benefit District ("TBD No. 1")	169.
	f. Motion to Appoint Members to Prepare Pro Statements for the Ballot Measure Establishing a \$25 Annual Vehicle License Fee for Two Years in Order to Fund Two High Priority Projects from the Pedestrian and Bicycle Facilities Plan.	177.
	g. Discussion on Compliance with National Pollution Discharge Elimination System Permit issued January 15, 2007.	179.

XII. COUNCIL REPORTS

XIII. ADJOURNMENT

From: Council
Sent: Thursday, June 18, 2009 2:35 PM
To: 'Michael.Gale@rrd.com'
Subject: RE: Council Request to Port of Seattle - Temporary Noise Monitoring

Thank you for your message. It will be forwarded to the City Councilmembers and City Manager for their consideration.
 L. Clausen
 Burien City Manager's Office

From: Michael.Gale@rrd.com [mailto:Michael.Gale@rrd.com]
Sent: Thursday, June 18, 2009 10:26 AM
To: Council
Subject: Council Request to Port of Seattle - Temporary Noise Monitoring

To the Burien City Council --

My family and I have lived at the following address for the past 30 years:

18003 4th Ave S
 Burien, WA 98148-1803

The noise the third runway has brought so close to our home is disruptive to my work from my office in my home, our family conversations, our enjoyment of home entertainment, and our sleep. We do not live within the noise remedy boundary program, while our neighbors across the street from us do.

When I look at the locations of the Port of Seattle's 25 permanent noise monitors, I realize that there is a big gap in noise monitoring in our area even though we are just west of the south end of the third runway.

The Port of Seattle states that they will not place any of their temporary-portable noise monitoring equipment at any location unless the request is made in writing to the Port of Seattle Noise Programs office through a local city council (requests by individual citizens and community groups will not be granted). They also state that temporary noise monitoring will not take place within 1 mile of a permanent monitoring site. They also say that the requested noise metric must be specified prior to monitoring.

You likely have staff who are more familiar with the metrics that would need to be requested than I would be, and I'm not sure how to translate the metric request into measurements that would concern the disruptions I am describing. So I would rely on your insight to this for any metric request that must be specified. The times and typical activities that are being disrupted in our home can be broken down as follows:

6:30 a.m. to 5:00 p.m. Monday through Friday	Conference calls for work from my office in my home (I work for a Fortune 500 company engaged in worldwide business -- conference calls are typically with Chennai and Trivandrum, India; the United Kingdom; the U.S. East Coast, Midwest, and West Coast; Manila, The Philippines; Colombo, Sri Lanka; and Hong Kong.)
Any available time during daytime and evenings until 11:00 p.m. Monday through Sunday	Typical family conversations
11:00 p.m. to 6:30 a.m. Monday through Sunday	Sleep
8:00 p.m. to 11:00 p.m. Monday through Sunday	Home entertainment

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As to the requirement that monitoring not already be taking place within 1 mile of a permanent monitoring site, I believe the location of my home meets this requirement. We would be willing to have this equipment placed on our property if needed to meet this need.

I would very much appreciate the Council making this request in my behalf (as well as my neighbors also just outside the noise remedy boundary program). My hope is that this will bring additional focus to the need to expand the noise remedy boundary program within the next few years through an expanded Part 150 study.

Thank you,

Mike Gale

Michael Gale

Office: 206.246.2634 | Mobile: 206.390.5691 | Fax: 866.277.9076 | michael.gale@rrd.com



June 16, 2009

Michael Gale
18003 4th Ave S
Burien, WA 98148

Dear Mr. Gale:

Thank you for contacting the Port of Seattle Noise Programs Office. We have received your request for a noise monitor to be installed in your neighborhood.

For many years the Port of Seattle had 11 permanent noise monitors, in early 2000 we upgraded and expanded our system, installing a total of 25 noise monitors. The citizen advisory committee that we had at that time, along with a team of noise consultants helped to establish where the noise monitors should best be installed to monitor aircraft noise. I regret to inform you that the Port of Seattle is not able to fulfill your request for a permanent noise monitoring terminal to be installed within your area. I have however enclosed our official statement of procedure for communities requesting a temporary noise monitor.

Please be aware that a noise monitor in any neighborhood would only monitor noise, both aircraft and community noise. Data collected would not lead to a change in the Port's noise remedy program boundary or a change in flight paths. The Port of Seattle does not have the authority to change or alter flight paths. Once aircraft leave Sea-Tac Airport's runways, the Federal Aviation Administration has responsibility over them.

Sincerely,

A handwritten signature in black ink that reads "Karen Kalanick". The signature is written in a cursive, flowing style.

Karen Kalanick
Noise Programs Specialist



STATEMENT OF PROCEDURE

The Port of Seattle owns and operates 25 permanent noise monitors and two portable noise monitoring units. The noise monitoring system measures noise levels from individual aircraft and keeps track of many operations over time. As data from the monitors is accumulated and analyzed, a history of noise levels is maintained so that changes in the environment can be noted and trends identified.

In the past, the Port has received numerous requests for temporary noise monitoring through many different venues at various locations. This procedure provides an effort to better serve the local communities and accommodate staff priorities.

DETAILS

1. Requests for temporary-portable noise monitoring will only be considered if they are directed in writing to the Port of Seattle Noise Programs office through a local city council. Requests by individual citizens and community groups will not be granted.
2. Temporary monitoring will not be performed inside the noise remedy boundary.
3. Temporary noise monitoring will not take place within 1 mile of a permanent monitoring site.
4. Temporary noise monitoring will not be performed in a neighborhood that has had monitoring done within the previous 6 months.
5. Reports from the temporary noise monitoring will be created and sent to the requesting government.
6. The requested noise metric will be specified prior to monitoring.
7. Temporary monitoring will occur on a first come, first serve basis.
8. The Noise Abatement Office cannot guarantee monitoring will take place during a specific time frame.
9. Temporary noise monitoring will not occur for more than two weeks.

RESULTS

Temporary noise monitoring will not lead to a change in the Ports noise remedy boundary program. Temporary noise monitoring will not provide an accurate depiction of DNL as compared to approved Part 150 noise contours since DNL contours are an "annual average" and cannot be compared to a sample of data. The DNL, SEL, or Leq values produced by temporary noise monitoring are only intended to depict a sampling of area noise levels and can vary depending on flight traffic flow, ambient noise levels, location, and weather.

From: Council
To: Vera DeRosa
Subject: RE: Public Art

Thank you for your message. It will be forwarded to appropriate staff and included in the Council's Correspondence for the Record.

L. Clausen
City Manager's Office

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

From: Vera DeRosa [mailto:ravenswood7@comcast.net]
Sent: Thursday, July 02, 2009 10:04 PM
To: Council
Subject: Public Art

I am writing again, with reference to the choices of the so called "Art" for our public spaces in the City of Burien. Who is proposing and approving these art pieces for our public spaces???? I understand there is an Art Commission that is responsible for suggesting and presenting public art for the City, but why oh why is the public kept in the dark as to these proposed pieces for our City and why are the proposed pieces never submitted and voted upon by the public?????

I think it is great that proposed art pieces are researched by this so called Art Commission, but I certainly think when particular Artists and suggested pieces are narrowed down, they should be presented to the public and decided upon by a public vote, prior to installation.

The current Art pieces in no way represent the City of Burien that I can see. They are unsightly, and the latest, this naked woman, is appalling to me. I am not a prude and believe all "Art" has a place, but Public Art has a responsibility to speak to the majority, and I personally have not found that to be the case, especially with this piece. Have you all actually seen it??? I am mystified and frankly angered. Also, the soon to be fountain rock that is surrounded by the word and definition of "Volatile", is again a strange choice for a public park adjacent to a library, where a multitude of wonderful words would possibly have been more relevant to stimulate and enlighten. It is baffling.

I am disgusted that decisions for so many are left in the hands of so few who obviously do not feel the responsibility of representing a Community. It seems the Council, in approving the present choices of "Art, " have used very poor judgment as to what would be appropriate and uplifting Art for our Community. Again, what are you thinking???? I have actually had to apologize for our City's choice of the so called Art features thus far. Poor designs and poor decisions, and as usual, there is really no one to complain to it seems, as questions and complaints fall on deaf ears at City Hall, indicating a real lack of interest in what the populace really thinks...

Sincerely,

Vera DeRosa

From: Michael Lafreniere
Sent: Monday, July 06, 2009 11:12 AM
To: 'ravenswood7@comcast.net'
Subject: RE: Public Art

Mrs. DeRosa,

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; it is on private property. 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 the city of Burien.

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 artwork placed there does not require the Council's review or approval. 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, Urban Partners. The City did not commission the creation of the "naked woman" sculpture you referenced. The City does however have an "Art in Public Places" fund for public art projects, both permanent and temporary. The City did contribute some funds along with other organizations, including the Town Square developer, Urban Partners, to the arts organization to assist it with its project, principally their efforts to bring the large mother-and-child sculpture known as "The Passage" to Burien. As I said, this exhibition is expected to be on display through the end of the year. We will relay your comments to the citizen volunteers who have organized the B/IAS project.

Finally, regarding your comment on the Fountain Rock in Town Square Park, the word "volatile" is a reference to Mt. Rainier and its volcanic nature and history. As it can be viewed from the park, several of the park's design elements reference the mountain. The park's public art pieces were reviewed and approved by Arts Commission and Council through a public process and following policies that have been approved by the Council. The Council does in fact take interest in what citizens think and takes public feedback into account. As you may recall, one piece was not approved by the Council based in large part on input from the public.

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

Sincerely,

LFTR 7/20/09

Michael Lafreniere
Director of Parks, Recreation & Cultural Services
michaell@burienwa.gov
425 SW 144th Street
Burien, WA 98166-1545
tel: (206) 988-3703
mobile: (206) 391-1612
www.BurienParks.net
"Innovative Stewards of Public Trust"

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

From: Vera DeRosa [mailto:ravenswood7@comcast.net]
Sent: Thursday, July 02, 2009 10:04 PM
To: Council
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I am disgusted that decisions for so many are left in the hands of so few who obviously do not feel the responsibility of representing a Community. It seems the Council, in approving the present choices of "Art, " have used very poor judgment as to what would be appropriate and uplifting Art for our Community. Again, what are you thinking???? I have actually had to apologize for our City's choice of the so called Art features thus far. Poor designs and poor decisions, and as usual, there is really no one to complain to it seems, as questions and complaints fall on deaf ears at City Hall, indicating a real lack of interest in what the populace really thinks...

Sincerely,

Vera DeRosa

From: Council
To: Paul Conrath
Subject: RE: Burien Arts Strawberry Shortcake booth

Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record.

L. Clausen
Burien City Manager's Office

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

From: Paul Conrath [mailto:paul@paulconrath.com]
Sent: Tuesday, July 07, 2009 12:17 PM
To: Michael Lafreniere; Debbie Zemke; Gina Kallman; Rose Clark; Lucy Krakowiak; Mike Martin; Casey Stanley; Council; Sue Blazak; Kathy Keene; Joan McGilton; Sally Nelson; Gordon Shaw
Cc: Jimi Lou Steambarge; Susan Woltz; Pam Harper; John Unbehend; Erin Williamson; Linda Dougherty; Lance Haslund; Sybil Davis; Lori Schuller
Subject: Burien Arts Strawberry Shortcake booth

Dear City of Burien:

On behave of the Burien Arts board of directors, I want to thank everyone at the parks department for their effort at this years Strawberry Festival. With the new blocked streets, added vendors and improved layout, this year's festival was one of the best.

The Strawberry Shortcake booth is a important fundraiser for Burien Arts. It helps pay for the gallery on 146th, High School Art Shows, Shakespeare in the Park, and the Highline Vintage Jazz festival. With the help of Michael Lafreniere, Debbie Zemke, Gina Kallman and Casey Stanley, Burien Arts was able to secure a fantastic location at the festival which led to increased shortcake sales. This money will be put back into arts proگرامing in Burien/Highline for all to enjoy.

Burien Arts greatly appreciates all the support the city of Burien provides us with. We can't thank you enough!

Paul Conrath
Board President
Burien Arts

CFTR: 7/20/09

From: Council
To: Marty
Subject: RE: Art Park

Thank you for writing to the Burien City Council. Your message will be forwarded to appropriate City staff and included in the Council's Correspondence for the Record.

L. Clausen
City Manager's Office

From: Marty [mailto:xracer@harbornet.com]
Sent: Tuesday, July 07, 2009 2:52 PM
To: Council
Cc: JOE PELUSO
Subject: Art Park

Ladies and gentlemen;

I was raised in the Burien area from about 1939 until I graduated from Highline High school in 1954. I had occasion to be in your fair city today, wanting to see the new Retail Center, very impressive! I also visited the new, unfinished, "Art" Park. I was, frankly appalled at the tasteless display of, what someone in your city, calls "art"! A huge collection of rusty rebar faintly resembling a "woman" and "child" dominates the area. Particularly "classy" is the pole hung with gaily painted hubcaps! I would be curious to know what the city council members were smoking, when they approved this abomination!

**Cordially
Marty Joy**

From: Michael Lafreniere
Sent: Thursday, July 09, 2009 1:11 PM
To: 'xracar@harbornet.com'
Subject: RE: Art Park

Mr. Joy,

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 (or B/IAS) project. For your information, the project is not part of Town Square Park or on public property; it is on private property. The B/IAS project is a temporary art park, open to the public, and created by the community. It is designed and intended to creatively 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, and the hubcap art you mentioned was done by students from Highline High School. Due to the uniqueness of the B/IAS concept regarding the use of unused spaces for community art, this project has certainly received considerable press, most all of it positive, and significant regional attention for the city of Burien.

As I clarified earlier, the B/IAS 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 artwork placed there does not require the Council's review or approval. 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, Urban Partners. The City did not commission the creation of the "naked woman" sculpture you referenced. The City does however have an "Art in Public Places" fund for public art projects, both permanent and temporary. The City did contribute some funds along with other organizations, including the Town Square developer, Urban Partners, to the arts organization to assist it with its project, principally their efforts to bring the large mother-and-child sculpture known as "The Passage" to Burien. As I said, this exhibition is expected to be on display through the end of the year. We will relay your comments to the citizen volunteers who have organized the B/IAS project. If you would like to contact them directly, you can do so through their website.

With respect to the art in Town Square Park, the park's public art pieces were reviewed and approved by Arts Commission and Council through a public process and following policies that have been approved by the Council. The Council does in fact take interest in what citizens think and takes public feedback into account. As you may recall, one piece was not approved by the Council based in large part on input from the public.

If you have further questions or suggestions, or if you have some art that you would like to contribute to the space, you can contact our Cultural Arts Supervisor, Gina Kallman, at 206-988-3713.

CFTR: 7/20/09

Sincerely,

Michael Lafreniere
Director of Parks, Recreation & Cultural Services
michaell@burienwa.gov
425 SW 144th Street
Burien, WA 98166-1545
tel: (206) 988-3700
www.BurienParks.net
"Innovative Stewards of Public Trust"

From: Marty [<mailto:xracer@harbornet.com>]
Sent: Tuesday, July 07, 2009 2:52 PM
To: Council
Cc: JOE PELUSO
Subject: Art Park

Ladies and gentlemen;

I was raised in the Burien area from about 1939 until I graduated from Highline High school in 1954. I had occasion to be in your fair city today, wanting to see the new Retail Center, very impressive! I also visited the new, unfinished, "Art" Park. I was, frankly appalled at the tasteless display of, what someone in your city, calls "art"! A huge collection of rusty rebar faintly resembling a "woman" and "child" dominates the area. Particularly "classy" is the pole hung with gaily painted hubcaps! I would be curious to know what the city council members were smoking, when they approved this abomination!

Cordially
Marty Joy

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 20th day of July, 2009 the FOLLOWING:

CHECK NOS. 22504, 22627-22756

IN THE AMOUNTS OF \$674,727.72

WITH VOIDED CHECK NOS. _____

Accounts Payable
Checks for Approval



User: liliac
Printed: 07/15/2009 - 12:08 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22504	07/01/2009	General Fund	Professional Services	KING COUNTY METRO	175.00
Check Total:					175.00
Report Total:					175.00

Accounts Payable
Checks for Approval



Burien
Washington, USA

User: liliac
Printed: 07/15/2009 - 12:08 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22627	07/09/2009	General Fund	Mis Plan Implementation	Daniel Jimenez	5,700.00
				Check Total:	5,700.00
22628	07/09/2009	General Fund	Vehicle Impound Adm. Fee	John Massey	100.00
				Check Total:	100.00
22629	07/09/2009	General Fund	Office And Operating Supplies	Suburban Propane	2,060.23
				Check Total:	2,060.23
22630	07/20/2009	General Fund	Miscellaneous	ABC Legal Messengers, Inc.	169.50
22630	07/20/2009	General Fund	Professional Services	ABC Legal Messengers, Inc.	21.00
				Check Total:	190.50
22631	07/20/2009	General Fund	CERT / Citizens Academy	Academy Cafe	71.50
				Check Total:	71.50
22632	07/20/2009	General Fund	Small Tools & Minor Equipments	ACE Hardware	26.41
22632	07/20/2009	Street Fund	Small Tools & Minor Equipments	ACE Hardware	54.43
				Check Total:	80.84
22633	07/20/2009	General Fund	Drug seizure proceeds KCSO	Adaptive Digital Systems Inc.	13,300.00
22633	07/20/2009	General Fund	Drug seizure proceeds KCSO	Adaptive Digital Systems Inc.	5,000.00
22633	07/20/2009	General Fund	Drug seizure proceeds KCSO	Adaptive Digital Systems Inc.	2,200.00
22633	07/20/2009	General Fund	Drug seizure proceeds KCSO	Adaptive Digital Systems Inc.	6,250.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
					0
				Check Total:	26,750.00
22634	07/20/2009	General Fund	Repairs And Maintenance	Alpine Kiln & Equipment LLC	116.90
				Check Total:	116.90
22635	07/20/2009	Parks & Gen Gov't CIP	Pre-Design Engineering	Anchor Environmental, L.L.C.	25,856.09
22635	07/20/2009	Parks & Gen Gov't CIP	Pre-Design Engineering	Anchor Environmental, L.L.C.	368.50
				Check Total:	26,224.59
22636	07/20/2009	General Fund	Office And Operating Supplies	Athletic Supply Co.	181.84
				Check Total:	181.84
22637	07/20/2009	Street Fund	Special Event Clean up	SAMIR BASMEH	136.79
				Check Total:	136.79
22638	07/20/2009	Transportation CIP	Project Development	Builders Exchange of WA, Inc.	131.00
				Check Total:	131.00
22639	07/20/2009	General Fund	Professional Services	Kristin Mayer	675.00
				Check Total:	675.00
22640	07/20/2009	General Fund	Professional Services	STEVE BOTKIN	1,236.00
				Check Total:	1,236.00
22641	07/20/2009	Town Square CIP	Land / Acquisition	Bush, Roed & Hitchings, Inc.	1,858.21
				Check Total:	1,858.21
22642	07/20/2009	General Fund	Printing	Philip Hwang Kwang Nam	699.98
				Check Total:	699.98
22643	07/20/2009	General Fund	Instructors Prof Svcs	Eileen Broomell	313.65

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
					Check Total: 313.65
22644	07/20/2009	General Fund	Miscellaneous	Blumenthal Uniforms	163.05
					Check Total: 163.05
22645	07/20/2009	General Fund	Instructors Prof Svcs	Sandra Cassinerio	420.00
22645	07/20/2009	General Fund	Instructors Prof Svcs	Sandra Cassinerio	225.00
					Check Total: 645.00
22646	07/20/2009	General Fund	Small Tools & Minor Equipments	CDW-G	238.79
22646	07/20/2009	Town Square CIP	Office Furniture and Equipment	CDW-G	925.83
					Check Total: 1,164.62
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	33.53
22647	07/20/2009	General Fund	Office/operating Supplies	Complete Office	268.87
22647	07/20/2009	General Fund	Office/operating Supplies	Complete Office	302.68
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	235.32
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	235.32
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	302.68
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	33.53
22647	07/20/2009	General Fund	Office/Operating Supplies	Complete Office	33.53
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	189.52
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	189.54
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	189.54
22647	07/20/2009	General Fund	Office And Operating Supplies	Complete Office	189.54
					Check Total: 2,203.60
22648	07/20/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	98.03
22648	07/20/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	98.04
22648	07/20/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	98.04
22648	07/20/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	98.04
22648	07/20/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	386.41
22648	07/20/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	311.81
22648	07/20/2009	General Fund	Citizens Patrol/ Crime Prevent	CONOCOPHILIPS	57.03
					Check Total: 1,147.40
22649	07/20/2009	General Fund	Nuisance Abatement Costs	Clean Property Services, Inc.	328.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	328.50
22650	07/20/2009	General Fund	Instructors Prof Svcs	Janet S. Crawley	495.00
				Check Total:	495.00
22651	07/20/2009	General Fund	Office And Operating Supplies	Janet Crawley	4.97
				Check Total:	4.97
22652	07/20/2009	General Fund	Professional Services	City of Kent	4,700.00
				Check Total:	4,700.00
22653	07/20/2009	General Fund	Utilities	City of Seattle	14.82
22653	07/20/2009	Street Fund	Utilities - Traffic Signals	City of Seattle	926.11
22653	07/20/2009	General Fund	Utilities	City of Seattle	50.66
22653	07/20/2009	General Fund	Utilities	City of Seattle	14.03
				Check Total:	1,005.62
22654	07/20/2009	General Fund	Att Svcs - Litigation - 1st So	David Evans & Associates, Inc.	30,073.76
				Check Total:	30,073.76
22655	07/20/2009	Parks & Gen Gov't CIP	Design/Engineering	Duncanson Company, Inc.	4,168.10
				Check Total:	4,168.10
22656	07/20/2009	General Fund	Repair/maint-vehicle	Elephant Car Wash	23.66
				Check Total:	23.66
22657	07/20/2009	Parks & Gen Gov't CIP	Construction-engineering	Environmental Science Center	9,446.86
22657	07/20/2009	Parks & Gen Gov't CIP	Construction-engineering	Environmental Science Center	41,472.88
				Check Total:	50,919.74
22658	07/20/2009	General Fund	Instructors Prof Svcs	Pam Fredback	84.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	84.00
22659	07/20/2009	General Fund	Instructors Prof Svcs	Nancy Fulton	157.50
				Check Total:	157.50
22660	07/20/2009	General Fund	Professional Services	Gray & Osborne, Inc.	818.08
				Check Total:	818.08
22661	07/20/2009	General Fund	Professional Services	Goodbye Graffiti	1,250.49
				Check Total:	1,250.49
22662	07/20/2009	Town Square CIP	Construction Engineering	GGLO, LLC	6,088.28
				Check Total:	6,088.28
22663	07/20/2009	General Fund	Human Svc-family/youth	Highline Area Food Bank	2,500.00
				Check Total:	2,500.00
22664	07/20/2009	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	264.00
22664	07/20/2009	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	159.75
				Check Total:	423.75
22665	07/20/2009	General Fund	Human Svc-family/youth	Hospitality House	1,250.00
				Check Total:	1,250.00
22666	07/20/2009	General Fund	Operating Rentals And Leases	Head-quarters	81.50
				Check Total:	81.50
22667	07/20/2009	General Fund	Dues/memberships/subscriptions	International Institute Of	165.00
				Check Total:	165.00
22668	07/20/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	130.20
22668	07/20/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	130.19

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22668	07/20/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	130.20
22668	07/20/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	130.20
22668	07/20/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	453.49
Check Total:					974.28
22669	07/20/2009	General Fund	Operating Rentals And Leases	Ikon Office Solutions	69.29
Check Total:					69.29
22670	07/20/2009	General Fund	Miscellaneous	Iron Mountain Rec. Management	199.96
Check Total:					199.96
22671	07/20/2009	General Fund	Repairs And Maintenance	Interstate Tire & Automotive	175.47
Check Total:					175.47
22672	07/20/2009	Town Square CIP	Professional Services	K&L/Gates LLP	520.65
Check Total:					520.65
22673	07/20/2009	General Fund	Instructors Prof Svcs	Moodette Ka'apana	105.00
22673	07/20/2009	General Fund	Instructors Prof Svcs	Moodette Ka'apana	105.00
22673	07/20/2009	General Fund	Instructors Prof Svcs	Moodette Ka'apana	200.00
Check Total:					410.00
22674	07/20/2009	General Fund	Jail Contract	KING COUNTY FINANCE	16,488.40
Check Total:					16,488.40
22675	07/20/2009	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2	427.66
Check Total:					427.66
22676	07/15/2009	General Fund	Miscellaneous	INTERNAL REVENUE SERVICE	376.82
Check Total:					376.82
22677	07/20/2009	General Fund	Machinery/eqpt - Noncapitalize	King County Library	437.50
22677	07/20/2009	General Fund	Machinery/eqpt - Noncapitalize	King County Library	437.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	875.00
22678	07/20/2009	General Fund	Repairs And Maintenance	King County Solid Waste	22.06
				Check Total:	22.06
22679	07/20/2009	General Fund	Mileage	KATHLEEN KEENE	321.20
22679	07/20/2009	General Fund	Lodging	KATHLEEN KEENE	435.27
22679	07/20/2009	General Fund	Meals	KATHLEEN KEENE	130.00
				Check Total:	886.47
22680	07/20/2009	General Fund	Attorney Srvc - Litigation	Kenyon Disend, PLLC	3,944.90
22680	07/20/2009	General Fund	Att Srvc - Litigation - 1st So	Kenyon Disend, PLLC	1,353.83
22680	07/20/2009	General Fund	Prosecution - City Atty	Kenyon Disend, PLLC	11,160.74
22680	07/20/2009	General Fund	Attorney Srvc - Gen'l Matters	Kenyon Disend, PLLC	18,526.98
				Check Total:	34,986.45
22681	07/20/2009	General Fund	Instructors Prof Svcs	Kidz Love Soccer, Inc.	3,404.80
				Check Total:	3,404.80
22682	07/20/2009	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S	5,000.00
				Check Total:	5,000.00
22683	07/20/2009	Street Fund	Small Tools & Minor Equipments	DOUG LAMOTHE	128.11
				Check Total:	128.11
22684	07/20/2009	General Fund	Instructors Prof Svcs	Lauren Laughlin	252.00
				Check Total:	252.00
22685	07/20/2009	General Fund	Instructors Prof Svcs	Alexander Lewis	650.00
				Check Total:	650.00
22686	07/20/2009	Town Square CIP	Construction	L. W. Sundstrom, Inc.	173,488.76
22686	07/20/2009	Town Square CIP	Retainage Payable	L. W. Sundstrom, Inc.	-7,921.86
22686	07/20/2009	Town Square CIP	Construction	L. W. Sundstrom, Inc.	44,230.01

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
					0
22686	07/20/2009	Town Square CIP	Construction	L. W. Sundstrom, Inc.	23,533.29
22686	07/20/2009	Town Square CIP	Retainage Payable	L. W. Sundstrom, Inc.	-3,094.22
				Check Total:	230,235.98
22687	07/20/2009	General Fund	Office And Operating Supplies	Mark's	15.85
22687	07/20/2009	General Fund	Office And Operating Supplies	Mark's	71.32
22687	07/20/2009	General Fund	Office And Operating Supplies	Mark's	71.32
				Check Total:	158.49
22688	07/20/2009	General Fund	Auto Allowance	MIKE MARTIN	400.00
				Check Total:	400.00
22689	07/20/2009	Town Square CIP	Office Furniture and Equipment	MBI Systems, Inc.	6,015.56
22689	07/20/2009	Town Square CIP	Office Furniture and Equipment	MBI Systems, Inc.	32,691.74
22689	07/20/2009	Town Square CIP	Office Furniture and Equipment	MBI Systems, Inc.	2,471.64
22689	07/20/2009	Town Square CIP	Office Furniture and Equipment	MBI Systems, Inc.	189.65
22689	07/20/2009	Town Square CIP	Office Furniture and Equipment	MBI Systems, Inc.	835.28
22689	07/20/2009	Town Square CIP	Office Furniture and Equipment	MBI Systems, Inc.	392.82
22689	07/20/2009	Town Square CIP	Office Furniture and Equipment	MBI Systems, Inc.	46.94
22689	07/20/2009	Town Square CIP	Office Furniture and Equipment	MBI Systems, Inc.	5,319.92
				Check Total:	47,963.55
22690	07/20/2009	General Fund	Instructors Prof Svcs	Susy McAleer	135.00
				Check Total:	135.00
22691	07/20/2009	General Fund	Instructors Prof Svcs	Hunter McGee	210.00
				Check Total:	210.00
22692	07/20/2009	Street Fund	Dt Business License Svcs	Microflex, Inc.	3,925.01
22692	07/20/2009	General Fund	Sales Tax Auditing Costs	Microflex, Inc.	616.85
22692	07/20/2009	General Fund	B&O Tax collect & audit	Microflex, Inc.	2,464.58
				Check Total:	7,006.44
22693	07/20/2009	General Fund	Citizens Patrol/ Crime Prevent	Millennium Ford	378.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	378.50
22694	07/20/2009	General Fund	Office And Operating Supplies	Miller Paint Co.	146.84
				Check Total:	146.84
22695	07/20/2009	General Fund	Admission and Entrance Fees	Metropolitan Park District of	271.00
				Check Total:	271.00
22696	07/20/2009	General Fund	Instructors Prof Svcs	Shariana Mundi	649.00
				Check Total:	649.00
22697	07/20/2009	General Fund	Strawberry Festival	National Barricade Co. LLC	535.18
				Check Total:	535.18
22698	07/20/2009	General Fund	Building Maintenance	NBM Corporation	293.93
22698	07/20/2009	General Fund	Building Maintenance	NBM Corporation	1,322.73
22698	07/20/2009	General Fund	Building Maintenance	NBM Corporation	1,322.73
22698	07/20/2009	General Fund	Building Maintenance	NBM Corporation	707.89
				Check Total:	3,647.28
22699	07/20/2009	General Fund	Strawberry Festival	National Construction Rentals,	768.00
				Check Total:	768.00
22700	07/20/2009	General Fund	Instructors Prof Svcs	Northwest Emergency Training	286.00
				Check Total:	286.00
22701	07/20/2009	General Fund	Telephone	SPRINT	64.39
22701	07/20/2009	General Fund	Telephone	SPRINT	64.39
22701	07/20/2009	General Fund	Telephone	SPRINT	73.51
22701	07/20/2009	General Fund	Telephone	SPRINT	45.63
22701	07/20/2009	General Fund	Drug seizure proceeds KCSO	SPRINT	365.89
22701	07/20/2009	Surface Water Management Fund	Telephone	SPRINT	139.10
22701	07/20/2009	General Fund	Telephone	SPRINT	44.23
22701	07/20/2009	General Fund	Telephone	SPRINT	253.07
22701	07/20/2009	General Fund	Telephone	SPRINT	64.39

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
					∞
22701	07/20/2009	General Fund	Telephone	SPRINT	64.39
22701	07/20/2009	General Fund	Telephone	SPRINT	22.13
22701	07/20/2009	General Fund	Telephone	SPRINT	1,260.29
22701	07/20/2009	General Fund	Telephone	SPRINT	139.10
22701	07/20/2009	Street Fund	Telephone	SPRINT	139.10
22701	07/20/2009	General Fund	Telephone	SPRINT	214.38
22701	07/20/2009	General Fund	Telephone	SPRINT	22.13
22701	07/20/2009	General Fund	Telephone	SPRINT	122.91
				Check Total:	3,099.03
22702	07/20/2009	General Fund	Human Svc-family/youth	New Futures	5,750.00
				Check Total:	5,750.00
22703	07/20/2009	General Fund	City Hall Custodial	National Maintenance	1,032.29
22703	07/20/2009	General Fund	City Hall Custodial	National Maintenance	316.46
				Check Total:	1,348.75
22704	07/20/2009	General Fund	Instructors Prof Svcs	Pamela Odegard	135.00
				Check Total:	135.00
22705	07/20/2009	General Fund	Citizens Patrol/ Crime Prevent	PAM ODEGARD	95.81
				Check Total:	95.81
22706	07/20/2009	General Fund	Instructors Prof Svcs	Fritzi Oxley	96.00
				Check Total:	96.00
22707	07/20/2009	General Fund	Strawberry Festival	Johawna Olena Perry	200.00
				Check Total:	200.00
22708	07/20/2009	Transportation CIP	design engineering	Perteet Inc.	33,605.34
				Check Total:	33,605.34
22709	07/20/2009	General Fund	Other Travel	Petty Cash Custodian	20.35
22709	07/20/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	5.35
22709	07/20/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	20.16

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22709	07/20/2009	General Fund	Other Travel	Petty Cash Custodian	3.85
22709	07/20/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	18.63
22709	07/20/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	2.51
22709	07/20/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	18.49
22709	07/20/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	23.91
22709	07/20/2009	General Fund	Other Travel	Petty Cash Custodian	14.30
Check Total:					127.55
22710	07/20/2009	General Fund	Registration - Trainng/workshp	PIERCE TRANSIT	158.00
22710	07/20/2009	General Fund	Registration - Trainng/workshp	PIERCE TRANSIT	79.00
Check Total:					237.00
22711	07/20/2009	Surface Water Management Fund	Professional services	Progress One Consulting, LLC	656.25
Check Total:					656.25
22712	07/20/2009	General Fund	Office And Operating Supplies	Poly Bag, LLC	75.38
Check Total:					75.38
22713	07/20/2009	Street Fund	Utilities-street Lighting	Puget Sound Energy	1,523.25
22713	07/20/2009	General Fund	Utilities	Puget Sound Energy	49.72
22713	07/20/2009	General Fund	Utilities	Puget Sound Energy	223.76
22713	07/20/2009	General Fund	Utilities	Puget Sound Energy	223.76
22713	07/20/2009	General Fund	Utilities	Puget Sound Energy	151.48
Check Total:					2,171.97
22714	07/20/2009	General Fund	Miscellaneous	Puget Sound ESD	5,000.00
Check Total:					5,000.00
22715	07/20/2009	General Fund	Professional Services	RCAA	5,000.00
Check Total:					5,000.00
22716	07/20/2009	General Fund	Refund Clearing Account -Parks	Regence Blue Shield	160.00
Check Total:					160.00
22717	07/20/2009	General Fund	Repairs And Maintenance	Rescue Rooter Inc.	110.62

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
					63 0
22717	07/20/2009	General Fund	Repairs And Maintenance	Rescue Rooter Inc.	110.62
22717	07/20/2009	General Fund	Repairs And Maintenance	Rescue Rooter Inc.	24.59
				Check Total:	245.83
22718	07/20/2009	General Fund	Business & Occupation Tax	Apple Inc.	586.96
				Check Total:	586.96
22719	07/20/2009	General Fund	Refund Clearing Account -Parks	Highline Tutoring & Testing Ce	100.00
				Check Total:	100.00
22720	07/20/2009	General Fund	Refund Clearing Account -Parks	King County Superior Court	100.00
				Check Total:	100.00
22721	07/20/2009	General Fund	Refund Clearing Account -Parks	New Testament Christian Church	200.00
				Check Total:	200.00
22722	07/20/2009	General Fund	Refund Clearing Account -Parks	Peggy Vanleperen	43.00
				Check Total:	43.00
22723	07/20/2009	General Fund	Cash Over & Short	Fast Water Heater	15.67
				Check Total:	15.67
22724	07/20/2009	General Fund	Right Of Way Use Permit	Brian Presser	250.00
				Check Total:	250.00
22725	07/20/2009	Town Square CIP	Office Furniture and Equipment	Roduin Consulting Group LLC	1,552.50
				Check Total:	1,552.50
22726	07/20/2009	General Fund	Machinery/eqpt - Noncapitalize	Rosen Supply Company, Inc.	723.29
				Check Total:	723.29
22727	07/20/2009	General Fund	Instructors Prof Svcs	Sandra Schneider	232.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	232.50
22728	07/20/2009	General Fund	Registration - Trainng/workshp	Suburban Cities Association	129.00
				Check Total:	129.00
22729	07/20/2009	General Fund	Instructors Prof Svcs	Alan Schmitz	650.00
				Check Total:	650.00
22730	07/20/2009	General Fund	Strawberry Festival	Scott Alexander's Cart Service	316.00
				Check Total:	316.00
22731	07/20/2009	Transportation CIP	Project Development	Seattle Times	708.64
22731	07/20/2009	General Fund	Advertising	Seattle Times	478.16
22731	07/20/2009	General Fund	Advertising	Seattle Times	190.29
22731	07/20/2009	Parks & Gen Gov't CIP	Project Development	Seattle Times	557.28
				Check Total:	1,934.37
22732	07/20/2009	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	306.45
22732	07/20/2009	Parks & Gen Gov't CIP	Project Development	SEITEL Systems, LLC	290.00
22732	07/20/2009	Town Square CIP	Office Furniture and Equipment	SEITEL Systems, LLC	409.25
22732	07/20/2009	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	1,838.70
22732	07/20/2009	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	306.45
				Check Total:	3,150.85
22733	07/20/2009	General Fund	Professional Services	Nancy Shattuck	1,610.00
				Check Total:	1,610.00
22734	07/20/2009	General Fund	Instructors Prof Svcs	Mike Shintaku	300.00
				Check Total:	300.00
22735	07/20/2009	Town Square CIP	Construction	Scott Sonnenfeld	175.20
				Check Total:	175.20
22736	07/20/2009	General Fund	Professional Services	SWKC Chamber of Commerce	5,500.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					5,500.00
22737	07/20/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	85.50
22737	07/20/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	46.50
22737	07/20/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	19.31
22737	07/20/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	86.90
22737	07/20/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	86.90
22737	07/20/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	43.00
22737	07/20/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	43.00
Check Total:					411.11
22738	07/20/2009	General Fund	Instructors Prof Svcs	Bonnie Taschler	150.00
Check Total:					150.00
22739	07/20/2009	Town Square CIP	Office Furniture and Equipment	Tri-Tec	164.25
Check Total:					164.25
22740	07/20/2009	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	36,457.30
22740	07/20/2009	Street Fund	Street Maintenance-non-county	Trugreen-landcare/NW Region	2,496.60
22740	07/20/2009	Street Fund	Street Maintenance-non-county	Trugreen-landcare/NW Region	712.85
22740	07/20/2009	Street Fund	Street Maintenance-non-county	Trugreen-landcare/NW Region	60.23
22740	07/20/2009	Street Fund	Street Maintenance-non-county	Trugreen-landcare/NW Region	197.10
22740	07/20/2009	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	750.08
Check Total:					40,674.16
22741	07/20/2009	General Fund	Instructors Prof Svcs	Ken Turner	936.00
Check Total:					936.00
22742	07/20/2009	Surface Water Management Fund	Chelsea Pond	Utilities Service Co, Inc.	370.38
22742	07/20/2009	Surface Water Management Fund	Util - Pump 28: Hermes Deprssn	Utilities Service Co, Inc.	516.13
Check Total:					886.51
22743	07/20/2009	General Fund	Postage	U.S. POSTAL SERVICE	692.85
22743	07/20/2009	General Fund	Postage	U.S. POSTAL SERVICE	1,847.60
22743	07/20/2009	General Fund	Postage	U.S. POSTAL SERVICE	1,847.60
22743	07/20/2009	General Fund	Postage	U.S. POSTAL SERVICE	230.95

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	4,619.00
22744	07/20/2009	General Fund	Office And Operating Supplies	Walker Sports	1,990.09
22744	07/20/2009	General Fund	Office And Operating Supplies	Walker Sports	438.25
				Check Total:	2,428.34
22745	07/20/2009	General Fund	Utilities	Water District No. 20	452.25
22745	07/20/2009	General Fund	Utilities	Water District No. 20	46.65
22745	07/20/2009	General Fund	Utilities	Water District No. 20	39.40
22745	07/20/2009	General Fund	Utilities	Water District No. 20	942.70
22745	07/20/2009	Street Fund	Landscape Maint - Utilities	Water District No. 20	106.50
				Check Total:	1,587.50
22746	07/20/2009	General Fund	Utilities	Water District No. 49	1,036.30
				Check Total:	1,036.30
22747	07/20/2009	General Fund	Meals	Kathy Wetherbee	10.00
22747	07/20/2009	General Fund	Mileage	Kathy Wetherbee	46.20
				Check Total:	56.20
22748	07/20/2009	Street Fund	Garbage Franchise Tech Assist	Wilder Environmental Consultin	4,550.13
				Check Total:	4,550.13
22749	07/20/2009	General Fund	Probatu/public Defndr Screenng	Tammy Weigel	1,080.00
				Check Total:	1,080.00
22750	07/20/2009	General Fund	Operating Rentals And Leases	Wells Fargo Financing Leasing	59.56
				Check Total:	59.56
22751	07/20/2009	Transportation CIP	Project Development	Widener & Associates	500.27
22751	07/20/2009	Transportation CIP	Project Development	Widener & Associates	500.27
22751	07/20/2009	Transportation CIP	Project Development	Widener & Associates	500.26
				Check Total:	1,500.80

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
22752	07/20/2009	General Fund	Strawberry Festival	Washington Merchant Patrol LLC	805.00
22752	07/20/2009	General Fund	Seasonal Security	Washington Merchant Patrol LLC	1,035.00
Check Total:					1,840.00
22753	07/20/2009	General Fund	Miscellaneous	Joline Wright	208.03
Check Total:					208.03
22754	07/20/2009	Surface Water Management Fund	Storm Water Facility Maint	Yardsmen Company	1,403.71
22754	07/20/2009	Surface Water Management Fund	Storm Water Facility Maint	Yardsmen Company	233.96
Check Total:					1,637.67
22755	07/15/2009	Street Fund	Professional Services	King County Recorder	10.00
Check Total:					10.00
22756	07/15/2009	General Fund	Others - Eqpt/facility Leases	State of Washington	116.58
Check Total:					116.58
Report Total:					674,552.72

DRAFT

Burien
WASHINGTON

CITY COUNCIL MEETING MINUTES

July 6, 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 CD 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, Kathy Keene, Lucy Krakowiak, Sally Nelson, and Gordon Shaw.

Administrative staff present: Mike Martin, City Manager; Christopher Bacha, Interim City Attorney; Tabatha Miller, Finance Director; David Johanson, Senior Planner; Stephanie Jewett, Planner; Michael Lafreniere, Parks and Recreation Director; Doug Lamothe, Interim Public Works Director; Ramesh Davad, Development Review Engineer; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously to affirm the July 6, 2009, Agenda.

PUBLIC COMMENT

Goodspace Guy

Mr. Guy stated the importance of having adequate free parking when developing a city. He suggested building a multi-level garage or move the library away from the downtown if there is a shortage of parking.

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.
- b. Email Dated June 25, 2009, from Eric Dickman, Burien Little Theatre Artistic Director, Regarding Another Reason to Support the Arts in Burien.



PRESENTATIONS

No presentations were made.

CONSENT AGENDA

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

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson to approve the July 6, 2009, Consent Agenda. **Motion** passed 6-0, 1 Abstention. Abstained, Councilmember Keene.

BUSINESS AGENDA

City Manager's Report

Follow-up

Staff will provide the Puget Sound Regional Council's (PSRC) Transportation Policy Board's (TPB) July meeting date, time, and location; and, provide the notes from the June 12 Business and Economic Development Partnership (BEDP) meeting regarding the Economic Development Chapter update of the Comprehensive Plan.

Review of Hearing Examiner's Findings, Conclusions and Recommendation on the Proposed Navos Mental Health Facility Type 3 Land Use Review (1210 SW 136th Street)

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously 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.

Motion to Adopt Proposed Resolution No. 299, Setting a Public Hearing for the Establishment of a Transportation Benefit District

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson to adopt Resolution No. 299, Setting a Public Hearing for the Establishment of a Transportation Benefit District. **Motion** passed 6-1. Opposed, Councilmember Shaw.

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")

Direction/Action

Councilmembers requested placing Ordinance No. 516 and Resolution No. 298 on the July 20, 2009, Agenda for consideration.

Discussion on Motion to Adopt Resolution No. 295, Establishing the 2009 Comprehensive Plan Amendment Docket

Direction/Action

Councilmembers requested placing Resolution No. 295 establishing the 2009 Comprehensive Plan Amendment Docket on the July 20, 2009, Consent Agenda for adoption.

Discussion on a Parks Board Recommendation to Name the 141st Street Stormwater Pond Park

Direction/Action

Councilmembers requested placing approval of the name "Linde Hill Park" for the 141st Street Stormwater Pond Park on the July 20, 2009, Consent Agenda.

Deputy Mayor Blazak left the meeting at approximately 8:20 p.m. due to illness.

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

Direction/Action

Councilmembers requested placing Ordinance No. 515 and Resolution No. 297 on the July 20, 2009, Consent Agenda for approval.

Update on Compliance with National Pollution Discharge Elimination System Permit Issued January 15, 2007

Follow-up

Staff will schedule a discussion on the amending ordinance related to surface water management and the King County Stormwater Pollution Prevention Manual on July 20 with adoption on August 3.

Discussion on Proposed Ordinance No. 514, Relating to Regulation of Firearms

Direction/Action

Councilmembers requested placing Ordinance No. 514 on the July 20, 2009, Consent Agenda for approval.

COUNCIL REPORTS

Councilmember Nelson stated that a written report would be provided on the 2009 Association of Washington Cities (AWC) Annual Conference "Revitalizing Partnerships," that she and Councilmember Keene attended.

Members of the Council attended the successful workshop "Where We Live Now: Why Burien?" on July 2 occasioned by German Urban Planner Thomas Sieverts.

Councilmember Krakowiak reported on the Suburban Cities Association (SCA) Board Meeting she attended at which King County's possible budget cuts were discussed including potential Metro service reductions.

Councilmember Shaw reported on the meeting he attended with Mayor McGilton, the Fire Chief and Fire Commissioners at which the location of a new fire station was discussed.

ADJOURNMENT

Direction/Action

MOTION was made by Councilmember Nelson, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 8:58 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Adopt Resolution No. 295, Establishing the 2009 Comprehensive Plan Amendment Docket		Meeting Date: July 20, 2009
Department: Community Development	Attachments: 1. <u>Resolution No. 295</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: David Johanson, AICP, Senior Planner		
Telephone: (206) 248-5522		
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: 2009 Comprehensive Plan Amendments	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the City Council to approve Resolution No. 295(see Attachment 1) establishing the 2009 Comprehensive Plan Docket.		
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. By August 1, the City Council is required to establish a list of amendments to be considered ("the docket"). 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. The Planning Commission held the required public meeting and considered the preliminary docket list on June 8, 2009. At that same meeting, the Planning Commission unanimously agreed with staff recommendations to include all proposed amendment requests on the docket. At your July 6, 2009 meeting the City Council discussed the Planning Commission and staff recommended docket items and directed staff to place resolution number 295 on the July 20, 2009 consent agenda for approval.		
OPTIONS (Including fiscal impacts): N/A		
Administrative Recommendation: Adopt Resolution 295 establishing the 2009 Comprehensive Plan docket.		
Committee Recommendation: N/A		
Advisory Board Recommendation: Include all items listed in Resolution 295 in the 2009 Comprehensive Plan Docket.		
Suggested Motion: Approval of the Consent Agenda will approve this item.		
Submitted by: David Johanson, AICP, Senior Planner		
Administration 	City Manager 	
Today's Date: July 7, 2009	File Code: R:\CC\Agenda Bill 2009\072009cd-1 Comp Plan Amend Docket09 Consent.doc	

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 ____ DAY OF JULY 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: July 15, 2009
Resolution Passed:
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 S 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

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Approve Parks Board Recommendation Naming the 141 st Street Stormwater Pond Property "Linde Hill Park"		Meeting Date: July 20, 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	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to approve the Park and Recreation Board's recommendation to name the city property located on SW 141 st Street "Linde Hill Park." Per policy, the City Council's approval of park naming proposals is required.		
BACKGROUND: Following public notification of a naming opportunity for the newly developed park and stormwater pond located on SW 141 st 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. 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. 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. 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 recommended that the City Council adopt the name "Linde Hill Park" for this property. The Council discussed this matter at its July 6, 2009 meeting; following its consideration, it directed staff to place a motion approving the Parks Board's recommendation on the July 20, 2009 Consent Agenda.		
OPTIONS : N/A		
Administrative Recommendation: Approve naming the park located on SW 141 st Street as "Linde Hill Park."		
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: A motion to approve the Consent Agenda will adopt the Parks Board's recommendation.		
Submitted by: Michael Lafreniere Administration		Mike Martin City Manager 
Today's Date: July 7, 2009		File Code: r:\cc\agenda bill 2009\072009pks-1 linde hill park naming.doc

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Adoption of 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 20, 2009
Department: Public Works & Finance	Draft Attachments: 1. <u>Resolution No. 297</u> 2. <u>Ordinance No. 515</u>	Fund Source: General Fund Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Douglas Lamothe & Tabatha Miller		
Telephone: (206) 439-3156 (206) 439-3150		
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 adopt Ordinance No. 515 and Resolution No. 297 amending 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, as written, do not provide clear authority for deposit or fees to be collected for Public Works staff time spent on Development Review – as has been historical practice. Ordinance 515 and Resolution 297 clearly allows for collection of deposits and fees to reimburse for the Public Works staff time performing Development Review, and consolidates all Permit Fees and Other Community Development and Land Use Fees into a single resolution, ordinance and schedule. This does not increase the fee structure, it only clarifies the authority to collect and apply deposits against staff time spent on Development Review. On July 6, 2009, the Council agreed to place Ordinance 515 and Resolution 297 on the July 20th Consent Agenda.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Adopt Ordinance No. 515 and Resolution No. 297.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Motion to adopt the Consent Agenda, will adopt Ordinance No. 515 and Resolution No. 297.		
Submitted by: Administration 		
City Manager 		
Today's Date: July 14, 2009	File Code: R:\CC\Agenda Bill 2009\0720pw-1 - Ord 515 & Res 297 - fees.docx	

**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, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: July 14, 2009
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	
<i>Permit fees are computed on the basis of project valuation plus Review Fees.</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 / 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	
<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, 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

Permit fees are computed on the basis of project valuation.

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 July 30, 2009.

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, Interim City Attorney
Kenyon Disend, PLLC

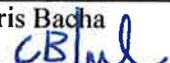
Filed with the City Clerk: July 14, 2009

Passed by the City Council:

Ordinance No.: 515

Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Ordinance No. 514, Relating to Regulation of Firearms.		Meeting Date: July 20, 2009
Department: Legal	Attachments: <u>Proposed Ordinance No.</u> 514	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Chris Bacha		
Telephone: (253) 248-5531		
Adopted Work Plan Priority: Yes No X	Work Plan Item Description:	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is for Council to adopt 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>		
<p>After Council discussion on July 6, 2009, the Council requested placing Ordinance No. 514 on the July 20 Consent Agenda for approval.</p>		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Approve Ordinance No. 514 bringing City code into conformance with State law. 2. Do not approve Ordinance No. 514. 		
Administrative Recommendation: Adopt Ordinance No. 514, relating to regulation of firearms.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Motion to approve the Consent Agenda will adopt Ordinance No. 514.		
Submitted by: Chris Bacha Administration 		Mike Martin City Manager 
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:

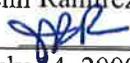
Monica Lusk, City Clerk

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:

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Public hearing and discussion on proposed Ordinance No. 516, establishing a Transportation Benefit District.		Meeting Date: July 20, 2009
Department: City Manager	Attachments: <u>Proposed Ordinance</u> No. 516	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 conduct a public hearing regarding the draft ordinance that would establish the Burien Transportation Benefit District (TBD No. 1). A discussion will follow the Public Hearing.		
BACKGROUND (Include prior Council action & discussion): On June 15, 2009 Council received an update on the proposal for the establishment of a TBD and creation of a subsequent measure for the November 3, 2009 ballot that would create a \$25 annual vehicle license fee for two years in order to fund two high-priority projects from the Burien Pedestrian and Bicycle Facilities Plan. The proposed projects are to (1) construct a minimum 8-foot wide multi-purpose facility on one side of 8th Avenue South (South 128 th to South 136 th Streets) to provide safe access to Cedarhurst Elementary School and (2) enhance east-west connectivity and mobility by filling in missing gaps, repair damaged sidewalk, and installing ADA improvements on SW and South 136 th Street from Ambaum Boulevard to 1 st Avenue South and 1 st Avenue South to Des Moines Memorial Drive. 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>		
TIMELINE:		
Monday, July 20, 2009	Public Hearing City Council considers Ordinance 516	
If TBD is approved by Council:		
Monday, August 3, 2009	Council action to place TBD measure on Nov. 3 ballot	
Tuesday, August 11, 2009	Deadline to submit ballot measure to King County Elections	
November 3, 2009	Residents located within the city limits of Burien would vote on the \$25 vehicle license fee associated with the establishment of a TBD	
OPTIONS (including fiscal impacts): N/A		
Administrative Recommendation: Conduct the public hearing and hold discussion on the proposed "TBD" Ordinance No. 516		
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: July 14, 2009		File Code: R:\CC\Agenda Bill 2009\072009cm-2 TBD PH.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:

Christopher D. Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk: July 14, 2009

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.



Burien

Washington, USA

400 SW 152nd St., Suite 300, Burien, WA 98166

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

www.burienwa.gov

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MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: July 20, 2009
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Water District #20 Reservoir Tour

On July 8, 2009 City staff toured a water reservoir located in the Water District 20 service area. Built in 1975 to meet the extra demand in the summer months, the reservoir operates in June, July and August to reduce the stress on the Seattle system.

A consortium of King County Water Districts 20, 45 and 125 maintains the reservoir. The reservoir consists of 6 million gallon underground concrete tank and 3 pumps with each able to pump 3,400 gallon per minute (gpm).

B. Annexation Outreach Update

- On July 14th City staff hosted a Burien Proposed Annexation Informational Open House at the Glen Acres Church of Christ. This event was the seventh in a series of open houses planned by staff.
- In recent weeks, the proposed annexation measure has gained two more endorsements:
 - a. King County Democrats: <http://wa-demchairs.org/kcdems/2009/2009endorse.pdf>
 - b. 34th District Democrats: <http://www.34dems.org/>

Many of the questions and comments raised by the community have been 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 Hotline at 206-436-5555.

On Wednesday, July 30th at 6:30 p.m. City staff will host an informational open house at Burien City Hall to provide information about what annexation will mean for current Burien residents as well as for the people within the proposed annexation area. Burien City Hall is located at 400 SW 152nd Street, Burien, WA 98166.

C. Outstanding Educational Achievement Award

On July 9, 2009 Jan Vogee, Building Official for the City of Burien, was presented the Outstanding Educational Achievement Award by the Washington Association of Building Officials (WABO) at the Annual Business Meeting in Port Townsend, WA.

The Outstanding Educational Achievement Award is to honor ICC Chapters and the members that are leaders in educating building code administration and enforcement professionals in standards of professionalism. This award recognizes a member that has demonstrated outstanding commitment, effort, and achievement in promoting high standards of professionalism for individuals involved in building code administration and enforcement in Washington.

WABO President Joe Wizner, Building Official for the City of Spokane praised Jan for her work to educate Permit Technicians at WABO education events and also acknowledged her for the many hours of work on the Washington Cities Electrical Code, which is soon to be adopted by Cities enforcing electrical codes throughout the state of Washington. Council review and action on this code is scheduled for this summer.

D. Burien Receives Briefing on Summer Outages from Seattle City Light (Pg. 81)

The City received a customer letter providing a short briefing to provide some background on the cause of outages and equipment involved. See attached letter.

E. City Receives Copy of Letter Regarding Concerns of Metro's Potential Service Reductions (Pg. 85)

The City of Shoreline wrote a letter To King County Executive Kurt Triplett and Regional Transit Committee Chair, Dow Constantine outlining its concerns regarding the potential service reductions proposed by Metro. A copy of the letter is attached.

F. Staff Participate in "Marketing FUNDamentals" Webinar

Several staff recently took part in an online web seminar, or "webinar", which examined marketing basics for recreation programming. The Parks Department is actively taking advantage of online training opportunities both to reduce training costs and to expand the number of training opportunities for staff.

G. Staff Make Presentation to Lions Club

Parks Department Director Michael Lafreniere was recently a guest speaker for the Burien Lions Club. Director Lafreniere updated the Club's members about various current and future park projects, highlighted upcoming special events, and thanked the Club for its ongoing partnership with the Department on the annual Spring Egg Hunt's Bunny Breakfast. Civic groups and other organizations that are interested in having city staff discuss city operations and projects are always encouraged to contact City departments for guest speakers.

H. Graduate Student Project re: Lake Burien School Park

Staff from the Parks Department recently met with a graduate student to discuss Lake Burien School Memorial Park. The student, Burien resident Megan Fairweather, recently completed a study of the park as part of her education requirements for a graduate degree in Communications and Leadership from Gonzaga University. As a neighborhood resident, Ms. Fairweather examined the social and community benefits of the park to the surrounding neighborhood. Along with an academic paper, the project included the creation of an online profile of the park and online video interviews of parks staff and park users. It can be viewed at <http://fairweatherreflections.blogspot.com/>.

I. 4th of July Bicycle Race a Success (Pg. 87)

The Mayor reports receiving a nice thank-you for the successful 4th of July bicycle race in Burien (see attached). The Race Director for the Wheelsport Cycling Team, Jeff Bain, expressed appreciation on behalf of his team and the entire Washington bike racing community to the Mayor, the 4th of July Committee, city staff, downtown businesses, and the people of Burien.

Jeff Bain said, "Without all your cooperation our race doesn't happen. In particular I would like to recognize Councilwoman Rose Clark, Rick Atkinson, Sam Basmeh, and Michael Lafreniere." He noted that a number of Burien businesses contributed race prizes: Burien Toyota; Sal's Deli; 909 Restaurant; Burien Press Coffee Shop; Mick Kelly's Irish Pub, and Elliot Bay Brewhouse.

More than 250 riders participated this year, the 16th straight year Burien has hosted, and the participants hope that they can race in Burien again in 2010. One interesting fact is that Tyler Farrar, one of the fastest professionals in this year's Tour de France, raced in Burien as a junior!

II. COUNCIL UPDATES/REPORTS

A. Councilmembers Attend Association of Washington Cities Conference (Pg. 89)

Councilmembers Sally Nelson and Kathy Keene attended the annual Association of Washington Cities (AWC) Conference in June. A report by each Councilmember is attached.

B. Issues Before the Suburban Cities Association (SCA) (Pg. 91)

Councilmember Keene attended the Suburban Cities Association (SCA) Public Issues Committee (PIC) meeting on July 8, which covered several significant issues. Her report on the meeting is attached.

C. Burien Projects Proceeding Through Regional Process

The Puget Sound Regional Council (PSRC) Transportation Policy Board (TPB) on July 9 recommended approval of transportation project lists that include Burien's 1st Ave S. project and the Burien Transit Oriented Development (TOD) park-and-ride facility. Once the project lists receive final approval later this year they will be eligible to receive federal transportation funds over the next two years, starting in early 2010.

The next step is at the PSRC Executive Board meeting on July 23 (Councilmember Sally Nelson serves on the Executive Board), followed by an "air quality analysis" in August. If the proposed projects receive a positive air quality finding, the Draft 2010-2013 Regional Transportation Improvement Program (TIP) will be released for public review and comment in September.

After considering the public input, the TPB will make its final recommendation on the Regional TIP in October, and final action by the Executive Board is scheduled for October 22.

D. Regional Commission on Airport Affairs (RCAA) Provides Final Report from Wildlife Attractants Task Force (Pg. 93)

Burien has received a report from RCAA regarding the Wildlife Attractants Task Force. A copy of the report is attached.

E. Citizen Action Report (Pg. 99)

Staff has provided Council with the June 2009 Citizen Action Report (attached).

F. Notices (Pg. 105)

- Cancellation of the July 14 Planning Commission Meeting; Next meeting July 28.
- Public Hearing on Monday, July 20, 2009 for the purpose of receiving public comments on Proposed Ordinance 516, Establishing a Transportation Benefit District (TBD).



July 7, 2009

Dear Valued Customer:

Summer in Seattle is one of the best times of the year. Warm weather means a chance to get outside and enjoy the Olympic Sculpture Garden, take a walk on Alki Beach or have a picnic.

That dryer, hotter weather also can create problems for our community's electrical system and lead to outages. This short briefing is designed to provide some background on the cause of some of those outages and the equipment involved.

Underground power lines are insulated and designed to be under water that fills the concrete vaults, but over time the insulation becomes brittle.

When temperatures rise, energy use increases as people turn on air conditioning and refrigerators and freezer equipment work harder. The increased flow of electricity puts more stress on the cable connections, increasing the risk of failure. If the insulation on an underground cable cracks, any water in the vault will cause a short.

For overhead power lines, summer can bring a buildup of dust. When it rains after a long dry spell, that dust on the insulators on the poles and towers, gets wet and can cause electricity leakage or short circuits. You might see a small flash of light when this starts to happen. The result can be a pole fire or an outage.

Trees can cause problems for power lines too. The Spring growth surge can bring branches into contact with power lines. Crossing two lines, will create a short circuit and an outage. During the drier Summer months those branches tend to dry out, increasing the risk that they also could catch fire.

Summer is also a more active time for birds and animals. Squirrels, raccoons and other animals that climb onto power lines risk creating a short circuit. Birds might fly into the wires or build nests on electrical equipment that increases the risk of a short.

Some of the equipment that tends to fail in these situations includes:

Cable - This is the power line itself. In an underground vault, the cable is insulated. Overhead power lines use bare wire, and in cases near heavy tree conditions, insulated tree wire.

Elbow - An L-shaped termination of an underground cable at a transformer or switching device.

Connector - Used to connect a power line to any other piece of equipment. It is used with overhead and underground lines. It can be energized or provide grounding.

Junction Bar - A multi-point connection for several underground power lines.

Insulator - Equipment used to separate overhead lines from poles to keep the circuit insulated and avoid grounding.

Transformer - A device that lowers the voltage of electricity from the delivery system to the appropriate level for a customers use.

Termination Pole - The site where an underground line makes its transition connection with the overhead system.

Current or Load Limiter - A piece of equipment that senses a fault that would exceed normal current. When it senses such a fault, the device opens and shorts itself out instead of allowing a catastrophic event. Essentially, it acts as a large fuse.

During an outage, the type of power line involved will impact how many customers are affected.

Transmission lines - Extra-high voltage lines carried by large towers. These lines deliver massive amounts of electricity from a generator, such as one of City Lights hydroelectric dams, to a substation.

Feeder lines - These lines carry electricity from substations at 26 Kilovolts into neighborhoods and business districts. A feeder typically carries enough electricity to serve 3,000 to 4,000 homes and businesses.

Lateral lines - These lines connect to feeders and deliver the electricity within a neighborhood or business district. Several hundred customers are typically served by a lateral line.

Distribution lines - These lines connect to a lateral line at a transformer and provide service to individual homes and businesses.

When several outages occur, and where circumstances allow, Seattle City Light sets its priorities based on critical facilities, such as hospitals, and the number of customers affected. Repairing transmission lines will take priority over feeder lines, then laterals, and finally distribution lines.

Seattle City Light is committed to restoring service to its customers as quickly as possible when outages occur. We appreciate their understanding and patience while repairs are made.

Sincerely,

Seattle City Light
Account Executive Office

RECEIVED

JUL 01 2009

CITY OF BURIEN



85

SHORELINE
CITY COUNCIL

Cindy Ryu
Mayor

Terry Scott
Deputy Mayor

Chris Eggen

Ron Hansen

Doris McConnell

Keith McGlashan

Janet Way

June 23, 2009

King County Executive Kurt Triplett
King County Chinook Building
401 5th Avenue, Suite 800
Seattle, WA 98104

Councilmember Dow Constantine, Regional Transit Committee Chair
King County Councilmembers
516 Third Avenue, Room 1200
Seattle, WA 98104

Dear Executive Triplett, Chair Constantine, and King County Councilmembers:

I am writing to you today in response to the serious budget deficit faced by King County Metro Transit and the ongoing discussions by the Regional Transit Committee (RTC) regarding potential service reductions. Like all communities served by Metro, the City of Shoreline is deeply concerned about these potential cuts and would like to take this opportunity to inform you of our thoughts on this matter.

The Regional Transit Committee, with assistance from Metro staff, is considering several theoretical service reduction scenarios. Most of the reduction scenarios have been framed with the understanding that Metro would implement its existing service reduction policy, which would result in the majority of service cuts coming from the West subarea, which includes Seattle, Shoreline and Lake Forest Park. It is our belief that the existing service reduction policy was developed to address relatively small service reductions, and never envisioned the magnitude of service reductions facing Metro today.

In a recent email to the RTC, Metro Service Development Manager Victor Obeso, stated "Reducing the transit network per the existing strategic plan policy IM-3, in proportion to each subarea's share of the total service investment (West 62%, South 21% and East 17%) will result in a less productive system and more people being affected by the service reductions than if fewer hours were taken from the West Subarea and more from the East and South Subareas, where productivity is lower, significantly so in the East subarea. It is reasonable to assume that taking the majority of the reductions from the area with the highest ridership and highest productivity would result in the highest number of people affected". Additionally, the Municipal League recently stated in their letter summarizing their recent roundtable process "Especially in light of the severity of the current fiscal crisis,

which far exceeds what may have been envisioned by the current 62-17-21 cutback policy, we believe this policy would lead to unacceptably drastic impacts”.

It is clear that should the existing service reduction policy be implemented to address this budget crisis, the result would be a transit system that falls short of being the most productive system it can be and would clearly impact the greatest number of riders. Additionally, there have been corresponding discussions about how to allocate service hours in the future, either through new revenue sources or once sales tax revenues increase, and whether those additional service hours are considered new or replacement service. It is quite clear that service reductions of this magnitude would not be considered unless there was an extraordinary circumstance forcing the situation; therefore any additional service hours available should not be considered ‘new’ service under the existing new service policy.

Based on that analysis, it is our belief that the existing service reduction policy should be suspended in light of these unique circumstances in order to provide the best possible system to the greatest number of riders, especially in these difficult economic times. Additionally, new revenue sources or increased sales tax revenues should not be seen as “new funding” until they exceed the 2009 baseline budget for service.

Finally, in an effort to best preserve financial resources, Metro should continue to coordinate closely with other transit providers, including Community Transit, Pierce Transit and Sound Transit to minimize duplication of routes and service. For example, routes that replicate the new Link Light Rail line should be eliminated and service reallocated within the subarea.

Thank you for your consideration of our comments. We understand the difficult decisions facing the Regional Transit Committee and King County Council. We share the concerns expressed in the letter from Mayor Nickels, and look forward to working with you and our regional partners as this discussion continues. If you have any questions or need additional information, feel free to contact me at 206.801.2213.

Sincerely,



Robert L. Olander
City Manager

cc: Members, Regional Transit Committee
Kevin Desmond, General Manager, King County Metro

From: Joan McGilton
Sent: Tuesday, July 07, 2009 8:08 AM
To: Lisa Clausen
Cc: Mike Martin
Subject: FW: 4th of July Bicycle Race

Lisa: Will you make sure that this very kind thank you gets incorporated into the City Managers report and is included in the next Council packet? Thanks, Joan

From: Jeff Brain [jbrain@comcast.net]
Sent: Monday, July 06, 2009 6:40 PM
To: Joan McGilton
Cc: Rose Clark; samir@burienwa.gov; Rick Atkinson; Michael Lafreniere
Subject: 4th of July Bicycle Race

Dear Mayor McGilton:
The 34th Annual Joe Matava Memorial Criterium Bicycle Race was once again held in your fair city on the 4th of July. I think this was the 16th straight year in Burien. Wheelsport Cycling Team and the entire Washington bike racing community want to extend a great big thankyou to you, the city staff, the downtown businesses, and the people of Burien. Without all your co-operation our race doesn't happen.

In particular I would like to recognize:
Councilwoman Rose Clark
Rick Atkinson
Sam Basmeh
Michael LaFreniere

The following Burien businesses contributed cash or gift certificates for race prizes:
Burien Toyota
Sal's Deli
909 Restaurant
Burien Press Coffee Shop
Mick Kelly's Irish Pub
Elliot Bay Brewhouse

Wheelsport Cycling Team, all Washington bike racers, and those 10 year old and younger boys and girls (14 rode the little kids race this year) who are the future of cycling, hope that in 2010 they can race again in Burien.

Sincerely

Jeff Brain
Race Director Wheelsport Cycling Team
jbrain@comcast.net
253 863 5339
19003 68th St E
Bonney Lake, WA 98391

MEMORANDUM

TO: City Councilmembers
 FROM: Councilmember Sally Nelson
 SUBJ: Association of Washington Cities Annual Conference

The Association of Washington Cities (AWC) annual conference was held in Spokane this year, from June 17 to 19. The conference always offers many opportunities to increase our understanding of city issues, from strategies for financing and budgeting to various group discussions and panels on a wide variety of topics.

Because I was appointed to the Federal Legislative Committee by AWC, this meeting was particularly interesting to me. The committee was established to strengthen our voice and assume a more visible role at the federal policy level. The members, representing urban, rural, large and small cities, were tasked with identifying federal legislative issues of importance to cities and towns in our state and facilitating communication on those issues among the AWC membership, AWC leadership, the National League of Cities (NLC) policy and steering committees, and our state congressional delegation.

All cities will be receiving a member survey asking them to list the most important federal issues so that we can have a single voice in Washington, DC, during meetings with our delegations. This is not meant to trump our federal lobbyists (more than 50% of all cities have federal lobbyists) or our own city agendas, but it is a proactive approach to creating a big single voice for important urban issues that have overarching impacts on AWC cities.

I also attended the annual AWC business meeting, where we heard a report on some of the AWC lobbying successes from the last legislative session:

1. Full mitigation for streamlined sales tax
2. Public health funding
3. Local sales and use tax associated with large annexations
4. Annexation reform (added a new optional interlocal method)
5. **Community revitalization financing** (created areas where cities can use certain tax revenues to finance local public improvements) – This is as close to tax increment financing as the state can have without a constitutional amendment. **If we intend to apply for this new authority we need to enact an ordinance by September 1 as part of the qualification process.”**

There were many other meetings, lectures, etc., and if other members of the Council desire more information they are welcome to call me.

MEMORANDUM

TO: Burien City Council
FROM: Councilmember Kathy Keene
SUBJ: AWC Conference 2009

I attended the Association of Washington Cities (AWC) conference last month in Spokane. It was a very good conference, touching on many topics of concern to the cities of Washington. My only regret was that there were too many good break-out session topics at the same time.

One session I attended was chaired by Rogers Weed, the new Director of the Department of Commerce (formally Community, Trade and Economic Development, or CTED). Director Weed comes from the business community and spent the last 15 years working for Microsoft. I think his background will bring a new perspective when looking at government programs. Rogers is holding meetings statewide to receive input from citizens, business, elected officials, and staff as what the Commerce Department should look like and what its role is in helping economic growth in the state. AWC members presented many good ideas and thoughts.

I also attended several meetings regarding the cities' lobbying efforts in Olympia this last session. We looked at our successes and talked strategy for getting issues passed next session that weren't successful this time around.

MEMORANDUM

TO: City Councilmembers
 CC: City Manager Mike Martin
 FROM: Councilmember Kathy Keene
 SUBJ: Suburban Cities Association Public Issues Committee Meeting

The Suburban Cities Association (SCA) Public Issues Committee (PIC) discussed several issues at its July 8 meeting. The first issue concerned possible changes to Metro's financial policies. Since these policies won't be examined by the Regional Transit Committee (RTC) until the fall, we were advised that there could be changes to the policy language under consideration.

The PIC discussed possible guiding principles for the development of the Puget Sound region's transportation plan update ("Transportation 2040"). Prior to voting on three proposed principles, someone raised the idea of including a principle to have Plan propose a merger of all county and regional transit services in the four counties into one big organization. A lively conversation ensued regarding how the governance structure would work. It was suggested that we didn't need to know this in advance and that we should simply vote and work out the details later. I strongly disagreed because I feel that there are many ways that governance of a massive transit organization could go sideways, and that frightens me. So I voted against the motion and, to be consistent, I also voted against the Principles because the merger idea was added. I was the lone "nay" vote so it did pass.

Another significant topic of interest involved changes that the King Conservation District is proposing for the distribution of KCD funding for cities and Water Resource Inventory Areas (WRIAs). The PIC is concerned that the KCD is trying to change the money disbursements, in effect cutting the cities and WIRA's out of their fair share.

We were also briefed on strategies to address budget cuts for the County's Mental Illness and Drug Dependency (MIDD) programs. We heard that for the first time there is a ranking and rating mechanism for the various Mental Health programs. This is especially momentous in that a large majority of those voting to accept these new rules represent the various helping agencies. A ranking system takes out the emotions and politics of the programs and rates them based on specific criteria.

Finally, we voted loudly to have SCA oppose I-1033, which is another anti-tax initiative from Tim Eyman. AWC will be providing more information on the proposed initiative and City Councils will be taking positions before the November election.

These items will come back to the SCA PIC for final action at the next meeting, in September. Councilmembers who wish to discuss any of these with me may contact me directly, or if Council wishes to express a position to convey to SCA we may discuss any of these issues at a Council meeting prior to September 9. (Copies of the pertinent policy papers are attached.)

RECEIVED

JUL 10 2009

CITY OF BURIEN

1 July 2009

Mayor Joan McGilton
City Manager Mike Martin
Burien City Hall
400 S.W. 152nd
Burien, Washington 98166

Re: Final report, Wildlife Attractants Task Force

Dear Mayor McGilton & Mr Martin:

We are pleased to send you herewith nine copies of our final report on RCAA's participation in the Wildlife Attractants Task Force, for distribution to the Council & for the City's records.

As you will see from the report, we believe that our participation made a big difference in the outcome of the work of the Task Force. Instead of the original idea of legislative changes to weaken the current strict rules for proper management of stormwater, there is nothing more than another advisory manual. Instead of new regulations unfriendly to the environment, imposed on everyone with a stormwater (NPDES) permit around airports, the new manual applies only to airports.

This result could not have been accomplished without the financial support of the City. Our thanks to past & present Councilmembers.

Yours very truly,


Lawrence J. Corvari
President

L09-182.1

RCAA
Regional Commission
on Airport Affairs

19900 4th Ave SW
Normandy Park, WA 98166
(206) 824-3120
FAX (206) 824-3451

<rcaa@earthlink.net>

www.rcaanews.org

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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

REGIONAL COMMISSION ON AIRPORT AFFAIRS

19900 4th S.W.
 Normandy Park, Washington
 98166-4043
 (voice) 206.824.3120

rcaa@earthlink.net
<http://www.rcaanews.org>

30 June 2009

Final report, the Wildlife Attractants Task Force

(RCAA Special Project 21)

SUMMARY

With submission of this final report, the Regional Commission on Airport Affairs (RCAA) has completed its work as a member of the Wildlife Attractants Task Force (convened by the Aviation Division, Washington State Department of Transportation).

Instead of pressing for legislation to weaken stormwater controls at or near airports, the Aviation Division has issued an advisory stormwater management manual for use by airport operators (& their contractors & consultants). The new manual is known as the Airports Stormwater Design Manual (“ASDM”, or” Manual”). The Manual has no regulatory force, & does not apply to any entities other than airport operators.

Thus, instead of mandatory new regulations applying to non-airport entities, & requiring environmentally-damaging procedures, the result is a document that does not impose new burdens on cities, other local governments, or private entities. This is as good a result as we could have hoped for from our participation. The time, energy, & funds put into our work on the Task Force have been fully justified.

RCAA has done what it can – now individual jurisdictions & entities must take care that they not apply the Manual where other, better-considered advisory manuals recommend better, less-expensive, & less-damaging methods of dealing with stormwater while complying with State water-quality laws & regulations.

* * *

DETAILED DISCUSSION

The Manual – what it is. The thrust of the new Manual is to set forth a special set of best management practices (“BMPs”) for stormwater control at airports. Use of these BMPs purportedly will minimize risks of damage to aircraft from collisions with wildlife, & in particular, with birds. The BMPs as described are indeed recognized techniques for managing stormwater, & they are not contradictory of BMPs defined in pre-existing stormwater manuals, as is evident from the fact that the Department of Ecology has determined that the BMPs are acceptable alternatives to the guidelines found in the Department’s two official stormwater manuals.

RCAA does not agree with the conclusions of the Manual as to wildlife management, nor do we see the need for any special airports stormwater design manual. As noted previously, the Manual's BMPs are not contrary to existing methods of stormwater management – they are simply unnecessary, potentially too-expensive for the minimal benefit. Our views & reasoning in this regard are clearly reflected in our comments on the predecessor draft of the Manual.

The Manual – advice, not regulation. As the result of repeated criticisms & comments from RCAA & other interested parties, the Manual as issued clearly states that it is only advisory (like all other stormwater management & design manuals in Washington), & that it has no regulatory force. It does not bind any airport operator in the State. It does not bind any other local jurisdiction or private entity. It does not overrule or diminish the force of any environmental permits or regulations. Inducing the proponents of the Manual to concede these points in the Manual itself is more than enough justification for the time, effort, & funds put into RCAA's work on this matter.

There is reason to believe that Aviation Division & the regional office of the Federal Aviation Administration will, nonetheless, attempt to persuade airport operators, local jurisdictions, & perhaps private parties that the Manual does have regulatory effect, or should be adhered to despite its various failings. In many instances, application of the recommendations of the Manual would be unnecessarily damaging to the environment, would make compliance with State water-quality standards more difficult, & would result in unnecessary, increased costs of construction & operation for entities with stormwater-management systems.

History. The Task Force was convened by the Aviation Division of the state Department of Transportation, after the failure of a legislative proposal to re-write state water-quality law to permit looser (& inadequate) stormwater management methods for airports. During committee deliberations on the proposal, it was suggested to the Division by a Senator that the Division convene a task force to seek consensus on a new legislative proposal.

The Aviation Division formed such a Task Force, secured some funding from the Federal Aviation Administration to support the work, & retained a consultant to staff the Task Force. RCAA was represented on the Task Force from start to finish by its water-quality expert, Greg Wingard, joined in the latter stages by Chas. Talbot, Operations Manager. RCAA was represented at all meetings of the Task Force, & submitted timely oral & written comments throughout the process. The members of the Task Force, members of a Technical Committee, & other participants are listed on pp. xii & xiv of the Manual.

Over the course of many months, the focus of the Task Force shifted from new legislation to a new, perhaps mandatory, stormwater manual that would apply not only to airports but to other entities near airports. In the final months, Aviation Division conceded that the new manual could be advisory only, & would apply only to airports.

The final version was issued in December 2008, under the imprimatur of the Design Office, Environmental and Engineering Programs, Washington State Department of Transportation, as Manual M 3041.00.

Flaws in the process. While some effort was made by Aviation Division to include non-aviation interests in the Task Force in its earliest stages, the outreach / participation work diminished early on. The major State-level environmental groups were not kept engaged. No significant effort was made to reach out to potentially-impacted local jurisdictions. It appears that

at the last moment Aviation Division sent a general announcement to associations representing Washington cities & Washington counties, but with no follow-up. Apparently, no effort was made to contact individual cities known to have an interest. No effort was made to reach local environmental or neighborhood groups near major airports. Comment periods were inappropriate. Thanks to the intervention of members of the Legislature, at least one too-short comment period was extended. Efforts to secure accurate & complete copies of Aviation Division's mailing lists for this program were not successful. The Division's responses to requests for such lists were evasive.

RCAA has serious reservations about the practice of creating a Technical Committee to control the work of an entity such as this Task Force. Such Committees receive no direct public input, they meet privately, the results of their deliberations are not made public nor are their records considered to be public records. They have the potential to make public participation much less meaningful, especially when the scope of consultants' work is dictated, not by the entity that the consultants supposedly support, but by the semi-secret Technical Committee – selected by no-one knows who, under unknown criteria, operating under instructions & guidelines that are not known to the public.

Flaws in the work of the Task Force. The work of the Task Force was seriously flawed by faulty underlying assumptions as to the numbers & significance of interactions between aircraft & wildlife (especially birds). Aviation Division (& its consultants) assumed that there was a serious problem, but the available evidence did not support their view. Having exaggerated the problem, Aviation Division also exaggerated the need for radical, damaging changes in water-quality work. It would burden this report to detail the differences between our understanding of the wildlife-attractants problem & the position taken by the Aviation Division & others. Interested parties can peruse our detailed comments to Aviation Division on this topic.

Aviation Division was not able to articulate any quantifiable beneficial changes that would come from the various stormwater treatment alternatives that were under discussion, in part because Aviation Division could not identify any realistic threats to aviation in Washington from any particular species.

Throughout the process, Aviation Division was unable or unwilling to quantify the cost of using its preferred methods, as opposed to the standard methods set out in pre-existing stormwater manuals.

Aviation Division did not take into account the likely harm to wildlife that does not pose even hypothetical hazards to aircraft, or to the ecological subsystems that support a very broad range of plants and animals.

Flaws in the Manual. RCAA believes that the Manual recommends practices that in fact are not best management practices. Better practices are recommended in other official stormwater manuals with broader views (such as the Stormwater Management Manuals for Western Washington and Eastern Washington, issued by the Department of Ecology). Application of the ASDM's recommendations may not result in satisfactory control of stormwater pollution, & also pose serious risks to wildlife habitat & wildlife, quite without regard to any risk of harm from collisions between aircraft & wildlife.

The Manual does not give adequate counsel as to when its recommended BMPs should be preferred to the standard ones, nor why.

We recommended, without success, that if a new manual were to be issued – as was the case – then it should closely follow the structure of the existing Ecology manuals. We were also unsuccessful in our recommendation for cross-referencing to parallel provisions in the existing Ecology manuals

Funding & approval. RCAA's participation in the Wildlife Attractants Task Force, & the preparation of RCAA's comments on the draft Airports Stormwater Design Manual, & the preparation of this report, were funded in part by contracts for general services with the cities of Burien, Des Moines, & Normandy Park, & in part by a Special Project (no. 21) funded by the cities of Des Moines and Normandy Park in accordance with the provisions of contracts for services between the individual cities & RCAA. The comments of RCAA were based on numerous oral & written reports by RCAA's consultants to the RCAA Board of Directors, as well as briefings to the funding cities.

Documentation -- Manual as issued. The Airport Stormwater Design Manual, as issued, is available on-line (9.86 MB) on a webpage within the Aviation Division's portion of the WSDOT website:

<http://www.wsdot.wa.gov/aviation/AirportStormwaterGuidanceManual.htm>

It is also available on CD from the
Aviation Division
Department of Transportation.
3704 172nd Street NE
Arlington, WA 98223
(360) 651-6300
(360) 651-6319 (fax)

RCAA has three copies of the CD, which may be borrowed.

Documentation – process. All RCAA correspondence, including comment letters from RCAA to the Task Force / Aviation Division, is on file in the offices of RCAA. RCAA also has on file all the draft materials circulate to the Task Force, summaries of comments received on draft materials. Inquiries about such materials should reference RCAA file number II-012-B-a.

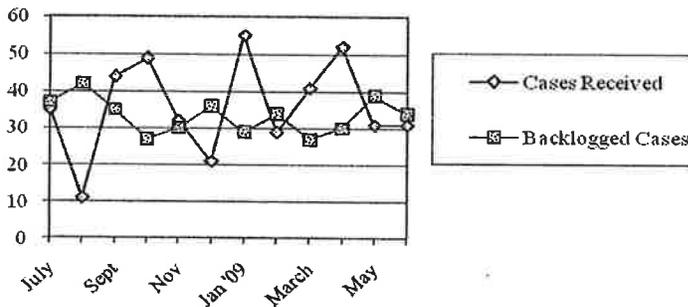


CITY OF BURIEN
MEMORANDUM

DATE: July 1, 2009
TO: Mike Martin, City Manager
FROM: Scott Greenberg, Community Development Director
RE: June 2009 Citizen Action Report

This report reflects the caseload for June and includes all backlog cases open as of June 30, 2009. As of that date, there were 55 open cases. 34 of the open cases are more than five weeks old and are considered backlog. There were 13 cases initiated by staff/police, and 18 cases initiated by residents, during the month of June.

Citizen Action Case Status



	July	Aug	Sept	Oct	Nov	Dec	Jan '09	Feb	March	April	May	June
Cases Received	35	11	44	49	32	21	55	29	41	52	31	31
Backlogged Cases	37	42	35	27	30	36	29	34	27	30	39	34
Total Open Cases	61	52	54	56	53	45	55	48	48	57	64	55
% of Backlog	61%	81%	65%	48%	57%	80%	53%	71%	56%	53%	61%	62%

As usual, please let me know if you have any questions or suggestions for additional improvements to this report.

Cc: Scott Greenberg, Community Development Director
 Jim Bibby, Code Compliance Officer
 Henry McLaughlan, Administrative Sergeant
 Chris Bacha, City Attorney

Michael Lafreniere, Parks Director
 Jan Vogee, Building Official
 Doug Lamothe, Interim Public Works Director
 Liz Ockwell, Assistant Planner



Monthly Report to the City Manager
Citizen Action Request Case Status

Report Date: 07/01/2009

100

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
534	City Attorney	CAR-08-0022	01/14/2008	Nuisance	14456 18TH AV SW Parking & nuisance	Other - See Notes	05/01/2009	Open
456	City Attorney	CAR-08-0117	04/01/2008	Nuisance	12928 6TH AV S Vegetation	Site Investigation	03/10/2009	Open
380	City Attorney	CAR-08-0206	06/16/2008	Housing Concerns	329 S 150TH ST Nuisance, Housing Concern, Demo etc	Other - See Notes	06/23/2009	Open
345	City Attorney	CAR-08-0233	07/21/2008	Animals	1521 SW 160TH ST Nuisance, animals & RCW Add alleyway & KC	Site Investigation	06/02/2009	Open
281	City Attorney	CAR-08-0326	09/23/2008	Nuisance	15839 6TH AV SW Nuisances	Other - See Notes	06/08/2009	Open
273	Code Enforcement	CAR-08-0338	10/01/2008	Sign Violation	Sign Violation / Olympic Coffee	Other - See Notes	05/01/2009	Open
260	Building	CAR-08-0361	10/14/2008	Building	611 SW 142ND ST Building - Demo Permit	Other Letter	06/16/2009	Open
246	City Attorney	CAR-08-0379	10/28/2008	Sign Violation	1022 S 144TH ST Signs / Business License	Other - See Notes	02/25/2009	Open
233	Code Enforcement	CAR-08-0399	11/10/2008	Nuisance	13227 2ND AV S Vegetation / Vehicles-Anderson	Phone Call	11/12/2008	Open
224	Code Enforcement	CAR-08-0403	11/19/2008	Abandoned Vehicle	624 SW 136TH PL Vehicles / Leggett	Other - See Notes	06/30/2009	Open
222	City Attorney	CAR-08-0408	11/21/2008	Building	13430 1ST AV SW Building / Weythman	Other - See Notes	06/08/2009	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
166	Code Enforcement	CAR-09-0020	01/16/2009	Sign Violation	13424 1ST AV S Sign Violation / Room by Room	Phone Call	06/30/2009	Open
160	Code Enforcement	CAR-09-0031	01/22/2009	Nuisance	800 SW 135TH ST Nuiance / Russell	Case Received	01/22/2009 03/16/2009	Open Open
127	Code Enforcement	CAR-09-0079	02/24/2009	Nuisance	14211 12TH AV SW Nuisance / Spear			
113	Building	CAR-09-0098	03/10/2009	Building	14223 1ST AV S Building Permit / American Collision	Other Letter	06/16/2009	Open
105	Code Enforcement	CAR-09-0111	03/18/2009	Nuisance	14448 8TH AV S Nuisance / Pham	Phone Call	04/16/2009	Open
97	Code Enforcement	CAR-09-0119	03/26/2009	Nuisance	621 S 146TH ST Nuisance / Alexander/Woodbury	Meeting	06/29/2009	Open
92	Code Enforcement	CAR-09-0124	03/31/2009	Illegal Dumping	Illegal Dumping / Pitman	Phone Call	06/24/2009	Open
86	Code Enforcement	CAR-09-0129	04/06/2009	Illegal Dumping	16223 DES MOINES MEMORIAL DR S Illegal Dump / Heera	Case Received	04/06/2009	Open
86	Code Enforcement	CAR-09-0130	04/06/2009	Planning / Zoning	151 S 136TH ST Vehicle Repair-Parking / Tran	Site Investigation	04/21/2009	Open
85	Code Enforcement	CAR-09-0138	04/07/2009	Planning / Zoning	620 SW 134TH ST Planning-Zoning / Business	Enforcement Letter 1	04/13/2009	Open
85	Public Works	CAR-09-0143	04/07/2009	ROW Issue	14925 22ND AV SW ROW / Church vehicle parking	Meeting	06/30/2009	Open
78	Planning	CAR-09-0152	04/14/2009	Planning / Zoning	11911 14TH AV SW Zoning / Critical Area cutting	Phone Call	05/04/2009	Open
76	Code Enforcement	CAR-09-0159	04/16/2009	Nuisance	Nuisance / Enterprise	Site Investigation	06/24/2009	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
75	Code Enforcement	CAR-09-0157	04/17/2009	Sign Violation	15614 1ST AV S Sign / Profilic Hair	NOV Issued	06/15/2009	Open
67	Code Enforcement	CAR-09-0173	04/25/2009	Nuisance	16008 9TH AV SW Nuisance / Korga	Case Received		
62	Code Enforcement	CAR-09-0185	04/30/2009	Nuisance	13424 1ST AV SW Nuisance / Wells	Other - See Notes	04/28/2009 05/22/2009	Open Open
61	Code Enforcement	CAR-09-0180	05/01/2009	Housing Concerns	Housing Concern / Kuhn B/L	Phone Call	05/28/2009	Open
58	Code Enforcement	CAR-09-0181	05/04/2009	Housing Concerns	13213 AMBAUM BL SW Housing, Mold / Cedarstone Apts	Other - See Notes	06/23/2009	Open
58	Code Enforcement	CAR-09-0182	05/04/2009	Nuisance	1004 S 136TH ST Nuisance / Laine	NOV Issued	06/18/2009	Open
50	Code Enforcement	CAR-09-0188	05/12/2009	Nuisance	324 SW 136TH ST Nuisance Trash - Myers	Phone Call	06/24/2009	Open
50	Code Enforcement	CAR-09-0190	05/12/2009	Illegal Dumping	Illegal Dump / Millenium Property	Case Received	05/12/2009	Open
42	Code Enforcement	CAR-09-0196	05/20/2009	Nuisance	16413 SYLVESTER RD SW Nuisance / King	Enforcement Letter 1	06/02/2009	Open
41	Code Enforcement	CAR-09-0199	05/21/2009	Nuisance	511 SW 137TH ST Nuisance / Pilo	Enforcement Letter 1	06/23/2009	Open
35	Code Enforcement	CAR-09-0206	05/27/2009	Nuisance	13526 14TH AV S Nuisance / Robbins	Site Investigation	06/24/2009	Open
33	Code Enforcement	CAR-09-0208	05/29/2009	Sign Violation	14613 12TH AV SW Sign / Burien Senior Care	Enforcement Letter 1	06/01/2009	Open
30	Planning	CAR-09-0211	06/01/2009	Planning / Zoning	13618 6TH PL S Illegal ADU / Hruska	Other Letter	06/19/2009	Open
28	Code Enforcement				16042 1ST AV S			

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Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
		CAR-09-0214	06/03/2009	Fire Department Issue	Fire Department / Nissan	NOV Issued	06/16/2009	Open
28	Code Enforcement	CAR-09-0215	06/03/2009	Nuisance	1420 S 130TH ST Nuisance Trash / Wood	Case Closed	06/18/2009	Open
27	Code Enforcement	CAR-09-0218	06/04/2009	Graffiti	2108 SW 152ND ST Graffiti / Costomer Research	Case Received	06/05/2009	Open
26	Building	CAR-09-0219	06/05/2009	Buldging	13431 1ST AV SW Multiple / Pingatore	Case Received	06/05/2009	Open
23	Code Enforcement	CAR-09-0220	06/08/2009	Illegal Dumping	15310 1ST AV S Illegal Dumping / Dragon Pearl	Other - See Notes	06/23/2009	Open
23	Building	CAR-09-0221	06/08/2009	Building	15821 1ST AV S Business License/Fire Permit/Bldg Permit / New Motorcycle Business	Case Received	06/09/2009	Open
22	Code Enforcement	CAR-09-0222	06/09/2009	Sign Violation	209 SW 152ND ST Sign Violation / Palmar Musical	Enforcement Letter 1	06/22/2009	Open
22	Code Enforcement	CAR-09-0224	06/09/2009	Graffiti	Graffiti / Dan The Sausage Man	Case Received	06/10/2009	Open
21	Code Enforcement	CAR-09-0227	06/10/2009	Sign Violation	13409 AMBAUM BL SW Sign Violation / Ike's	Enforcement Letter 1	06/22/2009	Open
20	Code Enforcement	CAR-09-0226	06/11/2009	Housing Concerns	835 SW 141ST ST Housing / Remeto	Meeting	06/25/2009	Open
16	Code Enforcement	CAR-09-0229	06/15/2009	Animals	839 S 176TH ST Animals, B/L, Sign / Country Grooming	Case Received	06/15/2009	Open
14	Code Enforcement	CAR-09-0230	06/17/2009	Sign Violation	Sign Violation / BBC Dodge	Case Received	06/18/2009	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
14	Code Enforcement	CAR-09-0231	06/17/2009	Sign Violation	15743 AMBAUM BL SW Sign Violation / Wizards Casino	Enforcement Letter 1	07/01/2009	Open
13	Code Enforcement	CAR-09-0233	06/18/2009	Sign Violation	901 SW 148TH ST Sign Violation / Skippers-Herfy's	Enforcement Letter 1	06/30/2009	Open
13	Code Enforcement	CAR-09-0234	06/18/2009	Nuisance	230 SW 152ND ST Nuisance Trash / Bank America	Case Received	06/18/2009	Open
7	Police	CAR-09-0237	06/24/2009	Police Issue	14021 AMBAUM BL SW Bamboo Sauna has web page in violation of Business License	Case Received	06/24/2009	Open
7	Building	CAR-09-0238	06/24/2009	Building	11805 AMBAUM BLVD SW Building Permits / City's Edge Condo's	Case Received	06/24/2009	Open
1	Code Enforcement	CAR-09-0240	06/30/2009	Graffiti	125 SW 148TH ST Graffiti - Big Lots	Case Received	06/30/2009	Open

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Burien

Washington, USA

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

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DATE: July 7, 2009
FOR RELEASE: Immediately
CONTACT: Office of Community Development (206) 248-5510

CANCELLATION

CITY OF BURIEN PLANNING COMMISSION MEETING NOTICE

The City of Burien Planning Commission meeting scheduled for Tuesday, July 14, 2009, has been cancelled.

The next meeting of the Planning Commission is scheduled on Tuesday, July 28, 2009, at 7:00 p.m. in the Miller Creek Room at 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
Burien Staff
Discover Burien
Highline Times
Burien Library
White Center Now
B-Town Blog
Web site: www.burienwa.gov

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



Burien

Washington, USA

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

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

www.burienwa.gov

DATE: July 7, 2009
FOR RELEASE: July 10 & 15, 2009
CONTACT: City Manager's Office
 Telephone: (206) 439-3165

CITY OF BURIEN PUBLIC HEARING NOTICE

The City of Burien will hold a public hearing on Monday, July 20, 2009, for the purpose of:

Receiving public comments on Proposed Ordinance No. 516, Establishing a Transportation Benefit District (TBD).

The public is encouraged to participate by providing the Council with their comments on Ordinance No. 516, which establishes a TBD, specifies the transportation improvements to be funded by the District, and establishes an annual vehicle license fee subject to voter approval. Further information can be found on the City's website, www.burienwa.gov/tbd.

The hearing will be in the Council Chambers at Burien City Hall, 400 SW 152nd Street, at approximately 7:00 p.m.

Sign language and communication in alternate format can be arranged given sufficient notice. Please contact the City Clerk's office at (206) 248-5517.

###

Published in The Seattle Times: July 10, 2009
 The Highline Times: July 15, 2009

cc: Burien City Council
 Burien Library
 Burien Staff
 Discover Burien

B-Town Blog
 White Center Now
 Web site: www.burienwa.gov

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Review of Council Proposed Agenda Schedule		Meeting Date: July 20, 2009
Department: City Manager	Attachments: <u>Proposed Meeting Schedule</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/> X	Work Plan Item Description: N/A	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.</p>		
BACKGROUND (Include prior Council action & discussion):		
<p>According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.</p>		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Review the schedule, and add, delete, or move items. 2. Review the schedule and make no modifications. 		
Administrative Recommendation: Review the schedule.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Monica Lusk Administration 	City Manager	Mike Martin 
Today's Date: July 9, 2009	File Code: R:/CC/AgendaBill2009/07209cm-2 proposedagendareview.doc	

CITY OF BURIEN
PROPOSED COUNCIL AGENDA SCHEDULE
2009

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3rd Quarter

1. Presentation by Melanie Wu on Highline High School Senior Project - *Burien: Past, Present and Future.*
(Scheduled on 8/3 – City Manager)
2. **Presentation on Siting of Future Burien Fire Station**
(Scheduled on 8/3 - City Manager)
3. Motion to Adopt Ordinance No. xxx, Relating to Compliance with National Pollution Discharge Elimination System Permit.
(Scheduled on 8/3 - Public Works)
4. **Discussion on Proposed Ordinance No. xxx, Relating to a Revision in Monthly Utility Tax Filing Requirement.**
(Scheduled on 8/3 - Finance)
5. **Discussion on Resolution No. xxx, Authorizing the City Manager to Execute the Proceeds Distribution and Hold Harmless Agreement with the City of Bellevue**
(Scheduled on 8/3 - Finance)
6. **Motion to Adopt Proposed Ordinance No. xxx, Relating to a Revision in Monthly Utility Tax Filing Requirement.**
(Scheduled on 8/17 - Finance)
7. **Motion to Adopt Resolution No. xxx, Authorizing the City Manager to Execute the Proceeds Distribution and Hold Harmless Agreement with the City of Bellevue**
(Scheduled on 8/17 - Finance)
8. Discussion on Potential Financial Long-Term Solutions
(Scheduled on 8/17 - Finance)
9. Update on Downtown Parking Study Implementation.
(Rescheduled from 6/15 to 8/17 – Community Development)
10. **Discussion on SW 153rd Street Beautification Program.**
(Rescheduled from 8/3 to 8/17 - Council direction on 5/11)
11. Update on the Wellness Cluster.
(Rescheduled from 6/15 to 9/14 - City Manager)
12. Discussion on Proposed Tenant Protection Program.
(Scheduled on 9/14 - Council direction on 6/15)

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Resolution No. 300, Entering Findings of Fact and Conclusions of Law Regarding Preliminary Approval of the RPP Solutions Subdivision (634 South 150 th Street)		Meeting Date: July 20, 2009 ¹¹¹
Department: Community Development	Attachments: <u>Proposed Resolution No. 300,</u> <u>with Exhibit A - Hearing</u> <u>Examiner's Findings,</u> <u>Conclusions and</u> <u>Recommendation</u>	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 X	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 proposed RPP Solutions preliminary subdivision application and consider adopting a resolution granting approval of the RPP Solutions Subdivision preliminary plat application.		
BACKGROUND (Include prior Council action & discussion): The proposal is to subdivide a .69 acre parcel into eight (8) single-family lots. The site is bordered to the west and south by existing single-family development. A vacant lot and a single family home border the site to the east. State Route 518 borders the site to the north. Access for the lots is proposed to extend north from South 150 th Street via a private access drive. Tract A is proposed in the southeastern portion of the site for stormwater detention. Tracts B and C are proposed to accommodate planned shared driveways. The Hearing Examiner conducted an open record public hearing on June 24, 2009. On July 8, 2009, the Hearing Examiner issued findings, conclusions, and a recommendation to the City Council to approve the preliminary subdivision with conditions (see Exhibit A of proposed Resolution No. 300). 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 preliminary subdivision application must be based on the record developed by the Hearing Examiner, which includes his recommendation. By passing proposed Resolution No. 300, the City Council will grant preliminary approval for the RPP Solutions Subdivision with recommended conditions. The resolution will also adopt the findings of fact and conclusions as set forth by the Hearing Examiner. Following approval of the preliminary plat the applicant will be required to satisfy all required conditions of approval prior to presenting the plat for final adoption by the City Council.		
OPTIONS (Including fiscal impacts): <ol style="list-style-type: none"> 1. Approve the application (Adopt proposed Resolution No. 300). 2. Approve the application with modifications (Adopt proposed Resolution No. 300 with modifications). 3. Deny the application. 4. Remand the application to the Hearing Examiner for an additional hearing on specific issues. <p>For options 2 or 3, the Council must also adopt written findings of fact and conclusions that support its decision.</p>		
Administrative Recommendation: Adopt proposed Resolution No. 300, entering findings of fact and conclusions of law and granting preliminary approval of the RPP Solutions Preliminary Subdivision.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to adopt Resolution No. 300, granting preliminary plat approval of the RPP Solutions Subdivision, 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: July 16, 2009	File Code: \\File01\records\CC\Agenda Bill 2009\072009cd-2 RPP Solutions Preliminary Plat.docx	

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 300



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**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
ENTERING FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING APPROVAL OF THE RPP SOLUTIONS SUBDIVISION**

WHEREAS, the City of Burien Hearing Examiner conducted an open record public hearing on June 24, 2009 at which testimony from city staff, the applicant and public was heard regarding the preliminary plat approval of the RPP Solutions Subdivision; and,

WHEREAS, on July 8, 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 RPP Solutions preliminary plat application and the Hearing Examiner's recommendation, conditionally approves the RPP Solutions preliminary plat 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

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: July 14, 2009
Passed by the City Council: July __, 2009
Resolution No.: 300

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

APPLICANT: Duncanson Co., Inc. for Dean Yetter, RPP Solutions, LLC

CASE NO.: PLA 08-2148

LOCATION: 634 South 150th Street

APPLICATION: Request to create eight single-family lots out of a .69 acre parcel located within an RM-24 (medium density residential) zoning district.

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 Duncanson application was opened at 2:00 p.m., June 24, 2009, in City Hall, Burien, Washington, and closed at 2:10 p.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: Provided a brief description and analysis of the application, noting that range of lot sizes were conforming, there would be a single access off of South 150th Street, and two driveways to the adjacent property at 636 South 150th Street would be retained. See Exhibit A.

Ramesh Davad, Review Engineer: Clarified for the applicant that the road standards variance issued by the County in 2007 would be in effect, and concurred that staff recommended condition #19 in Exhibit A, Attachment #8 could be removed.

From the Applicant

Harold Duncanson: Had one requested clarification. A road standards variance to allow the proposed access road configuration had previously been approved by the City of Burien based on the adopted 2007 King County road standards. He wanted to be sure the variance was still valid, since the City has since adopted their own road standards in 2008. He also noted that recommended staff condition 2.a, referencing approval condition #19 in Exhibit A, Attachment #8, did not appear to be necessary since the parcel was less than the one acre that would trigger the requirement for a stormwater pollution prevention plan.

From the Community

None in attendance.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on pages 3 and 4 in Exhibit A, Staff Recommendation, May 28, 2009, accurately reflects the site circumstances, zoning requirements and land use, and are hereby adopted by reference.
2. The Fact and Conclusion regarding compliance with SEPA review on page 5 in Exhibit A, Staff Recommendation, May 28, 2009, is accurate and hereby adopted by reference.
3. The Facts and Conclusions regarding compliance with Approval Criteria on pages 5 and 6 in Exhibit A, Staff Recommendation, May 28, 2009, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with Development Regulations on pages 6 through 12 in Exhibit A, Staff Recommendation, May 28, 2009, are accurate and are hereby adopted by reference. In particular, they include the following:

General Compliance	page 6
Lot Size and Layout	page 7
Street Improvements, Access & Parking	pages 8 and 9
Utilities	page 9
Surface Water Management	pages 9 through 11
Fee-In-Lieu of Recreation Space	page 11
Tree Retention and Landscaping	pages 11 and 12
5. The Facts and Conclusion regarding compliance with the Comprehensive Plan on page 12 in Exhibit A, Staff Recommendation, May 28, 2009, are accurate and are hereby adopted by reference.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for an eight lot subdivision be approved, subject to the staff recommended conditions found on pages 2 and 3 of Exhibit A; with the exception that recommended condition #19 on page 3 of Attachment #8, Exhibit A, shall be removed.

Entered this 8th day of July, 2009.



Donald B. Largen, 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 June 1, 2009.

PARTIES OF RECORD

Harold Duncanson
Duncanson Co., Inc.
2820 Northup Way, Ste. B-130
Bellevue, WA 98004

Community Development Department

Public Works Department



CITY OF BURIEN, WASHINGTON

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Department of Community Development
400 SW 152nd St., Suite 300, Burien, Washington 98166
Phone: (206) 241-4647 Fax: (206) 248-5539

TYPE 3 LAND USE REVIEW STAFF RECOMMENDATION TO THE HEARING EXAMINER

DATE: May 28, 2009

FILE NO.: PLA 08-2148

APPLICANT: Duncanson Co. Inc. for Dean Yetter, RPP Solutions, LLC

REQUEST: Subdivide existing .69 acre residential lot into eight (8) single-family residential lots in the RM-24 zone.

LOCATION: 634 South 150th St., Burien, WA (see Attachment 1)

PARCEL: 1760600158

APPLICATION SUBMITTED: November 18, 2008

APPLICATION COMPLETE: December 15, 2008

RECOMMENDATION: Approval with conditions

DECISION MAKER: City Council

HEARING EXAMINER DATE: To be determined

PROJECT PLANNER: Stephanie Jewett, AICP, Project Planner

I. INTRODUCTION

A. PROJECT SUMMARY

The applicant is proposing an 8-lot residential subdivision. The lots are proposed to gain access to South 150th Street from an improved private access street. The existing single-family home and associated structures are proposed to be removed from the site. Site work includes development of the private access road and on-site stormwater facilities (see Attachments 3 & 4).

EXHIBIT A

B. RECOMMENDATION

Based on the Findings of Fact and Conclusions (Section II) and Attachments to this report, it is recommended that the application be approved subject to the following conditions:

1. 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 and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Development Requirements, is provided in this report 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 below conflicts with a development requirement in Attachment 2, the condition of approval shall be followed (see Conclusion II.E.1).
2. Prior to recording the final plat, the applicant shall:
 - a. Submit detailed on-site street improvement plans for review and approval by the Development Review Engineer. The Plans shall be in accordance with the requirements of the 2008 Burien Road Standards and address the issues expressed in the Development Review Engineer's memorandum dated February 17, 2009 and the Fire Marshal's Certificate of Fire Hydrant Availability (see Conclusions II.E.3 and II.E.4).
 - b. Submit a Full Technical Information Report for the project for review and approval by the Development Review Engineer. The Report shall be in accordance with the 2005 King County Surface Water Design Manual and address the issues expressed in the Development Review Engineer's memorandum dated February 17, 2009 (see Conclusion II.E.5).
 - c. Submit detailed storm water improvement plans for review and approval by the Development Review Engineer. The plans shall be in accordance with the 2005 King County Surface Water Design Manual and address the issues expressed in the Development Review Engineer's memorandum dated February 17, 2009 (see Conclusion II.E.5).
 - d. Install all approved street, stormwater and utility improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer (see Conclusions II.E.3, 4 and 5).
 - e. Pay a fee-in-lieu of providing 390 square feet of recreation space on the property for each of the seven additional lots created. The fee shall be 2,730 square feet x the current assessed value per square foot of the property (see Conclusion II.E.6).
 - f. Submit a significant tree replacement plan for review and approval by the Community Development Department. The replacement trees shall be planted prior to Certificate of Occupancy (see Conclusion II.E.7).

3. Prior to beginning any work in the public right-of-way or on-site, the applicant shall apply for and obtain a Right-of-Way Construction Permit and Grading and Clearing Permit for all work to be completed in the public right-of-way and on-site (see Conclusion II.E.3 & II.E.5).
4. Prior to the issuance of development permits, the applicant shall submit an illumination plan for the proposed street for review and approval by the Development Review Engineer (see Conclusion II.E.3).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Size: 30,008 square feet (.69 acres)
- (2) Land Use: Currently one single-family dwelling and associated out buildings are located on site.
- (3) Zoning: RM-24 Multi-Family Residential, minimum lot area per single-family dwelling unit is 1,800 square feet. Per BMC 19.15.010.4 no lot may be created less than the minimum lot area except through the application of lot averaging. No lots shall be created which are less than 90 percent of the minimum lot area or 1,620 square feet in the RM-24 zone. New lots proposed for the development range in area from 1,743 square feet to 2,333 square feet and are greater than 90 percent of the minimum lot area for the RM-24 zone.
- (4) Bulk Regulations: For single detached dwelling units in the proposed development standards are: Front Setback: 10', Interior Setback: 5', Building Coverage: 55%, Impervious Surface Coverage: 75%, Maximum Height: 35' and Minimum Parking Required: 2 off-street spaces per dwelling unit. The eight lots proposed for the development will require attention to lot size and lot shape to ensure they provide sufficient space for construction of dwellings. The number of proposed lots may be reduced to reflect constraints imposed by development standards or to reflect the dedication of sufficient areas for access and storm water detention facilities for the development.
- (5) Terrain: The entire subject parcel slopes moderately down from the northwest (elevation 322) to the southeast (elevation 304) for an elevation change of 18 feet across the site.

(6) Vegetation: Vegetation on the site consists mainly of scattered trees, grass and shrubs. The Applicant has submitted a survey of the site showing that there are 16 significant trees located on the site (see Attachment 3). See Section II.E.7 for further analysis of vegetation located on site.

b. Conclusions: Size, land use, zoning, and bulk regulations are not constraining factors in the consideration of this application. Site specific requirements including, but not limited to, building height, setback, impervious surface coverage and building coverage will be reviewed when building permits are filed for each new lot.

2. **Neighboring Development and Zoning:**

a. Facts: The subject property is bordered to the west and east by existing single-family development that is zoned RM-24 (Residential Multi-family). To the south of the site, across South 150th Street, the site is also bordered by single-family development that is zoned RM 24. State Route 518 is adjacent to the northern border of the site.

b. Conclusion: This application is consistent with neighboring single-family development.

B. **PUBLIC AND AGENCY COMMENT**

1. **Public Comments**

a. Facts: Public notice of this application was posted on the site and published in the newspaper December 29, 2008 and mailed to all property owners within 500 feet of the site on December 23, 2008. One public comment letter was received during the 30-day comment period, which ended on January 28, 2009. This comment letter has been summarized and addressed below.

John Pham, 636 South 150th Street (see Attachment 6)

States that his property has two driveway locations along the existing gravel access to the site and requests that these two driveways be retained in the design and construction of the access road to the new development.

City's Response: The Applicant has indicated that the access to the proposed subdivision will be developed with the two existing driveways to the property at 636 South 150th Street during final engineering.

b. Conclusions: The public comment requirement has been addressed for the proposal.

2. Public Agency Comments

- a. Facts: On December 23, 2008, notice of this application was distributed to Seattle City Light; Water District #20; King County Fire Districts # 2; SW Suburban Sewer District; Burien Police Services; and Washington State Department of Transportation. The water, sewer and fire districts have completed availability forms with comments and requirements (see Section II.E.4). No responses were received from Seattle City Light, Burien Police Services or Washington State Department of Transportation regarding the development.
- b. Conclusions: The public agency comment requirements have been addressed for the proposal.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Facts: The City's adopted regulations related to the State Environmental Policy Act (SEPA), requires a SEPA Checklist and SEPA determination for all proposed subdivisions of more than twenty (20) dwelling units (BMC 14.10.040 (1)). Therefore, the proposed subdivision of eight residential lots is exempt from SEPA.
2. Conclusions: The proposed eight lot subdivision is exempt from SEPA requirements.

D. APPROVAL CRITERIA

1. Subdivision Code Compliance

- a. Facts: The Burien Subdivision Code outlines various standards which are to be met when creating a subdivision. The purpose of the City of Burien's subdivision regulations is to:
 - (1) Set forth the rules and regulations for the division of real property into subdivisions;
 - (2) Provide for the proper location and width of streets, building lines; open spaces, safety and recreation facilities, utilities, and drainage;
 - (3) Provide for the avoidance of congestion of population through requirements of minimum lot area and compatibility of design;
 - (4) Require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections of other physical improvements shall be installed; and
 - (5) Provide for and secure the actual construction of such physical improvements.
- b. Conclusions: The application, as conditioned, meets the subdivision standards (see Section II.E).

2. Revised Code of Washington Section 58.17.110

a. Facts:

(1) RCW 58.17.110, as amended, states that "A proposed subdivision shall not be approved unless the city... makes written findings that:

- i) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts...; and
- ii) The public use and interest will be served by the platting of such subdivision and dedication."

(2) Pursuant to BMC 17.35.120.2 the preliminary plat decision shall be based on conformance to adopted city rules and regulations and RCW 58.17.110 states that prior to approval of the subdivision the city must find that the public use and interest must be served by the platting of such subdivision.

b. Conclusions: The proposal, as conditioned, complies with RCW 58.17.110. As conditioned, it will serve the public use and interest and is consistent with the public health, safety, and general welfare because it will contribute to the community's ability to provide additional single-family residential units and additional home ownership opportunities within the community. The property will develop in accordance with the Comprehensive Plan for this area (see Section II.F).

E. DEVELOPMENT REGULATIONS

1. General Compliance

a. Fact: 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 amended, and the City of Burien 2008 adopted Road Design and Construction Standards.

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 amended, and the City of Burien 2008 adopted Road Design and Construction Standards. Attachment 2, Residential Subdivision Development Requirements, 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 below conflicts with a development requirement in Attachment 2, the condition of approval shall be followed.

2. Lot Size and Layout

- a. **Facts:** The site is zoned RM-24 Multi-Family Residential. The minimum lot area per each single-family dwelling unit for this zone is 1,800 square feet. No lot may be created less than the minimum lot area except through the application of lot averaging (BMC 19.15.010.4). Lot averaging allows for lots to be created that are 90 percent of the minimum lot area, or 1,620 square feet in the RM-24 zone, as long as the overall average lot size of the development remains at or greater than 1,800 square feet. The proposal for 8 lots (Attachment 3) meets the minimum lot size requirement through the use of lot averaging. Proposed lot sizes and overall lot average are as follows:

Lot No.	Square Feet
1	1,797
2	2,112
3	2,333
4	1,800
5	1,991
6	1,755
7	1,743
8	1,761
Lot Size Average	
1,912 square feet	

The eight lots proposed for the development will require attention to lot size and lot shape to ensure they provide sufficient space for construction of dwellings. The number of proposed lots may need to be reduced prior to recording final subdivision to reflect constraints imposed by development standards or to reflect the dedication of sufficient area for access and storm water detention.

- b. **Conclusion:** The proposed preliminary plat satisfies the minimum lot area requirements for the RM-24 zone as outlined in BMC 19.15.010.4.

3. Street Improvements, Access and Parking

- a. Facts: City of Burien Municipal Code section 17.35.120 requires that access and street improvements comply with the 2008 Burien Road Standards. The Applicant was granted road standard variances for sidewalk requirements and entrance locations by the City of Burien Public Works Director on October 29, 2008 (Attachment 7). The City of Burien Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and provided comments in a memorandum dated February 17, 2009 (Attachment 8) including, but not limited to, the following:
- (1) The proposed new street shall be designed as a Private Minor Access Street in accordance with the 2008 Burien Road Standards (BRS). The Applicant proposes a 22 ft. wide paved typical roadway width with curb, gutter, sidewalk and drainage system consistent with the Burien Road Standards and the granted variance (Attachment 8).
 - (2) The proposed street, sidewalk, curb, gutters, and storm improvements shall be owned and maintained by the Homeowners Association. A Declaration of Covenant shall be recorded prior to final plat approval for the storm drainage system.
 - (3) All site and frontage improvements shall be designed by a Washington State Licensed Civil Engineer in accordance with BRS, p.1, Statement of Purpose.
 - (4) All driveways shall be designed and constructed in accordance with the Standards, Section 3.01 C.3. Specifically, all driveways shall be located at least 5 feet from the side property lines.
 - (5) A Right-of-Way permit will be required for all work performed in the public right-of-way, as required by BMC 12.17 and 12.18.
 - (6) A Clearing & Grading permit will be required for all onsite work, including installation of on-site drainage and street improvements, prior to beginning any construction.
 - (7) The Applicant shall submit an illumination plan for review and approval by the Development Review Engineer prior to the issuance of any development permits. Any required pole installation (or relocations) shall be coordinated with Seattle City Light and meet Seattle City Light standards.
 - (8) On site road and drainage improvements must be inspected according to the required inspections as listed in the Burien Road Standards per chapter 9 (Construction Control and Inspection).
- b. Conclusions: Prior to final approval and recording of the subdivision, the Applicant shall submit for review and approval to the Development Review Engineer final

engineered drawings for all required street improvements consistent with the Development Review Engineer's comments dated February 17, 2009 (see Attachment 8) and install all required street improvements. Prior to the issuance of any development permits, the Applicant shall submit an illumination plan for the proposed street to the Development Review Engineer for review and approval. A right-of-way construction permit is required prior to any work in the right-of-way and a clearing & grading permit is required for all on-site drainage and access improvements.

4. Utilities

a. Facts:

- (1) King County Water District # 20 provides water service. Water District # 20 approved the development for public water service based on the findings that water service is provided by connection to an existing 8-inch water main located 10 feet from the site and the nearest fire hydrant is located 40 feet from the site with a flow rate of 1,000 gallons or more for a duration of 2 hours or more (see Attachment 10).
- (2) SW Suburban Sewer District provides sanitary sewer service. SW Suburban Sewer District approved the development for public sewer service based on satisfactory completion of a required developer extension (see Attachment 11). A recorded sewer easement and facility charge will also be required for the proposed development.
- (3) Fire District #2 provides fire protection to the area. The Fire Marshal approved the development for water flow, hydrant spacing and access with the condition that the proposed right-of-way be marked fire line with no parking allowed on either side. (see Attachment 12).

- b. Conclusion: Prior to approval of the final plat, water and sewer service should be provided to each lot, or a bond submitted, consistent with the requirements of the serving utility and the Subdivision Code. The applicant shall show any access and utility easements or reference documents pertaining to sewer and water utility easements, which are necessary to provide service to the lots. Prior to issuance of development permits for any lots, the applicant shall demonstrate conformance with all requirements of the Fire Marshal.

5. Surface Water Management

a. Facts:

- (1) BMC 13.10.020 and 13.10.025 adopts the 2005 King County Surface Water Design Manual (KCSWDM) as the City of Burien's drainage control regulation.

- (2) The applicant submitted a Preliminary Technical Information Report for storm drainage by Duncanson Company, Inc (see Attachment 9), addressing surface water management facilities for the proposed development.
- (3) The City of Burien Development Review Engineer reviewed the proposed development for compliance with the 2005 KCSWDM and provided comments in a memorandum dated February 17, 2009 (see Attachment 8), including, but not limited to, the following:
 - (i) Storm water improvements shall be provided in accordance with the 2005 KCSWDM as adopted by the City of Burien (ref. BMC 13.10.020 and 13.10.0250). As proposed, a full drainage review will be required as specified in Section 1.1.2.3 of the KCSWM. Include in the report specific recommendations for collection and discharge of stormwater runoff from the developed site in order to meet the KCSWDM requirements and prevent adverse impacts to downstream properties.
 - (ii) The storm drainage plans shall indicate the location and elevation of all connections (roof downspout stubs) to the drainage system in the proposed street.
 - (iii) Proposed Tract "A" for combined detention/wet pond should be private in accordance with the 2005 KCSWDM. It should be owned and maintained by the Homeowner's Association.
 - (iv) In general, the stormwater combined detention/wet pond concept appears reasonable. Refinement of the final design to incorporate water quality treatment and accurate pond sizing (for level 02 detention) will be required.
 - (v) The private street, sidewalk, curb, gutters, and storm improvements shall be owned and maintained by the Homeowners Association. A Declaration of Covenant shall be recorded prior to final plat approval for the storm drainage system.
 - (vi) Certified Erosion and Sediment Control Lead: The project proponent will be required to designate 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.

More specific details of the required stormwater improvements are included in the Development Review Engineer's memo dated February 17, 2009.

b. Conclusions:

(1) Prior to recording the final plat, the applicant shall:

(i) Submit a Full Technical Information Report for the project for review and approval by the Development Review Engineer. The Report shall be in accordance with the 2005 King County Surface Water Design Manual and address the issues expressed in the Development Review Engineer's memorandum dated February 17, 2009 (Attachment 8).

(ii) Submit detailed storm water improvement plans for review and approval by the Development Review Engineer. The plans shall be in accordance with the 2005 King County Surface Water Design Manual and address the issues expressed in the Development Review Engineer's memorandum dated February 17, 2009 (Attachment 8).

(iii) Install approved stormwater improvements and provide restoration, performance and maintenance security bonds or other security methods as required by the Development Review Engineer.

(2) An engineer licensed in the State of Washington shall prepare all plans for storm water improvements.

(3) A right-of-way construction permit is required prior to any work in the right-of-way and a grading and clearing permit is required for all on-site drainage and access improvements.

6. Fee-In-Lieu of Recreation Space

a. Facts: The Burien Municipal Zoning Code requires residential developments to provide on-site recreational areas. When this area is not provided on site the applicant shall pay fees-in-lieu of actual recreational space (BMC 18.35.170). The Burien Municipal Code Chapter 18.35.210 sets the criteria for the payment of fees-in-lieu of recreation space. Since no on-site recreation space is being provided, a fee in-lieu of recreation space will be required. The applicant shall pay for 390 square feet of recreation space for each of the 7 additional lots being created. This fee shall be based on the assessed value per square foot of the land at the time of recording.

b. Conclusions: To comply with the requirements of BMC 18.35.170 & 18.35.210, the applicant shall pay a fee in lieu of providing 390 square feet of recreation space on the property for each of the 7 additional lots created. The fee shall be 2,730 square feet x the current assessed value per square foot of the property. The fee shall be paid prior to recording the final plat.

7. Tree Retention and Landscaping

a. Facts: BMC 19.25.120 requires a minimum of 30% of significant trees to be retained on a site. The Applicant submitted a Tree Retention Plan (Attachment 3)

showing that of the 16 significant trees located on site 1 (or 6%) will be retained. When the required number of significant trees cannot be retained, the required number of significant trees that are removed shall be replaced consistent with the requirements of BMC 19.25.160.

- b. Conclusions: Prior to recording the final plat, the applicant shall submit a significant tree replacement plan for review and approval by the Community Development Department. The replacement trees shall be planted prior to Certificate of Occupancy for each single-family home.

F. COMPREHENSIVE PLAN

1. Facts: The subject property is designated High Density Multi-family Residential Neighborhood. Burien Comprehensive Plan Policy RE 1.7 states that development in these areas may be characterized by single-family homes, duplexes, garden style apartments, townhouses, condominiums or apartment buildings.
2. Conclusions: The proposed subdivision is consistent with the High Density Multi-family Residential Neighborhood land use designation. As conditioned, the proposal complies with the Comprehensive Plan.

III. APPEALS AND JUDICIAL REVIEW

State law allows the city's final decision to be appealed by a party of record with standing to file 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.

IV. LAPSE OF APPROVAL

Under BMC 17.40.040(4), subdivision preliminary approvals shall be valid for five (5) years. If any condition is not satisfied and the final plat is not recorded within the 5-year period the preliminary subdivision approval shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the 5-year period, the city may grant a single extension of up to 90 days to obtain additional information or for the processing and recording of final plat documents. Applicants will have a maximum of 30 days to comply with requests for additional information made within the extension period.

V. ATTACHMENTS

1. Vicinity Map
2. Residential Subdivision Development Requirements
3. Preliminary Plat and Tree Retention Plan
4. Site Improvement Plan
5. Existing Site Survey
6. Comment Letter, John Pham, dated January 9, 2009
7. Approved Road Standards Variance for KCRS Section 2.10 and 3.02-3 dated October 29, 2008
8. Development Review Memorandum, dated February 17, 2009, Ramesh Davad, Development Review Engineer
9. Preliminary Technical Information Report, Duncanson Company, Inc. October 15, 2008
10. Certificate of Water Availability, King County Water District # 20, August 18, 2008
11. Certificate of Sewer Availability, SW Suburban Sewer District, September 23, 2008
12. Certificate of Fire Hydrant Availability, King County Fire District #2, dated September 27, 2008

VI. PARTIES OF RECORD

Name	Address
John Pham	636 South 150 th Street Burien, WA 98148

Dated this 28th day of May, 2009.



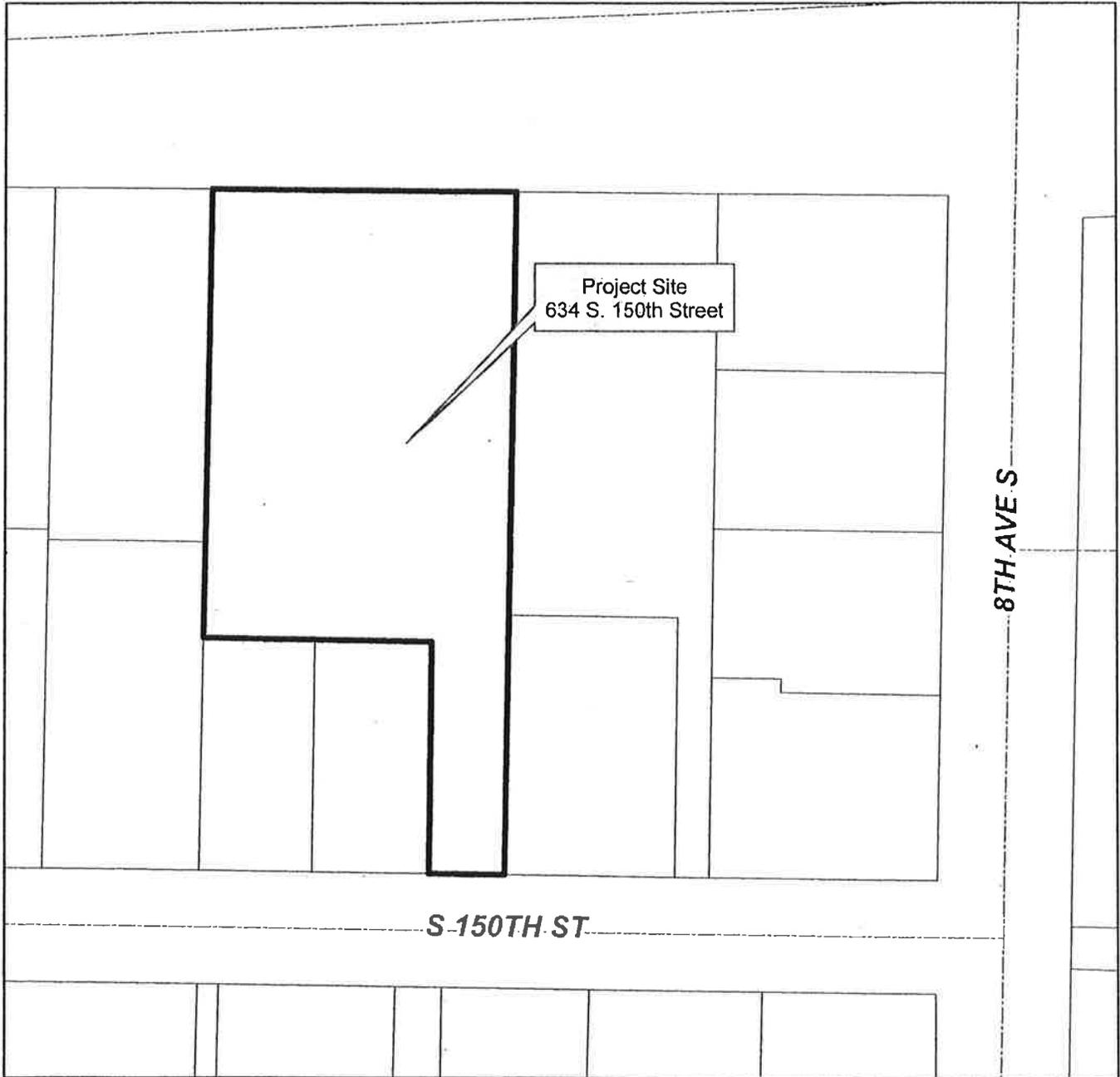
Scott Greenberg, AICP
Director of Community Development



Vicinity Map

File # PLA 08-2148

RPP Solutions Subdivision



THE CITY OF BURIEN DISCLAIMS ANY WARRANTY OF FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS PRODUCT.



RESIDENTIAL SUBDIVISION DEVELOPMENT REQUIREMENTS
RPP Solutions Subdivision, PLA 08-2148

BMC 12.05 Road Standards

BMC 13.20.020 Surface Water Management

12.40.070 Undergrounding of Utilities

This section applies to new construction on an undeveloped site, to any substantial improvement on a developed site and any new or altered service. 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. The Public Works Director may require the applicant to submit a statement from all utility companies with existing overhead lines indicating if undergrounding in the right-of-way is feasible. If the Public Works Director determines that undergrounding in the right of way is not feasible, the property owner must sign a concomitant agreement for future undergrounding.

Subdivision Code

17.15.280 Sewage disposal.

Prior to recording the final plat, either the approved public sewage system shall be installed to serve each lot, or a bond or similar security shall be deposited with the city of Burien and may be assigned to a purveyor to assure the construction of such facilities within two years of the date of plat recording.

17.15.290 Water supply.

Prior to recording the final plat, the approved public water system shall be installed to serve each lot unless a bond or similar security has been deposited with the city of Burien in a form and amount, and with conditions satisfactory to the city of Burien to provide for the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of the date of plat recording.

17.25.010 Streets.

Prior to approval of the final plat, all streets shall be improved in full compliance with and pursuant to a construction permit issued by the city of Burien. In lieu of the full compliance herewith, the platator may deposit a performance bond with the city in an amount equal to the cost as a guarantee that the platator will, within one year from the date of acceptance of the plat, fully comply with all the requirements set forth to the satisfaction of the development engineer.

17.30.040 Private street plats: improvements.

Prior to recording the final plat, all pavements, grading, planting, fencing and other improvements which are made a part of the approval of the plat shall be completed at the expense of the platator. In the event the platator shall be unable to install said improvements prior to recording, the platator shall grant to the city by proper instrument duly recorded the right to enter upon the property to be platted and install said

improvements and the plattor shall furnish to the city a good and sufficient performance bond to cover the cost of installing said improvements within a one-year period.

17.40.040.3 Qualifications governing preliminary plat approval.

Prior to approval of the final plat, engineering details of the proposed streets, storm drainage, sanitary sewer and water systems and other proposed public facilities shall be approved by the city engineer and the King County department of public health.

17.45.030 Monuments.

All monuments shall be set after the grading of the streets. In case the plat is approved before the grading is complete, the grading shall be done and the monuments shall be set before the release of the road guarantee bond.

17.55.070 Performance Bond.

A performance bond or other satisfactory security shall be submitted to secure the successful operation of improvements for a period of 12 months in an amount and form satisfactory to the city. Such bond or security shall cover workmanship and materials, damage from reasonable expected usage and damage due to construction activities.

Zoning Code

19.10.265 Structure height.

Structure height is the vertical distance measured from average natural grade to the highest point of the structure. Natural grade is the topography of the lot immediately prior to any site preparation or grading, including excavation or filling. Prior to issuance of any development permits for the site, the city must have on file a topographic survey showing natural grade of the site prior to any development activity.

19.20.100.10 Parking for single detached dwelling units.

All vehicle parking and storage must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Parking spaces shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the vehicular access tract.

19.25.060 Landscaping – street frontages (street trees).

Perimeter landscaping along street frontages shall be provided as follows: Trees shall be planted at the rate of one tree for every fifty feet of frontage along a neighborhood collector street and 40' of frontage along an arterial street. Trees shall be located in the right-of-way if permitted by the Dept. of Public Works, no more than 20' from the right-of-way, maintained by adjacent landowner, and a species approved by the city. The trees may be spaced at irregular intervals in order to accommodate sight distance requirements.

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.

18.35.200 Fee in lieu of on-site recreation space.

In lieu of providing 390 square feet of on-site recreation space for each new lot created, the applicant shall pay a fee in lieu.

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.

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 Surface Water Design Manual and KCC Title 9.

18.70.120 Vehicular access.

All new development shall be served by adequate vehicular access meeting the standards of this section.

18.70.130 Adequate fire protection.

All new development shall be served by adequate fire protection. The water supply system must provide at least minimum fire flow and the road system must provide life safety/rescue access. Other fire protection requirements for buildings must be met as required by the fire code and IBC, and building and construction standards.

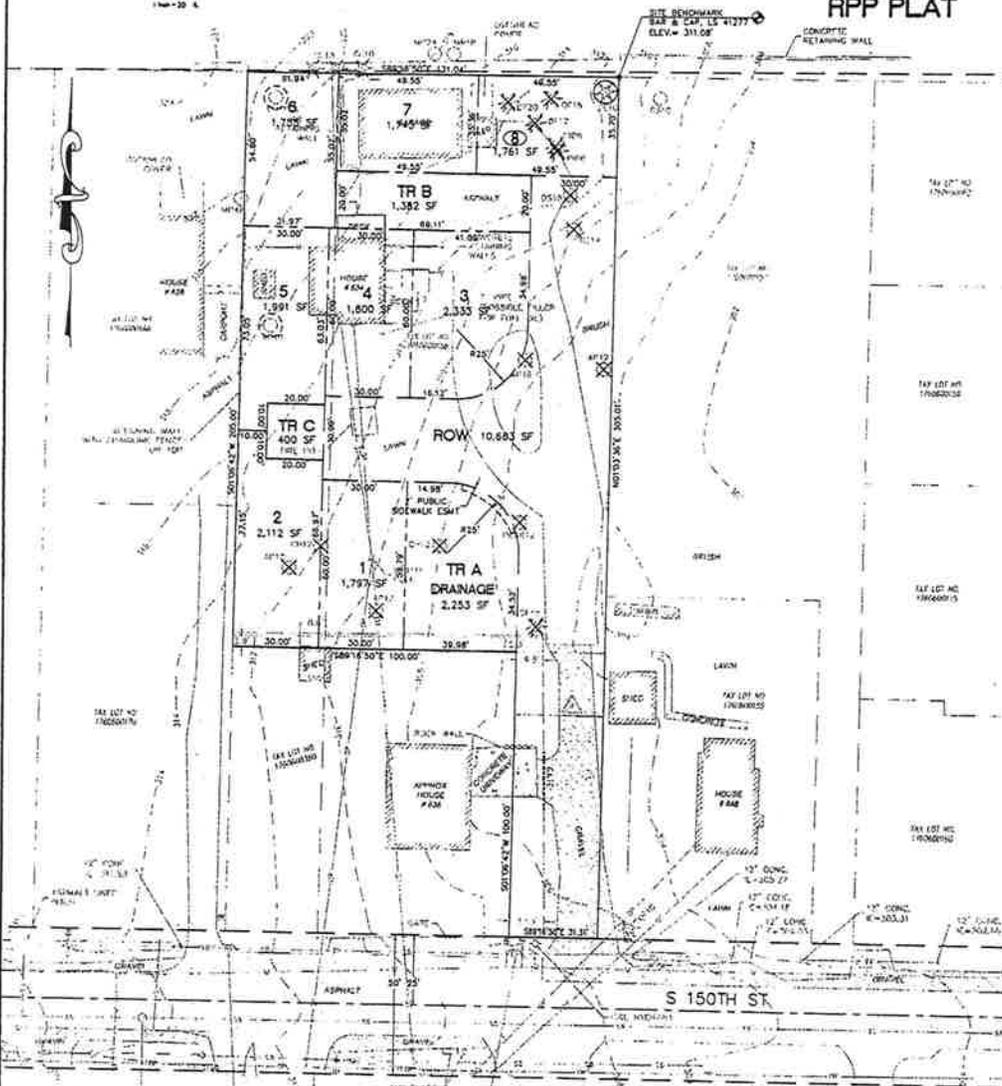
GRAPHIC SCALE



STATE ROUTE 518

SECTION 20, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M.

PRELIMINARY PLAT
OF
RPP PLAT



LEGEND

- EX. STORMDRAIN
- EX. SEWER
- EX. WATER
- EX. CHAINLINK FENCE
- EX. WOOD FENCE
- EX. SEWER MANHOLE
- EX. CLEANOUT
- EX. CATCH BASIN
- EX. STORM MANHOLE
- EX. UTILITY POLE W/ANCHOR
- EX. MAILBOX
- EX. GAS METER
- EX. GAS VALVE
- EX. POWER POLE
- EX. WATER VALVE
- EX. WATER METER
- EX. FIRE HYDRANT
- SV. MONUMENT
- EX. SIGN

TREE LEGEND

- DECIDUOUS TREE**
- AL=ALDER
 - MP=MAPLE
 - OS=ODONDOUS
 - WA=WALNUT
 - OK=OAK
 - CH=CHERRY
 - AP=APPLE
 - PE=PEAR
- EVERGREEN TREE**
- CE=CEDAR
 - SP=SPRUCE
 - FR=FRASER
 - HE=HEMLOCK
 - PI=PINE
 - EV=EVERGREEN
- EXISTING SIGNIFICANT TREE TO BE REMOVED
- EXISTING SIGNIFICANT TREE TO BE RETAINED
- NON-SIGNIFICANT TREE (EXEMPT - TO BE REMOVED)

NOTE: TREE DRIP LINES ARE NOT TO SCALE. TREE SYMBOLS REFERENCE TRUNK LOCATION ONLY. TRUNK DIAMETERS WERE APPROXIMATED AT 3.5' TO 4' ABOVE GROUND LEVEL. TREES SHOWN ARE FOR REFERENCE ONLY AND OTHER TREES AND VEGETATION MAY EXIST.

TREE RETENTION CALCULATIONS

TOTAL SIGNIFICANT TREES (S.T.)	= 18
REQUIRED S.T. RETENTION OF 30%	= 5
TOTAL S.T. INCHES THAT CANNOT BE RETAINED	= 28"
REQUIRED S.T. REPLACEMENT	= 42" (3" CALIPER TREES) OR 58" (4" CALIPER TREES)

PROJECT NOTES

- ALL EXISTING STRUCTURES AND IMPROVEMENTS SHALL BE REMOVED.
- 30-FOOT RIGHT-OF-WAY SHALL BE AN APPROVED "FIRE LANE" WITH PARKING RESTRICTIONS.
- LOT AVERAGING HAS BEEN APPLIED.
- TRACT "A" DOES NOT MEET THE ONSITE RECREATIONAL SPACE REQUIREMENT. THE APPLICANT PROPOSES TO PAY A FEE-IN-LIEU FOR ONSITE RECREATION SPACE.
- ACCORDING TO THE CITY'S CRITICAL AREA MAP, THE PROJECT IS NOT LOCATED WITHIN OR ADJACENT TO ANY DESIGNATED CRITICAL AREA.
- THIS PROJECT IS EXEMPT FROM S.E.P.A. REVIEW BECAUSE THIS IS A B-LOT PROJECT AND LESS THAN 300 CUBIC YARDS OF CUT/FILL IS EXPECTED.

ZONING/DENSITY INFORMATION

TAX LOT	178000-0158
TOTAL AREA:	0.69 AC (30,008 SF)
ZONING:	RW-24
PROPOSED USE:	SINGLE FAMILY RESIDENCES
ROW DEDICATION:	0.25 AC (10,883 SF)
PROPOSED UNITS:	8 UNITS
RESULTING DENSITY:	18.2 DU/AC

EARTHWORK:
TOTAL EXPECTED CUT AND FILL FOR PLAT BUILDOUT = LESS THAN 300 CUBIC YARDS (TO BE BALANCED ON SITE)

FOUND MONUMENT IN CASE AT INTERSECTION OF S. 152ND STREET AND 1ST AVE S. ELEV= 308.10'

CAUTION
UNDERGROUND UTILITIES EXIST IN THE AREA AND UTILITY INFORMATION SHOWN MAY BE INCOMPLETE. STATE LAW REQUIRES THAT CONTRACTOR CONTACT THE ONE-CALL UTILITY LOCATE SERVICE AT LEAST 48 HOURS BEFORE STARTING ANY CONSTRUCTION.
1-800-424-5555



VICINITY MAP
NOT TO SCALE

SITE INFORMATION

SITE ADDRESS: 834 SOUTH 150TH STREET
BURIEN, WA 98148
TAX LOT: 1780000158
AREA: 830,000 SF (20.69 AC)
ZONING: RW-24 (BURIEN)

CONTACT INFORMATION

ENGINEER/SURVEYOR: DUNCANSON COMPANY, INC.
145 SW 150TH STREET, SUITE 100
SEATTLE, WA 98148
CONTACT: HAROLD DUNCANSON, P.E.
(206) 244-4141

APPLICANT: RPP SOLUTIONS, LLC
2820 NORTHUP WAY, SUITE B-130
BELLEVUE, WA 98004
CONTACT: DEAN VETTER
(206) 898-3297

PROJECT DESCRIPTION

DEVELOP PARCEL INTO EIGHT SINGLE FAMILY LOTS. ALL EXISTING BUILDINGS WILL BE REMOVED. LOT 8 AND LOT 7 WILL BE SERVED VIA TRACT B. ALL OTHER LOTS WILL BE SERVED VIA ROW.

LEGAL DESCRIPTION

* PER COUPLMENT FOR TITLE INSURANCE NO. 8207082478, ISSUED BY OLD REPUBLIC TITLE, LTD., DATED JANUARY 11, 2008.

THE SOUTH 305 FEET OF TRACTS 17 AND 18, CORNWALL'S 3 ACRE GARDEN TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE(S) 80, RECORDS OF KING COUNTY, WASHINGTON; EXCEPT THE EAST 223.48 FEET OF THE SOUTH 305 FEET OF TRACT 17; EXCEPT THE WEST 290 FEET OF THE SOUTH 305 FEET OF TRACT 18; EXCEPT THAT PORTION OF TRACTS 17 AND 18 CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 8018059; AND EXCEPT THE SOUTH 100 FEET OF THE WEST 100 FEET THEREOF; SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

UTILITIES/SERVICES

WATER: KING COUNTY WATER DISTRICT #20
SEWER: SOUTHWEST SUBURBAN SEWER DISTRICT
FIRE: KING COUNTY FIRE DISTRICT #2
SCHOOL: MADISON SCHOOL DISTRICT #401
TELEPHONE: QWEST
POWER: SEATTLE CITY LIGHT
PUGET SOUND ENERGY

TRACT	USE	AREA
A	DRAINAGE	2,253 SF
B	JOINT USE DRIVEWAY	1,382 SF
C	JOINT USE DRIVEWAY	400 SF



DUNCANSON
Company, Inc.
145 SW 150th Street, Suite 100
Seattle, Washington 98148
Phone: 206.244.4141
Fax: 206.244.4142

RPP SOLUTIONS, LLC
2820 NORTHUP WAY, SUITE B-80
BELLEVUE, WA 98004

REVISIONS

RPP PLAT
PRELIMINARY PLAT AND
TREE RETENTION PLAN

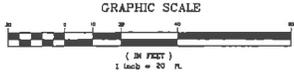
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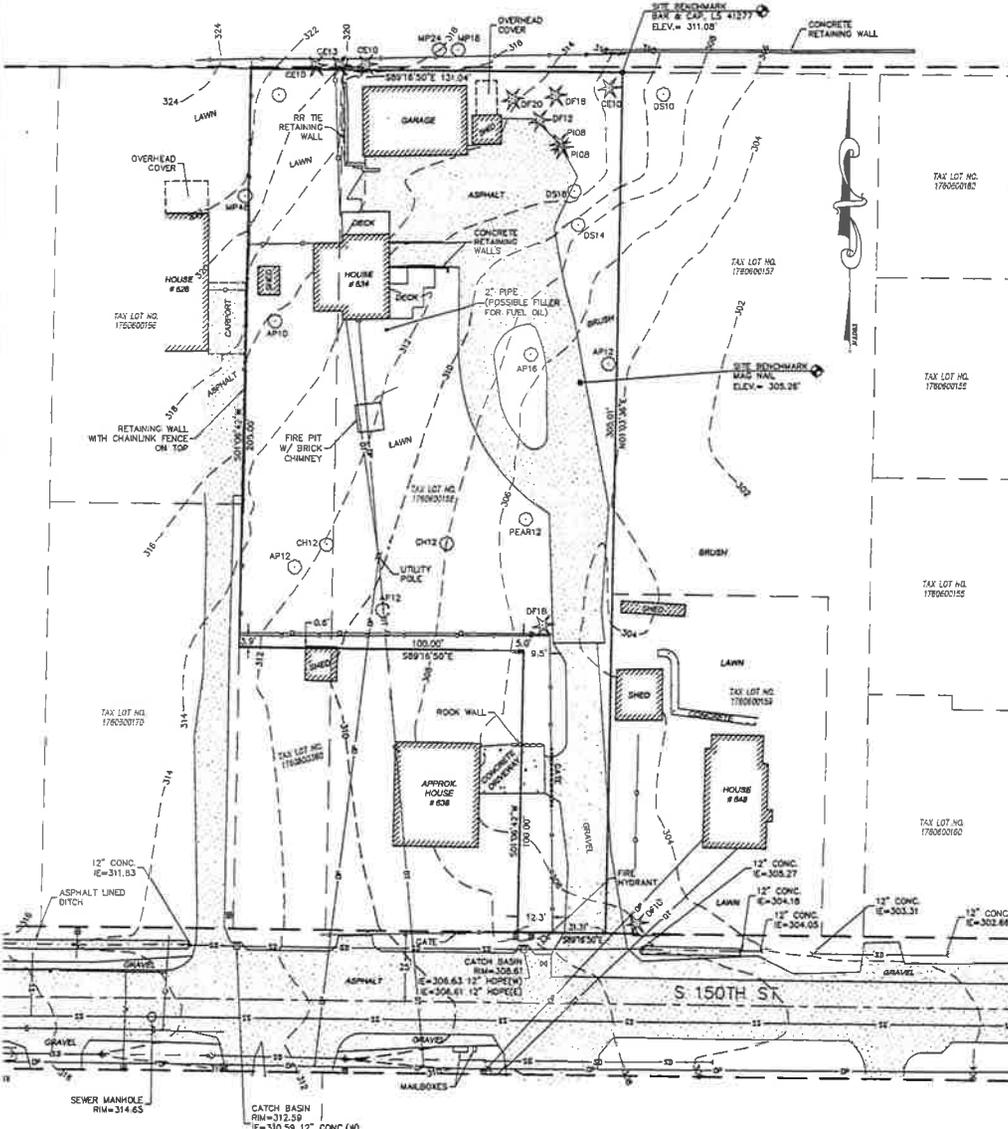
DATE: 10/29/08



PP1



STATE ROUTE 518



SITE DETAIL

LEGAL DESCRIPTION

(PER COMMITMENT FOR TITLE INSURANCE NO. 6388870-1, ISSUED BY TICOR TITLE COMPANY, DATED FEBRUARY 21, 2007.)
 THE SOUTH 305 FEET OF TRACTS 17 AND 18, CORNWODE'S 5 ACRE GARDEN TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 60, RECORDS OF KING COUNTY, WASHINGTON; EXCEPT THE EAST 223.45 FEET OF THE SOUTH 305 FEET OF TRACT 17; EXCEPT THE WEST 200 FEET OF THE SOUTH 305 FEET OF TRACT 18; EXCEPT THAT PORTION OF TRACTS 17 AND 18 CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 8316088; AND EXCEPT THE SOUTH 100 FEET OF THE WEST 100 FEET THEREOF.

EASEMENTS

△ CORRESPONDS WITH ITEM NUMBER IN "SCHEDULE B" OF TITLE REPORT.
 THE FOLLOWING EASEMENTS FROM THE REFERENCED TITLE REPORT CONTAIN SUFFICIENT INFORMATION TO BE DEPICTED ON THE PLAN. OTHER EASEMENTS OR ENCUMBRANCES, IF ANY, MAY AFFECT THE PROPERTY, BUT LACK SUFFICIENT INFORMATION TO BE SHOWN.

△ TITLE REPORT DOES NOT INDICATE ANY EASEMENTS AFFECTING THE SUBJECT PROPERTY.

NOTES

- 1) TITLE INFORMATION PER COMMITMENT FOR TITLE INSURANCE NO. 6388870-1, ISSUED BY TICOR TITLE COMPANY, DATED FEBRUARY 21, 2007.
- 2) FIELD WORK CONDUCTED IN OCTOBER, 2007.
- 3) BASIS OF BEARING: WASHINGTON STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD83).
- 4) UNDERGROUND UTILITIES SHOWN HEREON, IF ANY, WERE DELINEATED FROM SURFACE EVIDENCE AND/OR UTILITY COMPANY RECORDS. CRITICAL LOCATIONS SHOULD BE VERIFIED PRIOR TO DESIGN AND CONSTRUCTION.

LEGEND

- SUBJECT BOUNDARY LINE
- RIGHT-OF-WAY CENTERLINE
- ADJACENT BOUNDARY LINE
- SECTIONAL BREAKDOWN LINE
- OP OVERHEAD POWER LINE
- UP BURIED POWER LINE
- UG BURIED GAS LINE
- OT OVERHEAD TELEPHONE LINE
- UT BURIED TELEPHONE LINE
- W BURIED WATER LINE
- BS BURIED SANITARY SEWER
- SD BURIED STORM DRAIN
- DL DITCH LINE/FLOW LINE
- RR ROOF RETAINING WALL
- VEG VEGETATION LINE
- CL CHAIN LINK FENCE
- WF WOOD FENCE
- BWB BARBED WIRE/WIRE FENCE
- TR TRANSFORMER
- LS LIGHT STANDARD
- PV POWER VAULT
- UB UTILITY BOX
- UP UTILITY POLE
- PG POLE GUY WIRE
- GV GAS VALVE
- GM GAS METER
- TV TELEPHONE VAULT
- TR TELEPHONE RISER
- FR FIRE HYDRANT
- GV GATE VALVE
- WM WATER METER
- FS FIRE STAND PIPE
- CB CATCH BASIN, TYPE I
- CC CATCH BASIN, TYPE II
- SG SIGN
- BOLLARD
- MB MAIL BOX
- SE 234.21 SPOT ELEVATION

TREE LEGEND

- DECIDUOUS TREE**
- AL ALDER
 - MA MAPLE
 - DC DECIDUOUS
 - MA MACADAMIA
 - OK OAK
 - DR DERRY
- EVERGREEN TREE**
- CE CEDAR
 - DO DOUGLASS FIR
 - HE HEMLOCK
 - PH PINE
 - EV EVERGREEN
- TRUNK DIAMETER (IN)
 TYPE
 HEIGHT ADL IF MEASURED

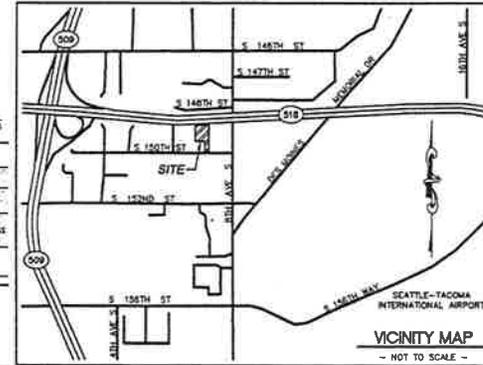
NOTE:
 1) ALL ELEVATIONS SHOWN ARE ABOVE MEAN SEA LEVEL (AMSL) AND ARE REFERENCED TO THE NAVD83 DATUM.
 2) ALL TOWER, TREE AND APPURTENANCE HEIGHTS ARE ABOVE GROUND LEVEL (AGL) AND ARE ACCURATE TO ± 3 FEET OR ± 1% OF TOTAL HEIGHT, WHICHEVER IS GREATER.

SITE INFORMATION

TAX LOT NUMBER: 176000158
 SITE ADDRESS: 634 S 150TH STREET, BUREN, WA 98148
 SITE CONTACT: DEAN YETTER
 PHONE NUMBER: 206-898-2027
 ZONING: RM-24 (BUREN)
 TOTAL LOT AREA: 30,008.57 (0.692 AC.)
 PROJECT AREA: TO BE DETERMINED



FOUND MONUMENT IN CASE AT INTERSECTION OF S. 152ND STREET AND 1ST AVE. S. ELEV.= 309.16'



SURVEY REFERENCE

PLAT OF CORNWODE'S 5-ACRE GARDEN TRACTS, VOLS. 5 OF PLATS, PG. 60, RECORDS OF KING COUNTY, WASHINGTON.

BOUNDARY DISCLAIMER

THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY. SUBJECT AND ADJACENT PROPERTY LINES ARE DEPICTED USING FIELD-FOUND EVIDENCE AND RECORDS INFORMATION.

CAUTION!

UNDERGROUND UTILITIES EXIST IN THE AREA AND UTILITY INFORMATION SHOWN MAY BE INCOMPLETE. STATE LAW REQUIRES THAT CONTRACTOR CONTACT THE ONE-CALL UTILITY LOCATE SERVICE AT LEAST 48 HOURS BEFORE STARTING ANY CONSTRUCTION.
 1-800-424-5555

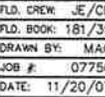


REVISIONS

NO.	DATE	DESCRIPTION

634 SOUTH 150TH STREET
 07756
 EXISTING SITE SURVEY
 SEC 20, TWP 28 N, RNG 4 E, WM

FLD. CREW: JE/CD
 FLD. BOOK: 181/39
 DRAWN BY: MAC
 JOB #: 07756
 DATE: 11/20/07



Burien, January 9, 2009

Comment File No: PLA 08-2148

John Pham
636 South 150TH Street
Burien, WA 98148
682-465-6077
phamjohn@yahoo.com

RECEIVED

JAN 12 2009

CITY OF BURIEN

Stephanie Jewett, AICP
Department of Community Development
City of Burien
15811 Ambaum Blvd SW (Suite C)
Burien, WA 98166-3066
(206) 439-3152

To Whom It May Concern:

This comment is about the shared driveway street between my house (636 South 150TH Street) and the project of PLA 08-2148. The house of 636 South 150TH Street has two driveway places, red-lined in the attached drawing. If the project paves this shared street and/or sidewalk, please just don't block out these two driveway places. Make them accessible in and out to this shared street.

Thank you,

John Pham

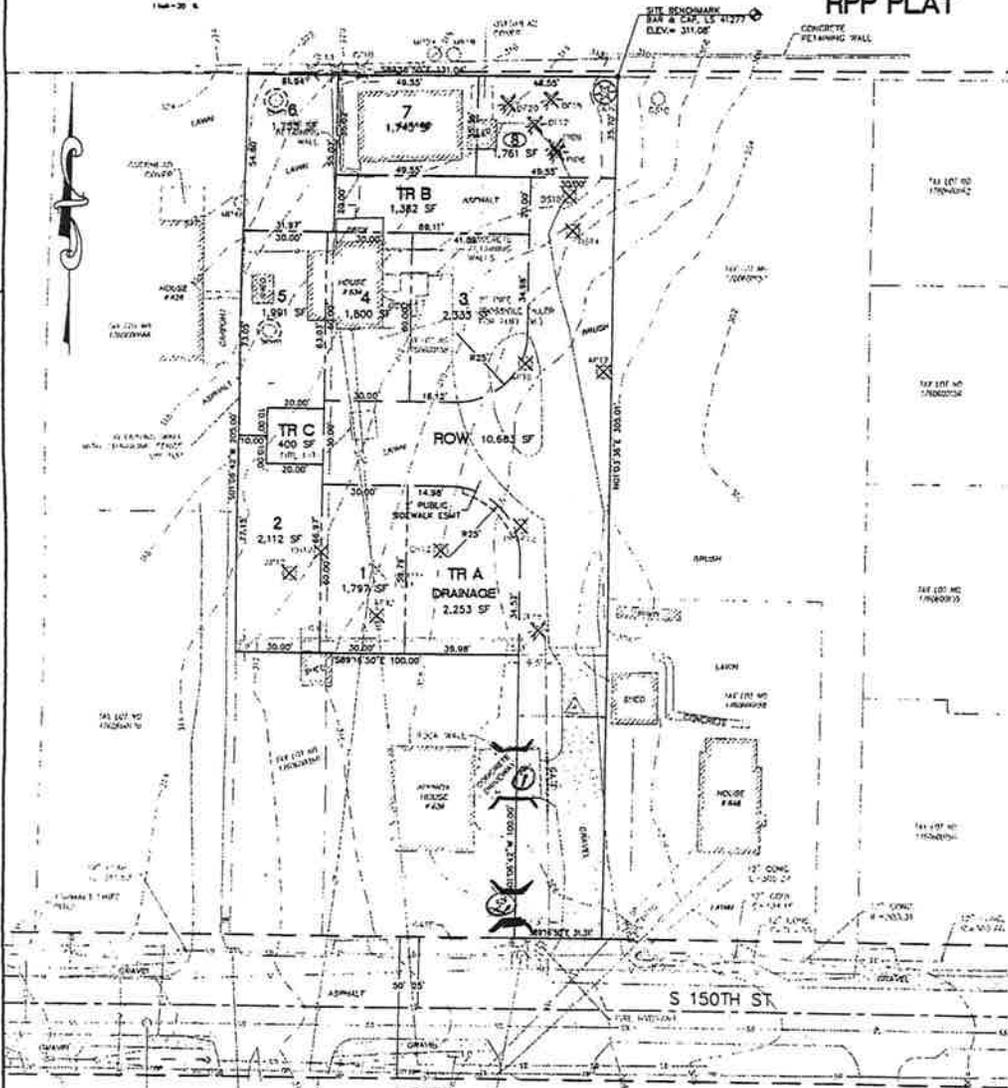
ATTACHMENT 6

147

GRAPHIC SCALE



SECTION 20, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M.
STATE ROUTE 518
PRELIMINARY PLAT
OF
RPP PLAT



LEGEND

- EG --- EX. STORMWATER
- EK --- EX. SEWER
- EW --- EX. WATER
- EK --- EX. CHAINLINK FENCE
- EK --- EX. WOOD FENCE
- EK --- EX. SEWER MANHOLE
- EK --- EX. CLEAFOUT
- EK --- EX. CATCH BASIN
- EK --- EX. STORM MANHOLE
- EK --- EX. UTILITY POLE W/ANCHOR
- EK --- EX. MAILBOX
- EK --- EX. GAS METER
- EK --- EX. GAS VALVE
- EK --- EX. POWER POLE
- EK --- EX. WATER VALVE
- EK --- EX. WATER METER
- EK --- EX. FIRE HYDRANT
- EK --- EX. SIGN

TREE LEGEND

- DECEADUOUS TREE
- AL=ALDER
 - MP=MAPLE
 - OS=OSCEOLA
 - MA=MAHONDIKA
 - OK=OAK
 - CH=CHERRY
 - AP=APPLE
 - PE=PEAR
- EVERGREEN TREE
- CE=CEDAR
 - DF=DOUGLAS FIR
 - MC=MCKENZIE
 - PR=PRINC
 - EVS=EVERGREEN
- TRUNK DIAMETER TYPE
- EXISTING SIGNIFICANT TREE TO BE REMOVED
 - EXISTING SIGNIFICANT TREE TO BE RETAINED
 - NON-SIGNIFICANT TREE (EXCEPT - TO BE REMOVED)

NOTE:
TREE DRIP LINES ARE NOT TO SCALE. TREE SYMBOLS REFERENCE TRUNK LOCATION ONLY. TRUNK DIAMETERS WERE APPROXIMATED AT 3.5' TO 4' ABOVE GROUND LEVEL. TREES SHOWN ARE FOR REFERENCE ONLY AND OTHER TREES AND VEGETATION MAY EXIST.

TREE RETENTION CALCULATIONS

TOTAL SIGNIFICANT TREES (S.T.)	= 18
REQUIRED S.T. RETENTION 20%	= 3
REQUIRED S.T. TO BE RETAINED	= 3
TOTAL S.T. NOTES THAT CANNOT BE RETAINED	= 24*
REQUIRED S.T. REPLACEMENT	= 42* (24" CALIPER TREES) OR 56* (40" CALIPER TREES)

PROJECT NOTES

- ALL EXISTING STRUCTURES AND IMPROVEMENTS SHALL BE REMOVED.
- 30-FOOT RIGHT-OF-WAY SHALL BE AN APPROVED "FIRE LANE" WITH PARKING RESTRICTIONS.
- LOT AVERAGING HAS BEEN APPLIED.
- TRACT "A" DOES NOT MEET THE ONSITE RECREATIONAL SPACE REQUIREMENT. THE APPLICANT PROPOSES TO PAY A FEE-IN-LIEU FOR ONSITE RECREATION SPACE.
- ACCORDING TO THE CITY'S CRITICAL AREA MAP, THE PROJECT IS NOT LOCATED WITHIN OR ADJACENT TO ANY DESIGNATED CRITICAL AREA.
- THIS PROJECT IS EXEMPT FROM SLEP.A. REVIEW BECAUSE THIS IS A B-LOT PROJECT AND LESS THAN 500 CUBIC YARDS OF CUT/FILL IS EXPECTED.

ZONING/DENSITY INFORMATION

TAX LOT	178060-0158
TOTAL AREA:	0.69 AC (30,008 SF)
ZONING:	RM-24
PROPOSED USE:	SINGLE FAMILY RESIDENCES
ROW DEDICATION:	0.25 AC (10,883 SF)
PROPOSED UNITS:	8 UNITS
RESULTING DENSITY:	18.2 DU/AC

EARTHWORK:
TOTAL EXPECTED CUT AND FILL FOR PLAT
BULDOZER = LESS THAN 500 CUBIC YARDS
(TO BE BALANCED ON SITE)



VICINITY MAP
NOT TO SCALE

SITE INFORMATION

SITE ADDRESS: 834 SOUTH 150TH STREET
SEBELIE, WA 98148
TAX LOT: 1780600158
AREA: 830,000 SF (18.69 AC)
ZONING: RM-24 (BULKHEAD)

CONTACT INFORMATION

ENGINEER/SURVEYOR: DUNCANSON COMPANY, INC.
145 SW 155TH STREET, SUITE 102
SEATTLE, WA 98188
CONTACT: HAROLD DUNCANSON, P.E.
(206) 244-4141

APPLICANT: RPP SOLUTIONS, LLC
2820 NORTHUP WAY, SUITE B-130
BELLEVUE, WA 98004
CONTACT: DEAN YETTER
(206) 898-3257

PROJECT DESCRIPTION

DEVELOP PARCEL INTO EIGHT SINGLE FAMILY LOTS. ALL EXISTING BUILDINGS WILL BE REMOVED. LOT 8 AND LOT 7 WILL BE SERVED VIA TRACT B. ALL OTHER LOTS WILL BE SERVED VIA ROK.

LEGAL DESCRIPTION

* PER COMMITMENT FOR TITLE INSURANCE NO. 520705478, ISSUED BY OLD REPUBLIC TITLE, LTD., DATED JANUARY 11, 2008.
THE SOUTH 305 FEET OF TRACTS 17 AND 18, COMMOOE'S 3 ACRE GARDEN TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE(S) 60, RECORDS OF KING COUNTY, WASHINGTON;
EXCEPT THE WEST 223.48 FEET OF THE SOUTH 305 FEET OF TRACT 17;
EXCEPT THE WEST 290 FEET OF THE SOUTH 305 FEET OF TRACT 18;
EXCEPT THAT PORTION OF TRACTS 17 AND 18 CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 6518059;
AND EXCEPT THE SOUTH 100 FEET OF THE WEST 100 FEET THEREOF;
SITuate IN THE COUNTY OF KING, STATE OF WASHINGTON.

UTILITIES/SERVICES

WATER: KING COUNTY WATER DISTRICT #20
SEWER: SOUTHWEST SUBURBAN SEWER DISTRICT
FIRE: KING COUNTY FIRE DISTRICT #2
SCHOOL: MCKENzie SCHOOL DISTRICT #401
TELEPHONE: TWENTY
POWER: SEATTLE CITY LIGHT
GAS: PUGET SOUND ENERGY

FOUND MONUMENT IN CASE AT INTERSECTION OF S. 152ND STREET AND 1ST AVE. S. ELEV. = 306.16'

CAUTION!
UNDERGROUND UTILITIES EXIST IN THE AREA AND UTILITY INFORMATION SHOWN MAY BE INCOMPLETE. STATE LAW REQUIRES THAT CONTRACTOR CONTACT THE ONE-CALL UTILITY LOCATE SERVICE AT LEAST 48 HOURS BEFORE STARTING ANY CONSTRUCTION.
1-800-424-5555

TRACT	USE	AREA
A	DRAINAGE	2,253 SF
B	JOINT USE DRIVEWAY	1,582 SF
C	JOINT USE DRIVEWAY	400 SF



RPP SOLUTIONS, LLC
2820 NORTHUP WAY, SUITE B-130
BELLEVUE, WA 98004

NO.	DATE	DESCRIPTION

RPP PLAT
PRELIMINARY PLAT AND
TREE RETENTION PLAN

DRAWN: KCF
DCI NO: 07756
DATE: 10/29/08



PPI
1 OF 2 SHEETS

City of Burien
PUBLIC WORKS DEPARTMENT
15811 Ambaum Blvd SW, Suite C
Burien, WA 98166
(206) 241-4647



ROAD STANDARDS
VARIANCE REQUEST

149

Application Number: _____

Fee _____

Received By: _____ Date: _____

Rec. # _____

TO BE COMPLETED BY APPLICANT

PROJECT NAME: RPP Plat (8-lots) _____

PROJECT ADDRESS: 634 South 150th Street Burien, WA 98148 _____

APPLICANT/DESIGN ENGINEER NAME: Harold Duncanson _____

NAME: Dean Yetter c/o RPP Solutions, LLC _____

ADDRESS: 2820 Northup Way, Suite B-130 _____

Bellevue, WA 98004 _____ PHONE: 206-244-4141 (Duncanson Co.)

The City of Burien has adopted the *2007 King County Road Standards*. Please provide a complete description of the variance request, cite specific sections of the Road Standards and provide justification for the request. Include all plans, sketches, photos and maps that may assist in complete review and consideration of your variance request. Failure to provide all pertinent information may result in delayed processing or denial of your request.

DESCRIPTION OF VARIANCE REQUEST:

Use an alternate entrance to access the site and to eliminate sidewalks on one-side of the road.

APPLICABLE SECTION(S) OF STANDARDS:

Section 2.10 (alternate entrance) and Section 3.02-3 (eliminate sidewalk)

JUSTIFICATION:

See attached justification letter

RECOMMENDATION:

Public Works Engineer (Signature): [Signature] DATE: 10/29/08

DECISION: Approve [Signature] Deny above recommendation.

Public Works Director (Signature): [Signature] DATE: 10/29/08

CONDITIONS:

ATTACHMENT 7



DUNCANSON

Company, Inc.

October 29, 2008

DCI 07756

Mr. Ramesh Davad
 City of Burien Public Works
 15811 Ambaum Blvd SW, Suite C
 Burien, WA 98166

RE: RPP Plat Justification Letter
 Road Standards Variance Request

Dear Ramesh:

On behalf of the applicant for this project, we are writing to request a variance from the 2007 King County Road Standards (KCRS) as adopted by the City of Burien.

Background

The proposed RPP Plat is a 8-lot project located at 634 South 150th Street in Burien, Washington 98148. The project area includes tax parcel 176060-0158, which is approximately ±0.69 acres and is located in the RM-24 zone (Burien).

Request/Applicable Sections

We request to eliminate the sidewalk on one-side of the minor access road. Applicable section of the KCRS is Section 3.02-3.

We request to use an alternate entrance to access the site from South 150th Street. Applicable section of the KCRS is Section 2.10.

Justification/Support

SIDEWALKS

KCRS requires sidewalks on both sides of urban minor access road. Due to site constraints of the ±31-foot wide panhandle from South 150th Street, it is not possible to have a sidewalks on both sides of the road while maintaining a 22-foot road width. We propose to install sidewalks on one-side of the road. Adequate pedestrian access for this 8-lot project can be achieved without having sidewalks on both sides of the road. Eliminating sidewalks on one side of the road would result in less impervious surface and a provide a slightly less visual impact from the South 150th appearance.

Mr. Ramesh Davad

10/29/08

Page 2 of 2

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SITE ACCESS

KCRS requires an urban minor access road to have a minimum curb return radius of 25-feet and a minimum road width of 22-feet. However, South 150th Street is classified as a neighborhood collector which increases the curb return standard at the access road and South 150th Street intersection to 35-feet. Multiple site configurations were analyzed due to the site constraints of the ±31-foot wide panhandle from South 150th Street. The 35-foot curb return radius is not possible without reducing the road width to less than 12-feet. We propose to use a WSDOT Std Plan F-80.10-00, Type 1 driveway entrance to access the site from South 150th Street. This entrance would allow for a road width of 22-feet while providing a continuous pedestrian path into the site.

The traffic along South 150th Street is low and the proposed entrance will reduce the traveling speed for vehicles entering the site. Reduced vehicular speed will increase the safety of the pedestrians along the side of the road. Fire protection standards will be met by designating the right-of-way in the site to be a fire lane with a hammerhead turnaround and a relocated fire hydrant near the front of the site.

Summary

It is our opinion, this request meets the criteria for variance approval (KCRS 1.08); is in the public interest; and will provide equal or better safety, function, fire protection, appearance and maintainability.

Thank you for the consideration of this request. Please call if you have any questions or would like to discuss this in more detail.

Sincerely,

Duncanson Company, Inc.

**Harold M. Duncanson, P.E.
President**



MEMORANDUM

Date: February 17, 2009

To: Stephanie Jewett, Project Planner

From: Ramesh Davad, Development Review Engineer

Re: PROJECT REVIEW FOR FILE # PLA 08-2148 (RPP Solutions, LLC Subdivision), Public Works Review.

I have completed a Public Works review of the above project as requested. This effort included review of the following documents:

- Preliminary Technical Information Report prepared by DCI, sealed by Harold M. Duncanson, P.E. on 10/13/08.
- Road Variance application prepared by DCI, sealed by Harold M. Duncanson, P.E.
- Preliminary Plat (PP1 and PP2) and Conceptual Road, Drainage and Utility Plan (PP1 and PP2) prepared by DCI, sealed by Harold M. Duncanson, P.E. on 10/29/08.

It is noted that this effort did not include review of water, sewer or utilities which are administered by local private purveyors.

Based on a review of the documents, the following comments are offered:

General

1. The applicant shall submit a channelization and sign plan prior to issuance of construction permits.
2. The applicant shall submit an illumination plan for proposed Street for review prior to issuance of construction permits. Any required pole installation (or relocations) shall be coordinate with the Seattle City Light, and meet the Seattle City Light Standards.
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 City of Burien regarding drainage connection and other improvements.

Recommended PW conditions of approval

1. Urban frontage improvements shall consist of curb, gutter, sidewalk, and storm drainage system along South 150th Street in accordance with 2008 Burien Road Standards (BRS).
2. Proposed new street shall be designed in accordance with 2008 Burien Road Standards, Private Minor Access Street including 22 feet paved road, curb, gutter, sidewalk, and storm drainage system per approved variance letter, dated 10/29/2008. The proposed street with 22 feet paved typical roadway width which meets 2008 Burien Road Standards, table 2.1(B).
3. The proposed street, sidewalk, curb, gutters, and storm improvements shall be owned and maintained by the Homeowners Association. A Declaration of Covenant shall be recorded prior to final plat approval for the storm drainage system.
4. Stormwater 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) is required. Note that “existing conditions” (as defined in the manual) are to be used in determining the required detention volume. 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.
5. The storm drainage plans shall indicate the location and elevation of all connections (roof downspout stubs) to the drainage system in the proposed street.
6. Proposed Tract “A” for combined detention/wet pond should be private in accordance the 2005 King Surface Water Design Manual. It should be owned and maintained by Homeowners’ Association.
7. In general, the storm water combined detention/wet pond concepts appear reasonable. Refinement of the final design to incorporate water quality treatment, accurate pond sizing (for level 02 detention) will be needed. The final storm water design should be in accordance with the 2005 King County Surface Water Design Manual as adopted by the City of Burien.
8. All site and frontage improvements, including on and off-site storm water facilities shall be designed by a Washington State Licensed Civil Engineer in accordance with BRS, p.1, Statement of Purpose.
9. A Right of Way Use Permit will be required for all work performed in the public right of way, as required by BMC 12.17 and 12.18.
10. All utilities serving the site shall be placed underground as required by BMC 12.40.070.
11. A grading and clearing permit, which includes installation of on site drainage and street improvements, prior to any construction beginning.
12. On site road and drainage improvements must be inspected according to the required inspections as listed in the Burien Road Standards per chapter 9 (construction control and inspection). Special inspection of drainage facilities is required by the engineer of

record. Final as built drawings need to be submitted to the City of Burien prior to final of clearing and grading permit, and prior to the final of any house in the site.

13. The driveway requirements of Burien Road Standards, Section 3.01 apply to the project. The existing driveway shall be reconfigured if it is planned to be used for one of the new lots. A proposed driveway to one of the new lots shall meet these requirements. These requirements include the following:
 - No portion of any driveway width shall be allowed within five (5) feet of the side property lines in the residential area, per 2008 Section 3.01.C.3.
14. A statement may be required on the final short plat map stating:
 - “Parking shall not be allowed on any portion of the street or tract (30-foot width + sidewalk). Homeowners’ Associates shall specifically enforce this provision to ensure a clear vehicle and pedestrian path at all times”.
15. Restoration, Performance and maintenance security bonds, 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.
16. Maintenance and operation of all drainage facilities will be the responsibility of the applicant or property owner. A Declaration of Covenant must be recorded prior to engineering plan approval per page 1-46 of the KCSWDM.
17. Clearly described on the face of the plat or other development authorization and clearly signed at street location as a private street, for the maintenance of which the City of Burien is not responsible.
18. 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.
19. Duties and responsibilities of the (CESCL) shall include, but are not limited to the following:
 - Maintain permit file on site all times which includes Stormwater Pollution Prevention Plan (SWPPP) and associated permits and plans.
 - Directing BMP installation, inspection, maintenance, modification, and removal.
 - Updating all project drawings and the Construction SWPPP with changes made.
 - Keeping daily logs, and inspection reports. Inspection reports should include inspection date/time.

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 road and storm profile for proposed Street.
3. Show bottom and top elevation of pond and construction of interior side slopes.
4. Provide mailbox location approval by U.S. Postal Service.
5. Provide an illumination plan per BRS Section 5.05.
6. Show existing trees to remain and provide detail of tree protection.
7. Show driveway cuts to each lot.

DETENTION POND:

The following criteria for ponds are in addition to the general requirements for combined facilities specified in Section 5.3.1 (2005 KCSWD).

1. The proposed pond bottom shall be level and be located a minimum of 0.5 feet below the inlet and outlet to provide sediment storage.
2. Outflow control structures shall be designed as specified in Section 5.3.4.
3. For facilities to be maintained by Homeowner Association; interior side slopes upto emergency overflow water surface shall be no steeper than 3:1 unless a fence is provided. See Section 6.4.4 for side slope requirements for internal berms in combined pond and wet pond.
4. A fence may be required along perimeter of propose pond, It depends on slope, and safety per 2005 KCWDM.

Setbacks:

- A setback of 5 feet from the toe of the exterior slope, retaining walls and rockeries to the tract or property line is required for county or City of Burien-maintained pond.

- The tract of property line on a detention pond cut slope shall be setback 5 feet from the emergency overflow water surface.

Planting Requirements:

- Exposed earth on the pond bottom and interior side slopes shall be sodded or seeded with an appropriate seed mixture. All remaining areas of the tract must either be planted with grass or be landscaped and mulched with a 4-inch cover of hog fuel or shredded wood mulch.
- Landscaping is encouraged, but not required, for most storm water tract areas.

Cc: Stephen R. Clark, PW Director

Public Works Reading File

**For Attachments 9 – 12
contact Stephanie Jewett, Planner
at 206-439-3152 or stephaniej@burienwa.gov**

**CITY OF BURIEN
AGENDA BILL**

161

Agenda Subject: Motion to adopt Proposed Ordinance No. 516, establishing the Burien Transportation Benefit District (TBD No. 1).		Meeting Date: July 20, 2009
Department: City Manager	Attachments: <u>Proposed Ordinance No. 516</u>	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 approve proposed Ordinance No. 516, establishing the Burien Transportation Benefit District (TBD No. 1).		
BACKGROUND (Include prior Council action & discussion): On June 15, 2009 Council received an update on the proposal for the establishment of a TBD and creation of a subsequent measure for the November 3, 2009 ballot that would create a \$25 annual vehicle license fee in order to fund two high-priority projects from the Burien Pedestrian and Bicycle Facilities Plan. The proposed projects are to (1) construct a minimum 8-foot wide multi-purpose facility on one side of 8th Avenue South (South 128 th to South 136 th Streets) to provide safe access to Cedarhurst Elementary School and (2) enhance east-west connectivity and mobility by filling in missing gaps, repair damaged sidewalk, and installing ADA improvements on SW and South 136 th Street from Ambaum Boulevard to 1 st Avenue South and 1 st Avenue South to Des Moines Memorial Drive. 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. After Council discussion proposed on July 6, 2009, the Council requested that staff place the proposed Ordinance No. 516 on the July 20, 2009 agenda for consideration.		
OPTIONS (including fiscal impacts): 1. Adopt proposed Ordinance No. 516 2. Do not adopt proposed Ordinance No. 516		
Administrative Recommendation: Adopt Ordinance No. 516 establishing the Burien Transportation Benefit District (TBD No. 1).		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Motion to adopt Proposed Ordinance No. 516, establishing the Burien Transportation Benefit District (TBD No. 1).		
Submitted by: Jenn Ramirez Robson Administration 	Mike Martin City Manager 	
Today's Date: July 14, 2009	File Code: R:\CC\Agenda Bill 2009\072009cm-4 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:

Christopher D. Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk: July 14, 2009

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.

**CITY OF BURIEN
AGENDA BILL**

169

Agenda Subject: Motion to adopt 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 20, 2009
Department: City Manager	Attachments: <u>Proposed Resolution</u> No. 298	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 adopt proposed Resolution No. 298, approving an Interlocal Agreement between the City of Burien, Washington ("Burien"), and the Burien Transportation Benefit District ("TBD No. 1").		
BACKGROUND (Include prior Council action & discussion): On June 15, 2009 Council received an update on the proposal for the establishment of a TBD and creation of a subsequent measure for the November 3, 2009 ballot that would create a \$25 annual vehicle license fee in order to fund two high-priority projects from the Burien Pedestrian and Bicycle Facilities Plan. 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. After Council discussion proposed on July 6, 2009, the Council requested that staff place the proposed Resolution No. 298 on the July 20, 2009 Agenda for consideration.		
OPTIONS (including fiscal impacts): 1. Adopt proposed Resolution No. 298 2. Do not adopt proposed Resolution No. 298		
Administrative Recommendation: Adopt Resolution No. 298 approving an Interlocal Agreement between the City of Burien, Washington ("Burien"), and the Burien Transportation Benefit District ("TBD No. 1").		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Motion to adopt Proposed Resolution No. 298, approving an Interlocal Agreement between the City of Burien, Washington ("Burien"), and the Burien Transportation Benefit District ("TBD No. 1").		
Submitted by: Jenn Ramirez Robson		Mike Martin
Administration 		City Manager 
Today's Date: July 14, 2009		File Code: R:\CC\Agenda Bill 2009\072009cm-4 TBD Ord.docx



**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: July 14, 2009
Passed by the City Council:
Resolution No. 298

Exhibit A**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**

177

Agenda Subject: Motion to Appoint Members to Prepare Pro Statements for the ballot measure establishing a \$25 annual vehicle license fee for two years in order to fund two high priority projects from the Pedestrian and Bicycle Facilities Plan		Meeting Date: July 20, 2009
Department: City Manager	Attachments:	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 X No	Initiative Description: Prioritize and advance specific high priority projects identified in the Pedestrian and Bicycle Facilities Plan.	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is for Council to consider appointing members to write a statement in favor of or in opposition to the proposed \$25 annual vehicle license fee ballot measure that will be included in the Voters' Pamphlet.</p>		
BACKGROUND (Include prior Council action & discussion):		
<p>For the primary and general election, King County publishes a voters' pamphlet. Jurisdictions placing measures on the ballot are automatically included in the Voters' Pamphlet. Pro and con committees are established to write a statement in favor of or in opposition to the ballot measure. The committees are also required to obtain the opposing statement in order to write and submit a rebuttal statement.</p> <p>For each measure for a jurisdiction that is included in the Voters' Pamphlet, the legislative authority of the jurisdiction formally appoints pro and con members to prepare arguments advocating voters' approval and rejection of the measure.</p> <p><i>Note: As of July 15, 2009 no candidates for a Con Statement Committee have been identified.</i></p>		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Appoint members to prepare pro statements for the annexation ballot measure in the Voters' Pamphlet. 2. Do not appoint members, resulting in no statements published in the Voters' Pamphlet. 		
Administrative Recommendation: Appoint Joe Fitzgibbon, Gloria Gould-Wessen and Tara Grumm to the Pro Committee . (No candidates were identified for the Con Committee.)		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to appoint Joe Fitzgibbon, Gloria Gould-Wessen and Tara Grumm to the Pro Committee for Voters' Pamphlet Statements for the Transportation Benefit District \$25 Annual Vehicle License Fee Ballot Measure.		
Submitted by: Jenn Ramirez Robson		
Administration 	City Manager 	
Today's Date: July 15, 2009	File Code: R:\records\CC\Agenda Bill 2009\072009cm-1 TBD vehicle license fee pro con member.docx	

**CITY OF BURIEN
AGENDA BILL**

179

Agenda Subject: Discussion on Compliance with National Pollution Discharge Elimination System Permit issued January 15, 2007		Meeting Date: July 20, 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 Uncumbered 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 to provide the Council with an opportunity to discuss the proposed amendments to the Surface Water Management Code.</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>In June 2009, State Department of Ecology amended the Phase II permit, extending 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 later in 2009 for adoption by the City Council in February of 2010.</p> <p>A draft ordinance and the SPPM have been presented to the City Council on July 6, 2009, for review. In order to meet the deadline for compliance, the ordinance must be effective by no later than August 16, 2009.</p> <p>OPTIONS (Including fiscal impacts): N/A</p> <p>Administrative Recommendation: Hold discussion on proposed draft Ordinance No. 489 and consider placing it on the August 3, 2009, Consent Agenda for approval.</p> <p>Committee Recommendation: N/A</p> <p>Advisory Board Recommendation: N/A</p> <p>Suggested Motion: None required.</p>		
Submitted by: Doug Lamothe Administration		Mike Martin City Manager
Today's Date: July 14, 2009	File Code: R:/CC/Agenda Bill 2009/072009pw-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 Manuaal, 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:

182 **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: 1,000~~

(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.
- (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-off 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. ¹⁸⁹

(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 ongoing 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 Best Management 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. ²⁰¹

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~~ Stormwater Facilities by Owners.**
- (a) Any person or persons holding title to a nonresidential property for which ~~surface stormwater~~ 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~~~~stormwater~~ facility.
- (6) **City Acceptance of Existing Residential ~~Surface~~-water Stormwater Facilities.** The City may accept for maintenance those ~~surface~~-water~~stormwater~~ 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~~stormwater~~ facilities serve more than one individual house or property;
- (b) ~~_____~~ An inspection by the Director has determined that the ~~surface~~-water~~stormwater~~ facilities are functioning as designed;
- (c) The ~~surface~~-water~~stormwater~~ 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~~stormwater~~ facilities are accessible for maintenance using existing City equipment;
- (e) The person or persons holding title to the properties served by the ~~surface water~~~~stormwater~~ 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~~stormwater~~ facilities requesting that the City maintain the ~~surface~~-water~~stormwater~~ facilities;
- (f) All easements entitling the city to properly access, operate and maintain the subject ~~surface~~-water~~stormwater~~ 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~~~~stormwater~~ 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~~stormwater~~ 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 shall²⁰⁵ 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.

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:

